TESTIMONY

Date: February 2, 2016

To: Joint Committee on Cannabis Legalization

From: Bradley M. Steinman, a resident of Salem, OR and Attorney at Law

Subject: Testimony

My name is Bradley Steinman and I am a drug policy reform activist and Oregon licensed attorney who lives and practices law in Salem, OR. I speak to you today in my individual capacity, and not on behalf of any client.

I think that SB 460's limited early retail sales bill worked and should be expanded upon, as proposed under some of the amendments and bills before the committee today, to expand the definition of 'limited rettail product.'

Reciprocity: I appreciate the committee's proposal to add '*reciprocity*' under one of the proposed amendments today, to provide equal privileges and immunities under Oregon state law for qualifying visiting cardholders from other medical cannabis states while they are in our State's jurisdiction.

Private-Club Exception: I second the notion that 'safe access' and the rights of responsible adult users of cannabis to be able to exercise their rights to consume responsibly and associate together socially and lawfully, in private members-only clubs is a clean fix to the current clean air act legal limbo facing Oregon's extant private clubs, and a well-reasoned solution as proposed before you today.

Extend Operative Date of Changes to OMMA Under HB 3400: The March 1, 2016 operative date from section 179 of HB 3400, which puts into effect the legislature's dismantling and devastation of much of the Oregon Medical Marijuana Act as we know it, should be delayed in the interest of fairness.

The effective date of March 1, 2016 cannot be delayed by any action or order of the OHA or by administrative rule. This committee should legislate a later operative date for the radical and harmful changes to the OMMA, as amended in HB 3400.

Oregon Cannabis Commission: I would still like to see a serious discussion about an Oregon Cannabis Commission, to regulate all aspects of the plant *cannabis*. The OMMP should not be dismantled and re-established under the OLCC's jurisdiction. If anything, I believe it should be the other way around.

'Medical Cannabis' and 'Responsible Adult Use':

'**Medical Marijuana'** is the Core of legal marijuana in Oregon. ***Recreational*** marijuana is an invitation to the federal DOJ and DEA to intervene in and challenge Oregon's regulatory regime.

Let's strive to call it 'cannnabis' and 'responsible adult use', instead of perpetuating reefer madness and the war on drugs mentality by calling it 'recreational marijuana.'

The term 'marijuana' itself is a loaded term with a connotation of bigotry. The use of the term 'marijuana' was promoted in the early 20th century to invoke prejudice against minorities and the plant.

Calling it 'recreational marijuana' in the year 2016 is legally harmful and politically incorrect, and culturally demeaning.

Words mean something, so I encourage folks to describe things in terms of 'medical cannabis' and 'responsible adult use.' This is no accident.

Medical marijuana is federally recognized. Recreational marijuana has not been similarly ratified by any act of Congress or federal Court. In the landmark 2008 case *County of San Diego v. San Diego NORML*, a California appellate court concluded that that state's medical cannabis registry identification card program laws do not pose a significant impediment to federal objectives embodied in the text of the federal controlled substances act ('CSA').

This was because Congress expressly provided language in the CSA that states the federal marijuana prohibition law's primary purpose is "to combat ***recreational use*** of drugs, […] not to regulate a state's medical practices."[i] The Supreme Court of the United States of America has also ruled that the primary purpose of the federal CSA is to combat 'drug abuse'. "Drug abuse" is defined under the federal CSA as the non-medical, ***recreational use*** of a federally controlled substance such as cannabis.

The federal CSA was never meant to extend to the direct regulation of a state's medical practices, which is why and how medical marijuana is legal in the first place in so many states.

And in December of 2015, for the second year in a row, Congress passed spending appropriations legislation that recognizes the medical use of marijuana, and the legitimacy of the cultivation, possession, use, and distribution of marijuana for medical purposes.

There is no reason that the OHA should be turning the OMMP's confidential patient registry into an additional recreational marijuana industry licensing regime now. The OHA is not the OLCC.

I believe that Oregon's medical cannabis patients who suffer from the symptoms of debilitating medical conditions and whose doctors have found marijuana to be an effective treatment, deserve to have the costs of their medical care and their medicine subsidized by the State of Oregon, and not face increasing costs, less access, and worse overall quality of care.

I am confused as to why the text of about half of the new proposed permanent regulations by the OHA's RAC seem to be so little concerned with the health and wellness of individual Oregonian patients suffering from debilitating medical conditions, and appear to read so much more like business and commercial regulations. More particularly, the new OMMP rules appear to mirror the OLCC's temporary OAR's for its 'recreational marijuana' program.

These rules are designed to do one thing, and they would do it well - punish patients and OMMP cardholders, and promote the interests of big business over public health and the needs of individual Oregonian patients suffering from debilitating medical conditions. They are business regulations, not public health regulations.

The **public health and safety** is the mandate of the OHA in terms of its implementation and administration of the amended OMMA.

Patients rights and a fair, competitive legal cannabis industry should be a priority, and not afterthought of the legislature this short session.

Very truly yours,

Bradley M. Steinman

---

[i] *County of San Diego* v. *San Diego NORML*, 165 Cal.App.4th at pp. 826-827, 81 Cal.Rptr.3d 461, citing *Gonzales v. Oregon* (2006) 546 U.S. 243, 272-273, 126 S.Ct. 904, 163 L.Ed.2d 748 [CSA is a "statute combating ***recreational*** drug use" rather than an "expansive" interposition of "federal authority to regulate medicine".)