



Green Business Law, LLC

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WRITTEN TESTIMONY OF PEATER KRAMYER ('PeKe')

To: Oregon Health Authority Public Health Division - Rules Coordinator

Email: rules@ohd.state.or.us

Cc: Governor Kate Brown, Secretary of State Jeanne Atkins

Date: May 3, 2016

From: Green Business Law, Bradley M. Steinman, *Attorney*, on behalf of Peater Kraymer

Re: Written Testimony of P.K. on OAR 333-008: Proposed Rules for Medical Marijuana

My name is PeKe and I am the Executive Producer of Mercy T.V.

I want to start off by quoting Henry Rollins and say to you today, "Grow up. It's just a plant."

I am a registry identification cardholder in the Oregon Medical Marijuana Program. I have been a patient for fifteen years.

I have seen a lot of changes to the program over the years.

I have also witnessed the difficulty that advocates face when trying to get a new qualifying condition approved.

My main concerns with these rules are (1) with the ridiculous fees and (2) taxation without representation.

OAR 333-008-0021 - Fees

The OMMMP program fee of \$200.00 should be reduced to \$20.00 for all applicants and renewal applicants or be eliminated entirely.

"Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens."

if benefit patients pay a reduced fee of \$20. OHP enrolled applicants pay a reduced fee of \$50.00.

An OMMP patient applicant receiving food stamp benefits through Oregon SNAP pays a reduced fee of \$60.00. And an OMMP applicant who has served in the Armed Forces of the United States now qualifies for a reduced fee of \$20.00.

Every patient applying for status as a registry identification cardholder with the OMMP should pay \$20.00.

The truth is that patients should not have to pay any fee at all. At most, any OMMP patient applicant should only have to pay \$20.00, the same fee that veterans and SSI benefit applicant patients pay.

To have a discriminatory pricing structure for annual and renewal fees for each class of OMMP patient is a violation of the equality of privileges and immunities of citizens.

The State of Oregon might as well separate us by debilitating medical condition and have us pay on a scale based on how long we are expected to live.

If patients were to pay any fee it should just be the required postage to process the application. That's it.

If responsible adult users are not paying at least a \$200.00 fee per year to the State of Oregon to exercise their right to purchase cannabis from a medical marijuana dispensary, including out of state visitors to medical dispensaries, why should patients have to pay a fee to the state, just to buy marijuana tax free?

Also, the grower card has been increased to \$200.00. This is crazy.

Patients of Growers do not have the \$200.00 to pay for their grow site, and with the amount of growers dropping patients due to changes in the program, or going the OLCC route, who is going to grow for patients and supply their medicine?

Patients who live in a residential care facility or adult foster home, or who receive home health care services, or are being provided hospice or palliative care, and who have been designated as an additional caregiver of a patient pursuant to the additional 'caregiver' designation afforded by Section 6 of Senate Bill 844 (2015), lack the ability to grow for themselves, and are unable to afford a \$200.00 fee for themselves and an OMMP grower.

This kind of patient is basically guaranteed to be losing their grower under this proposal. Who will take care of them? I can grow four plants at a residence and not have to pay any fee. Why should dying or critically ill OMMP patients bear a ridiculous fee to improve their quality of life prior to death, and why should they be responsible for this ridiculous fee for growing? Please reduce this fee or eliminate it.

Persons like me who participate in the OMMP are, by definition, suffering from the symptoms of a debilitating medical condition.

The reason we had 'Caregivers' in the OMMA in the first place in Measure 67 in 1998, and why we added 'Growers' in 2005, was because without them OMMP patients would not be able to have access to cannabis medicine. We suffer from a condition that debilitates us.

Now, with legalization, and the State collecting license fees from commercial businesses in the state-legal marijuana industry, is it still fair and right to be charging patients ridiculous amounts of money annually that homegrowers and adult marijuana users from out of state don't have to pay?

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As is required by state law under ORS 475B.520, I question whether the Advisory Committee on Medical Marijuana (ACMM)'s advice on the fees being proposed for adoption for the OMMA were taken into consideration prior to releasing this draft of the rules.

I ask, are all of these rules necessary to protect the public health and safety?

Look at the definition for "Debilitating medical condition" under OAR 333-008-16(a) to (d). It does not take into account the fact that the definition was changed to read "persistent degenerative neurological condition" per the 'additional caregiver' component of 2015 Senate Bill 844. The rules do not reflect these important statutory changes with respect to OMMP patients' rights.

There is no way to petition the OHA to add a qualifying condition, because there is no OAR 333-008-0090 to file a petition under in these rules. ORS 475B.517 requires there to be a petition process, and these rules need to have one. I only see grandfathering petitions for folks that want to grow more plants than they are allowed, but I do not see anything about petitioning for the rights of patients suffering from debilitating medical conditions in these rules.

Finally, I would like to say, here is my card.

Call in to the Mercy TV show. The show airs Friday at CCTV in Salem. The call in number is 503-588-644.

Call or show up and we'll talk to you about the benefits of medical cannabis.

Have a nice day, and go fly a kite.

Thank you,

PeKe

A handwritten signature in cursive script that reads "Peater Kraymer". The signature is written in dark ink and is positioned to the right of the typed name "Peater Kraymer".

Bradley M. Steinman
Green Business Law

Attorney for Peater Kraymer (P.K.), OMMP patient and Executive Producer - Mercy T.V.