

## SENATE COMMITTEE ON HUMAN SERVICES

June 01, 2005  
3:00 P.M.

Hearing Room C  
Tapes 74 - 76

Corrected 9/20/2005

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

**MEMBER EXCUSED:** Sen. Charles Starr

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

**MEASURES/ISSUES HEARD:**  
HB 2254 – Public Hearing and Work Session  
SB 772 – Work Session

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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.

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TAPE/#	Speaker	Comments
<b>TAPE 74, A</b>		
003	Chair Morrisette	Calls the meeting to order at 3:08 p.m. Opens a public hearing on HB 2254.
<b><u>HB 2254 – PUBLIC HEARING</u></b>		
008	Rick Berkobien	Committee Administrator. Provides an overview of HB 2254 and introduces the -1 amendments ( <b>EXHIBIT A</b> ).
015	Bruce Bishop	Oregon Association of Treatment Centers. Testifies in support of HB 2254 with the -1 amendments.
030	Bill Wellard	The Child Center, Inc. Submits and presents written testimony in support of HB 2254 with the -1 amendments ( <b>EXHIBIT B</b> ).
045	Sen. Monnes Anderson	Refers to page 1, line 18 of the -1 amendments. States that ORS 657A.250 has been repealed and asks if that creates an issue.
052	Bishop	Responds that it does not affect him.
053	Sen. Monnes Anderson	Asks Wellard if a definition is needed for a “child care facility.”
055	Wellard	Responds.
058	Bishop	Responds that psychiatric day treatment centers are covered under page 1, lines 11 through 17 of the -1 amendments to HB 2254.
063	Sen. Monnes Anderson	Asks if it is the intent to cover child care facilities.
065	Berkobien	Answers question.
071	Sen. Monnes Anderson	States that it may not have been known that the statute was repealed.
075	Chair Morrisette	Stands the committee at ease to call Legislative Counsel office.
078	Chair Morrisette	Reconvenes the meeting. States that the ORS was not repealed. Closes the public hearing and opens a work session on HB 2254.
<b><u>HB 2254 – WORK SESSION</u></b>		
085	Sen. Kruse	<b>MOTION: Moves to ADOPT HB 2254-1 amendments dated</b>

4/29/05.

**VOTE: 3-0-2**

**EXCUSED: 2 - Metsger, C. Starr**

**Hearing no objection, declares the motion CARRIED.**

**SEN. MONNES ANDERSON will lead discussion on the floor.**

098 Chair Morrisette Closes the work session on HB 2254. Opens a work session on SB 772.

**SB 772 – WORK SESSION**

100 Rick Berkobien Committee Administrator. Submits and presents an overview of the -3 amendments to SB 772 (**EXHIBIT C**).

150 Katie Suver Deputy District Attorney, Marion County, Oregon. Oregon District Attorney's Association. Testifies in opposition to SB 772 and the -3 amendments.

195 Sen. Kruse Discusses inspections of medical marijuana patients being complaint driven.

225 Suver Responds to Sen. Kruse's statement regarding inspections.

245 Sen. Kruse Discusses alternative solutions to inspections. Comments that not all issues of the bill can be agreed upon, but encourages other sections which have mutual agreement to pass.

270 Chair Morrisette States that a work session will not be held today, but discussions will continue. Explains that marijuana should be immediately delivered to the patient from the grower. Theorizes that there should not be any usable marijuana on site if the procedure is followed. Asks if there is disagreement of patients having up to 60 ounces.

294 Suver Defers to Craig Durbin.

295 Craig Durbin Lieutenant, Drug Enforcement, Oregon State Police. Submits written testimony in opposition to SB 722 and the -3 amendments (**EXHIBIT D**) and a poster entitled, "Crunching the Numbers" (**EXHIBIT E**). Responds to the Chair's question.

340 Chair Morrisette States that annual grow sites are not being considered in the -3 amendments. Discusses the issues of the number of plants per patient.

365 Durbin Discusses the difficulty of determining the amount harvested per plant. Recommends no more than three ounces per plant per harvest. Discusses the issue of having unlimited amount of seedlings. Recommends that there be a specific number of plants harvested, total amount of ounces and number of seedlings.

400 Durbin Reiterates the issues of the -3 amendments. Discusses the issue of patients having their cards with them in public.

**TAPE 75, A**

003 Sen. Kruse Discusses the issue of the definitions of a caregiver and a grower. Asks Durbin to comment on the creation of a new type of caregiver.

015 Durbin Comments. Provides recommendations

033 Chair Morrisette States why a new definition is being considered.

047 Durbin Suggests possible definitions for different types of caregivers.

063 Sen. Kruse Discusses other reasons why patients need caregivers. States that more work is needed for clarification of the duties of a caregiver and a grower.

087 Chair Morrisette Recites the categories of patients, caregivers and growers for growing marijuana.

090 Berkobien Presents that a patient and a grower could be one in the same.

092	Sen. Kruse	Interjects that the categories need to be mutually exclusive, just to be defined.
094	Chair Morrisette	Concludes testimony.
115	Richard Bayer	M.D. Board Certified, American Board of Internal Medicine. Filing Chief Petitioner, Oregon Medical Marijuana Act (1998). Submits and presents written testimony regarding the -3 amendments to SB 772 ( <b>EXHIBIT F</b> ).
265	Leland Berger	Attorney. Testifies regarding SB 772. Discusses why people are upset during today's hearing.
270	Sen. Kruse	Notes that there have been two previous hearings where everyone was allowed to testify.
280	Leland Berger	Re-clarifies statement. Provides recommendations to SB 772.
380	Berger	Continues to provide recommendations to SB 772.
<b>TAPE 74, A</b>		
015	Chair Morrisette	Asks about a background check for prospected growers.
020	Berger	Responds.
027	Chair Morrisette	Notes the position of law enforcement regarding growers. Discusses possible training program for new growers.
055	Berger	States that some advocacy groups have been providing training for growers. Discusses growers abusing their duties. Addresses law enforcement concerns.
080	Chair Morrisette	Discusses that the intent of the bill is to provide clarification for law enforcement, patients and growers.
090	Berger	Believes that background checks are not necessary. Continues testimony.
105	Chair Morrisette	Discusses the reserve funds from the fees collected from the medical marijuana program. Notes why Dr. Higginson assumed the fees were protected. Provides recommendations for the fee based program.
175	Berger	States appreciation for work on SB 772. Discusses capital improvements. Continues testimony.
270	Chair Morrisette	States that the goal would be to federally reschedule Marijuana into Schedule III category.
275	Berger	Informs the committee that congress has rescheduled Merinol into a Schedule III category. Adds that Merinol is synthetic delta-I-tetrahydrocannabinol (THC). Questions why marijuana has not been rescheduled to a Schedule III category.
285	Brian Michaels	Attorney, Eugene, Oregon. Submits and presents written testimony regarding the -3 amendments to SB 772 ( <b>EXHIBIT G</b> ). Addresses the rationalization of rescheduling marijuana.
312	Chair Morrisette	Argues that it is difficult for law enforcement to differentiate between the conflicting state and federal laws.
328	Michaels	Retaliates that there are many drugs that are harmful, but are available through prescription. Responds to the testimony of the law enforcement officials. Continues testimony.
425	Michaels	Continues testimony.
<b>TAPE 75, B</b>		
020	Michaels	Continues testimony.
055	Chair Morrisette	Asks if other states have reciprocity.
057	Michaels	Replies that he does not know.
065	Chair Morrisette	States that the issue of reciprocity will be examined further.
075	Michaels	Continues testimony.
115	Stormy Ray	Stormy Ray Cardholder Foundation. Submits and presents written testimony regarding SB 772 and the -3 amendments

**(EXHIBIT H).**

173	Chair Morrisette	Asks about the third location grow site, as stated in EXHIBIT H.
175	Jerry Wade	Secretary, Stormy Ray Cardholder Foundation. Responds.
		Explains the three different categories.
185	Chair Morrisette	Asks to clarify that that current law allows caregivers to grow marijuana for patients.
187	Wade	Responds, yes. States that the -3 amendments include a third category that they feel is unnecessary.
189	Chair Morrisette	Counters that the -3 amendments do not include a new category.
		Asks Sen. Kruse for comment.
190	Sen. Kruse	Suggests that the issue is a matter of semantics. Assumes that most growers only grow and provide medicine for several patients without being a primary caregiver.
210	Wade	Affirms Sen. Kruse's statement.
211	Sen. Kruse	Discusses the statute definition of a caregiver versus a proposed definition of a "grower."
214	Wade	Discusses the annual grow site procedures.
215	Chair Morrisette	Clarifies that an annual grow site has been deleted from the bill.
218	Wade	Re-clarifies statement that the bill does not specifically state that a third party grower must give all of the medicine to the patient and can be shared.
223	Chair Morrisette	Clarifies that the annual grow site option has been deleted.
235	Wade	States that the option was not deleted.
237	Sen. Kruse	States that it is not clearly defined in the -3 amendments.
240	Ray	Concludes testimony.
250	Chair Morrisette	Clarifies that there is no limit to the number of patients a caregiver can have under current law.
355	Ray	Answers, yes.
258	Chair Morrisette	Asks if there are enough caregivers for OMMP patients.
262	Ray	Responds, no. Explains.
285	Chair Morrisette	Discusses that there will always be people who are not honest and that is why law enforcement is needed.
300	Wade	Discusses the issues with the current law regarding caregivers not giving patients the medicine.
325	Chair Morrisette	Asks Wade for his opinion for a solution ensuring that patients receive their medicine from growers.
327	Wade	Provides recommendation.
345	Chair Morrisette	Discusses Wade's recommendation.
350	Sen. Kruse	Clarifies Wade's recommendation.
360	Wade	Emphasizes that authority needs to be performed "in-house."
365	Sen. Kruse	States that Wade's recommendation is similar to medical panels for malpractice.
367	Wade	Continues testimony.
404	Chair Morrisette	Clarifies that Wade recommends that people who choose not to hold a card, but use marijuana for medical use, are allowed affirmative defense in court.
410	Wade	Replies yes.
414	Sen. Kruse	Asks Wade to confirm that employers cannot call the health department to obtain information as to whether or not an employee has a OMMP card.
420	Wade	Responds, yes. Continues testimony.
428	Chair Morrisette	Asks why people, who want to use marijuana for medical reasons, not apply for a card.
429	Wade	Responds.

430	Chair Morrisette	Discusses that there needs to be a clear distinction of who is a patient by having a card. Discusses proposed house bill on employment and medical marijuana.
<b>TAPE 76, A</b>		
005	Sen. Kruse	Clarifies the intent of the house bill.
007	Chair Morrisette	Questions the judgment involved by employers.
008	Wade	Discusses a court case relating to the house bill.
015	Sen. Kruse	Suggests that some types of employment should be avoided with the use of marijuana.
016	Wade	Agrees that there should be sensitive job positions. Recommends that the Oregon Extension Office should be responsible for teaching people how to grow plants.
032	Sen. Kruse	States that the program is called the "Master Gardener Program."
033	Chair Morrisette	Discusses the idea of a central grow site being managed by the Oregon Extension office. Questions where the office would be able to accommodate people.
038	Wade	Notes that he has spoken with a Marion County official who stated that the Marion County head chief master gardener could be done with a mandate.
040	Chair Morrisette	States that the option will be further examined.
041	Wade	Provides recommendation for the medical marijuana patients.
053	Chair Morrisette	Asks about the procedure for new patients and what information is given.
057	Wade	Responds.
062	Chair Morrisette	Clarifies that there is not an adequate manual for patients.
063	Wade	Replies yes.
065	Chair Morrisette	Notes that is why the money collected from fees is needed.
068	Wade	Continues providing recommendations.
073	Chair Morrisette	Asks to clarify that he is referring to a caregiver as a grower.
074	Wade	Responds, yes. Concludes testimony. Thanks the committee for their work on SB 772.
095	Sen. Kruse	States appreciation to the proponents and opponents for the work put into the bill.
<b>The following material is submitted for the record without public testimony:</b>		
	Alice Ivany	Citizen, Lincoln County, Oregon. Submits written testimony regarding SB 772 ( <b>EXHIBIT I</b> ).
100	Chair Morrisette	Closes the work session on SB 772 and adjourns the meeting at 5:17 p.m.

## **EXHIBIT SUMMARY**

- A. HB 2254, -1 amendments, staff, 3 pp**
- B. HB 2254, written testimony, Bill Wellard, 1 p**
- C. SB 772, -3 amendments, staff, 13 pp**
- D. SB 772, written testimony, Craig Durbin, 2 pp**
- E. SB 772, poster, Craig Durbin, oversized exhibit**
- F. SB 772, written testimony, Richard Beyer, 3 pp**
- G. SB 772, written testimony, Brian Michaels, 6 pp**
- H. SB 772, written testimony, Stormy Ray, 6 pp**
- I. SB 772, written testimony, Alice Ivany, 2 pp**