

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 2 - 2

**Yeas:** Barnhart, Harker, Holvey, Smith Warner, Hoyle

**Nays:** Hicks, Jenson

**Exc.:** Berger, Kennemer

**Prepared By:** Erin Seiler, Administrator

**Meeting Dates:** 3/4

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**WHAT THE MEASURE DOES:** Allows county to impose restrictions on marijuana facilities regarding reasonable limitations on hours medical marijuana facility may operate, reasonable limitations on where facility may be located within zoned area, and reasonable conditions on dispensing of medical marijuana. Permits governing body of city or county to adopt ordinance enacting moratorium on operation of registered medical marijuana facilities until May 1, 2015, in area subject to jurisdiction of city or county, if moratorium is enacted no later than May 1, 2014. Repeals moratorium on January 2, 2016. Prohibits transfer of marijuana-infused products unless product is properly packaged. Requires Oregon Health Authority to consider federal Poison Prevention Packaging Act when adopting regulations for packaging of marijuana-infused products. Effective March 1, 2014.

**ISSUES DISCUSSED:**

- Amendment
- Preemption by federal law
- Operation of moratorium
- Refunding of fees
- Relationship between alcohol and marijuana regulation
- Time, place and manner ordinances for cities and counties
- Interim work group
- Refusal to issue business license without city or county moratorium
- Potential litigation issues
- State preemption of local government

**EFFECT OF COMMITTEE AMENDMENT:** Allows county to impose restrictions on marijuana facilities regarding reasonable limitations on hours medical marijuana facility may operate, reasonable limitations on where facility may be located within zoned area, and reasonable conditions on dispensing of medical marijuana. Permits governing body of city or county to adopt ordinance enacting moratorium on operation of registered medical marijuana facilities until May 1, 2015, in area subject to jurisdiction of city or county, if moratorium is enacted no later than May 1, 2014. Repeals moratorium on January 2, 2016. Clarifies package requirements for transferring of marijuana-infused products.

**BACKGROUND:** ORS 475.304 directs the Oregon Health Authority (OHA) to establish marijuana grow site registration system to authorize the production of marijuana by marijuana card holders or their caregivers. ORS 475.314 directs the OHA to establish by rule a medical marijuana facility system to authorize the transfer of useable marijuana from a marijuana cardholder, caregiver or person responsible for the marijuana grow site to a medical marijuana facility or from a medical marijuana facility to a medical marijuana cardholder or caregiver. These statutory provisions preclude county and city government from regulating medical marijuana.

3/5/2014 8:06:00 AM

*This summary has not been adopted or officially endorsed by action of the committee.*