

MARIJUANA LICENSE PROCEDURES & REQUIREMENTSTESTIMONY ON AMENDMENTS ONLY

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Sam Chapman	5100 NE Going Ave	Sam@necofegon.com
✓ Donald Morse <del>William Snyder</del>		william@chalicefarms.com
✓ Meghan Wauztetter	3956 NE 37 <sup>th</sup> Ave	
✓ Amy Margolis	<del>POB 222</del> OR. Cannabis PAZ	amy@emeglkpm
✓ Jeremy Plumb		
✓ Geoff Supermu	Groundwork Industries	geoff.supermu@gmail.com
✓ Justin Croy	Portland OR	The Green Remedy 420@gmail.com
✓ Phillip Chen	Portland OR 97266	puddletownorganics@gmail.com
<del>Rachel Jones</del>	<del>8957 N. Lombard St.</del>	<del>clubskyhigh@comcast.net</del>
✓ HARVEY CUMMINGS	2312 NW KEARNEY	h.cummings1@talk21.com

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✓ Andrew DeWeese	4531 SE Belmont #207	andrew@andrewdeweese.com
✓ Alex Pavich		alexpavich@yahoo.com
✓ Jeff Geiger		Jeff.Geiger@jgpolitics.com
✓ Charles JOHNSON		
<del>Meghan Watson</del>		
spoke ✓ Donald Morse	9220 SW Barber Blvd 97219	
✓ Lindsey Kinchard	8640 SE Caury Ave #303 Happy Valley 97086	kinchard@openesign.com
✓ Jesse Horton		jessee@minoritycannabis.org
✓ Brad Zusman	16955 SE Division St	Brad & Canna-Daddys.com

Proposed Alternative Language:

187 359

Definitions:

3. "Marijuana retailer" means a person who sells or makes available for purchase by the *general public*, marijuana or marijuana items in the City and is licensed by the *Oregon Health Authority or Oregon Liquor Control Commission to do so*.

(Please strike the additional definition (Q) for Medical Dispensary and replace this term with Marijuana Retailer within the body of the legislation)

#### 14B.130.040 Minimum Standards

A. A Marijuana Regulatory License may only be issued for specific fixed locations which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to permit review and approval under the Oregon Structural Specialty Code, fire code and related building codes as promulgated by the Oregon Department of Consumer and Business Services. Licensee must obtain the appropriate permits and remain in compliance with fire and building codes.

#### D. Distance Restrictions for Dispensaries and Retailers.

1. A Marijuana Regulatory License will not be granted for a Marijuana Retailer that either has, or intends to get, an OHA license or a who either has or intends to get an OLCC license, that is within 1,000 feet of another Marijuana Retailer. The distance between the Marijuana Retailers shall be computed by direct measurement of the nearest portion of the building in which one Marijuana Retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.
2. The distance requirement in Subsection 14B.130.040 D.1 shall not apply for applications for Marijuana Regulatory License applications received by the Director between from November 1, 2015 to January 29, 2016, that meet the following criteria:
  - a. The Marijuana Retailer has been licensed by the Oregon Health Authority.
  - b. The Marijuana Retailer has no outstanding compliance issues pending with the Oregon Health Authority
  - c. The Marijauna Retailer has had a valid City of Portland Business License

e. The applicant meets all other requirements of this Chapter. 3. The requirements of subsection D.1 shall not apply to current, valid renewal applications for marijuana regulatory licenses issued under subsection D.2.  
E. No medical dispensary or...

Thank you for your consideration of this alternative language. There is a small amount of work to be done to make the remaining pieces of this legislation internally consistent and we are happy to help with that process if needed.

Sincerely,

Amy Margolis  
Emerge Law Group  
Oregon Cannabis Association

Geoff Sugerman  
Groundworks



**MARIJUANA LICENSE PROCEDURES & REQUIREMENTS**

**TESTIMONY ON AMENDMENTS ONLY**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

irft	JOE WAHL		
✓	Nathaniel Williams		
✓	Alex Povich	2823 NE SANDY BLVD PORTLAND 97232	collectiveawakenings@gmail.com
✓	Allyra Rainy	2823 NE SANDY BLVD PORTLAND OR 97232	ca.aligra@gmail.com
✓	Charles JOHNSON		
✓	Lindsay Rinehart	8646 SE COWLEY AVE J103 HAPPY VALLEY OR 97086	lrinehart@dopemagazine.com

MARIJUANA LICENSE PROCEDURES AND REQUIREMENTS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
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✓ Anthony Johnson	5704 N. Missouri 97217	anthonyj1977@gmail.com
✓ Donald Morse	9220 SW Barber #107 PDX 97219	capecadmills@yahoo.com
✓ Phillip Chen	020 SW Seymour St, PDX OR 97239	Phillip.chen@hotmail.com
✓ Mike Rochlin	550 NW 13th PDX, OR 97209	<del>MRochlin</del> MRochlin@yahoo.com
✓ Samuel Grosz	400N Thompson St. PDX OR 97227	sdg42@georgetown.edu
✓ Lindsey Kinchard	8640 SE Casey Ave #3103 Happy Valley OR 97086	lkinchard@cape magazine.com <del>lkinchard</del>
✓ Sarah Duff	5704 N. Missouri Ave Portland 97217	msduffgirl@gmail.com
✓ William Frederick Mario HOLTZ	10 NW Broadway Ave, Portland, OR	Constructlife101@gmail.com
✓ Geoff Sugerman	POB 272 S. Link in 97221	geoffsugerman@gmail.com
✓ Mike McGrath	4109 SE 28th Ave	mikemcgrath74@gmail.com

MARIJUANA LICENSE PROCEDURES AND REQUIREMENTS

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Beau Whitney	3211 SW Wradel ST 97219	Bwhitney@goldenxtr.com
✓ Sam Chapman	3637 NE Sandy Blvd 97212	Sam@necofegon.com

**Moore-Love, Karla**

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**From:** Helen Ying <discover2010@gmail.com>  
**Sent:** Wednesday, September 16, 2015 1:46 PM  
**To:** Moore-Love, Karla; Council Clerk – Testimony  
**Subject:** Testimony for today's City Council Hearing (also attached)  
**Attachments:** Helen Ying - Written Testimony Marijuana Regulation Ordinance.doc

September 16, 2015

Written Testimony Re: Agenda Item 966 Adopt regulations for marijuana license procedures and requirements

Dear Mayor and Council Members,

I am testifying in support of adopting regulations for marijuana license procedures and requirements (Ordinance introduced by Commissioner Fritz; add Code Chapter 14B.130 and amend Section 3.96.060).

As the Chair of Big Village, a coalition of diverse partners working to reduce youth substance abuse in Multnomah County, I am concerned with the potential negative impact of increasing access and visibility of marijuana on youth and vulnerable populations in our community. Although marijuana may be a less harmful drug than many other intoxicating substances, an increasing body of research has shown that marijuana is not harmless, particularly to young people whose brains are still developing. In fact, youth who smoke marijuana are at increased risk for poor school performance<sup>[1]</sup>, unplanned pregnancy<sup>[2]</sup>, driving under the influence<sup>[3]</sup> and higher levels of delinquency<sup>[4]</sup> as well as increased risk of addiction and dependency in adulthood<sup>[5]</sup>.

Big Village supports the ordinance for the following reasons:

- 1) It addresses outlet density. Decades of research on alcohol and tobacco prevention show that the number of alcohol/tobacco outlets in a neighborhood contribute to underage and heavy use, and in the case of alcohol, alcohol related problems<sup>[6]</sup>. We support the efforts in this ordinance to limit density.
- 2) It limits distance of dispensaries from schools, limiting youth exposure.
- 3) It provides clear guidelines for penalties and suspending or revoking a license due to violations, allowing the city to respond if problems arise.

In addition to my role as Chair of Big Village, I am a retired Vice Principal, an educator for 30 years and am currently a hearings officer for Reynolds and Parkrose School Districts. As a hearings officer, I see youth who are at risk of being expelled and work with them to try to keep them in school. The majority of cases I see



involve youth who are dealing with the negative consequences related to marijuana use and dependence issues with marijuana, alcohol, and other drugs.

In 2014, Sixty-eight percent of Multnomah County 11<sup>th</sup> graders reported that marijuana is “easy to get”<sup>[7]</sup>. Oregon was recently ranked #1 for the cheapest marijuana by Forbes magazine. Oregon’s schools and community supports are already struggling to meet the needs of youth struggling with substance abuse and related issues.

Because of these profound challenges, it is essential that we strike the right balance between legal availability and protecting public health. We believe this ordinance is a good first step. Additionally, we urge you to take steps necessary to continue to restrict outlet density, carefully monitor licensees, to limit marketing and promotion, to enforce restrictions on public consumption and to measure and prevent impaired driving.

Finally, I commend your efforts to include community input in the development of the ordinance and offer my assistance along with Big Village Coalition as a resource to discuss effective prevention strategies and to partner with the City on efforts to reduce youth marijuana use.

Sincerely,

Helen Ying

[Discover2010@gmail.com](mailto:Discover2010@gmail.com)

503-803-4555

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[1] Dougherty DM, Mathias CW, Dawes MA, et al. Impulsivity, attention, memory, and decision-making among adolescent marijuana users. *Psychopharmacology* 2013;226(2):307-319. doi: [10.1007/s00213-012-2908-5](https://doi.org/10.1007/s00213-012-2908-5)

[2] Bryan AD, Schmiede SJ, Magnan RE. Marijuana use and risky sexual behavior among high-risk adolescents: Trajectories, risk factors, and event-level relationships. *Dev Psychol* 2012;48(5):1429-42. doi: [10.1037/a0027547](https://doi.org/10.1037/a0027547)

[3] Ashbridge M, Hayden JA, Cartwright JL. Acute cannabis consumption and motor vehicle risk: Systematic review of observational studies and meta-analysis. *BMJ* 2012;344:e536. doi: [10.1136/bmj.e536](https://doi.org/10.1136/bmj.e536)

[4] Brook, J.S. et al. The risks for late adolescence of early adolescent marijuana use. *American Journal of Public Health*, October 1999.

[5] *Drugs, Brains, and Behavior: The Science of Addiction*. National Institute on Drug Abuse. Published April 2007. Revised August 2010.

[6] Chen, M.J., Gruenewald, P.J., and Remer, L.G. (2009). Does alcohol density affect youth access to alcohol? *J. Adolescent Health* 44(6), 582-589.

[6] Truong, K.D., Sturm, R. (2009). Alcohol environments and disparities in exposure associated with adolescent drinking in California. *Amer. J. Public Health*. 99(2), 264-270.

[6] Schneider JE, Reid RJ, Peterson NA, Lowe JB, Hughey J. Tobacco outlet density and demographics at the tract level of analysis in Iowa: implications for environmentally based prevention initiatives. *Prev Sci*. 2005;6(4):319---325

[7] Oregon Student Wellness Survey, 2014

September 16, 2015

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Sincerely,

Helen Ying  
[Discover2010@gmail.com](mailto:Discover2010@gmail.com)  
503-803-4555

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<sup>1</sup> Dougherty DM, Mathias CW, Dawes MA, et al. Impulsivity, attention, memory, and decision-making among adolescent marijuana users. *Psychopharmacology* 2013;226(2):307-319. doi: [10.1007/s00213-012-2908-5](https://doi.org/10.1007/s00213-012-2908-5)

<sup>2</sup> Bryan AD, Schmiege SJ, Magnan RE. Marijuana use and risky sexual behavior among high-risk adolescents: Trajectories, risk factors, and event-level relationships. *Dev Psychol* 2012;48(5):1429-42. doi: [10.1037/a0027547](https://doi.org/10.1037/a0027547)

<sup>3</sup> Ashbridge M, Hayden JA, Cartwright JL. Acute cannabis consumption and motor vehicle risk: Systematic review of observational studies and meta-analysis. *BMJ* 2012;344:e536. doi: [10.1136/bmj.e536](https://doi.org/10.1136/bmj.e536)

<sup>4</sup> Brook, J.S. et al. The risks for late adolescence of early adolescent marijuana use. *American Journal of Public Health*, October 1999.

<sup>5</sup> Drugs, Brains, and Behavior: The Science of Addiction. National Institute on Drug Abuse. Published April 2007. Revised August 2010.

<sup>6</sup> Chen, M.J., Gruenewald, P.J., and Remer, L.G. (2009). Does alcohol density affect youth access to alcohol? *J. Adolescent Health* 44(6), 582-589.

<sup>6</sup> Truong, K.D., Sturm, R. (2009). Alcohol environments and disparities in exposure associated with adolescent drinking in California. *Amer. J. Public Health*. 99(2), 264-270.

<sup>6</sup> Schneider JE, Reid RJ, Peterson NA, Lowe JB, Hughey J. Tobacco outlet density and demographics at the tract level of analysis in Iowa: implications for environmentally based prevention initiatives. *Prev Sci*. 2005;6(4):319---325

<sup>7</sup> Oregon Student Wellness Survey, 2014



TO: Mayor Hales and City Council Members  
DATE: September 16, 2015  
RE: Marijuana Proposal

Good Afternoon Mayor Hales and City Council Members,

Thank you for allowing me the opportunity to comment on the proposal before you this afternoon. I am a community member of the Marijuana Task Force and am representing only myself in speaking here today. I would like to take this opportunity to acknowledge the excellent work of the ONI staff as well as that of my fellow members of the Marijuana Task Force. The make up of the group represented a broad range of interests which led to extremely useful conversations regarding the implementation of the Marijuana initiative — in our case as it applies to the regulation of retail recreational marijuana sales here in Portland. I learned a great deal. I also was very pleased with the emphasis on equity in planning future outreach and education efforts to groups who might be interested in these new marijuana enterprises.

I am in support of the proposal before you and would like to use my time to comment on what I feel are necessary next steps. First, in addition the education and outreach efforts I just mentioned there is reference to an Information Form and then to a Marijuana Control Plan similar to a Good Neighbor Agreement. All three of these could benefit from future stakeholder review.

The Information Form and Marijuana Control Plan together should provide enough information on the applicant and his/her proposed plans and safeguards to ensure the product will be dispensed properly and the premises managed appropriately to avoid misconduct or actions that could impinge on the environment of nearby businesses or residences. Outside review could help ensure that the City avoids a mere series of boxes to be checked as well as something that feels like a term paper.

Second, although I have no proposed solution I want to raise the issue of saturation — that is the addition of “too many” marijuana retail outlets and medical dispensaries to areas with numerous liquor serving establishments and adult entertainment venues — thus threatening the ability of a business district to provide the mix of goods and services needed to become a “walkable” neighborhood. I most recently heard this concern expressed during the economic development segment of an Anti-Displacement Conference organized by EPAP so I am relaying it to you.

Third, (and I may sound like I'm contradicting myself) I think the City needs to explore the development of regulated premises for the responsible consumption of marijuana. By coincidence, the luncheon speaker at yesterday's TREC Transportation Summit was Eric Klinenburg, author of *Going Solo*. The research in his book focuses on the steadily increasing numbers of people living alone in this country (and around the world) and their impact on future planning decisions. A part of this phenomenon is the dependence of these individuals (over a quarter of the population of Portland and growing) on public or private or so called third spaces for their social connectedness. Whether the request comes from a parent who doesn't wish to consume marijuana in front of his children or a person who wishes to consume marijuana as part of a social evening with friends, I think this issue needs to be explored.

## Marijuana Proposal Con't

Finally, and this is definitely an issue for the Intergovernmental Relations folks to watch — I'm concerned about how the new law and market forces will shape where and how medical dispensaries operate. Will recreational outlets displace medical dispensaries eventually? I don't want the specific medicinal products (e.g., the sometimes different dosages) to be either removed from the market, or inappropriately sold. And is OHA compiling the limited learnings about medical uses that some purveyors may have gleaned from their patients experiences so they can be more widely researched or shared someday? Given past laws have prevented needed scientific research on the medicinal properties of marijuana, it seems important that this information is carefully compiled as a basis for future research.

Thank you for your consideration of these issues.

Linda Nettekoven  
2018 SE Ladd Ave  
Portland, OR 972142

**Testimony of Ground Works Industries**  
**Geoff Sugerman**  
**September 16, 2015**

Mayor Hales and Members of the Portland City Council, my name is Geoff Sugerman. I am submitting this testimony on behalf of my client, Ground Works Industries – a Portland based firm committed to the growth of the legal adult and medical marijuana industry in a manner that fully supports, protects and promotes important Portland community values.

Ground Works Industries has participated in the work group and community forums ably organized by Commissioner Fritz, her personal staff and the staff of the Office of Neighborhood Involvement. We have submitted suggestions at these meetings and have had an opportunity to help shape the document presented for your consideration.

The outreach work by Commissioner Fritz has ensured that the product presented to you reflects a consensus of many of the stakeholders involved, ourselves included, on many of the substantive sections of the proposed rules. We appreciate the work that has been done to include so many of us in these discussions.

My testimony today addresses a single issue: the “**Minimum Standards**” regulation of distances between marijuana dispensing facilities, licensed by the OLCC and the Oregon Health Authority [OHA] (*Section 14B.130.040 Minimum Standards*).

That section calls for a 1000 foot buffer between medical dispensaries and a 1000 foot buffer between recreational shops, but not from each other.

One of the most challenging issues we face following passage of Measure 91 is the intersection between medical marijuana dispensaries and recreational facilities. While we want to ensure medical patients can continue to get access to their medicine untaxed as they do today – either from their grower or from one of the over 250 dispensaries now located in Oregon – we also know that many of these existing medical businesses want to and intend to enter the recreational market as well.

Since the Legislature passed HB 3460 in 2013, we have seen the licensure and regulation of some 200 medical marijuana dispensaries in Portland. These shops have operated safely and efficiently for the past two years. There have been few problems reported and strong compliance on the part of these facilities. They have done well.

In reviewing the current set of draft rules from the OLCC, there is no 1000 foot rule between recreational facilities, and because HB 3400 allowed cities to adopt that rule, it is not likely to be included in the OLCC licensing criteria.

This could pose a significant problem for the City of Portland if the OLCC issues more than one license to recreational retailers’ within 1000 of another. Under that scenario, the City would be in the unenviable position of determining which of the applicants would receive permission from the city to operate.

Thus, an existing medical marijuana dispensary seeking to move into the recreational market could be denied a city license if a non-medical facility was permitted first by the OLCC. In those cases, an existing business with employees, lease arrangements and customers could potentially be forced to close.

In Colorado, medical facilities were allowed to opt into the recreational system first. Already licensed and compliant, this provided an orderly transition from medical to recreational while still allowing those medical facilities to continue to serve patients — either at the same location or a second location. Many cities applauded that move as it provided them with clear direction in their local licensing procedures.

In Oregon, the Legislature has adopted some regulations around time, place and manner operations. The OLCC rule making will bring many more. But they have also left significant responsibility to cities. Thus, unlike the siting of liquor stores and places that offer video lottery, cities can make some policy choices of their own.

In our view, there may be a relatively simple solution to avoid situations where multiple OLCC licenses are issued within the same 1000 feet. We would suggest the following language:

*“No Marijuana Regulatory License shall be issued to a facility that is within 1000 feet of an OHA medical marijuana dispensary licensee or another OLCC marijuana retail licensee.”*

We believe this also makes sense in areas where there are neighborhood concerns about over-saturation of retail outlets. While we strongly believe these shops will continue to operate safely, allowing medical and recreational shops within 1000 feet of each other will lead to a potential doubling of the number of stores in Portland initially.

This change will ensure that no location — whether retail or medical — can be located within 1000 feet of another. It will provide for a more orderly process under which existing medical dispensaries seeking to switch over will not be caught in a situation that would require them to close. And it will be clear going into the OLCC application process that those current 1000 foot buffers will be maintained.

We believe this will lead to a more orderly, thoughtful, fair and workable process for city licensure of both medical and recreational facilities.

Thank you.



**Moore-Love, Karla**

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**From:** Laurel MOSES <laurel.moses@multco.us>  
**Sent:** Tuesday, September 15, 2015 3:52 PM  
**To:** Council Clerk – Testimony  
**Cc:** Tricia TILLMAN; Paul LEWIS; Jennifer VINES; Elizabeth CLAPP; Julie SULLIVAN-SPRINGHETTI; Claudia BLACK  
**Subject:** Multnomah County Health Dept testimony for City of Portland Council Meeting 9/16  
**Attachments:** MCHD testimony for City of Portland MJ Ordinance\_9.16.pdf

Greetings;

Attached is a copy of Multnomah County Health Department's written testimony which will also be presented as oral testimony during the marijuana license procedures and requirements ordinance presentation tomorrow afternoon.

Please let me know if you have any questions.

Thank you,

--

**Laurel Bentley Moses, MPH**  
Health Services Development Administrator  
Grants Development Team  
Multnomah County Health Department  
426 SW Stark, 9th Floor, Portland, OR 97204  
(503) 988-8648 (o) (x88648)  
(971) 373-1208 (c)  
[laurel.bentley@multco.us](mailto:laurel.bentley@multco.us)

## Multnomah County Health Department



September 16, 2105

To: Portland City Council  
From: Multnomah County Health Department  
RE: City of Portland Regulations for Marijuana License Procedures and Requirements

Good afternoon, I am Jennifer Vines, Health Officer with the Multnomah County Health Department. Thank you for the opportunity to provide support for the City of Portland ordinance to facilitate the introduction of retail marijuana businesses. Multnomah County has been carefully tracking the changes to state law related to both recreational and medical marijuana. Retail marijuana is new territory for elected officials and government agencies and like the City, we are rapidly learning and adjusting to the changing landscape each month.

We have identified at least four major areas of concern to Public Health. First, highly potent marijuana either smoked or consumed can easily lead to overdose. Since retail sales began in 2014, Colorado's Rocky Mountain Poison and Drug Center has received over 70% more calls related to marijuana exposure than it did in 2013.<sup>i</sup> Youth are particularly at risk for accidental poisonings when marijuana products are not stored safely and out of reach.

Second, marijuana slows reaction times and doubles the risk of traffic accidents.<sup>ii</sup> When drivers are under the influence of both marijuana and alcohol, impairment is compounded.

Third, marijuana use by pregnant or breastfeeding mothers is of great concern. Avoiding any chemical exposures, such as marijuana, is a priority for fetus' and babies' healthy development. Finally, limiting youth access to marijuana products through carefully planned ordinances like the one proposed by City of Portland helps prevent youth exposure. Though our understanding of the effects of marijuana use on the developing brain is still evolving, exposure is unlikely to be good. But we do know that there is strong evidence that marijuana users who start at a young age have an increased risk for becoming dependent.

We expect the proposed ordinance addressing time, place, and manner of operation of marijuana businesses to be particularly helpful in addressing our concerns. Based on what we know from a large body of alcohol retail outlet research, limiting the density of marijuana retail outlets is prudent. Studies have consistently shown that high alcohol retailer density is associated with increases in alcohol misuse, unintentional injuries, and crime.<sup>iii</sup> The density limit not only improves neighborhood livability but it may also discourage impulsive purchases and the negative consequences that result, such as overdose and auto crashes. The limitation on hours of sales also should help limit the consequences of impulsive purchases on fatal auto accidents which occur most often on weekend nights. Finally, ordinance requirements to assure age verification upon business entry and at retail sale is a fundamental part of limiting youth access and of setting the norm that marijuana use is an adult activity.

Multnomah County Health Department

426 SW Stark □ Portland, Oregon 97219 □ Phone: 503-988-3674

The County is also actively engaged with the Oregon Health Authority and the Oregon Liquor Control Commission in public policy development around other common-sense rules about potency, packaging, testing, and pesticide use; we urge you to also monitor and provide input on these issues that are outside of the City's authority.

In closing, we would like to thank the City of Portland for its diligence in developing this ordinance. We appreciate your efforts to hold town hall meetings and gather community input. The ordinance presented today not only incorporates community feedback but also maintains structure around time, place and manner that supports our vision in public health.

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<sup>i</sup> Tista S. Ghosh, M.D., Michael Van Dyke, Ph.D., Ali Maffey, M.S.W., Elizabeth Whitley, Ph.D., Dana Erpelding, M.A., and Larry Wolk, M.D. Medical Marijuana's Public Health Lessons — Implications for Retail Marijuana in Colorado. *N Engl J Med* 2015; 372:991-993 March 12, 2015 DOI: 10.1056/NEJMp1500043

<sup>ii</sup> Hartman, RL; Huestis, MA. Cannabis Effects on Driving Skills; *Clinical Chemistry*. 2013 Mar;59(3):478-92. doi: 10.1373/clinchem.2012.194381. Epub 2012 Dec 7.

<sup>iii</sup> Pacula, R.L., Kilmer, B., Wagenaar, A.C., Chaloupka, F.J., and Caulkins, J.P. Developing public health regulations for marijuana: lessons from alcohol and tobacco. *Am J Public Health*. 2014;104:1021-1028. doi:10.2105/AJPH.2013.301766

**Moore-Love, Karla**

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**From:** Beau Whitney <bwhitney@goldenxtr.com>  
**Sent:** Wednesday, September 16, 2015 1:50 PM  
**To:** Council Clerk – Testimony  
**Cc:** Beau Whitney  
**Subject:** Public testimony for today's City Council meeting  
**Attachments:** Written Testimony to the City of Portland - 09-16-15.docx

Attached please find my written testimony that I am submitting for today's City Council meeting.

Thank you  
Beau



Written Testimony to the City of Portland, City Council  
With reference to Proposed Ordinance for marijuana procedures and requirements  
(Ordinance: add Code Chapter 14B.130 and amend Section 3.96.060)

Beau R. Whitney, Greenpoint Oregon, Inc, Left Coast Connection  
September 16, 2015

I am submitting this written testimony to respond to the proposed ordinance regarding marijuana procedures and requirements. I am in favor of many of the principles associated with public safety and non-proliferation to individuals under the age of 21, however I am not in favor of several findings and actions proposed in the ordinance. My testimony is to provide clarity on these objections.

In general, it is difficult to understand how the city can make such claims and proposals, when the OLCC has not yet defined the administrative rules associated with the implementation of Measure 91 and HB3400. This is putting the cart before the horse.

**Comments on Section 1:**

Bullet 8: The City claims that saturation increases the likelihood that those under the age of 21 will have access.

It is well known and a substantial body of research work has demonstrated that usage of marijuana by those under the age of 21 actually decreases in states and communities where medical marijuana dispensaries are legal. In addition, recommendations on proposed rules associated with recreational operations are to restrict access to premises to minors. They cannot even get in the door.

Bullet 9: The city proposes a 1000 foot buffer between retail operations.

Based on recent comments made in public meetings, the OLCC does not intend to impose this restriction, which is in line with their alcohol licensing process.

Bullet 10: ...expectations that the City could also become the location for many retail marijuana businesses in Oregon.

It is true that there will be more in Portland than other locations. This is based on population. This should not be a criteria for restrictions on business licenses.

**Comments on Chapter 14B.130**

Overall comment: Why is it that marijuana testing facilities are not covered in this Ordinance?

Specific comments:

14B.130.020, Section D, subsection 2. This definition is incorrect. The carbon dioxide is not hydro carbon based.

14B.130.070, Section C, subsection 1b: The Director determining that a business has contributed to crime or livability incidents in the area... This is too vague. What constitutes infractions?

14B.130.080 Section A, subsection 4: Based on proposed OLCC retail rules, retail home delivery is allowed under Administrative rule, therefore this rule violates OLCC policy.

14B.130.080 Section B, subsection 2: Restricting hours of operation goes beyond the stated goals of these rules, "... to protect and preserve the public health, safety and general welfare of Portland communities..." There is no direct evidence to support a policy that restricting hours of operation are necessary to support the goals. This is a retail outlet. It is not an outlet where consumption takes place. If there is a public health, safety and general well-being argument to restrict business hours, then there should be a restriction in place to limit the hours in which cigarettes can be sold as there is a well-documented body of evidence to support that cigarettes have a public health, safety and general welfare impact.

This also violates state law with provisions on time, place and manner (within reason). Limiting hours of operation stretches what would be considered within reason.

Fees:

The fees are generally excessive and arbitrary. There is no documented evidence that the fees do or do not cover the costs of maintaining the program. There should also be a clause that the City can only cover the cost of the program and not be a revenue positive generator.

The implementation date or effective date is immediate upon passage which is detrimental to small and minority businesses that do not have access to this level of cash. This goes against the inputs from the public to support such businesses.

In sum, I appreciate and support the approach to public safety, but there are several aspects of this proposed ordinance that violate the very goal it is intended to serve, "... to protect and preserve the public health, safety and general welfare of Portland communities..." and seem contrary to the objectives of the community input.

In addition, given that the rules have not yet been established by the state regulatory body (OLCC), the rules contained within this proposed ordinance appear to violate or contradict the intent of state law and regulatory objectives.

Thank you.