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78<sup>th</sup> LEGISLATIVE ASSEMBLY  
JOINT COMMITTEE ON IMPLEMENTING MEASURE 91

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## Purpose

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The purpose of this document is to recap the Joint Committee on Implementing Measure 91 (Committee) meeting held on March 23<sup>rd</sup>, 2015. This recap will focus on the any changes to the -1 amendments to Senate Bill 844, as well as open questions currently facing the Committee.

## Delete from -1 Amendment and Move to Policy Bill

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- Requirement for Bonds: Sections 13 and 14, starting on page 13
  - Reason: There seems to be a few questions relating to bonding. The first is if the bond will be available for the business. The second is the size of bond required. The third is as the bond is intended to cover any unpaid taxes, whether the language should reflect that the class of license intended to pay that tax should be forced to hold the bond, rather than all classes of license.
- Requirement for Insurance: Section 14, starting on page 14
  - Reason: While insurance is likely to be available through Lloyd's of London, the language in the -1 mirror requirements of bars the serve alcohol. As marijuana cannot be consumed at the dispensary, there is a question as to whether this places a potential undue burden on marijuana retailers.
- Peace Officer Authority: Section 31, starting on page 31
  - Reason: Questions regarding legislative intent for OLCC to regulate the homegrow sections of recreational marijuana.
- OLCC Seizure to Pay Delinquent Taxes: Section 25, starting on page 21, line 30
  - Reason: OLCC would prefer this not be in the bill.

## Additions to -1 Amendments

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- Add definition for 'Person' back in: Section 1, starting on page 4, line 29
- Add definition for 'Marijuana products' from HB 2040-1 amendments presented by Oregon Infused Topicals Association. That definition is:
  - 'Marijuana product' means
    - Food or potable liquid or any other product intended for oral consumption into which marijuana or a marijuana extract has been incorporated;

- Lotion, cream, gel, balm, oil, ointment or any other product meant to be applied to the surfaces of a person's body, including skin and hair, into which marijuana extract has been incorporated; and
- Products containing cannabinoids other than those products described in the subparagraphs of this paragraph and other than marijuana extracts.

## Changes to -1 Amendments

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- Mirror OLCC age verification language as it relates to alcohol.
  - Reason: Every time a driver's license or identification card is scanned by an age verification machine there exists the potential for that information to be captured illegally. By mirroring statutory language with OLCC's alcohol provisions only those thought to be near 21 will be forced to show identification.
- Mirror OLCC language as it relates to minors in liquor stores.
  - Reason: There is some question regarding who will be allowed in retail marijuana establishments. This might be addressed by mirroring the OLCC standards for minors in liquor stores.
- Amend Section 11 and 12 to include option for growers to package material in certain instances.
  - Reason: Some growers will likely be selling directly to retailers and there should be allowance made for that without requiring a separate license.

## Open Questions

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- What would the Committee like to do with Section 91, which allows OLCC more time to make rules relating to marijuana processors?
  - Give OLCC until January 2, 2017 to make rules (currently in -1 amendment);
  - Give OLCC until January 4, 2016 to make rules;
  - Give OLCC until between the two to make rules;
  - Move to the Policy Bill.
- Would the Committee like an addition to the -1s regarding criminal forfeiture of marijuana and marijuana products? If so, what does that look like?
- Would the Committee want additional clarity around what defines a public place? Section 1, page 6, line 10.
- Would the Committee want additional clarity around licensure requirements as they relate to the physical structure of the licensee's property? Section 6, page 11, line 2.
- Would the Committee like changes to the Criminal Records Check to ensure OLCC follows the same protocols for marijuana licensees as they do for alcohol licensees? Section 23