

HB 3112-5  
(LC 1467)  
4/1/21 (SCT/ps)

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3112**

1 On page 1 of the printed bill, after line 6, insert:

2 “Whereas two studies conducted by the American Civil Liberties Union  
3 found that Black Oregonians were about twice as likely to be arrested for  
4 cannabis as compared to White Oregonians, despite nearly identical rates of  
5 use; and

6 “Whereas a 2013 American Civil Liberties Union study found that the  
7 cannabis arrest rate was 3.3 times higher for individuals who are Black than  
8 individuals who are White in Multnomah County, 2.8 times higher in  
9 Washington County, 3.5 times higher in Lane County and 2.8 times higher  
10 in Marion County; and

11 “Whereas the Oregon Criminal Justice Commission found that African  
12 Americans and Native Americans in Oregon are overrepresented as compared  
13 to individuals who are White for convictions of felony possession of con-  
14 trolled substances; and

15 “Whereas Oregon’s prison population, both historically and presently,  
16 shows an overrepresentation of Oregon’s minority groups; and

17 “Whereas in 2013, simple cannabis possession was the fourth most com-  
18 mon cause of deportation for any offense and the most common cause of  
19 deportation for drug law violations; and

20 “Whereas fewer than 200 cannabis-related expungements have been pro-  
21 cessed since section 2, chapter 459, Oregon Laws 2019 (Senate Bill 420 (2019))

1 was enrolled, although there are over 28,000 records with eligible cannabis  
2 crimes; and

3 “Whereas the term ‘marijuana’ was adopted historically to underscore the  
4 drug’s ‘Mexican-ness’ to incite anti-immigrant sentiments, which found its  
5 way into Oregon through early 20th century newspapers with articles titled,  
6 ‘Crazed Mexican Kills One and Wounds Two,’ ‘Evil Mexican Plant that  
7 Drives You Insane’ and ‘Texas Menaced by New ‘Dope’ Weed’; and

8 “Whereas 2019 cannabis sales in Oregon reached \$725.8 million, not in-  
9 cluding medical cannabis sales; and

10 “Whereas cannabis website Leafly’s fourth annual national report esti-  
11 mated that there were 18,274 jobs in the legal marijuana industry in Oregon  
12 as of January 2020; and

13 “Whereas the vast majority of marijuana businesses are self-funded, with  
14 84 percent of businesses utilizing the founder’s savings to launch the busi-  
15 ness while only one percent of businesses were able to secure a bank or state  
16 agency loan; and

17 “Whereas very few minority-owned businesses can afford the average  
18 start-up costs to open a plant-touching cannabis business, which the Oregon  
19 Cannabis Association estimates at \$400,000 in start-up capital; and

20 “Whereas a 2017 snapshot of the cannabis industry showed that less than  
21 three percent of plant-touching cannabis businesses were Black-owned and  
22 less than six percent were Hispanic- or Latinx-owned; and

23 “Whereas for those individuals who were formerly incarcerated, a recent  
24 analysis by the Prison Policy Initiative shows that more than 27 percent are  
25 unemployed, which is a higher rate than the overall unemployment rate  
26 during the Great Depression; and

27 “Whereas according to John Jay College of Criminal Justice, ex-offenders  
28 owe as much as 60 percent of their income to criminal debts; and

29 “Whereas according to Pew Charitable Trusts, serving time in prison re-  
30 duces a person’s annual earnings by 40 percent; and

1 “Whereas according to Pew Charitable Trusts, by 48 years of age, the  
2 typical former inmate will have earned \$179,000 less than if they had never  
3 been incarcerated; and

4 “Whereas according to Pew Charitable Trusts, incarceration depresses the  
5 total earnings of White males by two percent, Hispanic males by six percent  
6 and Black males by nine percent; and

7 “Whereas according to Pew Charitable Trusts, the average family income  
8 over the years during which the father is incarcerated is 22 percent lower  
9 than the family income was in the year before the father was incarcerated,  
10 and even in the year after the father is released from incarceration, the  
11 family income remains 15 percent lower than in the year before incarcer-  
12 ation; and

13 “Whereas the homeownership rate for White Oregonians is 65 percent,  
14 36.5 percent for African American Oregonians, 48.4 percent for Native  
15 American Oregonians and 45.9 percent for Latinx Oregonians; and

16 “Whereas a 2015 Portland Housing Bureau report revealed approximately  
17 68.8 percent of Black renters and 42.9 percent of Black homeowners are  
18 cost-burdened and spend over 30 percent of their income on rent or housing  
19 costs; and

20 “Whereas programs to support small business were not designed with the  
21 Black community in mind, as evident through the mechanisms and outcomes  
22 from the CARES Act (2020) Paycheck Protection Program in which only 51  
23 percent of Black-owned small businesses applied for less than \$20,000 in  
24 temporary funding from the federal government and only one in 10, or 12  
25 percent, received the assistance that they requested; and

26 “Whereas only 13.1 percent of White Oregonians live in poverty but 28.7  
27 percent of Black Oregonians live in poverty, 22.3 percent of Hispanic  
28 Oregonians live in poverty and 24.4 percent of Native American Oregonians  
29 live in poverty; and

30 “Whereas according to Prosperity Now, White households in the middle-

1 income quintile, or those earning between \$37,201 and \$61,328 annually, own  
2 nearly eight times as much wealth, or \$86,100, as middle-income Black  
3 earners who earn \$11,000 and 10 times as much wealth as middle-income  
4 Latinx earners who earn \$8,600; and

5 “Whereas according to Prosperity Now, if the number of people of color-  
6 owned firms were proportional to the distribution of people of color in the  
7 labor force, people of color would own 1.1 million more businesses with em-  
8 ployees and would add about nine million jobs and about \$300 million in  
9 workers’ income to the United States economy; and

10 “Whereas in Oregon, the number of United States Small Business Ad-  
11 ministration loans to Black-owned businesses dropped by more than 90 per-  
12 cent in 2008 to five loans and has remained in the single digits every year  
13 since, and in 2017 the United States Small Business Administration backed  
14 only three loans to Black-owned businesses in Oregon; and

15 “Whereas according to McKinsey & Company, companies in the top  
16 quartile for ethnic and cultural diversity on their executive teams were 33  
17 percent more likely to have above-average profitability than companies in  
18 the fourth quartile, and companies with the most ethnically and culturally  
19 diverse boards worldwide are 43 percent more likely to experience higher  
20 profits; and

21 “Whereas a 2020 study completed by Citi Global Perspectives and Sol-  
22 utions found that if the racial wealth gap were closed 20 years ago, \$16  
23 trillion could have been added to the United States economy and if the gap  
24 were closed today, \$5 trillion could be added over the next five years; and

25 “Whereas cannabis equity programs in other states and municipalities  
26 using the race neutral qualification standards have failed to create equitable  
27 market participation and leverage the benefits of diversity; now,  
28 therefore,”.

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