

A. Oregon Medical Marijuana Act (OMMA)

- Fixing the hole of the black market within our medical marijuana program.
- It is critical to gain control of that problem if our new retail system has any chance of success.
- Here's how HB 3400 does that:
 - *Registration*: Requires registration of designated grow sites and processing sites.
 - *Tracking*: Requires designated growers, processors, and dispensaries to submit monthly information to a database regarding amounts possessed and transferred.
 - *Inspections*: Authorizes OHA to inspect grow and processing sites, and their business records.
 - *Plant limits*: Limits the number of plants that may be grown at a single address:
 - 12 mature plants in residential zone in city, with up to 24 for grandfathered sites.
 - 48 mature plants in all other zones, with up to 96 for grandfathered sites.
 - *Hash oil production location*: Prohibits marijuana extract processing sites in residential zones.

B. Product Safety

- The recent series of articles in *The Oregonian* about pesticides in marijuana highlights how important it is that we ensure product safety.
- Here's how HB 3400 does this:
 - Provides for testing of all marijuana items, and regulatory authority to establish testing standards.
 - Requires testing laboratories be licensed by the state.
 - Provides for packaging, labeling, and dosage standards.

C. Improving Measure 91

- Clarifies OLCC powers and duties relating to regulation, investigation, and enforcement with regard to OLCC licensed marijuana businesses.
- Requires handler permit for employees of retail marijuana businesses that handle marijuana, similar to an alcohol server permit.
- Requires a seed-to-sale tracking system.
- Allows OLCC to require age verification scanners for licensed retail stores.

D. Local Control

- Clarifies reasonable local time, place and manner regulatory authority over marijuana businesses.
- Requires a Land Use Compatibility Statement (LUCS) from local government prior to issuance of a marijuana business license by OLCC, to ensure compliance with our land use laws.
- Allows local tax on sale of retail marijuana items, if approved by local voters at a general election
 - Not to exceed 3 percent.
 - Only if the local jurisdiction does not opt out of marijuana businesses.
- Provides two additional paths for local opt out of any one or more category of marijuana business (the local petition process in Measure 91 remains a path as well):

- 1. Opt out by local vote referred to voters by the county or city governing body.
 - Temporary moratorium until election.
 - Election must be held at the next general election.
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax is prohibited.
- 2. Opt out by action of the county or city governing body for counties, and cities in counties, that voted against Measure 91 by at least 55 percent (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler).
 - That way we won't have to hold needless elections.
 - Opt out must be done within 180 days of the effective date of HB 3400.
 - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
 - If a county or city opts out of any category, local option tax is prohibited.

E. Further Reduction of Marijuana Offense Levels

- Make them align more with the intent of Measure 91

OMMA Work Sheet of HB 3400

Section 25: Protection of Persons Under 21 Years of Age

- "...purchasing MJ item includes accepting MJ item, and acquiring a MJ item includes consuming a MJ item, provided that the consumption of the MJ item occurred no more than ___ hours before determination that the person consumed..."

Section 80...page 34 of the 127 bill addresses the Oregon Medical Marijuana Act (OMMA)

Section 81: Medical MJ Producers

- **OHA shall establish by rule** a MJ grow site registration system to track and regulate the production by a cardholder or a designated person for the cardholder
- Eligibility Qualifications for grow sites:
 1. The _____ of the person responsible for the grow site
 2. Proof of residency for _____ or more years and the person is 21 years of age or older
 3. Address of the MJ grow site
 4. Any other information that OHA deems appropriate
- CCH...OHA has authority to conduct a _____ check
- A person convicted of a Class A or Class B felony for MCS or DCS may not act grow for _____ years from the conviction.
- A person convicted more than once of a Cass A or Class B felony may not grow.
- The patient/grower relationship does not change. The patient is still the owner of the MJ until they _____ ownership.

Section 81a: Tracking Light

- "A person designated to produce MJ by a cardholder must submit to OHA, in a form and manner established by rule, the following information concerning the production of MJ:
 1. The number of mature and immature plants, the amount of MJ _____ and _____ being dried, usable MJ in the person's possession,
 2. The number of mature and immature plants, usable MJ that is being transferred to the cardholder
 3. The amount of usable MJ being transferred to each MJ _____
 4. The amount of immature MJ plants and usable MJ transferred to a MJ _____.
- Report once each month.

Section 82: Grow Site Possession Limits—Plant Caps

- City: 12 and 24 with grandfather clause (registered with OHA before _____).
- County: 48 and 96 with grandfather clause

Section 85: Medical Marijuana Processors

- OHA shall establish by rule a MJ processing site registration system to track and regulate the processing of MJ.

- Processors are the only ones to _____ product (edibles, concentrates, extracts) into dispensaries.

Section 85e: Database

- OHA shall develop a database of information related to the production of MJ
- OHA may share information with LE, but limited to: _____ and _____, but not personal identification.

Section 85a: Broad Authority to Regulate Processing

- A MJ processing site must meet any public health and safety standards set by OHA, involves:
 1. _____
 2. _____
 3. _____
 4. Any other type of medical cannabinoid product

Section 85b: Data Base information

- OHA shall require MJ processing site to provide the following information for the data base:
 1. Amount of usable MJ transferred to a processing site
 2. Amount and type of medical cannabinoid products transferred to the processing site
 3. Amount and type of concentrates transferred by the MJ processor
 4. Amount and type of extracts transferred by the MJ processor

Section 86a: Grand Father clause for existing dispensaries prior to a School opening

- “if a school has not previously been attended by children is established within 1,000 feet of a medical MJ dispensary, the dispensary may remain in its current location.

Section 86b: OHA may require daily reports from Dispensaries and Processors

- Same information listed in Section 85b

Section 87: Exemptions from Criminal Liability and Affirmative Defense

- The Umbrella Concept

Section 88: General Powers

- Added civil penalty power for violating the act
- OHA may impose for each violation a civil penalty not to exceed \$ _____ for each day that the violation occurs.

Section 89: Ordinances... Time, Place and Manner

- Applies to larger dispensaries, processors and grow sites.
- If you're growing for yourself, 12 plants or under, you are exempt from this section.

Section 91: Testing

- OHA will craft rules that apply to the _____ of labs testing marijuana.
- OLCC will be responsible for the licensing of the labs.

- _____ in regulations. Testing applies uniformly to both programs.

Section 100: Labeling and Dosage

- OHA has been broad rule making authority to address this important issue: THC _____ level.
- Content on _____.
- _____ will be set by OLCC.

Notes:

Section 113: Research Certificate

- OLCC in consultation with _____ and _____ shall establish a program for the purpose of identifying and certifying private and public researcher of cannabis.
- Criteria to be considered for research criteria:
- A research of applicant's access to _____ and the overall _____ of the proposed research
- The overall _____ of an applicant's proposed research to the state's cannabis industry or to public health and safety
- Legal _____ to conducting the proposed research or legal risks associated with conducting the research.

Section 114: Cannabinoid Edibles

- Edibles will be treated like any other food product.
- The Department of Agriculture (DOA) is granted rule making authority as it applies to _____ statutes.

Section 116: Medical Marijuana Grow Site Opt-in

- OMMA grow sites may apply for a license for M-91 through OLCC.
- In turn, they will be regulated by _____.
- They will have a plant cap, _____.
- Return to OMMP...the person may _____ their license to OLCC and return under the regulations of OMMP.

Section 117: Cannabis Education Program

- As part of the comprehensive alcohol and drug abuse policy, OHA, State Board of Education and the Drug Policy Commission will work together in developing MJ abuse prevention curricula and public information programs for _____, _____, _____, administrators and school board members.

Section 119: Crimes

- Unlawful manufacture of MJ within 1,000 feet of a school is a Class ____ felony
- Home grows falls under an administrative penalty

Section 121: Crimes continues...

- Unlawful manufacture of MJ shifts from a Class B felony to a Class ____ felony.
- Unlawful delivery of MJ is a Class ____ misdemeanor.
- The act of Unlawful Delivery becomes a Class C felony if the delivery is to a person under ____ years of age and the defendant is at least ____ years of age.
- Refer to attached MJ Crime and Offense chart

Section 129: Crimes & Expunction

- Applies to all misdemeanors
- There must be a ____ year waiting period.
- When a person convicted of a MJ offense files a motion with the court to set aside a conviction, the court shall consider the the offense to be classified as if the conduct occurred on or after the effective date of this Act, or if the offense is no longer a crime, the court shall consider the offense to be classified as a Class C misdemeanor in determining if the person is eligible for the order.

Section 133: Local Option

- Two Paths...
- 55% vote of opposition = _____ day window period.
- Less than 55%= _____.

Section 161: Other issues

- Describes definition of Regulatory Specialist within OLCC.

State Marijuana Crimes and Offenses in Oregon after July 1, 2015
assuming passage of HB 3400A

HB 3400A changes shown in legislative format -- **bold** for new, and *[bracketed italics]* for removed

Unlawful possession of marijuana (ORS 475.864, as amended by Measure 91, Section 79)

Person under 21

Leaves, stems, flowers

< 1 ounce	Violation	ORS 475.864(3)(c)
1 to <i>[4]</i> 8 ounces	B Misdemeanor	ORS 475.864(3)(b), HB 3400A §123
<i>[4]</i> 8 ounces or more	<i>[C Felony]</i> A Misdemeanor	ORS 475.864(3)(a) HB 3400A §123

Products

<i>[< ¼ ounce]</i> 16 ounces or more of solid or 72 ounces or more of liquid	B Misdemeanor	ORS 475.864(4)(b), HB 3400A §123
<i>[¼ ounce or more]</i> > 16 ounces of solid or more than 72 ounces of liquid	<i>[C Felony]</i> A Misdemeanor	ORS 475.864(4)(a) HB 3400A §123

Person 21 and older (who is not an OLCC licensee)

<ul style="list-style-type: none"> > 1 ounce in public place > 8 ounces > 16 ounces of solid products > 72 ounces of liquid products > 1 ounce of extracts 	}	See immediately below
Not > 2 times the amount	B Violation	ORS 475.864(7)(c)
> 2 times the amount	B Misdemeanor	ORS 475.864(7)(b)
> 4 times the amount	<i>[C Felony]</i> A Misdemeanor	ORS 475.864(7)(a) HB 3400A §123

Extract not purchased from OLCC retailer

Not > ¼ ounce	B Misdemeanor	ORS 475.864(8)(b)
> ¼ ounce	C Felony	ORS 475.864(8)(a)

Unlawful delivery of marijuana (ORS 475.860, as amended by Measure 91, Section 78)

Delivery of non-homemade marijuana or product by non-licensee

<i>[For consideration]</i> All other	<i>[B Felony]</i> A Misdemeanor	ORS 475.860(2)(a), HB 3400A §122(2)
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For no consideration

< 5 grams of leaves, stems, flowers	Violation	HB 3400A §122(3)(b)
<i>[To adult within 1,000' school]</i>	<i>C Misdemeanor</i>	<i>ORS 475.860(4)(b)]</i>
<i>[Other]</i>	Violation	<i>ORS 475.860(3)(b)]</i>
< 1 ounce of leaves, stems, flowers	<i>[A Misdemeanor]</i> A Violation	ORS 475.860(3)(a), HB 3400A §122(3)(a)
<i>[All other]</i>	<i>C Felony</i>	<i>ORS 475.860(2)(b)]</i>
To person < 18 by person <i>[>3 years]</i> 21 or older	<i>[A] C Felony</i>	ORS 475.860(4)(a), HB 3400A §122(4)

Delivery of homemade marijuana or homemade products (other than extracts) to person over 21
 > 1 ounce
 > 16 ounces of solid products
 > 72 ounces of liquid products
 Any amount of extract

} See immediately below

Same as above for delivery of non-homemade marijuana or product by non-licensee

Unlawful delivery of marijuana within 1,000 feet of a school (ORS 475.862; unamended by M91)
 (except for licensees, and personal allowances) A Felony ORS 475.862
HB 3400A §119

Unlawful manufacture of marijuana (ORS 475.856, as amended by Measure 91, Section 77)

Manufacture by non-licensee that is 21 or older

> 4 plants but not > 8 plants B Misdemeanor ORS 475.856(3)
 > 8 plants
 > 16 ounces of solid products } [B] C Felony ORS 475.856(2),
 > 72 ounces of liquid products } **HB 3400A §121**
 Any amount of extract

Manufacture by person under 21 [B] C Felony ORS 475.856(2),
HB 3400A §121

Use of Marijuana while Driving B Violation M91 §73

Unlawful manufacture of marijuana within 1,000 feet of a school (ORS 475.858; unamended by M91)
 (except for licensees, and personal allowances) A Felony ORS 475.858,
HB 3400A §119

Use of minor in controlled substance offense (ORS 167.262; unamended by M91)

Manufacture, transport, delivery

< 5 grams for no consideration A Misdemeanor ORS 167.262(1)/(2)(b)
 Other A Felony ORS 167.262(1)/(2)(a)

Other

Failure to pay marijuana tax [B] A Misdemeanor M 91 §40(1)(a), [§69(2)]
HB 3400A §66, §77

Falsifying marijuana tax record [B] A Misdemeanor M 91 §40(1)(b), [§69(2)]
HB 3400A §66, §77

Records offenses A Misdemeanor M 91 §40(2), §69(1)

Refusal to permit inspection

Failure to keep

Failure to retain for at least two years

Falsifying

Importing or exporting marijuana item by licensee

For no consideration A Misdemeanor M 91 §45(2)(b)

For consideration C Felony M 91 §45(2)(a)

Giving marijuana item as prize	A Misdemeanor	M 91 §46, §69(1)
Providing marijuana to visibly intoxicated person	A Misdemeanor	M 91 §47(1), §69(1)
Permitting person under 21 to consume	A Misdemeanor	M 91 §47(2), §69(1)
False statement to OLCC to induce or prevent action	A Misdemeanor	M 91 §48(1), §69(1)
Noisy, lewd, disorderly, or insanitary licensed premises	A Misdemeanor	M 91 §48(2), §69(1)
Licensee supplying impure or deleterious item	A Misdemeanor	M 91 §48(2), §69(1)
Licensee misrepresenting marijuana item	A Misdemeanor	M 91 §48(3), §69(1)
<i>[Attempted purchase by person under 21</i>	<i>B Violation</i>	<i>M 91 §49(1) and (3)]</i>
Possession, consumption, by person under 21	B Violation	M 91 §49(1) and (3), HB 3400A §25
Entry of posted licensed premises by person under 21	B Violation	M 91 §49(2) and (3)
Licensee offering to sell item not in compliance	A Misdemeanor	M 91 §50(1), §69(1)
Mislabeling or deceptive labelling by licensee	A Misdemeanor	M 91 §51, §69(1)
Licensee employing someone under the age of 21	A Misdemeanor	M 91 §52, §69(1)
Licensee (other than producer) possession or sale of mature marijuana plant	A Misdemeanor	M 91 §53, §69(1)
Use in public place	B Violation	M 91 §54
<i>[Possession in correctional facility</i>	<i>B Violation</i>	<i>M 91 §55]</i>
		HB 3400A §137
Homegrown or homemade in view from public place	B Violation	M 91 §56
Produce, process, or store homemade extracts	A Misdemeanor	M 91 §57, §69(1)
Violation of OLCC rule	C Violation	M 91 §69(3)
Other violation of M91	A Misdemeanor	M 91 §69(1)

