

# Flying out of Portland with Medical Cannabis?

Recently the ACMM wrote to the Port of Portland, asking what their policy was about the possession of medical marijuana and OMMP legally registered passengers. The following is the response we received.

PORT OF PORTLAND, Portland International Airport,  
7000 NE Airport Way, Portland, OR 97218,  
Box 3529 Portland, OR 97208  
503-460-4151  
December 22, 2009

Jim Klahr, Chair ACMM  
800 NE Oregon St.  
Portland, OR 97232

Re: Written Policy regarding Oregon Medical Marijuana

Dear Mr. Klahr:

I serve as in house counsel to the Port of Portland (“Port”). Please let this serve as the Port’s response to your letter dated December 14, 2009 addressed to Mr. Steve Johnson of the Port. This letter does not constitute an interpretation of Oregon law or legal advice.

In response to your specific question, the Port does not have an “official written policy” regarding “Oregon Medical Marijuana patients who want to bring their medicine on the airplane.” The Port complies with and enforces applicable state and federal laws.

Marijuana is not seized from a passenger who holds a valid Oregon Medical Marijuana card when boarding aircraft at the Portland International Airport as long as the passenger is not carrying a quantity that exceeds an amount that he or she is lawfully authorized to possess.

Cordially,

Wendy Hain  
Assistant General Counsel  
Port of Portland  
(503) 460-4360



## **CAUTION**

Most states, even those with medical marijuana programs, do not recognize the medical marijuana laws of other states. It is important to know the rules and guidelines of the area to which you are flying or you could find yourself in jail. Protect yourself and call before you travel.

A plane diverted to another location, or with a terrorist scare, may require passengers to disembark and re-board. This could cause legal trouble with federal authorities.

For OMMP patients who want to bring your medicine on board it would probably be a good idea for you to have a copy of the letter from the Portland Port Authority and the following FAA Regulations:

“FAA Regulation, Part 91 – General Operating and Flight Rules: Sec. 91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances. (a) Except as provide in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft. (b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State Agency.”