

# Hemp legalization creates quandary for police

By GILLIAN FLACCUS  
Associated Press



Samples of hemp sit on a table in the conference room at Andrew Ross' office in Denver. AP Photo/Thomas Peipert

PORTLAND — Federal legalization of hemp arrived in the U.S. late last year and expanded an industry already booming because of the skyrocketing popularity of CBDs, a compound in hemp that many see as a health aid.

But now, just a few months after Congress placed the marijuana look-alike squarely in safe legal territory, the hemp industry has been unsettled by an unexpected development.

Truckers, now free to haul hemp from state to state, have been stopped and sometimes arrested by police who can't tell whether they have intercepted a legal agricultural crop or the biggest marijuana bust of their careers. That's because the only way to distinguish hemp and marijuana, which look and smell alike, is by measuring their tetrahydrocannabinol, or THC, and officers don't have the testing technology to do so on the spot.

Marijuana, illegal under federal law, has enough THC to get users high. Hemp has almost none — 0.3 percent or less under U.S. government standards — yet drug-sniffing dogs will alert on both. Field tests that officers now use can detect THC but aren't

sophisticated enough to specify whether a shipment is legal hemp or low-grade illegal pot.

In a sign of the significance of the problem, the U.S. Drug Enforcement Administration earlier this month put out a request for information on private companies that might have the technology for field tests sensitive enough to distinguish between hemp and marijuana.

"Nobody wants to see someone in jail for a month for the wrong thing," DEA spokeswoman Barbara Carreno said. "To enable us to do our job, we have to have something that can help us distinguish."

It's an unanticipated hiccup for the rapidly growing hemp industry, which

relies on interstate trucking to transport hemp from farms to processing labs that extract the compound cannabidiol, or CBD, from the raw plant material. The pure CBD powder is then resold for use in everything from makeup to smoothies to pet food.

Kentucky and Oregon are big producers of hemp, and much of what they grow is processed in Colorado. Companies that transport the plant often drive through Oklahoma and Idaho, which is where some arrests have occurred.

Hemp remains illegal under Idaho law, and lawmakers there are scrambling to pass a legalization bill. Law enforcement agencies are urging them to include guidance

on field tests.

To further complicate the issue, states that already have their own hemp programs must have them approved by the U.S. Department of Agriculture, which could take months.

"It's the greatest example of the cart being put before the horse that I've ever thought of," said Grant Loeb, who is on the board of directors of the Idaho Prosecuting Attorneys Association, which has demanded better testing. "You're trying to make hemp legal so farmers can grow it, but you haven't put into place anything that's going to keep marijuana dealers from taking advantage of a huge loophole."

At least three truckers and two security guards transporting state-certified hemp have been arrested and charged with felony drug trafficking. Thousands of pounds worth more than \$2 million com-

binated after processing remain in warehouses in Oklahoma and Idaho as evidence while the cases play out.

Frank Robison, a Colorado-based attorney specializing in such cases, said he has about a half-dozen clients in similar situations in other locations. He declined to provide more information, citing his clients' desire for privacy.

"What local law enforcement is doing is they're stifling an industry that Congress intended to promote to help American farmers and help the American economy — not to make people nervous that they're going to get tossed in jail over a (THC) discrepancy," said Robison, who represents one of the companies involved in the Oklahoma case.

Robison and others hope the USDA will work quickly to create rules for validating hemp shipments that local law enforcement could use instead of relying on THC field tests, such as state agricultural certificates or lab certificates. That way, police could let a suspicious load through without arrests and if the hemp samples come back high in THC from testing done in a lab setting, authorities could pursue the grower or shipper after the fact.

Andrew Ross, a Marine who served in Afghanistan and Iraq, is facing 18 years to life in Oklahoma if convicted after he was arrested in January while providing security

for a load of state-certified hemp from Kentucky. Ross and a colleague were riding in a van behind a semi-truck filled with the plant that ran a red light and was pulled over.

Ross said he provided police in Pawhuska, Oklahoma, with the state-issued license for the Kentucky farm that grew the hemp, the license for the Colorado lab that was buying it and chemical analysis paperwork for all 60 sacks of hemp that he said



Ross

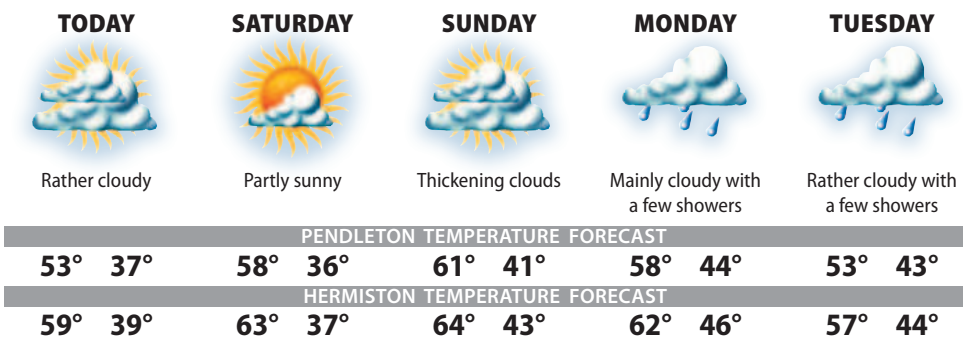
shows it was within federal guidelines for hemp. That wasn't enough for the officers. They tested the shipment and found it contained THC — although not how much — and arrested Ross, his colleague and the two truck drivers.

The charges against the drivers eventually were dropped, but their 18,000-pound cargo with a value of nearly \$1 million after processing still is being held.

The case and a similar one in Idaho prompted the Oregon Department of Agriculture to issue a formal warning to hemp growers not to ship their crop across state lines.

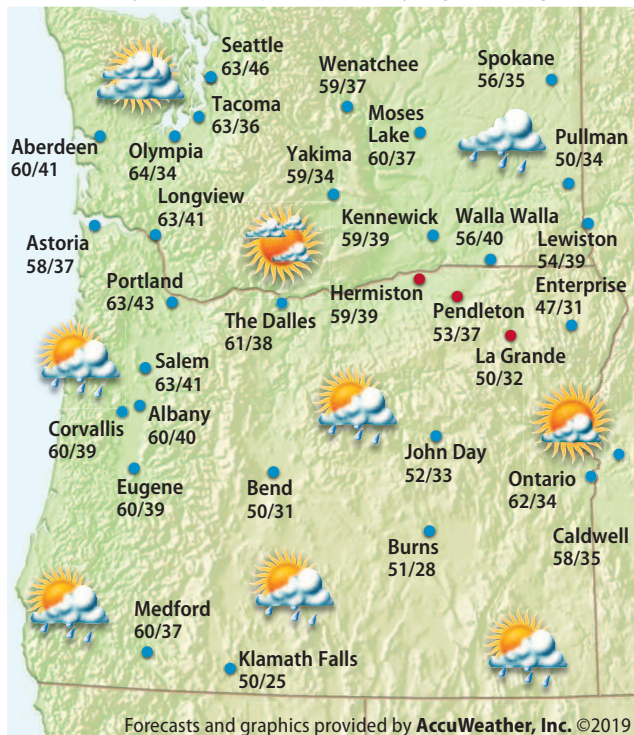
Ross posted bail and continues to run his hemp transport business, Patriot Shield Security, from Denver while awaiting trial in Oklahoma. He said potential customers from places like Nevada, West Virginia and Wyoming say they now are afraid to send their hemp out of state.

## Forecast for Pendleton Area



## OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



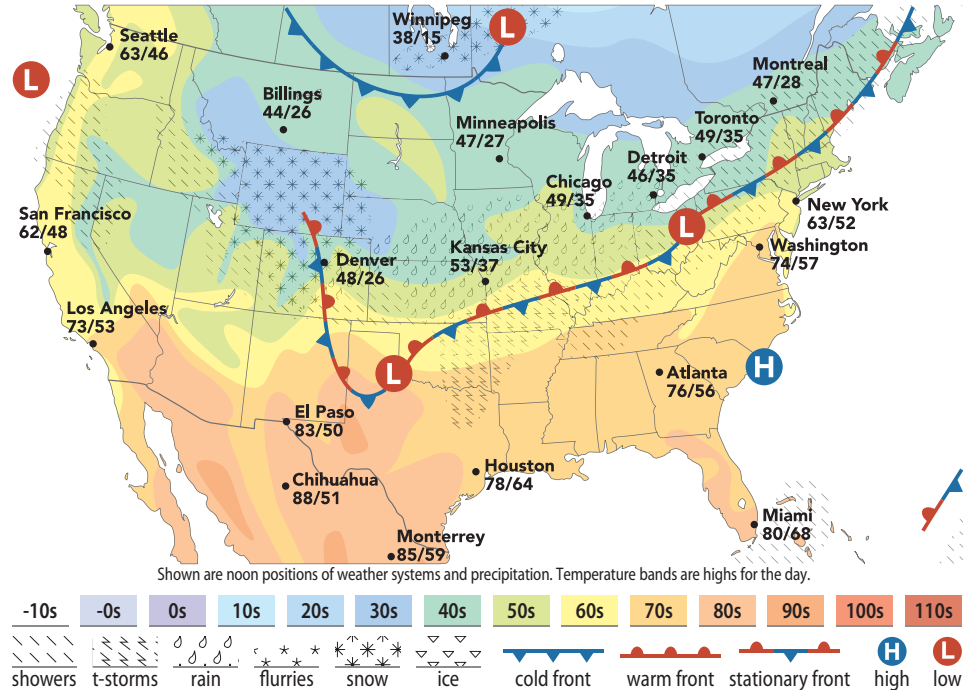
## ALMANAC

PENDLETON through 3 p.m. yest.			
TEMP.	HIGH	LOW	
Yesterday	56°	35°	
Normals	58°	37°	
Records	76° (1923)	23° (2008)	
PRECIPITATION			
24 hours ending 3 p.m.	0.03"		
Month to date	1.23"		
Normal month to date	1.29"		
Year to date	6.08"		
Last year to date	3.71"		
Normal year to date	3.80"		
HERMISTON through 3 p.m. yest.			
TEMP.	HIGH	LOW	
Yesterday	59°	35°	
Normals	61°	37°	
Records	78° (1930)	15° (1975)	
PRECIPITATION			
24 hours ending 3 p.m.	Trace		
Month to date	0.20"		
Normal month to date	0.81"		
Year to date	3.59"		
Last year to date	2.38"		
Normal year to date	3.05"		
WINDS (in mph)			
Today	Sat.		
Boardman	NW 4-8	SW 3-6	
Pendleton	WNW 4-8	NW 4-8	
SUN AND MOON			
Sunrise today	6:42 a.m.		
Sunset tonight	7:19 p.m.		
Moonrise today	3:42 a.m.		
Moonset today	12:52 p.m.		
New First Full Last			
Apr 5	Apr 12	Apr 19	Apr 26

## NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)  
High 90° in Presidio, Texas Low 9° in Berlin, N.H.

## NATIONAL WEATHER TODAY



# OxyContin lawsuit remains on track amid massive settlement

Oregon suing Purdue Pharma over marketing tactics

By AUBREY WIEBER  
Oregon Capital Bureau

Oklahoma on Tuesday settled a lawsuit against Purdue Pharma over the OxyContin manufacturer's role in the over-prescribing of opioids leading to a national spike in overdoses. The lawsuit mirrors one Oregon has against Purdue, alleging the company targeted the elderly with misleading marketing ploys.

Oklahoma, one of about two-dozen states suing the makers of OxyContin, will get \$270 million from Purdue.

Kristina Edmunson, spokeswoman for the Oregon Department of Justice, declined to comment on whether the recent settlement could have an impact on Oregon's case.

Purdue and its owners, the Sackler family, have come under intense scrutiny as more information has come out about deceptive practices and hiding knowledge of the addictive nature of OxyContin while prescription rates skyrocketed. The scandal mirrors that of the tobacco industry in the 1990s, which ended in an unprecedented settlement where cigarette makers pay states in perpetuity.

On Sept. 13, 2018, Oregon Attorney General Ellen Rosenblum sued Purdue in Multnomah County Cir-

cuit Court. According to the lawsuit, for every 100,000 senior citizens in Oregon, 700 were hospitalized in 2015 for an opioid-related issue. That year, more than 3 million opioid prescriptions were issued in Oregon — enough for a bottle of pills for nearly every adult in the state, the lawsuit said. Accidental opioid overdose deaths peaked in Oregon in 2011 at 344, according to state data. In 2017 there were 287.

"We are encouraged that Purdue chose to settle with Oklahoma, but we ultimately want the best outcome for Oregon," Edmunson said. "After successfully beating back Purdue's attempts to throw out our lawsuit, we are now in the discovery phase of our lawsuit. Oregon has had a long history with Purdue, and we look forward to seeing this lawsuit in court."

The lawsuit is still in the early stages. The state recently prevailed over Purdue's motion to dismiss the case, and is now in the discovery phase. Edmunson said Oregon has largely used in-house lawyers for the case, so little from any judgement would go toward legal fees.

The Sacklers are being attacked from all sides as more information has come out about their marketing tactics. For years, the sprawling family worth a reported \$14 billion was largely disassociated with its chief money-maker, OxyContin. The Sacklers were best known in the art world, where they donated

generously. They have a wing named after them at the Metropolitan Museum of Art and the Louvre. The Smithsonian has a gallery named in their honor.

But that prestige has begun to crumble. Recently, the Sacklers made headlines after Britain's National Portrait Gallery turned down a \$1.3 million donation. The Guggenheim Museum announced it would no longer accept Sackler money, as did London's Tate museum.

That's in part because in June, Massachusetts decided to sue several of the Sacklers directly, rather than just Purdue. A court filing from the case made public in January alleges the family for years misled doctors and the public about the dangers of OxyContin and schemed about how to place blame for overdose deaths on people who became addicted to the drug.

Edmunson declined to comment on whether Oregon would consider amending its lawsuit to also go after individuals in the family.

Amid the recent attention, the company has begun exploring filing for bankruptcy, which would to a degree protect it from court judgements. Purdue is fighting about 1,600 lawsuits. Edmunson declined to comment on how that decision could impact Oregon's lawsuit.

Edmunson said she expects a trial date to be set for fall of 2020, and that the state is seeking an amount of money to be determined at trial.

**CORRECTIONS:** The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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