

Co-Chairs Lininger and Burdick, Members of the Committee,

My name is Les Helgeson and I would like to offer the following comments pertaining to HB 3400 and SB 936.

I suspect elements of both bills could be reconciled into a single bill since there is substantial overlap in content between the two. Given the non-aligned formatting and language preferences of each it is difficult to make an accurate comparison but as I understand it differences include quantitative and substantive changes to possession limits and a requirement for processors to register with the OHA. HB 3400 also imposes clear authority (solely with the state) to impose fees or taxes on both medical and recreational marijuana.

Similarities include the creation of a database that would track production, processing and transfers of marijuana.

I am supportive of the possession limits as outlined in HB 3400 as opposed to the overly restrictive and arbitrary restrictions contained in SB 936. While specifying limits in terms of mature plants only is problematic given numerous growing techniques and locations (indoor vs. out, etc.), the alternative limits as to number of ounces, immature plants, etc. create more problems than they solve. At a minimum, language about possession limits from HB 3400 should be substituted into SB 936 if the committee chooses to move that bill.

My preference would be for you to add language about processors into HB 3400 and move it since this bill appears more aligned with many concerns expressed during OLCC's recent listening tour about the potential interaction between medical and recreational cannabis issues. I am supportive of the bill's clear prohibition on local government from using taxes and fees to unfairly manipulate the system.

Additional concerns center on what appears to be carte blanche authority to OHA, and especially OLCC, to conduct inspections of all medical grow sites. This is unrealistic and offers very little return on investment, especially for those who only grow for themselves. Licenses could easily become unaffordable if either state agency took on such a monumental task.

Overall, I would prefer a bill that would more or less keep the current system intact for possession limits specified in HB 3400. Reporting requirements might be reasonable for designated growers of any size if the frequency were amended to once every three months. Grows over the 48 plant limit might be reasonably expected to need a license harmonized with OLCC.

Both bills could also use some technical editing, as for example, the section(s) on testing appears to refer to an incorrect statute (see for example p. 19 of HB 3400 Sec. 24 referring to ORS 475.413 (10)).

Indeed, testing should be an issue left for rulemaking and further discussion since, for example,

most pesticides specified under current rules require testing for chemicals that are illegal under federal labeling laws. Mold and mildew testing should also be discussed further since specific organisms that are potentially toxic can and should be tested for in lieu of the current total counts which are unreliable and misleading.

It appears that both bills seek to harmonize the medical and recreational aspects of cannabis and I support the ability of dispensaries to be able to provide both if reasonable statutes and laws are adopted. HB 3400 appears to more closely align with the needs of the industry if amended as recommended above.