



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
Social Consumption Subcommittee**

City Hall Pettygrove Room
June 14, 2016 and 6:00-8:00 PM

Minutes

IN ATTENDANCE

Staff

Víctor Salinas	Marijuana Policy Program Coordinator
Christina Coursey	Marijuana Policy Program
Brandon Goldner	Marijuana Policy Program
Lina Rodriguez	Marijuana Policy Program

Subcommittee Members

Sam Chapman	New Economy Consulting, LLC
Darilis Garcia-McMillan	Portland Community College
Meghan Walstatter	Pure Green Medical Dispensary
Helen Ying	Big Village Coalition
Betsy Clapp	Multnomah County Health Department
(representing Laurel Moses)	

Panel

Erik Vidstrand	Multnomah County Environmental Health Services
Josh Taylor	Oregon Cannabis Concierge
Nick Pierson	Jupiter Hotel
Brad Forkner	Venture Portland
Leland Berger	Portland NORML
Kovi Altamirano	Big Village

ABSENT

Subcommittee Members

Kealii Ching	Marijuana Paradise Medical Dispensary
Allan Folz	Piedmont Neighborhood Association
Antonio Ramirez Subiria	Latino Network
Laurel Moses	Multnomah County Health Department
(represented by Betsy Clapp)	

ACRONYMS:

Mult. Co.	Multnomah County
ICAA	Oregon's Indoor Clean Air Act

MPOT	Marijuana Policy Oversight Team
MPP	Marijuana Policy Program (City of Portland)
MRL	Marijuana Regulatory License
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.*

Develop deeper understanding of topic

Panel presentation to inform discussion

Josh Taylor – Oregon Cannabis Concierge (event promotion)

- Read prepared remarks
- Consumer for over 30 years
- Wants to be treated like every law-abiding citizen
- Spoke about fear by community
- Cannabis has been used in Portland for decades
- No uptick in crimes or youth use
- Goal as event producer: to be taxed and treated like liquor events
 - Believes needlessly restrictive rules come from OLCC
- Requesting that ONI partner with industry and other groups to develop policy
- Spoke on the importance of tourism – we can’t encourage tourists, sell to them, then criminalize consumption
 - Over \$40 million expected to be collected this year in taxes
- Proposed regulations for events (these are all things that are required at his company’s events):
 - Events should have licensed, insured security
 - No one under 21
 - Events held near mass transit, offer discount codes for cabs or other transportation services, and they offer safe transportation home if anyone is under the influence and needs safe transportation (noted that they’ve never had to do this)
- Compared his events to alcohol-related events – more public intoxication at alcohol-related events
- Events are important for educating the public on how to consume safely – does not make sense to penalize producers who want to work with consumers on how to safely consume
- Cannabis community wants to work with you. Please work with us.

Erik Vidstrand – Multnomah County Environmental Health Services (Indoor Clean Air Act)

- Main job is to enforce indoor clean air act
- On Jan 1 vaping was added to Oregon’s Indoor Clean Air Act (ICAA)
- ICAA passed by Oregon legislature in 2007

- Business owners were part of this process
- Mult. Co. passed an ordinance in 2000 to keep smoking out of restaurants and businesses. In 2002 the state did the same.
- In 2009 Mult. Co. added a ten-foot smoke-free zone around businesses
- Many businesses and city buildings have a wider zone. City buildings have 50 ft.
- Some agencies and outdoor areas are smoke-free – Portland Parks and Recreation, Portland Community College, Metro, TriMet
- 10-foot zone is not just around entrances – also applies to windows that open, intake vents, accessibility areas, others.
- Smoking is allowed in some places
 - Certified smoke shops – 8 in Mult. Co.
 - Cigar lounges – 4 or 5 in Mult. Co.
 - Hotels are allowed to have smoking in up to 25% of their rooms. Many hotels have decided to be smoke-free.
- OHA has an intergovernmental agreement with county to regulate this state law.
- Mult Co. staff is Erik (coordinator) and one enforcement officer.
- If a law doesn't seem to be accepted by a business, the case goes to the State for review.
 - Few cases escalate to this point - about a dozen citations since 2009.
- Goal is to do education and help people comply with the law.
- Complaint-driven system.
- Changes to ICAA in 2015:
 - Legislature added inhalant deliver systems (IDS), vaporizers, volcanoes, e-cigarettes, other respiratory inhalants.
 - Definition of outdoor enclosed area became smaller. Is now two walls and a ceiling (was three walls).

Nick Pierson – Jupiter Hotel (Hospitality Industry)

- Read prepared remarks from perspective of the hospitality industry
- Happy to be present – great to have a voice in the process
 - The industry would like to continue to have a voice in the policy making process.
 - Hotel industry brings 30 million people to Oregon every year.
- Hospitality industry wants to see: more education on cannabis consumption. There are many resources online at the State about liquor, etc., but none on cannabis. Wants more education for visitors.
 - Noted that in Denver, ER visits for cannabis-related overconsumption are 3x higher for visitors than for residents.
- Industry moved a little faster than government and now there is a situation where it is a little disingenuous too sell marijuana to someone from out-of-state when they have no legal place to consume.
- Colorado – first year that marijuana was legal, 8% visited a dispensary (according to survey).
- He had some stats of how many people who visit Oregon, but stay in a hotel or air bnb – which means they could legally buy, but not legally consume.
- Case study from Barcelona – cannabis social clubs in legal gray area went from 40-700. Clubs in four years. So the problem will grow.
- A concern as a hotelier who has smoke-free rooms – concerned about people not having other places to smoke and will smoke in the rooms.
 - Said he has asked business owners what they tell consumers. Was told things like, “the park is a great place to smoke.”

- Would like to see a change in the definition of “public area.”
- No changes needed in ICAA – possible to have outdoor public spaces.
- Recommendations:
 - Legal outdoor areas for consumption.
 - Change in OLCC policy allowing venues selling beer and wine to also have a smoking area.

Brad Forkner – Venture Portland (Travel/Tourism)

- Venture Portland is Portland’s nonprofit support system for Portland’s 15 neighborhood business district.
 - ½ of the city’s jobs lives (doesn’t include downtown). 98% of employees have 5 or fewer employees.
- This is not something the organization or the people they represent have taken a stance on, other than to say that they encourage new policies to be created in ways that are not overly burdensome for small business owners.
- Many regulations are frankly unrealistic for small business owners
- Also interested in neighborhood livability, safety for marijuana businesses, other businesses, and residents who live nearby.

Leland Berger – Portland NORML (Consumer Advocate)

- Chair of legislative committee for Portland NORML
- Confused about the purpose of this meeting. This is a matter of state law. City has too many regulations. The fees are barriers for entry, especially for minorities.
- Whole premise of City regulation is nonsense – a guy was vaping in front of City Hall when he walked in.
- Data uses nicotine smoke, not cannabis smoke.
- Confused by comment about parks – Commissioner Fritz doesn’t like it, but parks are great places to smoke, except for the prohibition.
- Thought consumption in clubs would be allowed because they are private – you have to pay to get in.
- ICAA has a different definition of “private,” so clubs have been shut down. This is the County enforcement officers, not the City.
- Went to groups to hear what their concerns are about places where people can safely consume socially.
- Would like to see the City and has urged the Mayor Elect to reduce fees
- Also wants City to waive enforcement of outdoor events for his two events – Hempstalk and Million Marijuana March.
- People don’t have a safe place to consume because they are in section 8 housing, apartments. They can’t go to parks.
- Wants to address concerns that those in the health community have to control odor and other issues.

Kovi Altamirano – Big Village (Youth Prevention)

- Read a prepared statement
- Big Village focuses on preventing youth substance use and abuse
- Values that they want to see in terms of policy:
 - MJ may hurt the developing adolescent brain. Have done research on this.

- Average age among youth of first use is 12. Research shows that this leads to other issues.
- Believe that MJ can have negative impacts on youth.
- What we'd like to see from the committee in terms of policy:
 - Reduce promotion of MJ to minors.
 - Restrict marketing. They see marketing issues a lot with edibles and how appealing they look to youth.
 - Reduce access through price, hours of operation
 - Reduce through social mean – family, peers. Education in schools and to youth.
 - Consequences for under-age users and enabling adults.
 - Minor possession strategies that aren't damaging to the young person
- School policies – the school policies have not caught up to legalization.
- Consistent regulation of public smoking

Questions about City's authority to regulate social consumption, versus State laws

- Víctor: Commissioner Fritz is interested in hearing from stakeholders on issues and getting recommendations. These recommendations might involve a statutory change at State level, or something else. We want to have this conversation early on.

Panel Q&A

Sam

- Wanted to give some context:
- Sees social consumption in two buckets.
 - 1. Events – this might be more local in terms of legal questions.
 - Questioning the definition of “for consideration” – the idea that I pay \$20 to go into a fair where there are free samples or something of that nature. Am I therefore paying for that cannabis? That is a big argument going on right now – is the City's understanding correct? Even samples, which can run out and are not guaranteed – is that for consideration?
- 2nd bucket – ICAA. Question of public vs. private space.

Leland

- Has met with OLCC to talk about creating temporary event and server permits, as exist for alcohol. Agrees with Sam on the two buckets.
- Still confused about why the City is involved with this to begin with –this is an overreach.
- Referenced a guy selling jars that came with cannabis. Police left him alone. So why is the City involved with regulating events where people pay?

Meghan

- There are a lot of overlays. Many things at State level (ICAA, etc.) that are State issues that we at the City have to be compliant with.
- We can talk about these things as a framework
- Can the City advocate for legislative change?
 - Víctor – Yes, there is limitation at local level and at state level. The question for this group isn't what does it take to get there, but a broader perspective – what is it that we want to see?
 - Urged the group to use this time to ask specific questions to the panelists.

- Meghan – Still confused about this. Not surprised by any of the perspectives that were offered on the panel.
- Wondering what recommendations we really can make to use this time productively.
- Thinks we need to separate out ONI bucket and State bucket.
- Concern – we’re creating more and more barriers and regulations at different levels that will hinder the ability of businesses to survive. There are many regulating agencies that aren’t talking to each other. There is a disconnect.

Darilis

- Question around creating spaces where people can consume – specifically concerned about smell. Any recommendations from the panel? Things you’ve heard of or seen in other places?
 - Leland – indoors, there are carbon filters that are used in small places and larger events. Remove smoke from the air so the odor doesn’t contaminate the neighborhood for those who don’t like the smell.
 - In discussion with OHA, we weren’t sure whether this should be best practices or a regulatory requirement.
 - Josh – smoking (burning) is what creates a smell. Right now the only way the City allows legal consumption is outdoors. This is going to create more of a smell.
 - Pointed out that the City doesn’t regulate smells in other contexts – I can smell every meat dish from diners walking down the street.
 - Erik – speaking on ventilation, you would need ventilation strong enough to suck everything out of the room. Nothing like this exists. We’ve been going around with this for years. The only way to clear the air is to have no particles to begin with. Referenced a study done in California.
 - Leland – did this study test for cannabis?
 - Erik – not sure.
- Kovi – clarifying question for Darilis – just concerned with smell, or also with the smell reaching people and affecting them – a “contact high?”
 - Darilis – discussion has been more around smell, but she’s thinking of anyone who doesn’t want to partake.
 - Kovi – She is concerned with contact high.
 - Josh – he says you can’t get a contact high in an outdoor space. You need to be in a confined space.
 - Kovi – Second hand smoke?
 - Josh – You need to be in a confined space.

Decision made by group to skip break to have more time for meeting.

Panel Q&A cont’d

Sam to Kovi

- Has Big Village done research on advertising rules and regulations, existing regulations?
 - Kovi – Yes, and has lobbied on issues like making edibles less appealing to young people, smaller edible sizes, child-proof packaging.
 - Big Village would like to make regulations more robust
 - Sam – Asked for specific example.

- Kovi – a lot of products are bright and colorful and appealing to young people. Also referenced advertising on billboards and social media.
- Sam – Is Big Village concerned about this with alcohol?
 - Kovi – yes, we are.

Meghan

- Wants to address the comment on emergency room visits - numbers are misleading.
- 7-20 kids are admitted to emergency room for accidental consumption of (non-illegal) products already. Very concerned as a mother.
- Wants to make sure we're looking at whole picture. But there is other research that shows that they are inflated numbers.
- Víctor – reminded group to use this time for questions to the panel.
- Kovi – We want to report accurately. But even one youth in the emergency room is too many.

Leland and Kovi – they disagree (why did I write this?) They disagree on kids being admitted to ER for accidental consumption, someone mention fetal alcohol syndrome, I'm not sure why. They were talking fast and all at once.

Víctor

- The purpose of the questions is to inform subcommittee members. Focus on sharing information. Focus of the meeting is for the subcommittee members to develop recommendations to inform where City should go.

Sam

- Didn't know that hotels could make 25% of their rooms smoking rooms. Does that allow for smoking cannabis?
 - Erik and Nick – yes, can be any type of smoking.
 - Might not be well-known in the industry.

Sam to Erik

- The definition of “enclosed space” has gotten broader or narrower?
- Erik – it has gotten narrower. Two walls and a ceiling. Used to be three walls and a ceiling.

Sam to Erik

- What is the protocol when you receive a complaint about the ICAA?
- Erik – When I get a complaint, I send a letter to the business.
 - If the business is already in system, makes an unscheduled visit.
 - If in violation, the business has 50 days to comply.
 - Code enforcement officer follows-up.

Darilis

- Question about lounges with special permissions. In theory, could there be a cannabis lounge?
- Erik – Most current smoking lounges were grandfathered in 2009. Rules have changed.
- Jupiter – the other complicating factor is the definition of a public space. A private club has still been defined as public space.

- Leland – if employees are okay with it, it should be allowed. A public place becomes a private place if you have to pay money to get in.

Sam to Erik

- Is Mult. Co. interested in working with the industry?
- Erik – Yes, this is one of our values. We want to work with our partners. We worked with industry on ICAA. A 15 member advisory board created the rules about parks. Constantly working with community organizations.

Betsy – Asked about current landscape in Alaska.

- Leland – Alaska has rules that will allow consumption in retail establishments
 - Denver is also promoting this.
- Sam – thinks there are 3 or 4 other states that have pending language allowing social consumption in retail establishments. CA language allows for local provisions.
 - Leland- if there were a change in Oregon at the State level, there would probably be an opt-out for jurisdictions.

Identify potential recommendations

Víctor – acknowledged the limitations of the City’s jurisdiction. Purpose of this meeting is to make recommendations regardless of what the city can and can’t do – these are about recommendations of what we’d like to see.

Brainstorm of possible recommendations (to be evaluated later):

Sam – Change definition of “for consideration” to allow for attendees to pay admittance into an event where samples are available.

- Be able to offer samples at events
- State definition of for consideration should match local definition.

Betsy – Strong shared definition of “social consumption.”

- Víctor – we’re using this term to mean consuming marijuana in the presence of others outside of one’s own home.
 - For example, if it were to be allowed, in what settings would it be allowed? Events and events only? Or some kind of lounge?

Helen – The increase of marijuana cafes will increase density of businesses and visibility. How would this be addressed?

- Sam asked Helen – from the Big Village perspective, are you interested in creating a way forward for social consumption?
- Helen – the position of Big Village is to protect youth. So if increasing visibility would lead to more use, Big Village would not support that.
- Sam – has the [Big Village] coalition considered that the allowance of these types of facilities could go with your vision of reducing youth impact? People are smoking cannabis regardless.

Darilis – we need to create some space for use.

- It was a valid point to say if we have people coming from out-of-state with no place to consume, they'll consume in spaces that's aren't appropriate.
- Recommended that there be a legal space for social consumption – then we can talk about what those places should look like.

Sam – take this recommendation one step further. Create space through a temporary license for events.

- Meghan- important to have a license for events, which is different than lounges. There should be a temporary license just like for alcohol.

Helen – asked to go back to her suggestion

- We should avoid creating spaces that will increase access for use. Increased venues mean increased visibility.
- Recommended that if spaces for social consumption increase visibility of marijuana use – and therefore impact youth – they should not be allowed to exist.

Betsy – Would like to see an ordinance about what is allowed in terms of social consumption. Does this include edibles? Vaping? How many people have to come together for it to be social consumption?

- Recommendation: an ordinance that clearly defines what social consumption means.

Darilis – Recommendation for required signage in shops that state age restrictions for marijuana consumption in social consumption settings.

- Víctor said this falls more under desired outcomes.
- Added “clearly established and advertised age of use” to desired outcomes. Required signage exists now for shops – this recommendation is specifically for social consumption.

Sam – seconds not allowing spaces that are harmful to youth.

- Advocates that creating spaces is an avenue to reduce youth impact.
- This is the same desired outcome as Helen/Big Village, but a different avenue.

Meghan – comment to give context for advertising

- Right now cannabis shops are in limbo between the OHA and the OLCC. Starting in October [when the OLCC starts licensing recreational retail shops] all advertising will need to be approved by a committee that does not exist yet. Probably a lot of things we're seeing now for advertising won't be allowed. Wants to be mindful that what we do here is going to change at the State level.
- **Parking lot – Sam requests that an OLCC representative give a non-partisan overview of what's coming for youth prevention and advertising.**

Helen – Would like to learn more about what other states are doing.

- CO has these lounges and cafes.
- WA has strengthened their laws to not allow lounges and cafes.
- Can we do something to learn more about why these states have made the choices they have made?

Víctor – So a recommendation would be to commission a study to better inform the city how we should move forward based on what other states have done. Impact analysis study on social consumption.

Darilis – Some sort of education component at events

- Education to address concerns about youth and responsible consumption. If events are allowed, they should have some kind of education component.
- Sam – specific to what?
- Darilis – responsible uses, impact on youth.

Public comment period

Public comment #1

- Question for Darilis – asked for clarification on education at public events.
 - If I go to the beer festival, do you mean on my way out I have to grab a card that says what I just did was terrible for my health?
 - Darilis – I'm not sure what happens at these events. But I imagine there can be education about responsible consumption.
- I've never heard the word "adult" in this. In measure 91 we voted for adult use.

Public comment #2

- I agree about adult use. Not allowing spaces for use is ill-advised and without research. If there are huge numbers of adults smoking out around other people – at that point you're exposing youth who are just out on the sidewalk. Also, it's important to remember that youth become adults.

Public comment #3

- Recommendation that if you are handing out brochures at events, they should be about parental responsibility. There has been no discussion about that.
- It is not incumbent on the industry to ensure the safety of all the children in the city.
- State should expand child abuse and neglect to include parents who let kids get into their marijuana stash. Education will alleviate a lot of problems.

Public comment #4

- Commenting on the presentation by Venture Portland
- 50% of the businesses in this city [who Venture Portland represent] are not opposed to marijuana. Hospitality industry is for it. It seems like health board is supportive as long as the definitions can get worked out.
- There are many contradictory definitions of "public."
- Public consumption is going happen. Events are going to happen. There have already been large events.

Public comment #5 – (Leland – now speaking as member of public)

- Encouraged the City to advocate for changes in the ICAA.
- Noted that NORML has always opposed youth consumption. Having marijuana licensed and regulated provides the biggest protection for children. Doesn't see how children are affected by adults using legally.
- Commented that Víctor is doing a great job facilitating.

- 3rd commenter responded that there has always been a joke that it's legal to get it, but not to use it. We need a place to get people off the streets.
 - As far as kids go, would you rather have a responsible parent leaving the house and going to a social club or staying home and smoking in front of their kids? I would rather have them go to a social club.

Public comment #6

- Expressed agreement with many comments. Social consumption should be allowed. Even though some other states are disallowing it, other states will allow. Let's go first.

End of public comment period.

Discussion of possible recommendations

Víctor

- Acknowledged that the discussion was moving really fast and is not ideal.
- This section is not to discuss how a recommendation will happen if it happens. This is to discuss the possible recommendations, taking into consideration the desired outcomes and values

Call for additions to the values and outcomes. SEE ATTACHMENT

Betsy – equity for people who don't want to be exposed. Might be part of neighborhood livability.

Discussion:

Change definition of “for consideration” to allow free samples at events.

- Helen – what is the goal?
 - Meghan – it's the way you'd promote anything. You go to the grocery store and people have samples of wine. Other retail-oriented industries can do this, we want the same allowances. Branding is important – product promotes brand. It's like samples of wine or Columbia giving out free t-shirts.
- Sam – this relates back to equity for business owners. We want to be treated like any other business owner in Portland.
- Darilis –different than Columbia giving out a t shirt because you don't eat the t shirt. The wine is a small amount.
- Sam – recommendation is not about consuming the product – just about giving it away.
- Darilis- I want to make sure it's tied to the values, like safety.
- Betsy – along the lines of safety, the samples should comply with the rules of safe packaging, etc.

Strong definition of social consumption, ordinance

- Group would like a concrete definition from the City.
- Sam – we may want to start with State definition and go from there.

Create spaces for use

- Sam - Events and lounges should be allowed and should be regulated with community concerns in mind.
 - City can regulate through a permit or business license.
- Meghan – events and lounges can look different. There shouldn't be a lot of red tape.
- Víctor – considering the values, what does that look like?
- Betsy – making sure youth cannot see people using. Fences, frosted windows.
 - Sam – Usually called “away from public view”
- Betsy – similar to dispensary distance buffers, there should be distance buffers from schools

Temporary licenses for events to provide consumption and/or sampling

- Consumption license.
- Meghan – Recommended separating out events that provide samples and events that allow consumption.

Helen – questions about lounges and events

- How would they be regulated? There has been difficulty regulating alcohol-related businesses.
- How will businesses train their staff to spot underage or overly intoxicated people? How is this enforced?
- Missed this question. Something about filing complaints
- DUII
- Sam – has lots of suggestions to go into the specific of the licenses – for future discussion.

Avoid creating spaces that would cause harm for youth. Do not allow events/spaces.

- Helen- Big Village wants to reduce promotion. So if events increase visibility and promotion, they would advocate not having events or spaces.
- Comment made by subcommittee members that it is an assumption that events and spaces would increase promotion.
 - Acknowledgement that assumptions are being made in this conversation.

Decision to combine “allow public spaces for events” and “reduce harm.”

Commission a study

- Sam – sounds great. But the money and effort – probably not politically feasible.

If events are allowed, have education

- Meghan – this is part of allowing temporary licenses. Education could be part of the requirements for licensing.

Voting

Subcommittee member received red and green dot stickers. Placed dots next to each recommendation to indicate a yes or no vote.

Betsy abstained from voting since she was representing an absent member.

- Commission a study by the City to do an impact study on social consumption in other states
 - Yes: Helen, Meghan
 - No: Sam, Darilis
- If events are allowed, have some form of education
 - Yes: Helen, Meghan, Sam, Darilis
 - No: none
- Avoid creating spaces that would cause harm to youth – do not allow events/spaces
 - Yes: Helen, Darilis
 - No: Meghan, Sam
- Create some spaces for social consumption – whether it be lounges or events to reduce harm to youth
 - Yes: Meghan, Darilis, Sam
 - No: Helen
- Temporary licenses for events (sampling and consumption)
 - Yes: Darilis, Sam, Meghan
 - No: none
- Change definition of “for consideration” to allow for attendees to pay admission into an event and accept free samples at events (includes all types of marijuana products)
 - Yes: Darilis, Sam, Meghan
 - Helen voted yes and no?
- Strong definition of what “social consumption” is – have an ordinance that clearly defines what “social consumption” is what is allowed.
 - Yes: Darilis, Sam, Meghan, Helen
 - No: none

Next steps

- MPP will create a report based on the notes and recording and sent to subcommittee for feedback. Report will be presenting at MPOT meeting on June 22.