

D R A F T

SUMMARY

Imposes restrictions on issuance of marijuana grow site registration cards under Oregon Medical Marijuana Act. Modifies production limits at marijuana grow sites.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to marijuana grow sites; creating new provisions; amending ORS
3 475.304 and 475.320; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 475.304 is amended to read:

6 475.304. (1) The Oregon Health Authority shall establish by rule a
7 marijuana grow site registration system to authorize production of marijuana
8 by a registry identification cardholder, a designated primary caregiver who
9 grows marijuana for the **registry identification** cardholder or a person who
10 is responsible for a marijuana grow site. The marijuana grow site registra-
11 tion system [*adopted*] must require a registry identification cardholder to
12 submit an application to the authority that includes:

13 (a) The name of the person responsible for the marijuana grow site;

14 (b) The address of the marijuana grow site;

15 (c) The registry identification card number of the registry cardholder for
16 whom the marijuana is being produced; and

17 (d) Any other information the authority considers necessary.

18 (2)(a) **Except as provided in paragraph (b) of this subsection,** the
19 authority shall issue a marijuana grow site registration card to a registry
20 identification cardholder who has met the requirements of subsection (1) of

1 this section.

2 **(b) The authority may not issue a marijuana grow site registration**
3 **card to a registry identification cardholder if:**

4 **(A) Three or more marijuana grow site registration cards have al-**
5 **ready been issued for a marijuana grow site located at the address**
6 **submitted by the applicant;**

7 **(B) The marijuana grow site is located within 1,000 feet of the real**
8 **property comprising a public or private elementary, secondary or ca-**
9 **reer school attended primarily by minors; or**

10 **(C) A city or county has adopted an ordinance that prohibits a**
11 **marijuana grow site from being located at the address submitted by**
12 **the applicant.**

13 (3) *[A person who has been issued a marijuana grow site registration card*
14 *under this section]* **The person responsible for a marijuana grow site**
15 **must display the marijuana grow site registration card at the marijuana**
16 **grow site at all times when marijuana is being produced.**

17 (4) A marijuana grow site registration card must be obtained and
18 *[posted]* **displayed** for each registry identification cardholder for whom
19 marijuana is being produced at a marijuana grow site.

20 (5) All usable marijuana[,] **and all** plants, seedlings and seeds associated
21 with the production of **the usable** marijuana for a registry identification
22 cardholder by *[a]* **the** person responsible for a marijuana grow site are the
23 property of the registry identification cardholder and must be provided to the
24 registry identification cardholder upon request.

25 (6)(a) The authority shall conduct a criminal records check under ORS
26 181.534 of *[any]* **a** person whose name is submitted as *[a]* **the** person respon-
27 sible for a marijuana grow site.

28 (b) A person convicted of a Class A or Class B felony under ORS 475.752
29 to 475.920 for the manufacture or delivery of a controlled substance in
30 Schedule I or Schedule II may not be issued a marijuana grow site registra-
31 tion card or produce marijuana for a registry identification cardholder for

1 five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony
3 under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled
4 substance in Schedule I or Schedule II may not be issued a marijuana grow
5 site registration card or produce marijuana for a registry identification
6 cardholder.

7 (7) A registry identification cardholder or the designated primary
8 caregiver of the **registry identification** cardholder may reimburse the per-
9 son responsible for a marijuana grow site for the costs of supplies and util-
10 ities associated with the production of marijuana for the registry
11 identification cardholder. No other costs associated with the production of
12 marijuana for the registry identification cardholder, including the cost of
13 labor, may be reimbursed.

14 (8) The authority may adopt rules imposing a fee in an amount established
15 by the authority for registration of a marijuana grow site **and for con-**
16 **ducting a criminal records check** under this section.

17 **SECTION 2.** ORS 475.320 is amended to read:

18 475.320. (1)(a) A registry identification cardholder or the designated pri-
19 mary caregiver of the **registry identification** cardholder may possess up to
20 six mature marijuana plants and 24 ounces of usable marijuana.

21 (b) Notwithstanding paragraph (a) of this subsection, if a registry iden-
22 tification cardholder has been convicted of a Class A or Class B felony under
23 ORS 475.752 to 475.920 for the manufacture or delivery of a controlled sub-
24 stance in Schedule I or Schedule II, the registry identification cardholder or
25 the designated primary caregiver of the **registry identification** cardholder
26 may possess one ounce of usable marijuana at any given time for a period
27 of five years from the date of the conviction.

28 (2) A person authorized under ORS 475.304 to produce marijuana at a
29 marijuana grow site:

30 (a) May produce marijuana for a **registry identification cardholder** and
31 provide marijuana to a registry identification cardholder or [*that person's*]

1 **the registry identification cardholder's** designated primary caregiver as
2 authorized under this section.

3 (b) May possess up to six mature plants and up to 24 ounces of usable
4 marijuana for each **registry identification** cardholder [*or caregiver*] for
5 whom marijuana is being produced.

6 (c) May produce marijuana for no more than [*four*] **three** registry iden-
7 tification cardholders [*or designated primary caregivers*] concurrently.

8 (d) Must [*obtain and*] display a marijuana grow site registration card is-
9 sued under ORS 475.304 for each registry identification cardholder [*or des-*
10 *ignated primary caregiver*] for whom marijuana is being produced.

11 (e) Must provide all marijuana produced for a registry identification
12 cardholder [*or designated primary caregiver*] to the cardholder [*or caregiver*]
13 at the time the person responsible for a marijuana grow site ceases produc-
14 ing marijuana for the cardholder [*or caregiver*].

15 (f) Must return the marijuana grow site registration card to the registry
16 identification cardholder to whom the card was issued when requested to do
17 so by the **registry identification** cardholder or when the person responsible
18 for a marijuana grow site ceases producing marijuana for the **registry**
19 **identification** cardholder [*or caregiver*].

20 (3) Except as provided in subsections (1) and (2) of this section, a registry
21 identification cardholder, the designated primary caregiver of the **registry**
22 **identification** cardholder and the person responsible for a marijuana grow
23 site producing marijuana for the registry identification cardholder may pos-
24 sess a combined total of up to six mature plants and 24 ounces of usable
25 marijuana for that registry identification cardholder.

26 (4)(a) A registry identification cardholder and the designated primary
27 caregiver of the **registry identification** cardholder may possess a combined
28 total of up to 18 marijuana seedlings or starts as defined by rule of the
29 Oregon Health Authority.

30 (b) A person responsible for a marijuana grow site may possess up to 18
31 marijuana seedlings or starts as defined by rule of the authority for each

1 registry identification cardholder for whom the person responsible for the
2 marijuana grow site is producing marijuana.

3 **SECTION 3. (1) The amendments to ORS 475.304 by section 1 of this**
4 **2013 Act apply to applications for registration of a marijuana grow site**
5 **submitted on or after the effective date of this 2013 Act.**

6 **(2) The amendments to ORS 475.320 by section 2 of this 2013 Act**
7 **apply to marijuana grow sites for which an application for registration**
8 **of a marijuana grow site is submitted on or after the effective date**
9 **of this 2013 Act.**

10 **SECTION 4. This 2013 Act being necessary for the immediate pres-**
11 **ervation of the public peace, health and safety, an emergency is de-**
12 **clared to exist, and this 2013 Act takes effect on its passage.**

13
