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**From:** Shane Pelkey

**Date:** May 11, 2015 at 2:39:43 PM PDT

**To:** Senator Burdick <[sen.ginnyburdick@state.or.us](mailto:sen.ginnyburdick@state.or.us)>, <[Rep.PeterBuckley@state.or.us](mailto:Rep.PeterBuckley@state.or.us)>, <[Sen.JeffKruse@state.or.us](mailto:Sen.JeffKruse@state.or.us)>, <[Rep.AndyOlson@state.or.us](mailto:Rep.AndyOlson@state.or.us)>, <[rep.carlwilson@state.or.us](mailto:rep.carlwilson@state.or.us)>, <[sen.tedferrioli@state.or.us](mailto:sen.tedferrioli@state.or.us)>, <[Sen.LeeBeyer@state.or.us](mailto:Sen.LeeBeyer@state.or.us)>, <[Sen.FloydProzanski@state.or.us](mailto:Sen.FloydProzanski@state.or.us)>, <[rep.kenhelm@state.or.us](mailto:rep.kenhelm@state.or.us)>, <[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>, <[adam.crawford@state.or.us](mailto:adam.crawford@state.or.us)>, <[joshua.flamm@state.or.us](mailto:joshua.flamm@state.or.us)>

**Subject: Federal Guidance Implementing Measure 91**

*"... it's really important cuz we are running out of time. Our job, the job we were actually hired to do. Which is implementing 91 has not begun yet and it's time begin it."*

The direct quote from Co-Chair Ginny Burdick has many Oregonians worried. Legalization is right around the corner and we haven't started implementing Measure 91. These actions seem to contradict the committee's intent to eradicate the black market.

It is impossible for any state to abide by the Cole memo while businesses don't have access to banks and rule 280E prevents cannabis businesses taking certain deductions. The federal government has set up a system for states to fail, a black market will exist in any "cash only" business.

Please recognize this dilemma and ask for federal guidance. Unfortunately the Cole memo was issued in 2013 in response to Colorado and Washington voters legalizing recreational marijuana with the 2012 election.

Since then Oregon, Alaska, and Washington D.C. have legalized recreational marijuana. There is a new U.S. Attorney General and we need a new head for the D.E.A. after Michele Leonhart's recent exit. The only issue that appears to have bipartisan support in congress, is criminal justice reform. Now is the time to act.

Contact the Department of Justice, Congress, and the President for guidance on implementing Measure 91 and how to prioritize changes to the Oregon Medical Marijuana Act. I am hopeful one of these resources will provide the solution.

I was so inspired by Oregon Attorney General Ellen F. Rosenblum's "friend of the court" brief filed in support of Colorado's legal case against Oklahoma and Nebraska regarding state legalization. The American people need this type of cooperation between state governments, not legislators taking actions based on the outdated Cole memo.

The majority of the committee's time has been spent discussing and debating changes to the Oregon Medical Marijuana Act. This valuable time is needed to get recreational marijuana right. A direct contradiction to the will of the voter.

Colorado is direct evidence this time is needed to set up effective regulations, as the state has been scrambling to fix problems with edibles in Colorado's recreational system.

I am grateful to your committee, but you need all the help you can get. I don't understand a bill being crafted that goes into effect in 2017 when changes to federal policy are inevitable before that.

I plan on reading all of the most recent amendments and apologize for not addressing any specific issues. I have read the complete text up to the "Dash 6" amendments. I feel fighting over the details of SB 844, "a technical fixes" bill, has prevented Measure 91 from being implemented in a timely manner.

I am trying to tackle the big picture, so I ask you to step back and focus on the committee's goals rather than the details. This committee is now racing against the July 1st legalization date and the end of the 2015 legislative session in July. Please start implementing the text of Measure 91 and form a committee for next session to discuss changes to OMMP.

We can all agree changes are needed to OMMP and with the operative date set in 2016 or 2017, I believe it is irresponsible for these changes to be debated now while the recreational market is in limbo. The committee is inadvertently helping the black market to gain a foothold before legalization goes into effect.

To clarify my requests.

- Ask for updated federal guidance implementing Measure 91 since the Cole memo was issued in response to the 2012 elections.
- Start work on implementing Measure 91 as written and passed by the voters.
- Form a committee to update OMMP rules and regulations next legislative session. Use SB 844 as a framework for changes in a new clear and comprehensive bill.

Thank you for your time and consideration. I hope you have the courage to ask and the federal government responds with the help needed to handle the complexity of implementing Measure 91.

Shane Pelkey