

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

My name is Les Helgeson. The following comments pertain to the proposed -2, -3 and -5 amendments to SB 844.

First I would like to thank the committee for its work implementing M91. This is no small task so your efforts are very important and will have lasting consequences.

Second, I would strongly suggest that efforts to align the current OMMP program be delayed perhaps until next year's legislative session in order to focus on the task at hand and uphold the letter and spirit of M91. Several components of the labeling amendment in particular (Sec. 6 (1) lines 17-21, p. 4) should be removed from this bill since it seeks to affect OMMP growers. Sec. 3, which is also included in the testing amendment, is unacceptable as well. Do we want "cops" intruding on OMMP patients because they have registered to grow their own medicine? It appears quite extreme to empower authorities to effectively raid OMMP growers simply because they think someone may be violating labeling requirements. Indeed, labeling is ultimately the responsibility of dispensaries so the provision(s) regarding growers make little sense. Hopefully this is simply a drafting error.

In addition, Sec. 7(1) and 8(1) of the labeling amendment address OMMP and are currently expressly forbidden by M91. I also believe the \$5,000 per day fine for violations is draconian and counterproductive to successfully implementing M91.

Again, M91 contains several assurances that OMMP will not be affected so I would hope the committee would refrain from doing so. Both SB 934 and HB 3400 seek to align the OMMP program with M91 and address concerns about the Cole Memo but I believe we would be best off implementing M91 and perhaps pursue objectives in both OMMP bills at a later date. Please remove the above referenced sections from SB 844.

I am supportive of the -5 amendment but have two specific concerns.

The "farm use" definition (sec. 3(1)) should be applicable to all zoning designations not just EFU. I believe this is the intent of the amendment so should be clarified in the language. In other words, cultivation of cannabis in any zoning designation should be subject to allowable or conditional use of "farm use".

Sec. 3 (5) also suggests a "compatibility statement" be required. An applicant could alternatively be required to provide proof of zoning along with a copy of local zoning ordinances provided as part of any application process.

Also, sec. 6(2) on line 24, p. 8 appears to provide a "sunset clause" allowing local government to impose taxes at some unspecified future date. In one word: NO!

The -2 amendments suggest testing for pesticides and mycotoxins in addition to potency. This requirement poses several problems.

First, there are no pesticides registered for use on cannabis other than some largely ineffective “organic” remedies so why burden growers with the expense of testing for such compounds? Alternatively, Dept. of Ag might undertake such testing if they have reasonable grounds to suspect illegal compounds are being applied.

Second, according to the US Center for Disease Control, “standards for judging what is an acceptable, tolerable or normal quantity of mold have not been established.” As such any standards currently in place or potentially adopted are arbitrary and capricious. Also, which species of *Aspergillus* would be tested for? Not all genera or species are toxic.

*Fusarium* is actually the most likely genera of toxic fungi to infect Cannabis although *Botrytis* is the most common non-toxic mold growers must contend with. How do we effectively test for mycotoxins and how do we know what levels are safe vs. harmful? What is the incidence of mycotoxin poisoning from consuming Cannabis anyway? Incidence of food poisoning related to mycotoxins? It appears we have many questions with few answers and/or guidelines so it might be best to establish safety guidelines for Cannabis, especially edibles, similar to food products we consume every day.