

Tuesday, January 13, 2026

**Written Testimony of Rob Bovett**  
before the  
**Senate Judiciary Committee**  
regarding  
**2026 Cannabis Omnibus Legislation (LC 6)**

Dear Chair Prozanski, Vice-Chair Thatcher, and Senators Broadman, Gelser Blouin, Manning, and McLane,

For the record, I'm Rob Bovett. I have been involved in drug law and policy at local, state, national, and international levels for a few decades, and currently teach Drug Law and Policy and Cannabis Law and Policy at Lewis & Clark Law School in Portland. My career has focused heavily on creating and implementing diversionary programs in our criminal justice system for people suffering from addiction or behavioral health issues.

It has been just over a decade since Oregon implemented our retail marijuana program following the passage of Ballot Measure 91 in November of 2014. The 2015 legislative session was, in some ways, dominated by that matter. Now that a decade has passed, it would probably be a good idea to have a work group comprehensively look at our cannabis programs during the interim, and make recommendations for adjustments and improvements.

In the meantime, for the past decade I have done my best to fulfill a commitment I made to members of the joint marijuana committee to keep working on our cannabis systems and offer legislative fixes, as needed. I have done this by way of engaging various stakeholders and working with key legislators, such as Senators Prozanski, Golden, Manning, and Brock Smith, and Representatives Wallan, Marsh, Kropf, Lewis, and Lively, among many others, and offering a cannabis omnibus bill each legislative session designed to contain bi-partisan, bi-cameral, and consensus-driven improvements to Oregon's cannabis laws.

For the first time in a decade, I had actually toyed with the idea of skipping a session. But a number of challenges arose over the course of 2025 – including significant recent actions at the federal level – that made the notion of skipping 2026 not realistic.

Therefore, for the 2026 legislative session, there are a total of 12 policy issues for your consideration in the cannabis omnibus bill. LC 6 is the vehicle for that legislation, **but please note that LC 6 should be viewed as mostly a placeholder** with the appropriate title "relating to cannabis." With that being said, here is a brief explanation of the 12 policy issues offered for your consideration in the 2026 cannabis omnibus bill:

- **Hemp regulation**
  - ***Implementing new federal law***
    - **1.** Implement the new federal limitations on the sale of intoxicating hemp products, and require those products to be sold in Oregon Liquor and Cannabis Commission (OLCC) licensed marijuana retailers, with equivalent retail tax and tax exemptions on those products. *See Sections 737 and 781 of 2025 HR 5371 (PL 119-37).*

- ***Hemp/marijuana parity issues***

- 2. Prohibit the sale of intoxicating hemp-infused drinks at regular retail.
- 3. Require hemp handlers to have a background check – same as the requirement for marijuana workers. *Compare ORS 475C.273(3) to ORS 571.281/287.*
- 4. Require hemp production licensees to show water rights/usage - same as the requirement for marijuana production licenses. *Compare ORS 475C.065(4)(f) to ORS 571.281.*
- 5. Require hemp production licensees to provide a Land Use Compatibility Statement (LUCS) – same as the requirement for marijuana production licenses. *Compare ORS 475C.053/069 to ORS 571.281.*
- 6. Require an applicant for a license to manufacture hemp to submit to the Oregon Department of Agriculture (ODA) information regarding the ownership and location of the premises to be licensed or for which a license will be renewed, and prohibit ODA from issuing or renewing a license in specified circumstances. *See Enrolled 2025 SB 907*, which applies this requirement to OLCC licensed marijuana producers, OHA licensed psilocybin producers, and OHA licensed OMMP marijuana producers.

- ***Other hemp issues***

- 7. Define “biomass” and “inspect” broadly for purposes of Section 12 of *Enrolled 2025 SB 162* hemp inspections by ODA, specifically including testing for tetrahydrocannabinol (THC) content.

- **Retail marijuana regulation**

- 8. Allow OLCC licensees to transport, as part of interstate commerce, terpenes that contain no cannabinoids.

- **Medical marijuana regulation**

- 9. Clarify ORS 475C.777(6)(d) attending provider authority to recommend medical marijuana “in accordance with evidence-based practice and professional judgement.” *See Section 30 of A-Engrossed 2025 SB 176.*

- **Marijuana and hemp enforcement**

- 10. Require OLCC and ODA to immediately suspend a license upon receiving probable cause from law enforcement that a licensee has been engaged in the production of cannabis for purposes of diversion of a substantial quantity of intoxicating cannabis or cannabis products into the illicit interstate market. Render such a license non-transferrable until final disposition of the agency

administrative action which, if sustained, requires the permanent revocation and cancellation of the license. Such a revocation disqualifies the real property from receiving a license again for at least 10 years, unless the property owner can prove a lack of knowledge of the illegal activity. NOTE: Legislative Counsel has raised concerns about how this might be susceptible to a challenge under Article I, Section 9, of the Oregon Constitution. Indeed, as crafted in LC 6, I also have concerns. This part of the bill will need more extensive research and writing to find a pathway to accomplishing the desired policy goal without transgressing any constitutional limitation. As a corollary to the underlying issue, law enforcement has also commented that regulatory agencies are not performing a nationwide criminal background check, but instead confining the background to Oregon, and thereby missing disqualifying convictions from other jurisdictions.

- **11.** Increase the \$6M biennial draw down from net state marijuana retail taxes to fund the Illegal Marijuana Market Enforcement Grant Program (IMMEGP) to \$24M per biennium in order to fully fund the IMMEGP at Current Service Level (CSL), including services for victims of human trafficking. The IMMEGP was established in 2018 to address the problem of illegal grows that threaten public health and safety and compromise the functioning of the legal cannabis systems. *See 2018 Senate Bill 1544* (2018 Oregon Laws, Chapter 103), §§ 13 to 17. The IMMEGP is funded by a distribution off the top of state cannabis taxes in the amount of \$6M per biennium. However, during COVID, the problem metastasized in a dramatic manner, with a significant influx of illegal grows by multi-national Drug Trafficking Organizations (DTOs) not only in the core area in which they had previously operated, namely Southwest Oregon, but spreading up the Willamette Valley and across the Cascades into Eastern Oregon. Some of these DTO grows operate under cover of a state license; others don't. But tragic key features of these grows include large amounts of labor trafficking, environmental damage, water theft, and violence. As a result, the legislature responded by expanding the IMMEGP to include victim services through community-based organizations, and expanding funding for both investigative and law enforcement services, as well as victim support services. *See 2021 Senate Bill 893* (2021 Oregon Laws, SS2, Chapter 3), § 1 (adding CBOs to the IMMEGP), *2021 Senate Bill 5561* (2021 Oregon Laws, SS2, Chapter 4), §§ 24 to 26 (\$20M additional State General Fund supplement), *2022 House Bill 4074* (2022 Oregon Laws, Chapter 117), §§ 9 to 12 (\$6M additional State General Fund supplement), *2023 Senate Bill 5506* (2023 Oregon Laws, Chapter 605), §§ 15 to 16 (\$5M additional State General Fund supplement), *2025 House Bill 3069* (2025 Oregon Laws, Chapter 557), § 26 (updating IMMEGP statutory language), and *2025 House Bill 5006* (2025 Oregon Laws, Chapter 628), §§ 130-131 (\$5M State General Fund supplement).

However, as the Committee is fully aware, the State General Fund does not currently appear to be able to continue the IMMEGP at its Current Service Level (CSL), which is roughly \$22M per biennium, which will revert the IMMEGP back to its baseline funding, which already proved wholly inadequate to support the necessary investigations, law enforcement, and victim services. Therefore, this proposal is to increase the distribution off the top of state cannabis taxes to fund the IMMEGP at CSL. The logic remains the same as it did a decade ago: Cannabis taxes should be first used to ensure the state cannabis programs function. Allowing DTO grows to overrun significant swaths of Oregon, leaving behind a trail of environmental damage, water theft, violence, and victims of labor trafficking should not be an acceptable outcome.

- **12.** Allow OLCC and OHA to do inspections without advance notice when there is reasonable suspicion to believe the licensee may be violating Oregon law or administrative rules. Legislative Counsel has also expressed concerns about this provision under Article I, Section 9, of the Oregon Constitution, with which I also agree. The ultimate sections to implement this provision will need to be carefully crafted and considered.

Thank you for the opportunity to testify this afternoon about the proposed 2026 cannabis omnibus bill. I am more than happy to answer any questions you might have, as well as receive feedback on the above proposals.

Sincerely,

Rob Bovett  
Adjunct Professor of Law  
Drug Law and Policy and Cannabis Law and Policy  
Lewis & Clark Law School  
Drug Law & Policy Substack

NOTE: All information and comments above are my own. They do not reflect any official position of Lewis & Clark or any client.