



COPY

March 9, 2012

AMERICAN CIVIL  
LIBERTIES UNION  
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Mayor Kathie Oriet  
Carlton City Hall  
191 East Main Street  
Carlton, Oregon 97111  
[koriet@ci.carlton.or.us](mailto:koriet@ci.carlton.or.us)

Re: City of Carlton's Proposed Medical Marijuana Ordinance

Dear Mayor Oriet:

The ACLU of Oregon is a nonprofit, nonpartisan organization with more than 10,000 members dedicated to the principles of liberty and equality embodied in the Oregon and United States Constitutions and civil rights laws.

Recently, the ACLU was contacted by several individuals who are concerned about a proposed ordinance in Carlton, Oregon, related to the Oregon Medical Marijuana Act (OMMA). The proposed ordinance seeks to excessively regulate individuals who obtain an exemption from criminal liability under state statute by participation in the OMMA registry, and imposes fines for failure to comply with the new local requirements.

After review of a recent draft of the Carlton ordinance it appears that it may be pre-empted by state law and, even if not pre-empted, sections of the proposed ordinance are unconstitutional. Oregon voters approved the OMMA because they want to be able to make sensible decisions with their physicians when it comes to their treatment of debilitating medical conditions. The proposed ordinance would effectively strip registrants of their ability to obtain medical marijuana if they don't submit to highly invasive regulations. Such regulations are unneeded given the fourteen pages of rules that have already been promulgated by the Oregon Health Authority.

We urge the Carlton City Council to reject the proposed ordinance in its entirety. While the City may disapprove of the passage of the OMMA by Oregon voters, the City does not have the authority to deny its residents the protections of state law through an onerous regulatory scheme. If the Council passes this ordinance I have no doubt that the City of Carlton will face a legal challenge. For the reasons stated above I hope you will abandon this effort.

If you have any questions please feel free to contact me at your convenience.

Sincerely,

/s/

Kevin Díaz  
Legal Director

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