

## HOUSE AMENDMENTS TO HOUSE BILL 2313

By COMMITTEE ON JUDICIARY

April 23

1 In line 2 of the printed bill, delete “amending ORS 419B.555” and insert “creating new pro-  
2 visions; repealing section 49, chapter 1, Oregon Laws 2015; and declaring an emergency”.

3 Delete lines 4 through 21 and insert:

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

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

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

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

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

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

19 **“(5) In addition to and not in lieu of any other penalty established by law, a person under  
20 21 years of age who violates subsection (1) of this section through misrepresentation of age  
21 may be required to perform community service, and the court shall order that the person’s  
22 driving privileges and right to apply for driving privileges be suspended for a period not to  
23 exceed one year. If a court has issued an order suspending driving privileges under this  
24 section, the court, upon petition of the person, may withdraw the order at any time the court  
25 deems appropriate. The court notification to the Department of Transportation under this  
26 subsection may include a recommendation that the person be granted a hardship permit  
27 under ORS 807.240 if the person is otherwise eligible for the permit.**

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

33 **“(7) In addition to and not in lieu of any penalty established by law, the court may order  
34 a person who violates this section to undergo assessment and treatment. The court shall  
35 order a person to undergo assessment and treatment if the person has previously been found**

1 to have violated this section.

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

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

10 “(10)(a) A person under 21 years of age is not in violation of, and is immune from pros-  
11 ecution under, this section if:

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

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

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

23 “SECTION 3. Section 49, chapter 1, Oregon Laws 2015, is repealed.

24 “SECTION 4. This 2015 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
26 on its passage.”.

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