

“Stacking”

What is it???

OR DOJ Opinion Request OP-2016-2 July 20, 2016

Med Mj Act

+

Rec Mj Laws

The 2015 Legislature substantially amended and added to Measure 91, the Med Mj Act and the CSA and made significant changes to other related laws, primarily through HB-3400. In 2016, the Legislature passed a number of marijuana related bills –HB-4014, SB-1511 and SB-1598 – that have some bearing on this analysis.

While members of the public may make their own marijuana concentrates, edibles, or other cannabinoid products for personal consumption, it is still illegal to process marijuana extract without a license issued by the Oregon Liquor Control Commission or Oregon Health Authority.

The entire opinion is available here : <http://www.doj.state.or.us/agoffice/agopinions/op2016-2.pdf>



“An O.M.M.P. Patient Should NEVER be Banned from Their Medical Marijuana, unless they are behind bars!”

The Oregon
Medical Marijuana
Program, OMMP, was
created by the passing
of the Oregon Medical
Marijuana Act of 1998
that’s 18 years ago!!!



2015 MMC MMJ Ban Comic Book... Oct. 31st, 2015
Series Edition #2. Copy Right Reserved for the
Stormy Ray Cardholders’ Foundation

Gives Patients “Relief”!
So says Patients with: MS,
Spasms, PTSD, Arthritis, Epileptic
Seizures, Migraines, IBS, and the
list goes on...

- State Registered Permit
Requiring Verification of
Medical Condition
- Gives Patients’ Protection to
self-medicate with MMJ
- Gives Cardholders
Protection to Process MMJ

*In 5,000 years, -0-
MMJ Lethal Toxicity deaths!*

“The US government has
confirmed that cannabis can
kill cancer cells after the drug
did so in tests on mice and
rats, according to the National
Cancer Institute.”

By Nick Allen, Washington 24 Aug 2015.

OREGON

Legislators, Judges, City or County
Municipalities, Sheriff Department,
or local Law Enforcement should
never have the right to deny a
Patient the “Access” to the
medicine they need!

They “Do Not Have” a medical
degree or understand why and how the
Cannabinoids work with the bodies
Endocannabinoid System!

OR Department Of Justice, DOJ

Opinion Request OP-2016-2

FIRST Question Presented: May a person who is permitted to possess and produce marijuana plants under the Oregon Medical Marijuana Act ("Med Mj Act") stack medical *and* recreational marijuana plants?

For example, Bob is a 21-year-old medical marijuana patient who has registered himself as a grower and his residence as his grow-site with the Oregon Health Authority ("ORA"). May he possess six medical marijuana plants and four recreational marijuana plants at his residence at the same time?

SHORT ANSWER: YES, a person who may legally possess and produce medical marijuana plants may "stack" medical and recreational marijuana plants. There is nothing in Oregon's marijuana laws that would prohibit a person from "stacking" marijuana plants. The prohibition on marijuana manufacture in the Oregon Controlled Substance Act (CSA) does not apply to person authorized to possess marijuana under the Med Mj Act, and the CSA allows possession of marijuana plants in the same number as the new homegrown plant limits allowed under the new recreational marijuana law. Additionally, the new recreational marijuana laws and the Med Mj Act both contain specific provisions disclaiming any intent that one law affects the other.

July 20, 2016, OR DOJ published an opinion which also concludes that the limits in the Oregon Controlled Substances Act apply to possession of marijuana concentrates and extracts. Both patients and members of the public must abide by the following possession limits:

Med Mj Act

* Creates possession limits for mature plants and usable marijuana, but not products, concentrates or extracts.

*Ties the amount allowed to the medical marijuana patient herself, not to her residence.

To illustrate, a family living together at a residence may have only four recreational marijuana plants regardless of how many family members are 21 or over; whereas, a family with two medical marijuana patients growing for themselves may have twelve medical marijuana plants at their residence, six for each patient.

Because the Med Mj Act was designed to allow marijuana use by people with debilitating medical conditions who might be too ill to care for themselves or produce their own marijuana, the act allows a patient to designate both a caregiver and a grower. Possession limits related to both plants and usable marijuana are ultimately tied to the patient, but if the patient has designated a caregiver then the caregiver may stand in the shoes of the patient when it comes to the possession limits in the Med Mj Act. A patient and her caregiver may jointly possess:

Opinion available at: [http:// www.doj.state.or.us/agoffice/agopinions/op2016-2.pdf](http://www.doj.state.or.us/agoffice/agopinions/op2016-2.pdf)

- ❖ 6 Mature Marijuana Plants
- ❖ 24 ozs of Usable Marijuana
- ❖ The Med Mj Act is silent as to possession limits for immature marijuana plants, medical marijuana products, concentrates or extracts for medical use.

A patient may designate a grower and a grow site address when she registers for a medical marijuana card. The patient may designate herself as the grower, her caregiver or a third party as a grower. The grow site can be the patient, caregiver, or grower's residence (household), or can be at an address that is not the designated grower's residence (household).

The Med Mj Act allows designated growers to grow for up to four patients with a limit of up to six mature plants per patient. There are overall plant limits for medical marijuana grow site addresses, depending on where the grow site is and how long the grower has been a mmj grower.

A medical marijuana grower producing marijuana at a grow site address with over 12 mature plants or at a grow site address that is not a patient's residence may possess:

- For indoor growers, up to 6 pounds of usable marijuana per mature plant.
- For outdoor growers, up to 12 pounds of usable marijuana per mature plant.

There is no usable marijuana possession limit in the Med Mj Act for a medical marijuana grower producing marijuana at a patient's residence if that grow site has fewer than 12 plants.

SECOND Question Presented: May a person permitted to possess usable marijuana under the Med Mj Act stack medical and recreational usable marijuana?

SHORT ANSWER: YES, as with plants, there is nothing in Oregon's marijuana laws that would prohibit "stacking" useable marijuana.

THIRD Question Presented: May a medical marijuana patient stack medical and recreational marijuana products, concentrates or extracts?

SHORT ANSWER: NO, the Med Mj Act does not set a maximum or minimum amount of a medical marijuana product, concentrate or extract that a person may possess. The CSA on the other hand, limits the amount of certain marijuana products that a person can possess, whether the marijuana products are medical or recreational, homegrown or purchased from a retail licensee. Therefore, there is no basis for allowing the stacking of marijuana products.

ANALYSIS: The voters passed Measure 91 in November of 2014. Measure 91 provides for the creation of a legal, regulated, and taxed marijuana industry in Oregon. As such it is far-reaching, affecting many different statutory schemes including, indirectly, the Med Mj Act and more directly, the CSA. The 2015 Legislature substantially amended and added to Measure 91, the Med Mj Act and the CSA and made significant changes to other related laws, primarily through HB 3400.

In 2016, the Legislature passed a number of marijuana related bills - HB 4014, SB 1511 and SB 1598 - that have some bearing on this analysis.

The entire opinion is available here : <http://www.doi.state.or.us/aooffice/aoopinions/op2016-2.pdf>

Marijuana Legislative bills have made many changes to the OR Medical Marijuana Act of 1998, OMMA. These bills have had an “Emergency Clause” to prevent any ‘Referendum’ filing.

HB-3077 Requires an OR Residency and eliminated all out of state OMMP patients.

With OMMA, all out of state patients could register if an OR MD or OR OD had verified they have a qualifying condition + their garden site was in OR.

SB-464 Prohibits OMMP cardholders from making “extracts”. Yes, includes RSO.

SEARCH: OR Marijuana Review 101
Results Since the 2009 SESSION.

Med MJ Act allows two patients at the same residence growing for themselves to have six plants for each patient.

With OMMA, 4 patients could be together with six plants and 18 clones or seedlings for each patient and was the optimum garden number to produce, and reduce garden + operation costs such as electricity and supplies.

Med MJ Act does not set limits for or include immature marijuana plants medical marijuana products concentrates or extracts for medical use.

Med MJ Act sets over-all plant limits for medical marijuana grow sites depending on how long has the grower been registered as an OMMP grower and where the grow site is.

Bills have: Banned Patients, Banned Extracts, Banned Growers, Banned Garden Cost Reduction, Reduced Number of Patients and # of Gardens, Reduced Garden Protection, Reduced Patients' Ability to have medicine!

"Lawmakers thwart Voters with emergencies ... calculated Political Decision to Circumvent Oregon's System of Direct Democracy."

Oregonian 12-10-2015

There's No "Imminent Public Danger" from an Oregon MMJ Bill!?!?!?

Med MJ Act created possession limits for mature plants and usable marijuana, but not for products, concentrates or extracts.

With OMMA, in 475.300-Section 3.

(10)

"Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed in sections 1 to 19 of this Act. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

Med Mj Act grower producing marijuana at a grow site address with over 12 mature plants or at a grow site address that is not a patient's residence may possess:

For indoor growers, up to 6 pounds of useable marijuana per marijuana plant.

For outdoor growers, up to 12 pounds of usable marijuana per mature plant.

There is no usable marijuana possession limit in the Med Mj Act for a medical marijuana grower producing marijuana at a patient's residence if that grow site has fewer than 12 plants.

The entire opinion is available here : <http://www.doj.state.or.us/agoffice/agopinions/op2016-2.pdf>

Rec Mj Laws

The Rec Mj Laws establish a regulatory framework for the production, processing, wholesaling and retail sale of recreational marijuana and authorizes OLCC to regulate the licensing for these activities." OLCC is charged with licensing marijuana producers, processors (makers of, for example, concentrates, extracts, edibles), wholesalers, retailers and laboratories. .

The Rec Mj Laws also allows a person 21 or over, without an OLCC license, to produce, make, possess, and store marijuana items in certain amounts.

The amount allowed is “not” calculated per person, but rather per household!

So, per household (assuming the household contains at least one person 21 or over) the following is permitted:

Stacking of plants and usable marijuana “is” allowed and **stacking** of products, concentrates and extracts is “not”.

- **Production or storage of up to 4 homegrown marijuana plants.**
- **Possession or storage of up to 8 ounces of usable marijuana, *i.e.* the dried leaves and flowers of the marijuana plant."**
- **Making, processing, possession or storage of up to 16 solid ounces of cannabinoid products.**
- **Making, processing, possession or storage of up to 72 liquid ounces of cannabinoid products.**
- **Making, processing, possession or storage of up to 16 ounces of cannabinoid concentrates.**
- **Possession of up to 1 ounce of cannabinoid extracts purchased from a licensed retailer or registered dispensary.**

"Homegrown" means grown by a person 21 or over for noncommercial purposes."

A "household" refers to the "housing unit" where a person lives and produces, possesses or stores homegrown and homemade marijuana plants, usable marijuana, products or concentrates. By way of example, if you are 21 or over and have 8 ounces of usable marijuana from your homegrown marijuana plants at your household, it would be illegal for you to purchase an ounce of usable marijuana at an OLCC retailer and bring that home because you would be over the personal possession limits.

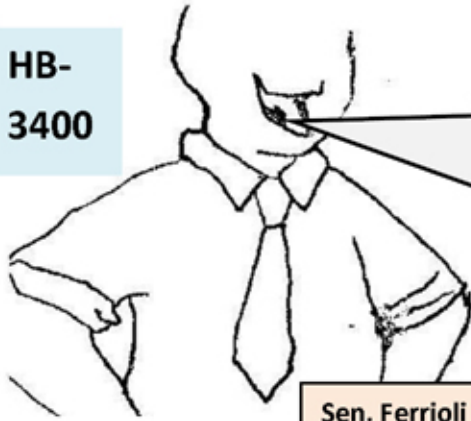
The **CSA** only allows for the possession of eight oz of usable marijuana, regardless of its source.

The **CSA** does not apply as broadly to possession of medical marijuana because the **Med Mj Act** specifically exempts possession of medical marijuana under certain circumstances from criminal liability. Under the **Med Mj Act**, a patient, caregiver or designated grower is exempt from criminal liability if he is found to possess medical marijuana plants and usable marijuana. The exemption applies as long as the exempt person does not consume in a public place, drive while intoxicated, give medical marijuana to a person that is not entitled to receive it, and is within the possession limits established by the **Med Mj Act**. As we stated earlier, however, **Med Mj Act** does not establish a permissible limit for the possession of marijuana products, concentrates and extracts by a patient, caregiver or designated grower. Therefore the default possession limits for these items is what is permitted to any individual 21 or over under the **CSA**.

CSA creates criminal liability for any person over 21 who is not an **OLCC** licensee and is in possession of *more than* the following:

- Plants in excess of the number allowed under the **Rec Mj Laws** and **Med Mj Act** combined for that person and their situation (explained in more detail below).
- 1 oz of usable marijuana in a public place.
- 8 oz of usable recreational (homegrown or purchased) marijuana in a non-public place.
- 24 oz of usable medical marijuana if possessed lawfully under the **Med Mj Act**.
- 16 ozs of cannabinoid products in solid form or cannabinoid concentrates.
- 72 ozs of cannabinoid products in liquid form.
- 1 oz of cannabinoid extract, or any amount of an extract not purchased from an **OLCC** licensee or transferred by a medical marijuana dispensary.

**HB-
3400**



Sen. Ferrioli

**... Unforeseen
Consequences !**

**...thought cities
and counties would
"Regulate", Not "Ban"!**

MC Medical Marijuana Committee Oct. 2015
Breakfast MEETING at 420Ville, Ontario, OR.

Could it be that Oregon Legislatures were
"lied to" about Oregon MMJ Patients?

Maybe "Hoodwinked" to believe OMMP
Cardholders were Abusing our Medical
Marijuana Program?

This New Oregon Law
allows Any City or
County in Oregon to Ban
Commercial Marijuana
Activity under a Local
Option if 55% or more
of the Counties Voters
were "Opposed" to
Measure 91 for
marijuana legalization.

What About the 70,000 plus "Registered" OR
Patients that are sick, disabled, or dying that
are "Reporting" a Better Quality of Life!!!

Legislators were surprised
by local Officials' actions
to "Ban" Oregon's Medical
Marijuana Dispensaries!

Officials twist
Opposing Votes
to Qualify for
Banning!

Because of the "Opt-Out"
Many in Oregon Will Not
Have the Choice to Get
Legal Cannabis Locally. No
Patient's Voice on Our
Program or on Our MMJ
Supply System Heard!

**Bad! The "Opt-Out option"
Hurt Our State Program!**

- No Dispensaries
- No Patient Access to "Safe, Tested, Labeled, Affordable Medicine Supply"
- No Help "reducing" a Patient's Garden Expense.
- No Savings for "Patient Medical Expenses" for Our Great State!
- No Economic Development "gains for Cities and Counties" with Bans!

"Lawmakers thwart Voters with emergencies ... calculated Political Decision to Circumvent Oregon's System of Direct Democracy."

The Oregonian 12-10-2015

No "Imminent Public Danger" So Why is the "Emergency Clause" on this, or on Any Passed Oregon MMJ Bill?

Under HB-3400 Local Governments that Opt-Out Cannot Tax Marijuana License Fees at a Rate of "23%" Like Other Cities and Counties that Are "Regulating" instead of "Banning"!

No MMJ Patient, Their Assigned OMMP Caregiver, Person Responsible for the Grow Site, or Dispensary Supply System Should Have Ever Been Included in M-91's Implementation!

1-503-587-7434 Information Help-line for the Stormy Ray Cardholders' Foundation

OMMA, OMMP and OMMDP were protected by Oregon Law!

611,190 Oregonians voted to 'Support M-67"
which created the

Oregon Medical Marijuana Act of 1998.

We were told, "No" Medical Marijuana ever in OR,
yet thousands rallied to get M-67 passed in 1998.

Patients need
"Extracts" like
Rick Simpson Oil,
RSO to use,
make and share!

By 2005, **SB-1085** Increased
mmj limit of 24 ozs
– Codified Patients'
Ownership – Right to Give
to others Registered with
OMMP. –Patient can
Reimburse their caregiver
for gardening expenses and
utilities. – est. 24/7 Police
Verification System SB-
1085 reset OMMA to be
affective for patients, their
gardens and assigned
cardholders.

**We need to reset our Medical
Marijuana Program again in
Jan. 2017 with the OR
Marijuana Commission Bill.
Sen. Ferrioli will sponsor!**

Bill establishes Commission to protect
medical marijuana in OR! It integrates
mmj with other OR services. Creates
both research and mmj advisor policy,
and provides education and outreach.

Wikipedia; Search: **101 OR
MMJ** bills with "Emergency
Clause" since 2009!

YOU can Help! Volunteer to write
or share emails with Legislators!
Go see Legislators in person!
Make a donation or Join SRCF and
become a supporting member!
Help spread your support!

Today, OMMA patient registration "fees" have put over **6.4 million
dollars** into the OR General Fund. Many services and programs have
been continued because of these funds!



shutterstock: 88427701

**Supporters of
OMMA, OMMP,
OMMDP ... HELP !**

Medical Registered cardholders should never have been included with recreational laws! Patients need to keep a consistent level of cannabinoids in their body at all times to relieve their situation!

Rec Mj Acts users don't need to maintain such level to get relief. They're not sick!

In Oregon, thousands of registered medical marijuana patients need access to save tested, labeled and affordable MMJ supply, but opt-outs have left them with none.

**OMMP 68,201 Patients
OMMDP 390 Dispensaries**

Visit: Oregonmmj.wordpress.com

Patients need to be able to grow their garden with the right strains that are most effective for them.

Patients don't have any insurance to cover the cost of their medicine.

Patients can't get reimbursed or receive donations to help offset the garden expenses.

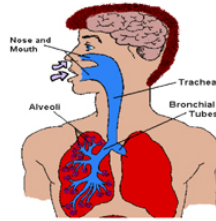
Patients use vaporizing, smoking, edibles, tincture, topical salve, oils, concentrates and RSO (Rick Simpson Oil) to maintain their bodies needed intake of Cannabinoids.

Each Patient looks for the 3-5 strains that they know have the right Cannabinoids and terpenes to give their body "relief".

Patients have more than 1,000 different plant strains each having different Cannabinoids, and various potencies to choose from.



MMJ Facts Revealed



Cannabis Smoke
" Medical Marijuana JOINT"
5,000 years = 0 Deaths

Tobacco Smoke
In the United States
480,000 Deaths
Each Year !!!

.....Vs.....



**MMJ acts like a
Bronchial Dilator**

A puff of mmj causes the Bronchial Tubes to relax and open to allow more air intake.

MMJ Smoke also works as an expectorant causing the body to create a liquid wash that is coughed out after each puff.

Cannabis in Its' Natural Form...

Can affect IBM, PTSD, Pain, Spasms, Breathing, Relaxation, Strength, and more...

Oregonmmj.wordpress.com

-For More Patient MMJ Information-



**Tobacco Smoke
is a Bronchial
Constrictor**

When Inhaled causes lungs to constrict and trap impurities in the lungs.

Tobacco Smoke restricts and reduces air ways needed to breathe. Known to cause Cancers!

Stormy Ray Cardholders' Foundation
Inform. Help-Line 503-587-7434
Office 541-889-5030 Help Today Join
SRCF to Spread the Good Oregon
MMJ Patient Way for a Better Day!

Know Your Facts on "How
MMJ Works with Your Body"!
REALLY COOL STUFF! View the
"Endocannabinoid System" and
the Receptors of Our Body Video!

**YOU'RE
Here!!!**

" 420Vile "

210 Washington St
W, Huntington, OR !

(541) 869-2029

**Tell A
Friend or Two!**

Marijuana, in its' natural form, is one of the safest therapeutic substances known to man. Studies have shown it can; arrest glaucoma, relieve pain, help migraines, alleviate the pain and nausea associated with cancer and its' treatments. It affects Multiple Sclerosis and paralysis, opens bronchial tubes, helps overcome insomnia, relieves menstrual cramps, and blocks epileptic seizures. It helps people with HIV/AIDS to relieve stress and depression, eliminate nausea, reduce their pain, and fight the wasting syndrome by stimulating their appetite.

AKA: World's Greatest Medicinal Vegetable Herb!!!

420Vile Office Copy



503-587-7434

Your support helps SRCF work with Legislators, OR Law Enforcement, the Oregon Medical Marijuana Program, protect and improve OMMA for patients.

The Stormy Ray Cardholders' Foundation is a 501-C-3 non-profit organization that provides empowering information about the medicinal properties of marijuana, how it works with the body's own endocannabinoid system, and one-on-one tel. consultations. SRCF is proud to have been a part of the improvements SB-1085 made in 2005 for patients. Oregon had the best medical marijuana program in the U.S.A.

Time to make OUR MEDICAL MIMJ PROGRAM work for PATIENTS and ORE again!

When YOU "Join SRCF", Your Support Makes Everything Happen. We all volunteer our time, but your Membership donation pays the bills and helps cover the increased information requests.



I would like to be a "Supporting Member" of SRCF.

Name _____

Oregonmmj.wordpress.com

Address _____

City _____ State ____ Zip _____

Annual: ___ \$50 *Single* ___ \$75 *Joint* ___ \$100 *Champion* ___ \$500 *Angel*

To: SRCF, 715 Canyon 2 Rd, Ontario, OR 97914. *Thank You.*