

SENATE COMMITTEE ON HUMAN SERVICES

March 10, 2005
3:00 P.M.

Hearing Room D
Tapes 32 - 34

MEMBERS PRESENT: Sen. Bill Morrisette, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Laurie Monnes Anderson
Sen. Charles Starr

MEMBER EXCUSED: Sen. Rick Metsger

STAFF PRESENT: Rick Berkobien, Committee Administrator
Brittany Kenison, Committee Assistant

MEASURES/ISSUES HEARD:
SB 772 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| TAPE/# | Speaker | Comments |
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| TAPE 32, A | | |
| 003 | Chair Morrisette | Calls the meeting to order at 3:03 p.m. Opens a public hearing on SB 772. |
| <u>SB 772 – PUBLIC HEARING</u> | | |
| 010 | Rick Berkobien | Committee Administrator. Explains the bill. |
| 016 | Rep. Steve March | House District 46. Testifies in support of SB 772. |
| 048 | Grant Higginson | MD, MPH, State Public Health Officer, Health Services, Oregon Department of Human Services. Submits and presents written testimony on the background of SB 772 (EXHIBIT A). |
| 100 | Higginson | Continues reviewing written testimony describing SB 772. |
| 148 | Sen. Kruse | Asks if the bill is under the Health Insurance Portability and Accountability Act (HIPAA). |
| 151 | Higginson | Responds that it is outside of HIPAA. Elaborates. |
| 157 | Chair Morrisette | Asks to explain HIPAA. |
| 162 | Sen. Kruse | Explains HIPAA. Asks if the federal level has concerns with the bill. |
| 173 | Higginson | Answers question. |
| 182 | Sen. Kruse | States possible concerns. |
| 183 | Higginson | Notes that there is no fiscal impact. Summarizes and concludes. |
| 215 | Brian Michaels | Attorney, Eugene, Oregon. Testifies in support of SB 772. |
| 265 | Michaels | Explains changes needed to the bill. |
| 315 | Michaels | Continues discussing changes needed to the bill. |
| 325 | Sen. Kruse | Comments that the drug schedule is federal. Asks how the state of Oregon complies with federal law since Marijuana is classified as Schedule I. |
| 330 | Michaels | Explains that Oregon has its own drug scheduling. Elaborates. |
| 345 | Sen. Kruse | Provides another example where Oregon is out of compliance with the federal schedule. |
| 350 | Michaels | Explains that Sen. Kruse's comment is incorrect and explains. |
| 354 | Sen. Kruse | Asks if other states with a medical marijuana law have changed |

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| | | their state scheduling of Marijuana. |
| 360 | Michaels | Answers question. |
| 362 | Richard Bayer | MD, Fellow of the American College Physicians (FACP). Filing Chief Petitioner. Co-author, OMMA. Submits and presents written testimony providing background on SB 772 and changes needed (EXHIBIT B) . |
| 410 | Bayer | Continues discussing changes needed for SB 772. |
| 465 | Craig Durbin | Lieutenant, Commander Oregon State Drug Enforcement Section. Submits and presents written testimony in opposition to SB 772 (EXHIBIT C) . |
| TAPE 33, A | | |
| 040 | Chair Morrisette | Asks Durbin to explain Affirmative Defense. |
| 043 | Durbin | Explains. |
| 050 | Chair Morrisette | Asks how patients prove that they need more than the legal amount of plants. |
| 058 | Durbin | Answers inquiry. |
| 060 | Chair Morrisette | Clarifies that he wanted Affirmative Defense explained for the record. |
| 063 | Durbin | Continues discussing opposition to the bill. |
| 110 | Durbin | Summarizes and concludes. |
| 120 | Dewey Patten | Lieutenant, Jackson County Narcotic Enforcement Team (JACNET). Testifies in opposition to SB 772. |
| 155 | Chair Morrisette | Asks Durbin and Patten to provide recommendations for the bill. |
| 160 | Durbin | Provides recommendations. |
| 183 | Patten | Also provides recommendations. |
| 190 | Chair Morrisette | States that he would like to have witnesses submit written testimony of recommendations in a public work session. |
| 230 | Stormy Ray | Chief Petitioner, OMMA. Testifies in support of SB 772 and submits information from previous legislation (EXHIBIT D) and a summary of changes of the 2005 Legislative Session to the Medical Marijuana Act (EXHIBIT E) . States that the medical Marijuana program needs education and has lack of information. |
| 280 | Ray | Continues to testify in support of SB 772. |
| 330 | Ray | Summarizes and concludes. |
| 360 | Chair Morrisette | Asks if Marijuana plants can be grown year round in a greenhouse. |
| 363 | Ray | Answers, yes. Elaborates. |
| 366 | Jerry Wade | Citizen, Oregon. Testifies in support of SB 772. Discusses experience as a disabled Veteran. |
| 370 | James Babcock | Citizen, Dundee, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT F) . |
| 420 | Babcock | Continues discussing SB 772. |
| TAPE 32, B | | |
| 015 | Chair Morrisette | Comments on commercialized business that could grow plants in compliance with Oregon laws. |
| 020 | Babcock | Comments on the Chair's proposed idea. |
| 023 | Chair Morrisette | Comments on a business to supply plants and asks why it has not been done yet. |
| 028 | Babcock | Speculates. |
| 032 | Chair Morrisette | Discusses study that shows the medical benefits of Marijuana. Discusses how to get away from loop holes in the law. Discusses the need to take away temptation from producing Marijuana illegally. |
| 048 | Sen. C Starr | Asks to clarify that the drug level can vary per plant. |

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| 050 | Babcock | Affirms. Discusses federal hearing for medical Marijuana. |
| 080 | Sen. Starr | Comments that the quantity needs to be addressed. |
| 083 | Babcock | Responds. Also states concern that it is not clear in law who owns the plant. |
| 108 | Chair Morrisette | Asks what the cost of the medical Marijuana card was originally. |
| 110 | Babcock | Answers question. |
| 112 | Chair Morrisette | Asks if it is against federal law to receive Marijuana from the cost of the card. |
| 115 | Babcock | Responds. |
| 120 | Chair Monnes Anderson | Re-clarifies question. |
| 122 | Babcock | Answers re-clarification. |
| 125 | Chair Morrisette | Discusses need to address law enforcements issues. |
| 145 | Sen. Kruse | Comments on doing experiments, but cannot because of restrictive laws. |
| 160 | Al Hayward | Former investigative reporter. Testifies in support of SB 772. |
| 220 | John Sajo | Former Director, Voter Power. Former Chief Petitioner, Measure 33. Submits and presents written testimony in support of SB 772 with proposed changes (EXHIBIT G) . |
| 270 | Sajo | Continues to review proposed changes of SB 772. |
| 300 | Chair Morrisette | Requests specific changes from the public. |
| 305 | Linda Taylor | Citizen, Oregon. Testifies in support of SB 772. |
| 365 | Laird Funk | Former advocate that began the medical Marijuana law. Testifies in support of SB 772. |
| 390 | Lindsey Bradshaw | Citizen, Williams, Oregon. Testifies in support of SB 772. |
| 440 | Bradshaw | Continues to testify in support of SB 772. |
| 460 | Tim Mullins | Citizen, Sumpter, Oregon. Testifies in support of SB 772. |
| TAPE 33, B | | |
| 010 | Mullins | Continues to testify in support of SB 772. |
| 020 | Bradshaw | Adds comments about the procurement of the medicine as a group project. |
| 035 | Angelique Yeakle | Citizen, Oregon. Testifies in support of SB 772. |
| 065 | Teresa Sheffer | Citizen, Oregon. Testifies in support of SB 772. |
| 090 | Jennifer Abboud | Citizen, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT H) . |
| 165 | Muriel Hockett | Citizen, Salem, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT I) . |
| 185 | Greg Byers | Citizen, Salem, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT J) . |
| 235 | Ron Ayers | Citizen, Oregon. Testifies in support of SB 772. |
| 265 | Hal Ballard | Citizen, Oregon. Testifies in support of SB 772 but addresses concerns of the bill. |
| 315 | Ballard | Continues to address concerns of the bill. |
| 345 | Christopher Rich | Oregon Medical Marijuana Act (OMMA) Caregiver. Submits and presents written testimony in opposition to SB 772 (EXHIBIT K) . |
| 395 | Chris Iverson | Director, Voter Power. Submits and presents written testimony in support of SB 772. (EXHIBIT L) . |
| TAPE 34, A | | |
| 015 | Sen. Kruse | Comments on the number of Oregonians who voted for Measure 33 (2004). |
| 020 | Dr. Phillip Leveque | Forensic Toxicologist, Osteopathic Physician, Molalla, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT M) . |

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| 070 | Erin Hilderbrandt | Citizen, Lafayette, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT N). |
| 087 | Chair Morrisette | Notes that he needs to leave and Sen. Kruse will chair the remainder of the hearing. |
| 090 | Clifford Spencer | Citizen, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT O). |
| 140 | Spencer | Continues to testify in support of SB 772. |
| 190 | Kristi Carrick | Citizen, Oregon. Testifies in support of SB 772. |
| 210 | Casey Ferguson | Citizen, Eugene, Oregon. Testifies in support of SB 772. |
| 245 | Leland Berger | Attorney, Portland, Oregon. Submits and presents written testimony in support of SB 772 (EXHIBIT P). |
| 285 | Vice-Chair Kruse | Asks Berger to submit proposed amendments to the committee administrator. |
| 288 | Berger | Notes that he attached it to the written testimony. States appreciation of the bill. |
| 300 | Walter Haggan | Citizen, Oregon. Testifies in support of SB 772. |
| 335 | Steve Dingle | Marion County Deputy District Attorney, on behalf of the Oregon District Attorney's Association. Submits and presents written testimony in opposition to SB 772 (EXHIBIT Q). |
| The following material is submitted for the record without public testimony: | | |
| | John English | Citizen, Oregon. Submits an informational packet in support of SB 772 (EXHIBIT R). |
| | Rachel Rose | Patient, Medical Marijuana program. Citizen, Portland, Oregon. Submits written testimony in support of SB 772 (EXHIBIT S). |
| | Sandee Burbank | Director, Mothers Against Misuse and Abuse (MAMA). Submits written testimony without a stated position to SB 772 (EXHIBIT T). |
| 380 | Vice-Chair Kruse | Closes public hearing on SB 772 and adjourns meeting at 5:30 p.m. |

EXHIBIT SUMMARY

- A. SB 772, written testimony, Grant Higginson, 3 pp**
- B. SB 772, written testimony, Richard Byer, 2 pp**
- C. SB 772, written testimony, Craig Durbin, 3 pp**
- D. SB 772, informational packet, Stormy Ray, 12 pp**
- E. SB 772, summary of changes, Stormy Ray, 2 pp**
- F. SB 772, written testimony, James Babcock, 2 pp**
- G. SB 772, written testimony, John Sajo, 3 pp**
- H. SB 772, written testimony, Jennifer Abboud, 2pp**
- I. SB 772, written testimony, Muriel Hockett, 2 pp**
- J. SB 772, written testimony, Kenneth Byers, 3 pp**
- K. SB 772, written testimony, Christopher Rich, 3 pp**
- L. SB 772, written testimony, Chris Iverson, 1 p**
- M. SB 772, written testimony, Phillip Leveque, 1 p**
- N. SB 772, written testimony, Erin Hildebrandt, 2pp**
- O. SB 772, written testimony, Clifford Spencer, 2 pp**
- P. SB 772, written testimony, Leland Berger, 5 pp**
- Q. SB 772, written testimony, Steve Dingle, 6 pp**
- R. SB 772, written testimony, John English, 16 pp**
- S. SB 772, written testimony, Rachel Rose, 2 pp**
- T. SB 772, written testimony, Sandee Burbank, 13 pp**