

HOUSE AMENDMENTS TO HOUSE BILL 3460

By JOINT COMMITTEE ON WAYS AND MEANS

June 20

- 1 On page 1 of the printed bill, line 3, after the semicolon insert “limiting expenditures;”.
- 2 Delete lines 7 through 28 and delete page 2.
- 3 On page 3, delete lines 1 through 13 and insert:
- 4 **“SECTION 2. (1) The Oregon Health Authority shall establish by rule a medical marijuana**
- 5 **facility registration system to authorize the transfer of usable marijuana and immature**
- 6 **marijuana plants from:**
- 7 **“(a) A registry identification cardholder, the designated primary caregiver of a registry**
- 8 **identification cardholder, or a person responsible for a marijuana grow site to the medical**
- 9 **marijuana facility; or**
- 10 **“(b) A medical marijuana facility to a registry identification cardholder or the designated**
- 11 **primary caregiver of a registry identification cardholder.**
- 12 **“(2) The registration system established under subsection (1) of this section must require**
- 13 **a medical marijuana facility to submit an application to the authority that includes:**
- 14 **“(a) The name of the person responsible for the medical marijuana facility;**
- 15 **“(b) The address of the medical marijuana facility;**
- 16 **“(c) Proof that the person responsible for the medical marijuana facility is a resident of**
- 17 **Oregon;**
- 18 **“(d) Documentation, as required by the authority by rule, that demonstrates the medical**
- 19 **marijuana facility meets the qualifications for a medical marijuana facility as described in**
- 20 **subsection (3) of this section; and**
- 21 **“(e) Any other information that the authority considers necessary.**
- 22 **“(3) To qualify for registration under this section, a medical marijuana facility:**
- 23 **“(a) Must be located in an area that is zoned for commercial, industrial or mixed use or**
- 24 **as agricultural land and may not be located at the same address as a marijuana grow site;**
- 25 **“(b) Must be registered as a business or have filed a pending application to register as a**
- 26 **business with the Office of the Secretary of State;**
- 27 **“(c) Must not be located within 1,000 feet of the real property comprising a public or**
- 28 **private elementary, secondary or career school attended primarily by minors;**
- 29 **“(d) Must not be located within 1,000 feet of another medical marijuana facility; and**
- 30 **“(e) Must comport with rules adopted by the authority related to:**
- 31 **“(A) Installing a minimum security system, including a video surveillance system, alarm**
- 32 **system and safe; and**
- 33 **“(B) Testing for pesticides, mold and mildew and the processes by which usable**
- 34 **marijuana and immature marijuana plants that test positive for pesticides, mold or mildew**
- 35 **must be returned to the registry identification cardholder, the cardholder’s designated pri-**

1 **mary caregiver or the cardholder’s registered grower.**

2 **“(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a**
3 **person whose name is submitted as the person responsible for a medical marijuana facility**
4 **under subsection (2) of this section.**

5 **“(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for**
6 **the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not**
7 **be the person responsible for a medical marijuana facility for five years from the date the**
8 **person is convicted.**

9 **“(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752**
10 **to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule**
11 **II may not be the person responsible for a medical marijuana facility.**

12 **“(5) If a person submits the application required under subsection (2) of this section, the**
13 **medical marijuana facility identified in the application meets the qualifications for a medical**
14 **marijuana facility described in subsection (3) of this section and the person responsible for**
15 **the medical marijuana facility passes the criminal records check required under subsection**
16 **(4) of this section, the authority shall register the medical marijuana facility and issue the**
17 **person responsible for the medical marijuana facility proof of registration. The person re-**
18 **sponsible for the medical marijuana facility shall display the proof of registration on the**
19 **premises of the medical marijuana facility at all times when usable marijuana or immature**
20 **marijuana plants are being transferred as described in subsection (1) of this section.**

21 **“(6)(a) A registered medical marijuana facility may receive usable marijuana or immature**
22 **marijuana plants only from a registry identification cardholder, designated primary caregiver**
23 **or person responsible for a marijuana grow site if the registered medical marijuana facility**
24 **obtains authorization, on a form prescribed by the authority by rule and signed by a registry**
25 **identification cardholder, to receive the usable marijuana or immature marijuana plants.**

26 **“(b) A registered medical marijuana facility shall maintain:**

27 **“(A) A copy of each authorization form described in paragraph (a) of this subsection; and**

28 **“(B) Documentation of each transfer of usable marijuana or immature marijuana plants.**

29 **“(7) A medical marijuana facility registered under this section may possess usable**
30 **marijuana and immature marijuana plants in excess of the limits imposed on registry iden-**
31 **tification cardholders and designated primary caregivers under ORS 475.320.**

32 **“(8) The authority may inspect:**

33 **“(a) The premises of an applicant for a medical marijuana facility or a registered medical**
34 **marijuana facility to ensure compliance with the qualifications for a medical marijuana fa-**
35 **ility described in subsection (3) of this section; and**

36 **“(b) The records of a registered medical marijuana facility to ensure compliance with**
37 **subsection (6)(b) of this section.**

38 **“(9)(a) A registry identification cardholder or the designated primary caregiver of a reg-**
39 **istry identification cardholder may reimburse a medical marijuana facility registered under**
40 **this section for the normal and customary costs of doing business, including costs related**
41 **to transferring, handling, securing, insuring, testing, packaging and processing usable**
42 **marijuana and immature marijuana plants and the cost of supplies, utilities and rent or**
43 **mortgage.**

44 **“(b) A medical marijuana facility may reimburse a person responsible for a marijuana**
45 **grow site under this section for the normal and customary costs of doing business, including**

1 costs related to transferring, handling, securing, insuring, testing, packaging and processing
2 usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent
3 or mortgage.

4 “(10) The authority may revoke the registration of a medical marijuana facility registered
5 under this section for failure to comply with ORS 475.300 to 475.346 or rules adopted under
6 ORS 475.300 to 475.346. The authority may release to the public a final order revoking a
7 medical marijuana facility registration.

8 “(11) The authority shall adopt rules to implement this section, including rules that:

9 “(a) Require a medical marijuana facility registered under this section to annually renew
10 that registration; and

11 “(b) Establish fees for registering and renewing registration for a medical marijuana fa-
12 cility under this section.”.

13 In line 36, after “Usable marijuana” insert “or immature marijuana plants”.

14 In line 39, after “Usable marijuana” insert “or immature marijuana plants”.

15 On page 4, line 39, after “usable marijuana” insert “or an immature marijuana plant”.

16 On page 7, line 13, after “usable marijuana” insert “or immature marijuana plants”.

17 On page 8, line 5, after “usable marijuana” insert “or immature marijuana plants”.

18 Delete lines 12 through 17.

19 After line 23, insert:

20 “(12) The authority shall revoke the registration of a medical marijuana facility registered under
21 section 2 of this 2013 Act if a court has issued an order that prohibits the person responsible for
22 the medical marijuana facility from participating in the Oregon Medical Marijuana Program under
23 ORS 475.300 to 475.346.”.

24 In line 24, delete “(12)” and insert “(13)”.

25 In line 39, after “usable marijuana” insert “or an immature marijuana plant” and delete “re-”.

26 Delete line 40 and insert “authorizes the person responsible for the marijuana grow site to
27 transfer the usable marijuana or immature marijuana plant to a”.

28 On page 9, line 25, after “registration” insert “as a medical marijuana facility”.

29 In line 28, after the period insert “However, the Oregon Health Authority may inspect a medical
30 marijuana facility registered under section 2 of this 2013 Act at any reasonable time to determine
31 whether the facility is in compliance with ORS 475.300 to 475.346.”.

32 Delete lines 41 through 45.

33 On page 10, delete lines 1 through 22 and insert:

34 “**SECTION 8.** ORS 475.331 is amended to read:

35 “475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
36 whom the authority has issued registry identification cards, the names of any designated primary
37 [*caregivers and the addresses of authorized marijuana grow sites.*] **caregivers, the names of persons**
38 **responsible for a medical marijuana facility registered under section 2 of this 2013 Act, the**
39 **addresses of authorized marijuana grow sites and the addresses of registered medical**
40 **marijuana facilities.** Except as provided in subsection (2) of this section, the list shall be confi-
41 dential and not subject to public disclosure.

42 “(b) The authority shall develop a system by which authorized employees of state and local law
43 enforcement agencies may verify at all times that: [*a person is a lawful possessor of a registry*
44 *identification card or the designated primary caregiver of a lawful possessor of a registry identification*
45 *card or that a location is an authorized marijuana grow site.*]

1 “(A) A person is a lawful possessor of a registry identification card;

2 “(B) A person is the designated primary caregiver of a lawful possessor of a registry
3 identification card;

4 “(C) A location is an authorized marijuana grow site;

5 “(D) A location is a registered medical marijuana facility; or

6 “(E) A person is the person listed as the person responsible for a registered medical
7 marijuana facility.

8 “(2) Names and other identifying information from the list established pursuant to subsection (1)
9 of this section may be released to:

10 “(a) Authorized employees of the authority as necessary to perform official duties of the au-
11 thority.[; and]

12 “(b) Authorized employees of state or local law enforcement agencies, **who provide to the au-**
13 **thority adequate identification, such as a badge number or similar authentication of au-**
14 **thority**, only as necessary to verify that: *[a person is a lawful possessor of a registry identification*
15 *card or the designated primary caregiver of a lawful possessor of a registry identification card or that*
16 *a location is an authorized marijuana grow site. Prior to being provided identifying information from*
17 *the list, authorized employees of state or local law enforcement agencies shall provide to the authority*
18 *adequate identification, such as a badge number or similar authentication of authority.]*

19 “(A) A person is a lawful possessor of a registry identification card;

20 “(B) A person is the designated primary caregiver of a lawful possessor of a registry
21 identification card;

22 “(C) A location is an authorized marijuana grow site;

23 “(D) A location is a registered medical marijuana facility; or

24 “(E) A person is the person listed as the person responsible for a registered medical
25 marijuana facility.

26 “(3) Authorized employees of state or local law enforcement agencies that obtain identifying
27 information from the list as authorized under this section may not release or use the information for
28 any purpose other than verification that: *[a person is a lawful possessor of a registry identification*
29 *card or the designated primary caregiver of a lawful possessor of a registry identification card or that*
30 *a location is an authorized marijuana grow site.]*

31 “(a) A person is a lawful possessor of a registry identification card;

32 “(b) A person is the designated primary caregiver of a lawful possessor of a registry
33 identification card;

34 “(c) A location is an authorized marijuana grow site;

35 “(d) A location is a registered medical marijuana facility; or

36 “(e) A person is the person listed as the person responsible for a registered medical
37 marijuana facility.”.

38 In line 25, delete “January” and insert “March”.

39 After line 30, insert:

40 “(3) Notwithstanding the operative date specified in subsection (1) of this section, a person who
41 owns or is employed by a medical marijuana facility that transfers usable marijuana as described in
42 section 2 (1) of this 2013 Act and that meets the qualifications for a medical marijuana facility de-
43 scribed in section 2 (3)(a) to (c) of this 2013 Act is excepted from the criminal laws of this state for
44 possession, delivery or production of marijuana, aiding or abetting another in the possession, deliv-
45 ery or production of marijuana or any other criminal offense in which possession, delivery or pro-

1 duction of marijuana is an element as described in ORS 475.309 (1) until the operative date specified
2 in subsection (1) of this section.

3 **“SECTION 10. Notwithstanding any other law limiting expenditures, the amount of**
4 **\$803,276 is established for the biennium beginning July 1, 2013, as the maximum limit for**
5 **payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,**
6 **but excluding lottery funds and federal funds, collected or received by the Oregon Health**
7 **Authority for administrative and operating expenses incurred in implementing section 2 of**
8 **this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331**
9 **by sections 3 to 8 of this 2013 Act.”.**

10 In line 31, delete “10” and insert “11”.

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