



TO: House Judiciary Committee
FROM: Chief Tim George
City of Medford Police Department
DATE: February 20, 2014
RE: SB 1513A opposition

The City of Medford believes that HB 3460 (2013) allowed local decision-making as to the citing and business licensing for medical marijuana dispensaries. Because every local government has different challenges when it comes to public safety, the assurance that we could make assessments about our local area, taking into account citizen input, was vital to our acceptance of legislation.

SB 1531, in its original form reaffirmed the City of Medford's ability to respond to our constituent needs and our community safety. SB 1531A, the version before you today, is one we ask you to oppose.

Please understand, that giving local governments the ability to control "time, place, manner" is NOT a "compromise" or "better than nothing" and worthy of your support. You cannot "half-way follow the law" and we believe the federal law making marijuana an illegal substance cannot be ignored in our business licensing process.

The City of Medford's response to HB 3460 was to maintain the current stance of only issuing a business license, or allowing a business license to continue, if it is not in violation of local, county, state, or federal law. This was a modification that was unanimously approved by the Medford City Council. Operating a marijuana dispensary would be a violation of Federal law. The local control we are exercising is the right thing to do to protect our community. The commercial sale of a Schedule One Controlled Substance (Federal) or even a Schedule Two Controlled Substance (State) to OMMP Cardholders is something that should require local approval. **Forcing local jurisdictions to knowingly violate Federal Law and violate their own business license ordinances is beyond reasonableness, and unlawful itself. The 9th Circuit Court has upheld the enforcement of the Controlled Substances Act, maintaining that the possession, cultivation and sale of marijuana is in violation of Federal Law, regardless of a state's medical marijuana status.**

Things are different in Southern Oregon where the cultivation of marijuana includes an outdoor grow cycle that is more than 6 months long. That means our law enforcement has more challenges on the illegal distribution of marijuana than other cities. In addition, the result of the region's large crops is more marijuana goes to a plethora of dispensaries in a limited area. With over 7,200 medical marijuana cardholders in Jackson County (that is a ratio of 28 residents per marijuana card), the ability to monitor the number of dispensaries to meet their needs and sell

extra product will be overwhelming for public safety. We must have the ability to control where these dispensaries are located. Under the law, we cannot control home-grows nor can we control cultivation, but we should be allowed to control bulk sales locations.

The Governor keeps talking about "tight-loose" in his school reform efforts, he means the state sets tight standards but is loose in that they let local districts figure out rules for getting there. This should apply in marijuana regulation. The state says medical marijuana is allowed, but the locals decide to what extent. Same concept applies to Indian tribes - since gambling is allowed in this state, they get to decide which aspects to allow. Why aren't local governments entitled to the same ability to respond to local needs within statewide parameters as schools and tribes?

We here in Southern Oregon have to brace for the worst based on what currently happens to us in the Oregon medical marijuana program world. It is not one size fits all. This is why we believe local control is so important.

Please oppose SB 1531A or amend it back to its original version. Please allow local law enforcement, your city leaders and your constituents to decide what works best for Southern Oregon, and the rest of the this great State.