

House Bill 2919

Sponsored by Representative BUCKLEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts from criminal offenses in which possessing, delivering or manufacturing marijuana is an element persons who perform certain services related to administration of medical marijuana or who research marijuana for medical purposes. Creates Cannabis Commission as semi-independent state agency for purpose of providing regulatory oversight over such activity. Authorizes commission to issue permits for specified activities and to adopt rules with which holder of permits must comply. Limits, until January 1, 2018, number of permits that commission may issue.

A BILL FOR AN ACT

1
2 Relating to exemption from criminal offenses related to medical marijuana; creating new provisions;
3 and amending ORS 182.454.

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

DEFINITIONS

SECTION 1. As used in sections 1 to 7 and 9 to 26 of this 2013 Act:

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9 (1) "Attending physician" has the meaning given that term in ORS 475.302.

10 (2) "Debilitating medical condition" has the meaning given that term in ORS 475.302.

11 (3) "Designated primary caregiver" has the meaning given that term in ORS 475.302.

12 (4) "Distributor" means a person who holds a permit issued under section 19 of this 2013
13 Act that authorizes the person to transfer medical marijuana grown at an outdoor site,
14 greenhouse site, indoor site or research site to a registry identification cardholder or desig-
15 nated caregiver registered with the Cannabis Commission under section 9 of this 2013 Act.

16 (5) "Greenhouse site" means a site operated by a person who holds a permit issued under
17 section 13 of this 2013 Act that authorizes the person to grow medical marijuana in a
18 greenhouse.

19 (6) "Indoor site" means a site operated by a person who holds a permit issued under
20 section 13 of this 2013 Act that authorizes the person to grow medical marijuana indoors.

21 (7) "Inspector" means an individual who holds a permit issued under section 21 of this
22 2013 Act that authorizes the individual to inspect outdoor sites, greenhouse sites, indoor
23 sites or research sites.

24 (8) "Marijuana" has the meaning given that term in ORS 475.005.

25 (9) "Medical marijuana" means marijuana produced and administered for the purpose of
26 mitigating the symptoms or effects of a person's debilitating medical condition.

27 (10) "Outdoor site" means a site operated by a person who holds a permit issued under
28 section 13 of this 2013 Act that authorizes the person to grow medical marijuana outdoors.

29 (11) "Professional services" means services for which a permit is issued under section

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 17 of this 2013 Act that authorizes an individual to perform specified services with respect
2 to medical marijuana at an outdoor site, greenhouse site or indoor site or with respect to
3 marijuana or medical marijuana at a research site.

4 (12) "Registry identification cardholder" means a person who holds a valid registry iden-
5 tification card under ORS 475.309.

6 (13) "Research site" means a site operated by a person who holds a permit issued under
7 section 15 of this 2013 Act that authorizes the person to conduct research on marijuana for
8 purposes described in section 16 of this 2013 Act.

9
10 **LEGISLATIVE FINDINGS**

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12 **SECTION 2. The Legislative Assembly finds and declares that:**

13 (1) Marijuana is an effective treatment for suffering caused by debilitating medical con-
14 ditions and, therefore, marijuana should be treated like other medicines;

15 (2) A person suffering from debilitating medical conditions should be allowed to use small
16 amounts of marijuana without fear of civil or criminal penalties when the person's doctor
17 advises the person that the use may provide a medical benefit;

18 (3) ORS 475.300 to 475.346 is not the most effective means of achieving this state's goals
19 with respect to marijuana as described in subsections (1) and (2) of this section;

20 (4) Limits on possession are not the most effective means of regulating a legitimate
21 medical marijuana industry because limits on possession, without ensuring professional
22 competency and industry transparency, cause the unregulated proliferation of sites at which
23 marijuana is grown;

24 (5) Ensuring professional competency and industry transparency is the most effective
25 means of regulating a legitimate medical marijuana industry;

26 (6) There is a need for ensuring professional competency and industry transparency with
27 regard to the medical marijuana industry; and

28 (7) That need can be fulfilled without implicating the state in the manufacture, delivery
29 or possession of marijuana and without the use of public moneys.

30
31 **CANNABIS COMMISSION**

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33 **SECTION 3. (1) The Cannabis Commission is established as a semi-independent state**
34 **agency subject to ORS 182.456 to 182.472.**

35 (2) The commission consists of the following members appointed by the Governor:

36 (a) One member who holds a doctoral degree in organic chemistry;

37 (b) One member who holds a doctoral degree in botany, genomics or plant pathology;

38 (c) One member who holds a master's or doctoral degree in finance;

39 (d) One member who is licensed to practice medicine under ORS chapter 677;

40 (e) One member who is an active member of the Oregon State Bar;

41 (f) One member who an active member of the Oregon State Bar and who is admitted to
42 practice before the United States District Court for the District of Oregon;

43 (g) One member with expertise in chemistry and laboratory research;

44 (h) One member with expertise in agricultural research; and

45 (i) One member with expertise in patients' health needs.

1 (3) In making appointments under subsection (2) of this section, the Governor shall
 2 consider recommendations made by organizations that study the medicinal applications of
 3 marijuana and agricultural, technological and innovative ways of achieving those applica-
 4 tions.

5 (4) The term of office for a member is four years, but a member serves at the pleasure
 6 of the Governor. Before the expiration of a term, the Governor shall appoint a successor
 7 whose term begins on January 1 next following. A member is eligible for reappointment.

8 (5) If a vacancy occurs on the commission, the Governor shall appoint a qualified person
 9 to serve the unexpired term.

10 (6) A member of the commission must be a resident of this state or an officer or prin-
 11 cipal owner of an entity registered to do business in this state.

12 (7) The members of the commission shall elect a chairperson and vice chairperson with
 13 duties and powers as determined by the commission.

14 **SECTION 4.** Notwithstanding the term of office specified by section 3 of this 2013 Act,
 15 of the members first appointed to the Cannabis Commission:

16 (1) Two shall serve for a term ending January 1, 2015;

17 (2) Two shall serve for a term ending January 1, 2016;

18 (3) Two shall serve for a term ending January 1, 2017; and

19 (4) Three shall serve for a term ending January 1, 2018.

20 **SECTION 5.** (1) In accordance with applicable provisions of ORS chapter 183, the
 21 Cannabis Commission may adopt rules necessary for the administration of sections 1 to 7
 22 and 9 to 26 of this 2013 Act.

23 (2) Notwithstanding ORS 182.460 and section 3 (1) of this 2013 Act, employees of the
 24 Cannabis Commission are not eligible for inclusion within the Public Employees Retirement
 25 System.

26 **SECTION 6.** The Cannabis Commission shall create and maintain a long-term strategic
 27 plan for the development of a world-class medical marijuana industry that provides patients
 28 with medical products tailored for their individual health needs. The plan must address:

29 (1) The establishment of communication channels by which patients, cultivators, physi-
 30 cians, service professionals, researchers and legislative decision makers share evidence and
 31 data;

32 (2) The development of tools and services for educating the citizens of this state about
 33 medical uses for marijuana;

34 (3) The development of an interface by which stakeholders of the medical marijuana in-
 35 dustry may interact; and

36 (4) The manner in which the medical marijuana industry may provide for a patient's
 37 complex health needs.

38 **SECTION 7.** To carry out the purposes of sections 1 to 7 and 9 to 26 of this 2013 Act, the
 39 Cannabis Commission may:

40 (1) Appoint officers and enter into agreements with consultants, agents and advisers, and
 41 prescribe their duties;

42 (2) Appear before boards, commissions, departments or other agencies of municipal or
 43 county governments or the state government;

44 (3) Procure insurance against any losses in connection with properties of the commission
 45 in amounts and from insurers as may be necessary or desirable;

1 (4) **Accept donations, grants, bequests and devises, conditional or otherwise, of money,**
2 **property, services or other items of value, including interest, but excluding corporate stock,**
3 **that may be received from a government agency or a public or private institution or person;**

4 (5) **Hold donations, grants, bequests and devises received under subsection (4) of this**
5 **section, in accordance with the terms and conditions of the donation, grant, bequest or de-**
6 **vises, for any purpose specified in sections 1 to 7 and 9 to 26 of this 2013 Act;**

7 (6) **Provide and pay for advisory services and technical assistance that the commission**
8 **finds necessary or desirable; and**

9 (7) **Exercise any other powers necessary for the operation and functioning of the com-**
10 **mission under sections 1 to 7 and 9 to 26 of this 2013 Act.**

11 **SECTION 8.** ORS 182.454 is amended to read:

12 182.454. The following semi-independent state agencies are subject to ORS 182.456 to 182.472:

- 13 (1) The Appraiser Certification and Licensure Board.
- 14 (2) The State Board of Architect Examiners.
- 15 (3) The State Board of Examiners for Engineering and Land Surveying.
- 16 (4) The State Board of Geologist Examiners.
- 17 (5) The State Landscape Architect Board.
- 18 (6) The Oregon Board of Optometry.
- 19 (7) The Oregon Patient Safety Commission.
- 20 (8) The Oregon Wine Board.
- 21 (9) The State Board of Massage Therapists.
- 22 (10) The Physical Therapist Licensing Board.
- 23 (11) The State Landscape Contractors Board.
- 24 (12) **The Cannabis Commission.**

25
26 **REGISTRY AND PERMITS**

27
28 **(Registry Identification Cardholders**
29 **and Attending Physicians)**

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31 **SECTION 9.** (1) **A registry identification cardholder may register with the Cannabis**
32 **Commission as provided in this section for purposes described in section 10 of this 2013 Act.**

33 (2) **To register under this section, a registry identification cardholder shall:**

34 (a) **Furnish the commission with evidence satisfactory to the commission that the reg-**
35 **istry identification cardholder is registered with the Oregon Health Authority under ORS**
36 **475.309; and**

37 (b) **Pay a fee adopted by the commission by rule.**

38 **SECTION 10.** (1) **A registry identification cardholder registered with the Cannabis Com-**
39 **mission under section 9 of this 2013 Act, or the designated primary caregiver of a registry**
40 **identification cardholder registered with the commission under section 9 of this 2013 Act, is**
41 **authorized to:**

42 (a) **Order medical marijuana from an outdoor site, greenhouse site, indoor site or re-**
43 **search site;**

44 (b) **Receive medical marijuana from a distributor; and**

45 (c) **Possess medical marijuana in quantities authorized under ORS 475.320.**

1 (2) Registration under section 9 of this 2013 Act, or being the designated primary
2 caregiver of a person registered under section 9 of this 2013 Act, and compliance with this
3 section are an affirmative defense to a criminal charge as described in section 26 of this 2013
4 Act.

5 **SECTION 11.** (1) An attending physician may register with the Cannabis Commission as
6 provided in this section for purposes described in section 12 of this 2013 Act.

7 (2) To register under this section, an attending physician shall furnish the commission
8 with evidence satisfactory to the commission that the attending physician is licensed to
9 practice medicine under ORS chapter 677.

10 **SECTION 12.** (1) An attending physician registered with the Cannabis Commission under
11 section 11 of this 2013 Act is authorized to:

12 (a) Receive information from a research site regarding the specific types of medical
13 marijuana that best meet the different health needs of patients;

14 (b) Possess up to one ounce of each specific type of medical marijuana developed by a
15 research site;

16 (c) Dispense up to one ounce of a specific type of medical marijuana to a registry iden-
17 tification cardholder who is registered with the commission under section 9 of this 2013 Act
18 for the purpose of determining whether that type of medical marijuana is an appropriate
19 treatment for the registry identification cardholder's health needs;

20 (d) Order medical marijuana from an outdoor site, greenhouse site, indoor site or re-
21 search site for a registry identification cardholder; and

22 (e) Provide and charge for training that is at a research site and that meets the training
23 guidelines adopted by the commission under section 23 of this 2013 Act.

24 (2) Registration under section 11 of this 2013 Act and compliance with this section are
25 an affirmative defense to a criminal charge as described in section 26 of this 2013 Act.

26
27 (Outdoor Sites, Greenhouse Sites and Indoor Sites)
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29 **SECTION 13.** (1) The Cannabis Commission shall issue to an applicant an outdoor site
30 permit, greenhouse site permit or indoor site permit that authorizes a person to grow med-
31 ical marijuana at the type of site for which the permit is issued for purposes described in
32 section 14 of this 2013 Act if the applicant:

33 (a) Successfully completes the training required under section 23 of this 2013 Act;

34 (b) Performs satisfactorily on an examination prescribed by the commission;

35 (c) Furnishes evidence satisfactory to the commission that the applicant meets any other
36 qualifications adopted by the commission by rule;

37 (d) Pays a fee adopted by the commission by rule; and

38 (e) Meets the qualifications described in subsection (2) of this section.

39 (2)(a) The commission shall conduct a nationwide criminal records check under ORS
40 181.534 of an applicant, or, if the applicant is not an individual, the individual applying on
41 behalf of the applicant, for a permit under this section each time the applicant applies for a
42 permit or for renewal of a permit.

43 (b) The commission may not issue a permit under this section to a person convicted or
44 listed on an application submitted under this section with a person convicted of a Class A
45 or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled

1 substance in Schedule I or Schedule II, or of an equivalent crime in another jurisdiction,
2 until five years after the date the convicted person completes the sentence for the crime for
3 which the person has been convicted.

4 (c) The commission may not issue a permit under this section to a person convicted or
5 listed on an application submitted under this section with a person convicted more than once
6 of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery
7 of a controlled substance in Schedule I or Schedule II, or of an equivalent crime in another
8 jurisdiction.

9 (3)(a) The commission shall issue separate permits under this section to outdoor sites,
10 greenhouse sites and indoor sites. Except as provided in paragraph (b) of this subsection,
11 the commission shall establish by rule permissible locations and standards of operation for
12 each type of site.

13 (b) An outdoor site, greenhouse site or indoor site may not be located:

14 (A) Within 1,000 feet of the real property comprising a public or private elementary,
15 secondary or career school attended primarily by minors; or

16 (B) In an area that is zoned for residential use.

17 (4) The commission shall provide a copy of each permit issued under this section to the
18 Department of State Police and the Oregon Health Authority.

19 (5) A person who holds a permit under this section shall renew the permit, in accordance
20 with rules adopted by the commission, every two years.

21 **SECTION 14.** (1) An outdoor site, greenhouse site or indoor site is authorized, at the lo-
22 cation for which a permit has been issued under section 13 of this 2013 Act, to:

23 (a) Grow, produce or otherwise manufacture medical marijuana;

24 (b) Possess medical marijuana;

25 (c) Store medical marijuana;

26 (d) Fill orders for medical marijuana submitted by registry identification cardholders,
27 designated primary caregivers, research sites or attending physicians;

28 (e) Receive payment for services rendered to registry identification cardholders, desig-
29 nated primary caregivers or research sites;

30 (f) Package medical marijuana; and

31 (g) Provide distributors with medical marijuana for delivery to registry identification
32 cardholders, designated primary caregivers, research sites or, for amounts authorized under
33 section 12 (1)(b) of this 2013 Act, attending physicians.

34 (2) Holding a permit issued under section 13 of this 2013 Act and compliance with all
35 conditions of holding a permit under section 13 of this 2013 Act, with rules adopted under
36 section 13 of this 2013 Act and with this section are an affirmative defense to a criminal
37 charge as described in section 26 of this 2013 Act.

38
39 (Research Sites)

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41 **SECTION 15.** (1) The Cannabis Commission shall issue to an applicant, a research site
42 permit that authorizes a person to conduct research on marijuana for purposes described in
43 section 16 of this 2013 Act if the applicant:

44 (a) Successfully completes the training required under section 23 of this 2013 Act;

45 (b) Performs satisfactorily on an examination prescribed by the commission;

1 (c) Furnishes evidence satisfactory to the commission that the applicant meets any other
 2 qualifications adopted by the commission by rule;

3 (d) Pays a fee adopted by the commission by rule; and

4 (e) Meets the qualifications described in subsection (2) of this section.

5 (2)(a) The commission shall conduct a nationwide criminal records check under ORS
 6 181.534 of an applicant, or, if the applicant is not an individual, the individual applying on
 7 behalf of the applicant, for a permit under this section each time the applicant applies for a
 8 permit or for renewal of a permit.

9 (b) The commission may not issue a permit under this section to a person convicted or
 10 listed on an application submitted under this section with a person convicted of a Class A
 11 or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled
 12 substance in Schedule I or Schedule II, or of an equivalent crime in another jurisdiction,
 13 until five years after the date the convicted person completes the sentence for the crime for
 14 which the person has been convicted.

15 (c) The commission may not issue a permit under this section to a person convicted or
 16 listed on an application submitted under this section with a person convicted more than once
 17 of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery
 18 of a controlled substance in Schedule I or Schedule II, or of an equivalent crime in another
 19 jurisdiction.

20 (3)(a) Except as provided in paragraph (b) of this subsection, the commission shall es-
 21 tablish by rule permissible locations and standards of operation for a research site.

22 (b) A research site may not be located:

23 (A) Within 1,000 feet of the real property comprising a public or private elementary,
 24 secondary or career school attended primarily by minors; or

25 (B) In an area that is zoned for residential use.

26 (4) The commission shall provide a copy of each permit issued under this section to the
 27 Department of State Police and the Oregon Health Authority.

28 (5) A person who holds a permit under this section shall renew the permit, in accordance
 29 with rules adopted by the commission, every two years.

30 **SECTION 16.** (1) A research site is authorized, at the location for which a permit has
 31 been issued under section 15 of this 2013 Act, to:

32 (a) Grow, produce or otherwise manufacture medical marijuana;

33 (b) Possess medical marijuana and, for research purposes, marijuana;

34 (c) Store medical marijuana and marijuana;

35 (d) Order medical marijuana from an outdoor site, greenhouse site, indoor site or other
 36 research site;

37 (e) Receive medical marijuana from a distributor;

38 (f) Fill orders for medical marijuana submitted by registry identification cardholders,
 39 designated primary caregivers, other research sites or attending physicians;

40 (g) Receive payment for services rendered to registry identification cardholders, desig-
 41 nated primary caregivers or other research sites;

42 (h) Package medical marijuana;

43 (i) Provide distributors with medical marijuana for delivery to registry identification
 44 cardholders, designated primary caregivers, other research sites or, for amounts authorized
 45 under section 12 (1)(b) of this 2013 Act, attending physicians;

1 (j) Provide attending physicians with information regarding the specific types of medical
2 marijuana that best meet the different health needs of patients;

3 (k) Conduct research on marijuana for purposes related to processing biomass;

4 (L) Conduct research on marijuana for purposes related to determining the specific types
5 of medical marijuana that best meet the different health needs of patients;

6 (m) Blend marijuana for the purpose of creating specific types of medical marijuana that
7 best meet the different health needs of patients;

8 (n) Manufacture marijuana extracts for the purpose of creating specific types of medical
9 marijuana that best meet the different health needs of patients; and

10 (o) Provide and charge for training that meets the training guidelines adopted by the
11 commission under section 23 of this 2013 Act.

12 (2) Holding a permit issued under section 15 of this 2013 Act and compliance with all
13 conditions of holding a permit under section 15 of this 2013 Act, with rules adopted under
14 section 15 of this 2013 Act and with this section are an affirmative defense to a criminal
15 charge as described in section 26 of this 2013 Act.

16
17 (Professional Services Permit)

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19 **SECTION 17.** (1) The Cannabis Commission shall issue to an applicant a professional
20 services permit that authorizes an individual to perform, in accordance with the terms of the
21 permit, specified services with respect to medical marijuana at an outdoor site, greenhouse
22 site or indoor site or with respect to medical marijuana or marijuana at a research site for
23 purposes described in section 18 of this 2013 Act if the applicant:

24 (a) Successfully completes the training required under section 23 of this 2013 Act;

25 (b) Performs satisfactorily on an examination prescribed by the commission;

26 (c) Furnishes evidence satisfactory to the commission that the applicant meets any other
27 qualifications adopted by the commission by rule;

28 (d) Pays a fee adopted by the commission by rule; and

29 (e) Meets the qualifications described in subsection (2) of this section.

30 (2)(a) The commission shall conduct a nationwide criminal records check under ORS
31 181.534 of an applicant for a permit under this section each time the applicant applies for a
32 permit or for renewal of a permit.

33 (b) The commission may not issue a permit under this section to an individual convicted
34 of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery
35 of a controlled substance in Schedule I or Schedule II, or of an equivalent crime in another
36 jurisdiction, until five years after the date the individual completes the sentence for the
37 crime for which the individual has been convicted.

38 (c) The commission may not issue a permit under this section to an individual convicted
39 more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manu-
40 facture or delivery of a controlled substance in Schedule I or Schedule II, or of an equivalent
41 crime in another jurisdiction.

42 (3) The commission shall establish by rule subcategories of professional services under
43 this section. For each subcategory, the commission shall specify the type of services that the
44 individual who holds the permit may perform. The commission shall establish by rule per-
45 missible standards of conduct for each subcategory established under this section.

1 (4) The commission shall provide a copy of each permit issued under this section to the
2 Department of State Police and the Oregon Health Authority.

3 (5) An individual who holds a permit under this section shall renew the permit, in ac-
4 cordance with rules adopted by the commission, every two years.

5 **SECTION 18.** (1) An individual who holds a professional services permit issued under
6 section 17 of this 2013 Act is authorized, at a location for which a permit has been issued
7 under section 13 or 15 of this 2013 Act and in accordance with the terms of the permit as
8 prescribed by the Cannabis Commission under section 17 (3) of this 2013 Act, to:

9 (a) Grow, produce or otherwise manufacture medical marijuana;

10 (b) Possess medical marijuana and, for research purposes, marijuana;

11 (c) Order medical marijuana from an outdoor site, greenhouse site, indoor site or re-
12 search site;

13 (d) Receive medical marijuana from a distributor;

14 (e) Fill orders for medical marijuana submitted by registry identification cardholders,
15 designated primary caregivers, research sites or attending physicians;

16 (f) Receive payment for services rendered to an outdoor site, greenhouse site, indoor site
17 or research site;

18 (g) Package medical marijuana;

19 (h) Provide distributors with medical marijuana for delivery to registry identification
20 cardholders, designated primary caregivers, research sites or, for amounts authorized under
21 section 12 (1)(b) of this 2013 Act, attending physicians;

22 (i) Provide attending physicians with information regarding the specific types of medical
23 marijuana that best meet the different health needs of patients;

24 (j) Conduct research on marijuana for purposes related to processing biomass;

25 (k) Conduct research on marijuana for purposes related to determining the specific types
26 of medical marijuana that best meet the different health needs of patients;

27 (L) Blend marijuana for the purpose of creating specific types of medical marijuana that
28 best meet the different health needs of patients;

29 (m) Manufacture marijuana extracts for the purpose of creating specific types of medical
30 marijuana that best meet the different health needs of patients; and

31 (n) Provide and charge for training at a research site that meets the training guidelines
32 adopted by the commission under section 23 of this 2013 Act.

33 (2) Holding a permit issued under section 17 of this 2013 Act and compliance with all
34 conditions of holding a permit under section 17 of this 2013 Act, with rules adopted under
35 section 17 of this 2013 Act and with this section are an affirmative defense to a criminal
36 charge as described in section 26 of this 2013 Act.

37
38 (Distributor Permit)
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40 **SECTION 19.** (1) The Cannabis Commission shall issue to an applicant a distributor per-
41 mit that authorizes a person to transfer medical marijuana grown at an outdoor site,
42 greenhouse site, indoor site or research site to a registry identification cardholder registered
43 with the commission under section 9 of this 2013 Act or the designated primary caregiver
44 of a registry identification cardholder registered with the commission under section 9 of this
45 2013 Act if the applicant:

- 1 (a) Successfully completes the training required under section 23 of this 2013 Act;
- 2 (b) Performs satisfactorily on an examination prescribed by the commission;
- 3 (c) Furnishes evidence satisfactory to the commission that the applicant meets any other
- 4 qualifications adopted by the commission by rule;
- 5 (d) Pays a fee adopted by the commission by rule; and
- 6 (e) Meets the qualifications described in subsection (2) of this section.

7 (2)(a) The commission shall conduct a nationwide criminal records check under ORS
8 181.534 of an applicant, or, if the applicant is not an individual, the individual applying on
9 behalf of the applicant, for a permit under this section each time the applicant applies for a
10 permit or for renewal of a permit.

11 (b) The commission may not issue a permit under this section to a person convicted or
12 listed on an application submitted under this section with a person convicted of a Class A
13 or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled
14 substance in Schedule I or Schedule II, or of an equivalent crime in another jurisdiction,
15 until five years after the date the convicted person completes the sentence for the crime for
16 which the person has been convicted.

17 (c) The commission may not issue a permit under this section to a person convicted or
18 listed on an application submitted under this section with a person convicted more than once
19 of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery
20 of a controlled substance in Schedule I or Schedule II, or of an equivalent crime in another
21 jurisdiction.

22 (3) The commission shall establish by rule permissible standards of conduct for a dis-
23 tributor.

24 (4) The commission shall provide a copy of each permit issued under this section to the
25 Department of State Police and the Oregon Health Authority.

26 (5) A person who holds a permit under this section shall renew the permit, in accordance
27 with rules adopted by the commission, every two years.

28 **SECTION 20.** (1) A distributor is authorized to:

29 (a) Possess medical marijuana;

30 (b) Transfer, pursuant to an order for medical marijuana submitted to an outdoor site,
31 greenhouse site, indoor site or research site, medical marijuana from the outdoor site,
32 greenhouse site, indoor site or research site to a registry identification cardholder registered
33 with the commission under section 9 of this 2013 Act, designated primary caregiver of a
34 registry identification cardholder registered with the commission under section 9 of this 2013
35 Act, research site, individual who holds a professional services permit issued under section
36 17 of this 2013 Act or, for amounts authorized under section 12 (1)(b) of this 2013 Act, at-
37 tending physician; and

38 (c) Receive payment for services rendered to an outdoor site, greenhouse site, indoor
39 site, research site, registry identification cardholder, designated primary caregiver or indi-
40 vidual who holds a professional services permit.

41 (2) Holding a permit issued under section 19 of this 2013 Act and compliance with all
42 conditions of holding a permit under section 19 of this 2013 Act, with rules adopted under
43 section 19 of this 2013 Act and with this section are an affirmative defense to a criminal
44 charge as described in section 26 of this 2013 Act.

45

(Inspector Permit)

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3 **SECTION 21.** (1) The Cannabis Commission shall issue to an applicant an inspector permit that authorizes an individual to inspect outdoor sites, greenhouse sites, indoor sites or
4 research sites for purposes described in section 22 of this 2013 Act if the applicant:
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6 (a) Successfully completes the training required under section 23 of this 2013 Act;

7 (b) Performs satisfactorily on an examination prescribed by the commission;

8 (c) Furnishes evidence satisfactory to the commission that the applicant meets any other
9 qualifications adopted by the commission by rule;

10 (d) Pays a fee adopted by the commission by rule; and

11 (e) Meets the qualifications described in subsection (2) of this section.

12 (2)(a) The commission shall conduct a nationwide criminal records check under ORS
13 181.534 of an applicant for a permit under this section each time the applicant applies for a
14 permit or for renewal of a permit.

15 (b) The commission may not issue a permit under this section to an individual convicted
16 of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery
17 of a controlled substance in Schedule I or Schedule II, or of an equivalent crime in another
18 jurisdiction, until five years after the date the individual completes the sentence for the
19 crime for which the individual has been convicted.

20 (c) The commission may not issue a permit under this section to an individual convicted
21 more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manu-
22 facture or delivery of a controlled substance in Schedule I or Schedule II, or of an equivalent
23 crime in another jurisdiction.

24 (3) The commission shall establish by rule permissible standards of conduct for an in-
25 spector.

26 (4) The commission shall provide a copy of each permit issued under this section to the
27 Department of State Police and the Oregon Health Authority.

28 (5) A person who holds a permit under this section shall renew the permit, in accordance
29 with rules adopted by the commission, every two years.

30 **SECTION 22.** (1) An inspector is authorized to:

31 (a) Possess medical marijuana or, if the inspector is inspecting a research site,
32 marijuana;

33 (b) Inspect the premises of an outdoor site, greenhouse site, indoor site or research site
34 to determine whether the site is in conformity with sections 1 to 7 and 9 to 26 of this 2013
35 Act or rules adopted by the Cannabis Commission under sections 1 to 7 and 9 to 26 of this
36 2013 Act;

37 (c) Report the results of an inspection to the commission in a form and manner required
38 by the commission by rule; and

39 (d) Charge an outdoor site, greenhouse site, indoor site or research site for conducting
40 an inspection.

41 (2) Holding a permit issued under section 21 of this 2013 Act and compliance with all
42 conditions of holding a permit under section 21 of this 2013 Act, with rules adopted under
43 section 21 of this 2013 Act and with this section are an affirmative defense to a criminal
44 charge as described in section 26 of this 2013 Act.
45

TRAINING

1
2
3 **SECTION 23.** (1) The Cannabis Commission shall adopt by rule training requirements that
4 an applicant for a permit issued under section 13, 15, 17, 19 or 21 of this 2013 Act must suc-
5 cessfully complete before receiving the permit.

6 (2) Training required for receiving a permit under section 15, 17, 19 or 21 of this 2013 Act
7 must take place at a research site.

8 (3) Training required for receiving a permit under:

9 (a) Section 13 of this 2013 Act must take into account the purposes authorized under
10 section 14 of this 2013 Act;

11 (b) Section 15 of this 2013 Act must take into account the purposes authorized under
12 section 16 of this 2013 Act;

13 (c) Section 17 of this 2013 Act must take into account the purposes authorized under
14 section 18 of this 2013 Act;

15 (d) Section 19 of this 2013 Act must take into account the purposes authorized under
16 section 20 of this 2013 Act; or

17 (e) Section 21 of this 2013 Act must take into account the purposes authorized under
18 section 22 of this 2013 Act.

19 (4) The commission may adopt by rule fees and charges for any training requirement
20 adopted by the commission.

21 (5) Training in accordance with this section and all rules adopted by the commission
22 under this section are an affirmative defense to a criminal charge as described in section 26
23 of this 2013 Act.

24
25 **INDUSTRY TRANSPARENCY**

26
27 **SECTION 24.** (1) A person who holds an outdoor site permit, greenhouse site permit, in-
28 door site permit or research site permit issued under section 13 or 15 of this 2013 Act shall
29 submit to the Cannabis Commission, in a form and manner prescribed by the commission
30 by rule, the following reports:

31 (a) A weekly report on all orders filled for medical marijuana and all payments received
32 for those orders; and

33 (b) A monthly report on compliance with sections 1 to 7 and 9 to 26 of this 2013 Act.

34 (2) In addition to the reports required under subsection (1) of this section, a person who
35 holds a research permit issued under section 15 of this 2013 Act shall submit to the com-
36 mission, in a form and manner prescribed by the commission by rule, an annual report on
37 research related to the development of:

38 (a) Specific types of medical marijuana that best meet the different health needs of pa-
39 tients;

40 (b) Blending methods that create specific types of medical marijuana that best meet the
41 different health needs of patients;

42 (c) Marijuana extracts that best meet the different health needs of patients; and

43 (d) Any other information required by the commission by rule.

44 (3) The commission may adopt by rule requirements for the submission of reports by a
45 person who holds a professional services permit issued under section 17 of this 2013 Act, a

1 distributor permit issued under section 19 of this 2013 Act or an inspector permit issued
 2 under section 21 of this 2013 Act.

3 (4) A report submitted under this section may not contain information that personally
 4 identifies a registry identification cardholder, designated primary caregiver or attending
 5 physician.

6 (5) The commission shall make all reports submitted under this section available on a
 7 website maintained by the commission.

8 **SECTION 25.** (1) As part of the agreement entered into between the Secretary of State
 9 under ORS 182.464 and the Cannabis Commission, the Secretary of State shall review all re-
 10 ports submitted under section 24 of this 2013 Act.

11 (2) The Secretary of State shall prepare a biennial report describing the financial activ-
 12 ities of all persons required to submit a report under section 24 of this 2013 Act. The report
 13 may be in a form and manner determined to be appropriate by the Secretary of State. The
 14 report shall be submitted to the commission not later than March 1 of each even-numbered
 15 year. The commission shall submit a copy of the report to the Governor, the President of the
 16 Senate, the Speaker of the House of Representatives and the Legislative Fiscal Officer along
 17 with the report required under ORS 182.472.

18
 19 **AFFIRMATIVE DEFENSE TO STATE PROSECUTION**
 20

21 **SECTION 26.** (1) Except as provided in subsection (2) of this section, a person is not
 22 subject to prosecution under ORS 475.752 (1)(a), 475.856, 475.858, 475.860, 475.862 or 475.864,
 23 aiding and abetting another in the commission of ORS 475.752 (1)(a), 475.856, 475.858, 475.860,
 24 475.862 or 475.864 or any other criminal offense in this state in which possessing, delivering
 25 or manufacturing marijuana is an element if the person:

26 (a) Holds a permit issued by the Cannabis Commission under sections 1 to 7 and 9 to 26
 27 of this 2013 Act;

28 (b) Is in compliance with the applicable provisions of sections 1 to 7 and 9 to 26 of this
 29 2013 Act with respect to the type of permit held by the person; and

30 (c) Is in compliance with the applicable rules adopted by the commission under sections
 31 1 to 7 and 9 to 26 of this 2013 Act with respect to the type of permit held by the person.

32 (2) The exemption from prosecution described in subsection (1) of this section does not
 33 apply to a person who:

34 (a) Violates ORS 813.010; or

35 (b) Engages in the use of marijuana in a public place as defined in ORS 161.015, a cor-
 36 rection facility as defined in ORS 162.135 or a youth correction facility as defined in ORS
 37 162.135.

38
 39 **TEMPORARY LIMITS ON ISSUANCE OF PERMITS**
 40

41 **SECTION 27.** The Cannabis Commission may issue only 18 permits under sections 13 and
 42 15 of this 2013 Act. Of those 18 permits:

43 (1) Two must be for outdoor sites;

44 (2) Two must be for greenhouse sites;

45 (3) Two must be for indoor sites; and

1 (4) Two must be for research sites.

2 SECTION 28. Section 27 of this 2013 Act is repealed on January 1, 2018.

3

4

UNIT CAPTIONS

5

6 SECTION 29. The unit captions used in this 2013 Act are provided only for the conven-
7 ience of the reader and do not become part of the statutory law of this state or express any
8 legislative intent in the enactment of this 2013 Act.

9
