

The Oregon Cannabis Tax Act of 1997

We are circulating a petition to legalize cannabis sales in the state of Oregon. The following initiative has begun its signature drive for the ballot in November 1996. We have two years to gather 70,000 signatures and make the ballot, from now until July 1996.

The past president of the Oregon Medical Association, our branch of the AMA, is one of our sponsors. His name and address appear on each petition.

The name of our Political Action Committee is "Pay for Schools by Regulating Cannabis", or the PSRC. Our proposal is the Oregon Cannabis Tax Act of 1997. This legislation will legalize and license sales of cannabis and allow individuals to grow for personal use. The profits from sales will go to education <96%> and drug abuse treatment <4%>.

The first third of the text, or preamble, is a finding by the people of our state, giving the reasons we are breaking from federal drug scheduling. The text of the law is in section 3. The last part directs our state to push for full federal legalization of cannabis if the feds try to stop us, and this would be funded by grower's license fees. The proposal would make fiber and seed hemp crops legal and unregulated. It would also supply pharmacies with cannabis so that doctors could prescribe it.

This proposal is in full compliance with the international treaties that the US spearheaded to control psychoactive substances, the Single Convention Treaty and the U.N. Treaty on Psychotropic Drugs, and their amendments. We had a property tax limitation initiative pass here and the state is desperately seeking new sources of revenue to fund education; we have the answer. :)

Oregon just passed an initiative that legalizes doctor assisted suicide for the terminally ill. Though Oregon is the 1st place in the world to recognize this right in law, there is one other place that allows for doctor assisted suicide tacitly, without actually writing this in their law. The Netherlands is that place. The Dutch also allow cannabis sales tacitly. We are seeking to have Oregon follow the Dutch model yet again.

The name of our PAC is Pay for Schools by Regulating Cannabis (PSRC). If you would like to help or contribute to our effort, our address is:

P.S.R.C.
PO Box 86741
Portland, OR 97286
Our phone number is 503-229-0428.

We have several events coming up that we encourage you to attend.

On Saturday, November 26th we will have a state wide organizational meeting in Eugene, Oregon. Please call our office for the details. No charge.

On Saturday, December 3 we are having a benefit dinner at Old Wife's Tales restaurant on East Burnside Street, starting at 7 pm. Please call us to confirm your reservation. The cost is \$20 per person.

On New Year's Eve, Saturday, December 31st, we are having a Party starting at 8 pm at The Emperor's Chambers at 333 SW Park Ave. Please call to make a reservation. The cost is \$20 per person.

On Saturday, January 14, 1995 we will have another benefit dinner at Plainfield's Mayur, an Indian restaurant on SW 21st Ave., starting at 7 pm. Please call us to make reservations. The cost is \$25 per person.

When this passes, we'll be much better off than the Netherlands. We need your help to make this happen. Please help as best you can.

Here's the text of our proposal:

The Oregon Cannabis Tax Act of 1997

Whereas the people of the State of Oregon find that Cannabis hemp is an environmentally beneficial crop that:

(a) Yields many times more paper and fiber than any other plant, more and healthier protein than any other plant, and more oil and other potential sources of energy than any other plant;

(b) Yields cloth and paper of superior strength and durability without the application of pesticides during cultivation and without producing cancer-causing pollutants during processing;

(c) Yields more biomass and fiber than any other plant across all climatic zones and grows faster than any other plant on Earth in the temperate and cooler climates;

(d) Yields a substance that relieves the suffering of many ill people without life-threatening side effects; and,

Whereas the people find that federal and corporate misinformation campaigns that economically benefit small groups of people have suppressed the information above and the fact that:

(a) George Washington grew cannabis for more than 30 years and, while he was President, he said, "the artificial preparation of hemp is really a curiosity" and told his Secretary of the Treasury, Alexander Hamilton, that he was, "suggesting the policy of encouraging the growth of Hemp";

(b) Thomas Jefferson invented a device to process cannabis;

(c) Gouverneur Morris of Pennsylvania, who spoke more at the U.S. Constitutional Convention in 1787 than any other delegate and of whom James Madison said, "the style and finish of the Constitution properly belongs to the pen of Gouverneur Morris," wrote a paper with Thomas Jefferson called, "Notes Respecting Tobacco" that compared cannabis and tobacco and concluded that cannabis "is to be preferred"; and,

Whereas the people find that cannabis is Oregon's largest cash crop, indicating that cannabis prohibition has failed; and,

Whereas the people find that, despite misinformation concocted to justify cannabis prohibition, the courts of Alaska, Hawaii and Michigan have noted presidential commission findings, scientific studies, and learned treatises which:

(a) Characterize cannabis as a relatively harmless, nonaddictive euphoriant used and cultivated for over 10,000 years without a single lethal overdose;

(b) Demonstrate that moderate cannabis intoxication causes very little impairment of psychomotor functions; reveal no significant physical, biochemical, or mental abnormalities attributable solely to cannabis use; and that long-term, heavy cannabis users do not deviate significantly from their social peers in terms of mental function;

(c) Disprove the "stepping stone" or "gateway drug" argument that cannabis use leads to other drugs; rather, that lies taught about cannabis, once discovered, destroy the credibility of valid warnings against other truly dangerous drugs;

(d) Indicate that cannabis users are less likely to commit violent acts than alcohol users, refute the argument that cannabis causes criminal behavior, and suggest that most users avoid aggressive behavior, even in the face of provocation; and

(e) Declare that cannabis use does not constitute a public health problem of any significant dimension; finds no rational basis for treating cannabis as more dangerous than alcohol; and

Whereas the people of the State of Oregon find that cannabis does not cause the social ills that its prohibition was intended to guard against; rather, that most of the social ills attributed to cannabis result from its unreasonable prohibition which:

(a) Fosters a black market that exploits children, provides an economic subsidy for gangs, and sells cannabis of questionable purity and uncertain potency;

(b) Generates enormous, untaxed, illicit profits that debase our economy and corrupt our justice system; and,

(c) Wastes police efforts, clogs our courts, and drains the public resources to no good effect; and,

Whereas, the people recall that alcohol prohibition had caused many of the same social ills before being replaced by regulatory laws which, ever since, have granted alcohol users the privilege of buying alcohol from state licensees, imposed strict penalties protecting children, delivered alcohol of sure potency, and generated substantial public revenues; and,

Whereas the people hold that cannabis prohibition is a sumptuary law of a nature repugnant to our constitution's framers and which is so unreasonable and liberticidal as to:

(a) Arbitrarily violate the rights of cannabis users to be secure against unreasonable search and seizure as guaranteed to them by Article 1, Section 6 of the Oregon Constitution;

(b) Unreasonably impose felony burdens on the cannabis users while the state grants special privileges to alcohol users, which violates Article 1, Section 20 of the Oregon Constitution;

(c) Unnecessarily proscribe consumption of an "herb bearing seed" given to the people in Genesis 1:29, thereby violating their unqualified religious rights under Article 1, Section 3 and their Natural Rights under Article 1, Section 33 of the Oregon Constitution; and,

(d) Irrationally subvert the ends to which, in its Preamble, the Oregon Constitution was ordained and the purposes, in Article 1, Section 1, for which our government was instituted; now,

Therefore, the people find that the constitutional ends of justice, order, and the perpetuation of liberty; the governmental purposes of preserving the peace, safety, and happiness of the people; and the vitality of the other constitutional provisions cited above, demand the replacement of a costly, self-defeating prohibition with regulatory laws controlling cannabis cultivation, potency, sale, and use; defining and prohibiting cannabis abuse; protecting children with a comprehensive drug education program and strict penalties for the sale or provision of cannabis to minors; funding a state drug abuse treatment program; and raising substantial revenues for public education.

Wherefore, be it enacted by the people of the State of Oregon, the laws relating to cannabis are revised as follows:

Section 1. This Act shall operate uniformly throughout Oregon and fully replace and supersede all statutes, municipal charter enactments, and local ordinances relating to cannabis. The name of the Oregon Liquor Control Commission is hereby changed to the Oregon Drug Control Commission effective January 1, 1997.

Section 2. Section 3 of this Act creates an ORS chapter 474 titled the "Oregon Cannabis Control Act." Legislative Counsel shall move and renumber existing provisions of chapter 474. ORS chapter 474 shall become effective upon January 1, 1997.

Section 3. 474.005 Definitions. As used in this chapter:

(1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including but not limited to the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.

(2) "Cannabis" means the flowering tops and all parts, derivatives, or preparations of the cannabis plant, also known as "marijuana", containing cannabinoids in concentrations established by the commission to be psychoactive, but does not include "hemp" as defined by ORS 474.005(5).

(3) "Commission" means the Oregon Drug Control Commission, formerly the Oregon Liquor Control Commission.

(4) "Cultivation" means growing the cannabis plant.

(5) "Hemp" means the seeds, stems, and stalks of the cannabis plant, and all other parts, products, and by-products of the cannabis plant not containing cannabinoids in concentrations established by the commission to be psychoactive.

(6) "Person" means a natural individual or corporate entity of any kind whatsoever.

474.015 Short Title. This chapter may be cited as the "Oregon Cannabis Control Act."

474.025 Purpose of the Oregon Cannabis Control Act. This chapter shall be liberally construed so as to minimize the abuse of cannabis; to prevent the sale or provision of cannabis to minors; and to protect the peace, safety, and happiness of the Oregon people while preserving the largest measure of liberty consistent with the above purposes.

474.035 Powers and duties of the commission, licenses for cultivation and processing. (1) The commission shall have the powers necessary to carry out the provisions of this chapter. It shall make such rules and regulations as will discourage and minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state. The commissions jurisdiction shall extend to any person licensed under this chapter to cultivate or process

cannabis, but shall not extend to any person who manufactures products from hemp.

(2) The commission shall issue to any qualified applicant a license to cultivate cannabis for sale to the commission. The license shall specify the areas, plots, and extent of lands to be cultivated. The commission shall equitably apportion the purchase of cannabis among licensees.

(3) The commission shall issue licenses to process cannabis to qualified applicants who submit successful bids. Licensed processors shall, as specified by the commission, contract, cure, extract, refine, mix, and package the entire cannabis crop and deliver it to the commission's physical possession as soon as possible, but not later than four months after harvest.

474.045 Commission to sell cannabis at cost for medical purposes. The Commission shall sell cannabis at cost:

(a) To Oregon pharmacies for use under a physician's order for glaucoma, nausea related to chemotherapy, AIDS, or any other condition for which cannabis is an effective treatment; and,

(b) To recognized Oregon medical research facilities for use in research directed toward expanding medical and sociological knowledge of the composition, effects, uses, and abuse of cannabis, to include studies of cannabis purchasers voluntarily participating through state liquor stores under ORS 474.055.

474.055 Commission to set price and sell through state liquor stores. The commission shall sell cannabis through the state liquor stores and shall set the retail price of cannabis to generate profits for revenue to be applied to the purposes noted in ORS chapter 474 and to minimize incentives to purchase cannabis elsewhere and to purchase cannabis for resale or for removal to other states.

474.065 Qualifications of purchasers and licensees, effect of conviction. (1) To be qualified to purchase, cultivate, or process cannabis, a person must be over 21 years of age and not have been convicted of sale of cannabis to minors or convicted under this chapter of unlicensed cultivation or sale of cannabis.

(2) Conviction for cultivation or sale of cannabis to other than minors, when committed prior to the effective date of this chapter, shall be expunged from the criminal records of the state upon petition of the offender and shall not be grounds for denial of an application for a license under this chapter.

474.075 Disposition of license fees and profits from sale of cannabis by state. (1) The commission shall collect license fees which shall be calculated and continually appropriated to defray the commission's administrative costs of issuing licenses under this chapter and the Attorney General's costs of litigation in defense of the validity of this chapter's provisions and in defense of persons subjected to criminal or civil liability for actions licensed or required under this chapter.

(2) All money from the sale of cannabis shall be remitted to the State Treasurer for credit to a cannabis account, from which sufficient money shall be continually appropriated:

(a) To reimburse the commission for the costs of purchasing, processing, testing, grading, shipping, storing, and selling cannabis; of regulating, inspecting, and auditing licensees; and of research studies required by this chapter; and,

(b) To reimburse the Attorney General's office for costs of enforcing this chapter's criminal provisions.

(3) All money remaining in the cannabis account after reimbursement of the related commission and Attorney General costs shall be profits which the State Treasurer shall distribute quarterly as follows:

(a) Sixty-five percent shall be distributed to the state's school districts, appropriated by enrollment, and shall continually appropriated to fund all public education programs except drug education programs under ORS 474.075(3)(d).

(b) Thirty percent shall be distributed to the state's institutions of higher education, appropriated by enrollment, and shall be continually appropriated to fund and expand such institutions to the end that more Oregon residents may attend and tuition costs may be lowered.

(c) Four percent shall be credited to the department of Human resources and shall be continually appropriated to fund drug abuse treatment programs.

(d) One percent shall be distributed to the state's school districts, appropriated by enrollment, and shall be continually appropriated to fund a drug education program which shall:

(I) Emphasize a citizen's rights and duties under our social compact and to explain to students how drug abusers injure the rights of others by failing to fulfill such duties;

(II) Persuade students to decline to consume intoxicants by providing them with accurate information about the threat intoxicants pose to their mental and physical development; and,

(III) Persuade students that if, as adults, they choose to consume intoxicants, they must nevertheless responsibly fulfill all duties they owe others.

474.085 Commission to establish psychoactive concentrations of cannabinoids. The commission, based on findings made in consultation with the Board of Pharmacy and cannabis and hemp farmers to cannabinoid concentrations which produce intoxication, the economics of residual cannabis extraction and strains of hemp that produce more and better valuable fibers, shall establish reasonable concentrations of cannabinoids deemed psychoactive under this chapter.

474.095 Commission to set standards, test purity, grade potency of cannabis, label contents. (1) The commission, in consultation with the State Board of Pharmacy, shall set standards which the commission shall apply:

(a) To test and reject cannabis containing adulterants in concentrations known to harm people; and,

(b) To grade cannabis potency by measuring the concentrations of psychoactive cannabinoids it contains.

(2) The commission shall affix to cannabis packages a label which shall bear the state seal, a certification of purity, a grade of potency, the date of harvest, a warning as to the potential for abuse, and notice of laws prohibiting resale, removal from the state, public consumption, and provision and sale to minors.

474.105 Commission may limit purchases. The commission may limit the quantity of cannabis purchased by a person at one time or over any length of time and may refuse to sell cannabis to any person who violates this chapter's provisions or abuses cannabis within the meaning of ORS 474.005(1).

474.115 Unlicensed cultivation or sale, removal from the state, penalties. Cultivation for sale, removal from the state for sale, and sale of cannabis, without commission authority, shall be Class C felonies, and unlicensed cultivation and removal from the state of cannabis shall be a Class A misdemeanor. Persons qualified under ORS 474.065 can cultivate small quantities of cannabis for personal use without fee or license.

474.125 Sale or provision to minors, penalties, exception. The sale of cannabis to minors shall be a Class B felony, and gratuitous provision of cannabis to minors shall be a Class A misdemeanor except when to a minor over 18 years of age under the same conditions provided by ORS 471.030(1) for alcohol.

474.135 Fine as additional penalty. In addition to other penalties and in lieu of any civil remedy, conviction of sale or unlicensed cultivation for sale under ORS 474.115 or 474.125 shall be punishable by a fine which the court shall determine will deprive an offender of any profits from the criminal activity.

474.145 Acquisition by minors, penalty. Except as provided by ORS 474.125, the purchase, attempt to purchase, possession, or acquisition of cannabis by a person under 21 years of age shall be a violation punishable by a fine of not more than \$250.

474.155 Public consumption prohibited, penalty, exception. Except where prominent signs permit and minors are neither admitted nor employed, public consumption of cannabis shall be a violation punishable by a fine of not more than \$250.

474.205 Commission to study methods of use, potential for abuse, establish cannabis levels for presumption of intoxication. The commission, in consultation with the Board of Pharmacy and by grants to accredited research facilities, shall:

(a) Study methods of use and the potential for, and ill effects of, abuse of cannabis, and shall report its findings in pamphlets distributed at state liquor stores; and,

(b) Study cannabis intoxication and, if practicable, shall establish by rule levels above which a person shall be presumed intoxicated.

474.215 Presumption of negligence. In civil cases, a rebuttable presumption of negligence shall arise upon clear and convincing evidence that a person's intoxication by cannabis at the time of injury materially contributed to the cause of injury.

474.305 Disclosure of names and addresses prohibited. Information on applicants, licensees, and purchasers under this chapter shall not be disclosed except upon the person's request.

474.315 Effect, Attorney General's duties. If federal law is held to impede this chapter's full effect, unimpeded provisions shall remain in effect and the impeded provisions shall regain effect upon the impediments removal. As funded by ORS 474.075(1), the Attorney General shall vigorously defend any person prosecuted for acts licensed under this chapter, propose a federal act to remove impediments to this chapter, deliver the proposed federal act to each member of Congress, and urge adoption of the proposed federal act through all legal and appropriate means.

<^> | [V]ichael j. pickering V
6 4 1 | pick1731@splava.cc.plattsburgh.edu <@@>
^^^ | aeiou.&.sometimes.y ...00