

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 21, 2003 Hearing Room D  
9:00 A.M. Tapes 58 - 61

**MEMBERS PRESENT:** Rep. Jeff Kruse, Chair  
Rep. Carolyn Tomei, Vice-Chair  
Rep. Gordon Anderson  
Rep. Jeff Barker  
Rep. Laurie Monnes Anderson  
Rep. Ben Westlund

**MEMBER EXCUSED:** Rep. Billy Dalto, Vice-Chair

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator  
Mara McGraw, Committee Assistant

**MEASURES HEARD:** HJM 3 – Public Hearing and Work Session  
HB 2325 – Work Session  
HB 2939 – Public Hearing

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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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 58, A</b>		
005	Chair Kruse	Calls meeting to order at 9:37 A.M. and opens public hearing on HJM 3.
<b><u>HJM 3 – PUBLIC HEARING</u></b>		
008	Thiele-Cirka	Administrator. Summarizes bill.
012	Rep. Tom Butler	House District 60. Offers history of bill.
036	Chair Kruse	Closes public hearing on HJM 3 and opens work session on HJM 3.
<b><u>HJM 3 – WORK SESSION</u></b>		
039	Rep. Barker	<b>MOTION: Moves HJM 3 be sent to the floor with a BE ADOPTED recommendation.</b>
042		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Dalto</b>
045	Chair Kruse	<b>The motion CARRIES.</b> <b>BULTER will lead discussion on the floor.</b>
047	Chair Kruse	Closes public hearing on HJM 3 and opens work session on HB 2325.
<b><u>HB 2325 – WORK SESSION</u></b>		
049	Thiele-Cirka	Summarizes bill and -2 amendments ( <b>EXHIBIT A</b> ).
066	Sue Wilson	Administrator, Health Licensing Office. Provides explanation and support of the -2 amendments.
072	Rep. Tomei	Inquires if hearing aid specialists' is included in the amendment.
076	Wilson	States they are not included.
081	Rep. Westlund	<b>MOTION: Moves to ADOPT HB 2325-2 amendments dated 3/13/03.</b>
083		<b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Dalto</b>

084	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
085	Thiele-Cirka	Notes prior reference to Ways and Means.
086	<b>Rep. Westlund</b>	<b>MOTION: Moves HB 2325 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
092	Rep. Tomei	Comments on change from dealer to specialist.
100	Wilson	Explains role of dealers as specialists. Reports change reflects national model.
113		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Dalto</b>
117	<b>Chair</b>	<b>The motion CARRIES.</b>
118	Chair Kruse	Closes work session on HB 2325 and opens public hearing on HB 2939
<b><u>HB 2939 – PUBLIC HEARING</u></b>		
121	Thiele-Cirka	Summarizes bill and -1 amendment ( <b>EXHIBIT B</b> ).
134	Rep. Steve March	House District 46. Submits written testimony in support of medical marijuana program ( <b>EXHIBIT C</b> ). Reports on use of medical marijuana with Alzheimer’s patients. Notes changes made in the -1 amendment.
169	Stormy Ray	Constituent. Expresses support of Oregon Medical Marijuana Act (OMMA). Submits written testimony in support of medical marijuana program ( <b>EXHIBIT D</b> ). Offers recommendations to improve OMMA.
290	Laird Funk	Constituent. Speaks to passage of original medical marijuana act. Notes number of card holders in program. Testifies in support of OMMA.
414	Craig Durben	Sergeant, State Police and Manager, Drug Enforcement Unit. Testifies in support of bill. Notes abuses of the program.
<b>TAPE 59, A</b>		
029	Grant Higginson	State Public Health Officer, Health Services, Department of Human Services (DHS). Submits testimony in support of bill ( <b>EXHIBIT E</b> ). Offers history of medical marijuana act and department responsibilities in administering program. Comments on several issues regarding administration of program relating to changes in current statute. Explains -1 amendment ( <b>EXHIBIT E</b> ).
170	Rep. Monnes Anderson	Inquires on patient access to educational materials.
181	Higginson	Reports primary caregiver can assist in compliance with educational component. Continues review of -1 amendment ( <b>EXHIBIT E</b> ).
260	Rep. Monnes Anderson	Inquires on prevention of discriminatory medical practice.
264	Higginson	Concurs intent of -1 amendment is to prevent discriminatory practices. Continues presentation.
284	Rep. Monnes Anderson	Inquires on multiple patients in use of medical marijuana.
290	Higginson	Explains role of primary caregiver in severe debilitation.
339	Rep. Monnes Anderson	Inquires on multiple caregivers versus primary caregiver.
345	Higginson	Explains limitation to one primary caregiver.

352	Rep. Monnes Anderson	Inquires on definition of primary caregivers.
359	Higginson	Explains designated primary caregiver relating to medical marijuana.
380	Rep. Monnes Anderson	Inquires on use of medical marijuana in correctional facilities.
396	Higginson	Explains institution needs to work with their own legal council.
407	Dale Penn	Marion County District Attorney, District Attorney Association. Explains issue of use in correctional facilities is not addressed in bill.
<b>TAPE 58, B</b>		
010	Penn	Continues presentation on HB 2939. Explains reasons for prohibiting use of medical marijuana in correctional facilities. Testifies in support of -1 amendment and bill ( <b>EXHIBIT B</b> ). Reports need to address number of allowable patients per caregiver as they relate to grow locations.
079	Hal Ballard	Voter Power Foundation and Life with Dignity Committee. Submits written testimony in opposition to bill ( <b>EXHIBIT F</b> ).
129	Larry Welty	Oregon Narcotics Enforcement Association. Testifies in support of bill. Discusses need to examine criminal backgrounds. Speaks to abuses related to manufacture and sales of marijuana while under program.
190	Rep. Anderson	Inquires on number of violations in last year.
193	Welty	Reports estimate.
200	Rep. Anderson	Inquires on number of medical card holders.
204	Welty	Reports figure.
210	Leland Berger	Attorney. Explains background with legal actions in Oregon related to use of medical marijuana. Testifies in opposition to -1 amendment ( <b>EXHIBIT B</b> ). Comments on previous witnesses reports of abuse. Continues presentation.
300	Berger	Continues presentation on opposition to -1 amendment ( <b>EXHIBIT B</b> ) language. Offers specific language of -1 amendment.
<b>TAPE 59, B</b>		
030	Berger	Continues presentation on opposition to -1 amendment language. Notes draft of new OMMA initiative and suggests use as alternate amendment to bill. Speaks to issues regarding primary caregivers. Notes concern with emergency clause.
186	Rep. Barker	Inquires on abuses.
189	Berger	Offers examples of medical marijuana use and abuse.
197	Rep. Barker	Restates question.
203	Berger	Concurs abusers seek other attorneys. Addresses issues with medical use and law enforcement. Summarizes presentation.
236	Todd Dalotto	Compassion Center. Submits written testimony in opposition to bill and amendment ( <b>EXHIBIT G</b> ). Highlights concerns with -1 amendment. Speaks to sharing of medical marijuana with other card holders, designated caregivers.
350	Dalotto	Continues presentation on designated caregivers, existing resources and growing medical marijuana.
<b>TAPE 60, A</b>		
020	Dalotto	Continues presentation in opposition to the bill. Speaks to educational issues and grow sites regarding medical marijuana.
125	Dalotto	Continues presentation.
200	Sandee Burbank	Constituent and Director, Mothers Against Misuse and Abuse.

		Testifies in opposition to bill and -1 amendment. Offers history of OMMA. Expresses concern over state working with law enforcement rather than OMMA agencies. Speaks to benefits of medical marijuana over other medicinal drugs.
310	Burbank	Continues presentation on objection to -1 amendment language. Notes caregivers can not be paid, only reimburse for specific expenses. Reports caregivers are frequently used for security purposes. Addresses allowable amount of medical marijuana.
464	Rep. Tomei	Inquires on specific language opposed.
468	Burbank	Reports change on patients growing for other patients.
<b>TAPE 61, A</b>		
029	Madeline Martinez	Multnomah Disability Services Advisory Council and Advisory Committee to DHS. Testifies in opposition to -1 amendment <b>(EXHIBIT B)</b> . Comments on OMMA not working with advocates and program participants to resolve issues. Suggests education and training of law enforcement on OMMA guidelines. Notes educational materials should be in alternate format to support people with disabilities. Speaks to specific objections to -1 amendment language and notes federal guideline should be modified.
134	Vicki Jasper	Constituent. Speaks to lack of consistent medication and caregivers. Reports bill restricts access to medical marijuana for qualified patients. Speaks to confidentiality and privacy rights. Speaks to specific objections to bill and -1 amendment.
199	Paul Antos	Constituent. Submits written testimony in opposition to bill <b>(EXHIBIT H)</b> . Reports cost of medical marijuana use.
250	Chair Kruse	Submits written testimony from Michael James Long <b>(EXHIBIT I)</b> .
259	Greg Byers	Constituent. Submits written testimony in opposition to HB 2939 <b>(EXHIBIT J)</b> . Explains debilitating condition and OMMA participation. Relates examples of conditions requiring medical marijuana.
405	Edward Glick	Registered Nurse (RN). Submits testimony in opposition to bill <b>(EXHIBIT K)</b> . Submits CD-ROM <b>(EXHIBIT L)</b> . Speaks to specific objections with bill and -1 amendment language.
458	Rep. Tomei	Inquires on awareness of OMMA guidelines and law.
<b>TAPE 60, B</b>		
028	Glick	Suggests educational materials and resource opportunities. Speaks to compliance issues. Points out mandatory guidelines are over reaching.
042	Rep. Tomei	Comment on responsibilities of patient to understand law.
046	Glick	Relates complexity of law relating to patient compliance and police interpretation. Objects to mandate. Reports effort to widen psychiatric uses. Speaks to physician responsibilities and confidentiality issues.
155	Kathy Larson	Constituent. Submits written testimony in opposition to bill <b>(EXHIBIT M)</b> . Notes state funds saved by OMMA. Speaks to previous felony convictions as it relates to medical marijuana use. Provides personal testimony relating to growing medical marijuana. Details debilitating condition.
323	Chair Kruse	Closes public hearing on HB 2939 and adjourns meeting at 12:38 P.M.

## **EXHIBIT SUMMARY**

- A – HB 2325, -2 amendment, staff,**
- B – HB 2939, -1 amendment, staff, 2 pp.**
- C – HB 2939, written testimony, Rep. Steve March, 1 p.**
- D – HB 2939, written testimony, Stormy Ray, 2 pp.**
- E – HB 2939, written testimony, Grant Higginson, 2 pp.**
- F – HB 2939, written testimony, Hal Ballard, 2 pp.**
- G – HB 2939, written testimony, Todd Dalotto, 4 pp.**
- H – HB 2939, written testimony, Paul Antos, 1 p.**
- I – HB 2939, written testimony, Michael Long, 1 p.**
- J – HB 2939, written testimony, Greg Byers, 4 pp.**
- K – HB 2939, written testimony, Edward Glick, 4 pp.**
- L – HB 2939, oversized exhibit, CD-ROM, Edward Glick, 1 disc.**
- M - HB 2939, written testimony, Kathy Larson, 1 p.**