

**Joint Committee on Marijuana Legalization
Oregon State Legislature
State of Oregon
Hearing on HB 4014 and SB 1511**

February 2nd, 2016

**Testimony of Emily McLain,
Lobbyist representing Drug Policy Alliance**

Chairs Lininger and Burdick, thank you for the opportunity to testify today. My name is Emily McLain and I am here on behalf of the Drug Policy Alliance. The Drug Policy Alliance is the nation's leading organization working to promote alternatives to punitive drug laws. DPA envisions a just society in which the use and regulation of drugs are grounded in science, compassion, health and human rights, in which people are no longer punished for what they put into their own bodies, but only for crimes committed against others.

Our mission is to advance those policies and attitudes that best reduce the harms of both drug use and drug prohibition, and to promote the sovereignty of individuals over their minds and bodies.

The Drug Policy Alliance was a strong supporter of the Measure 91 campaign to regulate and legalize marijuana for adults over 21. DPA continues to work in Oregon to advocate for the reduction of drug-related penalties. DPA works on drug policy in a number of states, both that have already legalized marijuana and those with groups seeking to.

The legislature has done great work implementing Measure 91. Though there will always be disagreement over details, DPA certainly agrees that a well-regulated system for marijuana is better than the criminal, illicit market system of the past. Thank you to the legislators and your staffs for your work on implementation and your commitment to a safe, well-run marijuana industry.

DPA's mission in Oregon is the reduction of marijuana related criminal penalties. To that end we have feedback on House Bill 4014.

Addressing our top priority, I want to talk about Post Prison and Parole in Section 38. Criminal justice reform is at the center of DPA's mission and we are pleased to see the direction of this conversation. Now that marijuana is a legal and regulated substance and not an illegal drug, we believe the law should treat marijuana the same way it treats other legally regulated drugs, such as alcohol. We believe this section can go even further.



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First, we feel that individuals on probation or pretrial release should be treated the same as those on parole. There is not a policy reason to make this distinction. In fact, those on pre-trial release have not even been convicted of any crime. Second, we feel that protection should extend to all adults over 21, not just Oregon Medical Marijuana Patient (OMMP) card-holders. Much like alcohol is handled, if the court has a reason to restrict the use of marijuana that should be up to a judge's discretion. Continuing to punish formerly incarcerated individuals for behavior that's legal for the rest of the population is unjust and doesn't align with the intentions of our criminal justice system, which Oregon voters overwhelmingly chose to improve by passing Measure 91. This is an area of law that needs to be adjusted now that marijuana has moved from an illicit to a licit substance within the state.

We have two additional pieces of feedback on House Bill 4014 that we have submitted in writing for your review. The first is in regards to the violations concerning extracts, the other addresses the open container language.

After criminal justice reform, our second priority is the fostering of a well-run, streamlined regulatory system that is good for consumers, businesses, and patients. To those ends, we want to express our support for Senate Bill 1511.

Additional feedback on HB 4014

Unlicensed Extracts - HB 4014 - Sections 32 & 33

- Prohibiting all home extraction will criminalize an otherwise innocuous and common practice, the amendment should specify and restrict only those extracts that use explosive solvents.
- The amendments also appear to prohibit possession of cannabinoid extracts that were not purchased from a licensed marijuana processor, meaning the consumer would be expected to produce proof of purchase at any time which is impractical and threatens to ensnare many law abiding people; if a new penalty is placed on home extraction it should apply to the act of extracting, not on the simple possession of a marijuana product. The person possessing a product likely does not know how it was manufactured and should not be held responsible.
- Individuals under 21 years of age – who may not lawfully possess extracts at all – will face additional penalties if the extracts they possess were not originally purchased from a licensed marijuana retail facility. We should not be enhancing criminal penalties on young people.

Open Container - HB 4014 - Section 36

- Limit restrictions to the driver, not registered owner;
- specify that residual amounts of marijuana items left in a marijuana accessory do not violate this section;

- allow re-sealable receptacles to be in the passenger compartment so long as they are sealed;
- permit storage of marijuana items and accessories in the glove and utility compartments—out of reach of the driver, not just the trunk;
- reduce the fine to one that is less burdensome for youth and poor individuals to pay. Class A violations are a minimum of \$200, maximum of \$2,000 which will unduly burden and punish poor people.