

Ginny Burdick,
CC: M91 Committee

I want to raise my strong objection for your committee failing to hold a public hearing on the dash 6 amendment and your statement that each of these issues has already had a chance to be vetted with public hearings, as there are a number of changes in this amendment that have significant consequences on the public that were never put out there for a public hearing. I have spent a lot of time telling people in the cannabis community that your committee was making a lot of effort to be transparent in a lot of the issues that are most controversial, but foregoing a hearing on these issues would definitely make me question my opinion on the committee's effort at including the public in implementing M91 and associated changes to the OMMA.

A few examples of such issues that have significant impact on the OMMP participants that have NOT been vetted in public hearings:

1. The 4-year residency requirement (Section 67a)
2. Address-specific plant limits for OMMP growsites (Section 7)
3. Mandatory-reporting on OMMP gardens (Section 6)
4. Mandatory-inspections on OMMP gardens (Section 36)

1. The new four year residency requirement for OMMP that appears in Section 67a for "...registering as a marijuana grow site or renewing a marijuana grow site registration...". This may make sense for the M91 package, and possibly even dispensaries, but makes no sense for OMMP growers in general. Does this extend to a patient who grows for themselves? What about a family member who grows or caregives for another family member? This requirement seems ill-placed. I would have found great value in a public hearing that discussed the benefits and problems with establishing a four-year residency requirement for registering as a marijuana grow site. It has been suggested to me that it may even be unconstitutional to impose this specific restriction, but I am ill-equipped to present that argument. However, as I understand it – it is the basis of why there is no current residency requirement, as it was found to be unconstitutional to impose one and therefore OMMA became open to out-of-state patients.

2. The address-specific plant limits in Section 7, that despite card-stacking being a well-recognized phenomenon for years, the legislature has refused to change even while law enforcement repeatedly showed presentations illustrating the alleged impact of card-stacking with glossy photos. Yet suddenly the legislature is changing this by implementing plant limits at addresses for OMMP without a public hearing. While card-stacking may have resulted in some abuses, it is also used for many valid scenarios that cannot just be brushed aside as irrelevant. A public hearing would give these individuals opportunity to explain how these new restrictive limits would impact them. And this action seems quite late if intended to prevent "abuse." How do you justify putting this in place now, without a hearing on this issue, when it hasn't been worth dealing with in previous sessions? One specific instance that has been raised in circles I discuss with is that there are some growers who work directly with the terminally ill, who don't have the financial means to go to a dispensary or the physical means to grow for themselves. When a patient passes away, they often acquire new patients and continue providing medicine to those patients. Why should they be required to taper down to these reduced limits, when the services they are providing are not widely available? –ie there aren't a lot of options for these patients. The limits proposed fail to provide any relief to these specific patients, nor any room for the continued efforts of these groups –ie OHA isn't able to override the limits in any way in the crafting of

these limits. With legal marijuana – why can't we find room to allow for specific unique situations that fall outside the typical? Maybe this is something you will consider with a later amendment, but I think it is something that definitely does need addressed.

3. The quite burdensome requirement in Section 6 for anyone growing under OMMP to maintain intense records of exactly how much they have grown, how much they harvested, how much they have processed and so on, even those growing for themselves only, it appears (the intent is spelled out as "...to track and regulate the production of marijuana by a registry identification cardholder or a person designated..." So it appears clear that it IS intended to track private, personal medical gardens as well as those grown for others). However, even if it is not intended that I be required to report on my own garden, there are still concerns. It seems presumed that the costs of maintaining records is intended to be recovered by removing the restrictions on reimbursing labor, etc, but that belief ignores the many scenarios that are not commercial in nature (see the above example of hospice patients – I cannot begin to imagine the burden to track and record for that non-commercial scenario). The fact that this is being considered necessary under medical marijuana, for all gardens – not just above a certain size or those engaging in commercial activity – causes me to question what this committee intends with those who grow under M91. If the intent is to prevent private individuals from engaging in unlawful activity, that seems overly intrusive, especially when coupled with OHA being empowered to hand over that information to law enforcement – and even more so when it is applied to medical marijuana. Does the committee intend to count every marijuana flower grown in this state, even that grown for private, personal use, in order to comply with the Cole Memo? If so, I would like to hear the defense of that position, and if not, I want to understand why it is necessary to extend such oversight into private gardens? If it is not your intent to intrude in private gardens, or small scale gardens for noncommercial purposes, then I believe this needs clearly stated in the amendment. But also don't forget that some of the larger gardens are managed in non-commercial ways, and provide allowance for those groups to continue to exist in some way without burdening them such that it is impossible for them to continue.

4. The requirement that any grow site be subject to inspection under Section 36, including personal gardens and in-home gardens, meaning quite literally that by nature of being an OMMP participant, I have to be willing to simply discard my Fourth Amendment right. This seems like the most controversial provision to me, as it directly challenges the cardholder's presumption of innocence and right to be free from unlawful search and seizure. I cannot think of any other scenario that requires that I allow a person to come into my home and determine if I am "in compliance" with any law – and that seems the very purpose of the 4th Amendment to me. Without any required belief of non-compliance, I would be expected to open my doors to inspection to determine that I am NOT violating the law. I strongly object to this language and the intent behind this provision, as it extends an inspection intended for dispensaries to a private grow site, without opportunity for public comment on this intrusive provision. I especially object to this provision as it relates to the provision for OHA to be allowed to pass along info to law enforcement found in Section 39 (4), potentially solely based on receiving a complaint. I don't oppose 39 (4) alone, but I do when it is coupled with this, as it changes the nature of the inspection.

There are some things in this amendment that I appreciate, including the new definition for a mature plant that is more botanically accurate, and the clarifying of the preemptive intent of state law as it applies to medical marijuana in particular. But I want it publicly noted that I, and many others, disagree with your assessment that these four issues above have been heard in public testimony, and therefore that no public hearing is necessary. I believe it undermines any of your previous efforts at transparency to try to slip these very critical changes through without allowing for public testimony on them

specifically, and it will weigh on the work that your committee and the legislature do in the coming weeks and the trust that we place in your ability to effectively implement the will of the voters.

Measure 91 clearly called for no changes to OMMP – THAT is what 56% of Oregonian voters supported. Many in our community can appreciate the changes that make sense however. I don't think it is unreasonable to see some minor changes – things that evolve the discussion as M91 is implemented, such as properly defining what a mature plant is and improving on the labeling and testing of medical marijuana products, etc. Many of us can get behind some ironing out of details in the OMMA, but that wasn't what your committee was tasked with doing – and if you are going to take it upon yourself to add these things to your to-do list, it is quite dishonest to try to slip through drastic changes to the OMMA while doing so and claim a lack of time as the excuse to subvert public testimony on these very controversial topics.

Passing this amendment with these four current provisions will undermine the support that your committee has so far obtained. I want you and the M91 committee to understand that loss of trust if you decide to proceed to a vote on Wednesday without allowing the public the opportunity to testify on these issues. If you are anxious to pass this on Wednesday, remove these four provisions until such time that they can be heard in public hearings. Or at the very least, address these issues promptly with their own amendments, as suggested at the end of your work session, so that these issues that could create great controversy don't throw a wrench into the remaining work before you. These issues are important to many and shouldn't be glossed over so quickly. The process has been moving well and forward – but ignoring the patient voice on these issues is likely to stall that forward momentum in the weeks to come. These aren't M91 issues, and patients have been protected from such unreasonable intrusions for the life of OMMA – it makes no sense to put these in place now, especially in this way.

Please consider this as you proceed on Wednesday, and put these four issues out there for a public hearing.

Sincerely,

Jennifer Alexander