

# People & Places

## Ag chairman staunch defender of farming

Jim Rice, a lawyer, sees importance of healthy agricultural industry in Idaho

By SEAN ELLIS  
Capital Press

BOISE — Sen. Jim Rice is not a farmer or rancher, as most chairmen of agriculture committees in the Idaho Legislature have been.

Growing up in the Kuna area of Southwestern Idaho, he was the only male student in his freshman high school class who didn't belong to FFA.

But many of his neighbors were farmers, he moved irrigation pipe as a youngster, and he gained an appreciation for agriculture at a young age. He still points out which crops are growing in fields to passengers when driving through farm country.

"Agriculture is a huge portion of our economy," the Caldwell Republican said. "It's something that is vital to our state's economy, and it will remain vital."

Heading into his second session as chairman of the Idaho Senate Agricultural Affairs Committee, Rice has built a reputation as a staunch defender of farming and ranching.

"Senator Rice has been really supportive of agriculture and he's a quick learner," said Sen. Jim Patrick, a Republican farmer from Twin Falls and an ag committee member. "I fully support him."

When it comes to agriculture and legislation, Rice believes less is better.

"Idaho's done a good job



Sean Ellis/Capital Press file

Sen. Jim Rice, R-Caldwell and chairman of the Idaho Senate Agricultural Affairs Committee, has spoken out in defense of Treasure Valley irrigators in their battle with the state. Rice, an attorney, has earned a reputation as a staunch defender of agriculture.

### Western Innovator

#### Sen. Jim Rice

**Position:** Chairman of the Idaho Senate Agricultural Affairs Committee

**Profession:** Attorney

**Background:** Born in Concord, Calif., raised in Southwestern Idaho

**Education:** Doctorate in law, William Howard Taft University

**Family:** Wife, Trish, eight children, seven grandchildren



with agriculture," he said. "You don't need to be doing a bunch of legislation about agriculture. In fact, if you do, you're probably going to screw it up."

The 50-year-old lawyer was appointed to a Senate seat in March 2012 by Gov.

Butch Otter. The upcoming legislative session will be his fourth full one, and he has served on the ag committee every year.

Rice said he welcomed the chance to chair the ag committee because "we need to make sure what we

do from a policy standpoint doesn't ... create problems for agriculture. ... It's important to get it right and keep it right and not get off into something that's detrimental to agriculture."

Rice said that if proposed legislation threatens to harm agriculture, he's not afraid to use the chairman's power to make sure it doesn't go anywhere.

"If something is bad enough for agriculture that it needs to be retained in a drawer, it should be," he said. "I think that's one of the reasons you want an ag chair that really believes in defending agriculture. You don't let attacks on agriculture get heard."

Rice has backed Treas-

ure Valley irrigators in their battle with the state over how flood control releases from Boise River reservoirs should be accounted for, and he was also one of the leading voices in defending the Idaho Agricultural Security Act.

Food Producers of Idaho Executive Assistant Benjamin Kelly said Rice understands rural issues and has shown an appreciation for the challenges private landowners face on a daily basis.

"Our farmers and ranchers have always found him willing to listen to the specific needs that face agriculture as well as act as a sounding board in matters that affect the entire state," Kelly said.

## Emerging from shadows, pot industry tries to build brands

By KRISTEN WYATT  
Associated Press

DENVER — Snoop Dogg has his own line of marijuana. So does Willie Nelson. Melissa Etheridge has a marijuana-infused wine.

As the fast-growing marijuana industry emerges from the black market and starts looking like a mainstream industry, there's a scramble to brand and trademark pot products.

The celebrity endorsements are just the latest attempt to add cachet to a line of weed. Snoop Dogg calls his eight strains of weed "Dank From the Dogfather Himself." Nelson's yet-to-be-released line says the pot is "born of the awed memories of musicians who visited Willie's bus after a show."

The pot industry's makeshift branding efforts, from celebrity names on boxes of weed to the many weed-themed T-shirts and stickers common in towns with a legal marijuana market, show the industry taking halting steps toward the mainstream.

Problem is, those weed brands aren't much more substantial than the labels they're printed on. Patents and trademarks are largely regulated by the federal government, which considers marijuana an illegal drug and therefore ineligible for any sort of legal protection.

The result is a Wild West environment of marijuana entrepreneurs trying to stake



AP Photo/David Zalubowski

LivWell store manager Carlyssa Scanlon shows off some of the products available in the marijuana line marketed by rapper Snoop Dogg in one of the marijuana chain's outlets Dec. 18 south of downtown Denver. LivWell grows the Snoop pot alongside many other strains on its menu.

claims and establish cross-state markets using a patchwork of state laws.

Consumers have no way of knowing that celebrity-branded pot is any different than what they could get in a plastic baggie from a corner drug dealer.

"You can't go into federal court to get federal benefits if you're a drug dealer," said Sam Kamin, a University of Denver law professor who tracks marijuana law.

That doesn't mean that the pot business isn't trying.

Hundreds of marijuana-related patents have likely been requested from the U.S. Patent and Trademark Office, according to those who work in the industry. Exact numbers aren't available because pending patent information

isn't public.

So far, federal authorities have either ignored or rejected marijuana patent and trademark requests, as in the 2010 case of a California weed-delivery service that applied to trademark its name, "The Canny Bus."

"They haven't issued a single patent yet. But generally speaking, there is broad agreement within the patent law community that they will," said Eric Greenbaum, chief intellectual property officer for Vireo Health, which is seeking a patent for a strain of marijuana to treat seizures.

Companies like Vireo are betting that if marijuana becomes legal nationally, they will be first in line to claim legal ownership of whichever type of marijuana they have

already developed.

Pot companies also are filing state-level trademarks, thereby avoiding the snag in a federal trademark application: the requirement that the mark is used in interstate commerce, which remains off-limits for pot companies.

In Colorado, for example, there are nearly 700 trade names and 200 trademarks registered that include the word "marijuana" or a synonym, Kamin said.

Pot producers also are claiming everything they can that doesn't involve actual weed. So a marijuana company could trademark its logo or patent a process for packaging something, without mentioning that the "something" is marijuana.

The marijuana industry certainly has been on the receiving end of legal threats from other companies that do have trademark and patent protection. Cease-and-desist letters aren't uncommon in the mailboxes of marijuana companies, whether it's for making a candy that looks like a non-intoxicating brand or for selling a type of pot that includes a trademarked word or phrase in its name.

The Girl Scouts of the U.S.A., for example, says it has sent dozens of cease-and-desist letters to those selling a popular strain of pot known as Girl Scout Cookies or another called Thin Mints.

"The use of our trademarks in connection with drugs tarnishes the Girl

Scouts name," the organization says in the letter it has sent to pot sellers primarily in California, Colorado and Washington.

Last year, Hershey Co. sued two marijuana companies in Colorado and Washington for selling "Reefer's" peanut butter cups and "Dab-by Patty" candies, which resembled Hershey's Reese's Peanut Butter Cups and York peppermint patties. Both pot companies agreed to stop selling the products and destroy any remaining inventory.

But the industry can't use those same laws to protect its own brands.

"We're in a new industry, where the benefits of federal protection aren't open to us," said John Lord, CEO of LivWell, a 10-store chain of Colorado marijuana shops that recently entered an agreement to sell Leafs By Snoop, the entertainer's new line of marijuana.

LivWell grows the Snoop pot alongside many other strains but charges up to \$175 more an ounce for the rapper's brand, which is sold from behind a glittery in-store display.

"Brand differentiation is the normal progression of events," said Lord, who wouldn't share sales figures on the Snoop pot but says its performance has been "outstanding."

"Consumers will see more and more of this in the future."

### Calendar

To submit an event go to the Community Events calendar on the home page of our website at [www.capitalpress.com](http://www.capitalpress.com) and click on "Submit an Event." Calendar items can also be mailed to Capital Press, 1400 Broadway St. NE, Salem, OR 97301.

#### Saturday, Jan. 9

American Farm Bureau Annual Convention, Orlando, Fla., Convention Center.

#### Sunday, Jan. 10

American Farm Bureau Annual Convention, Orlando, Fla., Convention Center.

#### Monday, Jan. 11

American Farm Bureau Annual Convention, Orlando, Fla., Con-

vention Center.

#### Tuesday, Jan. 12

American Farm Bureau Annual Convention, Orlando, Fla., Convention Center.

Cropping Systems Conference, Three Rivers Convention Center, Kennewick, Wash.

Far West AgriBusiness Association annual winter conference, College of Southern Idaho, Twin Falls.

Potato Expo 2016, Mirage Hotel and Casino, Las Vegas, Nev.

#### Wednesday, Jan. 13

American Farm Bureau Annual Convention, Orlando, Fla., Con-

vention Center.

Cropping Systems Conference, Three Rivers Convention Center, Kennewick, Wash.

Far West AgriBusiness Association annual winter conference, College of Southern Idaho, Twin Falls.

Potato Expo 2016, Mirage Hotel and Casino, Las Vegas, Nev.

Thursday, Jan. 14

Far West AgriBusiness Association annual winter conference, College of Southern Idaho, Twin Falls.

Growing Quality Hay Workshop, Oregon State University Extension, Grants Pass, Ore., 541-776-7371. Managing the soil, cutting and curing, equipment required, forage analysis and its importance, problems with poor quality hay and its

effect on livestock health.

Oregon Mint Growers 67th Annual Meeting, Salishan Lodge & Golf Resort, Glendon Beach, Ore.

Potato Expo 2016, Mirage Hotel and Casino, Las Vegas, Nev.

#### Friday, Jan. 15

Oregon Mint Growers 67th Annual Meeting, Salishan Lodge & Golf Resort, Glendon Beach, Ore.

#### Wednesday, Jan. 20

2016 EcoFarm Conference, Asilomar Conference Grounds, Pacific Grove, Calif.

Northwest Hay Expo, Three Rivers Convention Center, Kennewick, Wash.

#### Thursday, Jan. 21

2016 EcoFarm Conference, Asilomar Conference Grounds, Pacific Grove, Calif.

Northwest Hay Expo, Three Rivers Convention Center, Kennewick, Wash.

#### Friday, Jan. 22

2016 EcoFarm Conference, Asilomar Conference Grounds, Pacific Grove, Calif.

#### Saturday, Jan. 23

2016 EcoFarm Conference, Asilomar Conference Grounds, Pacific Grove, Calif.

#### Monday, Jan. 25

Oregon Blueberry Conference, Red Lion Hotel, Portland.

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#### Corrections

The name of Harney County, Ore., rancher Melodi Molt was misspelled in a Jan. 1 story about militia groups protesting sent sentences handed to ranchers Dwight and Steven Hammond.

Also, the winner of the Dec. 4 Oregon State FFA Ag Sales competition in Ontario was incorrect in a Dec. 25 story. The winning team was from the Yamhill Carlton FFA chapter.

The Capital Press regrets the errors.