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# Voters should decide local bans on pot dispensaries: Editorial Agenda 2015



Legislators on the Joint Committee on Implementing Measure 91 head back into the hearing room after trying unsuccessfully to reach a compromise Monday. From left, Mark Mayer of the legislative counsel's office, Rep. Peter Buckley, D-Ashland; Rep. Ken Helm, D-Beaverton; Rep. Ann Lininger, D-Lake Oswego; Sen. Ginny Burdick, D-Portland; Sen. Floyd Prozanski, D-Eugene. (Jeff Meapes/The Oregonian)

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Oregon's marijuana policy has evolved so dramatically over the past 17 years for one reason: direct democracy. In 1998, voters supported a citizen initiative legalizing the use of pot for medical purposes. Sixteen years later, voters supported a citizen initiative legalizing the possession and sale of pot for recreational use. The state Legislature has dipped a toe into the policy bong water here and there – by sanctioning medical marijuana dispensaries in 2013, for instance. But marijuana has been made available to sick people and, soon, everyday people only because Oregonians themselves took the lead.

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Given this history, Monday's debate among members of the Legislature's pot-legalization committee, which **resulted in an impasse** (<https://dash.parsely.com/oregonlive.com/posts/FcxKI>), is a bit baffling. The panel, ironically, deadlocked over the role voters should play in banning medical marijuana dispensaries. While adopting either of two options discussed Monday would be preferable to an impasse, the one that engages voters automatically is more in keeping with both the history and spirit of marijuana legalization in Oregon.

The panel, known officially as the **Joint Committee on Implementing Measure 91**



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<http://gov.oregonlive.com/committee/Joint/Implementing-Measure-91/>, has a difficult task. It must, as its name indicates, figure out how to implement last fall's legalization measure. In addition, it must rein in the state's medical marijuana system, whose lax regulation allows the diversion of huge amounts of pot to recreational users. It makes little sense to allow the recreational sale of a taxed and tightly regulated product without addressing the engine that fuels the untaxed black market.

The pot panel has focused so far on the shortcomings of the medical-marijuana system and is, **Rep. Ken Helm** (<http://gov.oregonlive.com/legislators/Ken-Helm/>), D-Beaverton, said Monday, 97 percent of the way toward a great bill (Sénat# Bill 844). The remaining 3 percent has proved a challenge, to say the least.

On Monday, **Jeff Mapes of The Oregonian/OregonLive reported** ([http://www.oregonlive.com/mapes/index.ssf/2015/05/marijuana\\_committee\\_rumble.html](http://www.oregonlive.com/mapes/index.ssf/2015/05/marijuana_committee_rumble.html)) the panel deadlocked on the process for banning medical marijuana facilities. When the Legislature gave its blessing to medical dispensaries in 2013, it also allowed local governments to prohibit them until May 1, 2015. They did just this in droves, with 146 cities and 26 counties saying "no" to pot dispensaries. The question the committee wrestled with Monday is, in essence, "what now?" Should bans adopted by local governments go to voters automatically, or should citizens who want to overturn such bans have to place them on the ballot? Supporters of the latter option would require ban opponents to gather signatures equivalent to 4 percent of the vote cast locally in the last gubernatorial election.

Gathering that many signatures would hardly be an insurmountable task, and a version of SB844 that set such a hurdle would still be a valuable piece of legislation. It seems more honest, however, to place any ban adopted by a local government on the ballot automatically. The point of the exercise should be to find out what a community wants, and the most straightforward way to do this is to ask the community directly. By, you know, having a vote. Requiring people to gather signatures, on the other hand, makes it more difficult for a community to adopt the regulations it wants.

The make-'em-work option is particularly odd given the provisions of Measure 91, **Rep. Ann Lininger, D-Lake Oswego** (<http://gov.oregonlive.com/legislators/Ann-Lininger/>), noted. The measure allows recreational pot sales to happen unless opponents place a local prohibition on the ballot and convince voters to back

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it. Why, if recreational pot sales are legal unless local voters say otherwise, should supporters of medical marijuana have to gather signatures and hold a vote to make it available locally? This is completely inconsistent, even nonsensical.

(mailto:mailto:elukens@oregonian.com) or 503-221-8142.

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This week's impasse notwithstanding, the pot-legalization committee is sure to recommend a version of SB844 at some point. When it does, it ought to back the version that best allows communities to create the policies they want.

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 This bill is totally ridiculous. These ignorant people need to wake up! The People have spoke. If they value their jobs they better get onboard and start doing their jobs representing the will of their constituents. 2016 is just around the corner.

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 "Some legal advice for Oregon's "pot legalization committee".

At the behest of the generous agrichemical corporations on October 8, 2013 Kitzhaber signed into law the "Preemption of Local Agricultural Laws Act" which states that " A local government may not enact or enforce a...measure , including but not limited to am ordinance, regulation, control area or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed ... or vegetable seed or PRODUCTS OF AGRICULTURAL SEED, FLOWER SEED..."

The last time I checked Marijuana is a product of agricultural seed. To be crystal clear: since 2013 Oregon has had a law that PREEMPTS all local government's control or regulation of agricultural products. Until or unless the legislature writes exceptions to this law, it has a clear legal mandate to tell prohibitionists to "go pound sand".

Didja ever think such an evil law would end up biting the subcorporations (local jurisdictions) in the arse?However , if enough citizens wanted to control their local environment they could begin by repealing this law that flies in the face of the Home Rule concept. While they (we) are at it throw out the prostituted legislators who made it so - their names are on record.

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