

Re: Oregon cannabis community/industry open letter to OLCC regarding cannabis as essential business activity and proposed temporary rules

MARKS Steven * OLCC <Steven.Marks@oregon.gov>

Sat 3/21/2020 11:53 PM

To: Andrew DeWeese <andrew@gl-ig.com>

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Andrew and Community,

Thanks, and we are certainly aware of the importance of cannabis businesses to recreational consumers and medical patients. With OLCC businesses serving a large portion of the medical community, the Commission is serving a population that needs accommodation and is recognized by law in our tax policy, with tax free access for medical card holders. As well, there are many non-card holders that consume differing cannabis products for stress, relaxation and sleep. In these times, the reduction of stress is an important consideration for maintaining access by consumers.

As you recognize, the Commission certainly does not have the power to designate essential businesses in an emergency. What I can say is that New York and California have maintained a level of access under their actions. While I cannot say for sure what might happen, I know you will be treated fairly. Fairly because marijuana is an important consumer product in Oregon. In fact, your status today is fair because it is equal to other industries and retail services.

Perhaps a fair comparator would be to liquor stores and pharmacies as a benchmark. While the designation you seek is important, in the case of COVID-19, a following step of decreasing social activity and interaction may make the designation of essential service less important as compared to other types of emergency events. In this emergency, the remedy is to keep people away from all businesses — essential or not. This non-discriminatory virus has hit important sectors of business very hard. It has closed down the vital services of dining and entertainment in our incredible restaurants and bars. Even the Oregon Lottery is closed down because of this person-to-person opportunistic pathogen. In a policy sense, it is not about being essential, it is about being a business that does not attract large numbers of people to a confined space. Please understand, I am not questioning the worthiness of the designation you are seeking, to be named an “essential service.” You clearly are essential to many citizens and it absolutely follows that you are essential to the Commission because a part of our business mandate is to support and regulate you in the context of public safety.

Tomorrow the Commission will act on providing more safety to retail cannabis services. If that action is favorable, an added protection for employees and consumers will be provided by curbside delivery. Some shops are already allowing only one person in the store at a time to help reduce the exposure to COVID-19; this is an effective control that contributes to our shared national and state objectives to reduce the rate at which the virus spreads in order to marshal enough medical supplies and hospital beds to care for people.

One of the most important things the Commission can do to support your efforts is to enhance your tools to operate with increased safety. The Commission and the staff at OLCC will continue to take actions to give you more tools to operate safely — that is fundamental to your efforts, and it is fundamental to our obligations to serve you. It is key to keeping your doors open through a COVID-19 pandemic and to making your case that you may be an essential service given a specific coronavirus emergency declaration.

Thank you for your letter and for the compliments to the staff and operation at OLCC. I am very proud of their work for the many businesses adversely effected by the pandemic. This will be a time for cooperation and unification of our mission and goals to serve you, both under the emergency status we are in and through an economic recovery. Your economic problems and limits imposed to serve the public are our problem and of primary concern.

Thanks for your reminder to all of us about how woven this new legal industry is to so many Oregonians. You have our appreciation for your important contribution to Oregon employment and to state revenue that supports vital endeavors like education and public safety. Every business and job we can preserve will help us move faster through this time of uncertainty and distress, toward a more prosperous future. Your over 1,000 voices have been heard.

We will continue to preserve public safety while doing our utmost to serve your business needs with accountability to you and the citizens of Oregon. The Commission and Chairman will no doubt be expressing their thoughts about this important matter to you and to officials that evaluate these requests for our executive. Without equivocation, they have always expressed their concern for your opportunity to succeed.

I am sure I am speaking for all Commissioners when I say, stay safe, keep you customers safe.

With appreciation,

Steve Marks
Executive Director
OLCC

On Mar 21, 2020, at 5:29 PM, Andrew DeWeese <andrew@gl-ig.com> wrote:

Dear Chair, Commissioners, and Executive Director of the Oregon Liquor Control Commission:

First, a huge thank-you to the Commission and its excellent staff for its quick and considered responses to the the COVID-19 emergency. We are very aware that the OLCC and its dedicated staff are already in motion addressing this complex situation with poise and alacrity, for which we are all deeply grateful, and we humbly hope that this submission aids and facilitates those ongoing efforts.

As the cannabis community reacts and adapts to this emergent pandemic, leaders in the community have come together to draft and lend their support to the attached open letter¹ to the Commission, which (1) argues that the OLCC should view, and advocate for, cannabis production, processing and sale to be considered essential business activities, and (2) proposing temporary rule changes to secure safe, hygienic access to cannabis during this new age of isolation and social distancing. The draft letter was [circulated publicly beginning Friday afternoon](#), March 20, 2020, and approximately 24 hours later has received more than 1,000 unique signatures (attached hereto), including from numerous cannabis professionals, and more than 160 different OLCC cannabis licensees.²

Copied on this submission are some of Oregon's key federal, state, and local political leaders, from whom we humbly seek assistance and support in our efforts. Without this support, our efforts will fail: while the OLCC and its fine staff are perhaps our most important ally and partner in maintaining safe access, the OLCC itself does not have the power to declare the production, processing, and sale of cannabis to be essential business activities which may continue in a state of emergency. It is our sincere hope that our collective efforts will promote confidence in our industry and its regulators, and unify support behind this essential designation.

This is the time for all of us to come together as a community to ensure that no one is left behind as we weather this crisis. The proposals in our letter are necessary, first and foremost, to ensure the safe and hygienic access to cannabis for our Oregon community, including at least tens of thousands of Oregonians who use cannabis for medicinal purposes. Maintaining this safe access requires rule changes to meet the unique social distancing challenges we face, but also to ensure that cannabis companies are economically able to simply stay in business, in order to ensure continued safe and legal access to medicine. In the coming days and weeks, our communities will be faced with enormous challenges, and it is incumbent upon us all to ensure that we rise to the occasion by reacting with vision and by implementing sensible policies focused on our most vulnerable, including those who use cannabis medicinally.

We need a state-wide consensus that cannabis production, processing, and sale are essential business activities, and we need the proposed temporary rule changes to ensure that those essential business activities may operate safely and hygienically during this pandemic. Please support our efforts, and thank you for your steady and considered leadership during these trying times.

Sincerely,

Andrew C. DeWeese | Attorney

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¹ The final version of the letter being sent (the version attached hereto) includes two nontrivial changes from the original version posted with the petition: 1) clarifying that processing cannabis (along with production and sale) should also be an essential business activity, and 2) changing the proposed curbside delivery hours to all hours when a retail store is open. We should clarify that these two changes do not necessarily enjoy the support of every signatory as they are late additions.

² Here is a list of licensees/employees who have signed:

420 CLUB LLC
45th latitude
A Prime Leaf
Acme
AmeriCanna Rx
Applegate River Roots
Ascend Dispensary
Attis trading company
AVITAS
Beaver Bowls
bloominati cannabis corp
botanicaPORTLAND
Bridge City Collective
BudMart
Bull Run Craft cannabis
Cannabis Corner
Cannabis Nation
Cannassentials
Cbdiscovery
Chalice Farms
Chemhistory
Choice Farms

club pitbull
Club Sockeye
Columbia River Herbals LLC
Critical Source
Crush Cannabis
Dairyland dankery
Decibel Farms
Defyne Premium Cannabis
Delta Mantra
Discovery Cannabis
Dutch Valley Farms
DYME Distribution
East Fork Cultivars
Edibology
Electric Lettuce
Enjoy Brands
Epic Flower LLC
EVIO Labs Portland
Evolvd
Excolo
Flapjax Extracts
Foster Buds NE
Fox Hollow Flora
Fr33dom Farms
Full Circle CO2
Garden First Cannabis
Geek Farms
Genesis Pharms
Glassroots
Gnome Grown Oregon
Golden Hydro
Gorge Greenery
Gram Central Station
Grasp organics
Grateful Greenery
Green Bodhi
Green Choice Farms
green dragon herbal clinic
Green Oaks
Green Queen Farms
Green Ridge Apothecary

Green Source Gardens
GreenSea Distribution
Happy Valley Cannabis
Hapy kitchen
HD Botanicals
Herbal Grasslands
Hi Casual Cannabis
High Desert Flower
High Desert Pure
High Latitude Farms
High Quality Compassion
High Valley Organics
High Winds Farm
Hijinx Cannabis Co
Hippy Trip
Homegrown Oregon
Huggins Gardens LLC
Hunter distributing
Injoy cannabis
Juniper Analytics
Kaleafa
Kanna-Wise
Karma Originals
KGB Farms
Kings Cannabis
Kumba hills farms
Kush Cart
La Mota
Leap Farms
Living Things
Local Herb
Magic Hour
Magic Number
Mana Extracts
Market Street Station
market street wellness
Meraki Gardens
Meta Naturals LIC
MindRite
Mongoose Cannabis
MotherShip Farms Inc.

Mr. Nice Guy
Mule Extracts
Mystic Roots
Nelson and Company Organics
New Leaf Midtown
Next Generation Nurseries
Noblecraft
Nova Paths
NW Kind
O Werks Garden
Oasis Cannabis
Old Apple Farm
Oregon house of herbs
Oregon Medigreen
Oregon's Finest
Oregon's Green Rush
Oregonic Farms
Orekron
Orgrotech
Papa Buds
Paradise Found
Paragon Farms
Peak Extracts
Pharm to Table
Phenix farms
Phresh Start
Pistil Point
Portland Best Buds
Precision Alchemy
Premium Medicine of Oregon
Private reserve cannabis
Professor Toad
Rebel Roots Farms
Revel Farms
Rock Creek Pharms
Rocky Mtn Dispensary
Sensible Cannabis Company
Shadowbox Farms
Siskiyou Sungrown
Smith Rock Cannabis Company

Smoky flower farm
Snodgrass Family Genetics
sofresh farms
Sovereign Distribution
Stateline Cannabis
Substance
Sugar Tree Farm
Sun God Medicinals
Tangent Pharmacy
Taste budz
Terpene Station
Tetra Cannabis
The CDC Dispensary
The Co2 Company
The Dub Wholesale
The Elite Growers
The Grasse Company
The Greener Side
The Herb Center
The Medication Station
The New Amsterdam
The Spot Cannabis Collective
Tokyo Starfish
Track Town Collective
Treestar
Treestar
Treetop Gardens
Trichome Farms
Truly Pure LLC
Twenty Seven Farms
Urban Canna
Urban Pharms
Verdant Leaf
Western Oregon Botanicals
Wild West Emporium
Yerba Buena

<20200321 Ltr to OLCC re Proposed rules - FINAL.pdf>
<OLCC Temp Rules Ltr - co-signers.pdf>