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**PROPOSED AMENDMENTS TO
HOUSE BILL 3400**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and lines 3 through 5 and insert “amending ORS 133.005, 133.525,
3 133.721, 133.726, 153.005, 161.015, 161.705, 163.095, 165.805, 166.070, 181.010,
4 181.610, 181.645, 181.646, 238.005, 305.140, 305.895, 305.992, 316.680, 471.001,
5 471.360, 471.375, 471.675, 471.775, 475.752, 475.856, 475.858, 475.860, 475.862,
6 475.864, 475.900, 475.904, 616.010, 659A.320, 659A.403, 659A.409, 659A.885 and
7 802.250 and sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21,
8 22, 23, 24, 25, 27, 28, 29, 30, 44, 45, 46, 47, 48, 49, 50, 51, 53, 56, 57, 58, 59, 60,
9 61, 63, 64, 65, 66, 67, 68, 69, 70 and 72, chapter 1, Oregon Laws 2015; repealing
10 sections 26, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 55, 71, 81, 82, 83,
11 84, 85 and 86, chapter 1, Oregon Laws 2015; and prescribing an effective
12 date.”.

13 Delete lines 7 through 27 and delete pages 2 through 33 and insert:

14

15

“BALLOT MEASURE 91

16

17

“(Definitions)

18

19

“SECTION 1. Section 5, chapter 1, Oregon Laws 2015, is amended to read:

20

“Sec. 5. As used in sections 3 to 70, **chapter 1, Oregon Laws 2015** [*of*

21

this Act]:

22

“(1) ‘Authority’ means the Oregon Health Authority.]

1 **“[(2) ‘Commission’ means the Oregon Liquor Control Commission.]**

2 **“[(3)] (1) ‘Consumer’ means a person who purchases, acquires, owns,**
3 **holds[,] or uses marijuana items other than for the purpose of resale.**

4 **“(2) ‘Cannabinoid’ means any of the chemical compounds that are**
5 **the active constituents of marijuana.**

6 **“(3) ‘Cannabinoid concentrate’ means a substance obtained by sep-**
7 **arating cannabinoids from marijuana by:**

8 **“(a) A mechanical extraction process;**

9 **“(b) A chemical extraction process using a nonhydrocarbon-based**
10 **solvent, such as water, vegetable glycerin, vegetable oils, animal fats,**
11 **isopropyl alcohol or ethanol;**

12 **“(c) A chemical extraction process using the hydrocarbon-based**
13 **solvent carbon dioxide, provided that the process does not involve the**
14 **use of high heat or pressure; or**

15 **“(d) Any other process identified by the Oregon Liquor Control**
16 **Commission, in consultation with the Oregon Health Authority, by**
17 **rule.**

18 **“(4) ‘Cannabinoid edible’ means food or potable liquid into which a**
19 **cannabinoid concentrate, cannabinoid extract or dried marijuana**
20 **leaves or flowers have been incorporated.**

21 **“(5) ‘Cannabinoid extract’ means a substance obtained by separat-**
22 **ing cannabinoids from marijuana by:**

23 **“(a) A chemical extraction process using a hydrocarbon-based sol-**
24 **vent, such as butane, hexane or propane;**

25 **“(b) A chemical extraction process using the hydrocarbon-based**
26 **solvent carbon dioxide, if the process uses high heat or pressure; or**

27 **“(c) Any other process identified by the commission, in consultation**
28 **with the authority, by rule.**

29 **“(6)(a) ‘Cannabinoid product’ means a cannabinoid edible and any**
30 **other product intended for human consumption or use, including a**

1 **product intended to be applied to the skin or hair, that contains**
2 **cannabinoids or dried marijuana leaves or flowers.**

3 **“(b) ‘Cannabinoid product’ does not include:**

4 **“(A) Usable marijuana by itself;**

5 **“(B) A cannabinoid concentrate by itself;**

6 **“(C) A cannabinoid extract by itself; or**

7 **“(D) Industrial hemp, as defined in ORS 571.300.**

8 **“[(4) ‘Department’ means the State Department of Agriculture.]**

9 **“[(5)(a)] (7)(a) [‘Financial consideration,’ except as provided in paragraph**
10 **(b) of this subsection,] ‘Financial consideration’ means value that is given**
11 **or received either directly or indirectly through sales, barter, trade, fees,**
12 **charges, dues, contributions or donations.**

13 **“(b) ‘Financial consideration’ does not [mean any of the following]**
14 **include:**

15 **“(A) Homegrown marijuana [made by another person.] that is given or**
16 **received when nothing is given or received in return; or**

17 **“(B) Homemade [marijuana products made by another person.]**
18 **cannabinoid products or cannabinoid concentrates that are given or**
19 **received when nothing is given or received in return.**

20 **“[(6)] (8) ‘Homegrown’ or ‘homemade’ means grown or made by a person**
21 **21 years of age or older for noncommercial purposes.**

22 **“[(7)] (9) ‘Household’ means a housing unit[,] and [includes] any place in**
23 **or around [the] a housing unit at which the occupants of the housing unit**
24 **are producing, processing, keeping[,] or storing homegrown marijuana or**
25 **homemade [marijuana] cannabinoid products or cannabinoid**
26 **concentrates.**

27 **“[(8)] (10) ‘Housing unit’ means a house, an apartment[,] or a mobile**
28 **home, or a group of rooms[,] or a single room that is occupied as separate**
29 **living quarters, in which the occupants live and eat separately from any**
30 **other persons in the building and [which have] that has direct access from**

1 the outside of the building or through a common hall.

2 “[(9) ‘Immature marijuana plant’ means a marijuana plant with no ob-
3 servable flowers or buds.]

4 “(11) ‘Immature marijuana plant’ means a marijuana plant that is
5 not flowering.

6 “[(10)] (12) ‘Licensee’ means [any] a person [holding] who holds a license
7 issued under [this Act] section 19, 20, 21 or 22, chapter 1, Oregon Laws
8 2015[, or any person holding a license or permit issued under any regulation
9 promulgated under paragraph (e) of subsection (2) of section 7 of this Act].

10 “[(11)] (13) ‘Licensee representative’ means an owner, director, officer,
11 manager, employee, agent[, or other representative of a licensee, to the ex-
12 tent [such] that the person acts in [such] a representative capacity.

13 “[(12)(a)] ‘Marijuana’ means all parts of the plant Cannabis family
14 Moraceae, whether growing or not, other than marijuana extracts.]

15 “[(b)] ‘Marijuana’ does not include industrial hemp, as defined in ORS
16 571.300, or industrial hemp commodities or products.]

17 “[(13)] ‘Marijuana extract’ means a product obtained by separating resins
18 from marijuana by solvent extraction, using solvents other than vegetable
19 glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon
20 dioxide.]

21 “(14)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,
22 any part of the plant Cannabis family Cannabaceae and the seeds of
23 the plant Cannabis family Cannabaceae.

24 “(b) ‘Marijuana’ does not include industrial hemp, as defined in
25 ORS 571.300.

26 “[(14)(a)] (15) ‘Marijuana flowers’ means the flowers of the plant
27 [Cannabis family Moraceae] genus Cannabis within the plant family
28 Cannabaceae.

29 “[(b)] ‘Marijuana flowers’ does not include any part of the plant other than
30 the flowers.]

1 “[(15)] (16) ‘Marijuana items’ means marijuana, [*marijuana products, and*
2 *marijuana extracts*] **cannabinoid products, cannabinoid concentrates and**
3 **cannabinoid extracts.**

4 “[(16)(a)] (17) ‘Marijuana leaves’ means the leaves of the plant [*Cannabis*
5 *family Moraceae*] **genus Cannabis within the plant family Cannabaceae.**

6 “[(b) ‘Marijuana leaves’ does not include any part of the plant other than
7 *the leaves.*]

8 “[(17)] (18) ‘Marijuana processor’ means a person who processes
9 marijuana items in this state.

10 “[(18)] (19) ‘Marijuana producer’ means a person who produces marijuana
11 in this state.

12 “[(19)(a) ‘Marijuana products’ means products that contain marijuana or
13 *marijuana extracts and are intended for human consumption.*]

14 “[(b) ‘Marijuana products’ does not mean:]

15 “[(A) *Marijuana, by itself; or*]

16 “[(B) *A marijuana extract, by itself.*]

17 “(20) ‘Marijuana retailer’ means a person who sells marijuana items to a
18 consumer in this state.

19 “(21) ‘Marijuana wholesaler’ means a person who purchases marijuana
20 items in this state for resale to a person other than a consumer [*in this*
21 *state*].

22 “(22) ‘Mature marijuana plant’ means [*any*] **a** marijuana plant that is not
23 an immature marijuana plant.

24 “(23) ‘Noncommercial’ means not dependent or conditioned upon the pro-
25 vision or receipt of financial consideration.

26 “[(24) ‘Person’ means any natural person, corporation, professional corpo-
27 *ration, nonprofit corporation, cooperative corporation, profit or nonprofit un-*
28 *incorporated association, business trust, limited liability company, general or*
29 *limited partnership, joint venture, or any other legal entity.*]

30 “[(25)] (24)(a) ‘Premises’ or ‘licensed premises’ means a location licensed

1 under [sections 3 to 70] **section 19, 20, 21 or 22, chapter 1, Oregon Laws**
2 **2015**, [of this Act] and includes:

3 “[*(a)*] **(A)** All **public and private** enclosed areas at the location that are
4 used in the business operated at the location, including offices, kitchens, rest
5 rooms and storerooms[*including all public and private areas*];

6 “[*(b)*] **(B)** All areas outside [of] a building that the [*Oregon Liquor*
7 *Control*] commission has specifically licensed for the production, processing,
8 wholesale sale[,] or retail sale of marijuana items; and

9 “[*(c)*] **(C)** For a location that the commission has specifically licensed for
10 the production of marijuana outside [of] a building, the entire lot or parcel,
11 as defined in ORS 92.010, that the licensee owns, leases[,] or has a right to
12 occupy.

13 **“(b) ‘Premises’ or ‘licensed premises’ does not include a licensee’s**
14 **primary residence, unless the commission reasonably suspects that the**
15 **licensee is operating the business for which the license has been issued**
16 **within the primary residence.**

17 “[*(26)(a)*] **(25)(a)** ‘Processes’ means:

18 “[*(A)*] The processing, compounding[,] or conversion of marijuana into
19 [*marijuana products or marijuana extracts*]; **cannabinoid products,**
20 **cannabinoid concentrates or cannabinoid extracts.**

21 “[*(B)*] *The processing, compounding, or conversion of marijuana, either di-*
22 *rectly or indirectly by extraction from substances of natural origin, or inde-*
23 *pendently by means of chemical synthesis, or by a combination of extraction*
24 *and chemical synthesis;*]

25 “[*(C)*] *The packaging or repackaging of marijuana items; or]*

26 “[*(D)*] *The labeling or relabeling of any package or container of marijuana*
27 *items.]*

28 “[*(b)*] ‘Processes’ does not include:]

29 “[*(A)*] *The drying of marijuana by a marijuana producer, if the marijuana*
30 *producer is not otherwise processing marijuana; or]*

1 “[(B) *The packaging and labeling of marijuana by a marijuana producer*
2 *in preparation for delivery to a marijuana processor.*]

3 **“(b) ‘Process’ does not include packaging or labeling.**

4 “[(27)(a)] **(26)(a)** ‘Produces’ means the manufacture, planting, cultivation,
5 growing[,] or harvesting of marijuana.

6 “(b) ‘Produces’ does not include:

7 “(A) The drying of marijuana by a marijuana processor, if the marijuana
8 processor is not otherwise producing marijuana; or

9 “(B) The cultivation and growing of an immature marijuana plant by a
10 marijuana processor, marijuana wholesaler[,] or marijuana retailer if the
11 marijuana processor, marijuana wholesaler[,] or marijuana retailer purchased
12 or otherwise received the plant from a licensed marijuana producer.

13 **“(27) ‘Propagate’ means to grow immature marijuana plants or to**
14 **breed or produce the seeds of the plant Cannabis family Cannabaceae.**

15 “[(28)] **(28)** ‘Public place’ means a place to which the general public has
16 access and includes, but is not limited to, hallways, lobbies and other parts
17 of apartment houses and hotels not constituting rooms or apartments de-
18 signed for actual residence, and highways, streets, schools, places of
19 amusement, parks, playgrounds and [premises] **areas** used in connection with
20 public passenger transportation.

21 “[(29) ‘Usable marijuana’ means dried marijuana flowers and dried
22 marijuana leaves, and any mixture or preparation thereof.]

23 **“(29)(a) ‘Usable marijuana’ means the dried leaves and flowers of**
24 **marijuana.**

25 **“(b) ‘Usable marijuana’ does not include:**

26 **“(A) The seeds, stalks and roots of marijuana; or**

27 **“(B) Waste material that is a by-product of producing or processing**
28 **marijuana.**

29

30 **“(Powers and Duties of Commission)**

1 “**SECTION 2.** Section 7, chapter 1, Oregon Laws 2015, is amended to read:

2 “**Sec. 7.** (1) The Oregon Liquor Control Commission has the powers and
3 duties specified in sections 3 to 70, **chapter 1, Oregon Laws 2015, and** [*of*
4 *this Act, and also*] the powers necessary or proper to enable [*it*] **the com-**
5 **mission** to carry out [*fully and effectually all the purposes of*] **the**
6 **commission’s duties, functions and powers under** sections 3 to 70,
7 **chapter 1, Oregon Laws 2015** [*of this Act*]. The jurisdiction, supervision,
8 [*powers and duties*] **duties, functions and powers** of the commission extend
9 to any person who buys, sells, produces, processes, transports[,] or delivers
10 any marijuana items within this state. The commission may sue and be sued.

11 “(2) The [*function,*] **functions,** duties[,] and powers of the commission in
12 sections 3 to 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] include the
13 following:

14 “(a) To regulate the purchase, sale, production, processing,
15 transportation[,] and delivery of marijuana items in accordance with the
16 provisions of sections 3 to 70, **chapter 1, Oregon Laws 2015** [*of this Act*].

17 “(b) To grant, refuse, suspend or cancel licenses for the sale,
18 processing[,] or production of marijuana items, or other licenses in regard
19 to marijuana items, and to permit, in [*its*] **the commission’s** discretion, the
20 transfer of a license [*of any person*] **between persons.**

21 “[*(c) To collect the taxes and duties imposed by sections 3 to 70 of this Act,*
22 *and to issue, and provide for cancellation, stamps and other devices as evi-*
23 *dence of payment of such taxes or duties.*]

24 “[*(d)*] **(c)** To investigate and aid in the prosecution of every violation of
25 [*Oregon statutes*] **the statutory laws of this state** relating to marijuana
26 items, and cooperate in the prosecution of offenders before any state court
27 of competent jurisdiction.

28 “[*(e)*] **(d)** To adopt [*such regulations as are*], **amend or repeal rules as**
29 necessary [*and feasible for carrying*] **to carry** out the intent and provisions
30 of sections 3 to 70, **chapter 1, Oregon Laws 2015, including rules that the**

1 **commission considers necessary to protect the public health and**
2 **safety.** *[of this Act and to amend or repeal such regulations. When such reg-*
3 *ulations are adopted they shall have the full force and effect of law.]*

4 “~~[(f)]~~ **(e)** To exercise all powers incidental, convenient or necessary to
5 enable *[it]* **the commission** to administer or carry out *[any of]* the pro-
6 visions of sections 3 to 70, **chapter 1, Oregon Laws 2015, or any other law**
7 **of this state that charges the commission with a duty, function or**
8 **power related to marijuana** *[of this Act]*. **Powers described in this par-**
9 **agraph include, but are not limited to:**

10 “**(A) Issuing subpoenas;**

11 “**(B) Compelling the attendance of witnesses;**

12 “**(C) Administering oaths;**

13 “**(D) Certifying official acts;**

14 “**(E) Taking depositions as provided by law;**

15 “**(F) Compelling the production of books, payrolls, accounts, papers,**
16 **records, documents and testimony; and**

17 “**(G) Establishing fees in addition to the application, licensing and**
18 **renewal fees described in sections 19, 20, 21 and 22, chapter 1, Oregon**
19 **Laws 2015, provided that any fee established by the commission is**
20 **reasonably calculated not to exceed the cost of the activity for which**
21 **the fee is charged.**

22 “*[(g) To regulate and prohibit any advertising by manufacturers, processors,*
23 *wholesalers or retailers of marijuana items by the medium of newspapers, let-*
24 *ters, billboards, radio or otherwise.]*

25 “**(f)** To adopt rules regulating and prohibiting marijuana producers,
26 marijuana processors, marijuana wholesalers and marijuana retailers
27 **from advertising marijuana items in a manner:**

28 “**(A) That is appealing to minors;**

29 “**(B) That promotes excessive use;**

30 “**(C) That promotes illegal activity; or**

1 **“(D) That otherwise presents a significant risk to public health and**
2 **safety.**

3 **“[(h)] (g) To regulate the use of marijuana items for scientific, pharma-**
4 **ceutical, manufacturing, mechanical, industrial and other purposes.**

5 **“(3) Fees collected pursuant to subsection (2)(e)(G) of this section**
6 **shall be deposited in the Marijuana Control and Regulation Fund es-**
7 **tablished under section 32 of this 2015 Act.**

8 *“[(3) On or before January 1, 2016, the commission, after consultation with*
9 *the State Department of Agriculture and the Oregon Health Authority, shall*
10 *prescribe forms and adopt such rules and regulations as the commission deems*
11 *necessary for the implementation and administration of sections 3 to 70 of this*
12 *Act.]*

13 *“[(4) On or before January 1, 2017, the commission shall:]*

14 *“[(a) Examine available research, and may conduct or commission new re-*
15 *search, to investigate the influence of marijuana on the ability of a person to*
16 *drive a vehicle and on the concentration of delta-9 tetrahydrocannabinol in a*
17 *person’s blood, in each case taking into account all relevant factors; and]*

18 *“[(b) Present the results of the research to the Legislative Assembly and*
19 *make recommendations to the Legislative Assembly regarding whether any*
20 *amendments to the Oregon Vehicle Code are appropriate.]*

21 *“[(5) The commission has no power to purchase, own, sell, or possess any*
22 *marijuana items.]*

23
24 **“(Power to Purchase, Possess, Seize, Dispose)**

25
26 **“SECTION 3. The Oregon Liquor Control Commission may pur-**
27 **chase, possess, seize or dispose of marijuana items as is necessary for**
28 **the commission to ensure compliance with and enforce the provisions**
29 **of sections 3 to 70, chapter 1, Oregon Laws 2015, and any rule adopted**
30 **under sections 3 to 70, chapter 1, Oregon Laws 2015.**

1 **“SECTION 4.** Any state officer, board, commission, corporation,
2 institution, department or other state body, and any local officer,
3 board, commission, institution, department or other local government
4 body, that is authorized by the statutory laws of this state to perform
5 a duty, function or power with respect to a marijuana item, may pur-
6 chase, possess, seize or dispose of marijuana items as the state officer,
7 board, commission, corporation, institution, department or other state
8 body, or the local officer, board, commission, institution, department
9 or other local government body, considers necessary to ensure com-
10 pliance with and enforce the applicable statutory law or any rule
11 adopted under the applicable statutory law.

12
13 **“(Regulation of Licensees)”**
14

15 **“SECTION 5.** Section 25, chapter 1, Oregon Laws 2015, is amended to
16 read:

17 **“Sec. 25.** (1) A license granted under sections 3 to 70, **chapter 1, Oregon**
18 **Laws 2015** *[of this Act shall]*:

19 “(a) *[Be]* **Is** a purely personal privilege.

20 “(b) *[Be]* **Is** valid for the period stated in the license.

21 “(c) *[Be]* **Is** renewable in the manner provided in section 28, **chapter 1,**
22 **Oregon Laws 2015** *[of this Act]*, except for a cause *[which]* **that** would be
23 grounds for refusal to issue *[such]* **the** license under section 29, **chapter 1,**
24 **Oregon Laws 2015** *[of this Act]*.

25 “(d) *[Be]* **Is** revocable or suspendible as provided in section 30, **chapter**
26 **1, Oregon Laws 2015** *[of this Act]*.

27 “(e) *[Be]* **Is** transferable from the premises for which the license was ori-
28 ginally issued to another premises subject to the provisions of **sections 3**
29 **to 70, chapter 1, Oregon Laws 2015** *[this Act]*, *[any]* **applicable** rules of the
30 Oregon Liquor Control Commission and *[any municipal ordinance or local*

1 *regulation*] **applicable local ordinances.**

2 “(f) [*Cease*] **Expires** upon the death of the licensee, except as provided in
3 subsection (2) of this section.

4 “(g) **Does** not constitute property.

5 “(h) **Is** not [*be*] alienable.

6 “(i) **Is** not [*be*] subject to attachment or execution.

7 “(j) **Does** not descend by the laws of testate or intestate devolution.

8 “(2) The commission may, by order, provide for the manner and conditions
9 under which:

10 “(a) Marijuana items left by [*any*] a deceased, insolvent or bankrupt per-
11 son or licensee, or subject to a security interest, may be foreclosed, sold
12 under execution or otherwise disposed [*of*].

13 “(b) The business of [*any*] a deceased, insolvent or bankrupt licensee may
14 be operated for a reasonable period following the death, insolvency or
15 bankruptcy.

16 “(c) [*A business licensed pursuant to sections 3 to 70 of this Act subject to*
17 *a security interest may be continued in business by a secured party as defined*
18 *in ORS 79.0102*] **A secured party, as defined in ORS 79.0102, may con-**
19 **tinue to operate a business for which a license has been issued under**
20 **section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, for a reasonable**
21 **period after default on the indebtedness by the debtor.**

22 “**SECTION 6.** Section 27, chapter 1, Oregon Laws 2015, is amended to
23 read:

24 “**Sec. 27. (1)** A marijuana producer, marijuana processor[,] or marijuana
25 wholesaler [*shall*] **may** deliver marijuana items only to or on a licensed
26 premises.

27 “**(2)** **A licensed premises may receive marijuana items only from a**
28 **marijuana producer, marijuana processor or marijuana wholesaler for**
29 **whom a premises has been licensed by the Oregon Liquor Control**
30 **Commission.**

1 “(3) The sale of marijuana items [*under any license issued by the Oregon*
2 *Liquor Control Commission for retail sales by a licensee shall*] **by a**
3 **marijuana retailer who holds a license issued under section 22, chapter**
4 **1, Oregon Laws 2015, must** be restricted to the premises described in the
5 license, but deliveries may be made by the marijuana retailer to consumers
6 pursuant to a bona fide [*orders*] **order** received [*on*] **at** the licensed premises
7 prior to delivery.

8 “**SECTION 7.** Section 28, chapter 1, Oregon Laws 2015, is amended to
9 read:

10 “**Sec. 28.** (1) Any person desiring a license or renewal of a license under
11 sections 3 to 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] shall make
12 application to the Oregon Liquor Control Commission upon forms to be fur-
13 nished by the commission showing the name and address of the applicant,
14 location of the place of business that is to be operated under the license[,]
15 and [*such*] other pertinent information [*as*] **required by** the commission [*may*
16 *require*]. [*No*] A license [*shall*] **may not** be granted or renewed until the
17 applicant has complied with the provisions of sections 3 to 70, **chapter 1,**
18 **Oregon Laws 2015,** [*of this Act*] and the rules of the commission.

19 “(2) The commission may reject any application that is not submitted in
20 the form required by rule. The commission shall give applicants an opportu-
21 nity to be heard if an application is rejected. A hearing under this subsection
22 is not subject to the requirements for contested case proceedings under ORS
23 chapter 183.

24 “(3) Except as provided in subsection (2) of this section, a revocation of,
25 or a refusal to issue or renew, a license under sections 3 to 70, **chapter 1,**
26 **Oregon Laws 2015,** [*of this Act*] is subject to the requirements for contested
27 case proceedings under ORS chapter 183.

28 “[(4) *The commission shall assess a nonrefundable fee for processing a new*
29 *or renewal application for any license authorized by sections 3 to 70 of this*
30 *Act. The application processing fee shall be \$250.*]

1 “[(5) *The annual license fee for any license granted under sections 3 to 70*
2 *of this Act shall be \$1,000. The license fee is nonrefundable and shall be paid*
3 *by each applicant upon the granting or committing of a license.*]

4 “**SECTION 8.** Section 29, chapter 1, Oregon Laws 2015, is amended to
5 read:

6 “**Sec. 29.** (1) The Oregon Liquor Control Commission may not license any
7 applicant under the provisions of sections 3 to 70, **chapter 1, Oregon Laws**
8 **2015**, [*of this Act*] if the applicant is under 21 years of age.

9 “(2) The [*Oregon Liquor Control*] commission may refuse to license any
10 applicant under the provisions of sections 3 to 70, **chapter 1, Oregon Laws**
11 **2015**, [*of this Act*] if the commission has reasonable ground to believe [*any*
12 *of the following to be true:*]

13 “[(a) *That there are sufficient licensed premises in the locality set out in*
14 *the application, or that the granting of a license in the locality set out in the*
15 *application is not demanded by public interest or convenience. In determining*
16 *whether there are sufficient licensed premises in the locality, the commission*
17 *shall consider seasonal fluctuations in the population of the locality and shall*
18 *ensure that there are adequate licensed premises to serve the needs of the lo-*
19 *cality during the peak seasons.*]

20 “[(b)] that the applicant:

21 “[(A)] **(a)** Is in the habit of using alcoholic beverages, habit-forming
22 drugs, marijuana[,] or controlled substances to excess.

23 “[(B)] **(b)** Has made false statements to the commission.

24 “[(C)] **(c)** Is incompetent or physically unable to carry on the management
25 of the establishment proposed to be licensed.

26 “[(D)] **(d)** Has been convicted of violating a general or local law of this
27 state or another state, or of violating a federal law, if the conviction is
28 substantially related to the fitness and ability of the applicant to lawfully
29 carry out activities under the license.

30 “[(E)] **(e)** Has [*maintained an insanitary establishment*] **failed to comply**

1 **with sections 69 to 80 of this 2015 Act.**

2 “[(F)] **(f)** Is not of good repute and moral character.

3 “[(G)] **(g)** Did not have a good record of compliance with sections 3 to
4 **70, chapter 1, Oregon Laws 2015, [of this Act]** or any rule of the commis-
5 sion adopted pursuant thereto.

6 “[(H)] **(h)** Is not the legitimate owner of the business proposed to be li-
7 censed, or other persons have ownership interests in the business [*which*]
8 **that** have not been disclosed.

9 “[(I)] **(i)** Is not possessed of or has not demonstrated financial responsi-
10 bility sufficient to adequately meet the requirements of the business proposed
11 to be licensed.

12 “[(J)] **(j)** Is unable to understand the laws of Oregon relating to
13 marijuana or the rules of the commission.

14 “(3) Notwithstanding [*subparagraph (D) of paragraph (b) of*] subsection
15 **(2)(d)** of this section, in determining whether the commission may refuse to
16 license an applicant, the commission may not consider the prior conviction
17 of the applicant or any owner, director, officer, manager, employee, agent[,]
18 or other representative of the applicant for:

19 “(a) The manufacture of marijuana, if:

20 “(A) The date of the conviction [*is more than five years before the date of*
21 *the application*] **occurred before July 1, 2013;** and

22 “(B) The person has not been convicted more than once for the manufac-
23 ture or delivery of marijuana;

24 “(b) The delivery of marijuana to a person 21 years of age or older, if:

25 “(A) The date of the conviction [*is more than five years before the date of*
26 *the application*] **occurred before July 1, 2013;** and

27 “(B) The person has not been convicted more than once for the manufac-
28 ture or delivery of marijuana; or

29 “(c) The possession of marijuana.

30 “**SECTION 9.** Section 30, chapter 1, Oregon Laws 2015, is amended to

1 read:

2 “**Sec. 30.** [(1)] The Oregon Liquor Control Commission may [*cancel*] re-
3 **voke** or suspend any license issued under sections 3 to 70, **chapter 1,**
4 **Oregon Laws 2015** [*of this Act*], if the commission finds or has reasonable
5 ground to believe any of the following to be true:

6 “[*(a)*] (1) That the licensee:

7 “[*(A)*] (a) Has violated any provision of sections 3 to 70, **chapter 1,**
8 **Oregon Laws 2015,** [*of this Act*] or any rule of the commission adopted
9 pursuant thereto.

10 “[*(B)*] (b) Has made any false representation or statement to the com-
11 mission in order to induce or prevent action by the commission.

12 “[*(C)*] (c) Has [*maintained an insanitary establishment*] **failed to comply**
13 **with sections 69 to 80 of this 2015 Act.**

14 “[*(D)*] (d) Is insolvent or incompetent or physically unable to carry on the
15 management of the establishment of the licensee.

16 “[*(E)*] (e) Is in the habit of using alcoholic liquor, habit-forming drugs,
17 marijuana[,] or controlled substances to excess.

18 “[*(F)*] (f) Has misrepresented to a customer or the public any marijuana
19 items sold by the licensee.

20 “[*(G)*] (g) Since the granting of the license, has been convicted of a fel-
21 ony, of violating any of the marijuana laws of this state, general or local,
22 or of any misdemeanor or violation of any municipal ordinance committed
23 on the licensed premises.

24 “[*(b)*] (2) That there is any other reason that, in the opinion of the com-
25 mission, based on public convenience or necessity, warrants canceling or
26 suspending [*such*] **the** license.

27 “[*(2)* *Civil penalties under this section shall be imposed as provided in ORS*
28 *183.745.*]

29 “**SECTION 10.** For the purpose of requesting a state or nationwide
30 **criminal records check under ORS 181.534, the Oregon Liquor Control**

1 Commission may require the fingerprints of any individual listed on
2 an application submitted under section 28, chapter 1, Oregon Laws
3 2015.

4 **“SECTION 11.** Section 18, chapter 1, Oregon Laws 2015, is amended to
5 read:

6 **“Sec. 18.** (1) [*On or before January 4, 2016,*] The Oregon Liquor Control
7 Commission shall [*begin receiving applications for the licensing of persons*]
8 **approve or deny an application** to produce, process[,] and sell marijuana
9 [*within the state*] **under sections 19, 20, 21 and 22, chapter 1, Oregon**
10 **Laws 2015.** Upon [*receipt of a license*] **receiving an** application, the com-
11 mission [*shall*] **may not** unreasonably delay [*the processing, approval, or re-*
12 *jection of*] **processing, approving or denying** the application or, if the
13 application is approved, [*the issuance of*] **issuing** the license.

14 **“(2)** The licenses described in sections [*3 to 70 of this Act shall*] **19, 20,**
15 **21 and 22, chapter 1, Oregon Laws 2015, must** be issued by the commis-
16 sion, subject to [*its regulations and restrictions and*] the provisions of
17 sections 3 to 70 [*of this Act*], **chapter 1, Oregon Laws 2015, and the rules**
18 **adopted under sections 3 to 70, chapter 1, Oregon Laws 2015.**

19 **“(3)** The commission may not license a premises that does not have de-
20 fined boundaries. A licensed premises [*need not*] **does not need to** be en-
21 closed by a wall, fence or other structure, but the commission may require
22 [*that any*] a licensed premises be enclosed as a condition of issuing or re-
23 newing a license. The commission may not license [*premises that are*] mobile
24 **premises.**

25
26 **“(License Holders)**
27

28 **“SECTION 12.** Section 19, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 **“Sec. 19.** (1) The production of marijuana is subject to regulation by the

1 Oregon Liquor Control Commission.

2 “(2) A marijuana producer must have a production license issued by the
3 commission for the premises at which the marijuana is produced. **To hold**
4 **a production license under this section, a marijuana producer:**

5 “(a) **Must apply for a license in the manner described in section 28,**
6 **chapter 1, Oregon Laws 2015;**

7 “(b) **Must provide proof that an applicant listed on an application**
8 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
9 **resident of this state for two or more years and is 21 years of age or**
10 **older; and**

11 “(c) **Must meet the requirements of any rule adopted by the com-**
12 **mission under subsection (3) of this section.**

13 “(3) **The commission shall adopt rules that:**

14 “(a) **Require a marijuana producer to renew a license issued under**
15 **this section annually;**

16 “(b) **Establish application, licensure and renewal of licensure fees**
17 **for marijuana producers;**

18 “(c) **Require marijuana produced by marijuana producers to be**
19 **tested in accordance with section 92 of this 2015 Act;**

20 “(d) **Require marijuana producers to submit, at the time of applying**
21 **for or renewing a license under section 28, chapter 1, Oregon Laws**
22 **2015:**

23 “(A) **A report describing the applicant’s or licensee’s water usage,**
24 **as required by section 117 of this 2015 Act; and**

25 “(B) **If the applicant or licensee utilizes artificial grow lights to**
26 **produce marijuana, an energy plan as required by section 118 of this**
27 **2015 Act; and**

28 “(e) **Meet any public health and safety standards established by the**
29 **commission by rule related to:**

30 “(A) **The production of marijuana; or**

1 **“(B) The propagation of immature marijuana plants and the seeds**
2 **of the plant Cannabis family Cannabaceae.**

3 **“(4) The commission may adopt rules that:**

4 **“(a) Impose restrictions on the production of marijuana for pur-**
5 **poses related to male marijuana plant pollination.**

6 **“(b) Establish merit-based criteria for licensing marijuana produc-**
7 **ers under this section. For purposes of this subsection, merit-based**
8 **criteria include, but are not limited to, possession of a developed**
9 **business plan, access to sufficient capital, offering living wages and**
10 **benefits to employees, provision of training and apprenticeship, pro-**
11 **vision of community benefits, implementation of best environmental**
12 **practices and provision of consumer safety practices.**

13 **“(5) For purposes of establishing rules under subsection (3)(e)(B) of**
14 **this section, the commission may not limit:**

15 **“(a) The number of immature marijuana plants that may be pos-**
16 **sessed by a person that holds a license under this section;**

17 **“(b) The size of the grow canopy used to grow immature marijuana**
18 **plants by a person that holds a license under this section; or**

19 **“(c) The weight or size of shipments of immature marijuana plants**
20 **made by a person that holds a license under this section.**

21 **“(6) Fees adopted under subsection (3)(b) of this section:**

22 **“(a) May not exceed the cost of administering sections 3 to 70,**
23 **chapter 1, Oregon Laws 2015, with respect to marijuana producers;**

24 **“(b) Shall be in the form of a schedule that imposes a greater fee**
25 **on premises with more square footage or on which more mature**
26 **marijuana plants are grown; and**

27 **“(c) Shall be deposited in the Marijuana Control and Regulation**
28 **Fund established under section 32 of this 2015 Act.**

29 **“SECTION 13. (1) The Oregon Liquor Control Commission shall**
30 **adopt rules restricting the size of grow canopies of premises for which**

1 a license has been issued under section 19, chapter 1, Oregon Laws
2 2015. In adopting rules under this subsection, the commission shall:

3 “(a) Limit the size of grow canopies, for premises where marijuana
4 is grown outdoors and for premises where marijuana is grown indoors,
5 in a manner calculated to result in premises that produce the same
6 amount of harvested marijuana leaves and harvested marijuana flow-
7 ers regardless of whether the marijuana is grown outdoors or indoors.

8 “(b) Subject to subsection (2) of this section, adopt a tiered system
9 under which the size of a marijuana producer’s grow canopy increases
10 at the time of renewing a license under section 19, chapter 1, Oregon
11 Laws 2015, except that the size of a marijuana producer’s grow canopy
12 may not increase following any year during which the commission
13 disciplined the marijuana producer for violating a provision of sections
14 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under a pro-
15 vision of sections 3 to 70, chapter 1, Oregon Laws 2015.

16 “(c) Take into consideration the market demand for marijuana
17 items in this state and the number of persons applying for a license
18 under section 19, chapter 1, Oregon Laws 2015, and to whom a license
19 has been issued under section 19, chapter 1, Oregon Laws 2015, and
20 whether the availability of marijuana items in this state is
21 commensurate with that demand.

22 “(2) In adopting rules under this section, the commission may not
23 authorize grow canopies that exceed 5,000 square feet in size.

24 “(3) This section does not apply to a premises for which a license
25 has been issued under section 19, chapter 1, Oregon Laws 2015, if the
26 premises is used to propagate immature marijuana plants.

27 “**SECTION 14.** Section 20, chapter 1, Oregon Laws 2015, is amended to
28 read:

29 “**Sec. 20.** (1) The processing of marijuana items is subject to regulation
30 by the Oregon Liquor Control Commission.

1 “(2) A marijuana processor must have a processor license issued by the
2 commission for the premises at which marijuana items are processed. **To**
3 **hold a processor license under this section, a marijuana processor:**

4 **“(a) Must apply for a license in the manner described in section 28,**
5 **chapter 1, Oregon Laws 2015;**

6 **“(b) Must provide proof that an applicant listed on an application**
7 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
8 **resident of this state for two or more years and is 21 years of age or**
9 **older;**

10 **“(c) If the marijuana processor processes marijuana extracts, may**
11 **not be located in an area zoned for residential use; and**

12 **“(d) Must meet the requirements of any rule adopted by the com-**
13 **mission under subsection (3) of this section.**

14 **“(3) The commission shall adopt rules that:**

15 **“(a) Require a marijuana processor to renew a license issued under**
16 **this section annually;**

17 **“(b) Establish application, licensure and renewal of licensure fees**
18 **for marijuana processors;**

19 **“(c) Require marijuana processed by a marijuana processor to be**
20 **tested in accordance with section 92 of this 2015 Act; and**

21 **“(d) Meet any public health and safety standards established by the**
22 **commission by rule related to:**

23 **“(A) Cannabinoid edibles, if the marijuana processor processes**
24 **marijuana into cannabinoid edibles;**

25 **“(B) Cannabinoid concentrates, if the marijuana processor pro-**
26 **cesses marijuana into cannabinoid concentrates;**

27 **“(C) Cannabinoid extracts, if the marijuana processor processes**
28 **marijuana into cannabinoid extracts; and**

29 **“(D) Any other type of cannabinoid product identified by the com-**
30 **mission by rule, if the marijuana processor processes marijuana into**

1 that type of cannabinoid product.

2 “(4) The commission may adopt rules that establish merit-based
3 criteria for licensing marijuana processors under this section. For
4 purposes of this subsection, merit-based criteria include, but are not
5 limited to, possession of a developed business plan, access to sufficient
6 capital, offering living wages and benefits to employees, provision of
7 training and apprenticeship, provision of community benefits, imple-
8 mentation of best environmental practices and provision of consumer
9 safety practices.

10 “(5) Fees adopted under subsection (3)(b) of this section:

11 “(a) May not exceed the cost of administering sections 3 to 70,
12 chapter 1, Oregon Laws 2015, with respect to marijuana processors;
13 and

14 “(b) Shall be deposited in the Marijuana Control and Regulation
15 Fund established under section 32 of this 2015 Act.

16 “SECTION 15. Section 21, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 “**Sec. 21.** (1) The wholesale sale of marijuana items is subject to regu-
19 lation by the Oregon Liquor Control Commission.

20 “(2) A marijuana wholesaler must have a wholesale license issued by the
21 commission for the premises at which marijuana items are received, kept,
22 stored[,] or delivered. **To hold a wholesale license under this section, a**
23 **marijuana wholesaler:**

24 “(a) **Must apply for a license in the manner described in section 28,**
25 **chapter 1, Oregon Laws 2015;**

26 “(b) **Must provide proof that an applicant listed on an application**
27 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
28 **resident of this state for two or more years and is 21 years of age or**
29 **older;**

30 “(c) **May not be located in an area that is zoned for residential use;**

1 and

2 “(d) Must meet the requirements of any rule adopted by the com-
3 mission under subsection (3) of this section.

4 “(3) The commission shall adopt rules that:

5 “(a) Require a marijuana wholesaler to renew a license issued under
6 this section annually;

7 “(b) Establish application, licensure and renewal of licensure fees
8 for marijuana wholesalers;

9 “(c) Require marijuana items received, kept, stored or delivered by
10 a marijuana wholesaler to be tested in accordance with section 92 of
11 this 2015 Act; and

12 “(d) Impose any other standard on the operation of marijuana
13 wholesalers that ensures the public health and safety.

14 “(4) The commission may adopt rules that establish merit-based
15 criteria for licensing marijuana wholesalers under this section. For
16 purposes of this subsection, merit-based criteria include, but are not
17 limited to, possession of a developed business plan, access to sufficient
18 capital, offering living wages and benefits to employees, provision of
19 training and apprenticeship, provision of community benefits, imple-
20 mentation of best environmental practices and provision of consumer
21 safety practices.

22 “(5) Fees adopted under subsection (3)(b) of this section:

23 “(a) May not exceed the cost of administering sections 3 to 70,
24 chapter 1, Oregon Laws 2015, with respect to marijuana wholesalers;
25 and

26 “(b) Shall be deposited in the Marijuana Control and Regulation
27 Fund established under section 32 of this 2015 Act.

28 “SECTION 16. Section 22, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 “**Sec. 22.** (1) The retail sale of marijuana items is subject to regulation

1 by the Oregon Liquor Control Commission.

2 “(2) A marijuana retailer must have a retail license issued by the com-
3 mission for the premises at which marijuana items are sold. **To hold a retail**
4 **license under this section, a marijuana retailer:**

5 “(a) **Must apply for a license in the manner described in section 28,**
6 **chapter 1, Oregon Laws 2015;**

7 “(b) **Must provide proof that an applicant listed on an application**
8 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
9 **resident of this state for two or more years and is 21 years of age or**
10 **older;**

11 “(d) **May not be located in an area that is zoned exclusively for**
12 **residential use;**

13 “(d) **May not be located within 1,000 feet of:**

14 “(A) **A public elementary or secondary school for which attendance**
15 **is compulsory under ORS 339.020; or**

16 “(B) **A private or parochial elementary or secondary school, teach-**
17 **ing children as described in ORS 339.030 (1)(a); and**

18 “(e) **Must meet the requirements of any rule adopted by the com-**
19 **mission under subsection (3) of this section.**

20 “(3) **The commission shall adopt rules that:**

21 “(a) **Require a marijuana retailer to renew a license issued under**
22 **this section annually;**

23 “(b) **Establish application, licensure and renewal of licensure fees**
24 **for marijuana retailers;**

25 “(c) **Require marijuana items sold by a marijuana retailer to be**
26 **tested in accordance with section 92 of this 2015 Act; and**

27 “(d) **Impose any other standard on the operation of marijuana**
28 **retailers that ensures the public health and safety.**

29 “(4) **The commission may adopt rules that establish merit-based**
30 **criteria for licensing marijuana retailers under this section. For pur-**

1 poses of this subsection, merit-based criteria include, but are not
2 limited to, possession of a developed business plan, access to sufficient
3 capital, offering living wages and benefits to employees, provision of
4 training and apprenticeship, provision of community benefits, imple-
5 mentation of best environmental practices and provision of consumer
6 safety practices.

7 “(5) Fees adopted under subsection (3)(b) of this section:

8 “(a) May not exceed the cost of administering sections 3 to 70,
9 chapter 1, Oregon Laws 2015, with respect to marijuana retailers; and

10 “(b) Shall be deposited in the Marijuana Control and Regulation
11 Fund established under section 32 of this 2015 Act.

12 “SECTION 17. If a school described in section 22 (2)(d), chapter 1,
13 Oregon Laws 2015, that has not previously been attended by children
14 is established within 1,000 feet of a premises for which a license has
15 been issued under section 22, chapter 1, Oregon Laws 2015, the
16 marijuana retailer located at that premises may remain at that lo-
17 cation unless the Oregon Liquor Control Commission revokes the li-
18 cense of the marijuana retailer.

19

20 “(Segregated Premises)

21

22 “SECTION 18. As is necessary to protect the public health and
23 safety, the Oregon Liquor Control Commission may require a premises
24 licensed under sections 19, 20, 21 or 22 to be segregated into separate
25 areas for conducting the activities permitted under each license or, if
26 the licensee is a marijuana processor, for conducting activities related
27 to processing marijuana into different types of cannabinoid products,
28 cannabinoid concentrates or cannabinoid extracts:

29 “(1) If the licensee holds more than one license issued under section
30 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; or

1 “(2) If the licensee is a marijuana processor, the marijuana
2 processor processes marijuana into any combination of different types
3 of cannabinoid products, cannabinoid concentrates and cannabinoid
4 extracts.

5
6 “(Marijuana Handlers)
7

8 “SECTION 19. (1) An individual who performs work for or on behalf
9 of a person who holds a license under section 22, chapter 1, Oregon
10 Laws 2015, must have a valid permit issued by the Oregon Liquor
11 Control Commission under section 20 of this 2015 Act if the individual
12 participates in:

13 “(a) The possession, securing or selling of marijuana items at the
14 premises for which the license has been issued;

15 “(b) The recording of the possession, securing or selling of
16 marijuana items at the premises for which the license has been issued;
17 or

18 “(c) The verification of any document described in section 16,
19 chapter 1, Oregon Laws 2015.

20 “(2) A person who holds a license under section 22, chapter 1,
21 Oregon Laws 2015, must verify that an individual has a valid permit
22 issued under section 20 of this 2015 Act before allowing the individual
23 to perform any work described in subsection (1) of this section at the
24 premises for which the license has been issued.

25 “SECTION 20. (1) The Oregon Liquor Control Commission shall is-
26 sue permits to qualified applicants to perform work described in sec-
27 tion 19 of this 2015 Act. The commission shall adopt rules establishing:

28 “(a) The qualifications for performing work described in section 19
29 of this 2015 Act;

30 “(b) The term of a permit issued under this section;

1 “(c) Procedures for applying for and renewing a permit issued under
2 this section; and

3 “(d) Reasonable application, issuance and renewal fees for a permit
4 issued under this section.

5 “(2)(a) The commission may require an individual applying for a
6 permit under this section to successfully complete a course, made
7 available by or through the commission, through which the individual
8 receives training on:

9 “(A) Checking identification;

10 “(B) Detecting intoxication;

11 “(C) Handling marijuana items;

12 “(D) The content of sections 3 to 70, chapter 1, Oregon Laws 2015,
13 and rules adopted under sections 3 to 70, chapter 1, Oregon Laws 2015;
14 and

15 “(E) Any matter deemed necessary by the commission to protect
16 the public health and safety.

17 “(b) The commission or other provider of the course may charge a
18 reasonable fee for the course.

19 “(c) The commission may not require an individual to successfully
20 complete the course more than once, except that:

21 “(A) As part of a final order suspending a permit issued under this
22 section, the commission may require a permit holder to successfully
23 complete the course as a condition of lifting the suspension; and

24 “(B) As part of a final order revoking a permit issued under this
25 section, the commission shall require an individual to successfully
26 complete the course prior to applying for a new permit.

27 “(3) The commission shall conduct a criminal records check under
28 ORS 181.534 on an individual applying for a permit under this section.

29 “(4) In addition to and not in lieu of the requirements of subsection
30 (3) of this section, and subject to the applicable provisions of ORS

1 chapter 183, the commission may suspend, revoke or refuse to issue
2 or renew a permit if the individual who is applying for or who holds
3 the permit:

4 “(a) Is convicted of a felony, except that the commission may not
5 consider a conviction for the manufacture or delivery of marijuana if
6 the date of conviction occurred before July 1, 2013;

7 “(b) Violates any provision of sections 3 to 70, chapter 1, Oregon
8 Laws 2015, or any rule adopted under sections 3 to 70, chapter 1,
9 Oregon Laws 2015; or

10 “(c) Makes a false statement to the commission.

11 “(5) A permit issued under this section is a personal privilege and
12 permits work described under section 19 of this 2015 Act for only the
13 individual who holds the permit.

14 15 “EMPLOYMENT RELATIONS

16
17 “SECTION 20a. (1) An employee of a person licensed under section
18 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, has the right to form, join
19 and participate in the activities of a labor organization of the
20 employee’s own choosing for the purpose of securing representation
21 and collective bargaining for matters concerning employment relations
22 with the person licensed under section 19, 20, 21 or 22, chapter 1,
23 Oregon Laws 2015.

24 “(2) For purposes of this section, the provisions of ORS chapters
25 661, 662 and 663 apply to employees of persons licensed under section
26 19, 20, 21 and 22, chapter 1, Oregon Laws 2015, and employers that are
27 licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, in
28 the same manner that those provisions apply to other employment
29 relations.

30 “SECTION 20b. (1) It is an unlawful employment practice for a

1 person that holds a license under section 19, 20, 21 or 22, chapter 1,
2 Oregon Laws 2015, to discharge, demote, suspend or in any manner
3 discriminate or retaliate against an employee of the person with re-
4 gard to promotion, compensation or other terms, conditions or privi-
5 leges of employment on the basis that the employee has in good faith
6 reported information to the Oregon Liquor Control Commission that
7 the employee believes is evidence of a violation of a provision of
8 sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under
9 a provision of sections 3 to 70, chapter 1, Oregon Laws 2015.

10 “(2) This section is subject to enforcement under ORS chapter 659A.

11
12
13 “(Bonds and Liability Insurance)
14

15 “SECTION 21. (1) Except as provided in subsection (2) of this sec-
16 tion, the Oregon Liquor Control Commission may require a person
17 that holds a license under section 22, chapter 1, Oregon Laws 2015, to
18 maintain on file with the commission a bond with a corporate surety
19 authorized to transact business in this state. The bond shall be in a
20 form acceptable to the commission and shall be in an amount that the
21 commission determines is reasonably affordable and available. The
22 bond is payable to the Department of Revenue if the licensee fails to
23 pay the tax imposed upon the retail sale of marijuana items as re-
24 quired by section 70 of this 2015 Act.

25 “(2) In lieu of maintaining the bond required by subsection (1) of
26 this section, a person that holds a license under section 22, chapter 1,
27 Oregon Laws 2015, may deposit in a bank or trust company for the
28 benefit of the commission an equivalent amount in cash, letters of
29 credit recognized by the State Treasurer or negotiable securities of a
30 character approved by the State Treasurer. Interest earned on depos-

1 ited funds or securities shall accrue to the person that made the de-
2 posit.

3 **“SECTION 22.** As is necessary to protect public health and safety,
4 the Oregon Liquor Control Commission may require a person that
5 holds a license under section 19, 20, 21 or 22, chapter 1, Oregon Laws
6 2015, to maintain general liability insurance in an amount that the
7 commission determines is reasonably affordable and available for the
8 purpose of protecting the person against damages resulting from a
9 cause of action related to activities undertaken pursuant to the li-
10 cense.

11
12 **“(Seed to Sale Tracking System)”**
13

14 **“SECTION 23. (1)** The Oregon Liquor Control Commission shall de-
15 velop and maintain a system, using bar codes, for tracking marijuana
16 items offered for retail sale in this state.

17 **“(2)** The purposes of the system developed and maintained under
18 this section include, but are not limited to:

19 **“(a)** Preventing the diversion of marijuana items to criminal en-
20 terprises, gangs, cartels and other states;

21 **“(b)** Preventing persons from substituting or tampering with
22 marijuana items;

23 **“(c)** Ensuring an accurate accounting of the production, processing
24 and sale of marijuana items;

25 **“(d)** Ensuring that taxes collected for the purpose of being distrib-
26 uted as described in section 44, chapter 1, Oregon Laws 2015, are
27 maximized;

28 **“(e)** Ensuring that laboratory testing results are accurately re-
29 ported; and

30 **“(f)** Ensuring compliance with the provisions of sections 3 to 70,

1 chapter 1, Oregon Laws 2015, rules adopted under the provisions of
2 sections 3 to 70, chapter 1, Oregon Laws 2015 and any other law of this
3 state that charges the commission with a duty, function or power re-
4 lated to marijuana.

5 “(3) The system developed and maintained under this section must
6 be capable of tracking, at a minimum:

7 “(a) The propagation of immature marijuana plants or the pro-
8 duction of marijuana by a marijuana producer;

9 “(b) The processing of marijuana by a marijuana processor;

10 “(c) The receiving, keeping, storing or delivering of marijuana
11 items by a marijuana wholesaler;

12 “(d) The sale of marijuana items by a marijuana retailer to a con-
13 sumer;

14 “(e) The purchase and sale of marijuana items between licensees,
15 as permitted by sections 3 to 70, chapter 1, Oregon Laws 2015;

16 “(f) The transportation of marijuana items between licensed prem-
17 ises;

18 “(g) The collection of taxes imposed upon the retail sale of
19 marijuana items under section 70 of this 2015 Act; and

20 “(h) Any other information that the commission determines is
21 reasonably necessary to accomplish the duties, functions and powers
22 of the commission under sections 3 to 70, chapter 1, Oregon Laws 2015.

23
24
25 “(Identification Requirement)

26
27 “**SECTION 24.** Section 16, chapter 1, Oregon Laws 2015, is amended to
28 read:

29 “**Sec. 16.** *[All licensees and licensee representatives, before selling or serv-*
30 *ing marijuana items to any person about whom there is any reasonable doubt*

1 of the person's having reached 21 years of age, shall require such person to
2 produce one of the following pieces of identification:]

3 **“(1) Subject to subsection (2) of this section, a licensee or licensee
4 representative, before selling or providing a marijuana item to another
5 person, must require the person to produce one of the following pieces
6 of identification:**

7 **“[(1)] (a)** The person's passport.

8 **“[(2)] (b)** The person's [*motor vehicle operator's*] **driver** license, whether
9 issued in this state or by any other state, [so] **as** long as the license has a
10 picture of the person.

11 **“[(3)] (c)** An identification card issued under ORS 807.400.

12 **“[(4)] (d)** A United States military identification card.

13 **“[(5)] (e)** Any other identification card issued by a state that bears a
14 picture of the person, the name of the person, the person's date of birth and
15 a physical description of the person.

16 **“(2) The Oregon Liquor Control Commission may adopt rules ex-
17 emptioning a licensee or licensee representative from this section.**

18

19 **“(Protection of Persons Under 21 Years of Age)**

20

21 **“SECTION 25.** Section 49, chapter 1, Oregon Laws 2015, is amended to
22 read:

23 **“Sec. 49.** [(1) A person under 21 years of age may not attempt to purchase
24 marijuana items.]

25 [(2) Except as authorized by rule or as necessitated in an emergency, a
26 person under 21 years of age may not enter or attempt to enter any portion of
27 a licensed premises that is posted or otherwise identified as being prohibited
28 to the use of minors.]

29 [(3) A person who violates subsection (1) or (2) of this section commits a
30 Class B violation.]

1 [“(4) In addition to and not in lieu of any other penalty established by law,
2 a person under 21 years of age who violates subsection (1) of this section
3 through misrepresentation of age may be required to perform community ser-
4 vice and the court shall order that the person’s driving privileges and right
5 to apply for driving privileges be suspended for a period not to exceed one year.
6 If a court has issued an order suspending driving privileges under this section,
7 the court, upon petition of the person, may withdraw the order at any time the
8 court deems appropriate. The court notification to the Department of Trans-
9 portation under this subsection may include a recommendation that the person
10 be granted a hardship permit under ORS 807.240 if the person is otherwise
11 eligible for the permit.]

12 [“(5) If a person cited under this section is at least 13 years of age but less
13 than 21 years of age at the time the person is found in default under ORS
14 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any
15 other penalty, the court shall issue notice under ORS 809.220 to the department
16 for the department to suspend the person’s driving privileges under ORS
17 809.280 (4).]

18 [“(6) The prohibitions of this section do not apply to a person under 21
19 years of age who is acting under the direction of the Oregon Liquor Control
20 Commission or under the direction of state or local law enforcement agencies
21 for the purpose of investigating possible violations of laws prohibiting sales
22 of marijuana items to persons who are under 21 years of age.]

23 **“(1) A person under 21 years of age may not attempt to purchase,
24 purchase or acquire marijuana items.**

25 **“(2) Except as authorized by the commission by rule, or as neces-
26 sary in an emergency, a person under 21 years of age may not enter
27 or attempt to enter any portion of a licensed premises that is posted
28 or otherwise identified as being prohibited to the use of persons under
29 21 years of age or of persons subject to the prohibition under sub-
30 section (1) of this section.**

1 “(3) A person who violates subsection (1) or (2) of this section
2 commits a Class B violation.

3 “(4) In addition to and not in lieu of any other penalty established
4 by law, a court may require a person under 21 years of age who vio-
5 lates subsection (1) of this section through misrepresentation of age
6 to perform community service, and the court may order that the
7 person’s driving privileges and right to apply for driving privileges be
8 suspended for a period not to exceed one year. If a court has issued
9 an order suspending driving privileges under this section, the court,
10 upon petition of the person, may withdraw the order at any time the
11 court deems appropriate. The court notification to the Department of
12 Transportation under this subsection may include a recommendation
13 that the person be granted a hardship permit under ORS 807.240 if the
14 person is otherwise eligible for the permit.

15 “(5) If a person cited under this section is at least 13 years of age
16 but less than 21 years of age at the time the person is found in default
17 under ORS 153.102 or 419C.472 for failure to appear, in addition to and
18 not in lieu of any other penalty, the court shall issue notice under ORS
19 809.220 to the department for the department to suspend the person’s
20 driving privileges under ORS 809.280 (4).

21 “(6) In addition to and not in lieu of any penalty established by law,
22 the court may order a person who violates this section to undergo
23 assessment and treatment. The court shall order a person to undergo
24 assessment and treatment if the person has previously been found to
25 have violated this section.

26 “(7) The prohibitions of this section do not apply to a person under
27 21 years of age who is acting under the direction of the Oregon Liquor
28 Control Commission or under the direction of state or local law
29 enforcement agencies for the purpose of investigating possible vio-
30 lations of laws prohibiting sales of marijuana items to persons who are

1 under 21 years of age.

2 “(8) The prohibitions of this section do not apply to a person under
3 21 years of age who is acting under the direction of a licensee for the
4 purpose of investigating possible violations by employees of the
5 licensee of laws prohibiting sales of marijuana items to persons who
6 are under 21 years of age.

7 “(9)(a) A person under 21 years of age is not in violation of, and is
8 immune from prosecution under, this section if:

9 “(A) The person contacted emergency medical services or a law
10 enforcement agency in order to obtain medical assistance for another
11 person who was in need of medical assistance due to marijuana item
12 consumption and the evidence of the violation of this section was ob-
13 tained as a result of the person’s having contacted emergency medical
14 services or a law enforcement agency; or

15 “(B) The person was in need of medical assistance due to marijuana
16 item consumption and the evidence of the violation of this section was
17 obtained as a result of the person’s having sought or obtained the
18 medical assistance.

19 “(b) Paragraph (a) of this subsection does not exclude the use of
20 evidence obtained as a result of a person’s having sought medical as-
21 sistance in proceedings for crimes or offenses other than a violation
22 of this section.

23 “SECTION 26. The Oregon Liquor Control Commission may require
24 a marijuana retailer that holds a license issued under section 22,
25 chapter 1, Oregon Laws 2015, to use an age verification scanner or any
26 other equipment used to verify a person’s age for the purpose of en-
27 suring that the marijuana retailer does not sell marijuana items to a
28 person under 21 years of age. The marijuana retailer may not retain
29 any information obtained under this section after verifying a person’s
30 age. The marijuana retailer may not use any information obtained

1 under this section for any purpose other than verifying a person's age.

2 **"SECTION 27.** ORS 659A.403 is amended to read:

3 "659A.403. (1) Except as provided in subsection (2) of this section, all
4 persons within the jurisdiction of this state are entitled to the full and equal
5 accommodations, advantages, facilities and privileges of any place of public
6 accommodation, without any distinction, discrimination or restriction on
7 account of race, color, religion, sex, sexual orientation, national origin,
8 marital status or age if the individual is [18 years] of age, **as described in**
9 **this section**, or older.

10 "(2) Subsection (1) of this section does not prohibit:

11 "(a) The enforcement of laws governing the consumption of alcoholic
12 beverages by minors and the frequenting by minors of places of public ac-
13 commodation where alcoholic beverages are served; [or]

14 **"(b) The enforcement of laws governing the use of marijuana items,**
15 **as defined in section 5, chapter 1, Oregon Laws 2015, by persons under**
16 **21 years of age and the frequenting by persons under 21 years of age**
17 **of places of public accommodation where marijuana items are sold;**
18 **or**

19 **"[(b)] (c)** The offering of special rates or services to persons 50 years of
20 age or older.

21 "(3) It is an unlawful practice for any person to deny full and equal ac-
22 commodations, advantages, facilities and privileges of any place of public
23 accommodation in violation of this section.

24 **"SECTION 28.** ORS 659A.409 is amended to read:

25 "659A.409. Except as provided by laws governing the consumption of al-
26 coholic beverages by minors [and], **the use of marijuana items, as defined**
27 **in section 5, chapter 1, Oregon Laws 2015, by persons under 21 years**
28 **of age, the frequenting by minors of places of public accommodation where**
29 **alcoholic beverages are served[,] and the frequenting by persons under**
30 **21 years of age of places of public accommodation where marijuana**

1 **items are sold**, and except for special rates or services offered to persons
2 50 years of age or older, it is an unlawful practice for any person acting on
3 behalf of any place of public accommodation as defined in ORS 659A.400 to
4 publish, circulate, issue or display, or cause to be published, circulated, is-
5 sued or displayed, any communication, notice, advertisement or sign of any
6 kind to the effect that any of the accommodations, advantages, facilities,
7 services or privileges of the place of public accommodation will be refused,
8 withheld from or denied to, or that any discrimination will be made against,
9 any person on account of race, color, religion, sex, sexual orientation, na-
10 tional origin, marital status or age if the individual is [18 years] of age, **as**
11 **described in this section**, or older.

12
13 **“(Enforcement)”**
14

15 **“SECTION 29. In addition to any other liability or penalty provided**
16 **by law, the Oregon Liquor Control Commission may impose for each**
17 **violation of a provision of sections 3 to 70, chapter 1, Oregon Laws**
18 **2015, or a rule adopted under a provision of sections 3 to 70, chapter**
19 **1, Oregon Laws 2015, a civil penalty that does not exceed \$5,000 for**
20 **each violation. The commission shall impose civil penalties under this**
21 **section in the manner provided by ORS 183.745. Moneys collected under**
22 **this section shall be deposited in the Marijuana Control and Regu-**
23 **lation Fund established under section 32 of this 2015 Act.**

24 **“SECTION 30. (1) An Oregon Liquor Control Commission regulatory**
25 **specialist has the authority as provided in ORS 133.005 to 133.400,**
26 **133.450, 133.525 to 133.703, 133.721 to 133.739, 161.235 and 161.245, ORS**
27 **chapter 153, chapter 743, Oregon Laws 1971, and sections 3 to 70,**
28 **chapter 1, Oregon Laws 2015, to conduct inspections and investi-**
29 **gations, make arrests and seizures, aid in prosecutions for offenses,**
30 **issue citations for violations and otherwise enforce the provisions of**

1 sections 3 to 70, chapter 1, Oregon Laws 2015, any rule adopted under
2 sections 3 to 70, chapter 1, Oregon Laws 2015, and any other law of this
3 state that charges the commission with a duty, function or power re-
4 lated to marijuana, including enforcing any provision of law or rule
5 adopted pursuant to a provision of law related to individuals who use
6 false identification for purposes of purchasing or possessing a
7 marijuana item or who engage in illegal activity on or near a licensed
8 premises.

9 **“(2) A commission licensing and enforcement specialist may not:**

10 **“(a) Be sworn in as a federal law enforcement official and act in**
11 **that capacity while performing duties under this section.**

12 **“(b) Carry a firearm.**

13 **“(c) Conduct inspections and investigations for purposes of ensuring**
14 **compliance with section 6, chapter 1, Oregon Laws 2015.**

15 **“(d) Except as provided in section 116 of this 2015 Act, conduct in-**
16 **spections and investigations for purposes of ensuring compliance with**
17 **ORS 475.300 to 475.346.**

18 **“SECTION 31. For purposes of sections 3 to 70, chapter 1, Oregon**
19 **Laws 2015, the provisions of ORS 183.440 apply to subpoenas issued by**
20 **the Oregon Liquor Control Commission and any authorized agent of**
21 **the commission.**

22
23 **“(Marijuana Control and Regulation Fund)**

24
25 **“SECTION 32. The Marijuana Control and Regulation Fund is es-**
26 **tablished in the State Treasury, separate and distinct from the General**
27 **Fund. Interest earned by the Marijuana Control and Regulation Fund**
28 **shall be credited to the fund. Moneys in the fund are continuously**
29 **appropriated to the Oregon Liquor Control Commission to administer**
30 **and enforce sections 3 to 70, chapter 1, Oregon Laws 2015.**

“(Land Use)”

1
2
3 **“SECTION 33.** Section 59, chapter 1, Oregon Laws 2015, is amended to
4 read:

5 **“Sec. 59.** *[(1) Cities and counties may adopt reasonable time, place and*
6 *manner regulations of the nuisance aspects of establishments that sell*
7 *marijuana to consumers if the city or county makes specific findings that the*
8 *establishment would cause adverse effects to occur.]*

9 *“[(2) The authority granted to cities and counties by this section is in ad-*
10 *dition to, and not in lieu of, the authority granted to a city or county under*
11 *its charter and the statutes and Constitution of this state.]*

12 **“(1) For purposes of this section, ‘reasonable regulations’ includes:**

13 **“(a) Reasonable conditions on the manner in which a marijuana**
14 **producer licensed under section 19, chapter 1, Oregon Laws 2015, may**
15 **produce marijuana;**

16 **“(b) Reasonable conditions on the manner in which a marijuana**
17 **processor licensed under section 20, chapter 1, Oregon Laws 2015, may**
18 **process marijuana;**

19 **“(c) Reasonable conditions on the manner in which a marijuana**
20 **wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may**
21 **wholesale marijuana;**

22 **“(d) Reasonable limitations on the hours during which a marijuana**
23 **retailer licensed under section 22, chapter 1, Oregon Laws 2015, may**
24 **operate;**

25 **“(e) Reasonable conditions on the manner in which a marijuana**
26 **retailer licensed under section 22, chapter 1, Oregon Laws 2015, may**
27 **sell marijuana items;**

28 **“(f) Reasonable requirements related to the public’s access to a**
29 **premises for which a license has been issued under section 19, 20, 21**
30 **or 22, chapter 1, Oregon Laws 2015; and**

1 “(g) Reasonable limitations on where a premises for which a license
2 has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws
3 2015, may be located.

4 “(2) Notwithstanding ORS 633.738, the governing body of a city or
5 county may adopt ordinances that impose reasonable regulations on
6 the operation of businesses located at premises for which a license has
7 been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015,
8 if the premises is located in the area subject to the jurisdiction of the
9 city or county.

10 “(3) Regulations adopted under this section must be consistent with
11 city and county comprehensive plans, zoning ordinances and applicable
12 provisions of public health and safety laws.

13 “SECTION 34. (1) Notwithstanding any other provision of law,
14 marijuana is:

15 “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;

16 “(b) A crop for purposes of ‘farm’ and ‘farming practice,’ both as
17 defined in ORS 30.930;

18 “(c) A product of farm use as described in ORS 308A.062; and

19 “(d) The product of an agricultural activity as described in ORS
20 568.909.

21 “(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the fol-
22 lowing are not a permitted use on land designated for exclusive farm
23 use:

24 “(a) A new dwelling used in conjunction with a marijuana crop;

25 “(b) A farmstand, as described in ORS 215.213 (1)(r) or 215.213 (1)(o),
26 used in conjunction with a marijuana crop; and

27 “(c) A commercial activity, as described in ORS 215.213 (2)(c) or
28 215.283 (2)(a), used in conjunction with a marijuana crop.

29 “(3) A county may allow the production of marijuana as a farm use
30 or agricultural use in an agricultural zone or rural residential zone in

1 the same manner as the production of marijuana is allowed in exclu-
2 sive farm use zones under this section and ORS 215.213 and 215.283.

3 “(4)(a) Prior to the issuance of any license under section 19, 20, 21
4 or 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Com-
5 mission shall request a land use compatibility statement from the city
6 or county that authorizes the land use. The land use compatibility
7 statement must demonstrate that the requested license is for a land
8 use that is allowable as a permitted or conditional use within the given
9 zoning designation where the land is located. The commission may not
10 issue a license if the land use compatibility statement shows that the
11 proposed land use is prohibited in the applicable zone.

12 “(b) A city or county that receives a request for a land use com-
13 patibility statement under this subsection must act on that request
14 within 21 days of:

15 “(A) Receipt of the request, if the land use is allowable as an out-
16 right permitted use; or

17 “(B) Final local permit approval, if the land use is allowable as a
18 conditional use.

19 “(c) A city or county action concerning a land use compatibility
20 statement under this subsection is not a land use decision for purposes
21 of ORS chapters 195, 196, 197 or 215.

22
23 “(Amendments to Fix References)
24

25 “**SECTION 35.** Section 1, chapter 1, Oregon Laws 2015, is amended to
26 read:

27 “**Sec. 1.** (1) The People of the State of Oregon declare that the purposes
28 of **sections 3 to 70, chapter 1, Oregon Laws 2015, [this Act]** are:

29 “(a) To eliminate the problems caused by the prohibition and uncontrolled
30 manufacture, delivery[,] and possession of marijuana within this state;

1 “(b) To protect the safety, welfare, health[,] and peace of the people of
2 this state by prioritizing [*the*] **this** state’s limited law enforcement resources
3 in the most effective, consistent[,] and rational way;

4 “(c) To permit persons licensed, controlled[,] **and** regulated[, *and taxed*]
5 by this state to legally manufacture and sell marijuana to persons 21 years
6 of age and older, subject to the provisions of **sections 3 to 70, chapter 1,**
7 **Oregon Laws 2015** [*this Act*];

8 “(d) To ensure that the State Department of Agriculture issues industrial
9 hemp licenses and agricultural hemp seed production permits in accordance
10 with [*existing*] state law; and

11 “(e) To establish a comprehensive regulatory framework concerning
12 marijuana under existing state law.

13 “(2) The People of the State of Oregon intend that the provisions of
14 **sections 3 to 70, chapter 1, Oregon Laws 2015** [*this Act*], together with
15 [*the*] other provisions of [*existing*] state law, will:

16 “(a) Prevent the distribution of marijuana to persons under 21 years of
17 age;

18 “(b) Prevent revenue from the sale of marijuana from going to criminal
19 enterprises, gangs[,] and cartels;

20 “(c) Prevent the diversion of marijuana from this state to other states;

21 “(d) Prevent marijuana activity that is legal under state law from being
22 used as a cover or pretext for the trafficking of other illegal drugs or other
23 illegal activity;

24 “(e) Prevent violence and the use of firearms in **association with** the
25 cultivation and distribution of marijuana;

26 “(f) Prevent drugged driving and the exacerbation of other adverse public
27 health consequences associated with the use of marijuana;

28 “(g) Prevent the growing of marijuana on public lands and the attendant
29 public safety and environmental dangers posed by marijuana production on
30 public lands; and

1 “(h) Prevent the possession and use of marijuana on federal property.

2 “**SECTION 36.** Section 2, chapter 1, Oregon Laws 2015, is amended to
3 read:

4 “**Sec. 2.** [(1) Sections 3 to 70 of this Act are added to and made a part of
5 the Oregon Revised Statutes.]

6 “[2] Section 71 is added to and made a part of ORS chapter 317.]

7 “[3] (1) Section 72, **chapter 1, Oregon Laws 2015**, is added to and made
8 a part of ORS chapter 475.

9 “[4] (2) Section 73, **chapter 1, Oregon Laws 2015**, is added to and made
10 a part of ORS chapter 811.

11 “**SECTION 37.** Section 3, chapter 1, Oregon Laws 2015, is amended to
12 read:

13 “**Sec. 3.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act]
14 shall be known and may be cited as the Control[,] and Regulation[, and
15 Taxation] of Marijuana [and Industrial Hemp] Act.

16 “**SECTION 38.** Section 4, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 “**Sec. 4.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act]
19 may not be construed:

20 “(1) To amend or affect [in any way any] state or federal law pertaining
21 to employment matters;

22 “(2) To amend or affect [in any way any] state or federal law pertaining
23 to landlord-tenant matters;

24 “(3) To prohibit a recipient of a federal grant or an applicant for a federal
25 grant from prohibiting the manufacture, delivery, possession[,] or use of
26 marijuana to the extent necessary to satisfy federal requirements for the
27 grant;

28 “(4) To prohibit a party to a federal contract or a person applying to be
29 a party to a federal contract from prohibiting the manufacture, delivery,
30 possession[,] or use of marijuana to the extent necessary to comply with the

1 terms and conditions of the contract or to satisfy federal requirements for
2 the contract;

3 “(5) To require a person to violate a federal law;

4 “(6) To exempt a person from a federal law or obstruct the enforcement
5 of a federal law; or

6 “(7) To amend or affect [*in any way*] the Oregon Medical Marijuana Act.

7 **“SECTION 39.** Section 6, chapter 1, Oregon Laws 2015, is amended to
8 read:

9 **“Sec. 6.** (1) Sections 7 to 44 and 60 to 62, **chapter 1, Oregon Laws 2015,**
10 [*of this Act*] do not apply:

11 “(a) To the production, processing[, *keeping,*] or storage of homegrown
12 marijuana at a household by one or more persons 21 years of age and
13 older, if the total **amount** of homegrown marijuana at the household does
14 not exceed four marijuana plants and eight ounces of usable marijuana at
15 [*a given*] **any** time.

16 “(b) To the making, processing[, *keeping,*] or storage of homemade
17 [*marijuana*] **cannabinoid** products at a household by one or more persons
18 21 years of age and older, if the total **amount** of homemade [*marijuana*]
19 **cannabinoid** products at the household does not exceed [*sixteen*] **16** ounces
20 in solid form at [*a given*] **any** time.

21 “(c) To the making, processing[, *keeping,*] or storage of homemade
22 [*marijuana*] **cannabinoid** products at a household by one or more persons
23 21 years of age and older, if the total **amount** of homemade [*marijuana*]
24 **cannabinoid** products at the household does not exceed [*seventy-two*] **72**
25 ounces in liquid form at [*a given*] **any** time.

26 **“(d) To the making, processing or storage of homemade**
27 **cannabinoid concentrates at a household by one or more persons 21**
28 **years of age or older, if the total amount of homemade cannabinoid**
29 **concentrates at the household does not exceed one ounce at any time.**

30

1 “[(d)] (e) To the delivery of not more than one ounce of homegrown
2 marijuana at a [given] time by a person 21 years of age or older to another
3 person 21 years of age or older for noncommercial purposes.

4 “[(e)] (f) To the delivery of not more than [sixteen] **16** ounces of homemade
5 [marijuana] **cannabinoid** products in solid form at a [given] time by a person
6 21 years of age or older to another person 21 years of age or older for non-
7 commercial purposes.

8 “[(f)] (g) To the delivery of not more than [seventy-two] **72** ounces of
9 homemade [marijuana] **cannabinoid** products in liquid form at a [given] time
10 by a person 21 years of age or older to another person 21 years of age or
11 older for noncommercial purposes.

12 **“(h) To the delivery of not more than one ounce of cannabinoid**
13 **concentrates at a time by a person 21 years of age or older to another**
14 **person 21 years of age or older for noncommercial purposes.**

15 “(2) Sections 7 to 70, **chapter 1, Oregon Laws 2015** [of this Act]:

16 “(a) Do not apply to the extent a person acts within the scope of and in
17 compliance with the Oregon Medical Marijuana Act; [or] **and**

18 “(b) Do not amend or affect [in any way the function] **the functions,**
19 **duties[,] and powers of the Oregon Health Authority under the Oregon**
20 **Medical Marijuana Act.**

21 **“SECTION 40.** Section 10, chapter 1, Oregon Laws 2015, is amended to
22 read:

23 **“Sec. 10.** [No member of the Oregon Liquor Control Commission, the State
24 Department of Agriculture, or the Oregon Health Authority may be sued for
25 doing or omitting to do any act in the performance of duties as prescribed in
26 sections 3 to 70 of this Act.] **A person may not sue the Oregon Liquor**
27 **Control Commission or a member of the commission, the State De-**
28 **partment of Agriculture or the Oregon Health Authority, or any em-**
29 **ployee of the commission, department or authority, for performing or**
30 **omitting to perform any duty, function or power of the commission,**

1 **department or authority set forth in sections 3 to 70, chapter 1, Oregon**
2 **Laws 2015, or in any other law of this state requiring the commission,**
3 **department or authority to perform a duty, function or power related**
4 **to marijuana.**

5 **“SECTION 41.** Section 11, chapter 1, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 11.** (1) [*Neither*] The Oregon Liquor Control Commission, the State
8 Department of Agriculture[, *nor*] **and** the Oregon Health Authority may **not**
9 refuse to perform any duty under sections 3 to 70, **chapter 1, Oregon Laws**
10 **2015, [of this Act]** on the basis that manufacturing, distributing, dispensing,
11 possessing[,] or using marijuana is prohibited by federal law.

12 **“(2)** The commission may not revoke or refuse to issue or renew a license
13 under sections 3 to 70, **chapter 1, Oregon Laws 2015, [of this Act]** on the
14 basis that manufacturing, distributing, dispensing, possessing[,] or using
15 marijuana is prohibited by federal law.

16 **“SECTION 42.** Section 12, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 **“Sec. 12.** [*No*] A contract [*shall be*] **is not** unenforceable on the basis that
19 manufacturing, distributing, dispensing, possessing[,] or using marijuana is
20 prohibited by federal law.

21 **“SECTION 43.** Section 13, chapter 1, Oregon Laws 2015, is amended to
22 read:

23 **“Sec. 13.** Licensees and licensee representatives may produce, deliver[,]
24 and possess marijuana items subject to the provisions of sections 3 to 70,
25 **chapter 1, Oregon Laws 2015 [of this Act].** The production, delivery[,] and
26 possession of marijuana items by a licensee or a licensee representative in
27 compliance with sections 3 to 70, **chapter 1, Oregon Laws 2015, [of this**
28 **Act shall] does** not constitute a criminal or civil offense under Oregon law.

29 **“SECTION 44.** Section 14, chapter 1, Oregon Laws 2015, is amended to
30 read:

1 “**Sec. 14.** [No] A licensee or licensee representative may **not** sell or de-
2 liver [any marijuana items to any] **a marijuana item to a person** under 21
3 years of age.

4 “**SECTION 45.** Section 17, chapter 1, Oregon Laws 2015, is amended to
5 read:

6 “**Sec. 17.** (1) [No] A person [shall] **may not** produce any piece of iden-
7 tification that would falsely indicate the person’s age.

8 “(2) If a piece of identification is offered as evidence in any administra-
9 tive or criminal prosecution of a licensee or licensee representative for sale
10 or service of [marijuana items] **a marijuana item** to a person [not having
11 reached] **under 21 years of age**, the licensee or licensee representative [shall
12 be found to have committed no crime or other wrong] **is not guilty of any**
13 **offense prohibiting a person from selling or serving a marijuana item**
14 **to a person under 21 years of age** unless it is demonstrated that a rea-
15 sonable person would have determined that the identification exhibited by
16 **the person under 21 years of age** was altered or did not accurately de-
17 scribe the person under 21 years of age to whom the marijuana [items were]
18 **item was** sold or served.

19 “**SECTION 46.** Section 23, chapter 1, Oregon Laws 2015, is amended to
20 read:

21 “**Sec. 23.** (1) The Oregon Liquor Control Commission has the right after
22 72 hours’ notice to the owner or the agent of the owner to make an exam-
23 ination of the books and may at any time make an examination of the
24 premises of any person licensed under sections 3 to 70, **chapter 1, Oregon**
25 **Laws 2015** [of this Act], for the purpose of determining compliance with
26 sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] and the rules
27 of the commission.

28 “(2) The commission [shall] **may not** require the books of [any] **a licensee**
29 to be maintained on the premises of the licensee.

30 “(3) **This section does not authorize the commission to make an**

1 **examination of the premises of a person registered under ORS 475.300**
2 **to 475.346.**

3 **SECTION 47.** Section 24, chapter 1, Oregon Laws 2015, is amended to
4 read:

5 **“Sec. 24.** The same person may hold one or more production licenses, one
6 or more processor licenses, one or more wholesale licenses[,] and one or more
7 retail licenses.

8 **SECTION 48.** Section 45, chapter 1, Oregon Laws 2015, is amended to
9 read:

10 **“Sec. 45. (1) A licensee or licensee representative may not import**
11 **marijuana items** [*may not be imported*] into this state or [*exported*] **export**
12 **marijuana items** from this state [*by any licensee or licensee representative*].

13 **“(2)** A violation of subsection (1) of this section is a:

14 **“(a)** Class C felony, if the importation or exportation is for consideration;
15 or

16 **“(b)** Class A misdemeanor, if the importation or exportation is not for
17 consideration.

18 **SECTION 49.** Section 46, chapter 1, Oregon Laws 2015, is amended to
19 read:

20 **“Sec. 46.** [*Marijuana items*] **A marijuana item** may not be given as a
21 prize, premium or consideration for a lottery, contest, game of chance [*or*],
22 **game of skill**[,] or competition of any kind.

23 **SECTION 50.** Section 47, chapter 1, Oregon Laws 2015, is amended to
24 read:

25 **“Sec. 47. (1)** A person may not sell, give or otherwise make available any
26 marijuana [*items*] **item** to [*any*] **a** person who is visibly intoxicated.

27 **“(2)(a)** A person who exercises control over private real property may not
28 knowingly allow [*any other*] **a** person under the age of 21 years to consume
29 marijuana items on the property, or allow any other person under the age
30 of 21 years to remain on the property if the person under the age of 21 years

1 consumes marijuana items on the property.

2 “(b) This subsection:

3 “(A) Applies only to a person who is present and in control of the lo-
4 cation at the time the consumption occurs; and

5 “(B) Does not apply to the owner of rental property, or the agent of an
6 owner of rental property, unless the consumption occurs in the individual
7 **housing** unit in which the owner or agent resides.

8 “**SECTION 51.** Section 48, chapter 1, Oregon Laws 2015, is amended to
9 read:

10 “**Sec. 48.** (1) [No] A person [shall] **may not** make false representations
11 or statements to the Oregon Liquor Control Commission in order to induce
12 or prevent action by the commission.

13 “(2) [No] A licensee of the commission [shall] **may not** maintain a noisy,
14 lewd, disorderly or insanitary establishment or supply impure or otherwise
15 deleterious marijuana items.

16 “(3) [No] A licensee of the commission [shall] **may not** misrepresent to
17 a customer or to the public any marijuana items.

18 “**SECTION 52.** Section 50, chapter 1, Oregon Laws 2015, is amended to
19 read:

20 “**Sec. 50.** (1) [No] Marijuana items [shall] **may not** be sold or offered for
21 sale within this state unless [such] **the** marijuana items comply with the
22 minimum standards [fixed pursuant to law] **prescribed by the statutory**
23 **laws of this state.**

24 “[2) *The Oregon Liquor Control Commission may require a marijuana*
25 *producer, marijuana processor, or marijuana wholesaler to provide a labora-*
26 *tory analysis demonstrating to the satisfaction of the commission that partic-*
27 *ular marijuana items comply with the minimum standards in this state.]*

28 “[3) *No marijuana items offered for sale within this state may be altered*
29 *or tampered with in any way by any person not licensed to do so by the com-*
30 *mission.]*

1 “[(4)] (2) The **Oregon Liquor Control** Commission may prohibit the sale
2 of [any] marijuana items **by a marijuana retailer** for a reasonable period
3 of time [while it is determining] **for the purpose of determining** whether
4 the marijuana items comply with **the** minimum standards [in this] **pre-**
5 **scribed by the statutory laws of this** state.

6 “**SECTION 53.** Section 51, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 “**Sec. 51.** (1) [No] A licensee [shall] **may not** use or allow the use of any
9 mark or label on the container of any [marijuana items which are]
10 **marijuana item that is** kept for sale[,] if the container does not precisely
11 and clearly indicate the nature of [its] **the container’s** contents or in any
12 way might deceive [any] **a** customer as to the nature, composition, quantity,
13 age or quality of [such] **the** marijuana [items] **item.**

14 “(2) The Oregon Liquor Control Commission may prohibit [any] **a** licensee
15 from selling any brand of marijuana [items which] **item that** in [its] **the**
16 **commission’s** judgment is deceptively labeled or branded as to content[,]
17 or contains injurious or adulterated ingredients.

18 “**SECTION 54.** Section 53, chapter 1, Oregon Laws 2015, is amended to
19 read:

20 “**Sec. 53.** (1) Except for **a** licensed marijuana [producers and their] **pro-**
21 **ducer and the producer’s** licensee [representatives, no] **representative, a**
22 licensee may **not** possess a mature marijuana plant.

23 “(2) [No] A licensee may **not** sell a mature marijuana plant.

24 “**SECTION 55.** Section 56, chapter 1, Oregon Laws 2015, is amended to
25 read:

26 “**Sec. 56.** (1) [No] A person may **not** produce, process[, keep,] or store
27 homegrown marijuana or homemade [marijuana] **cannabinoid** products **or**
28 **cannabinoid concentrates** if the homegrown marijuana or homemade
29 [marijuana] **cannabinoid** products **or cannabinoid concentrates** can be
30 readily seen by normal unaided vision from a public place.

1 “(2) A violation of subsection (1) of this section is a Class B violation.

2 “**SECTION 56.** Section 57, chapter 1, Oregon Laws 2015, is amended to
3 read:

4 “**Sec. 57.** [No] A person may **not** produce, process[, *keep,*] or store home-
5 made [*marijuana*] **cannabinoid** extracts.

6 “**SECTION 57.** Section 58, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 “**Sec. 58.** [*Sections 3 to 70 of this Act,*] **The provisions of sections 3 to**
9 **70, chapter 1, Oregon Laws 2015,** are designed to operate uniformly
10 throughout the state[, *shall be*] **and are** paramount and superior to and
11 [*shall*] fully replace and supersede any [*and all*] municipal charter
12 [*enactments*] **amendment** or local [*ordinances*] **ordinance** inconsistent with
13 [*it*] **the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015.**
14 [*Such charters*] **Amendments** and ordinances **that are inconsistent with**
15 **the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015,**
16 [*hereby*] are repealed.

17 “**SECTION 58.** Section 60, chapter 1, Oregon Laws 2015, is amended to
18 read:

19 “**Sec. 60.** (1) The governing body of a city or a county, when a petition
20 is filed as provided in this section, shall order an election on the question
21 whether the operation of licensed premises [*shall*] **should** be prohibited in
22 the city or county.

23 “(2) Except as **otherwise** provided in [*subsections (3), (4) and (5) of*] this
24 section, the requirements for preparing, circulating and filing a petition un-
25 der this section:

26 “(a) In the case of a city, [*shall*] **must** be as provided for an initiative
27 petition under ORS 250.265 to 250.346.

28 “(b) In the case of a county, [*shall*] **must** be as provided for an initiative
29 petition under ORS 250.165 to 250.235.

30 “(3) A petition under [*subsection (2) of*] this section:

1 “(a) Must be filed not less than 60 days before the day of the election;
2 and

3 “(b) Must be signed by not less than 10 percent of the electors registered
4 in the city or county.

5 “(4) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county
6 or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the
7 requirements for preparing, circulating and filing a petition under this sec-
8 tion [*shall*] **must** be as provided for an initiative petition under the county
9 or city charter or an ordinance adopted under the county or city charter.

10 “(5) [*No*] A signature is **not** valid unless signed within 180 days before
11 the petition is filed.

12 “(6) An election under this section [*shall*] **must** be held at the time of the
13 next statewide general election.

14 “(7) An election under this section [*shall*] **must** be conducted under ORS
15 chapters 246 to 260.

16 “**SECTION 59.** Section 61, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 “**Sec. 61.** Section 60, **chapter 1, Oregon Laws 2015, does** [*of this Act*
19 *shall*] not prevent any person residing in the county or city from having, for
20 personal use, a marijuana [*items*] **item** purchased from a marijuana [*retailers*
21 *duly*] **retailer** licensed under **section 22, chapter 1, Oregon Laws 2015** [*this*
22 *Act*].

23 “**SECTION 60.** Section 63, chapter 1, Oregon Laws 2015, is amended to
24 read:

25 “**Sec. 63.** The state police, sheriffs[, *constables and all*] **and** police officers
26 [*within the State of Oregon*] **of this state** shall enforce sections 3 to [*30 of*
27 *this Act and sections 45 to*] 70, **chapter 1, Oregon Laws 2015,** [*of this Act*]
28 and assist the Oregon Liquor Control Commission in detecting violations of
29 sections 3 to [*30 of this Act and sections 45 to*] 70, **chapter 1, Oregon Laws**
30 **2015,** [*of this Act*] and apprehending offenders. [*Each such*] **An** enforcing of-

1 ficer *[having]* **who has** notice, knowledge or reasonable ground of suspicion
2 of *[any]* a violation of sections 3 to *[30 of this Act or sections 45 to]* 70,
3 **chapter 1, Oregon Laws 2015**, *[of this Act]* shall immediately notify the
4 district attorney[,] and furnish the district attorney with names and ad-
5 dresses of any witnesses, or other information within the officer's knowledge,
6 of *[such]* the violation.

7 **"SECTION 61.** Section 64, chapter 1, Oregon Laws 2015, is amended to
8 read:

9 **"Sec. 64.** (1) *[Whenever any]* **When an** officer arrests *[any]* a person for
10 violation of sections 3 to *[30 of this Act or sections 45 to]* 70, **chapter 1,**
11 **Oregon Laws 2015** *[of this Act]*, the officer may take into possession all
12 marijuana items[,] and other property *[which]* **that** the person so arrested
13 has in possession, or **that is** on the premises, *[which is]* **that are** apparently
14 being used in violation of sections 3 to *[30 of this Act or sections 45 to]* 70,
15 **chapter 1, Oregon Laws 2015** *[of this Act]*.

16 **"(2)** If *[the]* a person *[so]* arrested **as described in this section** is con-
17 victed, and *[it is found]* **the court finds** that the marijuana items[,] and
18 other property *[has]* **have** been used in violation of *[Oregon law]* **the laws**
19 **of this state:**

20 **"(a)** The marijuana items *[shall]* **must** be forfeited to an appropriate state
21 or local law enforcement agency[,] and *[shall]* **must** be delivered by the court
22 or officer, **at the direction of the court,** to the law enforcement agency;
23 and

24 **"(b)** Subject to other applicable law, the other property *[shall]* **must** be
25 forfeited to the Oregon Liquor Control Commission, and *[shall]* **must** be de-
26 livered by the court or officer to the commission.

27 **"(3)** The commission is authorized to destroy or make such other disposi-
28 tion of any property it receives under *[paragraph (b) of]* subsection (2)**(b)** of
29 this section as it considers to be in the public interest. In any such case, all
30 such property, including *[lockers, chairs, tables, cash registers, music devices,*

1 *gambling devices,*] furniture, furnishings, equipment and facilities for the
2 storing, serving or using of marijuana items [*shall*] **must** be confiscated and
3 forfeited to [*the*] **this** state, and the clear proceeds [*shall*] **must** be deposited
4 with the State Treasury in the Common School Fund [*in the manner provided*
5 *in this section*].

6 **“SECTION 62.** Section 65, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 **“Sec. 65.** The county courts, district attorneys and municipal authorities,
9 immediately upon the conviction of any licensee of the Oregon Liquor Con-
10 trol Commission of a violation of any provision of sections 3 to [30 of *this*
11 *Act* or sections 45 to] 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] or the
12 violation of any other law of this state or ordinance of any municipality
13 [*therein*] **in this state,** in which violation marijuana had any part, shall
14 notify the commission [*thereof. Such officials*] **of the conviction. The**
15 **county courts, district attorneys and municipal authorities** shall notify
16 the commission of any acts, practices or other conduct of [*any such*] **a**
17 licensee [*which*] **convicted as described in this section that** may be
18 subversive of the general welfare or contrary to the spirit of **sections 3 to**
19 **70, chapter 1, Oregon Laws 2015,** [*this Act*] and shall recommend such
20 action on the part of the commission as will remove the evil.

21 **“SECTION 63.** Section 66, chapter 1, Oregon Laws 2015, is amended to
22 read:

23 **“Sec. 66.** Any room, house, building, boat, structure or place of any kind
24 where marijuana items are sold, manufactured, bartered or given away in
25 violation of Oregon law, or where persons are permitted to resort for the
26 purpose of using marijuana items in violation of Oregon law, or any place
27 where marijuana items are kept for sale, barter or gift in violation of
28 [*Oregon law*] **the laws of this state,** and all marijuana items or property
29 subject to confiscation under section 64, **chapter 1, Oregon Laws 2015,** [*of*
30 *this Act*] kept and used in such **a** place, [*is*] **are** a common nuisance. Any

1 person who maintains or assists in maintaining [*such*] **the** common nuisance
2 or knowingly suffers or permits [*such*] **the** nuisance to exist in any place of
3 which the person is the owner, manager or lessor, [*shall be*] **is** guilty of a
4 violation of sections 3 to [30 of this Act and sections 45 to] 70, **chapter 1,**
5 **Oregon Laws 2015** [*of this Act*].

6 **SECTION 64.** Section 67, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 **"Sec. 67.** If it is proved that the owner of any building or premises
9 knowingly has [*suffered the same to be used or*] **used the building or**
10 **premises or allowed the building or premises to be** occupied for the
11 manufacture, sale or possession of marijuana items[,] contrary to the pro-
12 visions of sections 3 to [30 of this Act or sections 45 to] 70, **chapter 1,**
13 **Oregon Laws 2015** [*of this Act*], [*such*] **the** building or premises are subject
14 to a lien for, and may be sold to pay all fines and costs assessed against their
15 occupants for, any violation of sections 3 to [30 of this Act or sections 45
16 to] 70, **chapter 1, Oregon Laws 2015** [*of this Act*]. The lien [*shall*] **must** be
17 enforced immediately by civil action in any court [*having*] **that has** juris-
18 diction, by the district attorney of the county [*wherein*] **in which** the build-
19 ing or premises are located.

20 **SECTION 65.** Section 68, chapter 1, Oregon Laws 2015, is amended to
21 read:

22 **"Sec. 68.** In case of invasion, disaster, insurrection[,] **or** riot, or imminent
23 danger [*thereof*] **of invasion, disaster, insurrection or riot,** the Governor
24 may, for the duration of [*such*] **the** invasion, disaster, insurrection[,] **or** riot,
25 or imminent danger [*thereof*], immediately suspend without notice any license
26 in the area involved granted under sections 3 to [30 of this Act or sections
27 45 to] 70, **chapter 1, Oregon Laws 2015** [*of this Act*].

28 **SECTION 66.** Section 69, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 **"Sec. 69.** (1) Except where other punishment is specifically provided for

1 in sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act], violation of
2 any provision of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [of this
3 Act] is a Class A misdemeanor.

4 “[(2) A violation of subsection (1) of section 40 of this Act is a Class B
5 misdemeanor.]

6 “[~~(3)~~] **(2)** Subject to ORS 153.022, violation of any [regulation
7 promulgated] **rule adopted** under **section 7 (2)(d), chapter 1, Oregon Laws**
8 **2015**, [paragraph (e) of subsection (2) of section 7 of this Act] is a Class C
9 violation.

10 “**SECTION 67.** Section 70, chapter 1, Oregon Laws 2015, is amended to
11 read:

12 “**Sec. 70.** If any [sections, subsections, paragraphs, phrases, or words]
13 **section, subsection, paragraph, phrase or word** of sections 3 to 70,
14 **chapter 1, Oregon Laws 2015**, [of this Act shall be] **is held to be** uncon-
15 stitutional, void[,] or illegal, either on [their] **its** face or as applied, [this
16 shall] **that holding does** not affect the applicability, constitutionality[,] or
17 legality of any other [sections, subsections, paragraphs, phrases, and words]
18 **section, subsection, paragraph, phrase or word** of sections 3 to 70,
19 **chapter 1, Oregon Laws 2015** [of this Act]. To that end, the sections, sub-
20 subsections, paragraphs, phrases[,] and words of sections 3 to 70, **chapter 1,**
21 **Oregon Laws 2015**, [of this Act] are intended to be severable. It is hereby
22 declared to be the intent of **the people of this state in adopting** sections
23 3 to 70, **chapter 1, Oregon Laws 2015**, [of this Act] that sections 3 to 70,
24 **chapter 1, Oregon Laws 2015**, [of this Act] would have been adopted had
25 such unconstitutional, void[,] or illegal sections, subsections, paragraphs,
26 phrases[,] or words, if any, not been included in sections 3 to 70, **chapter**
27 **1, Oregon Laws 2015** [of this Act].

28 “**SECTION 68.** Section 72, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 “**Sec. 72.** As used in the following statutes and any rule adopted [there-

1 *under*] under the following statutes, the term ‘controlled substance’
2 [*shall*] does not include marijuana:

3 “(1) ORS 475.125 [*to ORS*], 475.135, 475.145, 475.155 and 475.165 [*(regis-*
4 *tration with the State Board of Pharmacy)*].

5 “(2) ORS 475.175 [*to ORS*], 475.185, 475.188 and 475.190 [*(records)*].

6

7

TAXATION

8

“EFFECTIVE ON 91st DAY FOLLOWING ADJOURNMENT SINE DIE

9

10 “**SECTION 69.** As used in sections 69 to 80 of this 2015 Act:

11 “(1) ‘Cannabinoid concentrate,’ ‘cannabinoid edible,’ ‘cannabinoid
12 extract,’ ‘cannabinoid product,’ ‘consumer,’ ‘immature marijuana
13 plant,’ ‘marijuana,’ ‘marijuana flowers,’ ‘marijuana items,’ ‘marijuana
14 leaves’ and ‘marijuana retailer’ have the meanings given those terms
15 in section 5, chapter 1, Oregon Laws 2015.

16 “(2) ‘Retail sale’ means any transfer, exchange, gift or barter, of a
17 marijuana item by any person to a consumer.

18 “(3) ‘Retail sales price’ means the price paid for a marijuana item,
19 excluding tax, to a marijuana retailer by or on behalf of a consumer
20 of the marijuana item.

21 “**SECTION 70.** (1) A tax is hereby imposed upon the retail sale of
22 marijuana items in this state. The tax shall be collected at the point
23 of sale of a marijuana item by a marijuana retailer at the time at
24 which the retail sale occurs.

25 “(2) The tax imposed under this section shall be imposed at the rate
26 of:

27 “(a) _____ percent of the retail sales price of marijuana leaves;

28 “(b) _____ percent of the retail sales price of marijuana flowers;

29 “(c) _____ percent of the retail sales price of immature marijuana
30 plants;

1 “(d) _____ percent of the retail sales price of a cannabinoid edible;

2 “(e) _____ percent of the retail sales price of a cannabinoid con-
3 centrate;

4 “(f) _____ percent of the retail sales price of a cannabinoid extract;

5 “(g) _____ percent of the retail sales price of a cannabinoid product
6 that is intended to be used by applying the cannabinoid product to the
7 skin or hair; and

8 “(h) _____ percent of the retail sales price of all other cannabinoid
9 products.

10 “(3) If the tax imposed under this section does not equal an amount
11 calculable to a whole cent, the tax shall be equal to the next higher
12 whole cent.

13 “(4) The amount of the tax shall be separately stated on an invoice,
14 receipt or other similar document that the marijuana retailer provides
15 to the consumer, or shall be otherwise disclosed to the consumer.

16 “(5) A person may not knowingly sell, purchase, install, transfer
17 or possess software programs or other electronic devices intended to
18 hide or to remove records of retail sales of marijuana items or to fal-
19 sify records of retail sales of marijuana items.

20 “SECTION 71. (1) Except as otherwise provided in sections 69 to 80
21 of this 2015 Act, the tax imposed under section 70 of this 2015 Act shall
22 be collected and remitted by each marijuana retailer that engages in
23 the retail sale of marijuana items. The tax is considered a tax upon
24 the marijuana retailer that is required to collect the tax, and the
25 marijuana retailer is considered a taxpayer.

26 “(2) The marijuana retailer shall submit a return to the Department
27 of Revenue on or before the last day of January, April, July and Oc-
28 tober of each year for the previous calendar quarter.

29 “(3) The tax shall be paid by the marijuana retailer to the depart-
30 ment in the form and manner prescribed by the department, but not

1 later than with each quarterly return.

2 “(4) The returns required of marijuana retailers under this section
3 shall be filed regardless of whether any tax is owed.

4 “(5) The department for good cause may extend the time for making
5 any return under this section. The extension may be granted at any
6 time if a written request is filed with the department during or prior
7 to the period for which the extension may be granted. The department
8 may not grant an extension of more than 30 days.

9 “(6) Interest shall be added at the rate established under ORS
10 305.220 for each month, or fraction of a month, from the time the re-
11 turn was originally required to be filed to the time of payment.

12 “(7) Except as provided in subsections (8) and (9) of this section, the
13 period prescribed for the Department of Revenue to allow or make a
14 refund of any tax, or portion of tax, paid under sections 69 to 80 of this
15 2015 Act shall be as provided in ORS 314.415.

16 “(8)(a) The department shall first apply any excess to any tax that
17 is then owed.

18 “(b) If after any offset against any delinquent amount, the excess
19 remains greater than \$1,000, it shall be applied against future liabil-
20 ities.

21 “(9) The department may not make a refund of any amount of ex-
22 cess that remains unused more than three years following receipt.

23 SECTION 72. (1) Every person who collects any amount under
24 section 71 of this 2015 Act shall hold the same in trust for the State
25 of Oregon and for the payment thereof to the Department of Revenue
26 in the manner and at the time provided in section 71 of this 2015 Act.

27 “(2) At any time a marijuana retailer fails to remit any amount
28 collected, the department may enforce collection by the issuance of a
29 distraint warrant for the collection of the delinquent amount and all
30 penalties, interest and collection charges accrued thereon. Such war-

1 rant shall be issued, recorded and proceeded upon in the same manner
2 and shall have the same force and effect as is prescribed with respect
3 to warrants for the collection of delinquent income taxes.

4 “(3)(a) In the case of a marijuana retailer that is assessed pursuant
5 to the provisions of ORS 305.265 (12) and 314.407 (1), the department
6 may issue a notice of liability to any officer, employee or member of
7 the marijuana retailer within three years from the time of assessment.
8 Within 30 days from the date the notice of liability is mailed to the
9 officer, employee or member, such officer, employee or member shall
10 pay the assessment, plus penalties and interest, or advise the depart-
11 ment in writing of objections to the liability and, if desired, request a
12 conference. Any conference shall be governed by the provisions of
13 ORS 305.265 pertaining to a conference requested from a notice of de-
14 ficiency.

15 “(b) After a conference or, if no conference is requested, a deter-
16 mination of the issues considering the written objections, the depart-
17 ment shall mail the officer, employee or member a conference letter
18 affirming, canceling or adjusting the notice of liability. Within 90 days
19 from the date the conference letter is mailed to the officer, employee
20 or member, such officer, employee or member shall pay the assess-
21 ment, plus penalties and interest, or appeal to the tax court in the
22 manner provided for an appeal from a notice of assessment.

23 “(c) If neither payment nor written objection to the notice of li-
24 ability is received by the department within 30 days after the notice
25 of liability has been mailed, the notice of liability becomes final. In
26 such event, the officer, employee or member may appeal the notice
27 of liability to the tax court within 90 days after it became final in the
28 manner provided for an appeal from a notice of assessment.

29 “(4)(a) In the case of a failure to file a return on the due date,
30 governed by the provisions of ORS 305.265 (10) and 314.400, the depart-

1 ment, in addition to the provisions of ORS 305.265 (10) and 314.400, may
2 send notices of determination and assessment to any officer, employee
3 or member any time within three years after the assessment. The time
4 of assessment against such officer, employee or member shall be 30
5 days after the date the notice of determination and assessment is
6 mailed. Within 30 days from the date the notice of determination and
7 assessment is mailed to the officer, employee or member, such officer,
8 employee or member shall pay the assessment, plus penalties and in-
9 terest, or advise the department in writing of objections to the as-
10 sessment, and if desired, request a conference. Any conference shall
11 be governed by the provisions of ORS 305.265 pertaining to a confer-
12 ence requested from a notice of deficiency.

13 “(b) After a conference or, if no conference is requested, a deter-
14 mination of the issues considering the written objections, the depart-
15 ment shall mail the officer, employee or member a conference letter
16 affirming, canceling or adjusting the notice of determination and as-
17 sessment. Within 90 days from the date the conference letter is mailed
18 to the officer, employee or member, such officer, employee or member
19 shall pay the assessment, plus penalties and interest, or appeal in the
20 manner provided for an appeal from a notice of assessment.

21 “(c) If neither payment nor written objection to the notice of de-
22 termination and assessment is received by the department within 30
23 days after the notice of determination and assessment has been
24 mailed, the notice of determination and assessment becomes final. In
25 such event, the officer, employee or member may appeal the notice
26 of determination and assessment to the tax court within 90 days after
27 it became final in the manner provided for an appeal from a notice of
28 assessment.

29 “(5)(a) More than one officer or employee of a corporation may be
30 held jointly and severally liable for payment of taxes.

1 “(b) Notwithstanding the provisions of ORS 314.835, 314.840 or
2 314.991, if more than one officer or employee of a corporation may be
3 held jointly and severally liable for payment of taxes, the department
4 may require any or all of the officers, members or employees who may
5 be held liable to appear before the department for a joint determi-
6 nation of liability. The department shall notify each officer, member
7 or employee of the time and place set for the determination of liabil-
8 ity.

9 “(c) Each person notified of a joint determination under this sub-
10 section shall appear and present such information as is necessary to
11 establish that person’s liability or nonliability for payment of taxes to
12 the department. If any person notified fails to appear, the department
13 shall make its determination on the basis of all the information and
14 evidence presented. The department’s determination shall be binding
15 on all persons notified and required to appear under this subsection.

16 “(d)(A) If an appeal is taken to the Oregon Tax Court pursuant to
17 ORS 305.404 to 305.560 by any person determined to be liable for unpaid
18 taxes under this subsection, each person required to appear before the
19 department under this subsection shall be impleaded by the plaintiff.
20 The department may implead any officer, employee or member who
21 may be held jointly and severally liable for the payment of taxes. Each
22 person impleaded under this paragraph shall be made a party to the
23 action before the tax court and shall make available to the tax court
24 such information as was presented before the department, as well as
25 such other information as may be presented to the court.

26 “(B) The court may determine that one or more persons impleaded
27 under this paragraph are liable for unpaid taxes without regard to any
28 earlier determination by the department that an impleaded person was
29 not liable for unpaid taxes.

30 “(C) If any person required to appear before the court under this

1 subsection fails or refuses to appear or bring such information in part
2 or in whole, or is outside the jurisdiction of the tax court, the court
3 shall make its determination on the basis of all the evidence intro-
4 duced. All such evidence shall constitute a public record and shall be
5 available to the parties and the court notwithstanding ORS 314.835,
6 314.840 or 314.991. The determination of the tax court shall be binding
7 on all persons made parties to the action under this subsection.

8 “(e) Nothing in this section shall be construed to preclude a deter-
9 mination by the department or the Oregon Tax Court that more than
10 one officer, employee or member are jointly and severally liable for
11 unpaid taxes.

12 **“SECTION 73. (1) A marijuana retailer shall keep receipts, invoices**
13 **and other pertinent records related to retail sales of marijuana items**
14 **in the form required by the Department of Revenue. Each record shall**
15 **be preserved for five years from the time to which the record relates,**
16 **or for as long as the marijuana retailer retains the marijuana items**
17 **to which the record relates, whichever is later. During the retention**
18 **period and at any time prior to the destruction of records, the de-**
19 **partment may give written notice to the marijuana retailer not to**
20 **destroy records described in the notice without written permission of**
21 **the department. Notwithstanding any other provision of law, reports**
22 **and returns filed with the department shall be preserved by the de-**
23 **partment for at least five years.**

24 “(2) The department or its authorized representative, upon oral or
25 written demand, may make examinations of the books, papers, records
26 and equipment of persons making retail sales of marijuana items and
27 any other investigations as the department deems necessary to carry
28 out the provisions of sections 69 to 80 of this 2015 Act.

29 **“SECTION 74. (1) The Department of Revenue shall have authority,**
30 **by order or subpoena to be served with the same force and effect and**

1 in the same manner that a subpoena is served in a civil action in the
2 circuit court, or the Oregon Tax Court, to require the production at
3 any time and place the department may designate of any books, pa-
4 pers, accounts or other information necessary to the carrying out of
5 sections 69 to 80 of this 2015 Act, and may require the attendance of
6 any person having knowledge in the premises, and may take testimony
7 and require proof material for the information, with power to admin-
8 ister oaths to such person.

9 “(2) If any person fails to comply with any subpoena or order of the
10 department or to produce or permit the examination or inspection of
11 any books, papers, records and equipment pertinent to any investi-
12 gation or inquiry under sections 69 to 80 of this 2015 Act, or to testify
13 to any matter regarding which the person may be lawfully interro-
14 gated, the department may apply to the Oregon Tax Court or to the
15 circuit court of the county in which the person resides or where the
16 person may be found for an order to the person to attend and testify,
17 or otherwise to comply with the demand or request of the department.
18 The application to the court shall be by ex parte motion upon which
19 the court shall make an order requiring the person against whom it
20 is directed to comply with the request on demand of the department
21 within 10 days after the service of the order, or such further time as
22 the court may grant, or to justify the failure within that time. The
23 order shall be served upon the person to whom it is directed in the
24 manner required by this state for service of process, which service
25 shall be required to confer jurisdiction upon the court. Failure to obey
26 any order issued by the court under this section is contempt of court.
27 The remedy provided by this section shall be in addition to other
28 remedies, civil or criminal, existing under the tax laws or other laws
29 of this state.

30 **SECTION 75.** (1) Notwithstanding ORS 314.835 and 314.840, the De-

1 department of Revenue may disclose information received under sections
2 69 to 80 and 86 of this 2015 Act and ORS 305.140, 305.895, 305.992 and
3 316.680 to the Oregon Liquor Control Commission to carry out the
4 provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, and
5 sections 69 to 80 of this 2015 Act.

6 “(2) The commission may disclose information obtained pursuant
7 to sections 3 to 70, chapter 1, Oregon Laws 2015, and sections 69 to 80
8 of this 2015 Act to the department for the purpose of carrying out the
9 provisions of sections 3 to 70, chapter 1, Oregon Laws 2015, and
10 sections 69 to 80 of this 2015 Act.

11 “(3) Except as otherwise provided in sections 3 to 70, chapter 1,
12 Oregon Laws 2015, and sections 69 to 80 of this 2015 Act, any person
13 aggrieved by an act or determination of the department or its au-
14 thorized agent under sections 69 to 80 and 86 of this 2015 Act and ORS
15 305.140, 305.895, 305.992 and 316.680 of this 2015 Act may appeal to the
16 Oregon Tax Court in the time and manner provided in ORS 305.404 to
17 305.560. These appeal rights shall be the exclusive remedy available to
18 determine the person’s liability for the tax imposed under sections 69
19 to 80 of this 2015 Act.

20 SECTION 76. (1) The Department of Revenue shall administer and
21 enforce sections 69 to 80 of this 2015 Act. The department is authorized
22 to establish rules and procedures for the implementation and enforce-
23 ment of sections 69 to 80 of this 2015 Act that are consistent with
24 sections 69 to 80 of this 2015 Act and that the department considers
25 necessary and appropriate to administer and enforce sections 69 to 80
26 of this 2015 Act.

27 “(2) The Oregon Liquor Control Commission shall enter into an
28 agreement with the department for the purpose of administering and
29 enforcing those provisions of sections 69 to 80 of this 2015 Act, and
30 rules or procedures established for the purpose of implementing and

1 enforcing sections 69 to 80 of this 2015 Act, that the commission and
2 the department determine are necessary for the effective and efficient
3 administration, implementation and enforcement of sections 69 to 80
4 of this 2015 Act.

5 **SECTION 76a.** (1)(a) When an amount represented by a marijuana
6 retailer at retail to a consumer as constituting the tax imposed under
7 sections 69 to 80 of this 2015 Act is computed upon an amount that is
8 not taxable or is in excess of the taxable amount and is actually paid
9 by the consumer to the marijuana retailer, the excess tax paid shall
10 be returned by the marijuana retailer to the consumer upon written
11 notification by the Department of Revenue or the consumer.

12 **“(b)** The written notification must contain information necessary
13 to determine the validity of the consumer’s claim.

14 **“(2)** If the marijuana retailer does not return the excess tax within
15 60 days after mailing of the written notification required under sub-
16 section (1) of this section, the consumer may appeal to the Oregon Tax
17 Court under ORS 305.275 for the amount of the excess tax.

18 **“(3)(a)** Amounts validly claimed by a consumer under this section
19 but not returned to the consumer by the marijuana retailer shall be
20 remitted by the marijuana retailer to the Department of Revenue.

21 **“(b)** Amounts remitted to the department under this subsection
22 shall be credited by the department against any amounts of sales tax
23 or use tax, as applicable, due and payable on the same transaction
24 from the marijuana retailer that remitted the amount, and the bal-
25 ance, if any, shall constitute an obligation due from the seller to this
26 state.

27 **SECTION 77.** Except as otherwise provided in sections 69 to 80 of
28 this 2015 Act or where the context requires otherwise, the provisions
29 of ORS chapters 305 and 314 as to the audit and examination of re-
30 turns, periods of limitation, determination of and notices of deficien-

1 Oregon Marijuana Account and[, *after withholding such moneys as it may*
2 *deem necessary to carry out its obligations under sections 3 to 70 of this Act,*
3 *shall within 35 days of the month for which a distribution is made*] distribute
4 the moneys as follows:

5 “(a) Forty percent [*shall*] **must** be transferred to the Common School
6 Fund;

7 “(b) Twenty percent [*shall*] **must** be transferred to the Mental Health
8 Alcoholism and Drug Services Account established under ORS 430.380;

9 “(c) Fifteen percent [*shall*] **must** be transferred to the State Police Ac-
10 count established under ORS 181.175;

11 “(d) To assist local law enforcement in performing its duties under [*this*
12 *Act, ten percent shall*] **sections 3 to 70, chapter 1, Oregon Laws 2015, 10**
13 **percent must** be transferred to the cities of [*the*] **this** state in the following
14 shares:

15 “(A) For all distributions made from the Oregon Marijuana Account be-
16 fore July 1, 2017, in such shares as the population of each city bears to the
17 population of the cities of [*the*] **this** state, as determined by [*the State Board*
18 *of Higher Education*] **Portland State University** last preceding such appor-
19 tionment, under ORS 190.510 to 190.610; and

20 “(B) For all distributions made from the Oregon Marijuana Account on
21 or after July 1, 2017:

22 “(i) Fifty percent of [*such ten*] **the 10** percent [*shall*] **must** be transferred
23 in such shares as the number of licenses issued by the commission under
24 sections 19 to 21, **chapter 1, Oregon Laws 2015**, [*of this Act*] during the
25 calendar year preceding the date of the distribution for premises located in
26 each city bears to the number of such licenses issued by the commission
27 during such calendar year for all premises in [*the*] **this** state; and

28 “(ii) Fifty percent of [*such ten*] **the 10** percent [*shall*] **must** be transferred
29 in such shares as the number of licenses issued by the commission under
30 section 22, **chapter 1, Oregon Laws 2015**, [*of this Act*] during the calendar

1 year preceding the date of the distribution for premises located in each city
2 bears to the number of such licenses issued by the commission during such
3 calendar year for all premises in [*the*] **this** state;

4 “(e) To assist local law enforcement in performing its duties under [*this*
5 *Act, ten percent shall*] **sections 3 to 70, chapter 1, Oregon Laws 2015, 10**
6 **percent must** be transferred to counties in the following shares:

7 “(A) For all distributions made from the Oregon Marijuana Account be-
8 fore July 1, 2017, in such shares as their respective populations bear to the
9 total population of [*the*] **this** state, as estimated from time to time by [*the*
10 *State Board of Higher Education*] **Portland State University**; and

11 “(B) For all distributions made from the Oregon Marijuana Account on
12 or after July 1, 2017:

13 “(i) Fifty percent of [*such ten*] **the 10 percent [shall] must** be transferred
14 in such shares as the number of licenses issued by the commission under
15 sections 19 to 21, **chapter 1, Oregon Laws 2015, [of this Act]** during the
16 calendar year preceding the date of the distribution for premises located in
17 each county bears to the number of such licenses issued by the commission
18 during such calendar year for all premises in [*the*] **this** state; and

19 “(ii) Fifty percent of [*such ten*] **the 10 percent [shall] must** be transferred
20 in such shares as the number of licenses issued by the commission under
21 section 22, **chapter 1, Oregon Laws 2015, [of this Act]** during the calendar
22 year preceding the date of the distribution for premises located in each
23 county bears to the number of such licenses issued by the commission during
24 such calendar year for all premises in [*the*] **this** state; and

25 “(f) Five percent [*shall*] **must** be transferred to the Oregon Health Au-
26 thority to be used for the establishment, operation[,] and maintenance of al-
27 cohol and drug abuse prevention, early intervention and treatment services.

28 “[*(3)*] **(4)** It is the intent of [*this section*] **the Legislative Assembly** that
29 the moneys distributed from the Oregon Marijuana Account to the
30 [*distributees*] **persons listed** in subsection [*(2)*] **(3)** of this section are in ad-

1 dition to, **and not in lieu of**, any other [*available*] moneys **available** to such
2 [*distributees and do not supplant moneys available from any other source*]
3 **persons.**

4 **“SECTION 82.** ORS 305.140 is amended to read:

5 “305.140. (1) Any person having an interest in or lien upon any real
6 property may request the Department of Revenue in writing to release such
7 real property from a cloud on the title of or lien on such property existing,
8 created or continued under any one or more of the following:

9 “(a) A warrant provided for in ORS 314.430, 321.570 or 323.610 **or section**
10 **73 of this 2015 Act;** or

11 “(b) The provisions of ORS 311.673, 311.679, 311.689, 311.711 or 311.771.

12 “(2) If, upon a request under subsection (1) of this section, the department
13 finds that a sale of such real property would not result in satisfaction in
14 whole or in part of the taxes due, it shall execute a release of such cloud
15 or lien upon such property, and such release shall be conclusive evidence of
16 the removal and extinguishment of such cloud or lien in respect of such real
17 property.

18 “(3) In addition to the release of cloud or lien provided for in subsection
19 (1) of this section, the department may execute releases on part or all of any
20 real property in the following cases, which releases shall be conclusive evi-
21 dence of the removal and extinguishment of such cloud or lien:

22 “(a) If the department finds that liability for the amount assessed, to-
23 gether with all interest thereon and penalties and costs in respect thereof,
24 has been satisfied;

25 “(b) If the department finds that the fair market value of that part of the
26 property remaining subject to the cloud or lien is at least double the amount
27 of the liability remaining unsatisfied in respect of such tax and the amount
28 of all prior liens upon the property;

29 “(c) If there is supplied to the department either an irrevocable letter of
30 credit issued by an insured institution as defined in ORS 706.008 or a bond,

1 in such form and with such surety as the department considers sufficient,
2 conditioned upon the payment of the amount of the warrant, together with
3 all interest in respect thereof, within 60 days after the issuance of the re-
4 lease; or

5 “(d) If there is paid to the department in partial satisfaction of the
6 amount of the warrant provided for in ORS 314.430, 321.570 or 323.610 **or**
7 **section 73 of this 2015 Act** or the amount of any lien under ORS 311.673,
8 311.679, 311.689, 311.711 or 311.771, an amount not less than the value, as
9 determined by the department, of the lien of the State of Oregon upon the
10 part of the property so to be released. In determining such value the de-
11 partment shall give consideration to the fair market value of the part of the
12 property so to be released and to such liens thereon as have priority to the
13 lien of the State of Oregon.

14 **“SECTION 83.** ORS 305.895 is amended to read:

15 “305.895. (1) Except as provided in ORS 314.440 or other jeopardy assess-
16 ment procedure, the Department of Revenue shall take no action against a
17 taxpayer’s or transferee’s real or personal property before issuing a warrant
18 for the collection of tax or an amount payable by a transferee under ORS
19 311.695 as provided in ORS 314.430, 320.080, 321.570, 323.390, 323.610 and
20 324.190 **and section 73 of this 2015 Act.**

21 “(2) At least 30 days before issuing a warrant for collection of any tax
22 collected by the department or any amount payable under ORS 311.695, the
23 department shall send the taxpayer or transferee a written notice and de-
24 mand for payment. The notice shall:

25 “(a) Be sent by mail, addressed to the taxpayer or transferee at the
26 taxpayer’s or transferee’s last-known address.

27 “(b) Inform the taxpayer or transferee that, even if the taxpayer or
28 transferee is compliant with an installment agreement between the taxpayer
29 or transferee and the department and is in communication with the depart-
30 ment, if the tax or any portion of the tax or the amount payable under ORS

1 311.695 is not paid within 30 days after the date of the notice and demand
2 for payment, a warrant may be issued and recorded as provided in ORS
3 314.430, 320.080, 321.570, 323.390, 323.610 and 324.190 **and section 73 of this**
4 **2015 Act.**

5 “(c) Describe in clear nontechnical terms the legal authority for the
6 warrant.

7 “(d) Contain the name, office mailing address and office telephone number
8 of the person issuing the warrant and advise the taxpayer or transferee that
9 questions or complaints concerning the warrant, other than liability for the
10 underlying tax or amount payable under ORS 311.695, may be directed to that
11 person.

12 “(e) Include alternatives available to the taxpayer or transferee that
13 would prevent issuance of the warrant.

14 “(f) Inform the taxpayer or transferee of possible consequences to the
15 taxpayer or transferee of noncompliance, and of issuance of a warrant, in-
16 cluding garnishment of wages or bank accounts and seizure and sale of real
17 or personal property.

18 **“SECTION 84.** ORS 305.992 is amended to read:

19 “305.992. (1) If any returns required to be filed under ORS chapter 118,
20 314, 316, 317, 318, 321 or 323 **or sections 69 to 80 of this 2015 Act** or under
21 a local tax administered by the Department of Revenue under ORS 305.620
22 are not filed for three consecutive years by the due date (including exten-
23 sions) of the return required for the third consecutive year, there shall be a
24 penalty for each year of 100 percent of the tax liability determined after
25 credits and prepayments for each such year.

26 “(2) The penalty imposed under this section is in addition to any other
27 penalty imposed by law. However, the total amount of penalties imposed for
28 any taxable year under this section, ORS 305.265 (13), 314.400, 323.403 or
29 323.585 [*shall*] **or section 74 of this 2015 Act** may not exceed 100 percent
30 of the tax liability.

1 **“SECTION 85. Section 86 of this 2015 Act is added to and made a**
2 **part of ORS chapter 317.**

3 **“SECTION 86. Section 280E of the Internal Revenue Code applies to**
4 **all trafficking in controlled substances in Schedule I or Schedule II**
5 **that is prohibited by federal law or the laws of this state, other than**
6 **conduct authorized under sections 3 to 70, chapter 1, Oregon Laws**
7 **2015.**

8 **“SECTION 87. ORS 316.680 is amended to read:**

9 **“316.680. (1) There shall be subtracted from federal taxable income:**

10 **“(a) The interest or dividends on obligations of the United States and its**
11 **territories and possessions or of any authority, commission or**
12 **instrumentality of the United States to the extent includable in gross income**
13 **for federal income tax purposes but exempt from state income taxes under**
14 **the laws of the United States. However, the amount subtracted under this**
15 **paragraph shall be reduced by any interest on indebtedness incurred to carry**
16 **the obligations or securities described in this paragraph, and by any expenses**
17 **incurred in the production of interest or dividend income described in this**
18 **paragraph to the extent that such expenses, including amortizable bond pre-**
19 **miums, are deductible in determining federal taxable income.**

20 **“(b) The amount of any federal income taxes accrued by the taxpayer**
21 **during the taxable year as described in ORS 316.685, less the amount of any**
22 **refunds of federal taxes previously accrued for which a tax benefit was re-**
23 **ceived.**

24 **“(c) Amounts allowable under sections 2621(a)(2) and 2622(b) of the**
25 **Internal Revenue Code to the extent that the taxpayer does not elect under**
26 **section 642(g) of the Internal Revenue Code to reduce federal taxable income**
27 **by those amounts.**

28 **“(d) Any supplemental payments made to JOBS Plus Program participants**
29 **under ORS 411.892.**

30 **“(e)(A) Federal pension income that is attributable to federal employment**

1 occurring before October 1, 1991. Federal pension income that is attributable
2 to federal employment occurring before October 1, 1991, shall be determined
3 by multiplying the total amount of federal pension income for the tax year
4 by the ratio of the number of months of federal creditable service occurring
5 before October 1, 1991, over the total number of months of federal creditable
6 service.

7 “(B) The subtraction allowed under this paragraph applies only to federal
8 pension income received at a time when:

9 “(i) Benefit increases provided under chapter 569, Oregon Laws 1995, are
10 in effect; or

11 “(ii) Public Employees Retirement System benefits received for service
12 prior to October 1, 1991, are exempt from state income tax.

13 “(C) As used in this paragraph:

14 “(i) ‘Federal creditable service’ means those periods of time for which a
15 federal employee earned a federal pension.

16 “(ii) ‘Federal pension’ means any form of retirement allowance provided
17 by the federal government, its agencies or its instrumentalities to retirees
18 of the federal government or their beneficiaries.

19 “(f) Any amount included in federal taxable income for the tax year that
20 is attributable to the conversion of a regular individual retirement account
21 into a Roth individual retirement account described in section 408A of the
22 Internal Revenue Code, to the extent that:

23 “(A) The amount was subject to the income tax of another state or the
24 District of Columbia in a prior tax year; and

25 “(B) The taxpayer was a resident of the other state or the District of
26 Columbia for that prior tax year.

27 “(g) Any amounts awarded to the taxpayer by the Public Safety Memorial
28 Fund Board under ORS 243.954 to 243.974 to the extent that the taxpayer has
29 not taken the amount as a deduction in determining the taxpayer’s federal
30 taxable income for the tax year.

1 “(h) If included in taxable income for federal tax purposes, the amount
2 withdrawn during the tax year in qualified withdrawals from a college
3 savings network account established under ORS 348.841 to 348.873.

4 **“(i) Any federal deduction that the taxpayer would have been al-
5 lowed for the production, processing or sale of marijuana items au-
6 thorized under sections 3 to 70, chapter 1, Oregon Laws 2015, but for
7 section 280E of the Internal Revenue Code.**

8 “(2) There shall be added to federal taxable income:

9 “(a) Interest or dividends, exempt from federal income tax, on obligations
10 or securities of any foreign state or of a political subdivision or authority
11 of any foreign state. However, the amount added under this paragraph shall
12 be reduced by any interest on indebtedness incurred to carry the obligations
13 or securities described in this paragraph and by any expenses incurred in the
14 production of interest or dividend income described in this paragraph.

15 “(b) Interest or dividends on obligations of any authority, commission,
16 instrumentality and territorial possession of the United States that by the
17 laws of the United States are exempt from federal income tax but not from
18 state income taxes. However, the amount added under this paragraph shall
19 be reduced by any interest on indebtedness incurred to carry the obligations
20 or securities described in this paragraph and by any expenses incurred in the
21 production of interest or dividend income described in this paragraph.

22 “(c) The amount of any federal estate taxes allocable to income in respect
23 of a decedent not taxable by Oregon.

24 “(d) The amount of any allowance for depletion in excess of the taxpayer’s
25 adjusted basis in the property depleted, deducted on the taxpayer’s federal
26 income tax return for the taxable year, pursuant to sections 613, 613A, 614,
27 616 and 617 of the Internal Revenue Code.

28 “(e) For taxable years beginning on or after January 1, 1985, the dollar
29 amount deducted under section 151 of the Internal Revenue Code for personal
30 exemptions for the taxable year.

1 “(f) The amount taken as a deduction on the taxpayer’s federal return for
2 unused qualified business credits under section 196 of the Internal Revenue
3 Code.

4 “(g) The amount of any increased benefits paid to a taxpayer under
5 chapter 569, Oregon Laws 1995, under the provisions of chapter 796, Oregon
6 Laws 1991, and under section 26, chapter 815, Oregon Laws 1991, that is not
7 includable in the taxpayer’s federal taxable income under the Internal Rev-
8 enue Code.

9 “(h) The amount of any long term care insurance premiums paid or in-
10 curred by the taxpayer during the tax year if:

11 “(A) The amount is taken into account as a deduction on the taxpayer’s
12 federal return for the tax year; and

13 “(B) The taxpayer claims the credit allowed under ORS 315.610 for the tax
14 year.

15 “(i) Any amount taken as a deduction under section 1341 of the Internal
16 Revenue Code in computing federal taxable income for the tax year, if the
17 taxpayer has claimed a credit for claim of right income repayment adjust-
18 ment under ORS 315.068.

19 “(j) If the taxpayer makes a nonqualified withdrawal, as defined in ORS
20 348.841, from a college savings network account established under ORS
21 348.841 to 348.873, the amount of the withdrawal that is attributable to con-
22 tributions that were subtracted from federal taxable income under ORS
23 316.699.

24 “(3) Discount and gain or loss on retirement or disposition of obligations
25 described under subsection (2)(a) of this section issued on or after January
26 1, 1985, shall be treated for purposes of this chapter in the same manner as
27 under sections 1271 to 1283 and other pertinent sections of the Internal
28 Revenue Code as if the obligations, although issued by a foreign state or a
29 political subdivision of a foreign state, were not tax exempt under the
30 Internal Revenue Code.

1 **SECTION 88.** ORS 316.680, as amended by section 74, chapter 1, Oregon

2 Laws 2015, is amended to read:

3 “316.680. (1) There shall be subtracted from federal taxable income:

4 “(a) The interest or dividends on obligations of the United States and its
5 territories and possessions or of any authority, commission or
6 instrumentality of the United States to the extent includable in gross income
7 for federal income tax purposes but exempt from state income taxes under
8 the laws of the United States. However, the amount subtracted under this
9 paragraph shall be reduced by any interest on indebtedness incurred to carry
10 the obligations or securities described in this paragraph, and by any expenses
11 incurred in the production of interest or dividend income described in this
12 paragraph to the extent that such expenses, including amortizable bond pre-
13 miums, are deductible in determining federal taxable income.

14 “(b) The amount of any federal income taxes accrued by the taxpayer
15 during the taxable year as described in ORS 316.685, less the amount of any
16 refunds of federal taxes previously accrued for which a tax benefit was re-
17 ceived.

18 “(c) Amounts allowable under sections 2621(a)(2) and 2622(b) of the
19 Internal Revenue Code to the extent that the taxpayer does not elect under
20 section 642(g) of the Internal Revenue Code to reduce federal taxable income
21 by those amounts.

22 “(d) Any supplemental payments made to JOBS Plus Program participants
23 under ORS 411.892.

24 “(e)(A) Federal pension income that is attributable to federal employment
25 occurring before October 1, 1991. Federal pension income that is attributable
26 to federal employment occurring before October 1, 1991, shall be determined
27 by multiplying the total amount of federal pension income for the tax year
28 by the ratio of the number of months of federal creditable service occurring
29 before October 1, 1991, over the total number of months of federal creditable
30 service.

1 “(B) The subtraction allowed under this paragraph applies only to federal
2 pension income received at a time when:

3 “(i) Benefit increases provided under chapter 569, Oregon Laws 1995, are
4 in effect; or

5 “(ii) Public Employees Retirement System benefits received for service
6 prior to October 1, 1991, are exempt from state income tax.

7 “(C) As used in this paragraph:

8 “(i) ‘Federal creditable service’ means those periods of time for which a
9 federal employee earned a federal pension.

10 “(ii) ‘Federal pension’ means any form of retirement allowance provided
11 by the federal government, its agencies or its instrumentalities to retirees
12 of the federal government or their beneficiaries.

13 “(f) Any amount included in federal taxable income for the tax year that
14 is attributable to the conversion of a regular individual retirement account
15 into a Roth individual retirement account described in section 408A of the
16 Internal Revenue Code, to the extent that:

17 “(A) The amount was subject to the income tax of another state or the
18 District of Columbia in a prior tax year; and

19 “(B) The taxpayer was a resident of the other state or the District of
20 Columbia for that prior tax year.

21 “(g) Any amounts awarded to the taxpayer by the Public Safety Memorial
22 Fund Board under ORS 243.954 to 243.974 to the extent that the taxpayer has
23 not taken the amount as a deduction in determining the taxpayer’s federal
24 taxable income for the tax year.

25 “(h) If included in taxable income for federal tax purposes, the amount
26 withdrawn during the tax year in qualified withdrawals from a college
27 savings network account established under ORS 348.841 to 348.873.

28 “(i) *For income tax years commencing on or after January 1, 2015, the*
29 *amount of any deductions or credits that the taxpayer would have been allowed*
30 *but for the provisions of section 280E of the Internal Revenue Code.]*

1 “(i) Any federal deduction that the taxpayer would have been al-
2 lowed for the production, processing or sale of marijuana items au-
3 thorized under sections 3 to 70, chapter 1, Oregon Laws 2015, but for
4 section 280E of the Internal Revenue Code.

5 “(2) There shall be added to federal taxable income:

6 “(a) Interest or dividends, exempt from federal income tax, on obligations
7 or securities of any foreign state or of a political subdivision or authority
8 of any foreign state. However, the amount added under this paragraph shall
9 be reduced by any interest on indebtedness incurred to carry the obligations
10 or securities described in this paragraph and by any expenses incurred in the
11 production of interest or dividend income described in this paragraph.

12 “(b) Interest or dividends on obligations of any authority, commission,
13 instrumentality and territorial possession of the United States that by the
14 laws of the United States are exempt from federal income tax but not from
15 state income taxes. However, the amount added under this paragraph shall
16 be reduced by any interest on indebtedness incurred to carry the obligations
17 or securities described in this paragraph and by any expenses incurred in the
18 production of interest or dividend income described in this paragraph.

19 “(c) The amount of any federal estate taxes allocable to income in respect
20 of a decedent not taxable by Oregon.

21 “(d) The amount of any allowance for depletion in excess of the taxpayer’s
22 adjusted basis in the property depleted, deducted on the taxpayer’s federal
23 income tax return for the taxable year, pursuant to sections 613, 613A, 614,
24 616 and 617 of the Internal Revenue Code.

25 “(e) For taxable years beginning on or after January 1, 1985, the dollar
26 amount deducted under section 151 of the Internal Revenue Code for personal
27 exemptions for the taxable year.

28 “(f) The amount taken as a deduction on the taxpayer’s federal return for
29 unused qualified business credits under section 196 of the Internal Revenue
30 Code.

1 “(g) The amount of any increased benefits paid to a taxpayer under
2 chapter 569, Oregon Laws 1995, under the provisions of chapter 796, Oregon
3 Laws 1991, and under section 26, chapter 815, Oregon Laws 1991, that is not
4 includable in the taxpayer’s federal taxable income under the Internal Rev-
5 enue Code.

6 “(h) The amount of any long term care insurance premiums paid or in-
7 curred by the taxpayer during the tax year if:

8 “(A) The amount is taken into account as a deduction on the taxpayer’s
9 federal return for the tax year; and

10 “(B) The taxpayer claims the credit allowed under ORS 315.610 for the tax
11 year.

12 “(i) Any amount taken as a deduction under section 1341 of the Internal
13 Revenue Code in computing federal taxable income for the tax year, if the
14 taxpayer has claimed a credit for claim of right income repayment adjust-
15 ment under ORS 315.068.

16 “(j) If the taxpayer makes a nonqualified withdrawal, as defined in ORS
17 348.841, from a college savings network account established under ORS
18 348.841 to 348.873, the amount of the withdrawal that is attributable to con-
19 tributions that were subtracted from federal taxable income under ORS
20 316.699.

21 “(3) Discount and gain or loss on retirement or disposition of obligations
22 described under subsection (2)(a) of this section issued on or after January
23 1, 1985, shall be treated for purposes of this chapter in the same manner as
24 under sections 1271 to 1283 and other pertinent sections of the Internal
25 Revenue Code as if the obligations, although issued by a foreign state or a
26 political subdivision of a foreign state, were not tax exempt under the
27 Internal Revenue Code.

28 **“SECTION 89. Sections 69 to 80 of this 2015 Act and the amendments**
29 **to ORS 305.140, 305.895 and 305.992 and section 44, chapter 1, Oregon**
30 **Laws 2015, by sections 81 to 84 of this 2015 Act apply to retail sales of**

1 marijuana items by licensed marijuana retailers occurring on or after
2 January 1, 2016.

3 **“SECTION 90. (1) Section 86 of this 2015 Act and the amendments**
4 **to ORS 316.680 by sections 87 and 88 of this 2015 Act apply to conduct**
5 **occurring on or after January 1, 2016, and to tax years beginning on**
6 **or after January 1, 2016.**

7 **“(2) The repeal of section 71, chapter 1, Oregon Laws 2015, by sec-**
8 **tion 133 of this 2015 Act applies to all tax years.**

9
10 **“TESTING**

11
12 **“SECTION 91. As used in sections 91 to 99 of this 2015 Act:**

13 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are**
14 **the active constituents of marijuana.**

15 **“(2) ‘Cannabinoid concentrate or extract’ means a substance ob-**
16 **tained by separating cannabinoids from marijuana by a mechanical,**
17 **chemical or other process.**

18 **“(3) ‘Cannabinoid edible’ means food or potable liquid into which a**
19 **cannabinoid concentrate or extract or the dried leaves or flowers of**
20 **marijuana have been incorporated.**

21 **“(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any**
22 **other product intended for human consumption or use, including a**
23 **product intended to be applied to a person’s skin or hair, that contains**
24 **cannabinoids or the dried leaves or flowers of marijuana.**

25 **“(b) ‘Cannabinoid product’ does not include:**

26 **“(A) Usable marijuana by itself;**

27 **“(B) A cannabinoid concentrate or extract by itself; or**

28 **“(C) Industrial hemp, as defined in ORS 571.300.**

29 **“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
30 **any part of the plant Cannabis family Cannabaceae and the seeds of**

1 the plant Cannabis family Cannabaceae.

2 “(b) ‘Marijuana’ does not include industrial hemp, as defined in
3 ORS 571.300.

4 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a
5 cannabinoid product or a cannabinoid concentrate or extract.

6 “(7) ‘Processing’ means the compounding or conversion of
7 marijuana into cannabinoid products or cannabinoid concentrates or
8 extracts.

9 “(8) ‘Production’ means:

10 “(a) Planting, cultivating, growing, trimming or harvesting
11 marijuana; or

12 “(b) Drying marijuana leaves and flowers.

13 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
14 marijuana.

15 “(b) ‘Usable marijuana’ does not include:

16 “(A) The seeds, stalks and roots of marijuana; or

17 “(B) Waste material that is a by-product of producing or processing
18 marijuana.

19 “SECTION 92. (1) As in necessary to protect the public health and
20 safety, and in consultation with the Oregon Liquor Control Commis-
21 sion and the State Department of Agriculture, the Oregon Health Au-
22 thority shall adopt rules:

23 “(a) Establishing standards for testing marijuana items.

24 “(b) Identifying appropriate tests for marijuana items, depending
25 on the type of marijuana item and the manner in which the marijuana
26 item was produced or processed, that are necessary to protect the
27 public health and safety, including, but not limited to, testing for:

28 “(A) Microbiological contaminants;

29 “(B) Pesticides;

30 “(C) Other contaminants;

1 **“(D) Solvents or residual solvents; and**

2 **“(E) Tetrahydrocannabinol and cannabidiol concentration.**

3 **“(c) Establishing procedures for determining batch sizes and for**
4 **sampling usable marijuana, cannabinoid products and cannabinoid**
5 **concentrates or extracts.**

6 **“(d) Establishing different minimum standards for different varie-**
7 **ties of usable marijuana and different types of cannabinoid products**
8 **and cannabinoid concentrates and extracts.**

9 **“(2) In addition to the testing requirements established under sub-**
10 **section (1) of this section, the authority or the commission may re-**
11 **quire cannabinoid edibles to be tested in accordance with any**
12 **applicable law of this state, or any applicable rule adopted under a law**
13 **of this state, related to the production and processing of food products**
14 **or commodities.**

15 **“(3) In adopting rules under ORS 475.300 to 475.346, the authority**
16 **may require:**

17 **“(a) A person responsible for a marijuana grow site under ORS**
18 **475.304 to test usable marijuana before transferring the usable**
19 **marijuana to a registrant other than an individual who holds a regis-**
20 **try identification card under ORS 475.309; and**

21 **“(b) A person processing marijuana to test cannabinoid products**
22 **or cannabinoid concentrates or extracts before transferring the**
23 **cannabinoid products or cannabinoid concentrates or extracts to a**
24 **registrant other than an individual who holds a registry identification**
25 **card under ORS 475.309.**

26 **“(4) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws**
27 **2015, the commission may require:**

28 **“(a) A marijuana producer that holds a license under section 19,**
29 **chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a**
30 **license under section 21, chapter 1, Oregon Laws 2015, to test usable**

1 marijuana before selling or transferring the usable marijuana;

2 “(b) A marijuana processor that holds a license under section 20,
3 chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a
4 license under section 21, chapter 1, Oregon Laws 2015, to test
5 cannabinoid products or cannabinoid concentrates or extracts before
6 selling or transferring the cannabinoid products or cannabinoid con-
7 concentrates or extracts.

8 “(5) The authority and the commission may conduct random testing
9 of marijuana items for the purpose of determining whether a person
10 subject to testing under subsection (3) of this section or a license
11 holder subject to testing under subsection (4) of this section is in
12 compliance with this section.

13 “(6) In adopting rules to implement this section, the authority and
14 commission may not require a marijuana item to undergo the same
15 test more than once unless the marijuana item is processed into a
16 different type of marijuana item or the condition of the marijuana
17 item has fundamentally changed.

18 “(7) The testing of marijuana items as required by this section must
19 be conducted by a laboratory licensed by the commission under section
20 93 of this 2015 Act and accredited by the authority under section 94 of
21 this 2015 Act.

22 “(8) The authority in adopting rules under subsection (1) of this
23 section:

24 “(a) Shall consider the cost of a potential procedure and how that
25 cost will effect the cost to the ultimate consumer of the marijuana
26 item; and

27 “(b) May not adopt rules that are more restrictive than is reason-
28 ably necessary to protect the public health and safety.

29 “SECTION 93. (1) A laboratory that conducts testing of marijuana
30 items as required by section 92 of this 2015 Act must have a license to

1 operate at the premises at which the marijuana items are tested.

2 “(2) For purposes of this section, the Oregon Liquor Control Com-
3 mission shall adopt rules establishing:

4 “(a) Qualifications to be licensed under this section, including that
5 an applicant for licensure under this section must be accredited by the
6 authority as described in section 94 of this 2015 Act;

7 “(b) Processes for applying for and renewing a license under this
8 section;

9 “(d) Procedures for:

10 “(A) Tracking usable marijuana, cannabinoid products and
11 cannabinoid concentrates or extracts to be tested;

12 “(B) Documenting and reporting test results;

13 “(C) Disposing of samples of usable marijuana, cannabinoid pro-
14 ducts and cannabinoid concentrates or extracts that have been tested;
15 and

16 “(D) Fees for applying for, receiving and renewing a license under
17 this section.

18 “(3) A license issued under this section must be renewed annually.

19 “(4) The commission may inspect premises licensed under this sec-
20 tion to ensure compliance with this sections 91 to 99 of this 2015 Act
21 and rules adopted under sections 91 to 99 of this 2015 Act.

22 “(5) Subject to the provisions of ORS chapter 183, the commission
23 may refuse to issue or renew, or may suspend or revoke, a license is-
24 sued under this section for violation of:

25 “(a) A provision of sections 91 to 99 of this 2015 Act or a rule
26 adopted under a provision of sections 91 to 99 of this 2015 Act; or

27 “(b) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015,
28 or a rule adopted under a provision of sections 3 to 70, chapter 1,
29 Oregon Laws 2015.

30 “(6) Fees adopted under subsection (2)(d) of this section must be

1 reasonably calculated to pay the expenses incurred by the commission
2 under sections 91 to 99 of this 2015 Act.

3 “(7) Fee moneys collected under this section shall be deposited in
4 the Marijuana Control and Regulation Fund established under section
5 32 of this 2015 Act and are continuously appropriated to the commis-
6 sion for the purpose of carrying out the duties, functions and powers
7 of the authority under sections 91 to 99 of this 2015 Act.

8 “SECTION 94. (1) A laboratory that conducts testing of marijuana
9 items as required by section 92 of this 2015 Act must be accredited
10 under ORS 438.605 to 438.620 and meet other qualifications as estab-
11 lished by the Oregon Health Authority under this section.

12 “(2) In addition to other qualifications required pursuant to ORS
13 438.605 to 438.620, the authority shall require an applicant for accredi-
14 tation under ORS 438.605 to 438.620 for purposes related to the testing
15 of marijuana items to:

16 “(a) Complete an application;

17 “(b) Undergo an onsite inspection; and

18 “(c) Meet other applicable requirements, specifications and guide-
19 lines for testing marijuana items, as determined to be appropriate by
20 the authority by rule.

21 “(3) The authority may inspect premises licensed under section 93
22 of this 2015 Act to ensure compliance with sections 91 to 99 of this 2015
23 Act and rules adopted under sections 91 to 99 of this 2015 Act.

24 “(4) Subject to the provisions of ORS chapter 183, the authority may
25 refuse to issue or renew, or may suspend or revoke, a laboratory’s
26 accreditation issued under this section and ORS 438.605 to 438.620 for
27 violation of:

28 “(a) A provision of sections 91 to 99 of this 2015 Act or a rule
29 adopted under a provision of sections 91 to 99 of this 2015 Act; or

30 “(b) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015,

1 or a rule adopted under a provision of sections 3 to 70, chapter 1,
2 Oregon Laws 2015.

3 “(5) In establishing fees under ORS 438.620 for laboratories that test
4 marijuana items, the authority shall establish fees that are reasonably
5 calculated to pay the expenses incurred by the authority under this
6 section and ORS 438.605 to 439.620 in accrediting laboratories that test
7 marijuana items.

8 **“SECTION 95.** Sections 91 to 99 of this 2015 Act do not apply to:

9 “(1) A person responsible for a marijuana grow site under ORS
10 475.304 if the person is transferring usable marijuana or an immature
11 marijuana plant to:

12 “(a) A person who holds a registry identification card under ORS
13 475.309, and who designated the person responsible for the marijuana
14 grow site to grow marijuana for the person who holds a registry
15 identification card; or

16 “(b) A person who has been designated as the primary caregiver of
17 a person who holds a registry identification card under ORS 475.309,
18 and who designated the person responsible for the marijuana grow site
19 to grow marijuana for the person who holds the registry identification
20 card; or

21 “(2) A person who has been designated as a primary caregiver under
22 ORS 475.312 if the person is transferring a marijuana item to a person
23 who holds a registry identification card under ORS 475.309, and who
24 designated the primary caregiver to be the primary caregiver of the
25 person who holds the registry identification card.

26 **“SECTION 96.** Subject to the applicable provisions of ORS chapter
27 183, the Oregon Liquor Control Commission may refuse to issue or
28 renew, or may suspend or revoke, a license issued under section 19,
29 20, 21 or 22, chapter 1, Oregon Laws 2015, if the applicant or licensee
30 violates a provision of sections 91 to 99 of this 2015 Act or a rule

1 adopted under a provision of sections 91 to 99 of this 2015 Act.

2 **“SECTION 97.** Subject to the applicable provisions of ORS chapter
3 183, the Oregon Health Authority may refuse to register a person un-
4 der ORS 475.300 to 475.314, may suspend activities conducted by a reg-
5 istrant pursuant to ORS 475.300 to 475.314, or may remove a registrant
6 from a registry kept pursuant to ORS 475.300 to 475.314, if the person
7 violates a provision of sections 91 to 99 of this 2015 Act or a rule
8 adopted under a provision of sections 91 to 99 of this 2015 Act.

9 **“SECTION 98. (1)** In addition to any other liability or penalty pro-
10 vided by law, the Oregon Health Authority may impose for each vio-
11 lation of a provision of sections 91 to 99 of this 2015 Act, or a rule
12 adopted under a provision of sections 91 to 99 of this 2015 Act, a civil
13 penalty that does not exceed \$500 for each day that the violation oc-
14 curs.

15 **“(2)** The authority shall impose civil penalties under this section in
16 the manner provided by ORS 183.745.

17 **“(3)** Moneys collected under this section shall be deposited in the
18 Oregon Health Authority Fund established under ORS 413.101 and are
19 continuously appropriated to the authority for the purpose of carrying
20 out the duties, functions and powers of the authority under sections
21 91 to 99 of this 2015 Act.

22 **“SECTION 99.** A person who holds a license under section 93 of this
23 2015 Act, and an employee or other person who performs work for a
24 person who holds a license under section 93 of this 2015 Act, are ex-
25 empt from the criminal laws of this state for possession, delivery or
26 manufacture of marijuana, aiding and abetting another in the pos-
27 session, delivery or manufacture of marijuana, or any other criminal
28 offense in which possession, delivery or manufacture of marijuana is
29 an element, while performing activities related to testing as described
30 in sections 91 to 99 of this 2015 Act.

1 **“PACKAGING, LABELING AND DOSAGE**

2
3 **“SECTION 100. As used in sections 100 to 112 of this 2015 Act:**

4 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are**
5 **the active constituents of marijuana.**

6 **“(2) ‘Cannabinoid concentrate or extract’ means a substance ob-**
7 **tained by separating cannabinoids from marijuana by a mechanical,**
8 **chemical or other process.**

9 **“(3) ‘Cannabinoid edible’ means food or potable liquid into which a**
10 **cannabinoid concentrate or extract or the dried leaves or flowers of**
11 **marijuana have been incorporated.**

12 **“(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any**
13 **other product intended for human consumption or use, including a**
14 **product intended to be applied to a person’s skin or hair, that contains**
15 **cannabinoids or the dried leaves or flowers of marijuana.**

16 **“(b) ‘Cannabinoid product’ does not include:**

17 **“(A) Usable marijuana by itself;**

18 **“(B) A cannabinoid concentrate or extract by itself; or**

19 **“(C) Industrial hemp, as defined in ORS 571.300.**

20 **“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
21 **any part of the plant Cannabis family Cannabaceae and the seeds of**
22 **the plant Cannabis family Cannabaceae.**

23 **“(b) ‘Marijuana’ does not include industrial hemp, as defined in**
24 **ORS 571.300.**

25 **“(6) ‘Marijuana item’ means marijuana, usable marijuana, a**
26 **cannabinoid product or a cannabinoid concentrate or extract.**

27 **“(7) ‘Processing’ means the compounding or conversion of**
28 **marijuana into cannabinoid products or cannabinoid concentrates or**
29 **extracts.**

30 **“(8) ‘Production’ means:**

1 “(a) Planting, cultivating, growing, trimming or harvesting
2 marijuana; or

3 “(b) Drying marijuana leaves and flowers.

4 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
5 marijuana.

6 “(b) ‘Usable marijuana’ does not include:

7 “(A) The seeds, stalks and roots of marijuana; or

8 “(B) Waste material that is a by-product of producing or processing
9 marijuana.

10 “SECTION 101. (1) As in necessary to protect the public health and
11 safety, and in consultation with the Oregon Liquor Control Commis-
12 sion and the State Department of Agriculture, the Oregon Health Au-
13 thority shall adopt rules establishing standards for the labeling of
14 marijuana items, including but not limited to:

15 “(a) Health and safety warnings;

16 “(b) Activation time;

17 “(c) Results of tests conducted pursuant to sections 91 to 99 of this
18 2015 Act;

19 “(d) Potency;

20 “(e) Labeling that is in accordance with applicable state food label-
21 ing requirements for the same type of food product or potable liquid
22 when the food product or potable liquid does not contain marijuana
23 or cannabinoids;

24 “(f) For cannabinoid products and cannabinoid concentrates and
25 extracts, serving size and the number of servings included in a
26 cannabinoid product or cannabinoid concentrate or extract package;
27 and

28 “(g) Content of the marijuana item.

29 “(2) In adopting rules under ORS 475.300 to 475.346, the authority
30 shall require all usable marijuana, cannabinoid products and

1 cannabinoid concentrates and extracts transferred by a medical
2 marijuana facility registered under ORS 475.314 to be labeled in ac-
3 cordance with subsection (1) of this section and rules adopted under
4 subsection (1) of this section.

5 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws
6 2015, the Oregon Liquor Control Commission shall require all usable
7 marijuana, cannabinoid products and cannabinoid concentrates and
8 extracts sold or transferred by a marijuana retailer that holds a li-
9 cense under section 22, chapter 1, Oregon Laws 2015, to be labeled in
10 accordance with subsection (1) of this section and rules adopted under
11 subsection (1) of this section.

12 “(4) In adopting rules under subsection (1) of this section the au-
13 thority:

14 “(a) May establish different labeling standards for different varie-
15 ties of usable marijuana and for different types of cannabinoid pro-
16 ducts and cannabinoid concentrates and extracts;

17 “(b) May establish different minimum standards for persons regis-
18 tered under ORS 475.300 to 475.346 and persons licensed under sections
19 3 to 70, chapter 1, Oregon Laws 2015;

20 “(c) Shall consider the cost of a potential requirement and how that
21 cost will effect the cost to the ultimate consumer of the marijuana
22 item; and

23 “(b) May not adopt rules that are more restrictive than is reason-
24 ably necessary to protect the public health and safety.

25 **“SECTION 102.** (1) The Oregon Liquor Control Commission may
26 require a person that holds a license under section 19, 20, 21 or 22,
27 chapter 1, Oregon Laws 2015, to submit, prior to the sale of a
28 marijuana item, a label for pre-approval to the commission to deter-
29 mine compliance with section 101 of this 2015 Act and any rule adopted
30 under section 101 of this 2015 Act.

1 “(2) The Oregon Health Authority may, by rule, require a registrant
2 under ORS 475.300 to 475.346 to submit a label to the commission for
3 pre-approval to the commission to determine compliance with section
4 101 of this 2015 Act and any rule adopted under section 101 of this 2015
5 Act.

6 “(3) The commission may impose a fee for submitting a label for
7 pre-approval under this section that is reasonably calculated to not
8 exceed the cost of administering this section.

9 “SECTION 103. (1) As in necessary to protect the public health and
10 safety, and in consultation with the Oregon Health Authority and the
11 State Department of Agriculture, the Oregon Liquor Control Com-
12 mission shall adopt rules establishing standards for the packaging of
13 marijuana items, including but not limited to:

14 “(a) Ensuring that usable marijuana, cannabinoid edibles and other
15 cannabinoid products, and cannabinoid concentrates and extracts are:

16 “(A) Packaged in child resistant safety packaging; and

17 “(B) Are not marketed in a manner that:

18 “(i) Is untruthful or misleading;

19 “(ii) Is attractive to minors; or

20 “(iii) Otherwise creates a significant risk of harm to public health
21 and safety; and

22 “(b) Ensuring that cannabinoid edibles and other cannabinoid pro-
23 ducts are not packaged in a manner that is attractive to minors.

24 “(2) In adopting rules under ORS 475.300 to 475.346, the authority
25 shall require all usable marijuana, cannabinoid products and
26 cannabinoid concentrates and extracts transferred by a medical
27 marijuana facility registered under ORS 475.314 to be packaged in ac-
28 cordance with subsection (1) of this section and rules adopted under
29 subsection (1) of this section.

30 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws

1 2015, the Oregon Liquor Control Commission shall require all usable
2 marijuana, cannabinoid products and cannabinoid concentrates and
3 extracts sold or transferred by a marijuana retailer that holds a li-
4 cense under section 22, chapter 1, Oregon Laws 2015, to be packaged
5 in accordance with subsection (1) of this section and rules adopted
6 under subsection (1) of this section.

7 “(4) In adopting rules under subsection (1) of this section the com-
8 mission:

9 “(a) May establish different packaging standards for different vari-
10 eties of usable marijuana and for different types of cannabinoid pro-
11 ducts and cannabinoid concentrates and extracts;

12 “(b) May establish different minimum standards for persons regis-
13 tered under ORS 475.300 to 475.346 and persons licensed under sections
14 3 to 70, chapter 1, Oregon Laws 2015;

15 “(c) May consider the effect on the environment of requiring cer-
16 tain packaging;

17 “(d) Shall consider the cost of a potential requirement and how that
18 cost will effect the cost to the ultimate consumer of the marijuana
19 item; and

20 “(e) May not adopt rules that are more restrictive than is reason-
21 ably necessary to protect the public health and safety.

22 SECTION 104. (1) The Oregon Liquor Control Commission may
23 require a person that holds a license under section 19, 20, 21 or 22,
24 chapter 1, Oregon Laws 2015, to submit, prior to the sale of a
25 marijuana item, packaging for pre-approval to the commission to de-
26 termine compliance with section 103 of this 2015 Act and any rule
27 adopted under section 103 of this 2015 Act.

28 “(2) The Oregon Health Authority may, by rule, require a registrant
29 under ORS 475.300 to 475.346 to submit packaging to the commission
30 for pre-approval to determine compliance with section 103 of this 2015

1 Act and any rule adopted under section 103 of this 2015 Act.

2 “(3) The commission may impose a fee for submitting packaging for
3 pre-approval under this section that is reasonably calculated to not
4 exceed the cost of administering this section.

5 **“SECTION 105.** (1) The Oregon Health Authority shall adopt rules
6 establishing the maximum amount of tetrahydrocannabinol concen-
7 tration that is permitted in a single serving of a cannabinoid product
8 or cannabinoid concentrate or extract and the amount of servings that
9 are permitted in a cannabinoid product or cannabinoid concentrate or
10 extract package.

11 “(2) In adopting rules under ORS 475.300 to 475.346, the authority
12 shall require all usable marijuana, cannabinoid products and
13 cannabinoid concentrates and extracts transferred by a medical
14 marijuana facility registered under ORS 475.314 to meet the concen-
15 tration standards adopted by rule pursuant to subsection (1) of this
16 section.

17 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws
18 2015, the Oregon Liquor Control Commission shall require all usable
19 marijuana, cannabinoid products and cannabinoid concentrates and
20 extracts sold or transferred by a marijuana retailer that holds a li-
21 cense under section 22, chapter 1, Oregon Laws 2015, to be meet the
22 concentration standards adopted by rule pursuant to subsection (1) of
23 this section.

24 **“SECTION 106.** Sections 91 to 99 of this 2015 Act do not apply to:

25 “(1) A person responsible for a marijuana grow site under ORS
26 475.304 if the person is transferring usable marijuana or an immature
27 marijuana plant to:

28 “(a) A person who holds a registry identification card under ORS
29 475.309, and who designated the person responsible for the marijuana
30 grow site to grow marijuana for the person who holds a registry

1 identification card; or

2 “(b) A person who has been designated as the primary caregiver of
3 a person who holds a registry identification card under ORS 475.309,
4 and who designated the person responsible for the marijuana grow site
5 to grow marijuana for the person who holds the registry identification
6 card; or

7 “(2) A person who has been designated as a primary caregiver under
8 ORS 475.312 if the person is transferring a marijuana item to a person
9 who holds a registry identification card under ORS 475.309, and who
10 designated the primary caregiver to be the primary caregiver of the
11 person who holds the registry identification card.

12 “SECTION 107. The Oregon Health Authority may inspect the
13 premises of a medical marijuana facility registered under ORS 475.314
14 or of a person that processes marijuana to test cannabinoid products
15 or cannabinoid concentrates or extracts for the purpose of transferring
16 the cannabinoid products or cannabinoid concentrates or extracts to
17 a medical marijuana facility registered under ORS 475.314 to ensure
18 compliance with section 100 to 112 of this 2015 Act and any rule
19 adopted under sections 100 to 112 of this 2015 Act.

20 “SECTION 108. The Oregon Liquor Control Commission may inspect
21 the premises of a person that holds a license under section 19, 20, 21
22 or 22, chapter 1, Oregon Laws 2015, to ensure compliance with section
23 100 to 112 of this 2015 Act and any rule adopted under sections 100 to
24 112 of this 2015 Act.

25 “SECTION 109. Subject to the applicable provisions of ORS chapter
26 183, the Oregon Health Authority may refuse to register a person un-
27 der ORS 475.300 to 475.314, may suspend activities conducted by a reg-
28 istrant pursuant to ORS 475.300 to 475.314, or may remove a registrant
29 from a registry kept pursuant to ORS 475.300 to 475.314, if the person
30 violates a provision of sections 100 to 112 of this 2015 Act or a rule

1 adopted under a provision of sections 100 to 112 of this 2015 Act.

2 **“SECTION 110.** Subject to the applicable provisions of ORS chapter
3 183, the Oregon Liquor Control Commission may refuse to issue or
4 renew, or may suspend or revoke, a license issued under section 19,
5 20, 21 or 22, chapter 1, Oregon Laws 2015, if the applicant or licensee
6 violates a provision of sections 100 to 112 of this 2015 Act or a rule
7 adopted under a provision of sections 100 to 112 of this 2015 Act.

8 **“SECTION 111. (1)** In addition to any other liability or penalty pro-
9 vided by law, the Oregon Health Authority may impose for each vio-
10 lation of a provision of sections 100 to 112 of this 2015 Act, or a rule
11 adopted under a provision of sections 100 to 112 of this 2015 Act, a civil
12 penalty that does not exceed \$500 for each day that the violation oc-
13 curs.

14 **“(2)** The authority shall impose civil penalties under this subsection
15 in the manner provided by ORS 183.745.

16 **“(3)** Moneys collected under this section shall be deposited in the
17 Oregon Health Authority Fund established under ORS 413.101 and are
18 continuously appropriated to the authority for the purpose of carrying
19 out the duties, functions and powers of the authority under sections
20 100 to 112 of this 2015 Act.

21 **“SECTION 112.** The rules of the Oregon Health Authority adopted
22 under ORS 475.314 (8) as that statute was in effect before the operative
23 date specified in section 140 of this 2015 Act continue in effect until
24 superseded or repealed by rules of the authority or of the commission
25 adopted under sections 101 to 110 of this 2015 Act.

26
27 **“RESEARCH CERTIFICATE**

28
29 **“SECTION 113. (1)** The Oregon Liquor Control Commission, in con-
30 sultation with the Oregon Health Authority and the State Department

1 of Agriculture, shall establish a program for the purpose of identifying
2 and certifying private and public researchers of cannabis.

3 “(2)(a) The authority shall assist the commission in identifying
4 candidates for certification under this section with respect to potential
5 medical research.

6 “(b) The department shall assist the commission in identifying
7 candidates for certification under this section with respect to potential
8 agricultural research.

9 “(3) Subject to subsection (4) of this section, the commission shall
10 adopt by rule or order:

11 “(a) Qualifications for certification under this section;

12 “(b) The term of a certificate issued under this section;

13 “(c) Processes for applying for, receiving and renewing a certificate
14 under this section;

15 “(d) Procedures for tracking marijuana, usable marijuana,
16 cannabinoid products, cannabinoid concentrates and cannabinoid ex-
17 tracts received by and disposed or otherwise made use of by a person
18 certified under this section; and

19 “(e) Procedures for disposing or otherwise making use of marijuana,
20 usable marijuana, cannabinoid products, cannabinoid concentrates and
21 cannabinoid extracts.

22 “(4) In establishing qualifications under subsection (3) of this sec-
23 tion, the commission shall consider the following:

24 “(a) A research applicant’s access to funding and the overall cost
25 of the proposed research;

26 “(b) The overall benefit of an applicant’s proposed research to this
27 state’s cannabis industry or to public health and safety; and

28 “(c) Legal barriers to conducting the proposed research or legal
29 risks associated with conducting the proposed research.

30 “(5) A person certified under this section:

1 “(a) May receive marijuana, usable marijuana, cannabinoid pro-
2 ducts, cannabinoid concentrates and cannabinoid extracts from a per-
3 son who holds a license under sections 19, 20, 21 or 22 of sections 3 to
4 70, chapter 1, Oregon Laws 2015;

5 “(b) May not sell or otherwise transfer marijuana, usable
6 marijuana, cannabinoid products, cannabinoid concentrates or
7 cannabinoid extracts to any other person, except as provided in rules
8 adopted by the commission under section (2)(e) of this section.

9 “(6) Except as exempted by the commission by rule, rules adopted
10 by the commission for the purpose of administrating and enforcing
11 sections 3 to 70, chapter 1, Oregon Laws 2015, with respect to licensee
12 and licensee representatives apply to persons certified under this sec-
13 tion and persons employed by or who otherwise perform work for
14 persons certified under this section.

15 “(7) A person who is certified under this section, and an employee
16 or other person who performs work for a person certified under this
17 section, is exempt from the criminal laws of this state for possession,
18 delivery or manufacture of marijuana, aiding and abetting another in
19 the possession, delivery and manufacture of marijuana, or any other
20 criminal offense in which possession, delivery or manufacture of
21 marijuana is an element, while performing activities related to con-
22 ducting research as described in this section.

23
24 **“CANNABINOID EDIBLES**

25
26 **“SECTION 114.** (1) Notwithstanding the authority granted to the
27 State Department of Agriculture under ORS chapters 571, 618, 632 and
28 633, the department may not exercise authority over marijuana items
29 or a person who holds a license under section 19, 20, 21 or 22, chapter
30 1, Oregon Laws 2015, except that ORS 618.121 to 618.161, 618.991, 618.995,

1 633.311 to 633.479, 633.992 and 633.994 apply to marijuana items or a
2 person who holds a license under section 19, 20, 21 or 22, chapter 1,
3 Oregon Laws 2015.

4 “(2) In exercising its authority under ORS chapter 616, the depart-
5 ment may not:

6 “(a) Establish standards for marijuana as a food additive, as defined
7 in ORS 616.205;

8 “(b) Consider marijuana to be an adulterant, unless a cannabinoid
9 product, cannabinoid concentrate or cannabinoid extract exceeds ac-
10 ceptable levels established by the Oregon Health Authority by rule; or

11 “(c) Apply ORS 616.256, 616.265, 616.270 or 616.275 to cannabinoid
12 edibles or enforce ORS 616.256, 616.265, 616.270 or 616.275 with respect
13 to cannabinoid edibles.

14 “SECTION 115. ORS 616.010 is amended to read:

15 “616.010. The duty of administration and enforcement of all regulatory
16 legislation applying to:

17 “(1) The production, processing and distribution of all food products or
18 commodities of agricultural origin shall, in addition to such further legis-
19 lation as shall specifically name the State Department of Agriculture as the
20 administering agency, be performed by the department to the exclusion of
21 any other department not so specifically named, **except as provided in**
22 **section 114 of this 2015 Act.**

23 “(2) The sanitation of establishments where food or drink is consumed on
24 the premises where sold, or to sanitary practices used in such establishments,
25 shall be performed by the Oregon Health Authority.

26

27 “**MEDICAL MARIJUANA GROW SITE OPT-IN**

28

29 “SECTION 116. (1) Notwithstanding any other provision of sections
30 3 to 70, chapter 1, Oregon Laws 2015, a person responsible for a

1 marijuana grow site under ORS 475.304 may apply for a license under
2 section 19, chapter 1, Oregon Laws 2015, to produce marijuana at the
3 address of the marijuana grow site, provided that all individuals reg-
4 istered with the Oregon Health Authority to produce marijuana at the
5 address are listed on the application submitted to the commission un-
6 der section 28, chapter 1, Oregon Laws 2015.

7 “(2) Notwithstanding any other provision of sections 3 to 70, chapter
8 1, Oregon Laws 2015, the commission may issue a license under section
9 19, chapter 1, Oregon Laws 2015, to a person responsible for a
10 marijuana grow site under ORS 475.304 if the person responsible for the
11 marijuana grow site:

12 “(a) Meets any criminal background check requirements established
13 by the commission by rule;

14 “(b) Agrees to be subject to the provisions of sections 3 to 70,
15 chapter 1, Oregon Laws 2015, and rules adopted under sections 3 to 70,
16 chapter 1, Oregon Laws 2015, that apply to marijuana producers; and

17 “(c) Submits proof, in a form and manner prescribed by the com-
18 mission, of having obtained the permission to apply for licensure un-
19 der section 19, chapter 1, Oregon Laws 2015, of each individual who
20 holds a registry identification card issued under ORS 475.309 for whom
21 the person produces marijuana at the address of the marijuana grow
22 site.

23 “(3) The commission by rule or order may waive the application of
24 any rule adopted under sections 3 to 70, chapter 1, Oregon Laws 2015,
25 to a person responsible for a marijuana grow site that holds a license
26 under section 19, chapter 1, Oregon Laws 2015.

27 “(4) A person responsible for a marijuana grow site who holds a li-
28 cense under section 19, chapter 1, Oregon Laws 2015, and each person
29 listed on the application submitted to the commission under section
30 28, chapter 1, Oregon Laws 2015, for that license:

1 “(a) May, notwithstanding ORS 475.300 to 475.346, possess the
2 amount or number of marijuana plants permitted pursuant to rules
3 adopted under section 12 of this 2015 Act in addition to the amount or
4 number of marijuana plants permitted pursuant to ORS 475.300 to
5 475.346, provided that:

6 “(A) Each marijuana plant is tracked using the system developed
7 and maintained under section 23 of this 2015 Act; and

8 “(B) Marijuana plants permitted pursuant to ORS 475.300 to 475.346
9 are identified as marijuana plants that are to be used for purposes set
10 forth in ORS 475.300 to 475.346;

11 “(b) May transfer marijuana and usable marijuana to other regis-
12 trants under ORS 475.300 to 475.346 in accordance with rules adopted
13 by the authority; and

14 “(c) May sell immature marijuana plants and usable marijuana to
15 other persons licensed under sections 19, 20, 21 and 22, chapter 1,
16 Oregon Laws 2015, in accordance with rules adopted by the commis-
17 sion.

18 “(5) Notwithstanding ORS 475.331, the authority may provide infor-
19 mation to the commission as is necessary for the commission to de-
20 termine whether a person responsible for a marijuana grow site under
21 this section is in compliance with this section.

22 “(6) This section does not prohibit or otherwise restrict the duties,
23 functions and powers of a person responsible for a marijuana grow site
24 as set forth in ORS 475.300 to 475.346.

25
26 “ENERGY AND WATER USAGE

27
28 “SECTION 117. (1) For purposes of the report describing an
29 applicant’s or licensee’s water usage as required by section 19, chapter
30 1, Oregon Laws 2015, the Oregon Liquor Control Commission shall re-

1 require an applicant for a marijuana production license under section
2 19, chapter 1, Oregon Laws 2015, or a marijuana producer who holds
3 a license under section 19, chapter 1, Oregon Laws 2015, to submit the
4 following information as part of the report:

5 “(a) At the time of applying for or renewing the license:

6 “(A) The source of water to be used by the applicant or licensee in
7 the production of marijuana;

8 “(B) If applicable, a description of the applicant’s or licensee’s wa-
9 ter rights;

10 “(C) Whether the premises is located in an irrigation district
11 formed under ORS chapter 545; and

12 “(D) Whether the premises is located in a drainage basin or asso-
13 ciated subbasin for which the Governor has declared that a severe,
14 continuing drought exists pursuant to ORS 536.720; and

15 “(b) At the time of renewing the license, the estimated gallons of
16 water used each month for the previous 12 months.

17 “(2) All agencies of state government, as defined in ORS 174.111,
18 shall assist the commission in performing the commission’s duties
19 under this section and, to the extent permitted by laws relating to
20 confidentiality, to furnish information and advice to the commission
21 necessary to perform the commission’s duties under this section.

22 **“SECTION 118. (1) The Oregon Liquor Control Commission shall**
23 **require an applicant for a marijuana production license under section**
24 **19, chapter 1, Oregon Laws 2015, or a marijuana producer who holds**
25 **a license under section 19, chapter 1, Oregon Laws 2015, to develop an**
26 **energy plan in accordance with this section if the applicant or licensee**
27 **utilizes artificial grow lights to produce marijuana.**

28 “(2) In consideration of industry best practices, the State Depart-
29 ment of Energy shall determine by rule an amount of electricity in
30 kilowatt hours per square foot of grow canopy to serve as a basis for

1 the energy efficient use of artificial grow lights to produce marijuana.
2 The department shall review and amend as necessary rules adopted
3 under this subsection at least once every three years.

4 “(3) At the time of applying for or renewing a license under section
5 19, chapter 1, Oregon Laws 2015, an applicant or licensee that utilizes
6 artificial grow lights to produce marijuana shall submit to the com-
7 mission:

8 “(a) The size of each grow canopy of each premises for which an
9 application has been submitted under section 19, chapter 1, Oregon
10 Laws 2015, or for which a license has been issued under section 19,
11 chapter 1, Oregon Laws 2015; and

12 “(b) A report describing the applicant’s or licensee’s expected elec-
13 trical usage for the upcoming year and any plans that the applicant
14 or licensee has for attaining the percentage of the amount of elec-
15 tricity set forth in subsection (5) of this section that corresponds to
16 the applicant’s or licensee’s aggregate grow canopy size as reported
17 under paragraph (a) of this subsection.

18 “(4) At the time of renewing a license under section 19, chapter 1,
19 Oregon Laws 2015, a licensee shall submit to the commission a report
20 on the licensee’s actual electrical usage for the previous year.

21 “(5) A marijuana producer that utilizes artificial grow lights to
22 produce marijuana is subject to the fee described in subsection (6) of
23 this section if the marijuana producer uses an amount of electricity
24 in excess of the following amounts:

25 “(a) If the aggregate grow canopy size reported under subsection (3)
26 of this section is 500 square feet or less, 95 percent of the amount of
27 electricity determined by the department under subsection (2) of this
28 section.

29 “(b) If the aggregate grow canopy size reported under subsection (3)
30 of this section is more than 500 square feet and 1000 square feet or less,

1 90 percent of the amount of electricity determined by the department
2 under subsection (2) of this section.

3 “(c) If the aggregate grow canopy size reported under subsection (3)
4 of this section is more than 1000 square feet and 1500 square feet or
5 less, 85 percent of the amount of electricity determined by the de-
6 partment under subsection (2) of this section.

7 “(d) If the aggregate grow canopy size reported under subsection (3)
8 of this section is more than 1500 square feet and 2000 square feet or
9 less, 80 percent of the amount of electricity determined by the de-
10 partment under subsection (2) of this section.

11 “(e) If the aggregate grow canopy size reported under subsection (3)
12 of this section is more than 2000 square feet and 2500 square feet or
13 less, 75 percent of the amount of electricity determined by the de-
14 partment under subsection (2) of this section.

15 “(f) If the aggregate grow canopy size reported under subsection (3)
16 of this section is more than 2500 square feet and 3000 square feet or
17 less, 70 percent of the amount of electricity determined by the de-
18 partment under subsection (2) of this section.

19 “(g) If the aggregate grow canopy size reported under subsection (2)
20 of this section is more than 3000 square feet and 3500 square feet or
21 less, 65 percent of the amount of electricity determined by the de-
22 partment under subsection (3) of this section.

23 “(h) If the aggregate grow canopy size reported under subsection (2)
24 of this section is more than 3500 square feet and 4000 square feet or
25 less, 60 percent of the amount of electricity determined by the de-
26 partment under subsection (3) of this section.

27 “(i) If the aggregate grow canopy size reported under subsection (2)
28 of this section is more than 4000 square feet and 4500 square feet or
29 less, 55 percent of the amount of electricity determined by the de-
30 partment under subsection (3) of this section.

1 “(j) If the aggregate grow canopy size reported under subsection (3)
2 of this section is more than 4500 square feet, 50 percent of the amount
3 of electricity determined by the department under subsection (2) of
4 this section.

5 “(6)(a) If a marijuana producer that utilizes artificial grow lights
6 to produce marijuana uses an amount of electricity in excess of the
7 amount of electricity set forth in subsection (5) of this section that
8 corresponds to the licensee’s aggregate grow canopy size as reported
9 under subsection (3)(a) of this section, the marijuana producer must
10 pay the commission, in a form and manner prescribed by the com-
11 mission, a fee in the following amount:

12 “(A) If the marijuana producer used an amount of electricity 10
13 percent or less than 10 percent of the amount of electricity set forth
14 in subsection (5) of this section, five cents per kilowatt hour; or

15 “(B) If the marijuana producer used an amount of electricity more
16 than 10 percent of an amount of electricity set forth in subsection (5)
17 of this section, ten cents per kilowatt hour.

18 “(b) The commission may deduct from the fee required by para-
19 graph (a) of this subsection the cost of any energy efficient equipment
20 for which a marijuana producer provides proof that the energy effi-
21 cient equipment was purchased during the previous year. Proof that
22 the energy efficient equipment was purchased during the previous year
23 must be submitted as part of the report required by subsection (4) of
24 this section.

25 “(7) The department shall assist the commission in performing the
26 commission’s duties under this section and, to the extent permitted
27 by laws relating to confidentiality, to furnish information and advice
28 to the commission necessary to perform the commission’s duties under
29 this section.

30 “(8) Moneys collected under this section shall be deposited in the

1 Marijuana Control and Regulation Fund established under section 32
2 of this 2015 Act and are continuously appropriated to the commission
3 for the administration and enforcement of this section.

4
5 **"CRIMES**

6 **"EFFECTIVE 91st DAY FOLLOWING ADJOURNMENT SINE DIE**

7
8 **"SECTION 119.** ORS 475.858 is amended to read:

9 "475.858. (1) It is unlawful for any person to manufacture marijuana
10 within 1,000 feet of the real property comprising a public or private elemen-
11 tary, secondary or career school attended primarily by minors.

12 "(2) Unlawful manufacture of marijuana within 1,000 feet of a school is
13 a Class A felony.

14 **"(3) This section does not apply to:**

15 **"(a) A licensee or licensee representative, as those terms are de-**
16 **defined in section 5, chapter 1, Oregon Laws 2015, that are engaged in**
17 **lawful activities; or**

18 **"(b) A person acting within the scope of and in compliance with**
19 **section 6 (1), chapter 1, Oregon Laws 2015.**

20 **"SECTION 120.** ORS 475.862 is amended to read:

21 "475.862. (1) It is unlawful for any person to deliver marijuana within
22 1,000 feet of the real property comprising a public or private elementary,
23 secondary or career school attended primarily by minors.

24 "(2) Unlawful delivery of marijuana within 1,000 feet of a school is a
25 Class A felony.

26 **"(3) This section does not apply to:**

27 **"(a) A licensee or licensee representative, as those terms are de-**
28 **defined in section 5, chapter 1, Oregon Laws 2015, that are engaged in**
29 **lawful activities; or**

30 **"(b) A person acting within the scope of and in compliance with**

1 **section 6 (1), chapter 1, Oregon Laws 2015.**

2 **“SECTION 121.** ORS 475.856, as amended by section 77, chapter 1, Oregon
3 Laws 2015, is amended to read:

4 **“475.856. (1) As used in this section, ‘homegrown’ and ‘household’**
5 **have the meanings given those terms in section 5, chapter 1, Oregon**
6 **Laws 2015.**

7 **“[(1)] (2) Except for licensees and licensee representatives, as those**
8 **terms are section 5, chapter 1, Oregon Laws 2015, that are engaged in**
9 **lawful activities** [*as defined in subsections (10) and (11) of section 5 of this*
10 *Act*], and except for a person acting within the scope of and in compliance
11 with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1) of section*
12 *6 of this Act*], it is unlawful for any person to manufacture marijuana.

13 **“[(2)] (3) Unlawful manufacture of marijuana is a Class [B felony] C fel-**
14 **ony.**

15 **“[(3)] (4) Notwithstanding subsection [(2)] (3) of this section, unlawful**
16 **manufacture of marijuana is a Class B misdemeanor[,] if a person 21 years**
17 **of age or older manufactures homegrown marijuana at a household and the**
18 **total number of homegrown marijuana plants at the household exceeds four**
19 **marijuana plants but does not exceed eight marijuana plants.**

20 **“[(4) As used in subsection (3) of this section, the terms ‘homegrown’ and**
21 **‘household’ have the meanings given to them in section 5 of this Act.]**

22 **“SECTION 122.** ORS 475.860, as amended by section 78, chapter 1, Oregon
23 Laws 2015, is amended to read:

24 **“475.860. (1) Except for licensees and licensee representatives , as those**
25 **terms are defined in section 5, chapter 1, Oregon Laws 2015, that are**
26 **engaged in lawful activities** [*as defined in subsections (10) and (11) of sec-*
27 *tion 5 of this Act*], and except for a person acting within the scope of and in
28 compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1)*
29 *of section 6 of this Act*], it is unlawful for any person to deliver marijuana.

30 **“(2) Unlawful delivery of marijuana is a[.] Class C felony.**

1 “[(a) *Class B felony if the delivery is for consideration.*]

2 “[(b) *Class C felony if the delivery is for no consideration.*]

3 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of
4 marijuana is a:

5 “(a) **Class A [misdemeanor] violation**, if the delivery is for no consider-
6 ation and consists of less than one avoirdupois ounce of the dried leaves,
7 stems and flowers of the plant Cannabis family Moraceae; or

8 “(b) **Violation**, if the delivery is for no consideration and consists of less
9 than five grams of the dried leaves, stems and flowers of the plant Cannabis
10 family Moraceae. A violation under this paragraph is a specific fine vio-
11 lation. The presumptive fine for a violation under this paragraph is \$650.

12 “(4) Notwithstanding subsections (2) and (3) of this section, unlawful de-
13 livery of marijuana is a[.] **Class B felony, if the delivery is to a person**
14 **under 18 years of age and the defendant is at least 18 years of age and**
15 **is at least three years older than the person to whom the marijuana**
16 **is delivered.**

17 “[*(a) Class A felony, if the delivery is to a person under 18 years of age*
18 *and the defendant is at least 18 years of age and is at least three years older*
19 *than the person to whom the marijuana is delivered; or]*

20 “[*(b) Class C misdemeanor, if the delivery:*]

21 “[*(A) Is for no consideration;*]

22 “[*(B) Consists of less than five grams of the dried leaves, stems and flowers*
23 *of the plant Cannabis family Moraceae;*]

24 “[*(C) Takes place in a public place, as defined in ORS 161.015, that is*
25 *within 1,000 feet of the real property comprising a public or private elementary,*
26 *secondary or career school attended primarily by minors; and]*

27 “[*(D) Is to a person who is 18 years of age or older.*]

28 “**SECTION 123.** ORS 475.864, as amended by section 79, chapter 1, Oregon
29 Laws 2015, is amended to read:

30 “475.864. (1) As used in subsections (2) to (4) of this section:

1 “(a) ‘Marijuana’ means the leaves, stems[,] and flowers of the plant
2 Cannabis family Moraceae.

3 “(b) ‘Marijuana product’ has the meaning given the term ‘marijuana’ in
4 ORS 475.005 (16), but does not include the leaves, stems and flowers of the
5 plant Cannabis family Moraceae.

6 “(2) It is unlawful for any person under 21 years of age knowingly or in-
7 tentionally to possess marijuana or marijuana product.

8 “(3)(a) Unlawful possession of [*four*] **eight** avoirdupois ounces or more of
9 marijuana by a person under 21 years of age is a Class [*C felony*] **A**
10 **misdemeanor** .

11 “(b) Unlawful possession of one avoirdupois ounce of marijuana or more,
12 but less than [*four*] **eight** avoirdupois ounces, by a person under 21 years of
13 age is a Class B misdemeanor.

14 “(c) Unlawful possession of less than one avoirdupois ounce of marijuana
15 by a person under 21 years of age is a specific fine violation. The
16 presumptive fine for a violation under this paragraph is \$650.

17 “(4)(a) Unlawful possession of [*one-quarter avoirdupois ounce*] **16 ounces**
18 or more of marijuana product **in a solid form or 72 or more marijuana**
19 **product in a liquid form** by a person under 21 years of age is a Class [*C*
20 *felony*] **A misdemeanor**.

21 “(b) Unlawful possession of less than [*one-quarter avoirdupois ounce*] **16**
22 **ounces** of marijuana product **in a solid form or 72 ounces of marijuana**
23 **product in a liquid form** by a person under 21 years of age is a Class B
24 misdemeanor.

25 “(5) As used in subsections (6) to (8) of this section, [*the terms*]
26 ‘licensee,’ ‘licensee representative,’ ‘marijuana,’ [*marijuana extracts,*’
27 ‘*marijuana products,*’] **‘cannabinoid product,’ ‘cannabinoid concentrate,’**
28 **‘cannabinoid extract,’** ‘marijuana retailer,’ ‘public place[,]’ and ‘usable
29 marijuana’ have the meanings given [*to them*] **those terms** in section 5,
30 **chapter 1, Oregon Laws 2015** [*of this Act*].

1 “(6) Except for licensees and licensee representatives **acting in accord-**
2 **ance with sections 3 to 70, chapter 1, Oregon Laws 2015, and any rule**
3 **adopted under sections 3 to 70, chapter 1, Oregon Laws 2015,** it is un-
4 lawful for any person 21 years of age or older knowingly or intentionally to
5 possess:

6 “(a) More than one ounce of usable marijuana in a public place.

7 “(b) More than eight ounces of usable marijuana.

8 “(c) More than [*sixteen*] **16** ounces of [*marijuana*] **cannabinoid** products
9 in solid form.

10 “(d) More than [*seventy-two*] **72** ounces of [*marijuana*] **cannabinoid** pro-
11 ducts in liquid form.

12 “(e) More than one ounce of [*marijuana extracts*] **cannabinoid extracts**
13 **or cannabinoid concentrates.**

14 “(f) [*Any marijuana extracts that were*] **A cannabinoid extract that was**
15 not purchased from a [*licensed*] marijuana retailer **who holds a license**
16 **under section 22, chapter 1, Oregon Laws 2015.**

17 “(7) A violation of [*paragraphs (a) to (e) of*] subsection (6)(a) to (e) of this
18 section is a:

19 “(a) Class C felony, if the amount possessed is more than four times the
20 applicable maximum amount specified in subsection (6)(a) to (e) of this sec-
21 tion;

22 “(b) Class B misdemeanor, if the amount possessed is more than two
23 times, but not more than four times, the applicable maximum amount speci-
24 fied in subsection (6)(a) to (e) of this section; or

25 “(c) Class B violation, if the amount possessed is not more than two times
26 the applicable maximum amount specified in subsection (6)(a) to (e) of this
27 section.

28 “(8) A violation of [*paragraph (f) of*] subsection (6)(f) of this section is
29 a:

30 “(a) Class C felony, if the amount possessed is more than one-quarter

1 ounce of [*such marijuana extracts*] **the cannabinoid extract or**
2 **cannabinoid concentrate**; or

3 “(b) Class B misdemeanor, if the amount possessed is not more than one-
4 quarter ounce of [*such marijuana extracts*] **the cannabinoid extract or**
5 **cannabinoid concentrate**.

6 “**SECTION 124.** ORS 475.752, as amended by section 76, chapter 1, Oregon
7 Laws 2015, is amended to read:

8 “475.752. (1) Except for licensees and licensee representatives, **both as**
9 **defined in section 5, chapter 1, Oregon Laws 2015, that are engaged in**
10 **lawful activities** [*as defined in subsections (10) and (11) of section 5 of this*
11 *Act*], and except for a person acting within the scope of and in compliance
12 with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1) of section*
13 *6 of this Act*], and except as authorized by ORS 475.005 to 475.285 and 475.752
14 to 475.980, it is unlawful for any person to manufacture or deliver a con-
15 trolled substance. Any person who violates this subsection with respect to:

16 “(a) A controlled substance in Schedule I, is guilty of a Class A felony,
17 except as otherwise provided in ORS 475.886 and 475.890.

18 “(b) A controlled substance in Schedule II, is guilty of a Class B felony,
19 except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880,
20 475.882, 475.904 and 475.906.

21 “(c) A controlled substance in Schedule III, is guilty of a Class C felony,
22 except as otherwise provided in ORS 475.904 and 475.906.

23 “(d) A controlled substance in Schedule IV, is guilty of a Class B
24 misdemeanor.

25 “(e) A controlled substance in Schedule V, is guilty of a Class C
26 misdemeanor.

27 “(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980,
28 it is unlawful for any person to create or deliver a counterfeit substance.

29 Any person who violates this subsection with respect to:

30 “(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

1 “(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

2 “(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

3 “(d) A counterfeit substance in Schedule IV, is guilty of a Class B
4 misdemeanor.

5 “(e) A counterfeit substance in Schedule V, is guilty of a Class C
6 misdemeanor.

7 “(3) It is unlawful for any person knowingly or intentionally to possess
8 a controlled substance, other than marijuana, unless the substance was ob-
9 tained directly from, or pursuant to a valid prescription or order of, a prac-
10 titioner while acting in the course of professional practice, or except as
11 otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any
12 person who violates this subsection with respect to:

13 “(a) A controlled substance in Schedule I, is guilty of a Class B felony,
14 except as otherwise provided in ORS 475.894.

15 “(b) A controlled substance in Schedule II, is guilty of a Class C felony,
16 except as otherwise provided in ORS 475.864.

17 “(c) A controlled substance in Schedule III, is guilty of a Class A
18 misdemeanor.

19 “(d) A controlled substance in Schedule IV, is guilty of a Class C
20 misdemeanor.

21 “(e) A controlled substance in Schedule V, is guilty of a violation.

22 “(4) In any prosecution under this section for manufacture, possession or
23 delivery of that plant of the genus *Lophophora* commonly known as peyote,
24 it is an affirmative defense that the peyote is being used or is intended for
25 use:

26 “(a) In connection with the good faith practice of a religious belief;

27 “(b) As directly associated with a religious practice; and

28 “(c) In a manner that is not dangerous to the health of the user or others
29 who are in the proximity of the user.

30 “(5) The affirmative defense created in subsection (4) of this section is

1 not available to any person who has possessed or delivered the peyote while
2 incarcerated in a correctional facility in this state.

3 “(6)(a) Notwithstanding subsection (1) of this section, a person who un-
4 lawfully manufactures or delivers a controlled substance in Schedule IV and
5 who thereby causes death to another person is guilty of a Class C felony.

6 “(b) For purposes of this subsection, causation is established when the
7 controlled substance plays a substantial role in the death of the other per-
8 son.

9 “**SECTION 125.** ORS 161.705 is amended to read:

10 “161.705. Notwithstanding ORS 161.525, the court may enter judgment of
11 conviction for a Class A misdemeanor and make disposition accordingly
12 when:

13 “(1)(a) A person is convicted of any Class C felony; **or**

14 “[*(b) A person is convicted of a Class B felony pursuant to ORS 475.860*
15 *(2)(a); or*]

16 “[*(c) (b) A person convicted of a felony described in paragraph (a) [or*
17 *(b)] of this subsection, or of a Class A felony pursuant to ORS 166.720, has*
18 *successfully completed a sentence of probation; and*

19 “(2) The court, considering the nature and circumstances of the crime and
20 the history and character of the defendant, believes that it would be unduly
21 harsh to sentence the defendant for a felony.

22 “**SECTION 126.** ORS 475.900 is amended to read:

23 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or
24 475.906 shall be classified as crime category 8 of the sentencing guidelines
25 grid of the Oregon Criminal Justice Commission if:

26 “(a) The violation constitutes delivery or manufacture of a controlled
27 substance and involves substantial quantities of a controlled substance. For
28 purposes of this paragraph, the following amounts constitute substantial
29 quantities of the following controlled substances:

30 “(A) Five grams or more of a mixture or substance containing a detect-

1 able amount of heroin;

2 “(B) Ten grams or more of a mixture or substance containing a detectable
3 amount of cocaine;

4 “(C) Ten grams or more of a mixture or substance containing a detectable
5 amount of methamphetamine, its salts, isomers or salts of its isomers;

6 “(D) Two hundred or more user units of a mixture or substance contain-
7 ing a detectable amount of lysergic acid diethylamide;

8 “(E) Sixty grams or more of a mixture or substance containing a detect-
9 able amount of psilocybin or psilocin; or

10 “(F) Five grams or more or 25 or more pills, tablets or capsules of a
11 mixture or substance containing a detectable amount of:

12 “(i) 3,4-methylenedioxyamphetamine;

13 “(ii) 3,4-methylenedioxymethamphetamine; or

14 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

15 “(b) The violation constitutes possession, delivery or manufacture of a
16 controlled substance and the possession, delivery or manufacture is a com-
17 mercial drug offense. A possession, delivery or manufacture is a commercial
18 drug offense for purposes of this subsection if it is accompanied by at least
19 three of the following factors:

20 “(A) The delivery was of heroin, cocaine, methamphetamine, lysergic acid
21 diethylamide, psilocybin or psilocin and was for consideration;

22 “(B) The offender was in possession of \$300 or more in cash;

23 “(C) The offender was unlawfully in possession of a firearm or other
24 weapon as described in ORS 166.270 (2), or the offender used, attempted to
25 use or threatened to use a deadly or dangerous weapon as defined in ORS
26 161.015, or the offender was in possession of a firearm or other deadly or
27 dangerous weapon as defined in ORS 161.015 for the purpose of using it in
28 connection with a controlled substance offense;

29 “(D) The offender was in possession of materials being used for the
30 packaging of controlled substances such as scales, wrapping or foil, other

1 than the material being used to contain the substance that is the subject of
2 the offense;

3 “(E) The offender was in possession of drug transaction records or cus-
4 tomer lists;

5 “(F) The offender was in possession of stolen property;

6 “(G) Modification of structures by painting, wiring, plumbing or lighting
7 to facilitate a controlled substance offense;

8 “(H) The offender was in possession of manufacturing paraphernalia, in-
9 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-
10 lating or power generating equipment;

11 “(I) The offender was using public lands for the manufacture of controlled
12 substances;

13 “(J) The offender had constructed fortifications or had taken security
14 measures with the potential of injuring persons; or

15 “(K) The offender was in possession of controlled substances in an amount
16 greater than:

17 “(i) Three grams or more of a mixture or substance containing a detect-
18 able amount of heroin;

19 “(ii) Eight grams or more of a mixture or substance containing a detect-
20 able amount of cocaine;

21 “(iii) Eight grams or more of a mixture or substance containing a de-
22 tectable amount of methamphetamine;

23 “(iv) Twenty or more user units of a mixture or substance containing a
24 detectable amount of lysergic acid diethylamide;

25 “(v) Ten grams or more of a mixture or substance containing a detectable
26 amount of psilocybin or psilocin; or

27 “(vi) Four grams or more or 20 or more pills, tablets or capsules of a
28 mixture or substance containing a detectable amount of:

29 “(I) 3,4-methylenedioxyamphetamine;

30 “(II) 3,4-methylenedioxymethamphetamine; or

1 “(III) 3,4-methylenedioxy-N-ethylamphetamine.

2 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.862,
3 475.868, 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

4 “(d) The violation constitutes manufacturing methamphetamine and the
5 manufacturing consists of:

6 “(A) A chemical reaction involving one or more precursor substances for
7 the purpose of manufacturing methamphetamine; or

8 “(B) Grinding, soaking or otherwise breaking down a precursor substance
9 for the purpose of manufacturing methamphetamine.

10 “(e) The violation constitutes a violation of ORS 475.860 (4)[(a)] or a vi-
11 olation of ORS 475.906 (1) or (2) that is not described in ORS 475.907.

12 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified
13 as crime category 6 of the sentencing guidelines grid of the Oregon Criminal
14 Justice Commission if:

15 “(a) The violation constitutes delivery of heroin, cocaine, methamphet-
16 amine or 3,4-methylenedioxyamphetamine,
17 3,4-methylenedioxymethamphetamine or
18 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

19 “(b) The violation constitutes possession of:

20 “(A) Five grams or more of a mixture or substance containing a detect-
21 able amount of heroin;

22 “(B) Ten grams or more of a mixture or substance containing a detectable
23 amount of cocaine;

24 “(C) Ten grams or more of a mixture or substance containing a detectable
25 amount of methamphetamine;

26 “(D) Two hundred or more user units of a mixture or substance contain-
27 ing a detectable amount of lysergic acid diethylamide;

28 “(E) Sixty grams or more of a mixture or substance containing a detect-
29 able amount of psilocybin or psilocin; or

30 “(F) Five grams or more or 25 or more pills, tablets or capsules of a

1 mixture or substance containing a detectable amount of:

2 “(i) 3,4-methylenedioxyamphetamine;

3 “(ii) 3,4-methylenedioxymethamphetamine; or

4 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

5 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not con-
6 tained in subsection (1) or (2) of this section shall be classified as:

7 “(a) Crime category 4 of the sentencing guidelines grid of the Oregon
8 Criminal Justice Commission if the violation involves delivery or manufac-
9 ture of a controlled substance; or

10 “(b) Crime category 1 of the sentencing guidelines grid of the Oregon
11 Criminal Justice Commission if the violation involves possession of a con-
12 trolled substance.

13 “(4) In order to prove a commercial drug offense, the state shall plead in
14 the accusatory instrument sufficient factors of a commercial drug offense
15 under subsections (1) and (2) of this section. The state has the burden of
16 proving each factor beyond a reasonable doubt.

17 “(5) As used in this section, ‘mixture or substance’ means any mixture or
18 substance, whether or not the mixture or substance is in an ingestible or
19 marketable form at the time of the offense.

20 **“SECTION 127.** ORS 475.904 is amended to read:

21 “475.904. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752
22 to 475.980, it is unlawful for any person to manufacture or deliver a schedule
23 I, II or III controlled substance within 1,000 feet of the real property com-
24 prising a public or private elementary, secondary or career school attended
25 primarily by minors.

26 “(2) Unlawful manufacture or delivery of a controlled substance within
27 1,000 feet of a school is a Class A felony[, *except as otherwise provided in*
28 *ORS 475.860*].

29 “(3) **This section does not apply to:**

30 “(a) **A licensee or licensee representative, as those terms are de-**

1 fined in section 5, chapter 1, Oregon Laws 2015, that are engaged in
2 lawful activities; or

3 “(b) A person acting within the scope of and in compliance with
4 section 6 (1), chapter 1, Oregon Laws 2015.

5 “SECTION 128. (1) The amendments to statutes by sections 120 to
6 127 of this 2015 Act apply to conduct occurring on and after the effec-
7 tive date of this 2015 Act.

8 “SECTION 129. When a person convicted of a marijuana offense
9 based on conduct occurring before the effective date of this 2015 Act
10 files a motion for a court order setting aside the conviction pursuant
11 to ORS 137.225, the court shall consider the offense to be classified
12 under ORS 161.535 or 161.555 as if the conduct occurred on or after the
13 effective date of this 2015 Act when determining if the person is eligi-
14 ble for the order.

15
16 **“RETAIL DRUG OUTLETS**

17
18 “SECTION 130. Section 131 of this 2015 Act is added to and made a
19 part of ORS chapter 689.

20 “SECTION 131. (1) The State Board of Pharmacy shall establish by
21 rule instructions for the disposal of marijuana left behind by individ-
22 uals visiting retail drug outlets.

23 “(2) At a minimum, the instructions established in subsection (1)
24 of this section must:

25 “(a) Require an employee or supervisor of the retail drug outlet to
26 notify law enforcement upon discovering marijuana at the site; and

27 “(b) Include procedures for destroying the marijuana so that it can
28 no longer be used for human consumption.

29 “(3) A person acting under and in accordance with this section is
30 exempt from the criminal laws of this state for any criminal offense

1 in which possession of marijuana is an element.

2
3 **“TEMPORARY DISPENSARY SALES TO ADULTS**

4 **“EFFECTIVE 91st DAY FOLLOWING ADJOURNMENT SINE DIE**

5
6 **“SECTION 132. (1) As used in this section:**

7 **“(a) ‘Limited marijuana retail product’ means:**

8 **“(A) ‘The dried leaves and flowers of marijuana; or**

9 **“(B) ‘A marijuana plant that is not flowering’.**

10 **“(b) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any**
11 **part of the plant Cannabis family Cannabaceae and the seeds of the**
12 **plant Cannabis family Cannabaceae.**

13 **“(2) Notwithstanding any other provision of law, on and after Oc-**
14 **tober 1, 2015, a medical marijuana facility registered under ORS 475.314**
15 **may sell limited marijuana retail products to any person who is 21**
16 **years of age or older if:**

17 **“(a) The person presents proof of age to the medical marijuana fa-**
18 **cility at the time of the sale;**

19 **“(b) The medical marijuana facility verifies that the person is 21**
20 **years of age or older at the time of the sale;**

21 **“(c) If the person is purchasing the dried leaves and flowers of**
22 **marijuana, the medical marijuana facility sells no more than one**
23 **quarter ounce of the limited marijuana retail product to the person**
24 **per day;**

25 **“(d) If the person is purchasing a marijuana plant that is not**
26 **flowering, the medical marijuana facility sells no more than one unit**
27 **of the limited marijuana retail product to the person; and**

28 **“(e) At any time after the Department of Revenue implements and**
29 **is capable of administering sections 69 to 80 of this 2015 Act, the**
30 **medical marijuana facility collects the tax imposed under section 70**

1 of this 2015 Act in the same manner that a marijuana retailer who
2 holds a license under section 22, chapter 1, Oregon Laws 2015, collects
3 the tax imposed under section 70 of this 2015 Act.

4 “(3) Taxes collected pursuant to subsection (2)(e) of this section are
5 subject to the provisions of sections 69 to 80 of this 2015 Act.

6
7 **“OTHER AMENDMENTS**

8
9 **“SECTION 132a.** ORS 133.005 is amended to read:

10 **“NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
11 amended by 2011 c.644 §77. Amend both versions.

12 “133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
13 the context requires otherwise:

14 “(1) ‘Arrest’ means to place a person under actual or constructive re-
15 straint or to take a person into custody for the purpose of charging that
16 person with an offense. A ‘stop’ as authorized under ORS 131.605 to 131.625
17 is not an arrest.

18 “(2) ‘Federal officer’ means a special agent or law enforcement officer
19 employed by a federal agency who is empowered to effect an arrest with or
20 without a warrant for violations of the United States Code and who is au-
21 thorized to carry firearms in the performance of duty.

22 “(3) ‘Peace officer’ means:

23 “(a) A member of the Oregon State Police;

24 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
25 ficer or a police officer commissioned by a university under ORS 352.383 or
26 353.125;

27 “(c) An investigator of a district attorney’s office if the investigator is
28 or has been certified as a peace officer in this or any other state;

29 “(d) An investigator of the Criminal Justice Division of the Department
30 of Justice of the State of Oregon;

1 “(e) A humane special agent as defined in ORS 181.435;

2 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
3 thority described in ORS 471.775 (2);

4 “(g) An authorized tribal police officer as defined in section 1, chapter
5 644, Oregon Laws 2011; or

6 “(h) A judicial marshal appointed under ORS 1.177 who is trained pursu-
7 ant to ORS 181.647.

8 “(4) ‘Reserve officer’ means an officer or member of a law enforcement
9 agency who is:

10 “(a) A volunteer or employed less than full-time as a peace officer com-
11 missioned by a city, port, school district, mass transit district, county,
12 county service district authorized to provide law enforcement services under
13 ORS 451.010, the Criminal Justice Division of the Department of Justice, the
14 Oregon State Lottery Commission or the Governor or a member of the De-
15 partment of State Police;

16 “(b) Armed with a firearm; and

17 “(c) Responsible for enforcing the criminal laws and traffic laws of this
18 state or laws or ordinances relating to airport security.

19 “**SECTION 132b.** ORS 133.005, as amended by section 39, chapter 644,
20 Oregon Laws 2011, section 7, chapter 54, Oregon Laws 2012, section 4, chap-
21 ter 67, Oregon Laws 2012, section 5, chapter 154, Oregon Laws 2013, and
22 section 9, chapter 180, Oregon Laws 2013, is amended to read:

23 “133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
24 the context requires otherwise:

25 “(1) ‘Arrest’ means to place a person under actual or constructive re-
26 straint or to take a person into custody for the purpose of charging that
27 person with an offense. A ‘stop’ as authorized under ORS 131.605 to 131.625
28 is not an arrest.

29 “(2) ‘Federal officer’ means a special agent or law enforcement officer
30 employed by a federal agency who is empowered to effect an arrest with or

1 without a warrant for violations of the United States Code and who is au-
2 thorized to carry firearms in the performance of duty.

3 “(3) ‘Peace officer’ means:

4 “(a) A member of the Oregon State Police;

5 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
6 ficer or a police officer commissioned by a university under ORS 352.383 or
7 353.125;

8 “(c) An investigator of a district attorney’s office if the investigator is
9 or has been certified as a peace officer in this or any other state;

10 “(d) An investigator of the Criminal Justice Division of the Department
11 of Justice of the State of Oregon;

12 “(e) A humane special agent as defined in ORS 181.435;

13 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
14 thority described in ORS 471.775 (2); or

15 “(g) A judicial marshal appointed under ORS 1.177 who is trained pursu-
16 ant to ORS 181.647.

17 “(4) ‘Reserve officer’ means an officer or member of a law enforcement
18 agency who is:

19 “(a) A volunteer or employed less than full-time as a peace officer com-
20 missioned by a city, port, school district, mass transit district, county,
21 county service district authorized to provide law enforcement services under
22 ORS 451.010, the Criminal Justice Division of the Department of Justice, the
23 Oregon State Lottery Commission or the Governor or a member of the De-
24 partment of State Police;

25 “(b) Armed with a firearm; and

26 “(c) Responsible for enforcing the criminal laws and traffic laws of this
27 state or laws or ordinances relating to airport security.

28 “**SECTION 132c.** ORS 133.525 is amended to read:

29 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
30 amended by 2011 c.644 §77. Amend both versions.

1 "133.525. As used in ORS 133.525 to 133.703, unless the context requires
2 otherwise:

3 "(1) 'Judge' means any judge of the circuit court, the Court of Appeals,
4 the Supreme Court, any justice of the peace or municipal judge authorized
5 to exercise the powers and perform the duties of a justice of the peace.

6 "(2) 'Police officer' means:

7 "(a) A member of the Oregon State Police;

8 "(b) A sheriff or municipal police officer, a police officer commissioned
9 by a university under ORS 352.383 or 353.125 or an authorized tribal police
10 officer as defined in section 1, chapter 644, Oregon Laws 2011;

11 "(c) An investigator of a district attorney's office if the investigator is
12 or has been certified as a peace officer in this or any other state;

13 "(d) An investigator of the Criminal Justice Division of the Department
14 of Justice;

15 "(e) A humane special agent as defined in ORS 181.435; or

16 "(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
17 thority described in ORS 471.775 (2).

18 "**SECTION 132d.** ORS 133.525, as amended by section 40, chapter 644,
19 Oregon Laws 2011, section 9, chapter 54, Oregon Laws 2012, section 6, chap-
20 ter 67, Oregon Laws 2012, and section 11, chapter 180, Oregon Laws 2013, is
21 amended to read:

22 "133.525. As used in ORS 133.525 to 133.703, unless the context requires
23 otherwise:

24 "(1) 'Judge' means any judge of the circuit court, the Court of Appeals,
25 the Supreme Court, any justice of the peace or municipal judge authorized
26 to exercise the powers and perform the duties of a justice of the peace.

27 "(2) 'Police officer' means:

28 "(a) A member of the Oregon State Police;

29 "(b) A sheriff or municipal police officer or a police officer commissioned
30 by a university under ORS 352.383 or 353.125;

1 “(c) An investigator of a district attorney’s office if the investigator is
2 or has been certified as a peace officer in this or any other state;

3 “(d) An investigator of the Criminal Justice Division of the Department
4 of Justice;

5 “(e) A humane special agent as defined in ORS 181.435; or

6 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
7 thority described in ORS 471.775 (2).

8 “**SECTION 132d.** ORS 133.721 is amended to read:

9 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
10 amended by 2011 c.644 §77. Amend both versions.

11 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
12 requires otherwise:

13 “(1) ‘Aggrieved person’ means a person who was a party to any wire,
14 electronic or oral communication intercepted under ORS 133.724 or 133.726
15 or a person against whom the interception was directed and who alleges that
16 the interception was unlawful.

17 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral
18 communication, includes any information concerning the identity of the
19 parties to such communication or the existence, substance, purport or
20 meaning of that communication.

21 “(3) ‘Electronic communication’ means any transfer of signs, signals,
22 writing, images, sounds, data or intelligence of any nature transmitted in
23 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical
24 system, or transmitted in part by wire, but does not include:

25 “(a) Any oral communication or any communication that is completely
26 by wire; or

27 “(b) Any communication made through a tone-only paging device.

28 “(4) ‘Electronic, mechanical or other device’ means any device or appa-
29 ratus that can be used to intercept a wire, electronic or oral communication
30 other than:

1 “(a) Any telephone or telegraph instrument, equipment or facility, or any
2 component thereof that is furnished to the subscriber or user by a telecom-
3 munications carrier in the ordinary course of its business and that is being
4 used by the subscriber or user in the ordinary course of its business or being
5 used by a telecommunications carrier in the ordinary course of its business,
6 or by an investigative or law enforcement officer in the ordinary course of
7 official duties; or

8 “(b) A hearing aid or similar device being used to correct subnormal
9 hearing to not better than normal.

10 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the
11 contents of any wire, electronic or oral communication through the use of
12 any electronic, mechanical or other device.

13 “(6) ‘Investigative or law enforcement officer’ means:

14 “(a) An officer or other person employed to investigate or enforce the law
15 by:

16 “(A) A county sheriff or municipal police department, or a police depart-
17 ment established by a university under ORS 352.383 or 353.125;

18 “(B) The Oregon State Police, the Department of Corrections, the Attor-
19 ney General or a district attorney; or

20 “(C) Law enforcement agencies of other states or the federal government;

21 “(b) An authorized tribal police officer as defined in section 1, chapter
22 644, Oregon Laws 2011; or

23 “(c) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
24 thority described in ORS 471.775 (2).

25 “(7) ‘Oral communication’ means:

26 “(a) Any oral communication, other than a wire or electronic communi-
27 cation, uttered by a person exhibiting an expectation that such communi-
28 cation is not subject to interception under circumstances justifying such
29 expectation; or

30 “(b) An utterance by a person who is participating in a wire or electronic

1 communication, if the utterance is audible to another person who, at the
2 time the wire or electronic communication occurs, is in the immediate pres-
3 ence of the person participating in the communication.

4 “(8) ‘Telecommunications carrier’ means:

5 “(a) A telecommunications utility as defined in ORS 759.005; or

6 “(b) A cooperative corporation organized under ORS chapter 62 that pro-
7 vides telecommunications services.

8 “(9) ‘Telecommunications service’ has the meaning given that term in
9 ORS 759.005.

10 “(10) ‘Wire communication’ means any communication made in whole or
11 in part through the use of facilities for the transmission of communications
12 by the aid of wire, cable or other like connection between the point of origin
13 and the point of reception, whether furnished or operated by a public utility
14 or privately owned or leased.

15 **“SECTION 132e.** ORS 133.721, as amended by section 70, chapter 644,
16 Oregon Laws 2011, section 11, chapter 54, Oregon Laws 2012, and section 13,
17 chapter 180, Oregon Laws 2013, is amended to read:

18 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
19 requires otherwise:

20 “(1) ‘Aggrieved person’ means a person who was a party to any wire,
21 electronic or oral communication intercepted under ORS 133.724 or 133.726
22 or a person against whom the interception was directed and who alleges that
23 the interception was unlawful.

24 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral
25 communication, includes any information concerning the identity of the
26 parties to such communication or the existence, substance, purport or
27 meaning of that communication.

28 “(3) ‘Electronic communication’ means any transfer of signs, signals,
29 writing, images, sounds, data or intelligence of any nature transmitted in
30 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical

1 system, or transmitted in part by wire, but does not include:

2 “(a) Any oral communication or any communication that is completely
3 by wire; or

4 “(b) Any communication made through a tone-only paging device.

5 “(4) ‘Electronic, mechanical or other device’ means any device or appa-
6 ratus that can be used to intercept a wire, electronic or oral communication
7 other than:

8 “(a) Any telephone or telegraph instrument, equipment or facility, or any
9 component thereof that is furnished to the subscriber or user by a telecom-
10 munications carrier in the ordinary course of its business and that is being
11 used by the subscriber or user in the ordinary course of its business or being
12 used by a telecommunications carrier in the ordinary course of its business,
13 or by an investigative or law enforcement officer in the ordinary course of
14 official duties; or

15 “(b) A hearing aid or similar device being used to correct subnormal
16 hearing to not better than normal.

17 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the
18 contents of any wire, electronic or oral communication through the use of
19 any electronic, mechanical or other device.

20 “(6) ‘Investigative or law enforcement officer’ means:

21 “(a) An officer or other person employed to investigate or enforce the law
22 by:

23 “(A) A county sheriff or municipal police department, or a police depart-
24 ment established by a university under ORS 352.383 or 353.125;

25 “(B) The Oregon State Police, the Department of Corrections, the Attor-
26 ney General or a district attorney; or

27 “(C) Law enforcement agencies of other states or the federal government;
28 or

29 “(b) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
30 thority described in ORS 471.775 (2).

1 “(7) ‘Oral communication’ means:

2 “(a) Any oral communication, other than a wire or electronic communi-
3 cation, uttered by a person exhibiting an expectation that such communi-
4 cation is not subject to interception under circumstances justifying such
5 expectation; or

6 “(b) An utterance by a person who is participating in a wire or electronic
7 communication, if the utterance is audible to another person who, at the
8 time the wire or electronic communication occurs, is in the immediate pres-
9 ence of the person participating in the communication.

10 “(8) ‘Telecommunications carrier’ means:

11 “(a) A telecommunications utility as defined in ORS 759.005; or

12 “(b) A cooperative corporation organized under ORS chapter 62 that pro-
13 vides telecommunications services.

14 “(9) ‘Telecommunications service’ has the meaning given that term in
15 ORS 759.005.

16 “(10) ‘Wire communication’ means any communication made in whole or
17 in part through the use of facilities for the transmission of communications
18 by the aid of wire, cable or other like connection between the point of origin
19 and the point of reception, whether furnished or operated by a public utility
20 or privately owned or leased.

21 “**SECTION 132f.** ORS 133.726 is amended to read:

22 “**NOTE:** This section has an SA note.

23 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
24 amended by 2011 c.644 §77. Amend both versions.

25 “133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
26 scribed in this section, a law enforcement officer is authorized to intercept
27 an oral communication to which the officer or a person under the direct
28 supervision of the officer is a party, without obtaining an order for the in-
29 terception of a wire, electronic or oral communication under ORS 133.724.

30 “(2) For purposes of this section and ORS 133.736, a person is a party to

1 an oral communication if the oral communication is made in the person's
2 immediate presence and is audible to the person regardless of whether the
3 communication is specifically directed to the person.

4 “(3) An ex parte order for intercepting an oral communication in any
5 county of this state under this section may be issued by any judge as defined
6 in ORS 133.525 upon written application made upon oath or affirmation of
7 the district attorney or a deputy district attorney authorized by the district
8 attorney for the county in which the order is sought or upon the oath or
9 affirmation of any peace officer as defined in ORS 133.005. The application
10 shall include:

11 “(a) The name of the applicant and the applicant's authority to make the
12 application;

13 “(b) A statement demonstrating that there is probable cause to believe
14 that a person whose oral communication is to be intercepted is engaged in
15 committing, has committed or is about to commit a particular felony, or a
16 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
17 communication will yield evidence thereof; and

18 “(c) The identity of the person, if known, suspected of committing the
19 crime and whose oral communication is to be intercepted.

20 “(4) The judge may require the applicant to furnish further testimony or
21 documentary evidence in support of the application.

22 “(5) Upon examination of the application and evidence, the judge may
23 enter an ex parte order, as requested or as modified, authorizing or approv-
24 ing the interception of an oral communication within the state if the judge
25 determines on the basis of the facts submitted by the applicant that:

26 “(a) There is probable cause to believe that a person is engaged in com-
27 mitting, has committed or is about to commit a particular felony, or a
28 misdemeanor under ORS 167.007 or 167.008; and

29 “(b) There is probable cause to believe that the oral communication to
30 be obtained will contain evidence concerning that crime.

1 “(6) An order authorizing or approving the interception of an oral com-
2 munication under this section must specify:

3 “(a) The identity of the person, if known, whose oral communication is
4 to be intercepted;

5 “(b) A statement identifying the particular crime to which the oral com-
6 munication is expected to relate;

7 “(c) The agency authorized under the order to intercept the oral commu-
8 nication;

9 “(d) The name and office of the applicant and the signature and title of
10 the issuing judge;

11 “(e) A period of time after which the order shall expire; and

12 “(f) A statement that the order authorizes only the interception of an oral
13 communication to which a law enforcement officer or a person under the
14 direct supervision of a law enforcement officer is a party.

15 “(7) An order under ORS 133.724 or this section is not required when a
16 law enforcement officer intercepts an oral communication to which the offi-
17 cer or a person under the direct supervision of the officer is a party if the
18 oral communication is made by a person whom the officer has probable cause
19 to believe has committed, is engaged in committing or is about to commit:

20 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894
21 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

22 “(b) Any other crime punishable as a felony if the circumstances at the
23 time the oral communication is intercepted are of such exigency that it
24 would be unreasonable to obtain a court order under ORS 133.724 or this
25 section.

26 “(8) A law enforcement officer who intercepts an oral communication
27 pursuant to this section may not intentionally fail to record and preserve the
28 oral communication in its entirety. A law enforcement officer, or a person
29 under the direct supervision of the officer, who is authorized under this
30 section to intercept an oral communication is not required to exclude from

1 the interception an oral communication made by a person for whom probable
2 cause does not exist if the officer or the person under the officer's direct
3 supervision is a party to the oral communication.

4 “(9) A law enforcement officer may not divulge the contents of an oral
5 communication intercepted under this section before a preliminary hearing
6 or trial in which an oral communication is going to be introduced as evi-
7 dence against a person except:

8 “(a) To a superior officer or other official with whom the law enforcement
9 officer is cooperating in the enforcement of the criminal laws of this state
10 or the United States;

11 “(b) To a magistrate;

12 “(c) In a presentation to a federal or state grand jury; or

13 “(d) In compliance with a court order.

14 “(10) A law enforcement officer may intercept an oral communication
15 under this section only when acting within the scope of the officer's em-
16 ployment and as a part of assigned duties.

17 “(11) As used in this section, ‘law enforcement officer’ means:

18 “(a) An officer employed to enforce criminal laws by:

19 “(A) The United States, this state or a municipal government within this
20 state;

21 “(B) A political subdivision, agency, department or bureau of the govern-
22 ments described in subparagraph (A) of this paragraph; or

23 “(C) A police department established by a university under ORS 352.383
24 or 353.125;

25 “(b) An authorized tribal police officer as defined in section 1, chapter
26 644, Oregon Laws 2011; or

27 “(c) A [*liquor enforcement inspector*] **regulatory specialist** as defined in
28 ORS 471.001.

29 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.

30 “**SECTION 132g.** ORS 133.726, as amended by section 71, chapter 644,

1 Oregon Laws 2011, section 13, chapter 54, Oregon Laws 2012, and section 15,
2 chapter 180, Oregon Laws 2013, is amended to read:

3 "133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
4 scribed in this section, a law enforcement officer is authorized to intercept
5 an oral communication to which the officer or a person under the direct
6 supervision of the officer is a party, without obtaining an order for the in-
7 terception of a wire, electronic or oral communication under ORS 133.724.

8 "(2) For purposes of this section and ORS 133.736, a person is a party to
9 an oral communication if the oral communication is made in the person's
10 immediate presence and is audible to the person regardless of whether the
11 communication is specifically directed to the person.

12 "(3) An ex parte order for intercepting an oral communication in any
13 county of this state under this section may be issued by any judge as defined
14 in ORS 133.525 upon written application made upon oath or affirmation of
15 the district attorney or a deputy district attorney authorized by the district
16 attorney for the county in which the order is sought or upon the oath or
17 affirmation of any peace officer as defined in ORS 133.005. The application
18 shall include:

19 "(a) The name of the applicant and the applicant's authority to make the
20 application;

21 "(b) A statement demonstrating that there is probable cause to believe
22 that a person whose oral communication is to be intercepted is engaged in
23 committing, has committed or is about to commit a particular felony, or a
24 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
25 communication will yield evidence thereof; and

26 "(c) The identity of the person, if known, suspected of committing the
27 crime and whose oral communication is to be intercepted.

28 "(4) The judge may require the applicant to furnish further testimony or
29 documentary evidence in support of the application.

30 "(5) Upon examination of the application and evidence, the judge may

1 enter an ex parte order, as requested or as modified, authorizing or approv-
2 ing the interception of an oral communication within the state if the judge
3 determines on the basis of the facts submitted by the applicant that:

4 “(a) There is probable cause to believe that a person is engaged in com-
5 mitting, has committed or is about to commit a particular felony, or a
6 misdemeanor under ORS 167.007 or 167.008; and

7 “(b) There is probable cause to believe that the oral communication to
8 be obtained will contain evidence concerning that crime.

9 “(6) An order authorizing or approving the interception of an oral com-
10 munication under this section must specify:

11 “(a) The identity of the person, if known, whose oral communication is
12 to be intercepted;

13 “(b) A statement identifying the particular crime to which the oral com-
14 munication is expected to relate;

15 “(c) The agency authorized under the order to intercept the oral commu-
16 nication;

17 “(d) The name and office of the applicant and the signature and title of
18 the issuing judge;

19 “(e) A period of time after which the order shall expire; and

20 “(f) A statement that the order authorizes only the interception of an oral
21 communication to which a law enforcement officer or a person under the
22 direct supervision of a law enforcement officer is a party.

23 “(7) An order under ORS 133.724 or this section is not required when a
24 law enforcement officer intercepts an oral communication to which the offi-
25 cer or a person under the direct supervision of the officer is a party if the
26 oral communication is made by a person whom the officer has probable cause
27 to believe has committed, is engaged in committing or is about to commit:

28 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894
29 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

30 “(b) Any other crime punishable as a felony if the circumstances at the

1 time the oral communication is intercepted are of such exigency that it
2 would be unreasonable to obtain a court order under ORS 133.724 or this
3 section.

4 “(8) A law enforcement officer who intercepts an oral communication
5 pursuant to this section may not intentionally fail to record and preserve the
6 oral communication in its entirety. A law enforcement officer, or a person
7 under the direct supervision of the officer, who is authorized under this
8 section to intercept an oral communication is not required to exclude from
9 the interception an oral communication made by a person for whom probable
10 cause does not exist if the officer or the person under the officer’s direct
11 supervision is a party to the oral communication.

12 “(9) A law enforcement officer may not divulge the contents of an oral
13 communication intercepted under this section before a preliminary hearing
14 or trial in which an oral communication is going to be introduced as evi-
15 dence against a person except:

16 “(a) To a superior officer or other official with whom the law enforcement
17 officer is cooperating in the enforcement of the criminal laws of this state
18 or the United States;

19 “(b) To a magistrate;

20 “(c) In a presentation to a federal or state grand jury; or

21 “(d) In compliance with a court order.

22 “(10) A law enforcement officer may intercept an oral communication
23 under this section only when acting within the scope of the officer’s em-
24 ployment and as a part of assigned duties.

25 “(11) As used in this section, ‘law enforcement officer’ means:

26 “(a) An officer employed to enforce criminal laws by:

27 “(A) The United States, this state or a municipal government within this
28 state;

29 “(B) A political subdivision, agency, department or bureau of the govern-
30 ments described in subparagraph (A) of this paragraph; or

1 “(C) A police department established by a university under ORS 352.383
2 or 353.125; or

3 “(b) A [*liquor enforcement inspector*] **regulatory specialist** as defined in
4 ORS 471.001.

5 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.

6 “**SECTION 132h.** ORS 153.005 is amended to read:

7 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
8 amended by 2011 c.644 §77. Amend both versions.

9 “153.005. As used in this chapter:

10 “(1) ‘Enforcement officer’ means:

11 “(a) A member of the Oregon State Police.

12 “(b) A sheriff or deputy sheriff.

13 “(c) A city marshal or a member of the police of a city, municipal or
14 quasi-municipal corporation.

15 “(d) A police officer commissioned by a university under ORS 352.383 or
16 353.125.

17 “(e) An investigator of a district attorney’s office if the investigator is
18 or has been certified as a peace officer in this or any other state.

19 “(f) An investigator of the Criminal Justice Division of the Department
20 of Justice of the State of Oregon.

21 “(g) A Port of Portland peace officer.

22 “(h) A humane special agent as defined in ORS 181.435.

23 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
24 thority described in ORS 471.775 (2).

25 “(j) An authorized tribal police officer as defined in section 1, chapter 644,
26 Oregon Laws 2011.

27 “(k) Any other person specifically authorized by law to issue citations for
28 the commission of violations.

29 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.

30 “(3) ‘Violation’ means an offense described in ORS 153.008.

1 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issu-
2 ance of a citation that charges a person with commission of a violation.

3 “**SECTION 132i.** ORS 153.005, as amended by section 45, chapter 644,
4 Oregon Laws 2011, section 15, chapter 54, Oregon Laws 2012, section 8,
5 chapter 67, Oregon Laws 2012, and section 22, chapter 180, Oregon Laws 2013,
6 is amended to read:

7 “153.005. As used in this chapter:

8 “(1) ‘Enforcement officer’ means:

9 “(a) A member of the Oregon State Police.

10 “(b) A sheriff or deputy sheriff.

11 “(c) A city marshal or a member of the police of a city, municipal or
12 quasi-municipal corporation.

13 “(d) A police officer commissioned by a university under ORS 352.383 or
14 353.125.

15 “(e) An investigator of a district attorney’s office if the investigator is
16 or has been certified as a peace officer in this or any other state.

17 “(f) An investigator of the Criminal Justice Division of the Department
18 of Justice of the State of Oregon.

19 “(g) A Port of Portland peace officer.

20 “(h) A humane special agent as defined in ORS 181.435.

21 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
22 thority described in ORS 471.775 (2).

23 “(j) Any other person specifically authorized by law to issue citations for
24 the commission of violations.

25 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.

26 “(3) ‘Violation’ means an offense described in ORS 153.008.

27 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issu-
28 ance of a citation that charges a person with commission of a violation.

29 “**SECTION 132j.** ORS 161.015 is amended to read:

30 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as

1 amended by 2011 c.644 §77. Amend both versions.

2 "161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635,
3 unless the context requires otherwise:

4 "(1) 'Dangerous weapon' means any weapon, device, instrument, material
5 or substance which under the circumstances in which it is used, attempted
6 to be used or threatened to be used, is readily capable of causing death or
7 serious physical injury.

8 "(2) 'Deadly weapon' means any instrument, article or substance specif-
9 ically designed for and presently capable of causing death or serious physical
10 injury.

11 "(3) 'Deadly physical force' means physical force that under the circum-
12 stances in which it is used is readily capable of causing death or serious
13 physical injury.

14 "(4) 'Peace officer' means:

15 "(a) A member of the Oregon State Police;

16 "(b) A sheriff, constable, marshal, municipal police officer or reserve of-
17 ficer as defined in ORS 133.005, or a police officer commissioned by a uni-
18 versity under ORS 352.383 or 353.125;

19 "(c) An investigator of the Criminal Justice Division of the Department
20 of Justice or investigator of a district attorney's office;

21 "(d) A humane special agent as defined in ORS 181.435;

22 "(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
23 thority described in ORS 471.775 (2);

24 "(f) An authorized tribal police officer as defined in section 1, chapter 644,
25 Oregon Laws 2011; and

26 "(g) Any other person designated by law as a peace officer.

27 "(5) 'Person' means a human being and, where appropriate, a public or
28 private corporation, an unincorporated association, a partnership, a govern-
29 ment or a governmental instrumentality.

30 "(6) 'Physical force' includes, but is not limited to, the use of an electrical

1 stun gun, tear gas or mace.

2 “(7) ‘Physical injury’ means impairment of physical condition or substan-
3 tial pain.

4 “(8) ‘Serious physical injury’ means physical injury which creates a sub-
5 stantial risk of death or which causes serious and protracted disfigurement,
6 protracted impairment of health or protracted loss or impairment of the
7 function of any bodily organ.

8 “(9) ‘Possess’ means to have physical possession or otherwise to exercise
9 dominion or control over property.

10 “(10) ‘Public place’ means a place to which the general public has access
11 and includes, but is not limited to, hallways, lobbies and other parts of
12 apartment houses and hotels not constituting rooms or apartments designed
13 for actual residence, and highways, streets, schools, places of amusement,
14 parks, playgrounds and premises used in connection with public passenger
15 transportation.

16 “**SECTION 132k.** ORS 161.015, as amended by section 46, chapter 644,
17 Oregon Laws 2011, section 17, chapter 54, Oregon Laws 2012, section 10,
18 chapter 67, Oregon Laws 2012, and section 24, chapter 180, Oregon Laws 2013,
19 is amended to read:

20 “161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635,
21 unless the context requires otherwise:

22 “(1) ‘Dangerous weapon’ means any weapon, device, instrument, material
23 or substance which under the circumstances in which it is used, attempted
24 to be used or threatened to be used, is readily capable of causing death or
25 serious physical injury.

26 “(2) ‘Deadly weapon’ means any instrument, article or substance specif-
27 ically designed for and presently capable of causing death or serious physical
28 injury.

29 “(3) ‘Deadly physical force’ means physical force that under the circum-
30 stances in which it is used is readily capable of causing death or serious

1 physical injury.

2 “(4) ‘Peace officer’ means:

3 “(a) A member of the Oregon State Police;

4 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
5 ficer as defined in ORS 133.005, or a police officer commissioned by a uni-
6 versity under ORS 352.383 or 353.125;

7 “(c) An investigator of the Criminal Justice Division of the Department
8 of Justice or investigator of a district attorney’s office;

9 “(d) A humane special agent as defined in ORS 181.435;

10 “(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
11 thority described in ORS 471.775 (2); and

12 “(f) Any other person designated by law as a peace officer.

13 “(5) ‘Person’ means a human being and, where appropriate, a public or
14 private corporation, an unincorporated association, a partnership, a govern-
15 ment or a governmental instrumentality.

16 “(6) ‘Physical force’ includes, but is not limited to, the use of an electrical
17 stun gun, tear gas or mace.

18 “(7) ‘Physical injury’ means impairment of physical condition or substan-
19 tial pain.

20 “(8) ‘Serious physical injury’ means physical injury which creates a sub-
21 stantial risk of death or which causes serious and protracted disfigurement,
22 protracted impairment of health or protracted loss or impairment of the
23 function of any bodily organ.

24 “(9) ‘Possess’ means to have physical possession or otherwise to exercise
25 dominion or control over property.

26 “(10) ‘Public place’ means a place to which the general public has access
27 and includes, but is not limited to, hallways, lobbies and other parts of
28 apartment houses and hotels not constituting rooms or apartments designed
29 for actual residence, and highways, streets, schools, places of amusement,
30 parks, playgrounds and premises used in connection with public passenger

1 transportation.

2 **“SECTION 132L.** ORS 163.095 is amended to read:

3 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’
4 means murder as defined in ORS 163.115 which is committed under, or ac-
5 companied by, any of the following circumstances:

6 “(1)(a) The defendant committed the murder pursuant to an agreement
7 that the defendant receive money or other thing of value for committing the
8 murder.

9 “(b) The defendant solicited another to commit the murder and paid or
10 agreed to pay the person money or other thing of value for committing the
11 murder.

12 “(c) The defendant committed murder after having been convicted previ-
13 ously in any jurisdiction of any homicide, the elements of which constitute
14 the crime of murder as defined in ORS 163.115 or manslaughter in the first
15 degree as defined in ORS 163.118.

16 “(d) There was more than one murder victim in the same criminal episode
17 as defined in ORS 131.505.

18 “(e) The homicide occurred in the course of or as a result of intentional
19 maiming or torture of the victim.

20 “(f) The victim of the intentional homicide was a person under the age
21 of 14 years.

22 “(2)(a) The victim was one of the following and the murder was related
23 to the performance of the victim’s official duties in the justice system:

24 “(A) A police officer as defined in ORS 181.610;

25 “(B) A correctional, parole and probation officer or other person charged
26 with the duty of custody, control or supervision of convicted persons;

27 “(C) A member of the Oregon State Police;

28 “(D) A judicial officer as defined in ORS 1.210;

29 “(E) A juror or witness in a criminal proceeding;

30 “(F) An employee or officer of a court of justice;

1 “(G) A member of the State Board of Parole and Post-Prison Supervision;

2 or

3 “(H) A [*liquor enforcement inspector*] **regulatory specialist**.

4 “(b) The defendant was confined in a state, county or municipal penal or
5 correctional facility or was otherwise in custody when the murder occurred.

6 “(c) The defendant committed murder by means of an explosive as defined
7 in ORS 164.055.

8 “(d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and
9 intentionally committed the homicide under the circumstances set forth in
10 ORS 163.115 (1)(b).

11 “(e) The murder was committed in an effort to conceal the commission
12 of a crime, or to conceal the identity of the perpetrator of a crime.

13 “(f) The murder was committed after the defendant had escaped from a
14 state, county or municipal penal or correctional facility and before the de-
15 fendant had been returned to the custody of the facility.

16 “**SECTION 132m.** ORS 165.805 is amended to read:

17 “**NOTE:** This section has an SA note.

18 “165.805. (1) A person commits the crime of misrepresentation of age by
19 a minor if:

20 “(a) Being less than a certain, specified age, the person knowingly pur-
21 ports to be of any age other than the true age of the person with the intent
22 of securing a right, benefit or privilege which by law is denied to persons
23 under that certain, specified age; or

24 “(b) Being unmarried, the person knowingly represents that the person is
25 married with the intent of securing a right, benefit or privilege which by law
26 is denied to unmarried persons.

27 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.

28 “(3) In addition to and not in lieu of any other penalty established by law,
29 a person who, using a driver permit or license or other identification issued
30 by the Department of Transportation of this state or its equivalent in an-

1 other state, commits the crime of misrepresentation of age by a minor in
2 order to purchase or consume alcoholic liquor may be required to perform
3 community service and the court shall order that the person's driving privi-
4 leges and right to apply for driving privileges be suspended for a period not
5 to exceed one year. If a court has issued an order suspending driving privi-
6 leges under this section, the court, upon petition of the person, may with-
7 draw the order at any time the court deems appropriate. The court
8 notification to the department under this subsection may include a recom-
9 mendation that the person be granted a hardship permit under ORS 807.240
10 if the person is otherwise eligible for the permit.

11 “(4) The prohibitions of this section do not apply to any person acting
12 under the direction of the Oregon Liquor Control Commission or a [*liquor*
13 *enforcement inspector*] **regulatory specialist** or under the direction of state
14 or local law enforcement agencies for the purpose of investigating possible
15 violations of laws prohibiting sales of alcoholic beverages to persons who
16 are under a certain, specified age.

17 “(5) The prohibitions of this section do not apply to a person under the
18 age of 21 years who is acting under the direction of a licensee for the pur-
19 pose of investigating possible violations by employees of the licensee of laws
20 prohibiting sales of alcoholic beverages to persons who are under the age
21 of 21 years.

22 “**SECTION 132n.** ORS 166.070 is amended to read:

23 “166.070. (1) A person commits the crime of aggravated harassment if the
24 person, knowing that the other person is a:

25 “(a) Staff member, knowingly propels saliva, blood, urine, semen, feces or
26 other dangerous substance at the staff member while the staff member is
27 acting in the course of official duty or as a result of the staff member's of-
28 ficial duties;

29 “(b) Public safety officer, knowingly propels blood, urine, semen or feces
30 at the public safety officer while the public safety officer is acting in the

1 course of official duty or as a result of the public safety officer's official
2 duties; or

3 "(c) Public safety officer, intentionally propels saliva at the public safety
4 officer, and the saliva comes into physical contact with the public safety
5 officer, while the public safety officer is acting in the course of official duty
6 or as a result of the public safety officer's official duties.

7 "(2) Aggravated harassment is a Class C felony. When a person is con-
8 victed of violating subsection (1)(a) of this section, in addition to any other
9 sentence it may impose, the court shall impose a term of incarceration in a
10 state correctional facility.

11 "(3) As used in this section:

12 "(a) 'Public safety officer' means an emergency medical services provider
13 as defined in ORS 682.025, a [*liquor enforcement inspector*] **regulatory spe-**
14 **cialist** as defined in ORS 471.001 or a fire service professional, a parole and
15 probation officer or a police officer as those terms are defined in ORS
16 181.610.

17 "(b) 'Staff member' has the meaning given that term in ORS 163.165.

18 "**SECTION 133.** ORS 181.010, as amended by section 1, chapter 119,
19 Oregon Laws 2014, is amended to read:

20 "**NOTE:** This section has an SA note.

21 "**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
22 amended. Amend both versions.

23 "181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless
24 the context requires otherwise:

25 "(1) 'Criminal justice agency' means:

26 "(a) The Governor;

27 "(b) Courts of criminal jurisdiction;

28 "(c) The Attorney General;

29 "(d) District attorneys, city attorneys with criminal prosecutorial func-
30 tions, attorney employees of the office of public defense services and

1 nonprofit public defender organizations established under contract with the
2 Public Defense Services Commission;

3 “(e) Law enforcement agencies;

4 “(f) The Department of Corrections;

5 “(g) The Oregon Youth Authority;

6 “(h) The State Board of Parole and Post-Prison Supervision;

7 “(i) The Department of Public Safety Standards and Training;

8 “(j) The enforcement division of the Oregon Liquor Control Commission
9 **in performing duties related to investigating and enforcing the crimi-**
10 **nal laws of this state with which the commission is charged to**
11 **enforce;**

12 “(k) Regional information systems that share programs to track, identify
13 and remove cross-jurisdictional criminal and terrorist conspiracies; and

14 “(L) Any other state or local agency with law enforcement authority.

15 “(2) ‘Criminal offender information’ includes records and related data as
16 to physical description and vital statistics, fingerprints received and com-
17 piled for purposes of identifying criminal offenders and alleged offenders,
18 records of arrests and the nature and disposition of criminal charges, in-
19 cluding sentencing, confinement, parole and release.

20 “(3) ‘Department’ means the Department of State Police established under
21 ORS 181.020.

22 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State
23 Police appointed under ORS 181.220.

24 “(5) ‘Designated agency’ means any state, county or municipal government
25 agency where Oregon criminal offender information is required to implement
26 a federal or state statute, executive order or administrative rule that ex-
27 pressly refers to criminal conduct and contains requirements or exclusions
28 expressly based on such conduct or for agency employment purposes, licens-
29 ing purposes or other demonstrated and legitimate needs when designated
30 by order of the Governor.

1 “(6) ‘Disposition report’ means a form or process prescribed or furnished
2 by the department, containing a description of the ultimate action taken
3 subsequent to an arrest.

4 “(7) ‘Law enforcement agency’ means:

5 “(a) County sheriffs, municipal police departments, police departments
6 established by a university under ORS 352.383 or 353.125 and State Police;

7 “(b) Other police officers of this state or another state, including humane
8 special agents as defined in ORS 181.435;

9 “(c) A tribal government as defined in section 1, chapter 644, Oregon
10 Laws 2011, that employs authorized tribal police officers as defined in section
11 1, chapter 644, Oregon Laws 2011; and

12 “(d) Law enforcement agencies of the federal government.

13 “(8) ‘State police’ means the sworn members of the state police force ap-
14 pointed under ORS 181.250.

15 “(9) ‘Superintendent’ means the Superintendent of State Police appointed
16 under ORS 181.200.

17 “**SECTION 134.** ORS 181.010, as amended by section 49, chapter 644,
18 Oregon Laws 2011, section 19, chapter 54, Oregon Laws 2012, section 12,
19 chapter 67, Oregon Laws 2012, section 30, chapter 180, Oregon Laws 2013, and
20 section 2, chapter 119, Oregon Laws 2014, is amended to read:

21 “181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless
22 the context requires otherwise:

23 “(1) ‘Criminal justice agency’ means:

24 “(a) The Governor;

25 “(b) Courts of criminal jurisdiction;

26 “(c) The Attorney General;

27 “(d) District attorneys, city attorneys with criminal prosecutorial func-
28 tions, attorney employees of the office of public defense services and
29 nonprofit public defender organizations established under contract with the
30 Public Defense Services Commission;

1 “(e) Law enforcement agencies;

2 “(f) The Department of Corrections;

3 “(g) The Oregon Youth Authority;

4 “(h) The State Board of Parole and Post-Prison Supervision;

5 “(i) The Department of Public Safety Standards and Training;

6 “(j) The enforcement division of the Oregon Liquor Control Commission
7 **in performing duties related to investigating and enforcing the crimi-**
8 **nal laws of this state with which the commission is charged to**
9 **enforce;**

10 “(k) Regional information systems that share programs to track, identify
11 and remove cross-jurisdictional criminal and terrorist conspiracies; and

12 “(L) Any other state or local agency with law enforcement authority.

13 “(2) ‘Criminal offender information’ includes records and related data as
14 to physical description and vital statistics, fingerprints received and com-
15 piled for purposes of identifying criminal offenders and alleged offenders,
16 records of arrests and the nature and disposition of criminal charges, in-
17 cluding sentencing, confinement, parole and release.

18 “(3) ‘Department’ means the Department of State Police established under
19 ORS 181.020.

20 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State
21 Police appointed under ORS 181.220.

22 “(5) ‘Designated agency’ means any state, county or municipal government
23 agency where Oregon criminal offender information is required to implement
24 a federal or state statute, executive order or administrative rule that ex-
25 pressly refers to criminal conduct and contains requirements or exclusions
26 expressly based on such conduct or for agency employment purposes, licens-
27 ing purposes or other demonstrated and legitimate needs when designated
28 by order of the Governor.

29 “(6) ‘Disposition report’ means a form or process prescribed or furnished
30 by the department, containing a description of the ultimate action taken

1 subsequent to an arrest.

2 “(7) ‘Law enforcement agency’ means:

3 “(a) County sheriffs, municipal police departments, police departments
4 established by a university under ORS 352.383 or 353.125 and State Police;

5 “(b) Other police officers of this state or another state, including humane
6 special agents as defined in ORS 181.435; and

7 “(c) Law enforcement agencies of the federal government.

8 “(8) ‘State police’ means the sworn members of the state police force ap-
9 pointed under ORS 181.250.

10 “(9) ‘Superintendent’ means the Superintendent of State Police appointed
11 under ORS 181.200.

12 “**SECTION 134a.** ORS 181.610 is amended to read:

13 “**NOTE:** Amendments become operative 7/1/15. See 2011 c.644 §58, as
14 amended. Amend both versions.

15 “181.610. As used in ORS 181.610 to 181.712, unless the context requires
16 otherwise:

17 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.

18 “(2) ‘Board’ means the Board on Public Safety Standards and Training
19 appointed pursuant to ORS 181.620.

20 “(3) ‘Certified reserve officer’ means a reserve officer who has been des-
21 ignated by a local law enforcement unit, has received training necessary for
22 certification and has met the minimum standards and training requirements
23 established under ORS 181.640.

24 “(4) ‘Commissioned’ means being authorized to perform various acts or
25 duties of a police officer or certified reserve officer and acting under the
26 supervision and responsibility of a county sheriff or as otherwise provided
27 by law.

28 “(5) ‘Corrections officer’ means an officer or member employed full-time
29 by a law enforcement unit who:

30 “(a) Is charged with and primarily performs the duty of custody, control

1 or supervision of individuals convicted of or arrested for a criminal offense
2 and confined in a place of incarceration or detention other than a place used
3 exclusively for incarceration or detention of juveniles; or

4 “(b) Has been certified as a corrections officer described in paragraph (a)
5 of this subsection and has supervisory or management authority for cor-
6 rections officers described in paragraph (a) of this subsection.

7 “(6) ‘Department’ means the Department of Public Safety Standards and
8 Training.

9 “(7) ‘Director’ means the Director of the Department of Public Safety
10 Standards and Training.

11 “(8) ‘Domestic violence’ means abuse between family or household mem-
12 bers.

13 “(9) ‘Emergency medical dispatcher’ means a person who has responsibil-
14 ity to process requests for medical assistance from the public or to dispatch
15 medical care providers.

16 “(10) ‘Family or household members’ has the meaning given that term in
17 ORS 107.705.

18 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an
19 officer or a member of a public or private fire protection agency that is en-
20 gaged primarily in fire investigation, fire prevention, fire safety, fire control
21 or fire suppression or providing emergency medical services, light and heavy
22 rescue services, search and rescue services or hazardous materials incident
23 response. ‘Fire service professional’ does not mean forest fire protection
24 agency personnel.

25 “(12) ‘Law enforcement unit’ means:

26 “(a) A police force or organization of the state, a city, university that has
27 established a police department under ORS 352.383 or 353.125, port, school
28 district, mass transit district, county, county service district authorized to
29 provide law enforcement services under ORS 451.010, tribal government as
30 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized

1 tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011,
2 the Criminal Justice Division of the Department of Justice, the Department
3 of Corrections, the Oregon State Lottery Commission, the Security and
4 Emergency Preparedness Office of the Judicial Department or common car-
5 rier railroad the primary duty of which, as prescribed by law, ordinance or
6 directive, is one or more of the following:

7 “(A) Detecting crime and enforcing the criminal laws of this state or laws
8 or ordinances relating to airport security;

9 “(B) The custody, control or supervision of individuals convicted of or
10 arrested for a criminal offense and confined to a place of incarceration or
11 detention other than a place used exclusively for incarceration or detention
12 of juveniles; or

13 “(C) The control, supervision and reformation of adult offenders placed
14 on parole or sentenced to probation and investigation of adult offenders on
15 parole or probation or being considered for parole or probation;

16 “(b) A police force or organization of a private entity with a population
17 of more than 1,000 residents in an unincorporated area the employees of
18 which are commissioned by a county sheriff;

19 “(c) A district attorney’s office;

20 “(d) The Oregon Liquor Control Commission with regard to [*liquor*
21 *enforcement inspectors*] **regulatory specialists**; or

22 “(e) A humane investigation agency as defined in ORS 181.433.

23 “(13) ‘[*Liquor enforcement inspector*] **Regulatory specialist**’ has the
24 meaning given that term in ORS 471.001.

25 “(14) ‘Parole and probation officer’ means:

26 “(a) An officer who is employed full-time by the Department of Cor-
27 rections, a county or a court and who is charged with and performs the duty
28 of:

29 “(A) Community protection by controlling, investigating, supervising and
30 providing or making referrals to reformatory services for adult parolees or

1 probationers or offenders on post-prison supervision; or

2 “(B) Investigating adult offenders on parole or probation or being con-
3 sidered for parole or probation; or

4 “(b) An officer who:

5 “(A) Is certified and has been employed as a full-time parole and pro-
6 bation officer for more than one year;

7 “(B) Is employed part-time by the Department of Corrections, a county
8 or a court; and

9 “(C) Is charged with and performs the duty of:

10 “(i) Community protection by controlling, investigating, supervising and
11 providing or making referrals to reformatory services for adult parolees or
12 probationers or offenders on post-prison supervision; or

13 “(ii) Investigating adult offenders on parole or probation or being con-
14 sidered for parole or probation.

15 “(15) ‘Police officer’ means:

16 “(a) An officer, member or employee of a law enforcement unit employed
17 full-time as a peace officer who is:

18 “(A) Commissioned by a city, port, school district, mass transit district,
19 county, county service district authorized to provide law enforcement ser-
20 vices under ORS 451.010, tribal government as defined in section 1, chapter
21 644, Oregon Laws 2011, the Criminal Justice Division of the Department of
22 Justice, the Oregon State Lottery Commission, a university that has estab-
23 lished a police department under ORS 352.383 or 353.125, the Governor or the
24 Department of State Police; and

25 “(B) Responsible for enforcing the criminal laws of this state or laws or
26 ordinances relating to airport security;

27 “(b) An investigator of a district attorney’s office if the investigator is
28 or has been certified as a peace officer in this or another state;

29 “(c) A humane special agent commissioned under ORS 181.433;

30 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursu-

1 ant to ORS 181.647; or

2 “(e) An authorized tribal police officer as defined in section 1, chapter
3 644, Oregon Laws 2011.

4 “(16) ‘Public or private safety agency’ means a unit of state or local
5 government, a special purpose district or a private firm that provides, or has
6 authority to provide, fire fighting, police, ambulance or emergency medical
7 services.

8 “(17) ‘Public safety personnel’ and ‘public safety officer’ include cor-
9 rections officers, youth correction officers, emergency medical dispatchers,
10 parole and probation officers, police officers, certified reserve officers, tele-
11 communicators, [*liquor enforcement inspectors*] **regulatory specialists** and
12 fire service professionals.

13 “(18) ‘Reserve officer’ means an officer or member of a law enforcement
14 unit who is:

15 “(a) A volunteer or employed less than full-time as a peace officer com-
16 missioned by a city, port, school district, mass transit district, county,
17 county service district authorized to provide law enforcement services under
18 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon
19 Laws 2011, the Criminal Justice Division of the Department of Justice, the
20 Oregon State Lottery Commission, a university that has established a police
21 department under ORS 352.383 or 353.125, the Governor or the Department
22 of State Police;

23 “(b) Armed with a firearm; and

24 “(c) Responsible for enforcing the criminal laws and traffic laws of this
25 state or laws or ordinances relating to airport security.

26 “(19) ‘Telecommunicator’ means a person employed as an emergency tele-
27 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
28 primary duties are receiving, processing and transmitting public safety in-
29 formation received through a 9-1-1 emergency reporting system as defined in
30 ORS 403.105.

1 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth
2 Authority who is charged with and primarily performs the duty of custody,
3 control or supervision of youth offenders confined in a youth correction fa-
4 cility.

5 “**SECTION 134b.** ORS 181.610, as amended by section 50, chapter 644,
6 Oregon Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14,
7 chapter 67, Oregon Laws 2012, section 5, chapter 88, Oregon Laws 2012, sec-
8 tion 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws
9 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:

10 “181.610. As used in ORS 181.610 to 181.712, unless the context requires
11 otherwise:

12 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.

13 “(2) ‘Board’ means the Board on Public Safety Standards and Training
14 appointed pursuant to ORS 181.620.

15 “(3) ‘Certified reserve officer’ means a reserve officer who has been des-
16 ignated by a local law enforcement unit, has received training necessary for
17 certification and has met the minimum standards and training requirements
18 established under ORS 181.640.

19 “(4) ‘Commissioned’ means being authorized to perform various acts or
20 duties of a police officer or certified reserve officer and acting under the
21 supervision and responsibility of a county sheriff or as otherwise provided
22 by law.

23 “(5) ‘Corrections officer’ means an officer or member employed full-time
24 by a law enforcement unit who:

25 “(a) Is charged with and primarily performs the duty of custody, control
26 or supervision of individuals convicted of or arrested for a criminal offense
27 and confined in a place of incarceration or detention other than a place used
28 exclusively for incarceration or detention of juveniles; or

29 “(b) Has been certified as a corrections officer described in paragraph (a)
30 of this subsection and has supervisory or management authority for cor-

1 rections officers described in paragraph (a) of this subsection.

2 “(6) ‘Department’ means the Department of Public Safety Standards and
3 Training.

4 “(7) ‘Director’ means the Director of the Department of Public Safety
5 Standards and Training.

6 “(8) ‘Domestic violence’ means abuse between family or household mem-
7 bers.

8 “(9) ‘Emergency medical dispatcher’ means a person who has responsibil-
9 ity to process requests for medical assistance from the public or to dispatch
10 medical care providers.

11 “(10) ‘Family or household members’ has the meaning given that term in
12 ORS 107.705.

13 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an
14 officer or a member of a public or private fire protection agency that is en-
15 gaged primarily in fire investigation, fire prevention, fire safety, fire control
16 or fire suppression or providing emergency medical services, light and heavy
17 rescue services, search and rescue services or hazardous materials incident
18 response. ‘Fire service professional’ does not mean forest fire protection
19 agency personnel.

20 “(12) ‘Law enforcement unit’ means:

21 “(a) A police force or organization of the state, a city, university that has
22 established a police department under ORS 352.383 or 353.125, port, school
23 district, mass transit district, county, county service district authorized to
24 provide law enforcement services under ORS 451.010, tribal government, the
25 Criminal Justice Division of the Department of Justice, the Department of
26 Corrections, the Oregon State Lottery Commission, the Security and Emer-
27 gency Preparedness Office of the Judicial Department or common carrier
28 railroad the primary duty of which, as prescribed by law, ordinance or di-
29 rective, is one or more of the following:

30 “(A) Detecting crime and enforcing the criminal laws of this state or laws

1 or ordinances relating to airport security;

2 “(B) The custody, control or supervision of individuals convicted of or
3 arrested for a criminal offense and confined to a place of incarceration or
4 detention other than a place used exclusively for incarceration or detention
5 of juveniles; or

6 “(C) The control, supervision and reformation of adult offenders placed
7 on parole or sentenced to probation and investigation of adult offenders on
8 parole or probation or being considered for parole or probation;

9 “(b) A police force or organization of a private entity with a population
10 of more than 1,000 residents in an unincorporated area the employees of
11 which are commissioned by a county sheriff;

12 “(c) A district attorney’s office;

13 “(d) The Oregon Liquor Control Commission with regard to [*liquor*
14 *enforcement inspectors*] **regulatory specialists**; or

15 “(e) A humane investigation agency as defined in ORS 181.433.

16 “(13) ‘[*Liquor enforcement inspector*] **Regulatory specialists**’ has the
17 meaning given that term in ORS 471.001.

18 “(14) ‘Parole and probation officer’ means:

19 “(a) An officer who is employed full-time by the Department of Cor-
20 rections, a county or a court and who is charged with and performs the duty
21 of:

22 “(A) Community protection by controlling, investigating, supervising and
23 providing or making referrals to reformative services for adult parolees or
24 probationers or offenders on post-prison supervision; or

25 “(B) Investigating adult offenders on parole or probation or being con-
26 sidered for parole or probation; or

27 “(b) An officer who:

28 “(A) Is certified and has been employed as a full-time parole and pro-
29 bation officer for more than one year;

30 “(B) Is employed part-time by the Department of Corrections, a county

1 or a court; and

2 “(C) Is charged with and performs the duty of:

3 “(i) Community protection by controlling, investigating, supervising and
4 providing or making referrals to reformative services for adult parolees or
5 probationers or offenders on post-prison supervision; or

6 “(ii) Investigating adult offenders on parole or probation or being con-
7 sidered for parole or probation.

8 “(15) ‘Police officer’ means:

9 “(a) An officer, member or employee of a law enforcement unit employed
10 full-time as a peace officer who is:

11 “(A) Commissioned by a city, port, school district, mass transit district,
12 county, county service district authorized to provide law enforcement ser-
13 vices under ORS 451.010, tribal government, the Criminal Justice Division
14 of the Department of Justice, the Oregon State Lottery Commission, a uni-
15 versity that has established a police department under ORS 352.383 or
16 353.125, the Governor or the Department of State Police; and

17 “(B) Responsible for enforcing the criminal laws of this state or laws or
18 ordinances relating to airport security;

19 “(b) An investigator of a district attorney’s office if the investigator is
20 or has been certified as a peace officer in this or another state;

21 “(c) A humane special agent commissioned under ORS 181.433; or

22 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursu-
23 ant to ORS 181.647.

24 “(16) ‘Public or private safety agency’ means a unit of state or local
25 government, a special purpose district or a private firm that provides, or has
26 authority to provide, fire fighting, police, ambulance or emergency medical
27 services.

28 “(17) ‘Public safety personnel’ and ‘public safety officer’ include cor-
29 rections officers, youth correction officers, emergency medical dispatchers,
30 parole and probation officers, police officers, certified reserve officers, tele-

1 communicators, [*liquor enforcement inspectors*] **regulatory specialists** and
2 fire service professionals.

3 “(18) ‘Reserve officer’ means an officer or member of a law enforcement
4 unit who is:

5 “(a) A volunteer or employed less than full-time as a peace officer com-
6 missioned by a city, port, school district, mass transit district, county,
7 county service district authorized to provide law enforcement services under
8 ORS 451.010, tribal government, the Criminal Justice Division of the De-
9 partment of Justice, the Oregon State Lottery Commission, a university that
10 has established a police department under ORS 352.383 or 353.125, the Gov-
11 ernor or the Department of State Police;

12 “(b) Armed with a firearm; and

13 “(c) Responsible for enforcing the criminal laws and traffic laws of this
14 state or laws or ordinances relating to airport security.

15 “(19) ‘Telecommunicator’ means a person employed as an emergency tele-
16 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
17 primary duties are receiving, processing and transmitting public safety in-
18 formation received through a 9-1-1 emergency reporting system as defined in
19 ORS 403.105.

20 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth
21 Authority who is charged with and primarily performs the duty of custody,
22 control or supervision of youth offenders confined in a youth correction fa-
23 cility.

24 “**SECTION 134c.** ORS 181.645 is amended to read:

25 “181.645. A law enforcement unit in this state may not employ as a police
26 officer, corrections officer, parole and probation officer or [*liquor enforcement*
27 *inspector*] **regulatory specialist**, or utilize as a certified reserve officer, any
28 person who has not yet attained the age of 21 years.

29 “**SECTION 134d.** ORS 181.646 is amended to read:

30 “**NOTE:** This section has an SA note.

1 "181.646. (1) Except for a person who has requested and obtained an ex-
2 tension from the Department of Public Safety Standards and Training under
3 subsection (2) of this section, subject to subsection (3) of this section the
4 Oregon Liquor Control Commission may not employ a person as a [*liquor*
5 *enforcement inspector*] **regulatory specialist** for more than 18 months unless
6 the person is a citizen of the United States who has been certified under ORS
7 181.640 as being qualified as a liquor enforcement inspector and the certi-
8 fication has not:

9 "(a) Lapsed; or

10 "(b) Been revoked under ORS 181.661, 181.662 and 181.664 (1) and not re-
11 issued under ORS 181.661 (2).

12 "(2) The department, upon the facts contained in an affidavit accompa-
13 nying the request for extension, may find good cause for failure to obtain
14 certification within the time period described in subsection (1) of this sec-
15 tion. If the department finds that there is good cause for the failure, the
16 department may extend for up to one year the period that a person may serve
17 as a liquor enforcement inspector without certification. The grant or denial
18 of an extension is within the sole discretion of the department.

19 "(3) The citizenship requirement in subsection (1) of this section does not
20 apply to a person employed as a liquor enforcement inspector on March 16,
21 2012, who continues to serve as a [*liquor enforcement inspector*] **regulatory**
22 **specialist** without a lapse under subsection (4) of this section.

23 "(4) The certification of a [*liquor enforcement inspector*] **regulatory spe-**
24 **cialist** shall lapse after three or more consecutive months of not being em-
25 ployed as a [*liquor enforcement inspector*] **regulatory specialist** unless the
26 [*liquor enforcement inspector*] **regulatory specialist** is on leave from the
27 commission. Upon reemployment as a [*liquor enforcement inspector*] **regula-**
28 **tory specialist**, the person whose certification has lapsed may apply to be
29 certified under ORS 181.610 to 181.712.

30 "(5) The commission shall pay the costs of training required for a [*liquor*

1 *enforcement inspector*] **regulatory specialist** to be certified by the depart-
2 ment.

3 **“SECTION 134e.** Note: Section 32, chapter 54, Oregon Laws 2012, pro-
4 vides:

5 **“Sec. 32.** (1) The Department of Public Safety Standards and Training
6 shall make public safety personnel certification under ORS 181.640 as [*liquor*
7 *enforcement inspectors*] **regulatory specialists** available for qualified appli-
8 cants no later than July 1, 2015.

9 “(2) Notwithstanding section 21 of this 2012 Act [181.646] and the
10 amendments to ORS 181.610 by sections 22 and 23 of this 2012 Act, an in-
11 spector or investigator employed by the Oregon Liquor Control Commission
12 and not granted an extension under section 21 of this 2012 Act to obtain
13 certification may perform the duties of a [*liquor enforcement inspector*] **reg-**
14 **ulatory specialist** without certification under ORS 181.640 until January 1,
15 2017.

16 “(3) An employee of the Oregon Liquor Control Commission who takes
17 voluntary training for commission inspectors and investigators provided by
18 the Department of Public Safety Standards and Training prior to the date
19 that [*liquor enforcement inspector*] **regulatory specialist** training is avail-
20 able from the department is deemed to have met the minimum basic training
21 requirements for a [*liquor enforcement inspector*] **regulatory specialist** and
22 is exempt from any minimum physical standards for [*liquor enforcement in-*
23 *spectors*] **regulatory specialists** developed under section 21 of this 2012 Act.
24 [2012 c.54 §32]

25 **“SECTION 134f.** ORS 238.005, as amended by section 2, chapter 107,
26 Oregon Laws 2014, is amended to read:

27 **“NOTE:** This section has two SA notes.

28 “238.005. For purposes of this chapter:

29 “(1) ‘Active member’ means a member who is presently employed by a
30 participating public employer in a qualifying position and who has completed

1 the six-month period of service required by ORS 238.015.

2 “(2) ‘Annuity’ means payments for life derived from contributions made
3 by a member as provided in this chapter.

4 “(3) ‘Board’ means the Public Employees Retirement Board.

5 “(4) ‘Calendar year’ means 12 calendar months commencing on January
6 1 and ending on December 31 following.

7 “(5) ‘Continuous service’ means service not interrupted for more than five
8 years, except that such continuous service shall be computed without regard
9 to interruptions in the case of:

10 “(a) An employee who had returned to the service of the employer as of
11 January 1, 1945, and who remained in that employment until having estab-
12 lished membership in the Public Employees Retirement System.

13 “(b) An employee who was in the armed services on January 1, 1945, and
14 returned to the service of the employer within one year of the date of being
15 otherwise than dishonorably discharged and remained in that employment
16 until having established membership in the Public Employees Retirement
17 System.

18 “(6) ‘Creditable service’ means any period of time during which an active
19 member is being paid a salary by a participating public employer and for
20 which benefits under this chapter are funded by employer contributions and
21 earnings on the fund. For purposes of computing years of ‘creditable
22 service,’ full months and major fractions of a month shall be considered to
23 be one-twelfth of a year and shall be added to all full years. ‘Creditable
24 service’ includes all retirement credit received by a member.

25 “(7) ‘Earliest service retirement age’ means the age attained by a member
26 when the member could first make application for retirement under the pro-
27 visions of ORS 238.280.

28 “(8) ‘Employee’ includes, in addition to employees, public officers, but
29 does not include:

30 “(a) Persons engaged as independent contractors.

1 “(b) Seasonal, emergency or casual workers whose periods of employment
2 with any public employer or public employers do not total 600 hours in any
3 calendar year.

4 “(c) Persons provided sheltered employment or made-work by a public
5 employer in an employment or industries program maintained for the benefit
6 of such persons.

7 “(d) Persons employed and paid from federal funds received under a fed-
8 eral program intended primarily to alleviate unemployment. However, any
9 such person shall be considered an ‘employee’ if not otherwise excluded by
10 paragraphs (a) to (c) of this subsection and the public employer elects to
11 have the person so considered by an irrevocable written notice to the board.

12 “(e) Persons who are employees of a railroad, as defined in ORS 824.020,
13 and who, as such employees, are included in a retirement plan under federal
14 railroad retirement statutes. This paragraph shall be deemed to have been
15 in effect since the inception of the system.

16 “(9) ‘Final average salary’ means whichever of the following is greater:

17 “(a) The average salary per calendar year paid by one or more partic-
18 ipating public employers to an employee who is an active member of the
19 system in three of the calendar years of membership before the effective date
20 of retirement of the employee, in which three years the employee was paid
21 the highest salary. The three calendar years in which the employee was paid
22 the largest total salary may include calendar years in which the employee
23 was employed for less than a full calendar year. If the number of calendar
24 years of active membership before the effective date of retirement of the
25 employee is three or fewer, the final average salary for the employee is the
26 average salary per calendar year paid by one or more participating public
27 employers to the employee in all of those years, without regard to whether
28 the employee was employed for the full calendar year.

29 “(b) One-third of the total salary paid by a participating public employer
30 to an employee who is an active member of the system in the last 36 calendar

1 months of active membership before the effective date of retirement of the
2 employee.

3 “(10) ‘Firefighter’ does not include a volunteer firefighter, but does in-
4 clude:

5 “(a) The State Fire Marshal, the chief deputy fire marshal and deputy
6 state fire marshals; and

7 “(b) An employee of the State Forestry Department who is certified by the
8 State Forester as a professional wildland firefighter and whose primary du-
9 ties include the abatement of uncontrolled fires as described in ORS 477.064.

10 “(11) ‘Fiscal year’ means 12 calendar months commencing on July 1 and
11 ending on June 30 following.

12 “(12) ‘Fund’ means the Public Employees Retirement Fund.

13 “(13) ‘Inactive member’ means a member who is not employed in a quali-
14 fying position, whose membership has not been terminated in the manner
15 described by ORS 238.095 and who is not retired for service or disability.

16 “(14) ‘Institution of higher education’ means a public university listed in
17 ORS 352.002, the Oregon Health and Science University and a community
18 college, as defined in ORS 341.005.

19 “(15) ‘Member’ means a person who has established membership in the
20 system and whose membership has not been terminated as described in ORS
21 238.095. ‘Member’ includes active, inactive and retired members.

22 “(16) ‘Member account’ means the regular account and the variable ac-
23 count.

24 “(17) ‘Normal retirement age’ means:

25 “(a) For a person who establishes membership in the system before Jan-
26 uary 1, 1996, as described in ORS 238.430, 55 years of age if the employee
27 retires at that age as a police officer or firefighter or 58 years of age if the
28 employee retires at that age as other than a police officer or firefighter.

29 “(b) For a person who establishes membership in the system on or after
30 January 1, 1996, as described in ORS 238.430, 55 years of age if the employee

1 retires at that age as a police officer or firefighter or 60 years of age if the
2 employee retires at that age as other than a police officer or firefighter.

3 “(18) ‘Pension’ means annual payments for life derived from contributions
4 by one or more public employers.

5 “(19) ‘Police officer’ includes:

6 “(a) Employees of institutions defined in ORS 421.005 as Department of
7 Corrections institutions whose duties, as assigned by the Director of the
8 Department of Corrections, include the custody of persons committed to the
9 custody of or transferred to the Department of Corrections and employees
10 of the Department of Corrections who were classified as police officers on
11 or before July 27, 1989, whether or not such classification was authorized
12 by law.

13 “(b) Employees of the Department of State Police who are classified as
14 police officers by the Superintendent of State Police.

15 “(c) Employees of the Oregon Liquor Control Commission who are clas-
16 sified as [*liquor enforcement inspectors*] **regulatory specialists** by the ad-
17 ministrator of the commission.

18 “(d) Sheriffs and those deputy sheriffs or other employees of a sheriff
19 whose duties, as classified by the sheriff, are the regular duties of police
20 officers or corrections officers.

21 “(e) Police chiefs and police personnel of a city who are classified as po-
22 lice officers by the council or other governing body of the city.

23 “(f) Police officers who are commissioned by a university under ORS
24 352.383 or 353.125 and who are classified as police officers by the university.

25 “(g) Parole and probation officers employed by the Department of Cor-
26 rections, parole and probation officers who are transferred to county em-
27 ployment under ORS 423.549 and adult parole and probation officers, as
28 defined in ORS 181.610, who are classified as police officers for the purposes
29 of this chapter by the county governing body. If a county classifies adult
30 parole and probation officers as police officers for the purposes of this

1 chapter, and the employees so classified are represented by a labor organ-
2 ization, any proposal by the county to change that classification or to cease
3 to classify adult parole and probation officers as police officers for the pur-
4 poses of this chapter is a mandatory subject of bargaining.

5 “(h) Police officers appointed under ORS 276.021 or 276.023.

6 “(i) Employees of the Port of Portland who are classified as airport police
7 by the Board of Commissioners of the Port of Portland.

8 “(j) Employees of the State Department of Agriculture who are classified
9 as livestock police officers by the Director of Agriculture.

10 “(k) Employees of the Department of Public Safety Standards and Train-
11 ing who are classified by the department as other than secretarial or clerical
12 personnel.

13 “(L) Investigators of the Criminal Justice Division of the Department of
14 Justice.

15 “(m) Corrections officers as defined in ORS 181.610.

16 “(n) Employees of the Oregon State Lottery Commission who are classi-
17 fied by the Director of the Oregon State Lottery as enforcement agents pur-
18 suant to ORS 461.110.

19 “(o) The Director of the Department of Corrections.

20 “(p) An employee who for seven consecutive years has been classified as
21 a police officer as defined by this section, and who is employed or transferred
22 by the Department of Corrections to fill a position designated by the Direc-
23 tor of the Department of Corrections as being eligible for police officer sta-
24 tus.

25 “(q) An employee of the Department of Corrections classified as a police
26 officer on or prior to July 27, 1989, whether or not that classification was
27 authorized by law, as long as the employee remains in the position held on
28 July 27, 1989. The initial classification of an employee under a system im-
29 plemented pursuant to ORS 240.190 does not affect police officer status.

30 “(r) Employees of a school district who are appointed and duly sworn

1 members of a law enforcement agency of the district as provided in ORS
2 332.531 or otherwise employed full-time as police officers commissioned by
3 the district.

4 “(s) Employees at youth correction facilities and juvenile detention facil-
5 ities under ORS 419A.050, 419A.052 and 420.005 to 420.915 who are required
6 to hold valid Oregon teaching licenses and who have supervisory, control or
7 teaching responsibilities over juveniles committed to the custody of the De-
8 partment of Corrections or the Oregon Youth Authority.

9 “(t) Employees at youth correction facilities as defined in ORS 420.005
10 whose primary job description involves the custody, control, treatment, in-
11 vestigation or supervision of juveniles placed in such facilities.

12 “(u) Employees of the Oregon Youth Authority who are classified as ju-
13 venile parole and probation officers.

14 “(20) ‘Prior service credit’ means credit provided under ORS 238.442 or
15 under ORS 238.225 (2) to (6) (1999 Edition).

16 “(21) ‘Public employer’ means the state, one of its agencies, any city,
17 county, or municipal or public corporation, any political subdivision of the
18 state or any instrumentality thereof, or an agency created by one or more
19 such governmental organizations to provide governmental services. For pur-
20 poses of this chapter, such agency created by one or more governmental or-
21 ganizations is a governmental instrumentality and a legal entity with power
22 to enter into contracts, hold property and sue and be sued.

23 “(22) ‘Qualifying position’ means one or more jobs with one or more par-
24 ticipating public employers in which an employee performs 600 or more hours
25 of service in a calendar year, excluding any service in a job for which a
26 participating public employer does not provide benefits under this chapter
27 pursuant to an application made under ORS 238.035.

28 “(23) ‘Regular account’ means the account established for each active and
29 inactive member under ORS 238.250.

30 “(24) ‘Retired member’ means a member who is retired for service or dis-

1 ability.

2 “(25) ‘Retirement credit’ means a period of time that is treated as credit-
3 able service for the purposes of this chapter.

4 “(26)(a) ‘Salary’ means the remuneration paid an employee in cash out of
5 the funds of a public employer in return for services to the employer, plus
6 the monetary value, as determined by the Public Employees Retirement
7 Board, of whatever living quarters, board, lodging, fuel, laundry and other
8 advantages the employer furnishes the employee in return for services.

9 “(b) ‘Salary’ includes but is not limited to:

10 “(A) Payments of employee and employer money into a deferred compen-
11 sation plan, which are deemed salary paid in each month of deferral;

12 “(B) The amount of participation in a tax-sheltered or deferred annuity,
13 which is deemed salary paid in each month of participation;

14 “(C) Retroactive payments described in ORS 238.008; and

15 “(D) Wages of a deceased member paid to a surviving spouse or dependent
16 children under ORS 652.190.

17 “(c) ‘Salary’ or ‘other advantages’ does not include:

18 “(A) Travel or any other expenses incidental to employer’s business which
19 is reimbursed by the employer;

20 “(B) Payments for insurance coverage by an employer on behalf of em-
21 ployee or employee and dependents, for which the employee has no cash op-
22 tion;

23 “(C) Payments made on account of an employee’s death;

24 “(D) Any lump sum payment for accumulated unused sick leave;

25 “(E) Any accelerated payment of an employment contract for a future
26 period or an advance against future wages;

27 “(F) Any retirement incentive, retirement severance pay, retirement bonus
28 or retirement gratuitous payment;

29 “(G) Payments for periods of leave of absence after the date the employer
30 and employee have agreed that no future services qualifying pursuant to ORS

1 238.015 (3) will be performed, except for sick leave and vacation;

2 “(H) Payments for instructional services rendered to public universities
3 listed in ORS 352.002 or the Oregon Health and Science University when
4 such services are in excess of full-time employment subject to this chapter.
5 A person employed under a contract for less than 12 months is subject to this
6 subparagraph only for the months to which the contract pertains; or

7 “(I) Payments made by an employer for insurance coverage provided to a
8 domestic partner of an employee.

9 “(27) ‘School year’ means the period beginning July 1 and ending June 30
10 next following.

11 “(28) ‘System’ means the Public Employees Retirement System.

12 “(29) ‘Variable account’ means the account established for a member who
13 participates in the Variable Annuity Account under ORS 238.260.

14 “(30) ‘Vested’ means being an active member of the system in each of five
15 calendar years.

16 “(31) ‘Volunteer firefighter’ means a firefighter whose position normally
17 requires less than 600 hours of service per year.

18 **“SECTION 134g.** ORS 471.001 is amended to read:

19 “471.001. As used in this chapter and ORS chapter 473:

20 “(1) ‘Alcoholic beverage’ and ‘alcoholic liquor’ mean any liquid or solid
21 containing more than one-half of one percent alcohol by volume and capable
22 of being consumed by a human being.

23 “(2) ‘Commercial establishment’ means a place of business:

24 “(a) Where food is cooked and served;

25 “(b) That has kitchen facilities adequate for the preparation and serving
26 of meals;

27 “(c) That has dining facilities adequate for the serving and consumption
28 of meals; and

29 “(d) That:

30 “(A) If not a for-profit private club, serves meals to the general public;

1 or

2 “(B) If a for-profit private club, serves meals to the club’s members and
3 guests and complies with any minimum membership and food service re-
4 quirements established by Oregon Liquor Control Commission rules.

5 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

6 “(4) ‘Distilled liquor’ means any alcoholic beverage other than a wine,
7 cider or malt beverage. ‘Distilled liquor’ includes distilled spirits.

8 “(5) ‘Licensee’ means any person holding a license issued under this
9 chapter.

10 “(6) ‘[*Liquor enforcement inspector*] **Regulatory specialist**’ means a full-
11 time employee of the commission who is authorized to act as an agent of the
12 commission in conducting inspections or investigations, making arrests and
13 seizures, aiding in prosecutions for offenses, issuing citations for violations
14 and otherwise enforcing this chapter, ORS 474.005 to 474.095 and 474.115,
15 commission rules and any other statutes the commission considers related
16 to [*alcoholic liquor*] **regulating liquor or marijuana**.

17 “(7)(a) ‘Malt beverage’ means an alcoholic beverage obtained by the
18 fermentation of grain that contains not more than 14 percent alcohol by
19 volume.

20 “(b) ‘Malt beverage’ includes:

21 “(A) Beer, ale, porter, stout and similar alcoholic beverages containing
22 not more than 14 percent alcohol by volume;

23 “(B) Malt beverages containing six percent or less alcohol by volume and
24 that contain at least 51 percent alcohol by volume obtained by the
25 fermentation of grain, as long as not more than 49 percent of the beverage’s
26 overall alcohol content is obtained from flavors and other added nonbeverage
27 ingredients containing alcohol; and

28 “(C) Malt beverages containing more than six percent alcohol by volume
29 that derive not more than 1.5 percent of the beverage’s overall alcohol con-
30 tent by volume from flavors and other added nonbeverage ingredients con-

1 taining alcohol.

2 “(c) ‘Malt beverage’ does not include cider or an alcoholic beverage ob-
3 tained primarily by fermentation of rice, such as sake.

4 “(8) ‘Manufacturer’ means every person who produces, brews, ferments,
5 manufactures or blends an alcoholic beverage within this state or who im-
6 ports or causes to be imported into this state an alcoholic beverage for sale
7 or distribution within the state.

8 “(9) ‘Permittee’ means a person holding a permit issued under ORS 471.360
9 to 471.390.

10 “(10) ‘Premises’ or ‘licensed premises’ means a location licensed under this
11 chapter and includes all enclosed areas at the location that are used in the
12 business operated at the location, including offices, kitchens, rest rooms and
13 storerooms, including all public and private areas where patrons are per-
14 mitted to be present. ‘Premises’ or ‘licensed premises’ includes areas outside
15 of a building that the commission has specifically designated as approved for
16 alcoholic beverage service or consumption.

17 “(11) ‘Wine’ means any fermented vinous liquor or fruit juice, or other
18 fermented beverage fit for beverage purposes that is not a malt beverage,
19 containing more than one-half of one percent of alcohol by volume and not
20 more than 21 percent of alcohol by volume. ‘Wine’ includes fortified wine.
21 ‘Wine’ does not include cider.

22 **“SECTION 132h.** ORS 471.360 is amended to read:

23 “471.360. (1) Except as otherwise provided in ORS 471.375:

24 “(a) Any person employed by a licensee of the Oregon Liquor Control
25 Commission must have a valid service permit issued by the commission if the
26 person:

27 “(A) Participates in any manner in the mixing, selling or service of alco-
28 holic liquor for consumption on the premises where served or sold; or

29 “(B) Participates in the dispensing of malt beverages, wines or cider sold
30 in securely covered containers provided by the consumer.

1 “(b) A licensee of the commission may not permit any person who lacks
2 a service permit required of the person under paragraph (a) of this sub-
3 section:

4 “(A) To mix, sell or serve any alcoholic liquor for consumption on li-
5 censed premises; or

6 “(B) To dispense malt beverages, wines or cider sold in securely covered
7 containers provided by the consumer.

8 “(c) A permittee shall make the service permit available at any time while
9 on duty for immediate inspection by any [*liquor enforcement inspector*] **reg-**
10 **ulatory specialist** or by any other peace officer.

11 “(2) The commission may waive the requirement for a service permit for
12 an employee of a licensee whose primary function is not the sale of alcoholic
13 liquor or food, including but not limited to public passenger carriers, hospi-
14 tals, or convalescent, nursing or retirement homes.

15 “**SECTION 134i.** ORS 471.375 is amended to read:

16 “471.375. (1) Any person who has not had a permit refused or revoked or
17 whose permit is not under suspension may mix, sell or serve alcoholic
18 beverages as provided under subsection (4) of this section if the person pre-
19 pares in duplicate an application for a service permit prior to mixing, selling
20 or serving any alcoholic beverage for consumption on licensed premises and
21 the application is indorsed as required under subsection (2) of this section.
22 A copy of the indorsed application must be kept on the licensed premises by
23 any licensee for whom the person mixes, sells or serves alcoholic beverages
24 and must be made available for immediate inspection by any [*liquor enforce-*
25 *ment inspector*] **regulatory specialist** or by any other peace officer until the
26 applicant receives the service permit.

27 “(2) An application for a service permit under subsection (1) of this sec-
28 tion must be indorsed by one of the following persons:

29 “(a) The licensee under whose license the applicant will mix, sell or serve
30 alcoholic beverages. If a licensee indorses an application, the licensee must

1 immediately transmit the application to the commission with the fee required
2 by subsection (3) of this section.

3 “(b) An officer or employee of a company that provides servers to
4 licensees on a temporary basis. The commission must give a company written
5 approval to indorse service permit applications before an application may be
6 indorsed under this paragraph.

7 “(c) An employee of the commission designated by the commission to ac-
8 cept and indorse applications under this section. The applicant must per-
9 sonally appear before the employee of the commission and provide
10 identification as may be required by commission rule.

11 “(d) An employee of an alcohol server education course provider that has
12 been certified by the commission under ORS 471.542 (8). The employee must
13 be specifically designated by the provider to indorse applications under this
14 section.

15 “(3) An applicant for a service permit must be 18 years of age or over.
16 Application for a service permit shall be made on a form supplied by the
17 commission. The applicant shall truly answer all questions, provide any fur-
18 ther information required, and pay a fee not to exceed \$10. The commission
19 shall either set the fee to cover only the administrative costs of the service
20 permit program, or apply any excess to the Alcohol Education Program es-
21 tablished under ORS 471.541.

22 “(4) An applicant for a service permit whose application has been
23 indorsed as provided under this section may:

24 “(a) Participate in the mixing, selling or service of alcoholic beverages
25 for consumption on the premises where served or sold; and

26 “(b) Participate in the dispensing of malt beverages, wine or cider sold
27 in securely covered containers provided by the consumer.

28 “**SECTION 134j.** ORS 471.675 is amended to read:

29 “471.675. A person may not forcibly resist lawful arrest, or by physical
30 contact recklessly interfere with an investigation of any infringement of the

1 Liquor Control Act or with any lawful search or seizure being made by a
2 peace officer or a [*liquor enforcement inspector*] **regulatory specialist** if the
3 person knows or should know that the investigation, search or seizure is
4 being performed by a peace officer or [*liquor enforcement inspector*] **regula-**
5 **tory specialist.**

6 **“SECTION 134k.** ORS 471.775 is amended to read:

7 “471.775. (1) The provisions of ORS 183.440 shall apply to subpoenas issued
8 by each member of the Oregon Liquor Control Commission or any of its au-
9 thorized agents.

10 “(2) [*Liquor enforcement inspectors*] **Regulatory specialists** have author-
11 ity as provided under this chapter, ORS chapter 153, ORS 133.005 to 133.400,
12 133.450, 133.525 to 133.703, 133.721 to 133.739, 161.235, 161.239 and 161.245 and
13 chapter 743, Oregon Laws 1971, to conduct inspections or investigations,
14 make arrests and seizures, aid in prosecutions for offenses, issue criminal
15 citations and citations for violations and otherwise enforce this chapter, ORS
16 474.005 to 474.095 and 474.115, commission rules and any other laws of this
17 state that the commission considers related to alcoholic liquor, including but
18 not limited to laws regarding the manufacture, importation, transportation,
19 possession, distribution, sale or consumption of alcoholic beverages, the
20 manufacture or use of false identification or the entry of premises licensed
21 to sell alcoholic liquor.

22 **“SECTION 134L.** ORS 659A.320 is amended to read:

23 “659A.320. (1) Except as provided in subsection (2) of this section, it is
24 an unlawful employment practice for an employer to obtain or use for em-
25 ployment purposes information contained in the credit history of an appli-
26 cant for employment or an employee, or to refuse to hire, discharge, demote,
27 suspend, retaliate or otherwise discriminate against an applicant or an em-
28 ployee with regard to promotion, compensation or the terms, conditions or
29 privileges of employment based on information in the credit history of the
30 applicant or employee.

1 “(2) Subsection (1) of this section does not apply to:

2 “(a) Employers that are federally insured banks or credit unions;

3 “(b) Employers that are required by state or federal law to use individual
4 credit history for employment purposes;

5 “(c) The application for employment or the employment of a public safety
6 officer who will be or who is:

7 “(A) A member of a law enforcement unit;

8 “(B) Employed as a peace officer commissioned by a city, port, school
9 district, mass transit district, county, university under ORS 352.383 or
10 353.125, Indian reservation, the Superintendent of State Police under ORS
11 181.433, the Criminal Justice Division of the Department of Justice, the
12 Oregon State Lottery Commission or the Governor or employed as a [*liquor*
13 *enforcement inspector*] **regulatory specialist** by the Oregon Liquor Control
14 Commission; and

15 “(C) Responsible for enforcing the criminal laws of this state or laws or
16 ordinances related to airport security; or

17 “(d) The obtainment or use by an employer of information in the credit
18 history of an applicant or employee because the information is substantially
19 job-related and the employer’s reasons for the use of such information are
20 disclosed to the employee or prospective employee in writing.

21 “(3) An employee or an applicant for employment may file a complaint
22 under ORS 659A.820 for violations of this section and may bring a civil
23 action under ORS 659A.885 and recover the relief as provided by ORS
24 659A.885 (1) and (2).

25 “(4) As used in this section, ‘credit history’ means any written or other
26 communication of any information by a consumer reporting agency that
27 bears on a consumer’s creditworthiness, credit standing or credit capacity.

28 “**SECTION 134m.** ORS 659A.885 is amended to read:

29 “**NOTE:** This section has an SA note.

30 “659A.885. (1) Any person claiming to be aggrieved by an unlawful prac-

1 tice specified in subsection (2) of this section may file a civil action in cir-
2 cuit court. In any action under this subsection, the court may order
3 injunctive relief and any other equitable relief that may be appropriate, in-
4 cluding but not limited to reinstatement or the hiring of employees with or
5 without back pay. A court may order back pay in an action under this sub-
6 section only for the two-year period immediately preceding the filing of a
7 complaint under ORS 659A.820 with the Commissioner of the Bureau of La-
8 bor and Industries, or if a complaint was not filed before the action was
9 commenced, the two-year period immediately preceding the filing of the
10 action. In any action under this subsection, the court may allow the pre-
11 vailing party costs and reasonable attorney fees at trial and on appeal. Ex-
12 cept as provided in subsection (3) of this section:

13 “(a) The judge shall determine the facts in an action under this sub-
14 section; and

15 “(b) Upon any appeal of a judgment in an action under this subsection,
16 the appellate court shall review the judgment pursuant to the standard es-
17 tablished by ORS 19.415 (3).

18 “(2) An action may be brought under subsection (1) of this section alleg-
19 ing a violation of ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237
20 (2), 476.574, 652.355, 653.060, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063,
21 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186,
22 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,
23 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,
24 659A.309, 659A.315, 659A.318, 659A.320 or 659A.421 or **section 20b of this**
25 **2015 Act.**

26 “(3) In any action under subsection (1) of this section alleging a violation
27 of ORS 25.337, 25.424, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
28 659A.082, 659A.103 to 659A.145, 659A.199, 659A.228, 659A.230, 659A.250 to
29 659A.262, 659A.290, 659A.318 or 659A.421:

30 “(a) The court may award, in addition to the relief authorized under

1 subsection (1) of this section, compensatory damages or \$200, whichever is
2 greater, and punitive damages;

3 “(b) At the request of any party, the action shall be tried to a jury;

4 “(c) Upon appeal of any judgment finding a violation, the appellate court
5 shall review the judgment pursuant to the standard established by ORS
6 19.415 (1); and

7 “(d) Any attorney fee agreement shall be subject to approval by the court.

8 “(4) In any action under subsection (1) of this section alleging a violation
9 of ORS 652.355 or 653.060, the court may award, in addition to the relief
10 authorized under subsection (1) of this section, compensatory damages or
11 \$200, whichever is greater.

12 “(5) In any action under subsection (1) of this section alleging a violation
13 of ORS 171.120, 476.574, 659A.203 or 659A.218, the court may award, in addi-
14 tion to the relief authorized under subsection (1) of this section,
15 compensatory damages or \$250, whichever is greater.

16 “(6) In any action under subsection (1) of this section alleging a violation
17 of ORS 10.090 or 10.092, the court may award, in addition to the relief au-
18 thorized under subsection (1) of this section, a civil penalty in the amount
19 of \$720.

20 “(7) Any individual against whom any distinction, discrimination or re-
21 striction on account of race, color, religion, sex, sexual orientation, national
22 origin, marital status or age, if the individual is 18 years of age or older,
23 has been made by any place of public accommodation, as defined in ORS
24 659A.400, by any employee or person acting on behalf of the place or by any
25 person aiding or abetting the place or person in violation of ORS 659A.406
26 may bring an action against the operator or manager of the place, the em-
27 ployee or person acting on behalf of the place or the aider or abettor of the
28 place or person. Notwithstanding subsection (1) of this section, in an action
29 under this subsection:

30 “(a) The court may award, in addition to the relief authorized under

1 subsection (1) of this section, compensatory and punitive damages;

2 “(b) The operator or manager of the place of public accommodation, the
3 employee or person acting on behalf of the place, and any aider or abettor
4 shall be jointly and severally liable for all damages awarded in the action;

5 “(c) At the request of any party, the action shall be tried to a jury;

6 “(d) The court shall award reasonable attorney fees to a prevailing
7 plaintiff;

8 “(e) The court may award reasonable attorney fees and expert witness fees
9 incurred by a defendant who prevails only if the court determines that the
10 plaintiff had no objectively reasonable basis for asserting a claim or no
11 reasonable basis for appealing an adverse decision of a trial court; and

12 “(f) Upon any appeal of a judgment under this subsection, the appellate
13 court shall review the judgment pursuant to the standard established by ORS
14 19.415 (1).

15 “(8) When the commissioner or the Attorney General has reasonable cause
16 to believe that a person or group of persons is engaged in a pattern or
17 practice of resistance to the rights protected by ORS 659A.145 or 659A.421
18 or federal housing law, or that a group of persons has been denied any of the
19 rights protected by ORS 659A.145 or 659A.421 or federal housing law, the
20 commissioner or the Attorney General may file a civil action on behalf of
21 the aggrieved persons in the same manner as a person or group of persons
22 may file a civil action under this section. In a civil action filed under this
23 subsection, the court may assess against the respondent, in addition to the
24 relief authorized under subsections (1) and (3) of this section, a civil penalty:

25 “(a) In an amount not exceeding \$50,000 for a first violation; and

26 “(b) In an amount not exceeding \$100,000 for any subsequent violation.

27 “(9) In any action under subsection (1) of this section alleging a violation
28 of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing
29 law, when the commissioner is pursuing the action on behalf of an aggrieved
30 complainant, the court shall award reasonable attorney fees to the commis-

1 sioner if the commissioner prevails in the action. The court may award rea-
2 sonable attorney fees and expert witness fees incurred by a defendant that
3 prevails in the action if the court determines that the commissioner had no
4 objectively reasonable basis for asserting the claim or for appealing an ad-
5 verse decision of the trial court.

6 “(10) In an action under subsection (1) or (8) of this section alleging a
7 violation of ORS 659A.145 or 659A.421 or discrimination under federal hous-
8 ing law:

9 “(a) ‘Aggrieved person’ includes a person who believes that the person:

10 “(A) Has been injured by an unlawful practice or discriminatory housing
11 practice; or

12 “(B) Will be injured by an unlawful practice or discriminatory housing
13 practice that is about to occur.

14 “(b) An aggrieved person in regard to issues to be determined in an action
15 may intervene as of right in the action. The Attorney General may intervene
16 in the action if the Attorney General certifies that the case is of general
17 public importance. The court may allow an intervenor prevailing party costs
18 and reasonable attorney fees at trial and on appeal.

19 “**SECTION 134n.** ORS 802.250 is amended to read:

20 “802.250. (1) An eligible public employee may request that any driver or
21 vehicle record kept by the Department of Transportation that contains or is
22 required to contain the eligible employee’s residence address contain instead
23 the address of the public agency employing the eligible employee. A request
24 under this section shall:

25 “(a) Be in a form specified by the department that provides for verifica-
26 tion of the eligible employee’s employment.

27 “(b) Contain verification by the employing public agency of the eligible
28 employee’s employment with the public agency.

29 “(2) Upon receipt of a request and verification under subsection (1) of this
30 section, the department shall remove the eligible employee’s residence ad-

1 dress from its records, if necessary, and substitute therefor the address of the
2 public agency employing the eligible employee. The department shall indicate
3 on the records that the address shown is an employment address. While the
4 request is in effect, the eligible employee may enter the address of the public
5 agency employing the eligible employee on any driver or vehicle form issued
6 by the department that requires an address.

7 “(3) A public agency that verifies an eligible employee’s employment un-
8 der subsection (1) of this section shall notify the department within 30 days
9 if the eligible employee ceases to be employed by the public agency. The el-
10 igible employee shall notify the department of a change of address as pro-
11 vided in ORS 803.220 or 807.560.

12 “(4) If an eligible employee is killed in the line of duty, a person who is
13 a household member of the eligible employee may request that any driver or
14 vehicle record kept by the department that contains or is required to contain
15 the household member’s residence address continue to contain the address
16 of the public agency that employed the eligible employee for up to four years
17 after the date of the death of the eligible employee. On or before the date
18 on which the four-year period ends, the household member shall notify the
19 department of a change of address as provided in ORS 803.220 or 807.560. A
20 request under this subsection shall be in a form specified by the department.

21 “(5) As used in this section, ‘eligible employee’ means:

22 “(a) A member of the State Board of Parole and Post-Prison Supervision.

23 “(b) The Director of the Department of Corrections and an employee of
24 an institution defined in ORS 421.005 as Department of Corrections insti-
25 tutions, whose duties, as assigned by the superintendent, include the custody
26 of persons committed to the custody of or transferred to the institution.

27 “(c) A parole and probation officer employed by the Department of Cor-
28 rections and an employee of the Department of Corrections Release Center
29 whose duties, as assigned by the Chief of the Release Center, include the
30 custody of persons committed to the custody of or transferred to the Release

1 Center.

2 “(d) A police officer appointed under ORS 276.021 or 276.023.

3 “(e) An employee of the State Department of Agriculture who is classified
4 as a brand inspector by the Director of Agriculture.

5 “(f) An investigator of the Criminal Justice Division of the Department
6 of Justice.

7 “(g) A corrections officer as defined in ORS 181.610.

8 “(h) A federal officer. As used in this paragraph, ‘federal officer’ means
9 a special agent or law enforcement officer employed by:

10 “(A) The Federal Bureau of Investigation;

11 “(B) The United States Secret Service;

12 “(C) The United States Citizenship and Immigration Services;

13 “(D) The United States Marshals Service;

14 “(E) The Drug Enforcement Administration;

15 “(F) The United States Postal Service;

16 “(G) The United States Customs and Border Protection;

17 “(H) The United States General Services Administration;

18 “(I) The United States Department of Agriculture;

19 “(J) The Bureau of Alcohol, Tobacco, Firearms and Explosives;

20 “(K) The Internal Revenue Service;

21 “(L) The United States Department of the Interior; or

22 “(M) Any federal agency if the person is empowered to effect an arrest

23 with or without warrant for violations of the United States Code and is au-

24 thorized to carry firearms in the performance of duty.

25 “(i) An employee of the Department of Human Services or the Oregon

26 Health Authority whose duties include personal contact with clients or pa-

27 tients of the department or the authority.

28 “(j) Any judge of a court of this state.

29 “(k) An employee of the Oregon Youth Authority whose duties include

30 personal contact with persons committed to the legal or physical custody of

1 the authority.

2 “(L) A district attorney, as defined in ORS 131.005, or deputy district at-
3 torney.

4 “(m) An employee who provides educational services to persons who are
5 clients or patients of the Department of Human Services or the Oregon
6 Health Authority, who are under the jurisdiction of the Psychiatric Security
7 Review Board or who are under the custody or supervision of the Department
8 of Corrections, the State Board of Parole and Post-Prison Supervision, a
9 community corrections agency, the Oregon Youth Authority or a juvenile
10 department. As used in this paragraph, ‘employee who provides educational
11 services’ means a person who provides instruction, or services related to the
12 instruction, of a subject usually taught in an elementary school, a secondary
13 school or a community college or who provides special education and related
14 services in other than a school setting and who works for:

15 “(A) An education service district or a community college district; or

16 “(B) A state officer, board, commission, bureau, department or division in
17 the executive branch of state government that provides educational services.

18 “(n) An employee of the Oregon Liquor Control Commission who is:

19 “(A) A [*liquor enforcement inspector*] **regulatory specialist**; or

20 “(B) A regulatory manager.

21 “(o) A police officer as defined in ORS 801.395.

22 “(p) An employee whose duties include personal contact with criminal
23 offenders and who is employed by a law enforcement unit, as defined in ORS
24 181.610.

25

26 **“TEMPORARY PROVISIONS**

27

28 **“SECTION 135. The Oregon Liquor Control Commission shall ap-
29 prove or deny applications submitted to the commission under section
30 18, chapter 1, Oregon Laws 2015, to produce, process or sell marijuana**

1 "DATES

2
3 **"SECTION 140. (1) Sections 3, 4, 10, 13, 17 to 23, 26, 29 to 32, 34, 91**
4 **to 112, 114, 116 to 118 and 130 of this 2015 Act and the amendments to**
5 **statutes and session law by sections 1, 2, 5 to 9, 11, 12, 14 to 16, 24, 25,**
6 **27, 28, 33, 34, 36 to 68, 115 and 132a to 134n of this 2015 Act become op-**
7 **erative on January 1, 2016.**

8 **"(2) Sections 113 of this 2015 Act become operative on November 15,**
9 **2015.**

10 **"(3) The Oregon Liquor Control Commission, Oregon Health Au-**
11 **thority, State Department of Agriculture and State Department of**
12 **Energy may take any action before the operative dates specified in**
13 **subsections (1) and (2) of this section that is necessary to enable the**
14 **commission, authority, State Department of Agriculture and State**
15 **Department of Energy to exercise all the duties, functions and powers**
16 **conferred on the commission, authority, State Department of Agri-**
17 **culture and State Department of Energy by sections 3, 4, 10, 13, 17 to**
18 **23, 26, 29 to 32, 34, 91 to 112, 114, 116 to 118 and 130 of this 2015 Act and**
19 **the amendments to statutes and session law by sections 1, 2, 5 to 9,**
20 **11, 12, 14 to 16, 24, 25, 27, 28, 33, 34, 36 to 68, 115 and 132a to 134n 2015**
21 **Act.**

22 **"SECTION 141. The Oregon Health Authority shall adopt rules that**
23 **the authority is charged with adopting under sections 91 to 112 of this**
24 **2015 Act on or before November 15, 2015.**

25
26 "CAPTIONS

27
28 **"SECTION 142. The unit captions used in this 2015 Act are provided**
29 **only for the convenience of the reader and do not become part of the**
30 **statutory law of this state or express any legislative intent in the**

1 enactment of this 2015 Act.

2

3

“EFFECTIVE DATE

4

5 **“SECTION 143. This 2015 Act takes effect on the 91st day after the**
6 **date on which the 2015 regular session of the Seventy-eighth Legisla-**
7 **tive Assembly adjourns sine die.”.**

8
