

Joint Committee on Implementing Measure 91

Dear Senators and Representatives of the Joint Committee on Implementing Measure 91:

April 27, 2015

William James Nance

I live in extreme Eastern Oregon and am not able to attend the work session on SB 844 -6. I would like to enter this letter as testimony to the committee's public hearings process.

In general principle, I am opposed to the -6 Amendment, based upon these grounds:

This 844-6 amendment is a re-write of the OMMP program. It was indicated more than once in the Measure 91 initiative language, that the OMMP would not be affected by the passage or defeat of Measure 91. Therefore, it is not the purview of the Committee to Implement Measure 91 to deal with the OMMP laws. I will assure you, that this measure would not have received the approval that it did without the support of the OMMP patients and providers. This support was based upon the preservation of the OMMP as it was written.

I have specific reservations about these areas of the 844-6 language:

Sec 1. 14 Why are cut and drying plants included in the count of mature plants? In a crop rotation, it is important to be able to harvest flowering plants and substitute those plants with smaller immature ones. There may be a week or 10 days when there is an overlap of the drying flowers (on stems so who knows how many plants each stem represents) and the newly budding plants. This overlap would result in an overage of the mature plant count and a technical violation. Suggest deleting "cut and drying language".

Section 2 5a- D. Proof of residency. I do not believe that in a free country, proof of residency should be required. The State allows out of state visitors to purchase fishing licenses, etc. This is a new requirement and may harm existing patients. With the open access by out of state visitors to the recreation cannabis program, this provision is not equal to sick people who qualify for a card. This is a compassionate issue more than a diversion issue.

Section 5. This entire section is onerous, especially for the patient that grows for their own medicine. The monthly reports, with all of the measuring and weighing and account for every leaf is just not possible. Can a farmer account for every onion in the field or every wheat kernel in a grain field? This is the same with cannabis. Over water it and it loses its leaves. There is trimming and pruning and this material is usually composted or discarded. Plants die unexpectedly, leaves fall... are you supposed to gather up and weigh the garbage leaves and wastage on a daily basis. What about weight loss due to drying? How do you account for that...wet weight then dry weight. The majority of these provisions may be applicable to a big grower, but the self-producer or the producer who grows for their 4 cards will spend hours a day just trying to keep up with the recording. How does one account for daily growth of the plant? I suggest that section 5 be re-written in its entirety. I realize this is a seed to use tracking, but it cannot be accomplished in the way suggested.

Section 15 Data base. I am opposed to the creation of this data base, as long as it is illegal under Federal law. This data base may and could be used to locate and prosecute individuals who are legally operating under the laws of the State of Oregon.

Dispensaries: sec 16 2 c.2-d I object to the 4 year residency requirement. This is a rather transparent move by the growers of SW Oregon to protect their businesses. It is not illegal in any other business for an out of state investor to buy and operate businesses. If this were applied to the overall agricultural industry, a substantial number of businesses would be forced to cease operation. Is the alcohol industry bound by a similar law?

Preemption Section 32. I agree with most of this section. The exception that I have is with the ability of the local entities to control grow sites beyond the regulations enacted by state statute. Given the experience of Baker City, Vale, Nyssa and others to enact strict ordinances that severely restrict grow sites, it is unwise to grant this power to the cities. I agree with the reasonable restrictions clauses for dispensaries, but I am skeptical of some of the smaller local government's responses to this section. I believe that very specific language should be added that does not allow a local entity to opt out of the medical dispensary program.

I agree with the testing and labeling provisions as long as the home grows remain exempt.

Thank very much for this opportunity to enter this into the written records.

William James Nance

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