



CITY OF
PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

AMANDA FRITZ, COMMISSIONER

Amalia Alarcón de Morris, Bureau Director

Marijuana Policy Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

Marijuana Policy Oversight Team

June 22, 2016, 6 – 7:30 PM

Portland Building, Rm. C

Minutes

IN ATTENDANCE

Staff

Víctor Salinas	Marijuana Policy Program
Brandon Goldner	Marijuana Policy Program
Lina Rodriguez	Marijuana Policy Program

MPOT Members

Beth Cooke	UFCW Local 555
Allan Folz	Piedmont Neighborhood Association
Darilis Garcia-McMillan	Portland Community College
Carolyn Haycraft	GirlStrength, EPIC, Portland Police Bureau
Antonio Ramirez Subiria	Latino Network
Randa Shahin	Home Grown Apothecary Medical Dispensary
Meghan Walstatter	Pure Green Medical Dispensary

ABSENT

MPOT Members

Sam Chapman	New Economy Consulting, LLC
Kealii Ching	Marijuana Paradise Medical Dispensary
Jesce Horton	Dispensary Owner, Minority Cannabis Business Association
Laurel Moses	Multnomah County Health Department
Sondra Storm	Owner, Hotel Development & Management Company
Helen Ying	Big Village Coalition

ACRONYMS:

ICAA	Oregon Indoor Clean Air Act
MPOT	Marijuana Policy Oversight Team
MPP	Marijuana Policy Program (City of Portland)
MRL	Marijuana Regulatory License
Mult. Co.	Multnomah County
OHA	Oregon Health Authority
OLCC	Oregon Liquor Control Commission
ONI	City of Portland Office of Neighborhood Involvement

MEETING NOTES

**Note: The terms “marijuana” and “cannabis” are used interchangeably, depending on which term the speaker used.*

Social Consumption Report Presentation

- MPP staff presented key points from Social Consumption report
 - See attachment

Discussion on recommendations

Allow for ticketed marijuana events to give away samples

- Question from MPOT member for clarification on samples at events
 - Meghan Marchetti – growers (usually) hand out small amounts of product at events. This is the same as other expo-style events. Samples are taken home, not consumed onsite.
- Antonio Ramirez Subiria – are samples labeled only in English?
 - Meghan – Not sure. Right now only growers are allowed to give samples and there aren't requirements on how growers label product.
 - Antonio – If someone takes these samples home, youth could be exposed if they are not labeled properly. Concern about labeling only in English in the Latino community because there are language barriers.
 - Meghan – I hear your concern. I'm thinking about how we can label things. Right now events are mostly attended by industry people – not many community members coming off the streets. This will change, so we want to address these things now.
 - Randa Shahin – There is a universal symbol, intended to be a warning. Starting Oct. 1, this symbol is required on all labels by the OHA.
 - Important to have good labels and useful education.
- Allan Folz – Expressed confusion because this scenario [samples at events] doesn't seem to include any social consumption.
 - This is one of the recommendations that was put forth by the subcommittee.
 - Right now, “for consideration” is defined by City code to include free samples if there is a charge to enter the event. This recommendation specifically addressed adapting or modifying that definition so samples would be allowed.
 - Meghan – Two issues are being coupled. There are two types of events that were happening and are now on hold: Permanent locations for social consumption (lounges), and temporary industry events. Industry events are on hold because of this “for consideration” issue.
- Beth Cooke – would there ever be an instance where there would be consumption on site? Specifically thinking of edibles. It seems like there

could be on-site consumption because it would be easy to consume a little bit of an edible.

- Meghan – It's harder for edibles vendors to give away product because their profit margins are smaller. I haven't seen edibles given away at events yet, but it is a concern. That's why we need clear protocol now.
- Concern was raised in Social Consumption Subcommittee meeting that if the City doesn't allow social consumption and/or sampling at events, it will create space for an illegal market in which events occur outside of regulation.
- Meghan – There was healthy discussion at the subcommittee meeting. Covered a lot of angles and a lot of values.
 - The industry is trying to advocate for policies that allow events to come to the city. Events are a boon for the city. Create jobs for the events.
 - We want to have these because we [marijuana industry] see ourselves as a brewery. We would like to be able to interact with the public in this way.
 - Oregon Cannabis Association having an event in July. Not charging for the event to be in compliance.
 - Interest expressed from other MPOT members for Meghan to share information and to attend event to see what it is like.
- Carolyn Haycraft – how are free gifts [samples] regulated?
 - Meghan – it's just on a first-come-first-serve basis.
 - Farms might give out a coupon for a dispensary, so it's regulated in that way because they would actually have to go to the dispensary.
 - Carolyn – but there would be free product?
 - It depends. People are concerned about their licenses and being in compliance and they're getting creative, for example, with coupons.
 - STAFF – City does not regulate giving away free coupons. The question right now is that the City sees it as a sales transaction for people to pay for admission and receive samples.
 - Randa – OLCC has a rule that you can't get rid of a product for less than you acquired it for. So if I get a gram for \$4, I can't give it away for free. I can't give it away for less than \$4.
 - Meghan – right now people play with this and give items away for free, but the OLCC is going to regulate this more than the OHA has been.
 - Randa – right now you can't take a beer sample home. Can't imagine it would be more lenient for cannabis.
- Allan – seems like the question is surrounding off-site consumption. But you just said the OLCC will say the sample has to stay on-site. I'm uncomfortable with how open-ended this recommendation is. Probably should say, samples for on-site consumption, vs. off-site.

- STAFF – recommendations specifically call for consumption at locations other than a licensed premises, such as at an event.
- Beth – I think we can assume we will eventually have this [events] because we have beer fests.
 - Meghan – the issue is the Oregon Indoor Clean Air Act (ICAA). Beer doesn't have a second-hand smoke issue, cannabis does.
 - We are already limited in the places that we can have events. These layers limit it even more.
 - Right now we're in this in-between space. We can come up things right now, but the OLCC could come up with stuff on two months that kill it. Smarter to keep it open ended because we don't know what the OLCC is going to do. I see both sides – I want to tighten it up, but we don't want to do something where the OLCC makes a change and kills cannabis stores. But Commissioner Fritz has asked us to address these things now.
 - STAFF – to clarify, the City is not interested in going against any standing County or State regulations. So we need to think about these [social consumption] recommendations considering these regulations [for example, ICAA]. But we need to answer these preliminary questions now so we know where the City stands. Right now we're specifically talking about samples at events and social spaces like an event or café.
- Question from MPOT member – how do cigar lounges get past the ICAA?
 - STAFF - Some of those already existed prior to the creation of the ICAA and they were grandfathered in and allowed to remain open.
 - In January, ICAA was expanded to include cannabis and vaping devices. Also narrowed what is considered an indoor space.
- Allan – There is no discussion of starting small and learning from that. These recommendations are really broad. Dispensaries have become a free-for-all, it seems like cafes will become a free-for-all. I'm not comfortable with that.
- Allan – also concerned about exposing new users. How do they get home after that? I'm not so concerned with experienced users.
 - Specifically talking about events. With sales where ostensibly you're taking it home to consume, you're in a safe space when you're done. But driving while intoxicated is a concern for events.
 - Meghan – there are rules for a temporary sales license for beer and wine events because responsible adults presumably have a way to get home safely – Uber or other services. There may be an educational piece, but there shouldn't be burden on the companies. Seems like an unfair burden on event holders.
 - Allan – it's societal education. You're not going to solve that with signs. Drunk driving used to be a huge problem, and society shifted. I don't think this has the same mindset.

- Meghan – I disagree. I think people are really responsible because of what happened with drunk driving. It's a legitimate concern, but it's not the business-owners responsibility to start slow.
- Allan – but we can start slow at the City level.
- Carlyne – Brought up Bar Academy with Big Village as an education piece. Since we're not reinventing the wheel and we do have more awareness of public impact, we can implement some kind of training.
- Meghan and Randa – OLCC will require a marijuana handler's card, similar to a food handler's permit. Will address how to identify and handle overconsumption.
- STAFF – When the Commissioner set up the MPOT, she was clear that the MPOT is not making rules or policies. They are making recommendations that may inform policies. Advancing this report forward doesn't mean a policy change. It will provide a stakeholder perspective for Council to consider. If there is a policy change, there would be another public input process to inform those policies more specifically.

Public Comment Period

- Discussion about marijuana topicals: products that have marijuana in them but are not in themselves intoxicating. Claim that there isn't a lot of education or research on these issues because marijuana has been illegal for so long, and therefore there may not be a lot of education to be shared because it hasn't been developed yet. With respect to vaporizers and the Indoor Clean Air Act, claim that the way the law is written, it would also outlaw some kinds of perfume. Urging members to be mindful when setting policy to avoid unintended consequences. Recommending something like having the product fully sealed the same way a wine bottle is sealed to prevent the consumption of samples if it's not intended at an event.
- Comment showing appreciation for looking at this issue from many different angles. Oregon has a chance to be a model for other states. Exciting time for marijuana.
- Pointing out that while there might not be a lot of research yet, there is anecdotal evidence and small pockets of cannabis users that know about these issues. Appreciation for having cannabis users be a part of the information-gathering process of potential policy recommendations. Urging to take advantage of the collective wisdom of cannabis users when setting policy. Regarding the Indoor Clean Air Act, considers tobacco smoke to be measurably more carcinogenic and dangerous than marijuana, and considers the hazard level to be less with marijuana than with tobacco.
- Pointing out that there is no place to consume marijuana outside of the home in Oregon right now. Thinks having spaces will decrease usage in parks and other public spaces.

Vote on approval of Report

- Question for clarification on what a temporary license is:

- Right now sales can only occur at a licensed facility. This would allow for sales at event venues, which are not licensed facilities. If the report were to move forward, the details would be a much larger discussion.
- Clarification on vote:
 - A “YES” vote will advance the report to Commissioner Fritz’s office, having been approved by the MPOT. A “NO” vote will NOT advance the report to Commissioner Fritz’s office, and will NOT have been approved by the MPOT.
- Question – If we don’t vote to advance the report, what happens?
 - STAFF – if MPOT votes to advance the report, Commissioner Fritz’s office will have access to the report as a recommendation from the MPOT. There will be some further points about social consumption the Commissioner has asked MPOT to address at this meeting if the report is advanced.
 - STAFF – if MPOT votes NOT to advance the report, Commissioner Fritz’s office would still have access to the report, but it wouldn’t be an official recommendation put forth by the MPOT. At that point, the group would need to have more discussion about what they want to do next.
 - Meghan – just because we make recommendation here, it doesn’t mean this is going to happen. There will still be conversations by the MPP and ONI.
 - STAFF – the conversation won’t happen at MPP, it will happen at City Council.
 - Allan – in my mind, there are implications that if we advance this, it implicitly says that the community wants this. If we don’t advance, it says that the community couldn’t make up their mind and we should move slower.
- **VOTE RESULTS: 5 YES, 2 NO**
 - YES: 5 votes
 - Carolyn: YES *(but for the record, I don’t know why the samples is one of the first 5 when we’re looking at youth and safety and ICAA. Doesn’t fit in with everything else.)*
 - Beth: YES
 - Meghan: YES
 - Darilis: YES
 - Randa: YES
 - NO: 2 votes
 - Antonio: NO
 - Allan: NO

With a vote of 5-2, the MPOT votes to advance the report and the recommendations to Commissioner Fritz’s office.

Dialogue on Impacts of Recommendations

- **Workplace Safety**
 - STAFF – Smoking not allowed within 10 feet of doors and entrances of buildings (ICAA). With this in mind, what considerations should we discuss in terms of employee health and sobriety?
 - Ventilation is key
- **Employee Health and Sobriety**
 - Employee sobriety
 - Meghan – most places address these issues in their Human Resources manuals. I imagine that is something that companies would be addressing. We haven't had an issue at our shop. Seems like that's a personal business decision – I'm wondering what we can or cannot do around that.
 - STAFF – One of the consideration is the risk of exposure to second-hand smoke. What other considerations do the MPOT want to offer?
 - Randa – is this only applicable to events, since on-site consumption isn't allowed?
 - STAFF – would apply to any social consumption. What needs to be taken into consideration in regards to ICAA?
 - Darilis – possibility of limited hours for shifts. For example, four hours instead of eight hours, to limit exposure.
 - Randa – regulation of breaks
 - Beth – My concern is people's ability to make a living. Are we making this a part-time workforce and people can't make a living?
 - Randa – depends on what we're talking about. For events, that would be temporary work anyway.
 - Beth – but for lounges?
 - Randa – for lounges, ventilation would be key.
 - Meghan – if we're talking about smoking, not oils, etc., it would be just like a bar, and there would be a smoking area.
 - STAFF asked for specific recommendations.
 - Concealed outdoor smoking area with access from the business. Not visible to public, but has ventilation.
 - STAFF – any considerations for modification to the ICAA? These are Commissioner Fritz's concerns.
 - Meghan – there is still research left to be done. Vaporizing cannabis is much different than smoking tobacco or smoking cannabis. The research we're drawing from is about tobacco. We just don't know what the effects are.
 - Specific recommendation: More research needed around the impacts of second-hand smoke when vaporizing and/or smoking cannabis products.
 - Recommendation – Location and access to cafes. Distances between businesses so there are not condensed areas of consumption. Distances from schools, etc.

- STAFF – is that recommendation germane to the topic at hand (employee health)?
 - Carlyne – yes, if someone had an addiction problem, access would matter.
- Beth – Clarification: given the fact that the report was moved forward, how could we address youth promotion and exposure to marijuana?
 - Location and access. Saturation of businesses.
 - Packaging and labeling. Already being addressed on State level, but something for City to keep in mind.
 - Samples – it should be clear whether they should be taken home or whether they should be consumed on site.
 - Standardized labeling across product families. Little ugly face [Mr. Yuck-style icon] should be on all marijuana products.
 - Randa – already required on everything. Child-resistant packaging is also required by State. They’ve gotten really adamant about packaging not appealing to children.
 - Would the group like to see packages?
 - MPP staff will ask group via email
 - Security – security should be proportionate to the number of attendees. This could be at lounges and/or events.
 - Most important are events, because they can be really large.
 - For lounges, it would be on the owner to make sure regulations are met.
 - Recommendation: number of security staff is directly related to projected attendance.
 - Outdoor events – buffer zones between point at which people are consuming and where the non-consuming public can access. Intention. People who don’t want to consume would be at a certain distance away from consumption areas. That children aren’t getting exposure.
 - Children not allowed at events.
 - Talking about the public (for example, event is at Pioneer Courthouse Square).
 - City can designate specific zones in the City where events can be held.
 - Spaces are already limited.
 - You may jack up rents in these areas because there is a monopoly.
 - Right now the places that are willing to host events are in industrial areas, not in residential areas. That may change.
 - *This recommendation got taken off the table after discussion among MPOT members.*
 - Allan – when my neighbors smoke, I feel the effects. Concerned about events.

- STAFF – that goes back to buffers from the public right-of-way or for zones in the City.
 - Filtration for indoor events and venues.
 - What are considerations for outdoor events?
 - Meghan – using a High Times event as an example, events can draw 30-40,000 people. Look for an open area – they were looking at expo center. There is an expo hall with no consumption. If you want to consume, you go to a separate consumption tent. You choose where you want to go. There is a separate price. They have an algorithm to address concerns that this group is having.
 - Recommendation: Ventilation/filtration systems for indoor/outdoor establishments
 - Allan – regarding filtration: what I see missing is that we’re not just exhausting to the outdoors.
 - Spot checks to ensure regulations are followed
 - Randa – OLCC is going to send secret shoppers, like they do for bars.

Education for responsible use

- Edibles are the most likely way for folks to experience unintentional overconsumption. Even if you’ve smoked before, edibles are different.
 - Dosage quantities, effects, etc.
- Equity on providing education and materials – different languages, materials.
 - Recommendation: Use equity lens in developing materials.
- School education programs, now that cannabis is legal. Educating kids more – equating education around marijuana to sex education: teaching abstinence doesn’t work. Some way to incorporate it into curriculum to educate on making better decisions instead of shielding kids from something legal until they’re 21.
 - Beth – my 13-year-old went through anti-tobacco training last year, and it didn’t touch on cannabis.
- Education on the impact of marijuana use on developing minds.
- If youth use, they should have to be in some kind of education class.
 - Beth – consequences usually fall on the parents.
 - Equivalent of alcohol diversion programs – this only applies in a car?
 - Recommendation – minor in possession consequences that involve education.

MEETING ADJOURNED: 7:49pm