

May 23, 2017

**TO:** The Honorable Senator Ginny Burdick, Co-Chair  
The Honorable Representative Ann Lininger, Co-Chair  
Joint Committee on Marijuana Regulation

**FROM:** André Ourso, JD, MPH  
Section Manager Medical Marijuana Program  
Public Health Division  
Oregon Health Authority

**Subject:** **HB 2198-Amendments**, Establishing Oregon Cannabis Commission,  
Oregon Medical Marijuana Act, and Tracking Requirements

Co-Chairs Burdick and Lininger, members of the committee, I am André Ourso, Section Manager of the Medical Marijuana Program with the Public Health Division of the Oregon Health Authority. I would like to provide some information regarding the potential impact of various amendments to HB 2198 on the Oregon Health Authority (“OHA”).

While OHA remains neutral on this bill and welcomes the Committee’s desire to ensure safe and responsible access to medical marijuana for the approximately 62,000 medical marijuana patients and their caregivers, I would like to inform you of some of the potential concerns the Authority has with specific amendments to this bill.

#### **HB 2198-17**

- Section 4 directs the Oregon Cannabis Commission to submit a legislative report by December 15, 2017. Considering that the bill will go into effect upon passage, the Governor will need to find candidates for appointment, appoint members, the Senate will have to confirm members, new members will need to become familiarized with their duties and then draft a report on the findings and determinations under subsection (1) of this section, there is a limited amount of time for the Commission to prepare a report that makes recommendations for legislation. It is recommended that the Commission be permitted additional time beyond December 15, 2017 to prepare a report and submit it to the Legislature.

- Section 6 directs the Oregon Cannabis Commission to provide advice to the OHA with respect to administering the Oregon Medical Marijuana Act. Currently, ORS 475B.520 directs the Advisory Committee on Medical Marijuana (“ACMM”) to advise the director of the OHA on the administrative aspects of the Oregon Medical Marijuana Act. HB 2198 and amendments leave intact the ACMM resulting in two advisory bodies advising OHA on the administration of the program. This could result in conflicting or redundant functions and advice. In addition, OHA would be obligated to provide administrative and financial support to both the Commission and ACMM.
- Section 10 allows a designated primary caregiver to assist a patient with the processing of marijuana into cannabinoid concentrates or medical cannabinoid products. This section provides a loophole for the unregistered and unregulated processing of marijuana items. This section would not be much of a concern if caregivers and patients were limited to a one to one ratio. However, since there is no limit on how many patients a caregiver may provide care for this potentially creates opportunities for caregivers to create large unregulated processing operations.

#### **HB 2198-19**

- Section 4 directs OHA to maintain a telephone hotline for the purpose of informing cities and counties whether an address is the location or proposed location of a medical marijuana grow site, marijuana processing site, or medical marijuana dispensary. OMMP has no issues with such a hotline, however under ORS 475B.462 OHA may not disclose any personally identifiable information, including an address of a marijuana grow site. Information related to a marijuana grow site is confidential and not subject to disclosure except to state or local law enforcement pursuant to ORS 475B.458. HB 2198 and amendments do not provide for an exception to these confidentiality provisions that would permit disclosing the address of a marijuana grow site to an official of a city or county.

#### **HB 2198-20, -23**

- Section 2 of HB 2198-20 allows a registrant to provide to OHA the post office box where a marijuana grow site is located for the purpose of registering a marijuana grow site. It is not possible to locate a marijuana grow site at the address of a post

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office box. However, Section 2 of HB 2198-23 removes the post office box as sufficient establishment of an address of a marijuana grow site. OHA has no issues with HB 2198-23 as it replaces HB 2198-20.

Again, thank you for your consideration and I am happy to answer any questions.

