

A-Engrossed
House Bill 2313

Ordered by the House April 23
Including House Amendments dated April 23

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Increases time for conducting preliminary hearing on minor's application for emancipation to 15 days after date of filing.]

Prohibits person under 21 years of age from attempting to purchase, purchasing or acquiring marijuana items, and from entering portion of licensed premises where such persons are prohibited.

Punishes violation by maximum fine of \$1,000. Punishes violation while operating motor vehicle by maximum fine of \$2,000.

Authorizes court to order person who violates prohibition to undergo assessment and treatment.

Provides immunity from prosecution if person under 21 years of age contacts emergency medical services or law enforcement agency to obtain medical assistance.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to juveniles; creating new provisions; repealing section 49, chapter 1, Oregon Laws 2015;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of sections 3 to 70,**
6 **chapter 1, Oregon Laws 2015.**

7 **SECTION 2. (1) A person under 21 years of age may not attempt to purchase, purchase**
8 **or acquire marijuana items.**

9 **(2) For the purposes of this section, personal possession of marijuana items includes the**
10 **acceptance or consumption of marijuana items.**

11 **(3) Except as authorized by rule or as necessitated in an emergency, a person under 21**
12 **years of age may not enter or attempt to enter any portion of a licensed premises that is**
13 **posted or otherwise identified as being prohibited to the use of persons under 21 years of age**
14 **or of persons subject to the prohibition under subsection (1) of this section.**

15 **(4)(a) Except as provided in paragraph (b) of this subsection, a person who violates sub-**
16 **section (1) or (3) of this section commits a Class B violation.**

17 **(b) A person commits a Class A violation if the person violates subsection (1) of this**
18 **section by reason of personal possession of marijuana items while the person is operating a**
19 **motor vehicle, as defined in ORS 801.360.**

20 **(5) In addition to and not in lieu of any other penalty established by law, a person under**
21 **21 years of age who violates subsection (1) of this section through misrepresentation of age**
22 **may be required to perform community service, and the court shall order that the person's**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 driving privileges and right to apply for driving privileges be suspended for a period not to
2 exceed one year. If a court has issued an order suspending driving privileges under this
3 section, the court, upon petition of the person, may withdraw the order at any time the court
4 deems appropriate. The court notification to the Department of Transportation under this
5 subsection may include a recommendation that the person be granted a hardship permit
6 under ORS 807.240 if the person is otherwise eligible for the permit.

7 (6) If a person cited under this section is at least 13 years of age but less than 21 years
8 of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure
9 to appear, in addition to and not in lieu of any other penalty, the court shall issue notice
10 under ORS 809.220 to the department for the department to suspend the person's driving
11 privileges under ORS 809.280 (4).

12 (7) In addition to and not in lieu of any penalty established by law, the court may order
13 a person who violates this section to undergo assessment and treatment. The court shall
14 order a person to undergo assessment and treatment if the person has previously been found
15 to have violated this section.

16 (8) The prohibitions of this section do not apply to a person under 21 years of age who
17 is acting under the direction of the Oregon Liquor Control Commission or under the direc-
18 tion of state or local law enforcement agencies for the purpose of investigating possible vio-
19 lations of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

20 (9) The prohibitions of this section do not apply to a person under 21 years of age who
21 is acting under the direction of a licensee for the purpose of investigating possible violations
22 by employees of the licensee of laws prohibiting sales of marijuana items to persons who are
23 under 21 years of age.

24 (10)(a) A person under 21 years of age is not in violation of, and is immune from prose-
25 cution under, this section if:

26 (A) The person contacted emergency medical services or a law enforcement agency in
27 order to obtain medical assistance for another person who was in need of medical assistance
28 due to marijuana item consumption and the evidence of the violation of this section was
29 obtained as a result of the person's having contacted emergency medical services or a law
30 enforcement agency; or

31 (B) The person was in need of medical assistance due to marijuana item consumption and
32 the evidence of the violation of this section was obtained as a result of the person's having
33 sought or obtained the medical assistance.

34 (b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a
35 result of a person's having sought medical assistance in proceedings for crimes or offenses
36 other than a violation of this section.

37 **SECTION 3.** Section 49, chapter 1, Oregon Laws 2015, is repealed.

38 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
40 on its passage.