

Co-Chairs Burdick and Lininger and Members of the M91 Committee,

My name is Jennifer Alexander and I am a resident of Beaverton, Oregon in Washington County. I am a consumer advocate for marijuana reform and a parent of four teenage boys.

I want to offer my support for SB 460 which will allow adults to purchase marijuana from dispensaries upon passage. I want to request a slight modification to the language regarding limits under the proposed bill, however, to make the most of the next year or so of interim sales. **Please allow sales to adults of up to one ounce of usable marijuana flowers and/or leaves and also allow sales of “personal use amounts” of all other cannabis products through licensed marijuana dispensaries.**

As I have previously stated, I think that limiting the flower purchases to a quarter ounce is far too low, and will result in long lines at dispensaries and increased costs to consumers. When I purchase cigarettes, for example, I purchase a carton or more with each visit, and the end result is that I visit the tobacco store on fewer occasions and spend significantly less money on my purchase than if I purchased ten individual packs. Likewise, when I purchase marijuana flowers, I purchase either a half-ounce or an ounce per purchase, in order to limit the number of purchases I must schedule into my errands as well as the impact on my budget.

While some adults will surely purchase smaller quantities – a gram or two in many cases – there are regular users who will prefer to purchase larger quantities to limit trips to the dispensary. **Oregon has recognized an ounce as a reasonable personal use amount since the 70’s**; one ounce is a reasonable limit for the limited purchases allowed under SB 460. Please adjust the limit to one ounce, or at the very least, raise it to a half-ounce. I cannot recall the last time I purchased a quarter-ounce and that is primarily because the prices are outrageous at that quantity, even on the black market, but especially after the added costs of regulation even under current medical marijuana dispensary laws.

I also want to include myself in those who are calling for allowing early sales of other products in addition to those currently proposed under SB 460. **I would like to see this bill allow dispensaries to sell any marijuana product in “personal use amounts”, simply defined as the amount an individual would be likely to purchase for their own personal use over a relatively short period of time.** Allow the dispensaries to use their discretion in interpreting the “personal use amounts” to apply limits individually to ensure they retain appropriate stock for patients, as well as to ensure the public safety and to provide a disincentive for diversion. Set out these guidelines for interpreting “personal use amounts” in statute, if necessary.

As a consumer, I am particularly interested in products such as CO2 concentrates sold in a cartridge that can be consumed with a “vape pen” (electronic battery unit that heats up the cartridge to vaporize the cannabis concentrate). There are so many advantages to this product for consumers, including:

- Provides a discrete way to consume cannabis that is far more accepted among non-consumers, with significantly less of the pungent odors that may offend those in close proximity, such as neighbors.
- Provides a “cleaner” method of use, without ashtrays, flower and leaf debris, papers, rolling trays, pipes, bongs and other messy paraphernalia. This also means less potential for unintentional access by children or pets because the product is much more compact and contained.
- Provides a smokeless method of using marijuana, reducing exposure to second-hand smoke as well as minimizing the negative consequences of inhaled smoke on the respiratory system for the user.

This particular method of use is one of the most popular for new and existing users of cannabis, and it has the same benefits as smoked marijuana in terms of near immediate onset of effects providing for fairly effective self-regulation of dosing. Consumers are going to seek out concentrates, whether they are legally sold or found through other illicit channels. Further, there are many other methods of use such as topicals, which are amazing for arthritic and muscle pain that do not include psychoactive effects. Allowing the market to decide which products are in demand will help inform the Legislature and various Rules Advisory Committees (RAC) on where their focus is needed.

While it is true that extracts are more likely to contain pesticides and contaminants in greater proportion than flowers, as illustrated by the Oregonian's recent exposé on the topic, the regulation provided under the dispensary laws will enable consumers to experience a significantly more regulated product than if they are left to their own devices for creating these types of products at home and the presence of pesticides found in concentrates is not exclusive to store-bought products. As a formerly licensed pesticide applicator in Oregon and in Washington who treated thousands of lawns each month for more than four years with fertilizer, herbicides, fungicides and insecticides and consulted with my customers about the various concerns they had with their lawns, my experience was that those using pesticide products at home were significantly more likely to misuse or overuse those products, whether intentionally or unintentionally, than those who are financially motivated to use them responsibly (although both are susceptible to some misuse, of course).

Further, solvent-based extracts are prohibited from being made at home, and prohibiting legal purchase of such products ensures a continued and lucrative black market for these highly-in-demand products. In fact, I would argue that Mazen Malik from the Legislative Revenue Office made a good point the other day that this particular aspect of the industry doesn't currently have a strong foot-hold in the black market; delaying legal sales of these products only ensures that they gain such a foot-hold as demand for these products has increased exponentially in the last year or so and is likely to continue to grow. Especially after the public has seen the potential concerns as illustrated by the Oregonian, it is more important that we ensure that this market evolves under the light of regulation and not in the underground where there is no oversight or testing.

The industry knows that all eyes are on them, and will be making every effort to provide products that are free of contaminants, while those making these products at home or illicitly are unlikely to even test their products and thus be unaware of the presence of any pesticide residues. By not allowing these products to be sold through the semi-regulated market currently in place, the Legislature is simply implementing a policy of denial of the market forces currently at work, and not actually protecting consumers from potential harms of these products as various members of the Committee appear to believe. These products will be used and will be sold, whether legally or illegally, and shining a light on the mechanisms of this industry by allowing it to take place in the open, regulated market will give much needed knowledge and insight to the regulatory bodies implementing the rules and regulations for the full implementation of legal sales in 2016.

I feel like this Legislature has a terrific opportunity to allow the industry to innovatively solve many of these regulatory questions by opening up the market to all products and recommending the industry be responsible for finding solutions to any concerns as they arise, with Colorado and Washington already providing some framework for considerations such as informing consumers about appropriate usage of various products being purchased at the point of sale. This industry has already created a number of control mechanisms voluntarily to provide for quality, purity, labeled potency and other consumer demands even prior to regulations on the medical marijuana facilities solely as a result of consumer demand. This industry is best equipped and most knowledgeable about the necessary mechanisms for providing for public and consumer safety that will work best for all involved and can help find the best practices with this opportunity for early sales if allowed to do so. In fact, the industry is fully incentivized to do this well, as illustrated by the many industry participants who have testified over the last few months, which will serve to provide a workable framework to inform the RAC and the 2016 Short Session.

While I understand the concerns that this Committee has with throwing those doors open too far too soon, I think it is worthwhile to open the doors as wide as possible for the interim while the rules are being created. What could take this Legislature and various Rules Committees years to figure out will be resolved in a few months of allowing the market forces to work through early sales. The entire industry is currently incentivized to do it right and to do it well, to impress upon the Legislature and the public in Oregon and beyond that we can do "legalization" right. This is truly the once-in-a-lifetime opportunity for the industry and the government of Oregon to share the same goals in a way that is not likely to be seen again in the future when revisiting this issue. Opening the market to all products will allow consumers and producers to quickly discover the most efficient, cost-effective and purposeful solutions to concerns that can be adopted as developed by the industry in the next year or so, or modified as needed in the Short Session for the full implementation of retail sales.

There are so many different areas of expertise looking for a place in the evolving market, and some will find a place and some won't. But all are striving to be there and this early start empowers this Committee to look to those evolving industry efforts for guidance in a future session. I recommend that this Committee increase the quantity of flowers allowed to be one-ounce per purchase and allow dispensaries to sell "personal use" amounts of other products, at their discretion, without imposed limits beyond "personal use amounts". This industry is incentivized to be responsible and to provide a model for our future. Give the industry the opportunity to set that bar for you, I think you will be impressed with the end results of what they create in the next year.

Include a provision that will allow the Oregon Health Authority to adopt any additional required emergency rules, if necessary, although I believe they are already empowered with such authority. Please don't pass up this amazing opportunity to see this industry evolve the best practices and most cost effective mechanisms to address the concerns of consumers and the public.

As a consumer, I want to purchase these products from a dispensary that is subject to oversight, who faces consequences of poor business practices and unsafe standards. I want to know that if I purchase a product today, that I can return tomorrow with my concerns, my suggestions, and my desires to a storefront that has an image to uphold and an economic interest in market satisfaction. While I respect that many of my personal friends are well-versed in the creation of such products with years of experience under their belts, many naïve consumers are not going to have the same circle of well-informed and experienced friends to draw from. It is vital that we allow them access to the safer products available through our licensed facilities instead of leaving them subject to the black market for products that pose significantly more concern for public and consumer safety than the flowers themselves do.

Our regulations have a long way to go to fully provide for the needs of this new industry, but you will not advance your purpose by excluding concentrated products from the early sales paradigm. This early start needs to embrace bringing all the sales above ground while we have the chance to grab a significant portion of the market; by not embracing all aspects of the marijuana industry immediately, you will only provide increased incentives to black market activity. You've met many of the current industry players in the last few months; give them a chance to show you what they have to offer. I'm certain that if you do, you will return for the short session not only impressed by what they do, but also with nearly all your questions answered and multiple models of effective and vetted solutions to choose from in continuing your work on implementing legalization for Oregonians.

Thank you very much for your time and consideration.

Sincerely,

Jennifer Alexander