



John A. Trumbo, Sheriff Umatilla County

4700 NW Pioneer Place ★ Pendleton, OR 97801 ★ Ph: 541-966-3600 ★ Fax: 541-278-5496

October 2, 2012

Attorney General Rosenblum
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon
97301-4096

Dear Attorney General Rosenblum

Measure 80, the Oregon Cannabis Tax Act will appear on the November ballot. If it were to pass it appears measure 80 could raise some significant legal questions concerning its implementation in light of the Controlled Substance Act. Pursuant to O.R.S. 180.60 (2) I request an opinion in writing, with respect to the following questions.

1. Is the Oregon Cannabis Tax Act ("OCTA") preempted by the Controlled Substances Act?
2. Will Oregon citizens who use, possess, cultivate or distribute marijuana, or facilitate such use, possession, cultivation or distribution, including the Oregon Cannabis Commission and other State, County and Municipal employees or agents, acting in accordance with the provisions of the Oregon Cannabis Tax Act violate the Controlled Substance Act 21 U.S.C.A 801 et seq, and if so, are such citizens, including State, County and Municipal employees and agents immune from federal prosecution?

I apologize for making this request by e-mail, but since your thoughts are important and time is of the essence, I felt the regular mail system would not allow you sufficient time to respond to my questions. I appreciate your thoughtful consideration to my request and await your reply.

Sincerely


John A. Trumbo
Sheriff, Umatilla County

cc: Senator Nelson
The Oregonian