

February 20, 2014

**Written Testimony in Support of Senate Bill 1531A
and the Dash-A7 and Dash-A8 Amendments**

Chair Barker, Vice-Chairs Barton and Krieger, and Representatives Cameron, Hicks, Lininger,
Olson, Tomei, and Williamson,

The Association of Oregon Counties (AOC) strongly urges you to support Senate Bill 1531A, and the Dash-A7 and Dash-A8 amendments.

Last year, the Legislature passed House Bill 3460, creating the most unregulated marijuana dispensary program in our Nation. The marijuana industry is saying “trust us.” Many counties and cities are willing to do just that. Others want to wait and see. They should have that right.

Here is the issue: The seed preemption bill, Senate Bill 863, passed in the Special Session a few months ago, arguably preempts local authority to regulate or opt out of having dispensaries, an unintended consequence of that bill. However, federal law likely trumps that preemption. But the legal uncertainty of these conclusions will be litigated. **The original version of Senate Bill 1531 would have clarified that cities and counties have the right to regulate or opt out of dispensaries, and would have avoided years of protracted, expensive, and needless litigation. The current version of the bill only clarifies local authority to regulate, but not opt out.**

The Dash-A7 amendments restore the clarification that cities and counties can opt out of having dispensaries, like they can in neighboring states like Washington and California. We ask that you support the Dash-A7 amendments and add that back to the bill, so we can avoid years of litigation.

The Dash-A8 amendments fix just one of the many deficiencies of HB 3460 (see my attached Top 10 list). Most states with dispensaries provide at least some **basic regulation of THC-infused products that are marketed or attractive to kids** (see the examples on the reverse). Not Oregon. The Dash-A8 amendments fix that by providing the Oregon Health Authority (OHA) with the power to regulate the packaging of those types of products.

Please support Senate Bill 1531A, and the Dash-A7 and Dash-A8 amendments.

Sincerely,



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Examples of THC-infused products attractive to youth



Gummi Bears



Suckers



Candy Bars



Cotton Candy



Ice Cream Bars



Toaster Treats



Sodas

Top 10 Deficiencies with House Bill 3460
and the
Oregon Medical Marijuana Dispensary Program

1. Only 4 employees to run the whole Program.

Colorado struggled to run a similar program with over two dozen employees. The Governor has called for “extraordinarily vigorous . . . enforcement of the rules.” With only four employees, there will be virtually no enforcement of the rules.

2. Dispensers are unlicensed and unregulated.

Unlike others who lawfully dispense drugs and alcohol in our community, such as pharmacists and alcohol servers, those who will dispense marijuana in dispensaries are unlicensed and unregulated.

3. Testing facilities are unlicensed and unregulated.

4. Manufacturers are unlicensed and unregulated.

5. Product types are unregulated.

(e.g., BHO, RSO, hashish, etc)

6. Packaging and marketing are unregulated.

(e.g., gummi bears, candy bars, etc)

The Dash-A8 amendments to House Bill 1531A partially address this.

7. Labeling is largely unregulated.

8. Zoning issues are convoluted.

9. Local control issues will be litigated.

The Dash-A7 amendments to House Bill 1531A address this.

10. The Indoor Clean Air Act doesn't apply.

Smoking on premises by employees will be allowed.

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