

My name is Laird Funk and I reside in Williams, Oregon. It is an honor to be invited to offer testimony to the M91 Committee on the important subject of medical marijuana. I regret that pressing domestic matters prevent me from joining my friends in the legislature with whom I have worked for years as well as legislators who I look forward to working with in the future as we discuss this important matter.

Briefly, my background in marijuana matters includes being the Chief Petitioner for Oregon's first marijuana legalization measure in 1986, being the author of the first medical marijuana bill in Oregon introduced by Senator Frank Roberts in 1993, a bill which became the basis for the Oregon Medical Marijuana Act (OMMA) in 1998, and acting as a medical marijuana advocate working during every subsequent legislative session to improve and protect OMMA. For the last 8 years I have served on the Oregon Health Authority's Advisory Committee on Medical Marijuana which advises the OHA Director on the management of the Oregon Medical Marijuana Program (OMMP).

The passage of M91 was a milestone in Oregon's relationship with marijuana and it seems appropriate that the legislature has created the M91 Committee to review the measure and try to determine what, if anything, needs to be done to smooth the measure's integration into the daily life of Oregonians. There are many useful subjects relating to marijuana which might profitably be discussed by the committee as part of its work on M91 deliberations, but to be absolutely clear, those subjects do not include, in any degree at this juncture, combining the OMMP with whatever marijuana regulatory scheme that may be conjured up by the Oregon Liquor Control Commission.

While I am clearly opposed to currently combining the OMMP and the privacy of thousands of sick Oregonians with the non-medical personal use regulatory structure being developed I do not rule out the possibility that after the OLCC non-medical personal use regulatory scheme is up and truly functioning with some crucial experience regarding marijuana in Oregon, there may be a reasonable argument made to combine certain aspects of the Oregon Medical Marijuana Dispensary Program (OMMDP) scheme and the OLCC scheme relating to commercial scale production of marijuana..

While I would not rule out the possibility of some useful combination of the two programs' regulatory schemes for commercial size farms, that position should not at all be construed to imply any approval of transferring any of the OMMP's patient, caregiver and grower registration duties to the OLCC and does not include approval of any licensing requirements for any patient gardens grown by patients or their appointed growers. My approval would also not be forthcoming for any proposals to prohibit, tax or license the occasional sale of surplus medicine to a dispensary by a patient or that patient's grower.

The dispensary program was in part created to allow a lawful outlet for occasionally surplus medicine to be transferred to a dispensary to provide a market outside of the black market. Blocking or impeding that transfer would only blunt M91's goal of eliminating the black market by facilitating lawful transfers. Those lawful transfers must continue to include patient sales to dispensaries.

While I do not wish to imply that I distrust the OLCC's ability or desire to properly regulate some aspects of marijuana in Oregon, I note from my experience that it took over a decade of working with the OMMP and a series of good hearted, well intentioned staff persons to just recently get to the point that the program reacts to intuitively put the needs of the patients and the needs for those patients' right to privacy first. The OLCC does not, and may not ever have the mindset required to appropriately deal with the needs of thousands of sick Oregonians.

At the very least, until the OLCC has a biennium or two of experience regarding marijuana regulation, it is clearly premature to consider burdening it with responsibilities relating to medical marijuana, duties which for good reason were not assigned to it by M91 and not envisioned by M91's authors.

If you have any questions for me you may email to lairdfunk@apbb.net or call me @ 541-846-6759. Thank you for this opportunity to comment on these matters.

