

# PUBLIC SAFETY COORDINATING COUNCIL

MINUTES TUESDAY,  
MARCH 25, 2014

11:30

JUSTICE BUILDING –  
JURY ASSEMBLY ROOM, 2<sup>ND</sup> FLOOR

MEETING CALLED BY	Mark Orndoff
ATTENDEES	Bob Kleker, Beth Heckert, Dave Carter, Nichole Houchins, Michele Morales, John Watson, Joe Ferguson, Mark Orndoff, Doug Breidenthal, Ed Smith-Burns, Lorenzo Mejia, Mark Reagles, Shane Hagey, Dan Penland, Tim George, Lee Ayers, John Stromberg,

- Mark Orndoff opened the meeting at 11:35 am
- Opening Remarks: Mark welcomed everyone to the January PSCC meeting and introduced Rob Bovett, Legal Counsel of the Association of Oregon Counties who has agreed to provide the group with a presentation on HB 3460 surrounding marijuana laws and dispensaries.

## Agenda Topics

MINUTES ADOPTION (OCTOBER & JANUARY)

MARK ORNDOFF

DISCUSSION	
Due to a lack of quorum at previous meeting we have been unable to adopt the minutes from October and January. Mark asked for a motion to be put forward, provided by Bob Kleker and seconded by Beth Heckert. All were in favor of adopting the minutes from the October and January meetings.	

HB3460: MARIJUANA LAWS & DISPENSARIES

ROB BOVETT, LEGAL COUNSEL  
ASSOCIATION OF OREGON COUNTIES

DISCUSSION	
<p>Rob Bovett, Legal Counsel for the Association of Oregon Counties, provided a presentation on HB 3460 and information about current marijuana laws and dispensaries. Rob provided a brief history of the marijuana regulation in Oregon, identified as the following:</p> <ul style="list-style-type: none"> <li>• 1935: marijuana was legalized under OR law until 1935 when OR adopted the Uniform State Narcotic Drug Act (HB 107);</li> <li>• 1973: OR was the first state to decriminalize possession of user amounts of marijuana (HB 2936) – Possession of less than an ounce – identified as a violation with an assessed fine.</li> <li>• 1986: A voter's initiative was placed on the ballot for the citizens of OR. Measure 5 – "Legalizes Private Possession and Growing of Marijuana for Personal Use." Results: Yes – 26%; No – 74%. Measure did not pass.</li> <li>• 1997 – 1998: Legislature recriminalized possession of use amounts (HB 3643) – from a violation to a C Misdemeanor. Opponents of the bill obtained twice the necessary number of signatures to drive a referendum so the bill did not go into effect. It was put on the ballot for voters in 1998 as Measure 57 (Referendum) – results of the votes: Yes – 33%; No 67%.</li> <li>• 1998: Measure 67 placed on the ballot for voters which identified – "Allows medical use of marijuana within limits; establishes permit system." Results: Yes – 55%; No 45%. OR becomes the second state to legalize medical marijuana.</li> <li>• 2004: Voter initiative - Measure 33 – "Amends Oregon Medical Marijuana Act: Increased marijuana amount patients may possess; allows sales; creates dispensaries." Results: Yes – 42%; No – 57%.</li> <li>• 2010: Voter initiative – Measure 74 – "Establishes medical marijuana supply system and assistance and research programs; allows limited selling of marijuana." Results: Yes – 44%; No 56%</li> <li>• 2012 – Voter initiative – Measure 80 – "Allows personal marijuana, hemp cultivation/use without license; commission to regulate commercial marijuana cultivation/sale." Results: Yes 47%; No 53%</li> <li>• 2013 – HB 3460 – Provides for medical marijuana dispensaries in OR.</li> </ul> <p>Rob identified that though states are choosing to legalize marijuana and the utilization of dispensaries, it is still against Federal Law. As such, the Federal Department of Justice identified eight key priority areas that will be utilized in enforcing federal marijuana laws. Those eight priorities include: Preventing distribution of marijuana to minors; Preventing revenue from the sale of marijuana from going to criminal organizations, gangs, and cartels; Preventing the diversion of marijuana from states where it is legal under state law in some form to other states; Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; Preventing violence and the use of firearms in the cultivation and distribution of marijuana; Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and Preventing marijuana possession or use on federal property.</p> <p>Currently on the horizon for OR legislature are the following initiatives: IP21 – "Amends Constitution: permits adult</p>	

marijuana use, possession, productions, except actions endangering children, public safety; state may regulate; IP 22 – “Supersedes existing laws governing cannabis; creates commission to regulate cultivation, processing, and sale; IP 37 – “Allows possession, manufacture, sale of marijuana by and to adults, under state licensing, regulation, taxation”: IP 53 – “Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation and taxation. Supporters of IP 21, 22, 37 and 53 said they would stand down if the Legislature refers its own legalization measure to voters in November 2014. As a result, Senate Bill 1556 was presented which identified legalization, taxation and regulation; the details of how this would happen were left to the 2015 legislature; however the bill did not pass.

However, HB 3460 did pass the legislature and provides for medical marijuana dispensaries as of March 2014; the dispensaries are to be governed by the Oregon Health Authority (OHA). There were quite a few deficiencies within this bill however the Governor did sign the bill into law with a signing statement identifying the need for “extraordinarily vigorous” “enforcement of the rules”. A ‘Rules Advisory Committee’ was formed which consisted of 13 members who met over a serious of months to establish appropriate rules for bill implementation for OHA to follow. Through this process, additional deficiencies were identified in the bill that could be problematic. Rob identified his top 10 deficiencies, though he expressed there are more: 1) Lack of staffing and enforcement – OHA has 6 employees to monitor this program (2 admin staff and 4 inspectors); 2) Dispensers are unlicensed and unregulated in comparison to pharmacies and alcohol sales; 3) Testers are unlicensed and unregulated; 4) Growers unlicensed and unregulated; 5) Product types are unregulated and could be appealing to youth (gummi bears, etc.); 6) Marketing unregulated; 7) Labeling largely unregulated; 8) Zoning issues; 9) Local control issues; 10) Indoor Clean Air Act issues. Currently the Indoor Clean Air Act does not apply to marijuana, only tobacco.

The first dispensary applications were submitted to the OHA the first week of March, a total of 281 applications were submitted; 19 from Jackson County. Once HB 3460 became active many local cities and jurisdictions began to explore the possibility of banning dispensaries within their jurisdictions. Currently under SB 1531C – which clarifies local authority to regulate and opt-out; the ability to opt-out sunsets on May 1, 2015.

#### UPCOMING MEETINGS

DISCUSSION	
	The April PSCC meeting is scheduled for Tuesday April 22 <sup>nd</sup> from 11:30 – 1:00pm. Current agenda - Shane Hagey, Director of Community Justice to provide a presentation on the department’s Community Corrections Act (CCA) Plan. Additional agenda items may be added at a later date.
	The May PSCC meeting is scheduled for Tuesday May 27 <sup>th</sup> and will consist of Tammi Pitzen, Director of the Children’s Advocacy Center. Ms. Pitzen will provide an overview of the agency and the services provided.

**Next Scheduled PSCC Meeting:** Tuesday - April 22, 2014 at 11:30 am  
**Meeting Adjourned: 12:35 pm**