

Recommendations for Allowing Cannabis Dispensaries In Ontario

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June 14, 2018

Abstract

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The purpose of this report is to explore the economic benefits of allowing cannabis dispensaries within Ontario City limits, and address common concerns with dispensaries. Early in 2018, the city government of Ontario attempted to implement a 1% sales tax on goods sold within city limits to cover a budget shortfall and improve city services. This initiative was voted on by Ontario citizens and decisively rejected in May. Many citizens and people within city government are taking a second look at allowing cannabis dispensaries into the city in order to collect tax revenue and distributions from the State of Oregon for communities that allow dispensaries as a way to help the city’s budget problems. Cannabis has been legal for medical and recreational use in the state of since 2014, but Malheur County citizens voted overwhelmingly against legalization at that time. That means that municipalities in this county can deny dispensaries within their jurisdiction. The Ontario city council exercised this option in July of 2015 based on the overwhelming testimony of citizens opposed to dispensaries in the city. Now, a movement to allow dispensaries within Ontario is gaining momentum among citizens looking for revenue to improve the city, medical and recreational cannabis users, as well as local entrepreneurs within the cannabis industry. A public vote must occur for the city to collect the extra 3% sales tax on cannabis sales that they would be allowed to charge on top of the state sales tax of 17%. Allowing dispensaries would also qualify the city to receive its portion of the tax revenue collected by the state. State collected cannabis tax revenue is distributed by the state to municipalities that allow dispensaries. By law, these funds are earmarked for mental health, law enforcement, drug treatment and prevention, and general funds dispersed to cities and counties based on population. Based on Oregon State revenue predictions, Ontario would likely cover a significant portion of their budget shortfall with the taxes they collect and the revenue distributed by the state. It appears that the citizens of Malheur County have evolved somewhat on their views regarding cannabis legalization and may be ready to take a second look at dispensaries as a source of revenue. There are still many concerns about cannabis related crime, traffic incidents, and youth access to cannabis. This report will use data from local, state, and federal government reports to address these issues. After much research and analysis, I have concluded that the economic benefits of dispensaries outweigh any small increases in costs of services, and recommend support of citizen efforts to promote a ballot initiative allowing cannabis dispensaries in Ontario.

Keywords: cannabis, cannabis legalization, cannabis dispensary, city budget, sales tax, revenue, crime, youth, ballot initiative

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Introduction

After the proposed 1% sales tax was voted down in May, 2018, more and more Ontario residents started talking about reversing the city's ban on cannabis dispensaries as a way to generate much needed revenue for the city. Many of these citizens have organized a ballot initiative to lift the ban on dispensaries. My purpose in researching this report was to determine whether or not the potential economic benefits of dispensaries would outweigh possible increases in cannabis related costs to the city.

By not allowing cannabis dispensaries, the city is losing out on potentially \$800,000 in tax revenue and distributions from the state collected tax on cannabis sales. This number is higher than previous estimates due to the change in the tax structure, higher than expected sales in Baker County and statewide, and the example of border counties in eastern Washington. My research suggests that this estimate is realistic.

Local crime statistics indicate a decreasing trend in crime. Other jurisdictions are seeing decreases as well. Cannabis has been prevalent in Oregon long before legalization and we are seeing local decreases in crime post legalization. Because cannabis has been legal for some time, there is no reason to expect that allowing dispensaries will significantly increase cannabis related crime, traffic incidents, health care or youth access in Ontario.

The results of my research on social costs reassured me that concerns about rising crime, DUIs, ER visits and youth access are not supported by the research. Therefore, I conclude that the economic benefits dispensaries will bring will outweigh any cannabis related social costs.

Research Methods

I began my research with a review of local media coverage of Ontario's budget issues and the proposed sales tax. I believe this is an important part of the dispensary conversation to provide background on the city's needs and how dispensaries can provide much needed economic benefit. Then I reviewed media reports covering the introduction of dispensaries in nearby Huntington, Oregon. I sought out information about Huntington's experience with dispensaries because their proximity to Ontario and the Idaho border offers a close comparison to what Ontario might expect from allowing dispensaries.

Next, I sought out people in city government and dispensary activists to interview. I wanted to get a boots-on-the-ground perspective from multiple sides to understand their motivations and perspective. This provided a general backdrop to better understand the local issues and direct further research.

News reports and activists led me to several helpful government websites and reports. Some of these were contradictory and it became apparent that even government reports can reflect bias. I sought out commentary and analysis of different statistics to provide context and perspective to the raw data. I learned that both sides are selective in the statistics that they quote and generally fail to put them into context. I did my best to address concerns, but also contextualize the statistics to get a more objective understanding of the issue.

I had three main goals for my research:

1. Determine the possible economic benefits the city might expect from allowing dispensaries.
2. Evaluate statistics and trends post legalization for cannabis related crime, traffic incidents, health care, and consequences for youth.
3. Compare the possible revenue from dispensaries to any increases in social costs to the community.

Task 1: Determine the possible economic benefits the city might expect from allowing dispensaries.

I used several different kinds of sources to help estimate the possible revenue and economic benefits the city might expect if they allow dispensaries.

- Revenue estimates published in news articles
- News articles about Huntington's experience with dispensaries
- Reports from the State of Oregon on revenue collected by the state since legalization and the state's estimates going forward.
- Updates on revenue and trends from the State of Washington
- Analysis from legalization and dispensary activists
- An email conversation with councilwoman Tess Winebarger

Task 2: Evaluate statistics and trends post legalization for cannabis related crime, traffic incidents, health care, addiction treatment, and consequences for youth.

Crime statistics from the Ontario Police Department (2012 – 2016), and news reports about Huntington’s experiences with dispensaries, indicate local trends in law enforcement and traffic incidents. I also used government reports on post cannabis legalization effects in Colorado and Washington State. I chose these jurisdictions because they had characteristics that are comparable to Ontario. They also come from different perspectives so it was helpful to compare their content.

Huntington is so close to Ontario that their experience may be very comparable to what Ontario can expect. Oregon and Washington have a lot in common besides a shared border, so Washington’s statistics can provide some idea of what communities in Oregon might expect. The statistics from Colorado were published in a report from the Rocky Mountain High Intensity Drug Trafficking Area task force which is a branch of federal law enforcement. I had issues with this report because it provided no context for the statistics it reported and it raised several questions in my mind about how the statistics were gathered. It also presents a very different perspective than the Washington report, which confirmed to me that the federal government’s perspective is very different from that of the states that have legalized or decriminalized cannabis.

Statistics and trend reports on these issues vary. In some cases, the discrepancies can be attributed to policy differences. In other instances, there is a startling lack of protocol in collecting statistics which makes the conclusions shaky. There is also a lack of context, so there is a lot of confusion between correlation and causation. I learned that it is important to know the perspective of a report’s authors, their methodology, and the context of the reported statistics.

Task 3: Compare the possible revenue from dispensaries to any increases in social costs to the community.

Determining the answer to this question is primarily based on reasoning and analysis than any specific statistics. The statistics available for post legalization trends of social costs are difficult to tally, so it’s not possible to simply subtract expected costs from expected revenue. However, we do know that legal cannabis has been in our area since 2014 so we have already experienced post legalization consequences. There is no evidence to support the idea that allowing dispensaries will change our current situation

Results

In this section I will present the results of my research for each of the tasks discussed in the Methods section. I will be focusing on the most pertinent data I acquired.

Task 1: Determine the possible economic benefits the city might expect from allowing dispensaries.

The first step in estimating economic benefit is to understand how cities make money from allowing cannabis dispensaries. The Oregon Department of Revenue provides a brief overview under the Frequently Asked Questions section of their website, “With voter approval, municipalities can enact a local tax of up to 3 percent to recreational marijuana sales in their area. The local tax is in addition to the 17 percent state tax.” Cities allowing dispensaries will also collect distributions from the state tax revenue. The Oregon Department of Revenue website specifies, “For cities, the distribution formula is determined 75 percent by the city population and 25 percent by the number of marijuana licenses (grower, processor, wholesaler, and retailer) in the city. Cities that have opted out of any of those four license types are ineligible for the marijuana tax revenue.” The state distributes cannabis revenue to the common school fund, the state account for alcohol and drug abuse services, the state police, law enforcement in cities and counties, and to the Oregon Health Authority for alcohol and drug abuse services. When cities opt in to allowing dispensaries they will receive their per capita share of these funds. Between February to December of 2016, the state disbursed \$60.2 million to cities and counties in Oregon. (Oregon Department of Revenue, 2017) When recreational cannabis was legalized in 2014, the state estimated that the gross revenue would be just \$23 million per year. (Oregon Legislative Revenue Office, 2016)

I learned from Councilwoman Tess Winebarger in an email interview that members of city government are not wholly opposed to cannabis dispensaries and that the city did much research on the subject after cannabis was legalized statewide in 2014. During that research, the city was told by OLLC that the city might expect \$300-500,000 annually in revenue from allowing dispensaries. This estimate was made before the change to the law in 2016 that allowed municipalities to charge the 3 percent sales tax for their own use.

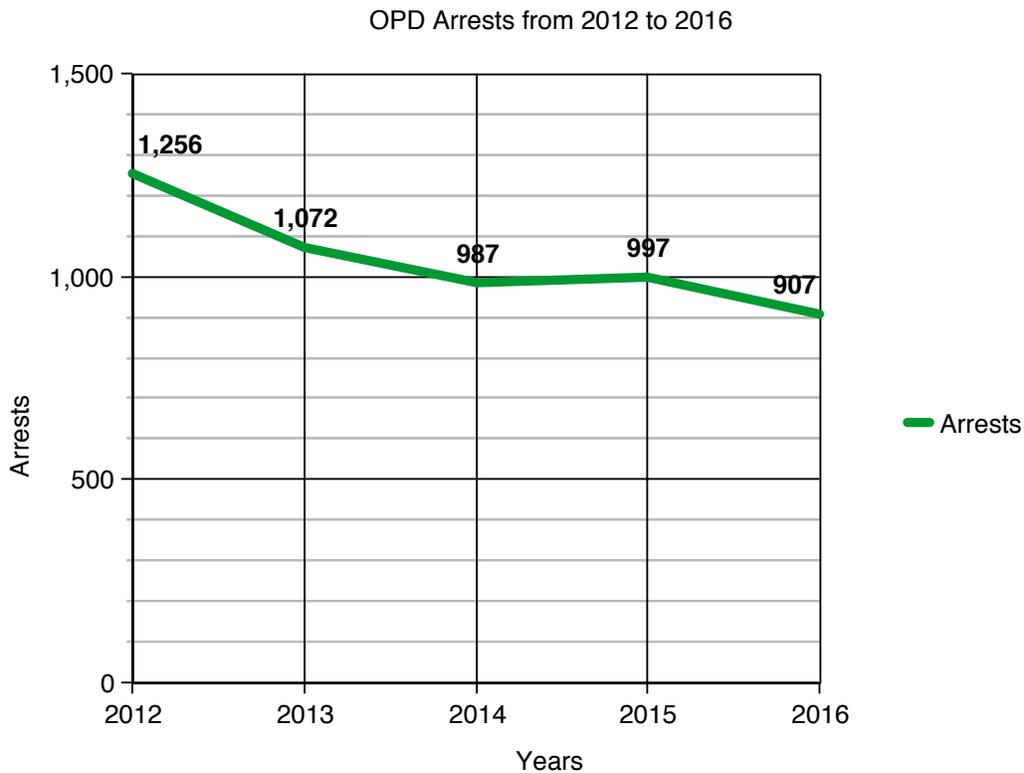
In an email, local activist Jim Forrester, of the pro dispensary group MalheurCan, and activist Russ Belville, project city tax revenue to reach around \$750,000. This estimate is based on the understanding that neighboring Baker County experienced \$16 million in sales last year, and the revenue from the early months of 2018 put them on track to reach \$20 million for 2018. The two dispensaries in Huntington are responsible for a high majority of these sales. He goes on to reason that with Ontario being closer to the Idaho border, combined with the fact that the city can potentially license at least three dispensaries, Ontario might see as much as \$25 million in sales annually. Just calculating the revenue from the 3 percent sales tax on that amount would bring the city the estimated \$750,000. Plus, the city might expect around \$50,000 from the state for its per capita distribution. These estimates do not factor in other state distributions, grants, or other economic benefits dispensaries might bring such as revitalization of empty buildings, jobs, or increased patronage to local businesses.

Task 2: Evaluate statistics and trends post legalization for cannabis related crime, traffic incidents, health care, and consequences for youth.

I have used several sources to gather crime statistics; Ontario Police Department statistics from 2012 to 2016, statements from city officials, media reports about Huntington, the 2017 report *Legalization of Marijuana in Colorado: The Impact* by the Rocky Mountain High Intensity Drug Trafficking Area office (RMHIDTA), and a report from Washington State government titled *Monitoring Impacts of Recreational Marijuana Legalization* put together by the Forecasting and Research Division of Washington State Office of Financial Management (F&RD of WSOFM) in 2016. It should be noted that the RMHIDTA report is authored by a federal agency which must adhere to federal policy, so their approach is less friendly to the pro cannabis movement. The Washington state report comes from a state government where cannabis has been legalized so their perspective is more pro cannabis. These reports provide statistics from other states that have legalized cannabis and can help us understand what Ontario may expect.

Crime

It is difficult to find exact cannabis related crime statistics for Ontario because the Ontario Police Department does not break out cannabis related crime from their monthly crime statistics totals. However, one trend stands out: Total number of arrests has been decreasing since 2012 as indicated in the graph below. (Ontario Police Department (OPD), 2015, 2016)



ontariooregon.org

Figure 2 Ontario Police Department Year End Overall Arrest Totals

This is a significant marker for overall crime in Ontario. Even if cannabis related arrests increased, the overall total is trending downward. This indicates that legalization has not increased crime in Ontario in the post legalization era. When asked how legalization has affected Ontario, Councilwoman Tess Winebarger indicated that cannabis related incidents are likely going down due to certain activities no longer being illegal. She said that local law enforcement has seen a decrease in cannabis related calls since people can no longer complain about neighbors illegally growing or smoking. She also noted that the city has seen an increase in complaints about grows, odor, and drivers under the influence. According to her understanding, costs to the city have not gone up.

In March of 2017, Baker County Sheriff Travis Ash, who is in charge of policing Huntington, stated that there were 68 logged cases in Huntington in 2016. That is a significant increase since 2015, but Ash noted that, unless an analysis were conducted on each case it would be hard to say what is causing the increase. He went on to say that 2015's numbers were unusually low, so the numbers for 2016 may be a blip as well. (Berg, 2017) Even if we had updated numbers for 2017, we would still not have a good picture for how cannabis dispensaries may be affecting Huntington's crime statistics because the Sheriff's office does not break out cannabis related cases in their reporting.

We have some crime statistics from Colorado from the RMHIDTA (2017) report. This is an arm of the White House Office of National Drug Control Policy, and Colorado is within the area covered by this organization. Their report presents statistics on cannabis related issues in Colorado since legalization in 2013. This report only provides total crime numbers per year going back to 2012. It does not break out cannabis related crime. In fact, the section discussing crime is prefaced with a warning that the statistics are provided due to inquiries but, "This is not to infer that the data is due to the legalization of marijuana." (p 117) The report tells us that total crime in Colorado increased 10.8 percent from 2013 to 2016, but there is no evidence on how cannabis may have affected that increase.

The F&RD of WSOFM (2016) reports statistics from Washington state since cannabis was legalized in 2012 through 2015. They report that the number of law enforcement incidents involving cannabis decreased 63 percent from 2012 to 2015. An incident as defined by the FBI "occurs when any law enforcement officer investigates a scene or situation, whether that investigation results in an arrest or not." (p14)

Traffic Incidents and Fatalities

The Ontario Police Department (2012 – 2016) reports that overall traffic violations cited and crashes went up in 2015 compared to 2014, but then went down significantly in 2016. Ms. Winebarger indicated that cannabis related traffic incidents had increased in Ontario since legalization but she did not provide any numbers. Ontario specific statistics in this area need more research and context to identify any cannabis related trends. Baker County does not have data on specifically cannabis related incidents either. The RMHIDTA report (2017) on Colorado provides data on traffic incidents and fatalities. They report that:

- cannabis related traffic deaths where the driver tested positive for cannabis increased from 55 deaths in 2013 to 125 deaths in 2016.

- Cannabis related traffic deaths have increased 66 percent since legalization of recreational cannabis.
- In 2016, 21 percent of all traffic related deaths involved drivers testing positive for cannabis. This increased from 9 percent in 2009.

It is important to keep in mind that there is no standard toxicology method, like a Breathalyzer, to determine blood levels for cannabis at the scene of a traffic incident, so testing positive for cannabis later doesn't mean that the driver was impaired by cannabis or that cannabis was the cause of the accident. NPR reports that "In states like Colorado, there is a THC blood test that law enforcement can use to show "presumed" impairment. If a person has more than 5 nanograms of delta-9-THC per milliliter of blood, a court or jury can infer that they are impaired, according to Colorado law." (Bichell, 2018 para 11) Even though Colorado has a blood limit to determine impairment, NPR reports that "there is no widely accepted, standardized amount in the breath or blood that gives police or courts or anyone else a good sense of who is impaired." (Bichell, 2018, para 5) Without a standard test, Colorado relies on observations and assessments by officers on the scene. This makes it impossible to accurately determine whether or not cannabis use caused these accidents or how much cannabis really costs the state of Colorado for law enforcement in these cases.

Washington state has not seen an increase in cannabis related traffic fatalities and a 75% decrease in all cannabis related traffic incidents. Drug-only DUI arrests (includes all drugs, not just cannabis) have decreased 28% from 2011 – 2015 (F&RD of WSOFM, 2016)

Health Care

In regards to health care, we have no data for ER visits or calls to poison control for Ontario or the State of Oregon. The RMHIDTA (2017) reports that in Colorado, cannabis related emergency room visits increased 35 percent after legalization. The number of hospitalizations increased as well. Cases considered cannabis related could be determined by lab tests, patient self-admission or some other validation obtained by the care provider. They also qualify the statistics by stating that "being marijuana-related does not necessarily prove marijuana was the cause of the emergency department admission or hospitalization." (p 68) If this is the case, then the ER statistics do not help us understand how many people visit an ER because of cannabis specific health concerns. It also doesn't tell us how many visits or admissions were paid for by the state so we don't know if or how much cannabis legalization is costing the state of Colorado in this area. Washington did not report statistics for ER visits but they did report a 73 percent increase in poison control calls between 2011 and 2013. (F&RD of WSOFM, 2016 p3) One thing to keep in mind about this statistic is that we do not know how many calls to poison control prior to legalization were really about cannabis but logged as something else because the caller did not want to admit possession of a controlled substance or child endangerment.

Consequences for Youth

I was unsuccessful locating information on youth cannabis use in Ontario or Oregon. I reached out to local substance use disorder treatment providers but they did not provide any information. Colorado and Washington State have had different experiences regarding cannabis use by youth 11 to 17. The RMHIDTA (2017) reports that the prevalence of past 30-day cannabis use for

youth ages 12 to 17 years old has increased from 8.75 percent of youth in 2006-2008 to 11.74 percent of youth in 2012-2014. Their source for this data is the SAMHSA National Survey on Drug Use. However, the F&RD of WSOFM report (2016) reports that past month use of cannabis by youth 11 to 17 in Washington has declined or held steady. This data comes from the Washington State Health Youth Survey. The F&RD of WSOFM report (2016) also reports that ease of access to cannabis by youth is trending down and there has been no increase in state sponsored substance use disorder treatment for youth. Also, the number of youths aged 15-19 in treatment for substance abuse treatment is trending down as well. It is unclear whether or not this difference is based on the organizations collecting the data (federal vs state), or an example of differing state cultures. This area could use more analysis based on more local data to determine possible expectations for Ontario.

Task 3: Compare the possible revenue from dispensaries to any increases in social costs to the community.

Updated estimates for the revenue Ontario might see will significantly address the city budget shortfall. This revenue can, for example, be used to improve public safety as the city indicated they planned to do with the sales tax revenue. (Caldwell, 2018) Plus, by allowing dispensaries, the city will receive per capita disbursements from the state and will benefit from state disbursements for law enforcement, health care, and substance abuse education and treatment. Although Ontario is experiencing overall increases in traffic incidents, arrests are trending downward. (OPD 2012 – 2016) Tess Winebarger said that there has been no increase in costs to the city post legalization. Because legal cannabis is already here, we have already experienced post legalization consequences. There is no reason to expect that dispensaries will increase costs to the city. We can also extrapolate data from other areas to estimate the effects of dispensaries in Ontario. The statistics coming out of Washington state are most helpful because they have similarities to Oregon in geography and culture. Washington is not experiencing significant upward trends in any of the areas of concern discussed previously, and their counties that border Idaho are leading the state in per capita cannabis sales. (F&RD of WSOFM, 2016) There is no reason that Ontario should not expect a similar result. Based on Huntington's experience, it is estimated that a high majority of customers shopping at dispensaries in Ontario will come from Idaho. (Berg, 2017) This means that most associated social costs of those sales will follow those customers back across the border, and will not be borne by the City of Ontario.

Conclusions

In this section I will present my conclusions based on my research related to the three areas of focus discussed previously.

Task 1: Determine the possible economic benefits the city might expect from allowing dispensaries.

Both city government and activists want a better Ontario, but this requires money to hire police officers, fix roads, and improve amenities to improve the quality of life for city residents. Cannabis tax revenue can go a long way to provide money for these things. I have determined that the economic benefits the city will receive by allowing cannabis dispensaries are far too significant to ignore in light of the city's budget crisis. I base this conclusion on the updated revenue estimates, projections on state disbursements, and the experience of similar communities.

Task 2: Evaluate statistics and trends post legalization for cannabis related crime, traffic incidents, health care, and consequences for youth.

Crime

There are some positive trends to note in regards to cannabis related crime in Ontario and elsewhere. The fact that overall arrests in Ontario are decreasing suggest to me that overall crime is trending downward – even after legalization. I do not see any reason why dispensaries would change this trend. Cannabis is already in our community, yet arrests are still going down. Dispensaries would simply provide a more regulated, tested, and taxable way of obtaining cannabis. Tess Winebarger indicated that local law enforcement has seen a decrease in marijuana related calls since people can no longer complain about neighbors illegally growing or smoking. I conclude from this that legalization has not significantly increased crime in Ontario and that allowing dispensaries will not change this. Crime statistics coming out of Washington support this position as well.

Traffic Incidents and Fatalities

Although the overall number of traffic incidents in Ontario declined from 2015 to 2017, Tess Winebarger indicated that cannabis related traffic incidents had increased. It's possible that cannabis related incidents have gone up despite overall statistics going down, but I conclude that an overall decrease is the big picture and the big news here. Washington reports hefty drops in cannabis related traffic incidents and a sizeable decrease in drug-only DUIs. I can not say for certain that Ontario will follow their trend, but our own numbers may indicate good news in the overall trend. I conclude that if overall traffic incidents are decreasing, then cannabis is not causing an increase, and therefore not increasing city costs in this area.

Health Care

One of the primary costs to health care when it comes to recreational substances, including alcohol, is the number of ER visits. There is no data regarding cannabis related ER visits in Ontario or Washington. Colorado experienced an increase in cannabis related ER visits, but

reporting methods were not consistent and they acknowledge that categorizing a visit as cannabis related does not mean that cannabis was the cause of the visit. From this, I see no reason to expect that Ontario would experience a measurable increase in cannabis related ER visits by allowing dispensaries. Again, cannabis has already been here for years, yet we haven't seen significant increases.

Consequences for Youth

Current data suggests that the fears of some citizens regarding consequences for youth are not being realized. The statistics from Washington state provide the most positive picture for youth consequences. I think the Washington numbers are so compelling because Washington is culturally similar to Oregon. I believe that one of the reasons Washington is experiencing downward trends for past month use, ease of access, and lower numbers of youth in treatment, is because Washington had a strong cannabis culture before legalization, so many youths were familiar with cannabis use prior to legalization. Oregon has a similar history with cannabis culture. Legalization did not flood our community with cannabis because it was already here. We must still remain vigilant in teaching youth about the consequences of cannabis use by adolescents and restricting their access to it. It is also necessary to educate parents about safely storing their cannabis just like they would with alcohol or prescription medications.

Task 3: Compare the possible revenue from dispensaries to any increases in social costs to the community.

After reviewing statistics from a variety of jurisdictions, I believe I can safely conclude that the financial benefits of allowing dispensaries in Ontario far outweigh possible costs. My first reason for this conclusion, is that cannabis is already a part of our community, so dispensaries are not going to significantly increase current levels or opportunities for access by youth. Secondly, we have several indicators that Ontario has not experienced significant increases in use of law enforcement, traffic incidents, health care or youth consequences since legalization. I have not found any indication that dispensaries will change this; especially since much of the product purchased at Ontario dispensaries will be carried out of town and across the border.

Recommendation

My first recommendation is that Ontario city government members and citizens actively support the effort to reverse the ban on dispensaries. If we want a better Ontario, then we need more revenue. Dispensaries are an excellent opportunity to raise revenue, but this effort will require a great effort to educate residents on the benefits and allay their fears about perceived undesirable consequences.

My second recommendation is that the city compile and publish accurate statistics for cannabis related crime, traffic incidents, and youth use in Ontario. This is a necessary component to educating the public that dispensaries will not dramatically increase the amount of cannabis in the area compared to current levels, increase access by youth over current levels, or increase crime over current levels. Special attention should be paid to gathering statistics on youth consequences since state and national data will not provide an Ontario specific perspective. It is important to know what to expect in this area.

My third recommendation is that the mayor and city council increase the profile of their cannabis advisory committee so that citizens have an outlet to voice concerns and receive factual information about cannabis and dispensaries. This committee could be a strong force for educating voters, and helping them feel heard by the city.

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