

Monday, March 30, 2015

**Written Testimony of Rob Bovett before the  
Joint Committee on Implementing Measure 91  
in Support of Amendments to Senate Bill 936**

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

Thank you for the opportunity to comment on Senate Bill 936.

First, SB 936 is an excellent framework that addresses improvements to Oregon's medical marijuana supply chain to ensure that both the medical and retail systems can operate harmoniously in tandem.

Second, there are a couple components of House Bill 3400 that you may want to consider adding to SB 936: Those relating to seeds, and those relating to patient rights.

Third, there are two critical amendments to SB 936 that I strongly urge the Committee to adopt:

(1) **Law Enforcement Access to the New Database.** Oregon is entering a new paradigm. We are legalizing and regulating recreational marijuana, and with the passage of this bill, both OHA and OLCC need law enforcement to shut down those who operate outside the regulatory system. If that is to occur, two things must happen: (a) Law enforcement needs bright clean lines; and (b) law enforcement must have easy access to data that protects those who are operating within the regulatory system, and identifies those who are not. Therefore, Section 14 of SB 936 must be amended to allow law enforcement easy access to the new database, except for patient identification information. This Committee has a golden opportunity to send a strong message to law enforcement that you want and need their partnership. Please send that message.

(2) **Grows and Dispensaries in Residential Areas.** Section 16 of SB 936 provides for lower plant counts within residential areas. That is understandable. However, it only includes residential areas within cities. Counties generally have two types of residential areas: (a) Those like cities, with subdivisions and close residential spacing; and (b) rural residential areas. The lower threshold limits should apply to (a), just like in cities, but not to (b). Further, Section 17 of SB 936 clarifies that dispensaries are not to be located in residential zones, but limits that to cities. That limitation makes no sense, and should be removed. Dispensaries should not be located in any residential zone. That must be fixed.

On the next page are proposed amendments that would address the two issues identified above. Please ensure those amendments are included before Senate Bill 936 moves out of Committee. Thank you again for the opportunity to comment.

**PROPOSED AMENDMENTS  
TO SENATE BILL 936**

On page 15 of the printed bill, line 42, insert “(1)” before “The”.

On page 16, after line 2, insert:

“(2) The Oregon Health Authority shall work with the Oregon State Police to allow access to the database by law enforcement through the Law Enforcement Data System or other mechanism that enables immediate access to all data within the database, except personally identifiable information, as defined in ORS 432.005, of registry identification cardholders.”

On page 17, line 32, delete “within city limits” and before the colon insert a comma and “other than rural residential use”.

On page 18, line 43, after “use” delete the comma and the rest of the line and insert a semi-colon.

Delete line 44.