

Bill Might Help Clear Past Pot Convictions

By Christen McCurdy
Of *The Skanner News*

Clearing one's record of marijuana-related convictions could get a little easier this legislative session.

House Bill 3372, introduced by Rep. Lew Frederick earlier this year, died in committee earlier this year— but HB 3400, an omnibus marijuana bill introduced by Rep. Ann Lininger (D-Lake Oswego) that would provide avenues for easier expunction — passed out of committee last week and had its second reading Tuesday.

This month activists with New Approach Oregon, the coalition that campaigned for Measure 91 last fall, along with the Bus Project, have redoubled their efforts to keep expungement alive.

Advocates say clearing past offenses is a critical social and racial justice issue

"Legalizing marijuana is a good first step but there's a lot more to do," says Peter Zuckerman, a spokesperson for New Approach Oregon, the coalition behind Measure 91, which legalized recreational Marijuana in Oregon last fall.

Anthony Johnson, the architect of Measure 91, told *The Skanner* the proposed laws don't need to go as far as they should, but are a step in the right direction — and regardless of the outcome, his group will continue to fight to make it easier to clear up criminal records once drug laws are

changed.

Frederick told *The Skanner News* HB 3400 doesn't go as far as his bill and he'd like to see more comprehensive legislation, but that he's glad the push to expunge prior marijuana offenses has stayed alive.

The Bus Project held a phone-banking session and has created an online petition and social media campaign, using the hashtag #FreshStartOregon.

Aaron Brown, outreach coordinator for The Bus Project, likened the push toward legalization to successful campaigns for same-sex marriage. Both movements' successes have been driven by state or local governments, with tactics and messages getting replicated in other places once they prove successful. So pushing to include expunction for past marijuana offenses could set the tone for legalization in other states — though a handful of other governments are taking this into account as well.

Brown says setting records straight for those convicted of past offenses is important because it's a social and racial justice issue.

"The war on drugs has always been about the state control of Black and brown bodies," Brown told *The Skanner*. "The drug war has never been about drugs. It's about state-sanctioned destruction of community."

"There are people who can't get jobs, can't get good housing, can't get student loans because they've been burdened with marijuana convictions for a crime that will be obsolete in a couple weeks," Zuckerman says. "We need to make



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In November 2014, Oregonians voted to legalize marijuana for recreational use. The portions of the law pertaining to personal possession and use of the drug kick in July 1.

it very easy to expunge their records if they've been convicted for a crime that's no longer going to be a crime."

"With legalizing marijuana, a major reason we've advocated for it was for criminal justice reform," Zuckerman says, citing numbers released by the American Civil Liberties Union noting that people of color are more than twice as likely to be arrested for marijuana-related crimes despite no discrepancy in marijuana use. "That's morally indefensible and needs to change."

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ber 2016, shortly after retail sales would get going.

Some Oregon cities want to change the opt-out rules so that a majority vote from their city council or county commission would ban sales, instead of waiting for next year's November election.

Other cities, such as Tualatin, would implement local control over pot through rules that restrict how close a retail outlet could be from parks, schools and libraries.

In many ways, the future of legal pot in Oregon is still being decided through the legislature and local laws.

Will Oregon be a patchwork of "wet" and "dry" counties with differing rules, taxes and availability? Maybe.

The OLCC urges people to use common sense, keep up to date with rules and to educate before they recreate.

For more information visit the OLCC's "What's Legal" website, whatslegal.com, or sign up for the agency's newsletter to stay up to date with new information.

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Kent, WA 98032
253.945.8800 • 800.573.8333

How Do I Get into the Marijuana Business?

By Donovan M. Smith
Of *The Skanner News*

Have you wondered about the recreational marijuana business in Oregon? Though the Oregon Liquor Control Commission and the Oregon Legislature are still working together to formulate the rules of distribution, *The Skanner News* has compiled some of the key things to know about getting into the industry.

How can I sell marijuana?

There are currently four types of licenses one can attain in order to legally sell marijuana: producer, processor, wholesaler and retail.

You can acquire as many of the four licenses through the Oregon Liquor Control Commission.

The OLCC will not open up applications until January 4, 2015 with a fee of \$250.

Those awarded a license will need to pay a subsequent annual \$1,000 operations fee.

How much of a cut will the state be taking from what I sell?

That's yet to be determined. The House-Senate marijuana committee is currently considering House Bill 2041, which would replace the current \$35-per-ounce tax with a blanket tax of 17 percent on all cannabis-related products. HB 2041 would also provide an optional 3 percent tax localities could choose to impose that would be paid by the retailer.

Will a criminal history stop me from getting licensed?

According to OLCC's Tom Towslee, the legislature will hammer out the final

language around criminal backgrounds as it relates to marijuana distribution in July.

However, state officials have already determined there are already some offenses that that won't prevent you from getting a license:

Manufacture of marijuana: If this conviction came more than five years prior to the application for licensing, and you haven't been convicted since for the same charge, and/or the delivery of marijuana, you cannot be denied based on criminal history.

Delivery of marijuana: If you were over the age of 21 or the offense is more than five years prior to the application date, you will not be denied on this basis.

Possession: You will not be denied licensing for possession convictions.

What would it take for me to lose my license?

Any violation of Measure 91 can and will result in the loss of licensing. If you lose your license you are welcome to re-apply for certification.

Can medical marijuana dispensaries sell for non card-holders?

As of this writing, no. Some owners of medical marijuana dispensaries have however banded together with hopes of creating a bill to be considered in the legislature that would allow their stores to sell a limited amount of marijuana products for recreational usage. If said proposal passes, the more than 200 medical marijuana dispensaries in Oregon will all have the option of retailing medical marijuana while shops that are strictly recreational would need to attain licensing in order to distribute cannabis for medicinal purposes.