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78th LEGISLATIVE ASSEMBLY
JOINT COMMITTEE ON IMPLEMENTING MEASURE 91

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Purpose

The purpose of this document is to recap the Joint Committee on Implementing Measure 91 (Committee) meeting held on March 25th, 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

- 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

- 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

- 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 and retailers to package material in certain instances.
 - Reason: Some growers will likely be selling directly to retailers in bulk and there should be allowance made for that without requiring a separate license. Retailers also may have the need to package set weights of marijuana
- Amend Requirement for Bond: Sections 13 and 14, starting on page 13
 - Reason: Amend language to provide OLCC the authority to impose a bond requirement on those licensees required to pay the tax.
- Amend 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 that 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.
- Amend Peace Officer Authority: Section 31, starting on page 31
 - Reason: Clarify that OLCC only has the peace officer/inspection authority as it relates to OLCC licensees, not home growers.

Topics OLCC will Provide Comments On During April 1st Meeting

- Edible rulemaking extension rationale.
- OLCC alcohol license background check process.
- The peace officer authority on their alcohol side.
- Definitions of marijuana extracts, concentrates and products.
- Age verification system specifics.
- Cole Memo requirements as they relate to minors in liquor stores.

Open Questions

- 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.
 - Extend edible rulemaking deadline, but not all other processor products.
- 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