



JOHN A. KITZHABER, MD  
Governor

January 27, 2015

Rob Patridge, Commission Chair  
Steve Marks, Executive Director  
Oregon Liquor Control Commission  
P.O. Box 22297  
Milwaukie, OR 97269-2297

Dear Chair Patridge and Executive Director Marks:

As the Oregon Liquor Control Commission (OLCC) begins to implement Ballot Measure 91, I strongly believe it is critical for the regulatory framework to protect children, promote safety and health in our communities, and prevent the diversion of marijuana outside of a well-regulated Oregon market. It is important to note, however, that federal law has not changed and Oregon law does not protect the producers, processors, wholesalers, retailers, or individuals availing themselves of Measure 91's provisions from federal prosecution.

In implementing Measure 91, the robust regulatory framework must control access to marijuana beyond solely prohibiting retail sales to minors. Oregon must also prohibit marijuana products and marketing that appeal to minors, and retailers must use child-proof packages to prevent young children from accidentally consuming marijuana.

To promote safety and health in our communities Oregon should ensure that there is adequate testing and labeling to educate, inform, and protect consumers; engage public health officials and others to track and study the health effects; and provide state and local law enforcement the tools necessary to keep our roads safe and prevent driving while under the influence of intoxicants. The promotion of safety and health can also be accomplished by giving OLCC broad authority to establish criteria and conditions as it determines appropriate for the licensing and establishment—including siting—of producers, processors, and retail outlets.

Finally, Oregon's retail market, including taxes and regulations, must be efficient and effective to ensure that we set up a system that does not, whether through neglect or necessity, unintentionally divert marijuana outside of the regulated market. Instead, the regulatory framework should be designed to drive producers, processors, and consumers alike into the regulated market. This is impossible without the tracking of all marijuana from seed-to-sale regardless of whether it is produced or consumed for recreational or medicinal purposes. We also should take a close look at the provisions for home grown marijuana in Measure 91 to determine whether adjustments can be made to minimize opportunities for black-market production while still allowing personal cultivation in a safe environment.

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The magnitude of challenges and pitfalls to implementing Measure 91 cannot be overstated. We have an opportunity to learn from the states that have forged this path before us and create a system that serves Oregon's best interest. From addressing the unknowns of edibles and concentrates to concerns about the proximity of licensees to schools and daycares, Oregon's regulatory framework must first and foremost protect children, promote safety and health in our communities, and prevent the diversion of marijuana outside of a well-regulated market.

It is my hope that if these goals are not achieved by Measure 91 as written, that its sponsors and the Oregon Legislature will ensure Oregonian's best interests by fine-tuning the measure during the 2015 session.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Kitzhaber". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Kitzhaber, M.D.  
Governor

JAK/SP