

TO: Adam Crawford-for posting as public testimony adam.crawford@state.or.us



TO: Measure 91 Committee

I am unable to attend the public hearing for HB2041. I therefore am submitting public testimony.

ALERT:

HB 2041

Introduced

Provides that local governments may prohibit medical marijuana facilities and producers, processors and sellers of marijuana from being located within one mile of school.

DETAILS:

Dear Measure 91 Committee,

As you continue your work to define details of the recreational and medical marijuana programs, I encourage the committee to remember that there are a lot of citizen voices out there that are not getting heard.

1. Citizens that are being impacted by marijuana, such as living next door to a house that is growing marijuana in their backyard and fatal shootings have happened,
2. Living next door to a large marijuana grow in a rural residential community and the smell of marijuana is so strong during the growing season that they can't even sit out on their own front porch without being invaded by the smell of marijuana,
3. Finally those who have been invaded by large marijuana growers who are buying up large pieces of real estate to grow marijuana without even caring that they are surrounded by rural residential communities where families live.

Many citizens in the State and throughout the Country are being impacted by the invasion of marijuana into their communities and this is wrong. According to OHA there are over 46,570 medical marijuana growers Statewide with over 3,448 of those in Clackamas County, with some 514 in Oregon City, 372 in Milwaukie, 180 in Lake Oswego, and over 700 from Damascus to Government Camp.

According to Clackamas County Mental Health of the 242 kids 18 and under that went into treatment programs in 2013, over 70.5% was for marijuana addiction. This is not a number that we can ignore.

I am in support of HB2041 that allows local governments to prohibit marijuana grows, producers, processors, and sellers from being located within 1 mile of a school which is 5280 feet, a more appropriate distance than 1000' from a school as that only translates to being a short ¼ mile walk, easy access for children. There should be strong penalties for those growing marijuana near our schools.

There is no greater story that illustrates the importance of HB2041 than Maxine Bernstein's story in July of 2006 Oregonian, when Portland Police raided a 46 year old medical marijuana cardholder home in Parkrose and dug up more than 30 plants, some plants stood 6 feet tall and bordered the soccer field of Parkrose High School.

GROWS NEAR SCHOOLS
**NEAR KIDS, IF YOU PLANT IT,
THE COPS WILL COME**
Thursday, July 27, 2006 MAXINE BERNSTEIN Oregonian

Portland police raided a 46-year-old medical marijuana cardholder home in Parkrose, and dug up more than 30 PLANTS-some plants stood 6 feet tall



PARKROSE HIGH SCHOOL



There should be no compromises when it comes to trying to regulate a federally illegal drug such as marijuana and Public Safety, Quality of Life, and Property Values should be top priority.

Respectfully,



P. O. Box 1351
Welches, Oregon

CC:

- Clackamas County Chair John Ludlow, and Commissioners Tootie Smith, Martha Schrader, Jim Bernard, & Paul Saves,
- Sheriff Craig Roberts
- District Attorney John Foote
- Clackamas County Administrator Don Krupp
- Strategic Policy Administrator Dan Chandler
- County Council Nathan Boderman
- Planning and Zoning Director Mike McCallister
- Director of Public Affairs Gary Schmidt
- Oregon Sheriff's Association
- Oregon District Attorney's Association
- Oregon Association of Chiefs of Police
- US Attorney's Office Acting US Attorney Bill Williams

References:

1. Bernstein, Maxine. Near Kids, If You Plant It, The Cops Will Come. 27, July, 2006

**PREMISES LICENSED TO PRODUCE, PROCESS
AND SELL MARIJUANA FOR RECREATIONAL USE**

5 PREMISES LICENSED TO PRODUCE, PROCESS
6 AND SELL MARIJUANA FOR RECREATIONAL USE
7

8 **SECTION 1.** Section 2 of this 2015 Act is added to and made a part of sections 3 to 70,
9 chapter 1, Oregon Laws 2015.

10 **SECTION 2.** (1) In addition to regulations that may be adopted under section 59, chapter
11 1, Oregon Laws 2015, the governing body of a city or county may adopt, subject to subsection
12 (3) of this section, an ordinance that prohibits a marijuana producer, marijuana processor,
13 marijuana wholesaler or marijuana retailer from producing, processing or selling marijuana,
14 marijuana products or marijuana extracts on a premises, any part of which is located in an
15 area described in subsection (2) of this section.

16 (2) An ordinance adopted under subsection (1) of this section may apply to any area
17 within a distance of one mile of:

18 (a) A public school for which attendance is compulsory under ORS 339.020; or

19 (b) A private or parochial school that teaches children as described in ORS 339.030.

20 (3) If the governing body of a city or county adopts an ordinance under subsection (1)
21 of this section that prohibits conduct occurring on a premises for which a license has already
22 been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, the license remains
23 valid until the date following adoption of the ordinance on which the license is due for re-
24 newal.

25 (4) If a school described in subsection (2) of this section is established within an area to
26 which an ordinance adopted under subsection (1) of this section applies, a license that has
27 already been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, for a prem-
28 ises located in the area to which the ordinance applies remains valid until the date after the
29 school is first attended by students on which the license is due for renewal.

**FACILITIES REGISTERED UNDER THE OREGON
MEDICAL MARIJUANA ACT**

8 **SECTION 4.** (1) In addition to regulations that may be adopted under section 2, chapter
9 79, Oregon Laws 2014, and notwithstanding ORS 475.314 (3)(d), the governing body of a city
10 or county may adopt, subject to subsection (3) of this section, an ordinance that prohibits
11 the establishment of a medical marijuana facility in an area described in subsection (2) of
12 this section.

13 (2) An ordinance adopted under subsection (1) of this section may apply to any area that
14 is within a distance of one mile of:

15 (a) A public school for which attendance is compulsory under ORS 339.020; or

16 (b) A private or parochial school that teaches children as described in ORS 339.030.

17 (3) If the governing body of a city or county adopts an ordinance under subsection (1)
18 of this section, a medical marijuana facility registered under ORS 475.314 that is located in
19 the prohibited area may remain at its current location until the date following adoption of
20 the ordinance on which the registration is due for renewal.

21 (4) If a school described in subsection (2) of this section is established within an area to
22 which an ordinance adopted under subsection (1) of this section applies, a registered medical
23 marijuana facility that is located in the prohibited area may remain at its current location
24 until the date after the school is first attended by students on which the license is due for
25 renewal.

26 (5) The governing body of a city or county that adopts an ordinance under subsection (1)
27 of this section must provide the text and effective date of the ordinance to the Oregon Health
28 Authority in a manner prescribed by the authority.

Near kids, if you plant it, the cops will come

Marijuana bust - A medical grower's yard, dubbed the "Field of Dreams," is next to a school soccer field

Thursday, July 27, 2006

MAXINE BERNSTEIN

[The Oregonian](#)

Teenagers at Parkrose High School dubbed the yard full of marijuana plants that bordered the school's soccer area the "Field of Dreams."

But the neighbors weren't amused.

Particularly Mike McMurphy, a drug-and-alcohol counselor, whose own yard backs up to the great ganjas.

"I just happened to peek through a hole in the fence, and I couldn't believe it," he said. "They're growing a jungle full of weed out there."

Portland police early Wednesday raided the marijuana operation at 4409 NE 116th Ave., arrested the grower, a 46-year-old medical marijuana cardholder, and dug up more than 30 plants in his yard.

Some stood 5 1/2 to 6 feet tall, just 4 feet from the school field's chain-link fence.

"You could reach out and grab a plant from the school fence," East Precinct Officer Ryan Lee said. "It's so egregious. They're so far outside the bounds of the medical marijuana program."

Once police got two or three tips about the unusual marijuana grow, Lee and his partner, Bill Hoover, decided to look for themselves. They drove their patrol car onto the school's soccer field. As they pulled up to the fence, Hoover said, someone just "went running" from the house.

Police stopped by the home and found a teenage girl home alone. They decided to return with a search warrant, but not before checking with prosecutors and the city attorney's office.

Since the medical marijuana program began, Portland police cases against medical marijuana cardholders have been rare. But Mark McDonnell, a Multnomah County senior deputy district attorney, said this case was clear.

Oregon law says cardholders are not immune from criminal prosecution if they "engage in the medical use of marijuana in a public place . . . or in public view." And, medical "use" includes production, possession or delivery, McDonnell said.

So at 7 a.m., police armed with a search warrant burst through the red front door of the tan clapboard house. It sits at the end of a gravel road adjacent to the school property. About 10 officers dug up the plants in the rear yard and seized more inside the house, filling eight burlap bags.

The grower, Robert Bennett Kuhn, was arrested, accused of manufacture of a controlled substance within 1,000 feet of a school, police and prosecutors said. He also was held on a felony warrant for custodial interference out of Columbia County. A 14-year-old girl at the house, a runaway from a group home, was removed.

"It's sort of like, 'Use your head stupid!' " McDonnell said. "I mean, don't flaunt it."

John Sajo, director of Voter Power, a group that works with medical marijuana patients and helped get the program passed, said medical marijuana cardholders can live next to a school and grow marijuana as long as it's done privately.

"What we teach people is if you're going to grow in your backyard, you should have a good solid fence where people can't see into it at all," Sajo said.

Before police arrived Wednesday, the growers put up a blue tarp along the side of the yard, trying to block a view from the school field.

Neighbors, such as stay-at-home mom Melissa Wrede, wondered what the grower was thinking.

"It's loony," Wrede said. "Ridiculous!"

Corinna Hammer, a mother of two young children who lives next door, said she wasn't surprised by the police raid. She and her husband couldn't help but catch whiffs of the marijuana. "They smoked pot on the front porch," Hammer said.

McMurphy first noticed the plants two weeks ago when he was caring for his lawn in his backyard and looked through his rear fence. His wife grabbed her digital camera and started clicking away.

"Everybody that walked their dog was stopping and looking at it," he said. "They're right up against that school. I couldn't get over that. I was shocked."

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