



Oregon

John A. Kitzhaber, MD, Governor

Liquor Control Commission

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Representative Kathleen Taylor
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Rep. Taylor:

While OLCC is focused on the development of rules regulating licensees that produce, process, wholesale, and retail recreational marijuana, the OLCC is also taking a role in educating the public and law enforcement about the limited ways Ballot Measure 91 allows Oregonians to legally grow, possess, and consume recreational marijuana under state law. Importantly, marijuana remains illegal under federal law.

A central provision of Ballot Measure 91 is its prohibition of the use of marijuana in public places. In preparing to implement the measure, OLCC has become keenly aware of the increasing popularity of portable vaporizer devices as a method of consuming marijuana concentrates. Such devices are readily available through a variety of retail outlets including medical marijuana dispensaries.

Electronic devices used to consume marijuana can be identical to vaporizer devices used to consume nicotine products and emit very little odor. This similarity poses challenges for enforcement given Measure 91's prohibition on consuming marijuana in public. House Bill 2546 alleviates this challenge by including all vaporizer devices in the Oregon Clean Air Act.

This analysis does not extend to the underlying focus of the legislation to protect the quality of air in public places, nor is the agency advocating for any specific action on the legislation. However, passage of the legislation would provide clarity for enforcement of Ballot Measure 91's public use provision. Further, Section 3(3) is not likely to pose significant operational challenges for the agency. This section amends ORS 431.853 to allow OLCC to assist the Oregon Health Authority, pursuant to an agreement or otherwise, with its duties under the statute and with respect to enforcement of ORS 831.840.

The OLCC appreciates the opportunity to analyze the intersection of our responsibilities with House Bill 2546 and to advance the understanding that Ballot Measure 91 prohibits any use of marijuana in public, including consumption through electronic devices that can be confused with nicotine devices.

Respectfully,

Steve Marks

Executive Director

Oregon Liquor Control Commission

