

MAR 28 2016

OKANOGAN COUNTY
PLANNING & DEVELOPMENT

Cannibus Meeting Discussion

Thank you for your time in listening to this argument for why we feel that there should be zoning considerations for the marijuana grows in our county (neighborhood).

My argument goes beyond just a disappointment from the looks and added traffic that the pot farms bring to our community- Although it is certainly a bummer that our land resale values will probably go down as we feel that some folks will not want to live next door to the additional traffic, smell, and unprofessional behavior that we have witnessed for the last year since the arrival of our new neighbors. I really like the guys next door, although I firmly disagree with their views and what they are doing on all kinds of levels. I believe that the arguments for smell and looks are invalid, because we all live in Okanogan County and there are orchard smells and eyesores all about!

The arguments I pose that I feel are relevant are these...

For the Public (my own and my kid's) Health.

There is no doubt to the negative health effects of smoking Marijuana.

Lung Health-

<http://www.lung.org/stop-smoking/smoking-facts/marijuana-and-lung-health.html?referrer=https://www.google.com/>

Smoking marijuana clearly damages the human lung. Research shows that smoking marijuana causes **chronic bronchitis** and marijuana smoke has been shown to injure the cell linings of the large airways, which could explain why smoking marijuana leads to symptoms such as **chronic cough, phlegm production, wheeze and acute bronchitis.**^{4,9}

Smoking marijuana can harm more than just the lungs and respiratory system - it can also affect **the immune system** and the body's ability to fight disease, especially for those whose immune systems are already weakened from immunosuppressive drugs or diseases, such as HIV infection.^{4,9}

Smoking marijuana hurts the lungs' first line of defense against infection by killing cells that help remove dust and germs as well as causing more mucus to be formed. In addition, it also suppresses the immune system. These effects could lead to an increased risk of lower respiratory tract infections among marijuana smokers... **frequent marijuana-only smokers have more healthcare visits for respiratory conditions compared to nonsmokers.**¹⁰

These negative effects for Marijuana use go beyond just smoking- but are scientifically proven to be bad for the nervous system and all kinds of auto immune suppression (see same article, or any Journal on Health Information related to Marijuana.)

Based on that information, we the people who don't endorse pot, try and teach our kids to stay away from doing things that will cause them harm- and we keep them away from people and situations that would tell/teach them otherwise. I believe that's why we don't let minors on drinking establishments, and have laws on the books that protect children (and adults) from being exposed to behavior that they don't consider morally, ethically, socially, and ideologically acceptable. All this is held in tension with the reality that our constitution protects the rights of folks to choose...so if you want to smoke cigarettes, you can... even though you are killing yourself and putting the added cost of taking care of you medical bills onto the rest of society that didn't make the poor choices you did. Yet- we have laws that say "you can't" in a public place- Do it in your own home, or where it doesn't effect the rest of us. These laws go beyond JUST when we are personally affected by the second hand smoke, but they speak to the **INFLUENCE** of how people would **shape public perception** of said behavior...for instance cigarette advertising has laws:

<http://publichealthlawcenter.org/sites/default/files/fda-5.pdf>

The new law permits state and local governments to:

Require that tobacco products and advertisements be kept a minimum distance from cash registers in order to reduce impulse purchases by smokers trying to quit-

The FDA has wide-ranging authority to regulate tobacco product marketing. Apart from the agency's power to implement new regulations in the future, the new law mandates certain specific changes, as follows: **Restricts tobacco advertising and promotion in order to promote overall public health** (the judicial system will almost certainly be asked to adjudicate whether any of the legislated advertising restrictions unconstitutionally interferes with free speech under the First Amendment) **Stops illegal sales of tobacco products to minors** **Prohibits health claims about** purported reduced-risk products, where such claims are **not scientifically proven** or would **cause net public health harms** (for example, by discouraging current tobacco users from quitting or **encouraging new users to start**)

(here we see the law is on the side of the public and in favor of people not having to live with products "in their face" if they don't agree with the merchandise.) I believe that's why porno cannot be displayed openly- you should not be forced to have things shoved down your throat.

Which leads me to my second point: What's good for the goose isn't always good for the gander! Pardon the play on words, but I shouldn't have to be forced to look at everyday what I'm striving to stay away from! There are things that people are legal to do, but there are laws that prohibit those behaviors from the public venue... for instance, it's ok to be naked, just not in public!

Why do we have indecent exposure laws?? Wiki-pedia.

What constitutes indecent exposure depends on **the standards of decency of the community** where the exposure takes place

The applicable standard of decency is generally that of the local community, which is sometimes codified in law, but may also be based in religion, morality, or, in some justifications, on the basis of "necessary to public order".

The very reality that you have a large number of people protesting against the existence of a pot grow in a community should cue us in that the "applicable standard of decency for that particular local community" has been violated- or else they wouldn't be complaining! We feel we have children that by looking at (in some cases) **advertising** "empire experience"- smelling and being subject to visual promotion (just by being in the public eye) are influenced by others with the notion that using pot is a socially acceptable and ethical thing to do. That flies in conflict with the message that we the parents are trying to teach them on making healthy choices in life. I don't have a problem with someone smoking pot- but I do when they want to "win hearts and minds" to push their product on my community. If you want to smoke pot- do it in your own house, or in some designated area where I can stay away from and keep my kids away from. If you want to grow pot- there should be some kind of community advertisement and hearing that would benefit both the grower and the community. The grower doesn't want the stigma of being considered a "bad neighbor". I've met most of these guys who grow next to us and I know that they are considerate people. Had they known at day one there was a choice between site one (all the people voted no to having them come) and site two (90 percent voted in favor or no contest)...they would choose site two! Let's help them and us by having some kind of zone/permit/public hearings...

We do it for drinking establishments...why not for pot grows? Pot isn't just agriculture- it's a drug! It's still federally illegal and considered by most the states to be a crime to be in possession of.

I don't have the answers- I just have concerns for my community. I am a recovered addict of 22 years who started smoking pot in the sixth grade over on Eastside. By the time I was in my early teens, I was stealing money from my mother's purse and lying to get high and stay high. My addiction was not limited to Marijuana use- but started there and included booze, cocaine, crank, acid, and any other mood altering substance. I have hurt loved ones, lost jobs, committed crimes, done jail time, failed to pay debts, have been homeless, heartless and ruthless- All because of being a slave to my addiction! I sobered up at Sundown M Ranch in Selah, Washington, and with the Lord Jesus' help...remain free from every drug...with the exception of coffee! Not everyone will get addicted...but what about the one that will? What if it's your kid who is stealing from YOU and lying about it? What if it's your kid who stages a "break in" only to have stole your stuff to go sell/trade at the barter fair (true story-ask my mom). What will you do then- what will be your opinion then? I didn't start the "heavy" drugs until nearly graduation, and was doing all the addict behavior long before then! What gives someone the right to move next to me and set up shop uncontested by me or my neighbors- and force me to smell everyday for months the smells that I have fought, prayed, and finally been delivered of? Shouldn't there be some kind of rules that at least let the immediate community have a say of impact?

Thanks for your consideration,
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Tobacco Product Marketing Restrictions

Federal Regulation of Tobacco: Impact on State and Local Authority
July 2009

Background

On June 22, 2009, President Barack Obama signed into law the Family Smoking Prevention and Tobacco Control Act, giving the U.S. Food and Drug Administration (FDA) comprehensive authority to regulate the manufacturing, marketing, and sale of tobacco products. The new law represents the most sweeping action taken to date to reduce what remains the leading preventable cause of death in the United States.

Before enactment of the new law, the advertising and promotion of cigarettes was largely exempt from regulation due to preemptive provisions in the Federal Cigarette Labeling and Advertising Act (FCLAA). Although no similar federal preemption applied to advertising or marketing restrictions on other tobacco products, these types of restrictions were not pursued on a widespread basis.

What the New Law Does

The Family Smoking Prevention and Tobacco Control Act requires a number of restrictions on cigarette and smokeless tobacco product advertising and other marketing, and also grants the FDA authority to impose additional restrictions on the advertising, promotion and other marketing of tobacco products in order to promote overall public health. All such restrictions would be subject to the constraints of the First Amendment, which protects certain commercial speech. The FDA finding as to whether such regulation would be appropriate for the protection of the public health would be determined with respect to the population as a whole, including users and non-users of tobacco.

The FDA has wide-ranging authority to regulate tobacco product marketing. Apart from the agency's power to implement new regulations in the future, the new law mandates certain specific changes, as follows:

- Restricts tobacco advertising and promotion in order to promote overall public health (the judicial system will almost certainly be asked to adjudicate whether any of the legislated advertising restrictions unconstitutionally interferes with free speech under the First Amendment)
- Stops illegal sales of tobacco products to minors
- Prohibits health claims about purported reduced-risk products, where such claims are not scientifically proven or would cause net public health harms (for example, by discouraging current tobacco users from quitting or encouraging new users to start)
- Revises and strengthens the content of health warnings on both cigarette and smokeless tobacco products, requiring the warnings to cover 50 percent of the front and back of all packages, including graphic images depicting the harmful effects of tobacco use
- Prohibits terms such as "light," "mild" and "low-tar" on tobacco product packages and advertisements, while authorizing the FDA to restrict additional terms in the future

The Family Smoking Prevention and Tobacco Control Act also mandates restrictions on the marketing and advertising of cigarettes and smokeless tobacco that the FDA itself adopted in



The Law Blocks State Authority to Prescribe Health Warning Labels on Product Packages and Advertisements

The Family Smoking Prevention and Tobacco Control Act prescribes stronger health warning labels and warning label formats on cigarette and smokeless tobacco product packages and advertisements, and authorizes the FDA to establish warning labels on other tobacco products. Preemption on state action in this area remains in effect.

State and local governments can, however, impose warning mandates that do not affect tobacco product packages or ads. For example, the New York City Board of Health has proposed requiring all tobacco retailers to prominently display point-of-sale warnings and cessation messages, possibly including graphic images to depict the adverse health effects of tobacco products.

To learn more about FDA regulation of tobacco, visit www.tclconline.org.

The Tobacco Control Legal Consortium provides information and technical assistance on issues related to tobacco and public health, but does not provide legal representation or advice. This fact sheet should not be considered legal advice or a substitute for obtaining legal advice from an attorney who can represent you. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.