

Peter Boyce

From: rose <mrosej47@comcast.net>
Sent: Tuesday, February 11, 2014 6:35 PM
To: Peter Boyce; Jolene Morishita
Subject: Fw: CORRECTED Fw: please pull the 1/28/14 minutes for correction

----- Original Message -----

From: [rose](#)
To: [Peter Boyce](#) ; [Jolene Morishita](#)
Sent: Tuesday, February 11, 2014 6:33 PM
Subject: Fw: CORRECTED Fw: please pull the 1/28/14 minutes for correction

----- Original Message -----

From: [rose](#)
To: [Peter Boyce](#)
Sent: Tuesday, February 11, 2014 6:31 PM
Subject: corrected Fw: please pull the 1/28/14 minutes for correction

----- Original Message -----

From: [rose](#)
To: [Peter Boyce](#)
Sent: Tuesday, February 11, 2014 6:25 PM
Subject: please pull the 1/28/14 minutes for correction

to Pete Boyce & City Council

RE: PLEASE PULL THE 1/28/14 MINUTES FOR CORRECTION

--please correct 1/28/14 minutes error

--on gcc page 1-16 your minutes steographer misquotes Rose Johnson's testimony: Note: "**she feels**" by setting a date where the Council.....

I've warned you about misquoting me using "feels"; when a person does not use that expression. Of course, you would not do it on purpose? Or would you?

Thank you.

Rose Johnson

Peter Boyce

From: rose <mrosej47@comcast.net>
Sent: Tuesday, February 11, 2014 6:52 PM
To: Peter Boyce; Jolene Morishita
Subject: Fw: CORRECTED Fw: please pull the 1/28/14 minutes for correction

TO; PETE BOYCE & CITY COUNCIL

RE: PLEASE PULL THE 1/28/14 MINUTES FOR CORRECTION

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Rose Johnson

Peter Boyce

From: rose <mrosej47@comcast.net>
Sent: Tuesday, February 11, 2014 6:56 PM
To: Peter Boyce; Jolene Morishita
Subject: Fw: CORRECTED Fw: please pull the 1/28/14 minutes for correction

to Pete Boyce & City Council

RE: PLEASE PULL THE 1/28/14 MINUTES FOR CORRECTION

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--on gcc page 1-14 your minutes stenographer
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Thank you.

Rose Johnson

Peter Boyce

From: rose <mrosej47@comcast.net>
Sent: Saturday, February 08, 2014 10:43 AM
To: Peter Boyce; Tami Bannick; Jolene Morishita
Subject: Medical marijuana dispensaries could mean big changes for Oregon | OregonLive.com

Pete,

Please email to city Council & post the article to the 2/14 mtg packet & fw. to public meeting email lists?
Thank you

http://www.oregonlive.com/politics/index.ssf/2010/07/medical_marijuana_dispensaries.html



Medical marijuana dispensaries could mean big changes for Oregon

By **Jessica Van Berkel**, *The Oregonian*

on July 24, 2010 at 10:00 AM, updated July 24, 2010 at 9:45 PM



Jamie Francis

Lindsey Bradshaw, 62, spends most days in his Southeast Portland home, where he can quickly access his painkillers and keep tabs on his health. Bradshaw's battle with cancer in 2003 left him without his spleen and a kidney, part of his stomach, colon and pancreas. Medical marijuana is one of the methods he uses to deal with the pain.

With one hand, Lindsey Bradshaw hoisted his food bag onto his back, arranging the tube that has helped feed him since cancer ravaged his stomach seven years ago. In his other hand, he clutched a small gold bowl of marijuana and a pipe.

He depends on both devices to get through the day.

One of 36,380 patients registered with the **Oregon Medical Marijuana Program**, Bradshaw is a gardener who grows most of his own medical marijuana -- one of two options that program participants have. They can also buy from a producer who sells to four or fewer people.

Those options leave people dry if they don't know a producer and are too sick to grow their own, Bradshaw said.

But that could change, if a **ballot measure** to create a system of medical marijuana dispensaries passes.

The measure certified for the November ballot July 16, but has not received a ballot number yet. It would establish Oregon as the seventh state to set up a state-regulated dispensary system.

Growth of state-regulated models began popping up across the United States after October 2009, when President Barack Obama loosened enforcement of the federal law on marijuana possession, as long as people comply with their state's law.

Proponents of dispensaries say they would make access easier for thousands of sick Oregonians, but Oregon police and officials from other states with dispensaries caution that access can spiral out of control, resulting in unregistered dispensaries and illegal users. In Los Angeles, a mess of unregistered and dangerous dispensaries was the result of a "hodge-podge of competing and contrasting laws and ordinances," from the city, county and state regulating marijuana, said Tony Bell, spokesman for Los Angeles County Supervisor Michael Antonovich.

The city placed a moratorium on new dispensaries in November 2007, but hundreds sprung up anyway. In June, the city ordered more than 400 dispensaries to close in an attempt to regain control of the marijuana industry.

In Colorado, Ron Hyman, the state registrar of vital statistics, received less than 5,000 applications for marijuana dispensaries in 2008. Now he gets 1,000 every day.

Colorado placed a one-year ban on new dispensaries and switched to a state-run system meant to reduce customer complaints about quality and cleanliness, Hyman said.

In Oregon, dispensaries would be nonprofits registered with the Department of Health, and have yearly licenses. The department would be in charge of monitoring and inspections.

Dispensaries would prevent illness from mold or insects, which can occur when inexperienced users attempt to grow their own marijuana, Bradshaw said. Licensed patients who want to continue to grow their own medical marijuana could still do so.

Dispensaries could also offer different strains of marijuana with properties best suited to patients' symptoms, commonly severe pain or muscle spasms.

For Bradshaw, getting to select certain strains would be helpful, he said. The 62-year-old lost his spleen, a kidney, part of his stomach, colon and pancreas to Non-Hodgkin's Lymphoma. He takes various drugs to deal with the pain, but said opiates like oxycodone leave him in a haze.

Proponents of the initiative, like Bradshaw, say putting the state in charge would keep dispensaries safe.

But Sgt. Erik Fisher of the Oregon police Drug Enforcement Section said that wouldn't make a difference. If dispensaries appear in Oregon, honest patients would soon be in the minority, Fisher said. All you have to do is look at California where the dispensaries opened the door for more abuse, he said.

If someone purchased \$40 in medical marijuana at an Oregon dispensary, "what's to prevent them from sticking that...in a FedEx package, sending it to New York and making \$600?"

"It'll make it easier to skirt the law," he said. "You make it more available to patients, you make more available to criminals."

Medical marijuana dispensary ballot measure

A measure to allow medical marijuana dispensaries in Oregon has been certified for the November ballot, but not yet given a number. Major elements:

Each dispensary and producer may possess 24 mature plants, 72 seedlings and six pounds of usable marijuana.

Producers and dispensers would pay a 10 percent fee to the state on all income/

Only Oregon residents could purchase and grow the marijuana.

Health department would be able to conduct and fund medical marijuana research.

Dispensaries are an obvious location for crime, Bell said, and can endanger the public. "Communities just don't want them in their areas."

John Sajo, who helped draft the ballot initiative, agreed that medical marijuana stores in California are "little more than gangs with storefronts." Oregon would be different, he said, because the measure on the ballot eliminates most of the gray areas that caused issues in California.

The average patient in Oregon is also "older, sicker and poorer," than many of the California patients who are in their 20s, Sajo said.

Bradshaw said he's one of those patients, and his marijuana usage is not provoking crime. "Me smoking in my living room doesn't have anything to do with a school three blocks away. What, I'm going to run down and say, 'Hey girl, want to smoke pot?' No."

The measure restricts where dispensaries can open -- they must be 1,000 feet away from schools and residential neighborhoods. It does not limit the number of dispensaries that can open.

Advocates say the dispensaries would bring much-needed revenue to the state. Dispensaries would make between \$10 million and \$40 million in the first year, Sajo predicted.

Producers would have to pay a \$1,000 fee and distributors a \$2,000 fee to cover program-operating costs, and would give 10 percent of their revenue back to the state. The health department could pick where to allocate the funds.

The department has not analyzed possible impacts of the initiative or planned how they would regulate dispensaries, said Dr. Grant Higginson, the state public health officer who worked with the explanatory statement of the initiative for the ballot.

The Oregon Medical Marijuana Program currently registers cardholders and their caregivers -- it has nothing to do with inspections or regulations. If the initiative were to pass, he said, it would transform the program.

--Jessica Van Berkel

People convicted of certain felonies in the past five years would be prohibited from delivering or growing the drug.

Health department must create a low-income assistance program for needy cardholders.

Peter Boyce

From: rose <mrosej47@comcast.net>
Sent: Saturday, February 08, 2014 10:33 AM
To: Peter Boyce; Tami Bannick; Jolene Morishita
Subject: Oregon Medical Marijuana Tax Act 2014

Pete:

Please email to Council for 2/14/14 & to ci. public meetings email lists.
Thank you.

<http://media.oregonlive.com/mapes/other/potinitiative.pdf>

Oregon Cannabis Tax Act of 2014

Whereas the people of the State of Oregon find that cannabis does not cause the social ills that its prohibition was intended to guard against; rather, that most of the social ills attributed to cannabis result from its unreasonable prohibition which:

- (a) Provides incentives to traffic in marijuana instead of limiting its prevalence, since almost all cannabis users evade the prohibition, even though drastically expanding public safety budgets have reduced funding for other vital services such as education;
- (b) Fosters a black market that exploits children, provides an economic subsidy for gangs, and sells cannabis of questionable purity and uncertain potency;
- (c) Generates enormous, untaxed, illicit profits that debase our economy and corrupt our justice system; and,
- (d) Wastes police resources, clogs our courts, and drains the public budget to no good effect; and,

Whereas, the people recall that alcohol prohibition had caused many of the same social ills before being replaced by regulatory laws which, ever since, have granted alcohol users the privilege of buying alcohol from state licensees, imposed strict penalties protecting children, delivered alcohol of sure potency, and generated substantial public revenues; and,

Whereas the people hold that cannabis prohibition is a sumptuary law of a nature repugnant to our constitution's framers and which is so unreasonable as to:

- (a) Arbitrarily violate the rights of cannabis users to be secure against unreasonable search and seizure as guaranteed to them by Article 1, Section 9 of the Oregon Constitution;
- (b) Unreasonably impose felony burdens on the cannabis users while the state grants special privileges to alcohol users, which violates Article 1, Section 20 of the Oregon Constitution;
- (c) Unnecessarily proscribe consumption of a "herb bearing seed" given to humanity in Genesis 1:29, thereby violating their unqualified religious rights under Article 1, Section 3 and their Natural

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KATE BROWN

Rights under Article 1, Section 33 of the Oregon Constitution;

(d) Violates the individual's right to privacy and numerous other Natural and Constitutional Rights

reserved to the people under Article 1, Section 33 of the Oregon Constitution;

(e) Violates the state's right to regulate and tax commerce within the state, as reserved to states under the 10th Amendment of the U.S. Constitution, thereby abdicating control to illicit markets; and,

(f) Irrationally subvert the ends to which, in its Preamble, the Oregon Constitution was ordained and the purposes, in Article 1, Section 1, for which our government was instituted; now,

Therefore, the people find that the constitutional ends of justice, order, and the perpetuation of liberty; the governmental purposes of preserving the peace, safety, and happiness of the people; and the vitality of the other constitutional provisions cited above, demand the replacement of a costly, self-defeating prohibition with regulatory laws controlling cannabis cultivation, potency, sale, and use; defining and prohibiting cannabis abuse; protecting children with a comprehensive drug education program and strict penalties for the sale or provision of cannabis to minors; funding state drug abuse treatment programs; promoting Oregon hemp for fuel, fiber and food; and raising substantial revenue for public use.

Wherefore, be it enacted by the people of the state of Oregon, the laws relating to cannabis are revised as follows:

Section 1. This Act shall operate uniformly throughout Oregon and fully replace and supersede all statutes, municipal charter enactments, and local ordinances relating to cannabis, except those relating to operating a motor vehicle while intoxicated and the Oregon Medical Marijuana Act. This Act will lower the misuse of, illicit traffic in and harm associated with cannabis and will set up voluntary studies of cannabis users under ORS 474.045 (b) and other studies.

Section 2. A new state commission is hereby created and shall be named the Oregon Cannabis Commission, or the OCC. The OCC shall regulate the sale of cannabis and cultivation of cannabis for

sale. The OCC shall consist of seven commissioners, which shall be appointed by the Governor before December 31, 2014 for a term of one year and they shall promulgate administrative rules, create systems and begin accepting license applications by February 28, 2015, and begin issuing licenses by March 21, 2015.

Section 3. This Act, in Section 4, creates an ORS chapter 474 titled the "Oregon Cannabis Tax Act." Legislative Counsel shall move and renumber existing provisions of chapter 474.

Section 4. 474.005 Definitions. As used in this chapter:

(1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including but not limited to the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.

(2) "Cannabis" means the flowering tops and all parts, derivatives, or preparations of the cannabis plant, also known as "marijuana," containing cannabinoids in concentrations established by the commission to be psychoactive, but does not include "hemp" as defined by ORS 474.005(5).

(3) "Commission" means the Oregon Cannabis Commission, or OCC.

(4) "Cultivation" means growing the cannabis plant.

(5) "Hemp" means the seeds, stems, and stalks of the cannabis plant, and all other parts, products, and byproducts of the cannabis plant not containing cannabinoids in concentrations established by the commission to be psychoactive. Seeds and stalks of all varieties of cannabis shall be considered hemp.

474.015 Short Title. This chapter may be cited as the "Oregon Cannabis Tax Act."

474.025 Purpose of the Oregon Cannabis Tax Act. This chapter shall be liberally construed so as to minimize the misuse and abuse of cannabis; to prevent the illicit sale or provision of cannabis to minors; and to protect the peace, safety, and happiness of Oregonians while preserving the largest measure of liberty consistent with the above purposes.

474.035 Powers and duties of the commission, licenses for cultivation and processing. Hemp fiber,

protein, oil not regulated.

(1) The commission shall have the powers necessary to carry out the provisions of this chapter. It shall make such rules and regulations as will discourage and minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state. The commission's jurisdiction shall extend to any person licensed under this chapter to cultivate, process or sell cannabis, but shall not extend to any person who manufactures products from hemp. Hemp production for fiber, protein and oil shall be allowed without regulation, license nor fee. No federal license shall be required to cultivate hemp in Oregon.

(2) The commission shall issue to any qualified applicant a license to cultivate cannabis for sale. The license shall specify the areas, plots, and extent of lands to be cultivated. The commission shall equitably apportion the purchase of cannabis among all licensees. The commission shall license cannabis products of the quality and grade set by market demand.

(3) The commission shall issue licenses to process cannabis to qualified applicants who submit successful bids. Licensed processors shall, as specified by the commission, contract, cure, extract, refine, mix, and package the entire cannabis crop and deliver it to OCC contractors' stores, but not later than four months after harvest.

474.045 Commission to license cannabis sale at cost for medical purposes. The Commission shall license cannabis sale at cost, including OCC expenses:

(a) To Oregon and other states' pharmacies and OCC contractors' stores for use under a physician's order for glaucoma, nausea related to chemotherapy, AIDS, or any other condition for which a physician finds cannabis to be an effective treatment; and,

(b) To recognized Oregon medical research facilities for use in research directed toward expanding

medical and sociological knowledge of the composition, effects, uses, and abuse of cannabis, to include studies of cannabis purchasers voluntarily participating through OCC stores under ORS 474.055.

474.055 Commission to set price and contract cannabis retailers. The commission shall sell cannabis through OCC contractors' stores and shall set the retail price of cannabis to generate profits for revenue to be applied to the purposes noted in ORS chapter 474 and to minimize incentives to purchase cannabis elsewhere or to purchase cannabis for resale or for removal to other states.

474.065 Qualifications of purchasers and licensees, effect of conviction.

(1) To be qualified to purchase, cultivate, or process cannabis, a person must be over 21 years of age and not have been convicted of sale of cannabis to minors or convicted under this chapter of unlicensed cultivation or sale of cannabis.

(2) Conviction for cultivation or sale of cannabis to other than minors, when committed prior to the effective date of this chapter, shall not be grounds for denial of an application for a license under this chapter.

(3) The cultivation and possession of up to 24 cannabis plants and 24 ounces for personal, noncommercial use by an adult shall not require a license nor registration.

474.075 Disposition of license fees and profits from sale of cannabis by state.

(1) The commission shall collect license fees which shall be calculated and continually appropriated to defray the commission's administrative costs of issuing licenses under this chapter and the Attorney General's costs of litigation in defense of the validity of this chapter's provisions and in defense of persons subjected to criminal or civil liability for actions licensed or required under this chapter.

(2) All money from the sale of cannabis shall be remitted to the State Treasurer for credit to a cannabis account, from which sufficient money shall be continually appropriated:

(a) To reimburse the commission for the costs of purchasing, processing, testing, grading, shipping, and selling cannabis; of regulating, inspecting, and auditing licensees; and of research studies

required by this chapter; and,

(b) To reimburse the Attorney General's office for costs of enforcing this chapter's criminal provisions.

(c) To reimburse OCC contractors for their expenses and labor with 15 percent of gross sales.

(3) All money remaining in the cannabis account after reimbursement of the related commission and Attorney General costs shall be profits which the State Treasurer shall distribute quarterly as

follows:

(a) Ninety percent shall be credited to the state's general fund to finance state programs.

(b) Seven percent shall be credited to the Department of Human Resources and shall be continually appropriated to fund various drug abuse treatment programs on demand.

(c) One percent shall be credited to create and fund an agricultural state committee for the promotion of Oregon hemp fiber, protein and oil crops and associated industries. This new state committee shall be named the "Oregon Hemp Fiber and Food Committee."

(d) One percent shall be credited to create and fund an agricultural state committee to develop and promote biodiesel fuel production from hemp seeds. This new state committee shall be named the "Oregon Hemp Biodiesel Committee."

(e) One percent shall be distributed to the state's school districts, appropriated by enrollment, and shall be continually appropriated to fund a drug education program which shall:

(I) Emphasize a citizen's rights and duties under our social compact and to explain to students how drug abusers might injure the rights of others by failing to fulfill such duties;

(II) Persuade students to decline to consume psychoactive substances by providing them with accurate information about the threat these drugs pose to their mental and physical development; and,

(III) Persuade students that if, as adults, they choose to consume psychoactive substances, they must nevertheless responsibly fulfill all duties they owe others.

474.085 Commission to establish psychoactive concentrations of cannabinoids. The commission, based on findings made in consultation with medical experts and cannabis and hemp farmers to cannabinoid concentrations which produce psychoactivity, the economics of residual cannabis extraction, and strains of hemp that produce better quality and quantity of fiber, protein and oil, shall establish reasonable concentrations of cannabinoids deemed psychoactive under this chapter.

474.095 Commission to set standards, test purity, grade potency of cannabis, label contents.

(1) The commission shall set standards which the commission shall apply:

(a) To test and reject cannabis containing adulterants in concentrations known to harm people; and,

(b) To grade cannabis potency by measuring the concentrations of psychoactive cannabinoids it contains.

(2) The commission shall require processors and retailers to affix to cannabis packages a label which shall bear the state seal, a certification of purity, a grade of potency, the date of harvest, a warning as to the potential for abuse, and notice of laws prohibiting resale, removal from the state, public consumption, and provision and sale to minors.

474.105 Commission may limit purchases. The commission may limit the quantity of cannabis purchased by a person at one time or over any length of time and may refuse to sell cannabis to any person who violates this chapter's provisions or abuses cannabis within the meaning of ORS 474.005(1).

474.115 Unlicensed cultivation for sale, removal from the state, penalties. Cultivation for sale, removal from the state for sale, and sale of cannabis, without commission authority, shall be Class C felonies.

474.125 Sale or provision to minors, penalties, exception. The sale of cannabis to minors shall be a Class B felony, and gratuitous provision of cannabis to minors shall be a Class A misdemeanor, except when to a minor over 18 years of age under the same conditions provided by ORS 471.030(1) for

alcohol.

474.135 Fine as additional penalty. In addition to other penalties and in lieu of any civil remedy, conviction of sale or unlicensed cultivation for sale under ORS 474.115 or 474.125 shall be punishable by a fine which the court shall determine will deprive an offender of any profits from the criminal activity.

474.145 Acquisition by minors, penalty. Except as provided by ORS 474.125, the purchase, attempt to purchase, possession, or acquisition of cannabis by a person under 21 years of age shall be a violation punishable by a fine of not more than \$250.

474.155 Public consumption prohibited, penalty, exception. Except where prominent signs permit and minors are neither admitted nor employed, public consumption of cannabis shall be a violation punishable by a fine of not more than \$250.

474.205 Commission to study methods of use, potential for abuse, establish cannabis levels for presumption of impairment. The commission, in consultation with medical experts and by grants to accredited research facilities, shall:

- (a) Study methods of use and the potential for, and ill effects of, abuse of cannabis, the possible damage of throat and lungs from inhaling cannabis smoke, less harmful methods of administration, including but not limited to filtration of smoke and non-combustive vaporization of the psychoactive agents in cannabis, and shall report its findings in pamphlets distributed at OCC stores; and,
- (b) Study cannabis impairment and, if practicable, shall establish by rule levels of cannabinoids and impairment above which a person shall be presumed impaired.

474.215 Presumption of negligence. In civil cases, a rebuttable presumption of negligence shall arise upon clear and convincing evidence that a person is found to be impaired by cannabis at the time of an accident and if the person's actions materially contributed to the cause of injury.

474.305 Disclosure of names and addresses prohibited. Information on applicants, licensees, and

purchasers under this chapter shall not be disclosed except upon the person's request.

474.315 Attorney General's duties. The Attorney General shall vigorously defend this Act and any person prosecuted for acts licensed under this chapter, propose a federal and/or international act to remove impediments to this chapter, deliver the proposed federal and/or international act to each member of Congress and/or international organization, and urge adoption of the proposed federal and/or international act through all legal and appropriate means.

474.325 Effect. This Act shall take effect on November 11, 2014. Any section of this Act being held invalid as to any person or circumstance shall not affect the application of any other section of this Act that can be given full or partial effect without the invalid section or application. If any law or entity of any type whatsoever is held to impede this chapter's full effect, unimpeded provisions shall remain in effect and the impeded provisions shall regain effect upon the impediments removal.