

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: April 2, 2014

Approximate Start Time: 10:15 a.m

Approximate Length: 45 Min

Presentation Title: Medical Marijuana Facilities (MMF) and Senate Bill 1531

Department: County Counsel and Planning and Zoning Division

Presenters: Stephen Madkour, County Counsel
Nate Boderman, Assistant County Counsel
Mike McCallister, Planning Director

Other Invitees: Barb Cartmill, Acting DTD Director, Sheriff Robert, District Attorney Foote

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff requests Board direction on SB 1531, which authorizes the County to adopt a moratorium on the operation of a medical marijuana facility and / or impose reasonable regulations on the operation of medical marijuana facilities.

EXECUTIVE SUMMARY (why and why now):

On March 19, 2014, Governor Kitzhaber signed Senate Bill 1531 into law. The law makes changes to Oregon's medical marijuana dispensary law which gives local governments the authority to impose "time, place and manner" regulations on medical marijuana dispensaries, but stops short of authorizing local governments to institute outright bans on these facilities. Instead local governments have the option to impose a moratorium on dispensaries if they adopt an ordinance prior to May 1, 2014. These moratoriums will remain in effect up to May 1, 2015 unless extended by the Legislature in the 2015 session.

The bill also restricts the sale of edible medical marijuana products, requires dispensaries to use child-resistant packaging and prohibits packaging that is attractive to minors.

Registration of medical marijuana facilities is authorized by the Oregon Health Authority pursuant to recently adopted administrative rules. To qualify for registration a medical marijuana facility:

1. Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land.
2. May not be located at the same address as a marijuana "grow site."
3. Must not be located within 1,000 feet of a public or private elementary, secondary or career school attended primarily by minors
4. Must not be located within 1,000 of another medical marijuana facility.

The OHA is responsible to ensure compliance with the siting standards relative to proximity to schools and other medical marijuana facilities.

FINANCIAL IMPLICATIONS (current year and ongoing):

Adoption of a moratorium will require County Counsel staff time and resources to draft an ordinance, solicit feedback and conduct public hearings. However, no new funding is being sought. The League of Oregon Cities and Association of Oregon Counties have prepared a model ordinance to aid local jurisdictions in implementing a moratorium. The model ordinance prohibits the operation of a medical marijuana facility, but does not suspend land use ordinances or issuance of a land use permit.

Upon implementation of a one-year moratorium, no significant financial impacts are anticipated.

Adoption of a moratorium or "time, place and manner" restrictions will have financial impacts on medical marijuana dispensaries and property owners interested in renting or leasing space for these facilities. True costs of the financial impact are unknown. What is known is a moratorium will prohibit start up of any business for at least one year, followed with uncertainty in other legal or legislative action. Time, place and manner restrictions will also have some financial impact on business due to limited hours of operation and other considerations.

LEGAL/POLICY REQUIREMENTS:

If adopted, should a moratorium include a sunset provision of May 1, 2015? The Legislature in 2015 may extend or remove the sunset imposed by SB 1531. A moratorium must be adopted prior to May 1, 2014 and requires notification to the Oregon Health Authority.

"Reasonable regulations" include reasonable limitations on the hours of operation, reasonable limitations on where a medical marijuana facility can be located and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana. The Planning staff believes a medical marijuana dispensary would be authorized in all commercial and industrial (subject to square footage limitations) zoning districts as a retail use (similar to a pharmacy or drug store). The Zoning and Development Ordinance does not regulate "time" (hours of operation) or "manner" regulations of other similar retail uses. The Board should consider whether "time, place and manner" regulations are appropriate for this type of use but not for

other similar retail uses.

There are three potential ballot measures being pursued during this fall's election to legalize recreational use of marijuana for adults. Additional policy implications are likely to result if a ballot measure passes, particularly related to the siting of "grow operations."

PUBLIC/GOVERNMENTAL PARTICIPATION:

The staff has not completed any public outreach on this issue as of this date.

The County received a letter dated March 20, 2014 from a coalition of partners requesting the County to adopt a moratorium on MMF and or to adopt regulations on the operation of MMF's including hours of operation, signage and advertising, location in proximity to schools and other public places, public notice and comment periods and other considerations. Anecdotally, the staff is aware that most if not all cities in the urban area of the County intend to adopt a moratorium and or restrict / prohibit MMF's through the issuance of a Business License.

OPTIONS:

1. Direct staff to proceed with adopting amendments to the County Code to established a one year moratorium on medical marijuana dispensaries. A moratorium must be enacted not later than May 1, 2014.
2. Direct staff to draft potential "time, place and manner restrictions" for medical marijuana dispensaries for future consideration by the Board.
3. Direct staff to not proceed with a moratorium and / or "time, place and manner" restrictions.

RECOMMENDATION:

Staff recommends the BCC initiate and adopt an amendment to the County Code establishing a moratorium on the operation of medical marijuana dispensaries. The moratorium will allow the County to continue monitoring issues associated with siting and operation of medical marijuana dispensaries and consider other impacts that may surface from the potential legalization of marijuana for adult recreational use this fall.

ATTACHMENTS:

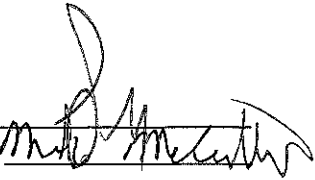
1. Senate Bill 1531
2. Proposed Ordinance Amending Title 6 of the County Code and adding Section 6.12 Medical Marijuana Facility Moratorium.
3. Consortium letter dated March 20, 2014 in support of moratorium and time, place and manner restrictions.

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

A handwritten signature in black ink, appearing to read "Mike McCallister", is written over the signature lines of the Department Director/Head Approval and County Administrator Approval fields.

For information on this issue or copies of attachments, please contact Mike McCallister @ 503-742-4522

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

- YES
 NO

START-UP EXPENSES AND STAFFING (if applicable): N/A

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable): N/A

ANTICIPATED RESULTS: N/A

COSTS & BENEFITS: N/A

Costs:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	Capital purchase		\$\$\$				\$\$\$
	Office infrastructure				\$\$\$		\$\$\$
	Training			\$\$\$			\$\$\$
	Total Start-up Costs		\$\$\$	\$\$\$			\$\$\$
	Ongoing Annual Costs				\$\$\$	\$\$\$	\$\$\$
Benefits/Savings:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
	Productivity increase	XXX			\$\$\$		\$\$\$
	Training savings over time				\$\$\$		\$\$\$
	Technology replacement svgs				\$\$\$		\$\$\$
	Total Start-up Benefit/Savings						
	Ongoing Annual Benefit/Savings				\$\$\$		\$\$\$

Enrolled
Senate Bill 1531

Sponsored by Senators HANSELL, MONROE, STARR; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, MONNES ANDERSON, OLSEN, THOMSEN, WHITSETT, WINTERS, Representatives ESQUIVEL, JENSON, THATCHER, THOMPSON, WHISNANT, WITT (at the request of Association of Oregon Counties and League of Oregon Cities) (Pre-session filed.)

CHAPTER

AN ACT

Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, "reasonable regulations" includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

SECTION 3. (1) Notwithstanding ORS 475.314 and section 2 of this 2014 Act, the governing body of a city or county may adopt an ordinance enacting a moratorium on the operation of registered medical marijuana facilities until May 1, 2015, in the area subject to the jurisdiction of the city or county if the moratorium is enacted no later than May 1, 2014.

(2) Notwithstanding ORS 475.309 (1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section is not excepted from the criminal laws of this state for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.

(3) The governing body of a city or county that enacts a moratorium under this section must notify the Oregon Health Authority, in a manner prescribed by the authority, of the moratorium.

(4) A registered medical marijuana facility that is located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section may choose to surrender the medical marijuana facility's registration. To surrender registration under this subsection, the medical marijuana facility must notify the authority, in a manner prescribed

by the authority, of the surrender. If a medical marijuana facility surrenders registration under this subsection, the authority may refund any fee imposed by the authority pursuant to ORS 475.314 (12).

SECTION 4. Section 3 of this 2014 Act is repealed on January 2, 2016.

SECTION 5. ORS 475.314 is amended to read:

475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

(e) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land; *[and may not be located at the same address as a marijuana grow site;]*

(b) May not be located at the same address as a marijuana grow site;

[(b)] (c) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

[(c)] (d) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

[(d)] (e) Must not be located within 1,000 feet of another medical marijuana facility; and

[(e)] (f) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose name is submitted as the person responsible for a medical marijuana facility under subsection (2) of this section.

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility

shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

(7) A medical marijuana facility registered under this section may possess usable marijuana and immature marijuana plants in excess of the limits imposed on registry identification cardholders and designated primary caregivers under ORS 475.320.

(8)(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging that meets standards established by the authority by rule.

(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is manufactured or packaged in a manner that is attractive to minors, as determined by the authority by rule.

[(8)] (9) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

[(9)(a)] **(10)(a)** A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

[(10)] **(11)** The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346, [or] rules adopted under ORS 475.300 to 475.346 **or ordinances adopted pursuant to section 2 of this 2014 Act.** The authority may release to the public a final order revoking a medical marijuana facility registration.

[(11)] **(12)** The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

SECTION 6. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect March 1, 2014.

Passed by Senate February 18, 2014

Repassed by Senate March 7, 2014

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House March 5, 2014

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2014

Approved:

.....M,....., 2014

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2014

.....
Kate Brown, Secretary of State

AN ORDINANCE AMENDING TITLE 6 PUBLIC PROTECTION
OF THE CLACKAMAS COUNTY CODE AND ADDING SECTION 6.12 DECLARING A
MORATORIUM ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN
EMERGENCY

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution;

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities and counties the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, Senate Bill 1531 (2014) removes immunity from state prosecution for person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility;

WHEREAS, the issue of whether a local government determines a certain type of business should operate within its jurisdictional limits is an area of county concern and a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;

WHEREAS, legal uncertainty surrounds the ability and the authority of the State to allow for the location of medical marijuana dispensaries in Oregon cities and counties where to do so arguably violates federal law;

WHEREAS, the Board of Commissioners OF Clackamas County has determined that it is in the best interests of the health, safety and welfare of the citizens of Clackamas County to enact such a moratorium prohibiting the siting and operation of a medical marijuana facilities within the jurisdictional boundaries of unincorporated Clackamas County so as to provide time to examine the range of options surrounding the regulation or prohibition of medical marijuana facilities within unincorporated Clackamas County.

NOW THEREFORE, BASED ON THE FOREGOING, THE BOARD OF
COMMISSIONERS OF CLACKAMAS COUNTY HEREBY ORDAINS AND AMENDS
THE COUNTY CODE AS FOLLOWS:

Section 1. Title 6 of the Clackamas County Code is amended in its entirety to add Section 6.12 to read as follows:

6.12 MEDICAL MARIJUANA FACILITY MORATORIUM

- A. MORATORIUM DECLARED. The County of Clackamas hereby issues a moratorium prohibiting the operation of any medical marijuana facility in any

area subject to the jurisdiction of Clackamas County. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

- B. ENFORCEMENT. The Sheriff is charged with enforcement of the moratorium.
- C. EFFECTIVE DATE. The moratorium imposed hereby is effective from and after the enactment of this ordinance and continues until May 1, 2015, unless otherwise lawfully rescinded or extended.
- D. REMEDIES NOT EXCLUSIVE. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the Sheriff of Clackamas County to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.
- E. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- F. OREGON HEALTH AUTHORITY NOTICE. A copy of this Ordinance shall be forwarded to the Oregon Health Authority by regular mail and by any other such means as required by rule of the Oregon Health Authority.

EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

ADOPTED this _____ day of _____, _____ 2014.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



1404 7th Street
 Oregon City, OR 97045
 503/785-7994
<http://octogether.wordpress.com>

Building opportunities for a healthy & drug-free future



Mt. Hood Coalition



Partners: Sandy Police Department, City of Sandy Mayor, Molalla Police Department, Oregon City Police Department, West Linn Police Department, Canby Police Department, Gladstone Police Department

March 20, 2014

Chair John Ludlow
 Board of Commissioners-Bernard, Smith, Schrader, Savas
 District Attorney John Foote
 Sheriff Craig Roberts
 Clackamas County Clackamas County District Attorney
 2051 Kaen Road 807 Main St. Suite 7
 Oregon City, OR 97045 Oregon City, Oregon 97045

RE: HB3460 and SB1531C-allows a moratorium on Marijuana Facilities

Though Governor Kitzhaber has not yet signed SB1531C which allows for a County or City wide-13 month-long moratorium on medical marijuana dispensaries, over 50 Cities and Counties across Oregon have already endorsed banning and moratorium ordinances. For those Cities and Counties who have not endorsed bans or moratoriums, SB1531C allows them to put moratoriums in place, but must be in place by May 1st, 2014 and will sunset on May 1, 2015. During the legislative House session it was noted in a letter from the Oregon State Sheriff's Association, Oregon Association of Chiefs, Association of Oregon Counties, and Representative Andy Olson to the House legislators that they were in total support of SB1531B which allowed Oregon Cities and Counties to regulate, restrict, or prohibit outright, and their support of SB1531C was a compromise at best, and that they would be back in 2015 to repeal SB1531C.

As a unified voice we are writing to encourage and support our Commissioners as they walk through the process of implementing a moratorium in the unincorporated rural parts of Clackamas County and we support and encourage a moratorium. We know that already these facilities have opened and are selling marijuana and are planning their openings in the unincorporated rural parts of Clackamas County before they have even been approved or licensed by the Oregon Health Authority.

Given the short timeline, this matter is of *utmost urgency*.

We are writing as a consortium of local coalitions throughout Clackamas County dedicated to reducing youth substance abuse and we have joined in partnership with our local Law Enforcement officials, our District Attorney, our County Mayors and our County Councils. Each of our coalitions are comprised of representatives from many leading sectors of our respective communities which include these officials as well as media, schools, parents and others who are committed to protecting our communities.

We are deeply concerned that the capacity of the Oregon Health Authority to regulate medical marijuana dispensaries under HB3460 is limited to only 4 full-time employees, 2 of which will be used to handle the licensing process and 2 who will be the compliance officers for the program, especially knowing that there were 281 license requests the first day of the program, with 10 of those being in Clackamas County, another glitch of HB3460 which does not set a limit on the number of these facilities throughout the State. This leaves significant responsibilities to local and county jurisdictions to **consider the full range of potential impacts that this program would have on public safety of our communities and the increased access points for the youth in our communities.** In 2012, of the 242 youth that went into County treatment programs 87.5% was for marijuana addiction.

We are asking that the County Commissioners implement a county-wide ban/moratorium on marijuana dispensaries and or further restrictions should they ever be forced into our communities that would restrict:

- hours of operation
- signage and advertising

- limiting proximity to family-related sites such as pre-schools, daycare centers, game arcades playgrounds, churches, public parks and libraries (sites not currently protected under HB3460)
- public notice and comment periods for neighboring businesses and residents
- enforcement plan to address diversion and impaired driving
- limiting the location of marijuana grow sites to areas zoned for industrial or agricultural use

Many of our city localities are protected from storefront dispensaries by local ordinances prohibiting any business activity that is illegal under federal law, however those ordinances don't protect our youth from **activities at the outskirts of town that are within county jurisdiction.**

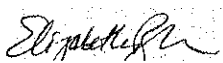
As prevention activists, we are committed to introducing current research on brain development and local use/consequence data into the public dialogue if needed. We consider community leaders to be the front line in sending a united and clear message that protects young people from the normalization of marijuana use - regardless of their position on legalization or other policy questions.

- With recent advances in brain research we now know that there are very particular developmental health risks associated with early marijuana use. Early users of tobacco, alcohol and marijuana before the age of 16 are more than twice as likely to be marijuana dependent as adults. (21% of those who used before 16 became dependent, while only 8% of those who began use after 16.) A recently published study from Northwest University's Feinberg School of Medicine reinforces this. Though researchers were focusing on the effects related to *amount* of use, the greatest effect was seen resulting from *age of onset*. **The earlier the use, the worse effects on the brain.**
- While adult use of marijuana may have fewer negative health risks, we can't be cavalier about the developmental health risks of early use. This important distinction between adult and youth use has become lost in the emotional debate over legalization.
- **The social costs of early use** can be measured in lower academic achievement, higher drop-out rates, and increased disciplinary actions in schools. Colorado's Department of Education reports a 40% increase in suspensions and expulsions due to marijuana since medical marijuana became legal in 2008.
- Our coalitions' concerns include **increased availability to youth** through diversion, and the **norming of marijuana use** through visible storefronts and signage.
- **Diversion.** We are sensitive to the circumstances leading to the recent bust in West Linn. In this instance, medical marijuana grower's recruited students from West Linn High School to tend grow sites in exchange for marijuana. That marijuana was in turn sold to other students on campus. According to the University of Michigan's 2013 Monitoring the Future study, fully one third of 12th graders in states with medical marijuana report getting marijuana from someone else's prescription.
- It is worth noting that Clackamas County had the 5th highest number of OMMP cardholders in the state in 2012. With parent permission the OMMP allows cardholders to be as young as 18 years old, therefore creating a concern about the social impact overlap with "near-peers" and diversion to youth.
- **Norms.** Higher visibility and normalizing of medical marijuana facilities has the effect of confusing young people about the distinctions between adult & youth use, and marijuana's recreational & medical uses. Prevention science draws a definitive link between low perception of harm of a substance and an increase in its use. Students' sense of possible harm related to use has shown a measurable decline since medical marijuana became legal in Oregon. Among Clackamas County 6th graders, perception of harm dropped an alarming 10% in the two short years from 2010 to 2012.

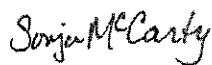
While we could provide further details regarding the social and health risks of increased availability of marijuana to youth, we would be happy to do so at your request; please simply consider that Oregon is in unknown territory when it comes to medical marijuana policy. **Implementing a ban/moratorium on medical marijuana dispensaries in Clackamas County will protect the public trust and serve our young people far into the future.**

Thank you for your time and consideration.

Sincerely,



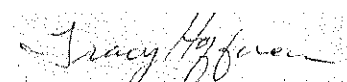
Elizabeth Russell
Oregon City Together
Coalition Coordinator



Sonja McCarty
Drug-Free Estacada Families & Youth
Project Coordinator



Shirley Morgan
Mt. Hood Coalition
Founder



Tracy Hoffman
Vibrant Future Coalition
Coalition Director

PARTNERS supporting this letter request for a ban/moratorium on marijuana facilities include:

Chief Yamashita-Sandy/Estacada

K. Yamashita

City of Sandy Mayor

Mayor William King

Chief Pryde-Gladstone

[Signature]

Chief Lucich-Molalla

Bob A. Lucich

Chief Band-Oregon City

[Signature]

Chief Timeus-West Linn

Tony B. Timeus

Chief Smith-Canby

[Signature]



John S. Foote, District Attorney for Clackamas County

Clackamas County Courthouse, 807 Main Street, Room 7, Oregon City, Oregon 97045
503 655-8431, FAX 503 650-8943, www.co.clackamas.or.us/da/

March 31, 2014

John Ludlow, Chair
2051 Kaen Road
Oregon City, OR 97045

Jim Bernard, Commissioner
2051 Kaen Road
Oregon City, OR 97045

Paul Savas, Commissioner
2051 Kaen Road
Oregon City, OR 97045

Martha Schrader, Commissioner
2051 Kaen Road
Oregon City, OR 97045

Tootie Smith, Commissioner
2051 Kaen Road
Oregon City, OR 97045

Re: A Possible Ban of Medical Marijuana Dispensaries in Clackamas County

Dear Commissioners:

I have all been tracking the actions of the Oregon legislature in recent years as they have made a number of decisions about medical marijuana dispensaries in Oregon. First, the voters soundly defeated a ballot measure to allow dispensaries. Soon after, the legislature passed legislation allowing medical marijuana dispensaries despite the public vote against them. Now, the legislature has passed SB 1531C which allows temporary bans of dispensaries until May of 2015. And looming on the horizon is a possible ballot initiative to legalize marijuana. While all of these issues are important, the only issue currently before our community is whether or not to pass a temporary ban on medical marijuana dispensaries in Clackamas County pursuant to SB 1531C. I would like to briefly share our recommendations on this issue, while recognizing these other issues remain unresolved at the present time.

Simply put, I strongly support a ban of medical marijuana dispensaries. We have observed the negative impacts these kinds of storefront operations have made on communities where they have been allowed in places like California. While there are certainly a small minority of ill Oregonians who want marijuana for the amelioration of their serious medical symptoms, unfortunately the overwhelming majority of people who would frequent these storefront operations are simply people who want to consume marijuana. The state of Oregon is completely unequipped to regulate or control these dispensaries if they are allowed to open and we fear they will bring a wide variety of criminal and public health issues to our local communities. And this is to say nothing of the threat marijuana presents to our young people who are simply too young to understand the dangers of drug use generally.

Thank you for considering our recommendations. We would welcome any opportunity to discuss this with you further if you wish or to share any other information we can provide.

Sincerely,

John S. Foote, District Attorney
Clackamas County

cc Sheriff Craig Roberts
Don Krupp, County Administrator
Stephen Madkour, County Counsel