

Thursday, May 4, 2023

**Written Testimony of Rob Bovett  
before the House Judiciary Committee in Support of  
Senate Bill 326 with Dash-A4 Amendments and  
Senate Bill 954 with the Dash-A3 Amendments**

Dear Chair Kropf, Vice-Chairs Andersen and Wallan, and  
Representatives Bynum, Chaichi, Conrad, Lewis, Morgan, Reynolds, and Tran,

For the record I'm Rob Bovett. I have been involved in evidence-informed drug policy at local, state, federal, and international levels for a few decades. I currently teach Drug Policy at Lewis & Clark Law School, as well as Cannabis Law & Policy.

As the Committee will hear from other witnesses, Oregon has been experiencing severe challenges with multi-national drug trafficking organizations (DTOs) operating throughout Oregon. Although trafficking of synthetic drugs, such as meth and fentanyl, often gets much more media attention, DTO operations involving the production of cannabis for the illicit market have fostered labor trafficking, violence, water theft, and environmental damage.

Areas of Oregon that are prime for cannabis production, such as Jackson and Josephine Counties, have endured the most trauma, but DTO cannabis operations have now spread to many other parts of Oregon. To address those issues, the legislature created the Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Production, better known simply as the House Bill 3000 / Senate Bill 1564 Task Force. The Governor appointed me to represent Oregon's 36 Counties on that Task Force. A full list of Task Force members is attached.

The Task Force delivered a report which made a series of recommendations, and resulted in five pieces of state legislation this session. A summary of those five bills, and their current status, is attached. Three of the bills are in Ways & Means, and two are before you today: Senate Bill 326 and Senate Bill 954.

The primary purpose of my testimony today is to provide the Committee with a brief section-by-section explanation of those two bills, as well as the amendments proposed for each.

**Senate Bill 326**

- Sections 1 and 2 require an owner of property where an illicit cannabis grow is located to clean up the waste from that grow once the owner has been notified by law enforcement of the illicit grow. If the property owner fails to do so it is deemed a nuisance that can be abated by local government, who may place a lien on the property for the cleanup costs.
- Section 3 prohibits the use of water for an illicit large cannabis grow - in other words, large cannabis grows that are not licensed or registered as allowed under Oregon law. The section would give Water Resources the ability to impose civil penalties for a violation, or seek prosecution, or both.
- Sections 4, 5 and 6 would allow the use of mobile tracking devices, pen registers, and interception of oral communications in relation to felony cannabis crimes in the same manner as other felony drug crimes. This would fix an inadvertent error in a Measure 91 implementation bill that removed all cannabis offenses from those statutes. It should have left the felonies in place.

- Sections 7 to 11 increase penalties for certain cannabis offenses typically committed by these large DTO operations, including offenses involving large quantities of illicit cannabis, as well as those involving various aspects of environmental damage or labor trafficking.
- Sections 11 and 12 are conforming amendments for Section 3.
- Section 13 preserves the general illicit cannabis grow prohibition that will otherwise sunset. Unfortunately, the problems described above have not yet dissipated.
- Sections 14 and 15 are the applicability and emergency clause provisions.

#### Senate Bill 326 - Dash-A4 Amendments

- The Oregon Department of Justice (DOJ) assisted in the crafting of the labor trafficking portions of SB 326. DOJ also has a separate bill addressing labor trafficking that is moving forward, namely Senate Bill 1052. The language in SB 1052 is further developed, so the purpose of the proposed Dash-A4 amendments is to conform the language in SB 326 to SB 1052.

#### Senate Bill 954

- Senate Bill 954 would allow a circuit court judge to authorize execution of search warrant outside judicial district for “interrelated conduct” carried on in more than one county, and would provide a non-exclusive list of additional persons that may assist with the execution of a search warrant, such as cleanup contractors and victim services providers.

#### Senate Bill 954 - Dash-A3 Amendments

- As a result of concerns expressed by the Senate Judiciary Committee, the “interrelated conduct” provisions were narrowed in scope and effect. However, after further analysis, both DOJ and myself agree that those provisions no longer change current law, and might only therefore create confusion. The Dash-A3 amendments pull those provisions out of the bill.

I am more than happy to answer any question that Committee members might have. I strongly encourage the Committee to pass Senate Bill 326 with the Dash-A4 amendments, as well as Senate Bill 954 with the Dash-A3 amendments.

Sincerely,

Rob Bovett  
rbovett@lclark.edu

Attachments: List of HB 3000 Task Force Members (1 page)  
List of HB 3000 Task Force Bills and their status (1 page)

**Cannabis-Derived Intoxicants and Illegal Cannabis Production Task Force**  
(aka HB 3000 / SB 1564 Task Force)

**Task Force Membership**

- |  |  |
|--|--|
| (a) The President of the Senate shall appoint one member from among the members of the Senate:                                   | Senator Floyd Prozanski                                    |
| (b) The Senate Minority Leader shall appoint one member from among the members of the Senate:                                    | Senator Bill Hansell                                       |
| (c) The Speaker of the House of Representatives shall appoint one member from among the members of the House of Representatives: | Representative Pam Marsh<br><b>Task Force Chair</b>        |
| (d) The House Minority Leader shall appoint one member from among the members of the House of Representatives:                   | Representative Lily Morgan<br><b>Task Force Vice-Chair</b> |
| Appointed by the Governor:   |  |
| (A) One member who represents counties in this state:  | Rob Bovett   |
| (B) One member who represents cities in this state:  | Scott Winkels  |
| (C) One member who represents sheriffs:  | Sheriff Nathan Sickler                                     |
| (D) One member who represents industrial hemp growers registered or licensed under ORS 571.281:                                  | Courtney Moran   |
| (E) One member who represents industrial hemp handlers registered or licensed under ORS 571.281:                                 | Matt Cyrus   |
| (F) The director of the Oregon State University Global Hemp Innovation Center, or a designee of the director:                    | Jay Noller   |
| (G) Two members who represent licensees, as defined in ORS 475C.009:   | Amanda Metzler and<br>Brent Kenyon                         |
| (H) The Director of Agriculture, or a designee of the director:  | Lauren Henderson   |
| (I) The director of the Oregon Health Authority Public Health Division, or a designee of the director:                           | Andre Ourso  |
| (J) The administrator of the Oregon Liquor and Cannabis Commission, or a designee of the administrator:                          | Steve Marks  |
| (K) One member who represents district attorneys:  | District Attorney Josh Eastman                             |
| (L) The Commissioner of the Bureau of Labor and Industries, or a designee of the commissioner:                                   | Emily Sitton   |
| (M) The Water Resources Director, or designee of the director:   | Justin Dillon  |
| (N) One member who represents the Department of Justice:   | Amanda Swanson   |
| (O) One member who represents the Department of State Police:  | Sergeant Tyler Bechtel                                     |

**Cannabis-Derived Intoxicants and Illegal Cannabis Production Task Force**  
(aka HB 3000 / SB 1564 Task Force)

**2023 Oregon Legislation**

**Senate Bill 326**

*Law Enforcement and Water Subcommittees*

- \* Cleanup and nuisance abatement
- \* Water use prohibition
- \* Mobile tracking devices, pen registers and wires
- \* Enhanced penalties for aggravated DTO grows

**Status: Hearing today before the House Judiciary Committee**

**Senate Bill 766**

*Funding Subcommittee*

- \* Conforms IMMEGP statute to current practice plus Task Force funding recommendations:
  - o \$40M - IMMEGP enforcement grants through CJC (all 3 combined CSL + new)
  - o \$6M - IMMEGP victim services grants through CJC (CSL)
  - o \$5M - IMMEGP state police grants through CJC (new)
  - o \$5M - ODWRD for watermasters (CSL)
  - o \$750K - ODOJ resource prosecutors for labor trafficking (new)

**Status: In Ways & Means**

**Senate Bill 954**

*Law Enforcement Subcommittee*

- \* Updates search warrant statute to provide for multi-jurisdictional interrelated conduct and non-exclusive list of others that may assist with search warrant execution

**Status: Hearing today before the House Judiciary Committee**

**House Bill 2931**

*Cannabinoids Subcommittee*

- \* Provides for a state reference lab

**Status: In Ways & Means**

**House Bill 3049**

*Cannabinoids Subcommittee*

- \* Registration and labelling of cannabinoid products intended for human consumption.

**Status: In Ways & Means**