



OHA Comments on SB 1511 -4 Amendment

The following remarks and comments are being submitted by OHA in response to specific concerns regarding the -4 amendment to Senate Bill 1511, currently under consideration by the Joint Committee on Marijuana Legalization.

- Page 1, line 9:
 - Action Requested: Define “members-only facility”
 - Concern: “Members-only facility” is not defined. This creates confusion for enforcement about what qualifies an establishment to be a “cannabis café.”
- Page 1, line 11:
 - Action Requested: Define “controlled area.”
 - Concern: “Controlled area” is not currently defined. This creates on confusion for enforcement about what areas of a premises permit consumption of cannabis.
- Page 3, lines 26-28:
 - Action Requested: Clarification of legislative intent.
 - Concern: Language implies that healthcare professionals may be permitted to smoke cannabis at their place of employment, which would include a hospital. This would seem to conflict with language from ORS 612.612 (2)(g).
- Page 4, line 9:
 - Action Requested: Require persons who hold a medical marijuana card to be 21 years of age to enter into the controlled area of the facility.
 - Concern: Language allows for 18 year olds to enter the controlled area of the facility.
- Page 4, line 16:
 - Action Requested: Require signs about the “controlled area” at each exit.
 - Concern: Language only requires signs at entrances.
- Page 4, after line 15:
 - Action Requested: Add requirement for exempted businesses to be “stand-alone.”
 - Concerns: Certified smoke shops and cigar bars require businesses to be “stand-alone” to protect neighboring businesses from diminished air quality.
- General Concerns:
 - There are no time, place, and manner restrictions regarding proximity to schools, day care facilities, places where children gather.
 - No provisions that address local government control related to time, place, and manner.
 - The existence of “cannabis cafes” could lead to an increase in youth use of marijuana. Exemptions to the ICAA for hookah lounges led to a marked increase in youth use of hookah in counties where hookah lounges were located.

- Enforcement Concerns:
 - It may be challenging for OHA to follow legislative intent without a regulatory body or certification system to enable accurate tracking of exempted businesses and determine what qualifies as a “cannabis café.”
 - It is impossible to visually distinguish between various types of “inhalants.” This will cause confusion among the public and enforcement agencies.
- Ventilation Concerns:
 - A ventilation system does not fully protect nonsmokers from exposure to secondhand smoke. The Surgeon General stated “Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.”¹
 - The Oregon Retail Marijuana Scientific Advisory Committee concurred that “marijuana smoke, both firsthand and secondhand, contains many of the same cancer-causing chemicals as tobacco smoke.”

¹ http://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/ventilation/