

House Bill 3055

Sponsored by COMMITTEE ON JUDICIARY

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**.

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 475.304 and 475.320; and
3 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 marijuana grow site regis-
7 tration system to authorize production of marijuana by a registry identification cardholder, a des-
8 ignated primary caregiver who grows marijuana for the **registry identification** cardholder or a
9 person who is responsible for a marijuana grow site. The marijuana grow site registration system
10 *[adopted]* must require a registry identification cardholder to submit an application to the authority
11 that includes:

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

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

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

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

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

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

22 (A) **Three or more marijuana grow site registration cards have already been issued for**
23 **a marijuana grow site located at the address submitted by the applicant;**

24 (B) **The marijuana grow site is located within 1,000 feet of the real property comprising**
25 **a public or private elementary, secondary or career school attended primarily by minors; or**

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

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

31 (4) A marijuana grow site registration card must be obtained and *[posted]* **displayed** for each

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 registry identification cardholder for whom marijuana is being produced at a marijuana grow site.

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

6 (6)(a) The authority shall conduct a criminal records check under ORS 181.534 of [any] a person
 7 whose name is submitted as [a] **the** person responsible for a marijuana grow site.

8 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
 9 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued
 10 a marijuana grow site registration card or produce marijuana for a registry identification cardholder
 11 for five years from the date of conviction.

12 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
 13 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
 14 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-
 15 cation cardholder.

16 (7) A registry identification cardholder or the designated primary caregiver of the **registry**
 17 **identification** cardholder may reimburse the person responsible for a marijuana grow site for the
 18 costs of supplies and utilities associated with the production of marijuana for the registry identifi-
 19 cation cardholder. No other costs associated with the production of marijuana for the registry
 20 identification cardholder, including the cost of labor, may be reimbursed.

21 (8) The authority may adopt rules imposing a fee in an amount established by the authority for
 22 registration of a marijuana grow site **and for conducting a criminal records check** under this
 23 section.

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

25 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the
 26 **registry identification** cardholder may possess up to six mature marijuana plants and 24 ounces
 27 of usable marijuana.

28 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has
 29 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or
 30 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder
 31 or the designated primary caregiver of the **registry identification** cardholder may possess one
 32 ounce of usable marijuana at any given time for a period of five years from the date of the con-
 33 viction.

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

35 (a) May produce marijuana for a **registry identification cardholder** and provide marijuana to
 36 a registry identification cardholder or [*that person's*] **the registry identification cardholder's** des-
 37 ignated primary caregiver as authorized under this section.

38 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each **reg-**
 39 **istry identification** cardholder [*or caregiver*] for whom marijuana is being produced.

40 (c) May produce marijuana for no more than [*four*] **three** registry identification cardholders [*or*
 41 *designated primary caregivers*] concurrently.

42 (d) Must [*obtain and*] display a marijuana grow site registration card issued under ORS 475.304
 43 for each registry identification cardholder [*or designated primary caregiver*] for whom marijuana is
 44 being produced.

45 (e) Must provide all marijuana produced for a registry identification cardholder [*or designated*

1 *primary caregiver*] to the cardholder [*or caregiver*] at the time the person responsible for a marijuana
2 grow site ceases producing marijuana for the cardholder [*or caregiver*].

3 (f) Must return the marijuana grow site registration card to the registry identification
4 cardholder to whom the card was issued when requested to do so by the **registry identification**
5 cardholder or when the person responsible for a marijuana grow site ceases producing marijuana for
6 the **registry identification** cardholder [*or caregiver*].

7 (3) Except as provided in subsections (1) and (2) of this section, a registry identification
8 cardholder, the designated primary caregiver of the **registry identification** cardholder and the
9 person responsible for a marijuana grow site producing marijuana for the registry identification
10 cardholder may possess a combined total of up to six mature plants and 24 ounces of usable
11 marijuana for that registry identification cardholder.

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

15 (b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or
16 starts as defined by rule of the authority for each registry identification cardholder for whom the
17 person responsible for the marijuana grow site is producing marijuana.

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

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

24 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
26 **on its passage.**