Comments on SB 844 -2 Amendments

Page 1, Section 1, definition of "cannabinoid edible": An edible is defined in part as a food or liquid into which extract or the dried leaves or flowers or marijuana have been incorporated. It is not clear if the marijuana leaves or flowers themselves get incorporated into the food or liquid, or if it is just the extract or concentrate from leaves or flowers that gets incorporated in the food or liquids. It might be more accurate to say "'Cannabinoid edible' means **food or potable liquid into which a cannabinoid extract or cannabinoids have been incorporated**."

Page 1, Section 1, definition of "cannabinoid extract": Having different definitions for extracts in SB 844 and in Measure 91 may create confusion, in particular with regard to what is permitted to be made at home.

Page 1, Section 1, definition of "marijuana product": Having different definitions of "marijuana products" in SB 844 and Measure 91 may create confusion. In particular, by including "cannabinoid extract" in the definition of marijuana products, and because in a household you can have 16 oz. of marijuana products in solid form and 72 oz. in liquid form, this change potentially means you could have 72 oz. of marijuana extract in liquid form in a household.

Page 2, Section 1, definition of "usable marijuana": Having different definitions of "usable marijuana" in SB 844 and Measure 91 may create confusion. The definition in SB 844 now includes everything related to marijuana, and not just dried marijuana leaves and flowers. Importantly it *includes* any marijuana product permitted under the Oregon Medical Marijuana Act. This might be read to permit any household to have *medical* marijuana products, regardless of whether an individual has an OMMP card.

Page 2, Section 3: This provision could be read to require dispensaries and recreational retailers to be responsible for the testing of marijuana. Clearly there should be a testing requirement but OLCC would like the flexibility through rulemaking to figure out who has to do the testing.

Pages 3-4, Section 5(2): Subsections (c) and (d) may be unnecessary and could lead to confusion for OHA. Laboratories seeking accreditation under ORS 438.605 to 438.620 (ORELAP) are already required to meet the ISO and TNI standards, and in fact more stringent standards than those called out in the amendments. ORELAP accreditation under ORS 438.605 to 438.620 is based on the 2009 TNI standard (and any amendments) and incorporates ISO requirements as well. In addition, OHA already has fee authority for accreditation.

Page 5, Section 7: Presumably the intent of this section is to exempt a grower who is transferring marijuana directly to a patient or caregiver, from the testing requirement. The last phrase could be read as exempting an OMMP caregiver who is also a licensee, from the testing requirements. We can suggest language to clarify.

Page 6, Section 8, lines 1-4: Giving OLCC authority to inspect premises to ensure compliance with section 1-11 would make OLCC also responsible for ensuring compliance with OHA's lab accreditation rules. OLCC should be able to take a licensing action against a laboratory for violations of its licensing rules, but OHA should be responsible for enforcing its accreditation standards. Perhaps this section could be amended to say OLCC can inspect for compliance with sections 1-4, and 6-11. (Similar issue in Section 10)

Page 6, Section 8, lines 5-14: Consistent with the previous comment, if OLCC is not going to enforce OHA's lab accreditation requirements, law enforcement would not need to assist OLCC in enforcement of Section 5 of the amendments. In addition, if violation of the lab standards are not a crime and are just an administrative enforcement issue, there may be no reason to involved law enforcement.

Comments on SB 844 -3 Amendments

Pages 1-2, Section 1: Same issues with regard to definitions noted above.

Page 4, Section 5: Same issue as noted above related to the -2 amendments, Section 7.

Page 4-5, Section 6(3): Unless violations of the packaging and labeling provisions in SB 844 and rules adopted thereunder are a crime, there may not be a reason to require law enforcement assistance.

Comments on SB 844 -5 Amendments

Page 1, line 8: The proposed language states that the regulations of the producing, processing, distributing and dispensing of marijuana and marijuana products is a matter of statewide concern. Using just the terms "marijuana" and "marijuana products", as those terms are defined in the measure, would leave out "marijuana extracts" from this section.

Page 2, Section 3: It is unclear whether this section would apply to both the growing and processing of medical marijuana and recreational marijuana.

Page 2, lines 18-20: This section implies that you could be a processor of extracts, using butane and other potentially dangerous solvents, and be licensed in a residential zone. It also implies that you could live in the same building in which you are licensed. OLCC intends to have a "no minors on the licensed premises" provision. Allowing a licensee to live on the licensed premises may create administrative problems.

Page 2, lines 22-30: It may be advisable to require cities and counties to respond to OLCC's request for a LUCS within a certain period of time, since OLCC has an obligation under Measure 91 to not unreasonably delay the processing of applications.

Page 3, lines 1-6: It is unclear whether there is a deadline for cities and counties to amend comprehensive plans and zoning ordinances.

Page 4, lines 6-7: OLCC may have already issued licenses under Measure 91, prior to a local jurisdiction having an election on whether it wishes to prohibit licensees in its jurisdiction.

Page 4, lines 22-26: It is unclear whether this provision is meant to apply to medical marijuana and medical marijuana products and registrants.