

SENATE COMMITTEE ON HUMAN SERVICES

April 28, 2005
3:00 P.M.

Hearing Room D
Tapes 70 - 73

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

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

MEASURES/ISSUES HEARD:
SB 973 – Public Hearing and Work Session
SB 1026 – Public Hearing and Work Session
SB 329 – Public Hearing and Work Session
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
TAPE 70, A		
003	Chair Morrisette	Calls the meeting to order at 3:06 p.m. Opens a public hearing on SB 973.
<u>SB 973 - PUBLIC HEARING</u>		
020	Rick Berkobien	Committee Administrator. Explains SB 973 and introduces the - 2 amendments (EXHIBIT A) .
037	Martha Pelliglino	Intern, Sen. Kate Brown, Senate District 21. Testifies in support of SB 973 with the -2 amendments.
066	Hans Bernard	Legislative Aide, Sen. Kate Brown, Senate District 21. Testifies in support of SB 973 with the -2 amendments on behalf of Sen. Kate Brown.
075	Kathy Ledesma	Adoption Manager, Office of Safety and Permanency for Children, Children, Adults and Families, Oregon Department of Human Services (DHS). Submits and presents written testimony in support of SB 973 with the -2 amendments (EXHIBIT B) .
115	Sen. Kruse	Commends DHS and Sen. Brown for working together to solve issues.
125	Robin Pope	Attorney, Portland, Oregon. Testifies in support of SB 973 with the -2 amendments.
147	Chair Morrisette	Closes the public hearing and opens a work session on SB 973.
<u>SB 973 – WORK SESSION</u>		
150	Sen. Kruse	MOTION: Moves to ADOPT SB 973-2 amendments dated 4/27/05.
		VOTE: 4-0-1
		EXCUSED: 1 - Monnes Anderson
	Chair Morrisette	Hearing no objection, declares the motion CARRIED.
155	Sen. Kruse	MOTION: Moves SB 973 to the floor with a DO PASS AS AMENDED recommendation.

	Chair Morrisette	VOTE: 4-0-1
		EXCUSED: 1 - Monnes Anderson
		Hearing no objection, declares the motion CARRIED.
		SEN. BROWN will lead discussion on the floor.
162	Chair Morrisette	Closes work session on SB 973 and opens public hearing on SB 1026.
	<u>SB 1026 – PUBLIC HEARING</u>	
165	Rick Berkobien	Committee Administrator. Explains SB 1026 and introduces the -2 amendments (EXHIBIT C).
175	Chair Morrisette	Asks Berkobien if a fiscal statement has been issued.
177	Berkobien	Answers, no.
180	Sen. C. Starr	Submits and presents written testimony in support of SB 1026 with the -2 amendments (EXHIBIT D).
210	Chair Morrisette	Closes public hearing and opens work session on SB 1026.
	<u>SB 1026 – WORK SESSION</u>	
215	Sen. Metsger	MOTION: Moves to ADOPT SB 1026-2 amendments dated 4/27/05.
216		VOTE: 3-1-1
		AYE: 3 - Metsger, Starr C., Morrisette
		NAY: 1 - Monnes Anderson
		EXCUSED: 1 - Kruse
	Chair Morrisette	The motion CARRIES.
		SEN. C. STARR will lead discussion on the floor.
217	Chair Morrisette	Closes work session on SB 1026. Opens public hearing on SB 329.
	<u>SB 329 – PUBLIC HEARING</u>	
235	Rick Berkobien	Committee Administrator. Explains SB 329 and introduces the -3 amendments (EXHIBIT E).
275	Kathy Karppinen	Oregonians for Health Security. Submits and presents written testimony in support of SB 329 (EXHIBIT F).
285	Shannon Callahan	Oregon State Public Interest Research Group (OSPIRG). Testifies in support of SB 329 with the -3 amendments.
320	Rick Bennett	AARP. Testifies in support of SB 329 with the -3 amendments.
340	Jim Gardner	PhRMA. Testifies in opposition to SB 329.
400	Bruce Goldberg	Administrator, Office of Oregon Health Policy and Research. Testifies in support of SB 329 with the -3 amendments.
	TAPE 71, A	
003	Lynn Lundquist	President, Oregon Business Association. Submits and presents written testimony in support of SB 329 (EXHIBIT G).
020	Tim Nesbitt	President, American Federation of Labor – Congress of Industrial Organizations (AFL-CIO). Testifies in support of SB 329 with the -3 amendments.
035	Nesbitt	Asks the committee if the -3 amendments of SB 329 would cover private sector plans.
038	Berkobien	Defers to Goldberg.
042	Goldberg	Responds to Nesbitt's question.
046	Maribeth Healey	Executive Director, Oregonians for Health Security. Submits and presents written testimony in support of SB 329 (EXHIBIT H) and an article regarding SB 329 (EXHIBIT I).
075	Chair Morrisette	Stands the committee at ease.
080	Chair Morrisette	Calls the meeting back to order. Closes public hearing on SB 329 and opens public hearing on SB 772.
	<u>SB 772 – PUBLIC HEARING</u>	
085	Rick Berkobien	Committee Administrator. Explains SB 772.

095	Chair Morrisette	Recesses the public hearing on SB 772 and opens a work session on SB 329.
<u>SB 329 – WORK SESSION</u>		
096	Sen. Monnes Anderson	MOTION: Moves to ADOPT SB 329-3 amendments dated 4/25/05.
		VOTE: 5-0-0
		Hearing no objection, declares the motion CARRIED.
101	Chair Morrisette Sen. Monnes Anderson	MOTION: Moves SB 329 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-2-0
		AYE: 3 - Metsger, Monnes Anderson, Morrisette
		NAY: 2 - Kruse, Starr C.
	Chair Morrisette	The motion CARRIES.
		SEN. MORRISETTE will lead discussion on the floor.
109	Sen. Kruse	Serves notice of a potential minority report.
110	Chair Morrisette	Closes the work session on SB 329 and reconvenes the public hearing on SB 772.
<u>SB 772 – PUBLIC HEARING</u>		
117	Rick Berkobien	Committee Administrator. Provides an explanation of SB 772 and introduces the -2 amendments (EXHIBIT J).
190	Chair Morrisette	Comments on unresolved issues in the bill and in the -2 amendments. Discusses the need to hear recommendations from testimonies.
270	Laird Funk	Citizen, Williams, Oregon. Testifies regarding SB 772.
315	Chair Morrisette	Asks Funk to clarify statement regarding the number of patients per caregiver.
316	Funk	Responds.
317	Chair Morrisette	Asks Funk for his recommendation for the maximum number of plants for outdoor growers.
324	Funk	Responds.
329	Chair Morrisette	Clarifies Funk's statement that each patient should have a limit of twenty-four (24) plants.
330	Funk	Comments that the limit of plants could be lower than twenty-four (24) plants.
342	Chair Morrisette	Asks for recommendations for total amount of plant weight for an annual grow site.
345	Funk	Answers question. Concludes testimony.
357	Chair Morrisette	Discusses the different needs of people.
365	Funk	States concern regarding measure plant production.
368	Chair Morrisette	Clarifies statement.
370	Funk	Restates recommendations.
375	Chair Morrisette	Clarifies Funk's recommendations.
380	Funk	Re-clarifies his recommendations.
396	Rick Bear	Internal Medicine Doctor. Testifies regarding SB 772 and the -2 amendments. States concerns of the bill.
425	Chair Morrisette	Asks question regarding the different stages of a plant.
429	Bear	Answers question.
TAPE 70, B		
005	Chair Morrisette	Asks Berkobien to call Legislative Counsel regarding Bear's concerns.
010	Bear	Continues to discuss concerns.
052	Leland Berger	Attorney, Oregon. Testifies regarding SB 772 and the -2 amendments.

135	Chair Morrisette	Discusses the definition of a primary caregiver.
140	Berger	Comments as to how he drafted the Oregon Medical Marijuana Act (OMMA) to address caregivers.
145	Sen. Kruse	Provides examples of a primary caregiver and states that a new definition needs to be created for OMMA patient caregivers.
150	Chair Morrisette	Agrees to Sen. Kruse's proposal. Comments on not confusing the different types of caregivers.
155	Berger	States concern that the bill would create a third party that is currently not defined by statute.
160	Chair Morrisette	Agrees that a new definition needs to be created.
161	Berger	Provides recommendations for the maximum amount of cannabis.
179	Chair Morrisette	Asks to confirm federal guidelines for converting cannabis.
180	Berger	Responds. Concludes testimony.
230	Steve Dingle	Marion County District Attorney's Office. District Attorney's Association. Testifies in opposition to SB 772 and the -2 amendments.
248	Chair Morrisette	Discusses the need to address the lag time of patients receiving the OMMA card and the problems that are caused.
255	Dingle	Discusses concerns and solutions to the medical marijuana card.
270	Chair Morrisette	Asks what other cards a person must carry at all times.
280	Dingle	Responds.
285	Chair Morrisette	States that the cards Dingle provided are only carried under circumstances. Asks which cards need to be with a person at all times.
293	Dingle	Responds.
310	Chair Morrisette	Asks Dingle how he inspects patients under the current OMMA.
313	Dingle	Responds. Provides solutions for law enforcement to have a 24 hour verification system to access OMMA patient informational.
326	Chair Morrisette	Asks if law enforcement would randomly check OMMA patients or only for probable cause.
333	Dingle	Responds.
336	Chair Morrisette	Asks question regarding probable cause.
338	Dingle	Responds.
355	Craig Durbin	Lieutenant, Oregon State Police. Oregon's Chief of Police. Oregon Sheriffs Association. Testifies in opposition to SB 772 and the -2 amendments.
422	Chair Morrisette	Comments on inspections performed by law enforcement.
447	Durbin	Comments on the reserve money available.
450	Chair Morrisette	States that he will submit a letter of recommendations.
TAPE 71, B		
005	Durbin	Concludes testimony.
017	John McAmos	Roseburg Forest Products, Douglas County, Oregon. Testifies in opposition to SB 772.
030	Chair Morrisette	States that the amendments proposed would address McAmos's concerns.
045	Todd Dalotto	Citizen, Oregon. Testifies regarding SB 772.
085	Chair Morrisette	Asks Dalotto to confirm his statement regarding annual grow sites.
087	Dalotto	Responds.
090	Chair Morrisette	Asks to re-clarify recommendation regarding an annual grow site.
094	Dalotto	Provides clarification.

095	Chair Morrisette	Asks about a source being available for those OMMA patients whose supply diminishes before the year is over.
098	Dalotto	Responds.
100	Chair Morrisette	Discusses that adequate supply for OMMA patients be provided.
101	Dalotto	Discusses the difficulties for an annual grow site.
102	Chair Morrisette	Provides additional concerns of annual grow sites.
118	Dalotto	Continues testimony.
140	Chair Morrisette	Discusses the need for flexibility for annual grow sites.
152	Dalotto	States agreement. Concludes testimony regarding SB 772.
178	Erin Hildebrandt	Citizen, Lafayette, Oregon. Testifies regarding SB 772.
195	Chair Morrisette	Asks why affirmative defense is needed for annual outdoor grow sites.
199	Hildebrandt	States her understanding of affirmative defense.
201	Chair Morrisette	Discusses inspections for annual grow sites.
210	Hildebrandt	Asks if all outdoor growers would lose affirmative defense with the bill.
212	Chair Morrisette	Responds, no.
214	Hildebrandt	Asks if outdoor growers who do not have an annual grow site would keep their affirmative defense.
215	Chair Morrisette	Responds, yes. Discusses the need to define an annual grow site.
225	Hildebrandt	Asks if the bill would preclude anyone from growing outdoors if they do not want to have an annual grow site.
226	Chair Morrisette	Answers, no.
227	Hildebrandt	States that she is opposed to affirmative defense being taken away. Asks for section eight (8), number one (1), section E to be clarified.
246	Sen. Kruse	Provides clarification.
265	Hildebrandt	Asks to clarify the inspection process.
270	Chair Morrisette	Comments on the intent of having an annual grow site. Asks if the caregivers are required to carry a card.
285	Hildebrandt	Responds that her husband is her caregiver, and carries a card.
287	Chair Morrisette	Asks if OMMA patients pick up the medicine from their caregiver, or if the caregiver delivers it.
288	Hildebrandt	Answers, both.
290	Chair Morrisette	Asks if caregivers carry a card.
292	Hildebrandt	Answers, yes.
295	Chair Morrisette	Discusses the options that patients have growing medical marijuana.
300	Hildebrandt	Asks to confirm that the bill would address a specific date and amount for annual grow sites.
301	Chair Morrisette	Responds. Discusses a central grow site.
310	Hildebrandt	Asks if a central grow site would take away the need for OMMA patients to grow it at their home.
312	Chair Morrisette	Responds.
350	Sandy Burbank	Mothers Against Misuse and Abuse. Patient, OMMA. Caregiver, OMMA. Testifies regarding SB 772.
405	Burbank	Asks question regarding the outcome of additional cannabis grown.
408	Chair Morrisette	States that Burbank's concern was not addressed in the amendment.
415	Burbank	Discusses other concerns of the bill and amendments.
010	Chair Morrisette	Asks how strains are protected through the winter season.

TAPE 72, A

012	Burbank	Explains. Continues testifying regarding SB 772.
030	Chair Morrisette	Asks question regarding the referrals that doctors write for patients.
035	Burbank	Responds.
040	Chair Morrisette	Asks how much money is in the reserves funding account.
041	Burbank	Answers question.
045	Chair Morrisette	Asks who makes the decision to lower the fees for OMMA patients.
048	Burbank	Responds.
049	Chair Morrisette	Discusses possible solutions using the Health Policy Commission.
054	Burbank	Emphasizes the need of the 24 hour verification system for law enforcement and that funds collected from fees could be used to maintain the program. Suggests that caregivers be called "OMMP Caregiver."
070	Chair Morrisette	Asks Burbank to submit solutions in writing to the committee.
075	Burbank	Continues to testify regarding SB 772 and the -2 amendments.
088	Chair Morrisette	Asks Grant Higginson if the reserve funds are under his department.
090	Grant Higginson	Oregon Department of Human Services (DHS). Answers question.
115	Chair Morrisette	Asks Higginson if improvements to the program are legitimate expenditures.
127	Higginson	Responds.
132	Chair Morrisette	Asks for Higginson to comment on the turn around time for the application process and issuing cards
133	Higginson	Discusses an audit performed for card completion.
149	Chair Morrisette	Comments on the issue of turn around time with other state agencies. Asks Higginson a question regarding the Ways and Means committee.
163	Higginson	Answers question. Comments on the 24 hour verification system.
172	Chair Morrisette	Asks if the 24 hour verification system needs legislation.
173	Higginson	Answers that legislation would be helpful.
177	Sen. Kruse	Comments on inspections not being performed by law enforcement officials. States that a fiscal estimate would be helpful.
189	Higginson	States that he would need time to create a fiscal estimate.
195	Sen. Kruse	Points out that certain resources need to be available.
198	Higginson	Comments on the issue of safety for inspectors who are not law enforcement officials. Presents other solutions.
216	Chair Morrisette	Comments on why the issue of inspectors may not be included in the bill.
233	Higginson	Discusses issues heard in a medical marijuana work group.
248	Clifford Spencer	Patient, OMMA. Testifies regarding SB 772.
300	Spencer	Continues to testify regarding SB 772.
386	Chair Morrisette	Asks what the rights are for law enforcement to perform inspections.
388	Spencer	Answers, a search warrant.
390	Chair Morrisette	Asks if law enforcement can obtain a search warrant because he is a medical marijuana patient.
392	Spencer	Responds, no.
396	Chair Morrisette	Verifies that law enforcement needs a probable cause to obtain a search warrant.

398	Spencer	Affirms.
400	Chair Morrisette	Asks if the bill would allow law enforcement to obtain a search warrant on medical marijuana patients without probable cause.
402	Spencer	Responds.
408	Chair Morrisette	Discusses probable cause and inspecting patients. Asks if current law allows medical marijuana patients to have the right to privacy.
420	Spencer	Responds. Continues testimony.
TAPE 73, A		
003	Chair Morrisette	Comments on the intent of separate grow sites.
007	Spencer	Discusses patients without cognitive reasoning and the procedures involved.
020	Chair Morrisette	Comments on Spencer's concerns.
025	Spencer	Concludes testimony.
028	Chair Morrisette	Asks Spencer to submit recommendations in writing.
030	Spencer	States that he will return the information to the committee.
035	Chair Morrisette	Comments on the variation of circumstances.
038	Alice Cannon	Lincoln County, Oregon. Testifies regarding SB 772.
050	Chair Morrisette	Asks Cannon which county she is a resident of.
052	Cannon	Answers. Continues to testify regarding SB 772.
062	Chair Morrisette	Asks Cannon to submit concerns in writing.
065	Cannon	States that she will return the information to the committee. Concludes testimony.
072	Jerry Wade	Secretary, Stormy Ray Foundation. Testifies regarding SB 772.
160	Walther Hagen	Chaplin, Lower Columbia Blind Veterans Association. Patient, OMMA. Testifies regarding SB 772.
175	Stormy Ray	Stormy Ray Foundation. Testifies regarding SB 772.
204	Chair Morrisette	Asks to clarify that an annual grow site of 28 or more plants is not appropriate.
208	Ray	Responds.
227	Chair Morrisette	Explains why there are blanks in the -2 amendments to SB 772. Asks question regarding affirmative defense.
233	Ray	Answers question.
239	Chair Morrisette	Discusses that only patients who choose to do the annual grow would lose their affirmative defense.
242	Ray	States that all OMMA patients should have affirmative defense.
260	Chair Morrisette	Comments on new patients relying on current patients for medicine. Asks if that is addressed under current statute.
263	Wade	Explains the current law.
283	Ray	Provides further explanation of current law relating to sharing of medicine between patients. Concludes testimony.
295	Chair Morrisette	States that he wants to be sure that all issues were evaluated and addressed.
304	Wade	Comments on inspections not being performed by law enforcement officials.
311	Chair Morrisette	Asks question regarding the Public Health Department.
312	Wade	Responds.
314	Sen. Kruse	Comments on services from the Public Health Department.
315	Chair Morrisette	Discusses how possible involvement of the Public Health Department could have effective oversight.
340	Ray	Discusses that the ownership of the medicine would belong to registered OMMA patients.
343	Chair Morrisette	Advises Ray's concern has been addressed in the bill.
344	Sen. Kruse	States that Ray's concern has not been addressed very clearly in

		the bill.
345	Wade	Mentions why the Attorney General's office would not comment on who the medicine belonged to.
349	Sen. Kruse	Discusses the issues that have not been addressed with an annual grow site.
355	Chair Morrisette	Discusses how state and federal laws contradict each other.
358	Wade	States that cannabis is now legally available for purchase in Canada for multiple sclerosis patients.
360	Chair Morrisette	Discusses how a child was diagnosed with bi-polar and how marijuana helped him.
380	Wade	Comments on the purposes of marijuana for different illnesses.
382	Chair Morrisette	Discusses the need of more studies to determine how marijuana helps each illness. Closes the public hearing on SB 772 and adjourns the meeting at 6:03 p.m.

EXHIBIT SUMMARY

- A. SB 973, -2 amendments, staff, 6 pp**
- B. SB 973, written testimony, Kathy Ledesma, 2 pp**
- C. SB 1026. -2 amendments, staff, 1 p**
- D. SB 1026, written testimony, Sen. Charles Starr, 3 pp**
- E. SB 329, -3 amendments, staff, 4 pp**
- F. SB 329, written testimony, Kath Karppinen, 1 p**
- G. SB 329, written testimony, Lynn Lundquist, 1 p**
- H. SB 329, written testimony, Maribeth Healey, 2 pp**
- I. SB 329, article, Maribeth Healey, 1 p**
- J. SB 772, -2 amendments, staff, 13 pp**