

March 27, 2019

Oregon Senate Committee on Business and General Government  
Oregon State Capitol  
Salem, OR 97301

Re: SB 1012

Chair Riley and Committee Members:

My name is Randy Bisenz. Due to an emergency at my home, I am unable to attend tomorrow's hearing on SB 1021, which was introduced on my behalf. Please enter this letter into the record. I have transmitted copies of this letter to the committee for inclusion on OLIS.

I had a serious back injury in my teens. By 25 I suffered from frequent muscle spasms. The attacks would last a week, sometimes months. The pain was so intense I could not sit or stand, making it impossible to work. My doctor prescribed opiates, but they did not help and carried the risk of addiction. Fortunately, cannabis worked wonders, allowing me to regain functionality.

By the eighties the old pure strains I used became scarce, replaced by hybrids, causing fogginess and paranoia.

Pure strains take longer to grow and yield less so none of the commercial growers grow them. Over 99% of the strains sold in Oregon are hybrids. I searched for the old strains. I started a seed bank to preserve them.

I got my first grower license through the OMMP in 2007 for a property in Ashland, and registered my current property in 2011, when I moved to Deschutes County. My application for my current property was approved by OMMP on July 2, 2012.

I only grew the amount allowed and needed for my own health issues, which actually required me to stop growing after several months so I would not exceed OMMP limits on finished product. In other words I was forbidden to continuously produce more than I needed for my own health issues. I renewed my grower permit when it was time to replace the medicine I had used. My grower registration was current on January 1, 2015, but expired on May 23<sup>rd</sup> while I was incapacitated with a life-threatening illness. As I recovered and I realized my license had expired, I began the process of renewing my OMMP license, and my license was renewed on November 12, 2015.

OLCC believes that my license lapsed for an additional 16 days between January 17, 2017 and February 2, 2017, but I dispute this, and have documentation from OMMP to support my position.

After Measure 91 passed friends and family urged me to get my OLCC recreational license to provide badly needed income, and so others could have access to my strains.

On January 1, 2016 I prepared my land use application, but the County decided to opt out against the majority vote. They lifted the opt out after 8 months, issuing 84 pages of additional regulations, which disqualified my property - even though it complied fully with OLCC. At this point, I did not believe that I could qualify for a recreational license on my property, so I found investors ready to do a land deal on another property, but each time they withdrew after encountering the County's LUCS process.

In May of 2017 I learned about SB 1598 from Danica Hibpshman, director of licensing for OLCC. I read the law carefully. I had first registered my site with OMMP prior to January 1, 2015 as statute required, allowing me to be exempt from obtaining a LUCS, so I could obtain a recreational license from OLCC. I submitted my application for a recreational license with OLCC in September 2017.

I borrowed funds from family, and started building to meet OLCC regulations. In late December 2017 a technician asked if I could prove that I was continuously registered since I first registered in 2011. OMMP had never indicated that there was a requirement that my grower license must have been continuously held, SB 1598 (now codified at ORS 475B.074) did not contain language requiring continuous registration, and OLCC did not (and still does not) have an administrative rule interpreting the statute in that manner. I re-sent my OMMP records to OLCC, noting the statute did not have this requirement. I heard nothing more and in February, 2018 my application was assigned to Investigator Tom Dean. I assumed the issue had been resolved.

I continued to invest, working closely with Tom. Tom mentioned to me that as long as my Inventory Transfer form was approved by OMMP, I would be approved. On May 15, 2018 I received an email from Tom confirming that my Inventory Transfer form was approved by OMMP, and that Inspector Larry Brown would contact me to schedule the final inspection of my property. I worked hard to finish up the required surveillance systems. By that time, I had been working on the facility daily for 8 months and had spent over \$200,000 on facilities improvements to satisfy the OLCC requirements.

My inspection was scheduled for May 17, 2018. On May 16, I called Larry Brown and asked him to delay my inspection until May 22. The reason I asked for the delay was because I wanted to ensure that my alarm and camera system were functioning properly, as required by OLCC rule, and that I was skilled in operating the system, which Mr. Brown indicated was important.

On May 22, 2018, the morning before my noon inspection, OLCC canceled my inspection and informed me they were rejecting my LUCS exemption, preventing me from getting my OLCC license. Attached to the email canceling my inspection was an inter-office email dated Friday, May 18, telling Mr. Dean to deny my application because my OMMP license had lapses. After three years of working diligently, and spending

significant sums, I had no income and no way to pay back the money I borrowed, and all because I was following OMMP guidelines on inventory.

Not only was I treated unfairly by OLCC, there is nothing in the statute or OLCC rule that requires me to maintain my OMMP license continuously from January 1, 2015 to the date of my application for an OLCC license. Senate Bill 1012 clarifies that ORS 475B.074 does not require continuous OMMP licensure. I believe that's what the law already requires, but this bill makes that point perfectly clear. There will be few other people in my position, and the universe of people who may benefit from this law is fixed and cannot grow or shrink.

Please pass SB 1012 - it deserves your support.

Sincerely,

Randy B/senz

