

Oregon Medical Marijuana



Protect the Patients
&
Treat It Like Medicine

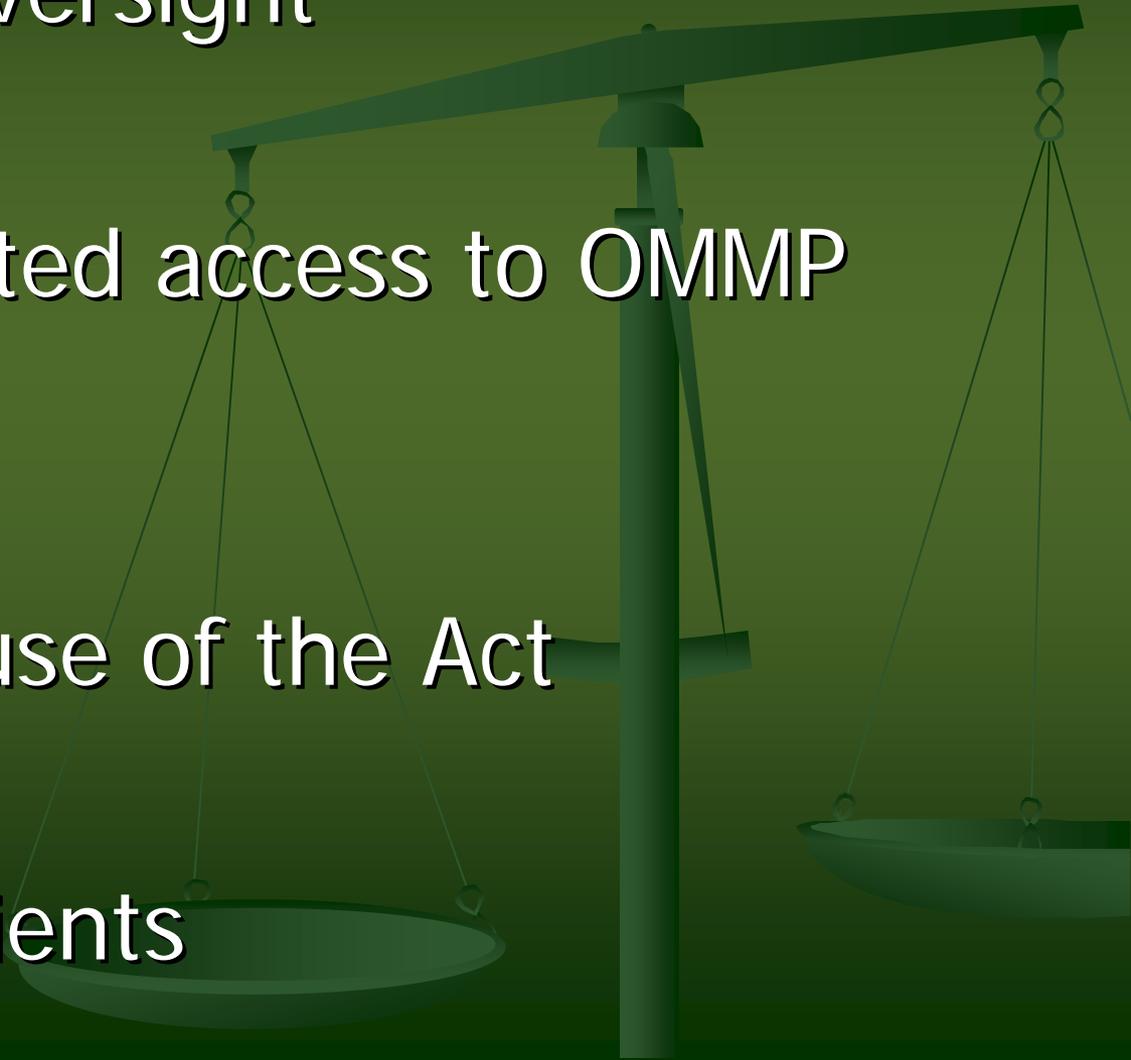
What Are The Problems?

No program oversight

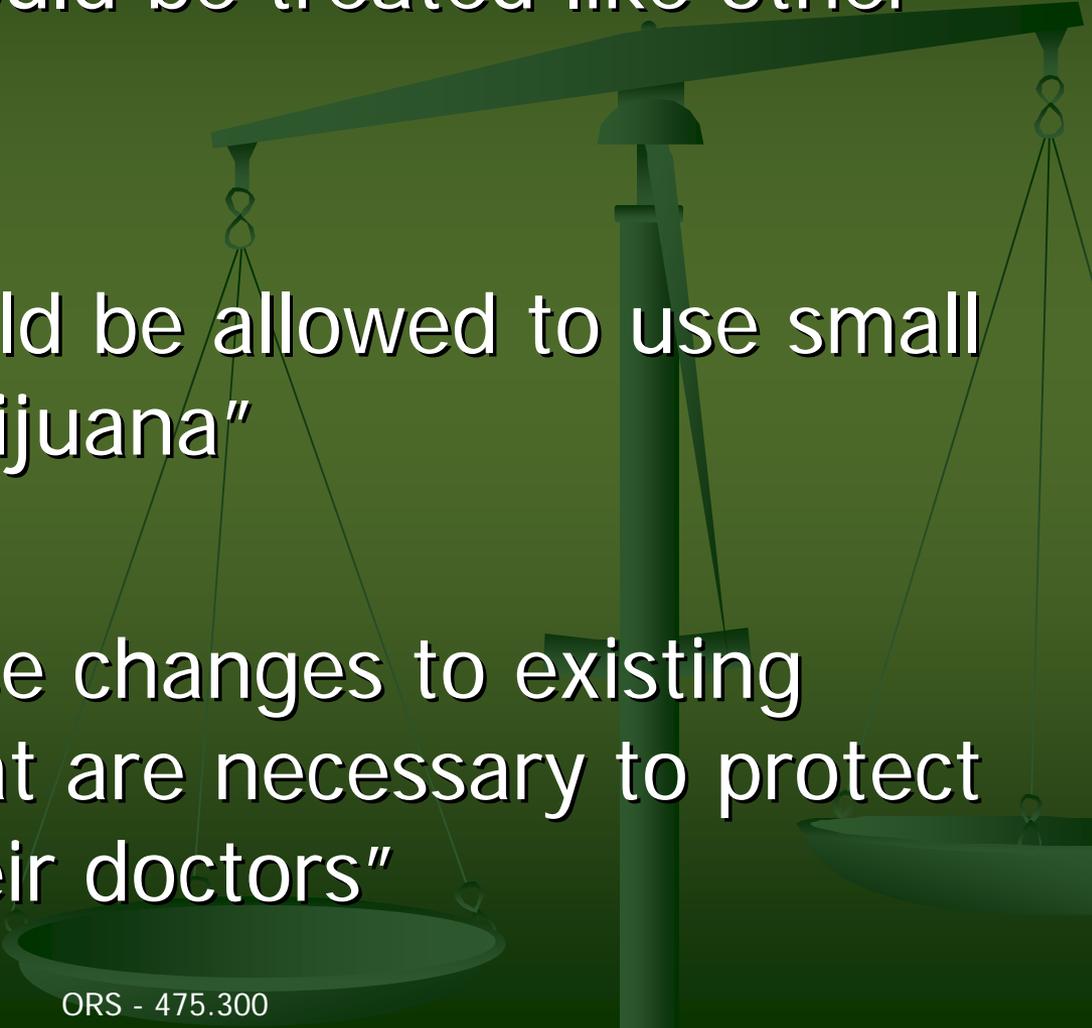
Extremely limited access to OMMP records

Significant abuse of the Act

Victimized patients



OMMA Intent



“marijuana...should be treated like other medicines”

“[patients] should be allowed to use small amounts of marijuana”

“make only those changes to existing Oregon laws that are necessary to protect patients and their doctors”

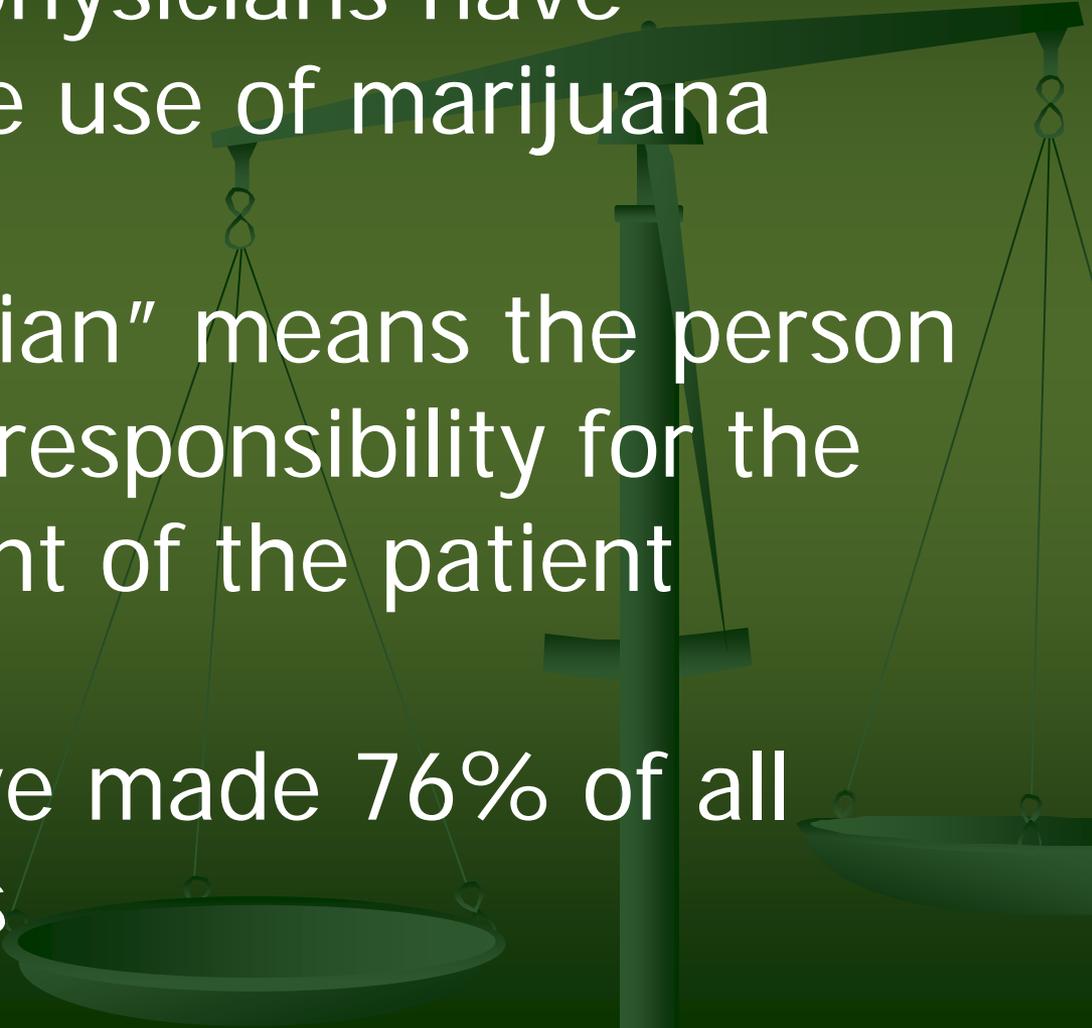
By the Numbers

As of January 1, 2009, there are:

- **21,541** Patients
- **10,424** Caregivers
- **2,204** pending applications
- **7,818** Patient increase since 1/1/08

Note – There is no restriction on how many patients a designated primary caregiver can be responsible for.

By the Numbers



2,847 attending physicians have recommended the use of marijuana

“Attending physician” means the person who has primary responsibility for the care and treatment of the patient

10 physicians have made 76% of all recommendations

Primary Responsibility??



**1 physician has made
7,539 recommendations
(35%)**

This “attending physician” with the “primary responsibility for the care and treatment” of the patient would have to see 29 patients per day

Patient and Caregiver Limits

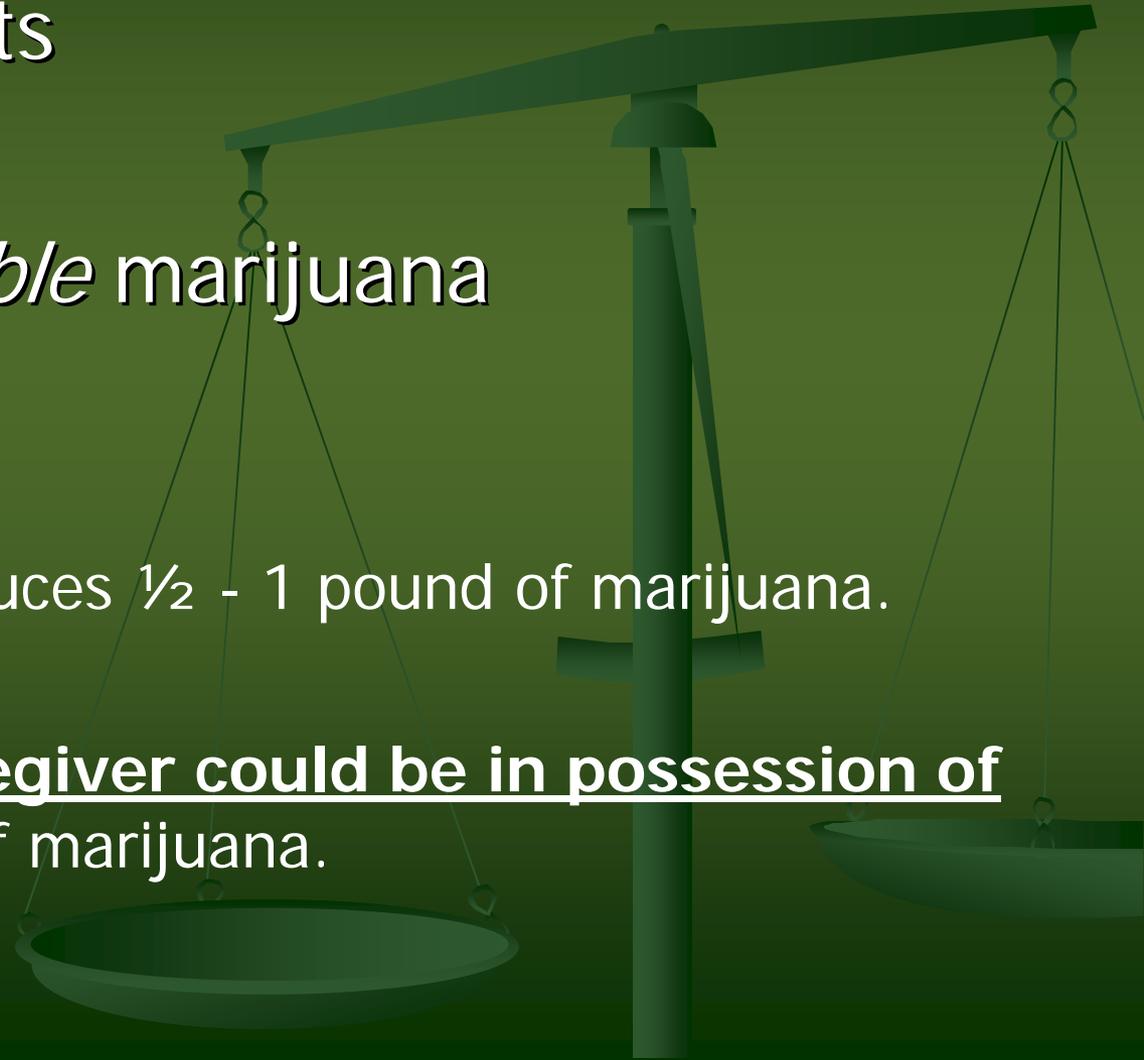
6 Marijuana plants

18 seedlings

24 ounces of *usable* marijuana

A *typical* plant produces $\frac{1}{2}$ - 1 pound of marijuana.

Each patient/caregiver could be in possession of
 $4\frac{1}{2}$ - $7\frac{1}{2}$ pounds of marijuana.



Person Responsible for Grow Site Limits

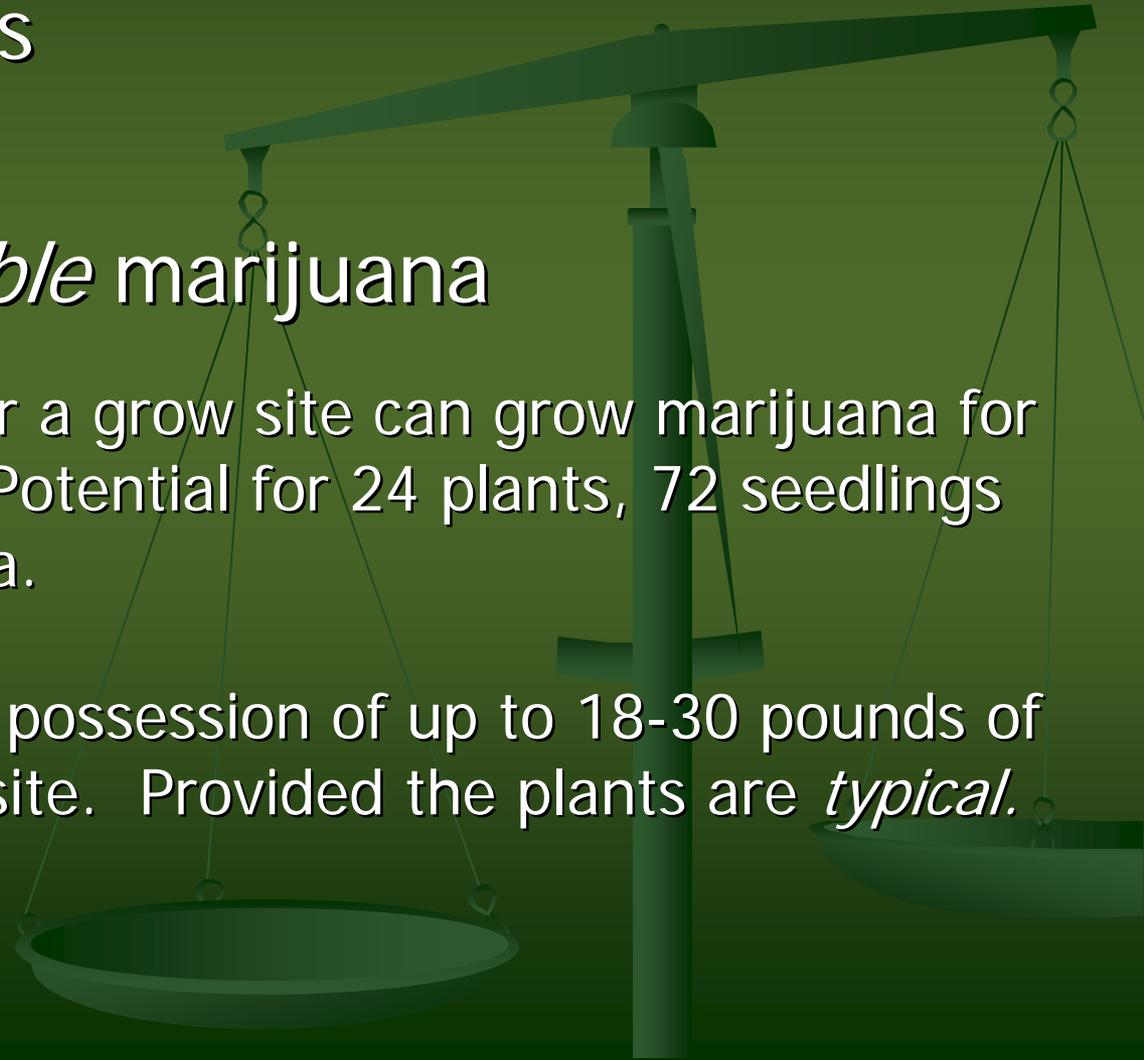
6 marijuana plants

18 seedlings

24 ounces of *usable* marijuana

A person responsible for a grow site can grow marijuana for up to four (4) people. Potential for 24 plants, 72 seedlings and 6 pounds marijuana.

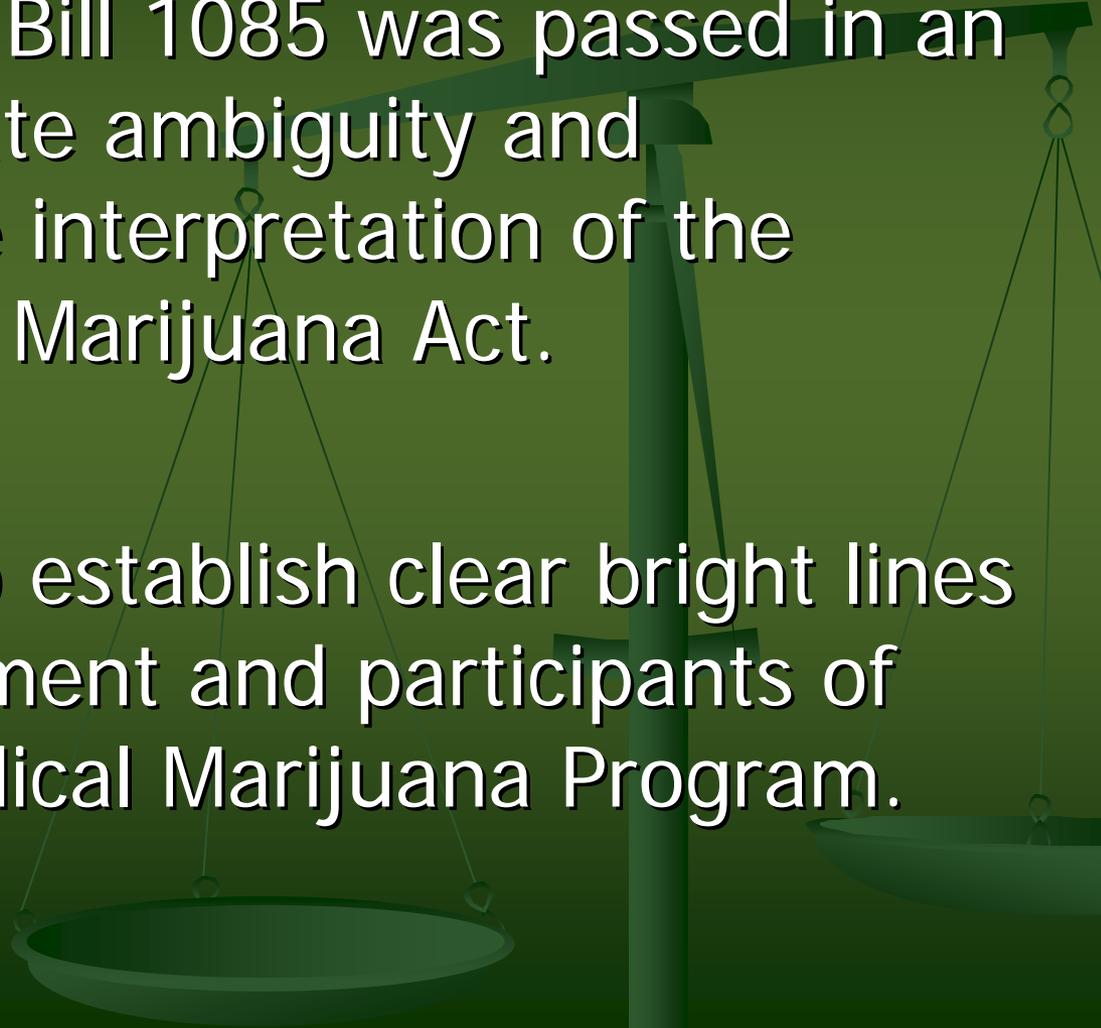
The grower could be in possession of up to 18-30 pounds of marijuana at the grow site. Provided the plants are *typical*.





The plants' diameters are nearly the size of the cargo utility trailer parked in the driveway at the left side of the picture and appear to be nearly as tall as the 6-8' tall fence.

Legislative Relief

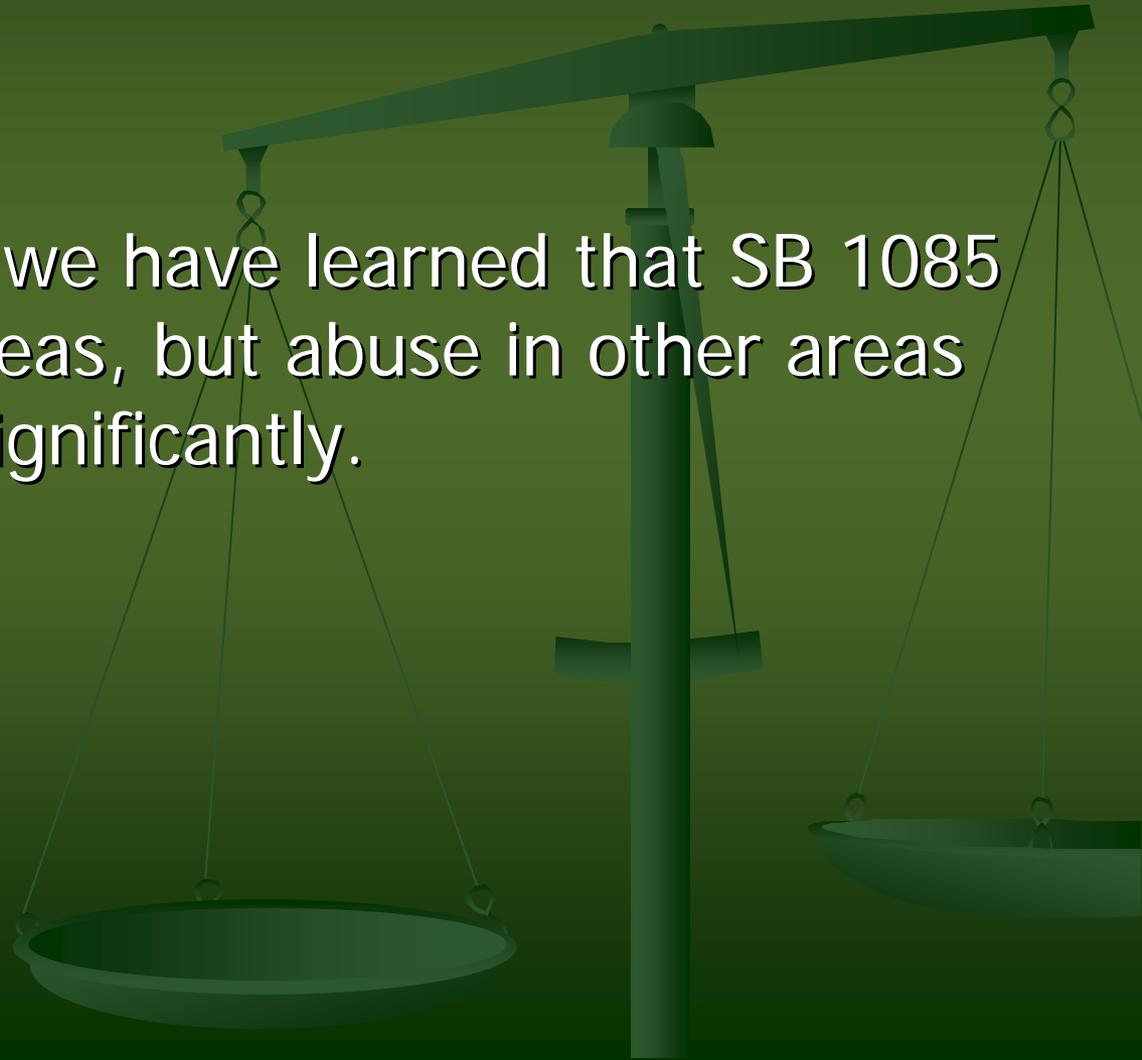


In 2005 Senate Bill 1085 was passed in an effort to eliminate ambiguity and confusion in the interpretation of the Oregon Medical Marijuana Act.

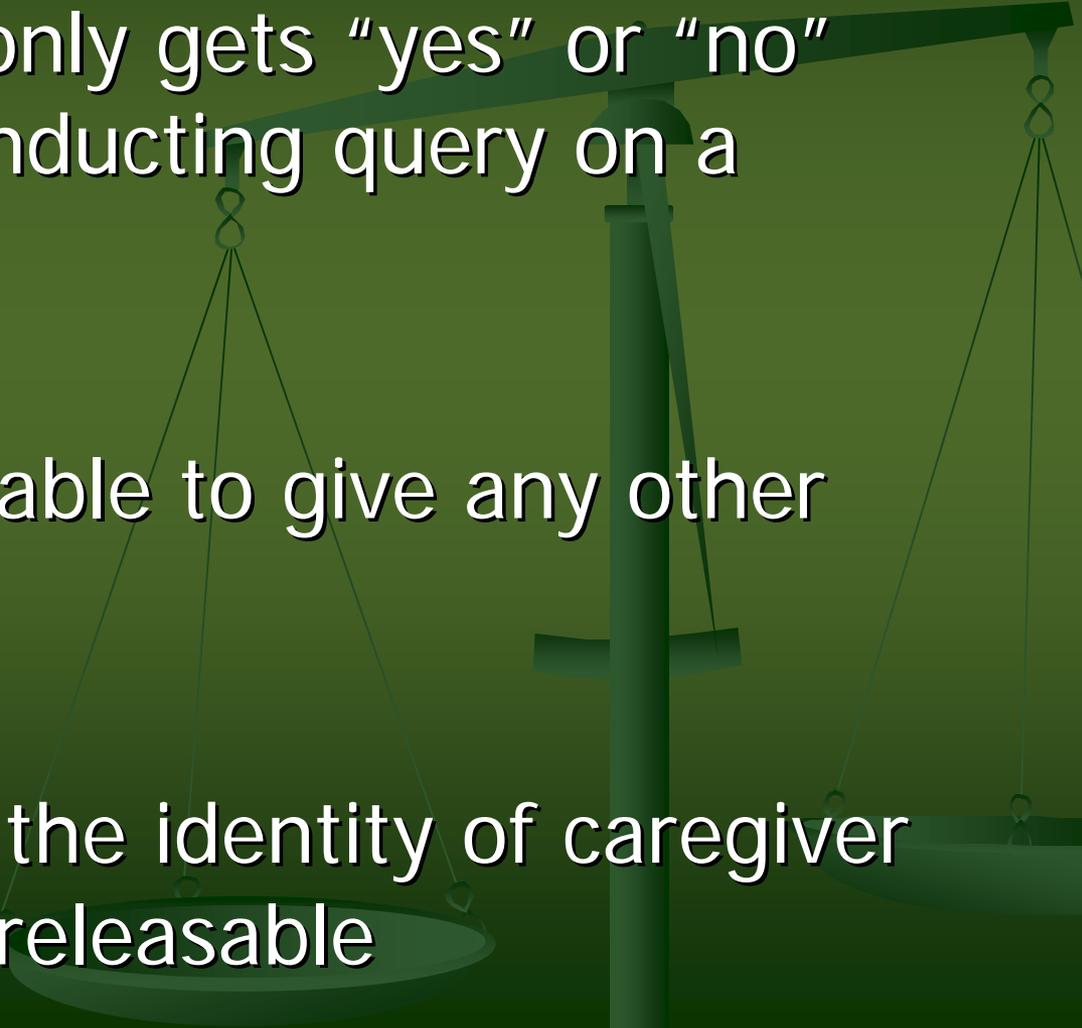
The goal was to establish clear bright lines for law enforcement and participants of the Oregon Medical Marijuana Program.

Did It Work?

After three years, we have learned that SB 1085 helped in some areas, but abuse in other areas has skyrocketed significantly.



DHS Limitations



Law enforcement only gets “yes” or “no” answer when conducting query on a cardholder.

OMMP staff are unable to give any other information

Information about the identity of caregiver or grower is not releasable

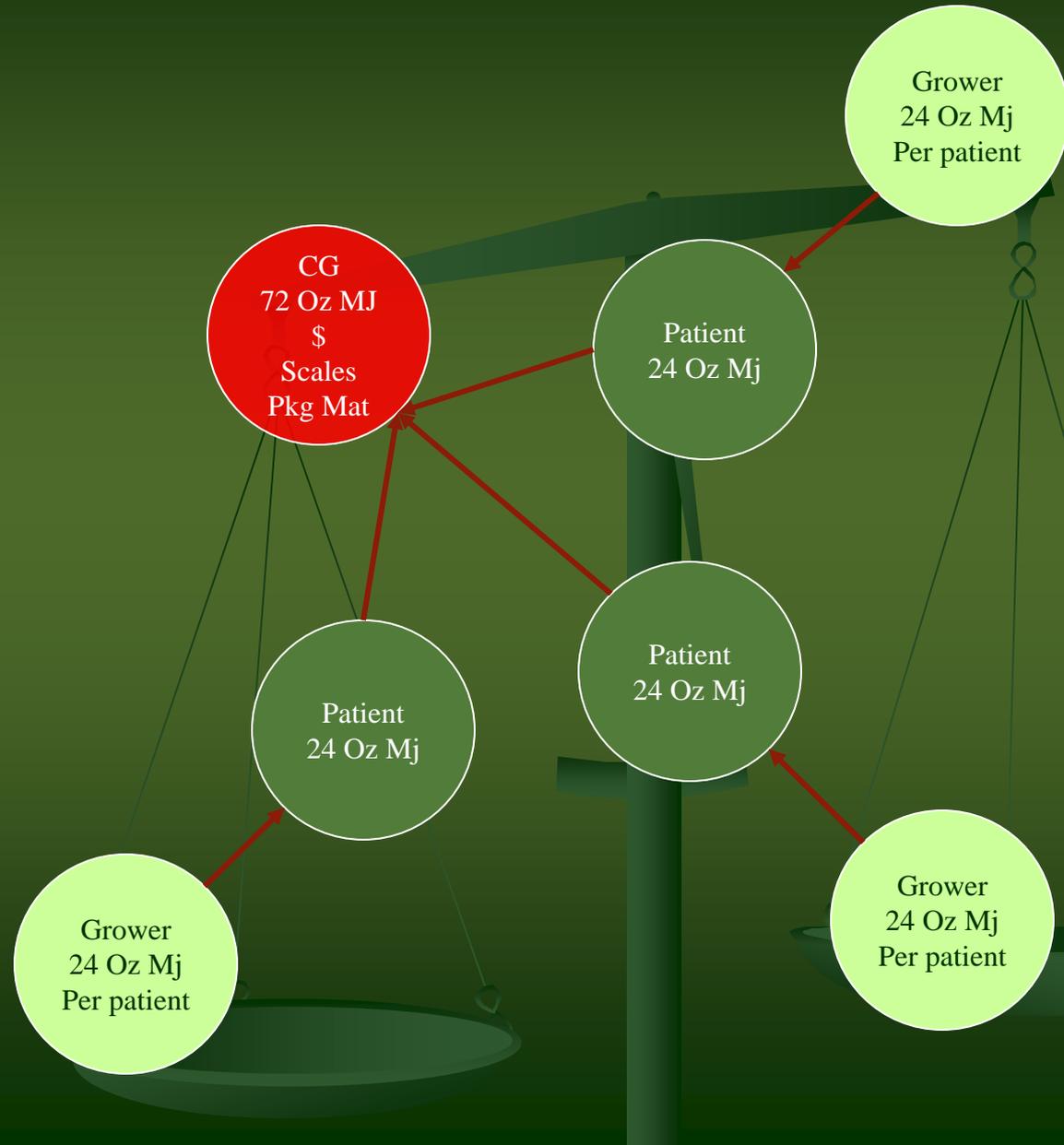
Investigative Limitation

For example, if this caregiver is contacted by law enforcement and is in possession of **72 ounces** of *usable* marijuana along with scales, packaging material, and currency.

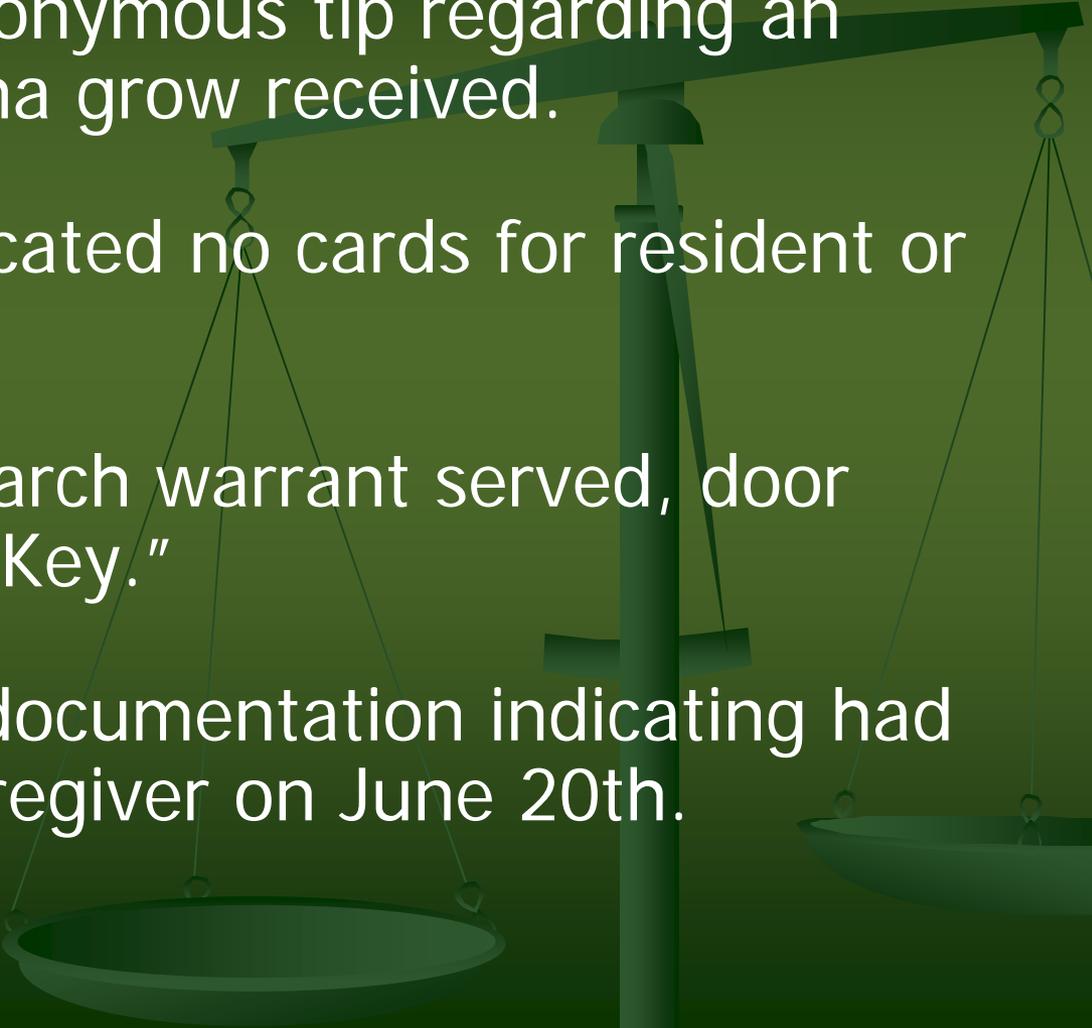
The caregiver claims he/she is a caregiver for three (3) patients but does not provide the names of the patients.

OMMP can only confirm the caregiver's status as a caregiver for three.

Since the OMMA allows each person to possess the same 24 ounces of marijuana, there is potentially **216 ounces** of marijuana between them with no mechanism to ensure compliance with the OMMA.



DHS Reporting Limitations



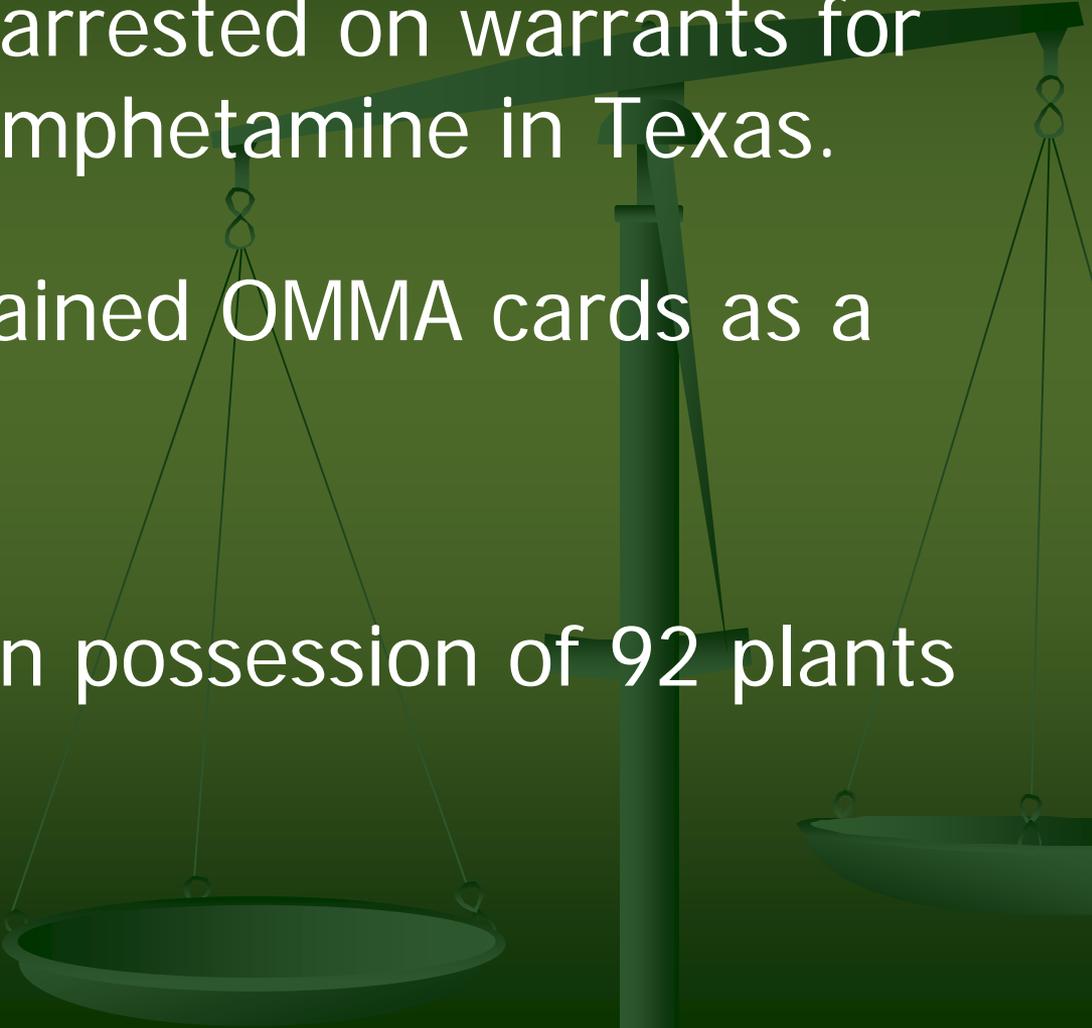
On August 2nd anonymous tip regarding an elaborate marijuana grow received.

OMMP checks indicated no cards for resident or address.

On August 3rd, search warrant served, door forced open with "Key."

The resident had documentation indicating had applied to be a caregiver on June 20th.

We Are Attracting Criminals



Federal fugitive arrested on warrants for PCS/MCS methamphetamine in Texas.

The fugitive obtained OMMA cards as a federal fugitive.

Fugitive legally in possession of 92 plants

We Are Attracting Criminals

OMMA caregiver with one card contacted with 69 marijuana plants and 53 seedlings.

Caregiver obtained card in a false name by providing a copy of his false Oregon Identification card.

Convicted felon from Texas with 5 warrants under true name.



OMMA FOR PROFIT

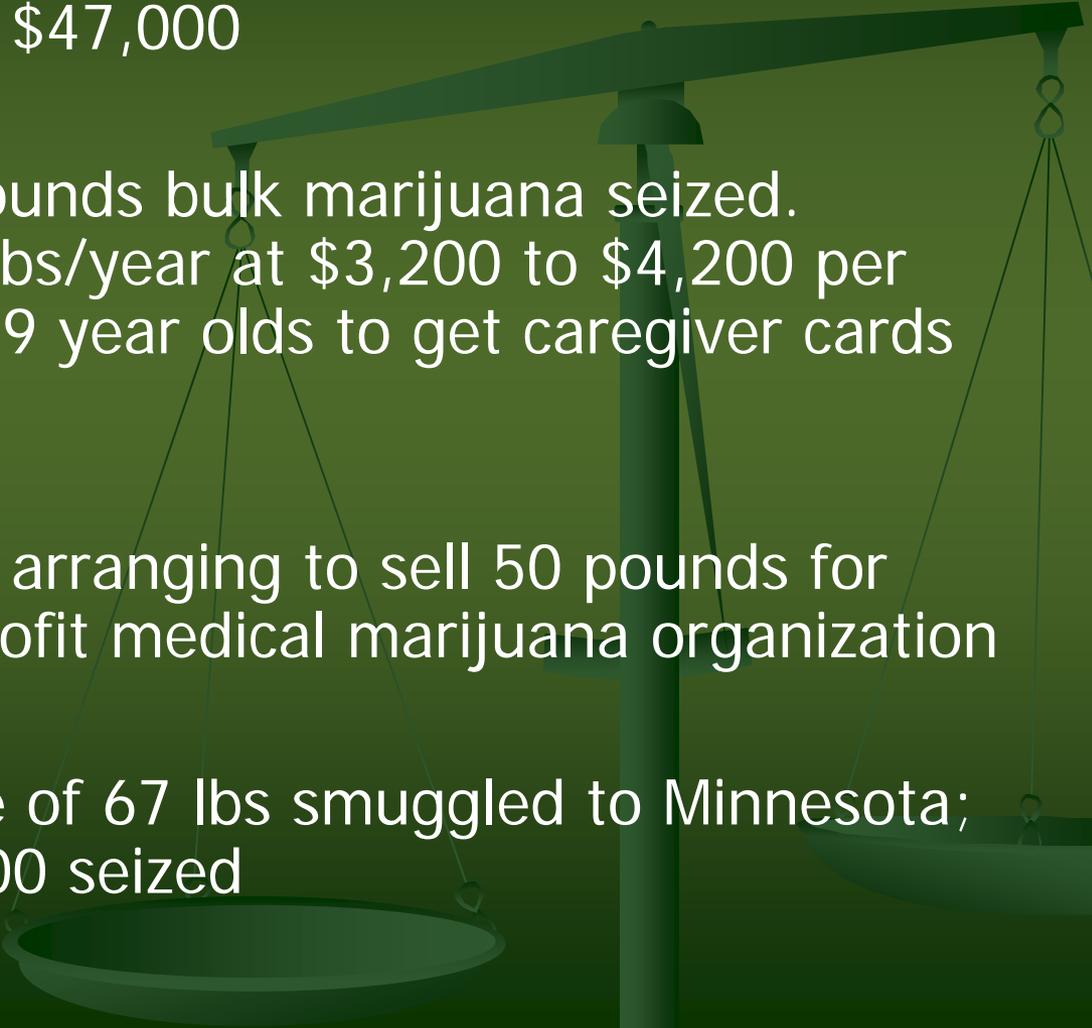
This drug trafficker was using the OMMA as a front. In October 2006 he was found in possession of 12 pounds of marijuana, and told police he was a patient and caregiver. Police seized 9 lbs of excess marijuana. Three months later, officers working undercover purchased marijuana from him. A search warrant at his residence revealed a grow with 20 plants in excess of what he was allowed. Officers also located and seized **Methamphetamine**.



This is the child of the previous pictured caregiver at a registered OMMP grow site.

Legitimate OMMA cardholders are not likely to expose their children to the dangers present at grow sites

OMMA Drug Trafficking



Utah State Police, 13 pounds seized, purchased from OMMA cardholder for \$47,000

Caregiver for two, 15 pounds bulk marijuana seized. Admits selling 80-90 lbs/year at \$3,200 to \$4,200 per pound. Recruits 18-19 year olds to get caregiver cards to sell

Caregiver arrested after arranging to sell 50 pounds for \$125,000; ran non-profit medical marijuana organization

Cardholder is the source of 67 lbs smuggled to Minnesota; marijuana and \$80,000 seized

Caregiver with Multiple Patients

“Significant responsibility for managing the well-being of a person”

One person is a patient and a grower for himself and three others. He is also a Caregiver for **26 patients**.

HOW IS THIS POSSIBLE?

Caregiver grow site with multiple patients and growers...



There are 96 marijuana plants in the photo

Note the size of the plants in relation to the size of the people in the top of the frame.

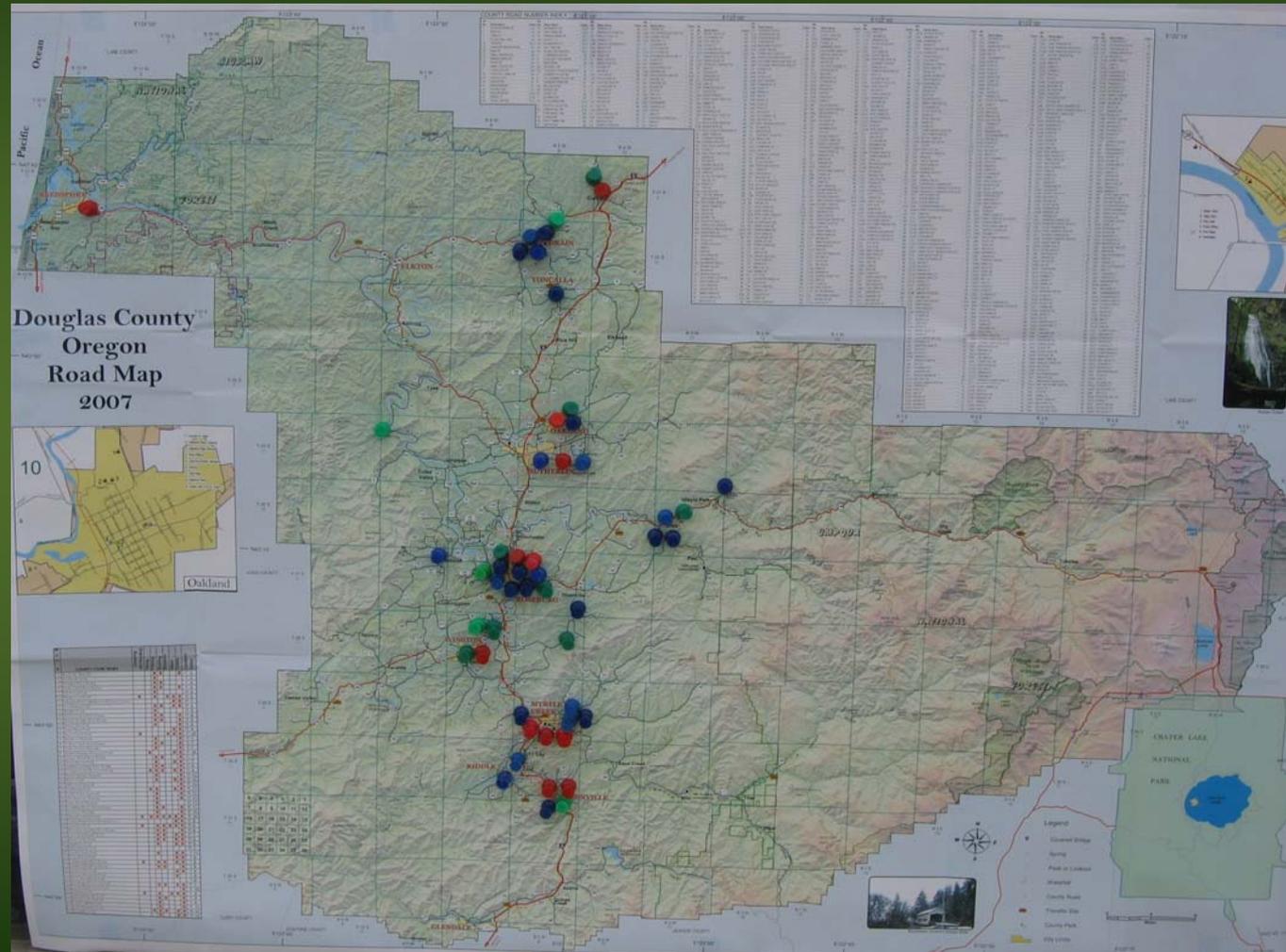
a grower loophole was closed by SB 1085 by limiting the number of persons one grower could produce Marijuana for. There is no limit on how many plants in a single grow site or how many patients a caregiver can have.

Non-Compliance, Douglas Co.

Exceeding legal possession limits in plant counts and bulk usable Marijuana are common place.

Red Pins - 2006
Blue Pins - 2007
Green Pins - 2008

50 out of compliance cardholders



Non-Compliance, Oregon



19% of OSP marijuana investigations involving MCS/DCS are out of compliance OMMA cardholders since 1/1/06

26 out of compliance OMMA grow sites by WIN team in first 10 months of 2008

18% illegal grow sites reported to DOJ are out of compliance OMMA grow sites (2007)

Increased Plant Size and Yields

Plant sizes have dramatically increased with many plants able to produce many more pounds of Marijuana than a traditional sized Marijuana plant.

These are NOT the *"typical"* ½ - 1 pound Yield plants...

"The bigger issue is the Marijuana trees being grown. We have had several examples of large, 8' tall and +12' diameter with a stalk the size of my calf." - Former Drug Detective



Notice the plants inside the greenhouse and then compare them to the full sized pickup parked at the left side of the frame.



The plants' diameters are nearly the size of the cargo utility trailer parked in the driveway at the left side of the picture and appear to be nearly as tall as the 6-8' tall fence.



This OSP detective is approximately 6'02" tall and standing next to one plant in a raised bed...NOT a "typical" yield plant.

Grow Site Location?

Currently there is no requirement that an OMMP registered grow site be at a true address.

The address provided by the registrant is what is placed in the DHS record.

There are increasing reports of OMMP grow sites listed at property addresses that don't actually exist or at best are extremely hard to locate.

- "0" Bill's Road, XXX, OR
- Milepost 2, Lower XXX Creek Rd., XXX, OR

Each of these OMMP grow sites is actually on a separate tax lot.



In this case, the garden is situated across or near property lines making it nearly impossible to determine who is responsible or where the grow site actually is sited.

What About Hashish?

Under current definitions, it appears an OMMP cardholder can possess up to 24 ounces of Hashish or Hashish Oil.

24 ounces of hashish could be the equivalent of 120 ounces (7½ pounds) of marijuana plant material.

24 ounces of hashish oil could be the equivalent of 1,200 ounces (75 pounds) of marijuana plant material.

The United States Department of Justice:

1 kilo gram of Hashish Oil = 50 Kilograms of Marijuana plant material

1 kilo gram of Hashish = 5 Kilograms of Marijuana plant material

What does it all mean?

No program oversight

Extremely limited access to OMMP records

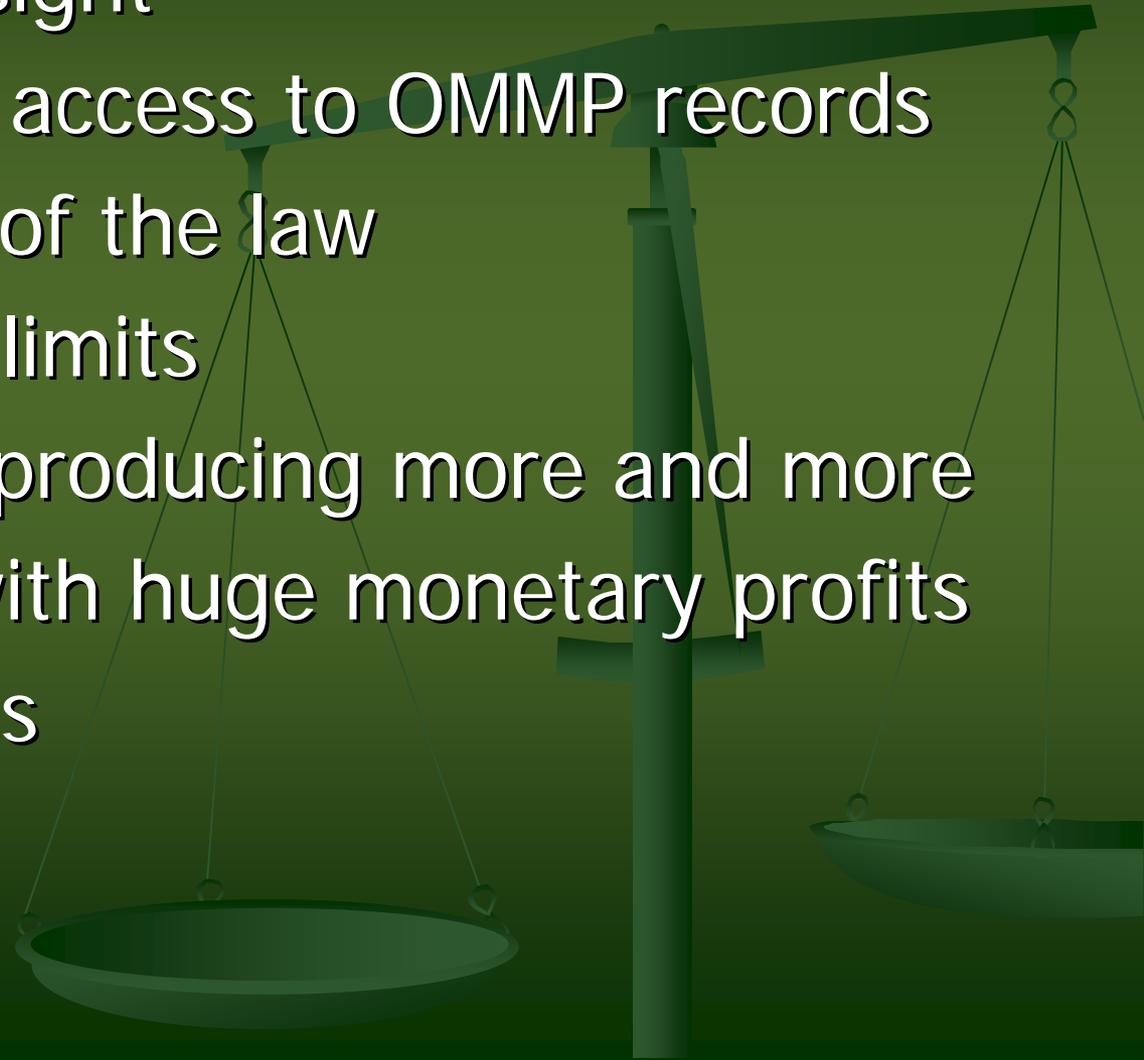
Significant abuse of the law

Large possession limits

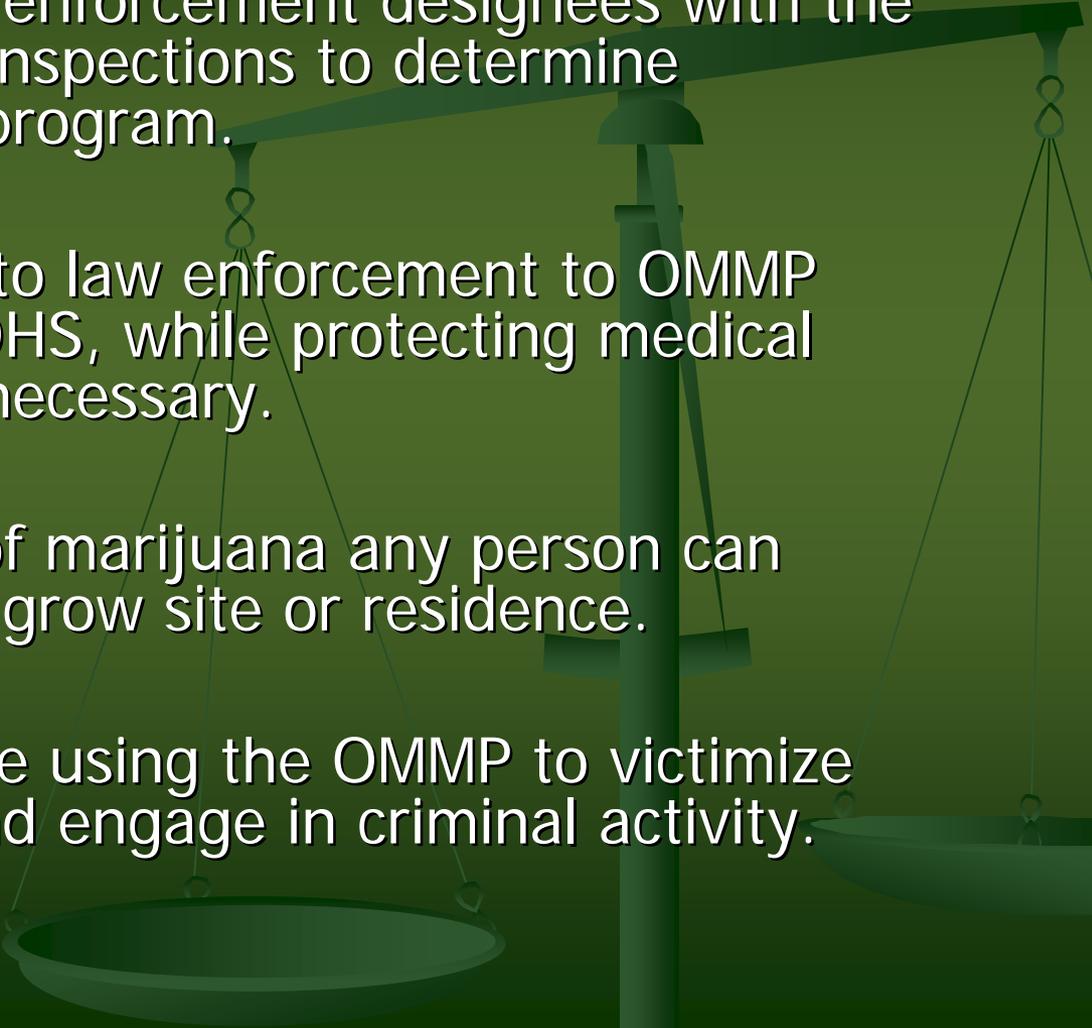
Enormous plants producing more and more

An illicit market with huge monetary profits

Victimized patients



How Do We Fix It?



Provide DHS and law enforcement designees with the authority to conduct inspections to determine compliance with the program.

Allow greater access to law enforcement to OMMP information held by DHS, while protecting medical confidentiality when necessary.

Restrict the amount of marijuana any person can possess away from a grow site or residence.

Prevent those who are using the OMMP to victimize legitimate patients and engage in criminal activity.