

Co-Chairs Ginny Burdick and Ann Lininger,

CC: Measure 91 Committee

RE: Testimony on -13 and -16 Amendments

For the record, I am Jennifer Alexander and I am a resident in Washington County and the Facilities Director of Portland NORML. I wanted to add to my earlier testimony a few brief comments regarding the two new proposed dash amendments listed as being considered for Monday's work session.

The dash 13 amendment:

I am very supportive of the capped fee of \$20 proposed for those who served in the Armed Forces, however, I would request that you extend it beyond those who have "been diagnosed with post-traumatic stress disorder..." I believe that cancer, or pain from an amputated limb, or any other condition that qualifies the person to participate in the OMMP should likewise qualify that person for the \$20 capped fee offered to those who served in the Armed Forces. Please delete "and of having been diagnosed with post-traumatic stress disorder," from lines 8-9.

On line 14, please delete "located" and insert "registered". The current language would disqualify nearly all outdoor gardens, as they are unlikely to have had any plants "located" at the address on January 1st, despite intending to grow for their registered patients when weather permits. I'm not supportive of the proposed limits, but this current language is unworkable even for those who are.

On line 19, please delete "located" and insert "registered".

On lines 21-24, please delete ", or after receiving a complaint about the marijuana grow site of a person designated to produce marijuana for a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary,". If statute is necessary to allow OHA to perform an inspection in order to verify the veracity of a complaint, then please add that language, and allow their inspection to determine how to proceed with the remaining language. If safety of inspectors is an issue in verifying a complaint, then make an allowance for that specifically, by possibly allowing for a law enforcement escort for the inspection or other similar safety standard. However, a complaint in and of itself should not warrant passing that information along to law enforcement as this could result in targeted harassment by disgruntled individuals.

I previously addressed my belief that the residency requirement is unconstitutional particularly as it relates to OMMA, and request that you delete it in its entirety.

I also previously addressed my concerns with law enforcement access to confidential OMMP information, and request that all access provided to law enforcement be coupled with the requirement to provide a unique identifier when accessing the database and clear sanctions that include the possibility of termination. This section appears to be the appropriate place to add the unique identifier and the requested sanctions. I believe I addressed the support for both of these points fully in my earlier testimony, and would simply request here that you take the time to read it fully, as I provided a lot of information related to this particular issue there, and contact me if you have any questions or would like additional details related to law enforcement access to the database.

On the dash 16 amendment:

I strongly oppose this amendment. I believe that the majority of this committee is pretty firm in its intent to prohibit local governments from “opting out” or establishing local taxes without the vote of its citizens proscribed in M91, and I expect this amendment to be shot down for similar reasons. However, I believe that this issue is going to continue to reappear and that the floor vote may not reflect such a strong preference for establishing the sole state authority to regulate and tax marijuana under Measure 91. I just want to say that allowing localities to implement bans and/or taxes without a vote of its citizens runs contrary to what Oregonians supported and subverts the intent of M91 in its attempt to replace the black market with a legitimate, regulated industry. I understand Senator Ferrioli’s belief that allowing the less supportive communities time to see this rolled out in surrounding communities could prevent conflict, but I believe empowering local governments to implement bans or taxes will prevent the new regulated market from effectively undermining illicit markets, one of the primary intents of M91.

This particular amendment, however, isn’t about M91, but instead about dispensaries under OMMA. It is completely unreasonable to require that a medical marijuana patient travel great distances to other counties or cities to acquire the medicine that they need and we would never consider a provision that banned a pharmacy in our city or county. Not only do I find this idea to be repulsive, but it is counterproductive to the intended goal. I assure you that sick patients are far more likely to utilize various illicit means of acquiring medical marijuana if options exist that are closer, more economical and simply more practical, rather than drive many miles, and sometimes hours, to gain access to a legal regulated medical marijuana dispensary and remain in compliance with state law. Empowering local governments with the right to deny patients access to their medicine is cruel and would only serve to fuel the very illicit markets that these local governments fear. I request that you oppose this amendment and if any such “opting out” is proposed for medical marijuana specifically at any time in the future, that you, on behalf of the patients who will be impacted by such bans or taxes, make the argument clearly for all legislators to consider that such an opt-out is not appropriate for medical marijuana and counterproductive to the intent of imposing such bans or taxes on medical marijuana

dispensaries. The conversation surrounding M91 outlets is distinct and different than the conversation regarding banning medical marijuana outlets or imposing burdensome taxes on purchases of medical marijuana by patients.

Thank you again for your consideration and time in reading my comments.

Sincerely,

Jennifer Alexander