

THE FUTURE FLOWERS

Oregon heads toward legalization with three potential ballot measures

Three could be Oregon cannabis lovers' lucky number: That is the potential number of ballot measures heading for the November 2014 election, which could make Oregon the third state in the nation to legalize marijuana.

Anthony Johnson, who worked on the campaign that legalized marijuana in Washington, is campaign manager for New Approach Oregon's Control, Regulation and Taxation of Marijuana and Industrial Hemp Act of 2014, aka Initiative Petition 53. IP 53 would allow adults to possess up to 8 ounces and four plants, and it sets tax at \$35 an ounce. It would task the Oregon Liquor Control Commission (OLCC) with regulating marijuana commerce.

Washington and Colorado's laws regulating cannabis taught the authors of IP 53 to watch out for a few pitfalls, Johnson says. "We learned the importance of explicitly protecting the Oregon Medical Marijuana Program, that it would be best to give the industry flexibility to choose a tax rate that would generate revenue for the estate but would not overregulate so it couldn't compete with the black market," he says. "Also, we didn't want to arbitrarily establish a DUI standard that would cause all patients to be guilty of driving under the influence."

Paul Stanford, the primary author of Oregon's 2012 Measure 80, is now a chief petitioner of IP 22, which is called the Oregon Cannabis Tax Act, just like the 2012 measure. Stanford says the new OCTA addresses the main concerns that the media and opponents had with Measure 80, such as limiting amounts of cannabis, excluding marijuana history and changing who chooses appointees to the proposed regulatory board.

While Measure 80 set no limits on the amount of marijuana adults could possess, IP 22 sets the same limit as the current Oregon Medical Marijuana Program, up to 24 ounces. It also allows hemp farmers to pick their strains according to efficiency rather than restricting them to strains lowest in THC (the main psychoactive ingredient in cannabis), as under current law. The new OCTA also excludes part of the lengthy marijuana history preamble and allows the governor to appoint members to the proposed cannabis commission, which would serve a function similar to the Oregon Liquor Control Commission.

Stanford says that drafts of Measure 80 included a cannabis commission appointed by the governor, but just before submitting the petition, he and other supporters altered it so marijuana industry licensees could select the commission. An *Oregonian* editorial framed this as the equivalent of putting Philip Morris in charge of state tobacco policy. "It was one of the biggest concerns, so we decided to change the composition back to what it was originally, until the very last moment, so they're all appointed by the governor now," Stanford says.

In addition to OCTA, Stanford also introduced IP 21, a constitutional amendment that would guarantee adults over the age of 21 the right to possess marijuana, with laws and regulations addressing use, possession, production, sales and taxation. He says that constitutional protection is important so in the future people don't end up in jail.

Stanford, Johnson and Brian Michaels, a Eugene attorney who represents marijuana defendants, agree that people considering the three measures should vote for all of them. "In the long run," Michaels says, "I think it sends a strong signal to the Legislature, who has to figure all this out: There's a lot of people who really want marijuana to be legal one way or the other. The higher our numbers, the stronger the message we send the legislature."

Longtime decriminalization advocate Sen. Floyd Prozanski told an audience at the Oregon Medical Marijuana Business Conference, held March 31 at the downtown Hilton, that if both IP 22 and IP 53 pass, there will be a requirement that whenever there is no conflict between the two, both measures will be added into law. Where there is conflict, the measure with the higher vote count is enacted into law.

Michaels says that legalizing marijuana in general will also help medical dispensary providers. "The more access we have to marijuana the better it is," he says. "You have all these restrictions that occur in the medical marijuana community that put the providers at risk." With better access, he says, some of the many restrictions — including not being able to make any profit on pot — could disappear.

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