

Senate Bill 936

Sponsored by Senators BURDICK, KRUSE, BEYER; Representatives BUCKLEY, HELM, LININGER, WILSON

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 **as introduced**.

Makes changes to law providing for registration of marijuana grow sites under Oregon Medical Marijuana Act. Requires person responsible for grow site to register with authority if person processes marijuana into medical marijuana products.

Provides for regulation of medical marijuana products.

Directs Oregon Health Authority to develop and maintain database of information for tracking produced and processed marijuana.

Specifies amount of marijuana that may be kept and number of marijuana plants that may be produced at single address.

Makes other changes to Oregon Medical Marijuana Act, including changes to harmonize Oregon Medical Marijuana Act with chapter 1, Oregon Laws 2015.

Becomes operative March 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to marijuana; creating new provisions; amending ORS 181.534, 181.537, 475.300, 475.302,
3 475.303, 475.304, 475.306, 475.309, 475.312, 475.314, 475.316, 475.319, 475.320, 475.323, 475.326,
4 475.328, 475.331, 475.334, 475.338, 475.340 and 475.342 and section 2, chapter 79, Oregon Laws
5 2014; repealing ORS 475.324; and declaring an emergency.

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

DEFINITIONS

7
8
9
10 **SECTION 1.** ORS 475.302 is amended to read:

11 475.302. As used in ORS 475.300 to 475.346:

12 (1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary
13 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

14 [(2) "Authority" means the Oregon Health Authority.]

15 (2) "Cannabinoid edible" means food or potable liquid into which a cannabinoid extract
16 or the dried leaves or flowers of marijuana have been incorporated.

17 (3)(a) "Cannabinoid extract" means a product containing cannabinoids that have been
18 separated from marijuana, generally by chemical processes.

19 (b) "Cannabinoid extract" does not include:

20 (A) A product containing cannabinoids that have been separated from marijuana by me-
21 chanical processes;

22 (B) A product containing cannabinoids that have been separated from marijuana using
23 glycerin, fats, oils or water; or

24 (C) If no heat or pressure is used to separate the cannabinoids from the marijuana, a
25 product containing cannabinoids that have been separated from marijuana using ethanol or

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 **carbon dioxide.**

2 [(3)] (4) “Debilitating medical condition” means:

3 (a) Cancer, glaucoma, agitation incident to Alzheimer’s disease, positive status for human
4 immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the
5 treatment of [these] **those** medical conditions;

6 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
7 tient, one or more of the following:

8 (A) Cachexia;

9 (B) Severe pain;

10 (C) Severe nausea;

11 (D) Seizures, including seizures caused by epilepsy; or

12 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

13 (c) Post-traumatic stress disorder; or

14 (d) Any other medical condition or side effect related to the treatment of a medical condition
15 adopted by the **Oregon Health** Authority by rule or approved by the authority pursuant to a peti-
16 tion [submitted] **filed** under ORS 475.334.

17 [(4)(a)] (5)(a) “Delivery” has the meaning given that term in ORS 475.005.

18 (b) “Delivery” does not include transfer of:

19 (A) Marijuana by a registry identification cardholder to another registry identification
20 cardholder if no consideration is paid for the transfer;

21 (B) Usable marijuana or immature marijuana plants from a registry identification cardholder,
22 the designated primary caregiver of a registry identification cardholder or a marijuana grow site to
23 a medical marijuana facility registered under ORS 475.314; or

24 (C) Usable marijuana or immature marijuana plants from a medical marijuana facility registered
25 under ORS 475.314 to a registry identification cardholder or the designated primary caregiver of a
26 registry identification cardholder.

27 [(5)] (6)(a) “Designated primary caregiver” means an individual:

28 (A) **Who is** 18 years of age or older [who];

29 (B) **Who** has significant responsibility for managing the well-being of a person who has been
30 diagnosed with a debilitating medical condition [and who]; **and**

31 (C) **Who** is designated as [such on that] **the person responsible for managing the well-being**
32 **of a person who has been diagnosed with a debilitating medical condition on the** person’s ap-
33 plication for a registry identification card or in other written notification **submitted** to the au-
34 thority.

35 (b) “Designated primary caregiver” does not include [the] a person’s attending physician.

36 [(6) “Marijuana” has the meaning given that term in ORS 475.005.]

37 (7)(a) **“Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant**
38 **Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.**

39 (b) **“Marijuana” does not include industrial hemp, as defined in ORS 571.300.**

40 [(7)] (8) “Marijuana grow site” means a location registered under ORS 475.304 where marijuana
41 is produced for use by a registry identification cardholder.

42 (9)(a) **“Medical marijuana product” means a cannabinoid edible, a cannabinoid extract, a**
43 **product described in subsection (3)(b) of this section or any other product into which**
44 **cannabinoids or the dried leaves or flowers of marijuana have been incorporated.**

45 (b) **“Medical marijuana product” does not include industrial hemp, as defined in ORS**

1 **571.300.**

2 [(8)] (10) “Medical use of marijuana” means the production, **processing**, possession, delivery[,
3 *distribution*] or administration of marijuana, or **use of** paraphernalia used to administer marijuana,
4 [*as necessary for the exclusive benefit of a person*] to mitigate the symptoms or effects of [*the*
5 *person’s*] a debilitating medical condition.

6 (11) **“Processing” means the conversion of marijuana into medical marijuana products.**

7 [(9) “Production” has the meaning given that term in ORS 475.005.]

8 (12) **“Production” means planting, cultivating, growing, trimming and harvesting**
9 **marijuana, and drying marijuana leaves or flowers.**

10 [(10)] (13) “Registry identification card” means a document issued by the authority **under ORS**
11 **475.309** that identifies a person authorized to engage in the medical use of marijuana and, if the
12 person has a designated primary caregiver under ORS 475.312, the person’s designated primary
13 caregiver.

14 (14) **“Registry identification cardholder” means a person to whom a registry identification**
15 **card has been issued under ORS 475.309 (6)(a).**

16 [(11)] (15)(a) “Usable marijuana” means the dried leaves and flowers of [*the plant Cannabis*
17 *family Moraceae*] **marijuana**[,] and any mixture or preparation thereof, **including any medical**
18 **marijuana product**, that [*are*] **is** appropriate for medical use as allowed in ORS 475.300 to 475.346.

19 (b) “Usable marijuana” does not include:

20 (A) The **unprocessed** seeds, stalks and roots of [*the plant*] **marijuana** [.] ; or

21 (B) **Waste material that is a by-product of processing marijuana.**

22 [(12)] (16) “Written documentation” means a statement signed by the attending physician of a
23 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical
24 records.

25
26 **REGISTRY IDENTIFICATION CARDHOLDERS**
27 **AND DESIGNATED PRIMARY CAREGIVERS**
28

29 **SECTION 2.** ORS 475.309 is amended to read:

30 475.309. [(1) *Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-*
31 *sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,*
32 *delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-*
33 *duction of marijuana or any other criminal offense in which possession, delivery or production of*
34 *marijuana is an element if the following conditions have been satisfied:]*

35 [(a)(A) *The person holds a registry identification card issued pursuant to this section, has applied*
36 *for a registry identification card pursuant to subsection (9) of this section, is the designated primary*
37 *caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that*
38 *is producing marijuana for the cardholder and is registered under ORS 475.304; and]*

39 [(B) *The person who has a debilitating medical condition, the person’s primary caregiver and the*
40 *person responsible for a marijuana grow site that is producing marijuana for the cardholder and is*
41 *registered under ORS 475.304 are collectively in possession of, delivering or producing marijuana for*
42 *medical use in amounts allowed under ORS 475.320; or]*

43 [(b) *The person is responsible for or employed by a medical marijuana facility registered under*
44 *ORS 475.314 and does not commit any of the acts described in this subsection anywhere other than at*
45 *the medical marijuana facility.*]

1 [(2) *The Oregon Health Authority shall establish and maintain a program for the issuance of reg-*
2 *istry identification cards to persons who meet the requirements of this section. Except as provided in*
3 *subsection (3) of this section, the authority shall issue a registry identification card to any person who*
4 *pays a fee in the amount established by the authority and provides the following:]*

5 [(a) *Valid, written documentation from the person's attending physician stating that the person has*
6 *been diagnosed with a debilitating medical condition and that the medical use of marijuana may miti-*
7 *gate the symptoms or effects of the person's debilitating medical condition;]*

8 [(b) *The name, address and date of birth of the person;]*

9 [(c) *The name, address and telephone number of the person's attending physician;]*

10 [(d) *The name and address of the person's designated primary caregiver, if the person has desig-*
11 *nated a primary caregiver at the time of application; and]*

12 [(e) *A written statement that indicates whether the marijuana used by the cardholder will be*
13 *produced at a location where the cardholder or designated primary caregiver is present or at another*
14 *location.]*

15 [(3) *The authority shall issue a registry identification card to a person who is under 18 years of*
16 *age if the person submits the materials required under subsection (2) of this section, and the custodial*
17 *parent or legal guardian with responsibility for health care decisions for the person under 18 years of*
18 *age signs a written statement that:]*

19 [(a) *The attending physician of the person under 18 years of age has explained to that person and*
20 *to the custodial parent or legal guardian with responsibility for health care decisions for the person*
21 *under 18 years of age the possible risks and benefits of the medical use of marijuana;]*

22 [(b) *The custodial parent or legal guardian with responsibility for health care decisions for the*
23 *person under 18 years of age consents to the use of marijuana by the person under 18 years of age for*
24 *medical purposes;]*

25 [(c) *The custodial parent or legal guardian with responsibility for health care decisions for the*
26 *person under 18 years of age agrees to serve as the designated primary caregiver for the person under*
27 *18 years of age; and]*

28 [(d) *The custodial parent or legal guardian with responsibility for health care decisions for the*
29 *person under 18 years of age agrees to control the acquisition of marijuana and the dosage and fre-*
30 *quency of use by the person under 18 years of age.]*

31 [(4) *A person applying for a registry identification card pursuant to this section may submit the*
32 *information required in this section to a county health department for transmittal to the authority. A*
33 *county health department that receives the information pursuant to this subsection shall transmit the*
34 *information to the authority within five days of receipt of the information. Information received by a*
35 *county health department pursuant to this subsection shall be confidential and not subject to disclosure,*
36 *except as required to transmit the information to the authority.]*

37 [(5)(a) *The authority shall verify the information contained in an application submitted pursuant*
38 *to this section and shall approve or deny an application within thirty days of receipt of the*
39 *application.]*

40 [(b) *In addition to the authority granted to the authority under ORS 475.316 to deny an application,*
41 *the authority may deny an application for the following reasons:]*

42 [(A) *The applicant did not provide the information required pursuant to this section to establish*
43 *the applicant's debilitating medical condition and to document the applicant's consultation with an at-*
44 *tending physician regarding the medical use of marijuana in connection with such condition, as pro-*
45 *vided in subsections (2) and (3) of this section;]*

1 [(B) *The authority determines that the information provided was falsified; or*]

2 [(C) *The applicant has been prohibited by a court order from obtaining a registry identification*
3 *card.*]

4 [(c) *Denial of a registry identification card shall be considered a final authority action, subject to*
5 *judicial review. Only the person whose application has been denied, or, in the case of a person under*
6 *the age of 18 years of age whose application has been denied, the person's parent or legal guardian,*
7 *shall have standing to contest the authority's action.*]

8 [(d) *Any person whose application has been denied may not reapply for six months from the date*
9 *of the denial, unless so authorized by the authority or a court of competent jurisdiction.*]

10 [(6)(a) *If the authority has verified the information submitted pursuant to subsections (2) and (3)*
11 *of this section and none of the reasons for denial listed in subsection (5)(b) of this section is applicable,*
12 *the authority shall issue a serially numbered registry identification card within five days of verification*
13 *of the information. The registry identification card shall state:*]

14 [(A) *The cardholder's name, address and date of birth;*]

15 [(B) *The date of issuance and expiration date of the registry identification card;*]

16 [(C) *The name and address of the person's designated primary caregiver, if any;*]

17 [(D) *Whether the marijuana used by the cardholder will be produced at a location where the*
18 *cardholder or designated primary caregiver is present or at another location; and*]

19 [(E) *Any other information that the authority may specify by rule.*]

20 [(b) *When the person to whom the authority has issued a registry identification card pursuant to*
21 *this section has specified a designated primary caregiver, the authority shall issue an identification*
22 *card to the designated primary caregiver. The primary caregiver's registry identification card shall*
23 *contain the information provided in paragraph (a) of this subsection.*]

24 [(7)(a) *A person who possesses a registry identification card shall:*]

25 [(A) *Notify the authority of any change in the person's name, address, attending physician or des-*
26 *ignated primary caregiver.*]

27 [(B) *If applicable, notify the designated primary caregiver of the cardholder, the person responsible*
28 *for the marijuana grow site that produces marijuana for the cardholder and any person responsible for*
29 *a medical marijuana facility that transfers usable marijuana or immature marijuana plants to the*
30 *cardholder under ORS 475.314 of any change in status including, but not limited to:*]

31 [(i) *The assignment of another individual as the designated primary caregiver of the cardholder;*]

32 [(ii) *The assignment of another individual as the person responsible for a marijuana grow site*
33 *producing marijuana for the cardholder; or*]

34 [(iii) *The end of the eligibility of the cardholder to hold a valid registry identification card.*]

35 [(C) *Annually submit to the authority:*]

36 [(i) *Updated written documentation from the cardholder's attending physician of the person's de-*
37 *biliterating medical condition and that the medical use of marijuana may mitigate the symptoms or effects*
38 *of the person's debilitating medical condition; and*]

39 [(ii) *The name of the person's designated primary caregiver if a primary caregiver has been des-*
40 *ignated for the upcoming year.*]

41 [(b) *If a person who possesses a registry identification card fails to comply with this subsection,*
42 *the card shall be deemed expired. If a registry identification card expires, the identification card of any*
43 *designated primary caregiver of the cardholder shall also expire.*]

44 [(8)(a) *A person who possesses a registry identification card pursuant to this section and who has*
45 *been diagnosed by the person's attending physician as no longer having a debilitating medical condi-*

1 *tion or whose attending physician has determined that the medical use of marijuana is contraindicated*
2 *for the person's debilitating medical condition shall return the registry identification card and any*
3 *other associated Oregon Medical Marijuana Program cards to the authority within 30 calendar days*
4 *of notification of the diagnosis or notification of the contraindication.]*

5 *[(b) If, due to circumstances beyond the control of the registry identification cardholder, a*
6 *cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility*
7 *to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has*
8 *expired, the authority may grant the cardholder additional time to obtain a second opinion before re-*
9 *quiring the cardholder to return the registry identification card and any associated cards.]*

10 *[(9) A person who has applied for a registry identification card pursuant to this section but whose*
11 *application has not yet been approved or denied, and who is contacted by any law enforcement officer*
12 *in connection with the person's administration, possession, delivery or production of marijuana for*
13 *medical use may provide to the law enforcement officer a copy of the written documentation submitted*
14 *to the authority pursuant to subsection (2) or (3) of this section and proof of the date of mailing or other*
15 *transmission of the documentation to the authority. This documentation shall have the same legal effect*
16 *as a registry identification card until such time as the person receives notification that the application*
17 *has been approved or denied.]*

18 *[(10)(a) A registry identification cardholder has the primary responsibility of notifying the desig-*
19 *ated primary caregiver, the person responsible for the marijuana grow site that produces marijuana*
20 *for the cardholder and any person responsible for a medical marijuana facility that transfers usable*
21 *marijuana or immature marijuana plants to the cardholder under ORS 475.314 of any change in status*
22 *of the cardholder.]*

23 *[(b) If the authority is notified by the cardholder that a primary caregiver or person responsible*
24 *for a marijuana grow site has changed, the authority shall notify the primary caregiver or the person*
25 *responsible for the marijuana grow site by mail at the address of record confirming the change in*
26 *status and informing the caregiver or person responsible for the marijuana grow site that their card*
27 *is no longer valid and must be returned to the authority.]*

28 *[(11) The authority shall revoke the registry identification card of a cardholder if a court has is-*
29 *sued an order that prohibits the cardholder from participating in the medical use of marijuana or*
30 *otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The*
31 *cardholder shall return the registry identification card to the authority within seven calendar days of*
32 *notification of the revocation. If the cardholder is a patient, the patient shall return the patient's card*
33 *and all other associated Oregon Medical Marijuana Program cards.]*

34 *[(12) The authority shall revoke the registration of a medical marijuana facility registered under*
35 *ORS 475.314 if a court has issued an order that prohibits the person responsible for the medical*
36 *marijuana facility from participating in the Oregon Medical Marijuana Program under ORS 475.300*
37 *to 475.346.]*

38 *[(13) The authority and employees and agents of the authority acting within the course and scope*
39 *of their employment are immune from any civil liability that might be incurred or imposed for the*
40 *performance of or failure to perform duties required by this section.]*

41 **(1) The Oregon Health Authority shall establish a program for the issuance of registry**
42 **identification cards to applicants who meet the requirements of this section.**

43 **(2) The authority shall issue a registry identification card to an applicant who is 18 years**
44 **of age or older if the applicant pays a fee in an amount established by the authority by rule**
45 **and submits to the authority an application containing the following information:**

1 (a) Written documentation from the applicant’s attending physician stating that the at-
 2 tending physician has diagnosed the applicant as having a debilitating medical condition and
 3 that the medical use of marijuana may mitigate the symptoms or effects of the applicant’s
 4 debilitating medical condition;

5 (b) The name, address and date of birth of the applicant;

6 (c) The name, address and telephone number of the applicant’s attending physician;

7 (d) Proof of residency, as required by the authority by rule;

8 (e) The name and address of the applicant’s designated primary caregiver, if the applicant
 9 is designating a primary caregiver under ORS 475.312; and

10 (f) The information described in ORS 475.304 (2), if the registry identification cardholder
 11 produces marijuana or designates another person under ORS 475.304 to produce marijuana
 12 for the registry identification cardholder.

13 (3) The authority shall issue a registry identification card to an applicant who is under
 14 18 years of age if:

15 (a) The applicant pays the fee and submits the application described in subsection (2) of
 16 this section; and

17 (b) The custodial parent or legal guardian who is responsible for the health care decisions
 18 of the applicant signs and submits to the authority a written statement that:

19 (A) The attending physician of the applicant has explained to the applicant and to the
 20 custodial parent or legal guardian the possible risks and benefits of the medical use of
 21 marijuana;

22 (B) The custodial parent or legal guardian consents to the medical use of marijuana by
 23 the applicant;

24 (C) The custodial parent or legal guardian agrees to serve as the designated primary
 25 caregiver of the applicant; and

26 (D) The custodial parent or legal guardian agrees to control the acquisition, dosage and
 27 frequency of use of marijuana by the applicant.

28 (4) A person applying for a registry identification card pursuant to this section may
 29 submit the information required by this section to a county health department for trans-
 30 mittal to the authority. A county health department that receives the information pursuant
 31 to this subsection shall transmit the information to the authority within five days after re-
 32 ceiving the information. Information received by a county health department pursuant to
 33 this subsection is confidential and not subject to public disclosure.

34 (5) The authority shall approve or deny an application within 30 days after receiving the
 35 application.

36 (6)(a) If the authority approves an application, the authority shall issue a serially num-
 37 bered registry identification card to the applicant within five days after approving the appli-
 38 cation. The registry identification card must include the following information:

39 (A) The registry identification cardholder’s name, address and date of birth;

40 (B) The issuance date and expiration date of the registry identification card;

41 (C) If the registry identification cardholder designated a primary caregiver under ORS
 42 475.312, the name and address of the registry identification cardholder’s designated primary
 43 caregiver;

44 (D) If the registry identification cardholder produces marijuana or has designated an-
 45 other person under ORS 475.304 to produce marijuana, the information described in ORS

1 475.304 (2); and

2 (E) Any other information required by the authority by rule.

3 (b) If the registry identification cardholder designated a primary caregiver under ORS
4 475.312, the authority shall issue an identification card to the designated primary caregiver.
5 The identification card must contain the information provided in paragraph (a) of this sub-
6 section.

7 (7)(a) A registry identification cardholder shall:

8 (A) In a form and manner prescribed by the authority, notify the authority of any change
9 concerning the registry identification cardholder's:

10 (i) Name, address or attending physician;

11 (ii) Designated primary caregiver, including the designation of a primary caregiver made
12 at a time other than at the time of applying for or renewing a registry identification card;
13 or

14 (iii) Person responsible for a marijuana grow site, including the designation of a person
15 responsible for a marijuana grow site made at a time other than at the time of applying for
16 or renewing a registry identification card.

17 (B) Annually renew the registry identification card by paying a fee in an amount estab-
18 lished by the authority by rule and submitting to the authority an application that contains
19 the following information:

20 (i) Updated written documentation from the registry identification cardholder's attending
21 physician stating that the registry identification cardholder still has a debilitating medical
22 condition and that the medical use of marijuana may mitigate the symptoms or effects of the
23 registry identification cardholder's debilitating medical condition;

24 (ii) The information described in subsection (2)(b) to (f) of this section; and

25 (iii) If the registry identification cardholder is under 18 years of age, a statement signed
26 by the custodial parent or legal guardian of the registry identification cardholder that meets
27 the requirements of subsection (3) of this section.

28 (b) If a registry identification cardholder fails to comply with this subsection, the au-
29 thority, subject to subsection (9) of this section, may revoke the registry identification card.
30 If a registry identification card is revoked, any associated identification card issued under
31 subsection (6)(b) of this section or marijuana grow site registration card issued under ORS
32 475.304 (6) shall also be revoked.

33 (8)(a) If the attending physician of a registry identification cardholder determines that
34 the registry identification cardholder no longer has a debilitating medical condition or de-
35 termines that the medical use of marijuana is contraindicated for the registry identification
36 cardholder's debilitating medical condition, the registry identification cardholder shall return
37 the registry identification card to the authority within 30 calendar days after receiving notice
38 of the determination.

39 (b) If, because of circumstances beyond the control of the registry identification
40 cardholder, a registry identification cardholder is unable to obtain a second medical opinion
41 about the registry identification cardholder's continuing eligibility to use medical marijuana
42 before having to return the registry identification card to the authority, the authority may
43 grant the registry identification cardholder additional time to obtain a second medical opin-
44 ion.

45 (9)(a) The authority may deny an application for a registry identification card or an ap-

1 **plication to renew a registry identification card, or may revoke or suspend a registry iden-**
 2 **tification card, if:**

3 **(A) The applicant or registry identification cardholder does not provide the information**
 4 **required by this section;**

5 **(B) The authority determines that the applicant or registry identification cardholder**
 6 **provided false information; or**

7 **(C) The authority determines that the applicant or registry identification cardholder vi-**
 8 **olated a provision of ORS 475.300 to 475.346 or a rule adopted under ORS 475.300 to 475.346.**

9 **(b) Denial of an application for a registry identification card or an application to renew**
 10 **a registry identification card, or revocation of a registry identification card, is a final agency**
 11 **action subject to judicial review. Only the applicant or, if the applicant is under 18 years of**
 12 **age, the custodial parent or legal guardian of the applicant has standing to contest the denial**
 13 **or revocation.**

14 **(c) A person whose application has been denied or whose registry identification card has**
 15 **been revoked under this subsection may not reapply for a registry identification card for six**
 16 **months from the date of the denial or revocation unless otherwise authorized by the au-**
 17 **thority.**

18 **(10)(a) The authority may deny a designation made under ORS 475.312 or revoke or sus-**
 19 **pend an identification card issued under subsection (6)(b) of this section if the authority de-**
 20 **termines that the designee or the registry identification cardholder violated a provision of**
 21 **ORS 475.300 to 475.346 or a rule adopted under ORS 475.300 to 475.346.**

22 **(b) Denial of a designation or revocation of an identification card is a final agency action**
 23 **subject to judicial review. Only the person whose designation has been denied or whose**
 24 **identification card has been revoked has standing to contest the denial or revocation.**

25 **(c) A person whose designation has been denied or whose identification card has been**
 26 **revoked under this subsection may not be designated under ORS 475.312 for six months from**
 27 **the date of the denial or revocation unless otherwise authorized by the authority.**

28 **SECTION 3.** ORS 475.312 is amended to read:

29 475.312. (1) If a person who [*possesses a registry identification card issued pursuant to ORS*
 30 *475.309*] **is applying for a registry identification card under ORS 475.309, or who is a registry**
 31 **identification cardholder, chooses to [*have a designated*] designate, or to change the designation**
 32 **of, a primary caregiver, the person must [*designate the primary caregiver by including*] include the**
 33 **primary caregiver's name and address:**

34 **(a) On the person's application for a registry identification card;**

35 **[*(b) In the annual updated information required under ORS 475.309; or*]**

36 **(b) On the person's application to renew a registry identification card; or**

37 **(c) [*In a written,*] In a form and manner prescribed by the authority, in a signed statement**
 38 **[*submitted to*] notifying the Oregon Health Authority of the designation.**

39 **(2) A [*person described in this section*] registry identification cardholder may have only one**
 40 **designated primary caregiver at any given time.**

41 **(3) If a registry identification cardholder who previously designated a primary caregiver**
 42 **chooses to designate a different primary caregiver, the authority shall notify the previous**
 43 **designee of the new designation and issue an identification card to the newly designated**
 44 **primary caregiver.**

45 **SECTION 4.** The amendments to ORS 475.309 and 475.312 by sections 2 and 3 of this 2015

1 **Act apply to:**

2 (1) **Applications received by the Oregon Health Authority for a registry identification**
 3 **card on or after the operative date specified in section 52 of this 2015 Act;**

4 (2) **Applications received by the authority to renew a registry identification card on or**
 5 **after the operative date specified in section 52 of this 2015 Act; and**

6 (3) **Registry identification cards updated by the authority on or after the operative date**
 7 **specified in section 52 of this 2015 Act.**

8
 9 **MEDICAL MARIJUANA PRODUCERS**

10
 11 **SECTION 5.** ORS 475.304 is amended to read:

12 475.304. *[(1) The Oregon Health Authority shall establish by rule a marijuana grow site registra-*
 13 *tion system to authorize production of marijuana by a registry identification cardholder, a designated*
 14 *primary caregiver who grows marijuana for the cardholder or a person who is responsible for a*
 15 *marijuana grow site. The marijuana grow site registration system adopted must require a registry*
 16 *identification cardholder to submit an application to the authority that includes:]*

17 *[(a) The name of the person responsible for the marijuana grow site;]*

18 *[(b) The address of the marijuana grow site;]*

19 *[(c) The registry identification card number of the registry cardholder for whom the marijuana is*
 20 *being produced; and]*

21 *[(d) Any other information the authority considers necessary.]*

22 *[(2) The authority shall issue a marijuana grow site registration card to a registry identification*
 23 *cardholder who has met the requirements of subsection (1) of this section.]*

24 *[(3) A person who has been issued a marijuana grow site registration card under this section must*
 25 *display the registration card at the marijuana grow site at all times when marijuana is being*
 26 *produced.]*

27 *[(4) A marijuana grow site registration card must be obtained and posted for each registry iden-*
 28 *tification cardholder for whom marijuana is being produced at a marijuana grow site.]*

29 *[(5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana*
 30 *for a registry identification cardholder by a person responsible for a marijuana grow site are the*
 31 *property of the registry identification cardholder and must be provided to the registry identification*
 32 *cardholder, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to*
 33 *a medical marijuana facility registered under ORS 475.314, upon request.]*

34 *[(6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person*
 35 *whose name is submitted as a person responsible for a marijuana grow site.]*

36 *[(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the*
 37 *manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a*
 38 *marijuana grow site registration card or produce marijuana for a registry identification cardholder for*
 39 *five years from the date of conviction.]*

40 *[(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to*
 41 *475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not*
 42 *be issued a marijuana grow site registration card or produce marijuana for a registry identification*
 43 *cardholder.]*

44 *[(7) A registry identification cardholder or the designated primary caregiver of the cardholder may*
 45 *reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities as-*

1 *sociated with the production of marijuana for the registry identification cardholder. No other costs as-*
 2 *sociated with the production of marijuana for the registry identification cardholder, including the cost*
 3 *of labor, may be reimbursed.]*

4 *[(8) The authority may adopt rules imposing a fee in an amount established by the authority for*
 5 *registration of a marijuana grow site under this section.]*

6 **(1) The Oregon Health Authority shall establish by rule a marijuana grow site registra-**
 7 **tion system to track and regulate the production of marijuana by a registry identification**
 8 **cardholder or a person designated by the registry identification cardholder to produce**
 9 **marijuana for the registry identification cardholder.**

10 **(2) Rules adopted under this section must require an applicant for a registry identifica-**
 11 **tion card or a registry identification cardholder who produces marijuana or who designates**
 12 **another person to produce marijuana to submit an application to the authority containing**
 13 **the following information at the time of making an application under ORS 475.309 (2), re-**
 14 **newing a registry identification card under ORS 475.309 (7)(a)(B) or notifying the authority**
 15 **of a change or designation under ORS 475.309 (7)(a)(A):**

16 **(a) The name of the person responsible for the marijuana grow site;**

17 **(b) Proof that the person responsible for the marijuana grow site is a resident of this**
 18 **state;**

19 **(c) The address of the marijuana grow site;**

20 **(d) The registry identification card number of the registry identification cardholder for**
 21 **whom the marijuana is being produced; and**

22 **(e) Any other information that the authority considers necessary to track the production**
 23 **of marijuana under ORS 475.300 to 475.346.**

24 **(3)(a) The authority shall conduct a criminal records check under ORS 181.534 of any**
 25 **person whose name is submitted as the person responsible for a marijuana grow site under**
 26 **this section.**

27 **(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for**
 28 **the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not**
 29 **act as or be designated a person responsible for a marijuana grow site for five years from**
 30 **the date of conviction.**

31 **(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752**
 32 **to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule**
 33 **II may not act as or be designated a person responsible for a marijuana grow site.**

34 **(4) Subject to subsection (11) of this section, the authority shall issue a marijuana grow**
 35 **site registration card if the requirements of subsections (2) and (3) of this section are met.**

36 **(5) A person who holds a marijuana grow site registration card under this section must**
 37 **display the card at the marijuana grow site at all times when marijuana is being produced**
 38 **at the site.**

39 **(6) A marijuana grow site registration card must be obtained and posted for each registry**
 40 **identification cardholder for whom marijuana is being produced at a marijuana grow site.**

41 **(7)(a) All mature marijuana plants, immature marijuana plants, seeds and dried leaves**
 42 **and flowers of marijuana associated with the production of marijuana for a registry iden-**
 43 **tification cardholder by a person responsible for a marijuana grow site are the property of**
 44 **the registry identification cardholder.**

45 **(b) All mature marijuana plants, immature marijuana plants, seeds and dried leaves and**

1 flowers of marijuana associated with the production of marijuana for a registry identification
2 cardholder by a person responsible for a marijuana grow site must be transferred to the
3 registry identification cardholder upon request of the registry identification cardholder.

4 (c) All immature marijuana plants and dried leaves and flowers of marijuana associated
5 with the production of marijuana for a registry identification cardholder by a person re-
6 sponsible for a marijuana grow site must be transferred to a medical marijuana facility reg-
7 istered under ORS 475.314 upon request of the registry identification cardholder. For
8 purposes of this paragraph, a request to transfer immature marijuana plants and dried
9 marijuana leaves and flowers constitutes an assignment of the right to possess the immature
10 marijuana plants and dried marijuana leaves and flowers.

11 (d) Information related to transfers made under this subsection to a registry identifica-
12 tion cardholder or a registered medical marijuana facility must be submitted to the authority
13 in the manner required by section 7 of this 2015 Act.

14 (8) A registry identification cardholder or the designated caregiver of a registry identifi-
15 cation cardholder may reimburse a person responsible for a marijuana grow site for the costs
16 of supplies and utilities associated with the production of marijuana for the registry iden-
17 tification cardholder. No other costs associated with the production of marijuana for the
18 registry identification cardholder, including the cost of labor, may be reimbursed.

19 (9) The authority may inspect:

20 (a) A marijuana grow site to ensure compliance with this section and section 7 of this
21 2015 Act and ORS 475.320 and any rule adopted under this section and section 7 of this 2015
22 Act and ORS 475.320; and

23 (b) The records of a marijuana grow site to ensure compliance with this section and
24 section 7 of this 2015 Act and any rule adopted under this section and section 7 of this 2015
25 Act.

26 (10) The authority may refuse to register a registry identification cardholder or designee
27 under this section or revoke or suspend the registration of a person responsible for a
28 marijuana grow site if the authority determines that the applicant or the person responsible
29 for a marijuana grow site violated a provision of ORS 475.300 to 475.346 or a rule adopted
30 under ORS 475.300 to 475.346.

31 (11) The authority may require a person responsible for a marijuana grow site, prior to
32 issuing a marijuana grow site registration card under subsection (4) of this section, to pay
33 a fee reasonably calculated to pay costs incurred under this section and sections 7 and 14
34 of this 2015 Act.

35 **SECTION 6.** Section 7 of this 2015 Act is added to and made a part of ORS 475.300 to
36 475.346.

37 **SECTION 7.** (1) A person responsible for a marijuana grow site under ORS 475.304 must
38 submit to the Oregon Health Authority, in a form, manner and frequency established by the
39 authority by rule, the following information related to the production of marijuana:

40 (a) The number of mature marijuana plants and immature marijuana plants and the
41 amount of dried marijuana leaves and flowers in the person's possession;

42 (b) The number of mature marijuana plants and immature marijuana plants and the
43 amount of dried marijuana leaves and flowers that the person transfers to each registry
44 identification cardholder for whom the person produces marijuana; and

45 (c) The number of immature marijuana plants and the amount of dried marijuana leaves

1 and flowers that the person transfers to each medical marijuana facility registered under
2 ORS 475.314.

3 (2) In addition to reporting the information as required by subsection (1) of this section,
4 a person responsible for a marijuana grow site under ORS 475.304 must keep a record of the
5 information described in subsection (1) of this section for at least seven years after the date
6 on which the person submits the information to the authority.

7 **SECTION 8.** (1) Except as provided in subsection (2) of this section, section 7 of this 2015
8 Act and the amendments to ORS 475.304 by section 5 of this 2015 Act apply to persons who
9 have registered with the Oregon Health Authority under ORS 475.304 before, on or after the
10 operative date specified in section 52 of this 2015 Act.

11 (2) The amendments to ORS 475.304 by section 5 of this 2015 Act pertaining to registering
12 a person as a person responsible for a marijuana grow site apply to applications submitted
13 to the authority under ORS 475.304 on or after the operative date specified in 52 of this 2015
14 Act.

15 MEDICAL MARIJUANA PROCESSORS

16
17
18 **SECTION 9.** Sections 10 to 12 of this 2015 Act are added to and made a part of ORS
19 475.300 to 475.346.

20 **SECTION 10.** (1) A person responsible for a marijuana grow site may not process
21 marijuana unless the marijuana is processed at a marijuana processing site registered under
22 section 11 of this 2015 Act.

23 (2) A person responsible for a medical marijuana facility registered under ORS 475.314
24 must verify that a person responsible for a marijuana grow site is registered under section
25 11 of this 2015 Act before accepting from the person a medical marijuana product.

26 (3)(a) Subject to paragraph (b) of this subsection, this section does not apply to a registry
27 identification cardholder or the designated primary caregiver of a registry identification
28 cardholder who processes marijuana into a medical marijuana product for the registry iden-
29 tification cardholder's personal use, provided that the medical marijuana product is not
30 transferred to a person other than the registry identification cardholder.

31 (b) A registry identification cardholder or the designated primary caregiver of a registry
32 identification cardholder may not process marijuana into a cannabinoid extract.

33 **SECTION 11.** (1) The Oregon Health Authority shall establish by rule a marijuana pro-
34 cessing site registration system to track and regulate the processing of marijuana by a per-
35 son responsible for a marijuana grow site.

36 (2) Rules adopted under this section must require a person responsible for a marijuana
37 grow site to submit an application to the authority containing the following information:

38 (a) The name of the person responsible for the marijuana processing site;

39 (b) Proof that the person responsible for the marijuana processing site is a resident of
40 this state;

41 (c) The address of the marijuana processing site;

42 (d) The registry identification card number of the registry identification cardholder for
43 whom the marijuana is being processed;

44 (e) Documentation, as required by the authority by rule, that demonstrates that the
45 marijuana processing site meets the requirements under subsection (3) of this section; and

1 (f) Any other information that the authority considers necessary to track the processing
2 of marijuana under ORS 475.300 to 475.346.

3 (3) To qualify for registration under this section, a marijuana processing site must meet
4 any public health and safety standards established by the authority related to:

5 (a) Cannabinoid edibles, if the marijuana processing site processes marijuana into
6 cannabinoid edibles;

7 (b) Cannabinoid extracts, if the marijuana processing site processes marijuana into
8 cannabinoid extracts;

9 (c) Medical marijuana products described in ORS 475.302 (3)(b), if the marijuana pro-
10 cessing site processes marijuana into medical marijuana products described in ORS 475.302
11 (3)(b); or

12 (d) Any other type of medical marijuana product identified by the authority by rule, if
13 the marijuana processing site processes that type of medical marijuana product.

14 (4) Subject to subsection (8) of this section, the authority shall issue a marijuana pro-
15 cessing site registration card to a person responsible for a marijuana grow site if the re-
16 quirements of subsections (2) and (3) of this section are met.

17 (5) A person who holds a marijuana processing site registration card under this section
18 must display the card at the marijuana processing site at all times when marijuana is being
19 processed at the site.

20 (6)(a) All medical marijuana products associated with the processing of marijuana for a
21 registry identification cardholder by a person responsible for a marijuana processing site are
22 the property of the registry identification cardholder.

23 (b) All medical marijuana products must be transferred to the registry identification
24 cardholder upon request of the registry identification cardholder.

25 (c) All medical marijuana products must be transferred to a medical marijuana facility
26 registered under ORS 475.314 upon request of the registry identification cardholder. For
27 purposes of this paragraph, a request to transfer medical marijuana products constitutes an
28 assignment of the right to possess the medical marijuana products.

29 (d) Information related to transfers made under this subsection to a registry identifica-
30 tion cardholder or a registered medical marijuana facility must be submitted to the authority
31 in the manner required by section 12 of this 2015 Act.

32 (7) A registry identification cardholder or the designated primary caregiver of a registry
33 identification cardholder may reimburse a person responsible for a marijuana processing site
34 for the costs of supplies and utilities associated with the processing of marijuana for the
35 registry identification cardholder. No other costs associated with the processing of marijuana
36 for the registry identification cardholder, including the cost of labor, may be reimbursed.

37 (8) The authority may inspect:

38 (a) A marijuana processing site to ensure compliance with this section and sections 10
39 and 12 of this 2015 Act and any rule adopted under this section and sections 10 and 12 of this
40 2015 Act; and

41 (b) The records of a marijuana processing site to ensure compliance with this section and
42 sections 10 and 12 of this 2015 Act and any rule adopted under this section and sections 10
43 and 12 of this 2015 Act.

44 (9) The authority may refuse to register an applicant under this section or revoke or
45 suspend the registration of a person responsible for a marijuana processing site if the au-

1 thority determines that the applicant or the person responsible for a marijuana processing
 2 site violated a provision of ORS 475.300 to 475.346 or a rule adopted under ORS 475.300 to
 3 475.346.

4 (10) The authority may require a person responsible for a marijuana processing site, prior
 5 to issuing a marijuana processing site registration card under subsection (4) of this section,
 6 to pay a fee reasonably calculated to pay costs incurred under this section and sections 10,
 7 12 and 14 of this 2015 Act.

8 (11) The State Department of Agriculture, pursuant to an agreement or otherwise, shall
 9 assist the authority in implementing and enforcing the provisions of this section and rules
 10 adopted under the provisions of this section.

11 **SECTION 12.** (1) A person responsible for a marijuana processing site under section 11
 12 of this 2015 Act must submit to the Oregon Health Authority, in a form, manner and fre-
 13 quency established by the authority by rule, the following information related to the pro-
 14 cessing marijuana:

15 (a) The amount and type of cannabinoid edibles that the person transfers to:

16 (A) Each registry identification cardholder for whom the person processes marijuana;
 17 and

18 (B) Each medical marijuana facility registered under ORS 475.314.

19 (b) The amount and type of cannabinoid extracts that the person transfers to:

20 (A) Each registry identification cardholder for whom the person processes marijuana;
 21 and

22 (B) Each medical marijuana facility registered under ORS 475.314.

23 (c) The amount and type of medical marijuana products described in ORS 475.302 (3)(b)
 24 that the person transfers to:

25 (A) Each registry identification cardholder for whom the person processes marijuana;
 26 and

27 (B) Each medical marijuana facility registered under ORS 475.314.

28 (d) The amount of any other type of medical marijuana product identified by the au-
 29 thority by rule that the person transfers to:

30 (A) Each registry identification cardholder for whom the person processes marijuana;
 31 and

32 (B) Each medical marijuana facility registered under ORS 475.314.

33 (2) In addition to reporting the information as required by subsection (1) of this section,
 34 a person responsible for a marijuana processing site under section 11 of this 2015 Act must
 35 keep a record of the information described in subsection (1) of this section for at least seven
 36 years after the date on which the person submits the information to the authority.

37
 38 DATABASE

39
 40 **SECTION 13.** Section 14 of this 2015 Act is added to and made a part of ORS 475.300 to
 41 475.346.

42 **SECTION 14.** The Oregon Health Authority shall develop and maintain a database of in-
 43 formation related to the production of marijuana by persons responsible for a marijuana
 44 grow site under ORS 475.304 and the processing of marijuana by persons responsible for a
 45 marijuana processing site under section 11 of this 2015 Act. At a minimum, the database

1 **must include all information submitted to the authority under sections 7 and 12 of this 2015**
 2 **Act.**

3
 4 **PROVISIONS THAT APPLY TO ALL CARDHOLDERS**

5
 6 **(Proof of Issuance)**

7
 8 **SECTION 15.** ORS 475.306 is amended to read:

9 475.306. *[(1) A person who possesses a registry identification card issued pursuant to ORS 475.309*
 10 *may engage in, and a designated primary caregiver of such a person may assist in, the medical use*
 11 *of marijuana only as justified to mitigate the symptoms or effects of the person's debilitating medical*
 12 *condition.]*

13 *[(2) A person who is a registry identification cardholder must possess the registry identification*
 14 *card when using or transporting marijuana in a location other than the residence of the cardholder.]*

15 *[(3) The Oregon Health Authority shall define by rule when a marijuana plant is mature and when*
 16 *it is immature. The rule shall provide that a plant that has no flowers and that is less than 12 inches*
 17 *in height and less than 12 inches in diameter is a seedling or a start and is not a mature plant.]*

18 **A person to whom a registry identification card has been issued under ORS 475.309 (6)(a),**
 19 **an identification card has been issued under ORS 475.309 (6)(b), a marijuana grow site regis-**
 20 **tration card has been issued under ORS 475.304 or a marijuana processing site registration**
 21 **card has been issued under section 11 of this 2015 Act may not possess marijuana or medical**
 22 **marijuana products in a location other than the address identified on the card unless the**
 23 **person is carrying the card.**

24
 25 **(Possession Limits)**

26
 27 **SECTION 16.** ORS 475.320 is amended to read:

28 475.320. *[(1)(a) A registry identification cardholder or the designated primary caregiver of the*
 29 *cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.]*

30 *[(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has*
 31 *been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or*
 32 *delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder*
 33 *or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at*
 34 *any given time for a period of five years from the date of the conviction.]*

35 *[(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:]*

36 *[(a) May produce marijuana for and provide marijuana:]*

37 *[(A) To a registry identification cardholder or a cardholder's designated primary caregiver as au-*
 38 *thorized under this section; or]*

39 *[(B) If the marijuana is usable marijuana or an immature marijuana plant and the registry iden-*
 40 *tification cardholder authorizes the person responsible for the marijuana grow site to transfer the us-*
 41 *able marijuana or immature marijuana plant to a medical marijuana facility registered under ORS*
 42 *475.314, to the medical marijuana facility.]*

43 *[(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each*
 44 *cardholder or caregiver for whom marijuana is being produced.]*

45 *[(c) May produce marijuana for no more than four registry identification cardholders or designated*

1 *primary caregivers concurrently.]*

2 *[(d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304*
 3 *for each registry identification cardholder or designated primary caregiver for whom marijuana is be-*
 4 *ing produced.]*

5 *[(e) Must provide all marijuana produced for a registry identification cardholder or designated*
 6 *primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana*
 7 *grow site ceases producing marijuana for the cardholder or caregiver.]*

8 *[(f) Must return the marijuana grow site registration card to the registry identification cardholder*
 9 *to whom the card was issued when requested to do so by the cardholder or when the person responsible*
 10 *for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.]*

11 *[(3) Except as provided in subsections (1) and (2) of this section, a registry identification*
 12 *cardholder, the designated primary caregiver of the cardholder and the person responsible for a*
 13 *marijuana grow site producing marijuana for the registry identification cardholder may possess a*
 14 *combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-*
 15 *tification cardholder.]*

16 *[(4)(a) A registry identification cardholder and the designated primary caregiver of the cardholder*
 17 *may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon*
 18 *Health Authority.]*

19 *[(b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or*
 20 *starts as defined by rule of the authority for each registry identification cardholder for whom the per-*
 21 *son responsible for the marijuana grow site is producing marijuana.]*

22 **(1) Subject to subsection (2) of this section, a registry identification cardholder, the des-**
 23 **ignated primary caregiver of the registry identification cardholder and the person responsible**
 24 **for a marijuana grow site under ORS 475.304 who grows marijuana for the registry identifi-**
 25 **cation cardholder may jointly possess:**

- 26 **(a) 24 ounces or less of dried marijuana leaves or flowers;**
- 27 **(b) 6 or fewer mature marijuana plants; and**
- 28 **(c) 12 or fewer immature marijuana plants.**

29 **(2) The person responsible for a marijuana grow site under ORS 475.304 may produce**
 30 **marijuana for no more than four registry identification cardholders concurrently.**

31 **(3) If the address of a person responsible for a marijuana grow site under ORS 475.304 is**
 32 **located within city limits in an area zoned for residential use:**

- 33 **(a) No more than 48 ounces of dried marijuana leaves or flowers may be kept at the ad-**
 34 **dress;**
- 35 **(b) No more than 12 mature marijuana plants may be produced at the address; and**
- 36 **(c) No more than 24 immature marijuana plants may be produced at the address.**

37 **(4) If the address of a person responsible for a marijuana grow site under ORS 475.304 is**
 38 **located in an area other than an area described in paragraph (a) of this subsection:**

- 39 **(a) No more than 96 ounces of dried marijuana leaves or flowers may be kept at the ad-**
 40 **dress;**
- 41 **(b) No more than 24 mature marijuana plants may be produced at the address; and**
- 42 **(c) No more than 48 immature marijuana plants may be produced at the address.**

43 **(5) If a law enforcement officer determines that a registry identification cardholder, the**
 44 **designated primary caregiver of a registry identification cardholder or a person responsible**
 45 **for a marijuana grow site under ORS 475.304 who grows marijuana for a registry identifica-**

1 **tion cardholder possesses an amount of dried marijuana leaves and flowers or a number of**
 2 **mature or immature marijuana plants in excess of the quantities specified in this section,**
 3 **the law enforcement officer may confiscate only the excess amount of dried marijuana leaves**
 4 **and flowers or the excess number of mature or immature marijuana plants.**

5
 6 **MEDICAL MARIJUANA FACILITIES**

7
 8 **(Registration)**

9
 10 **SECTION 17.** ORS 475.314, as amended by section 5, chapter 79, Oregon Laws 2014, is amended
 11 to read:

12 475.314. *[(1) The Oregon Health Authority shall establish by rule a medical marijuana facility*
 13 *registration system to authorize the transfer of usable marijuana and immature marijuana plants*
 14 *from:]*

15 *[(a) A registry identification cardholder, the designated primary caregiver of a registry identifica-*
 16 *tion cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility;*
 17 *or]*

18 *[(b) A medical marijuana facility to a registry identification cardholder or the designated primary*
 19 *caregiver of a registry identification cardholder.]*

20 **(1) The Oregon Health Authority shall establish by rule a system for registering medical**
 21 **marijuana facilities for the purpose of tracking and regulating the transfer of usable**
 22 **marijuana and immature marijuana plants from medical marijuana facilities to registry**
 23 **identification cardholders and the designated primary caregivers of registry identification**
 24 **cardholders.**

25 (2) The registration system established under subsection (1) of this section must require **an ap-**
 26 **plicant for** a medical marijuana facility to submit an application to the authority that includes:

27 **(a) The name of the individual who owns the medical marijuana facility or, if a business**
 28 **entity owns the medical marijuana facility, each individual who has a financial interest in the**
 29 **medical marijuana facility;**

30 *[(a)]* **(b) The name of the [person] individual or individuals** responsible for the medical
 31 marijuana facility, **if different from the name of the individual who owns the medical**
 32 **marijuana facility;**

33 *[(b)]* **(c) The address of the medical marijuana facility;**

34 *[(c)]* **(d) Proof that [the person] each individual** responsible for the medical marijuana facility
 35 is a resident of *[Oregon]* **this state;**

36 *[(d)]* **(e) Documentation, as required by the authority by rule, that demonstrates the medical**
 37 **marijuana facility meets the [qualifications for a medical marijuana facility as described in] re-**
 38 **quirements under** subsection (3) of this section; and

39 *[(e)]* **(f) Any other information that the authority considers necessary.**

40 (3) To qualify for registration under this section, a medical marijuana facility:

41 *[(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agri-*
 42 *cultural land;]*

43 **(a) May not be located in an area that is zoned for residential use, if the medical**
 44 **marijuana facility is located in an area that is under the jurisdiction of a city;**

45 **(b) May not be located at the same address as a marijuana grow site;**

1 (c) Must be registered as a business, or have filed [*a pending*] **an** application to register as a
2 business, with the Office of the Secretary of State;

3 [*(d) Must not be located within 1,000 feet of the real property comprising a public or private ele-*
4 *mentary, secondary or career school attended primarily by minors;*]

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

6 **(A) A public elementary or secondary school for which attendance is compulsory under**
7 **ORS 339.020; or**

8 **(B) A private or parochial elementary or secondary school, teaching children as described**
9 **in ORS 339.030 (1)(a);**

10 (e) Must not be located within 1,000 feet of another medical marijuana facility; and

11 [*(f) Must comport with rules adopted by the authority related to;*]

12 [*(A) Installing a minimum security system, including a video surveillance system, alarm system and*
13 *safe; and]*

14 [*(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and*
15 *immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the*
16 *registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's*
17 *registered grower.*]

18 **(f) Must meet the requirements of any rule adopted by the authority under subsection**
19 **(10) of this section.**

20 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 [*of a person*
21 *whose name is submitted as the person responsible for a medical marijuana facility under subsection*
22 *(2) of this section.*] **for each individual named in an application under subsection (2) of this**
23 **section.**

24 (b) [*A person*] **An individual** convicted for the manufacture or delivery of a controlled substance
25 in Schedule I or Schedule II may not [*be the person*] **own or be** responsible for a medical marijuana
26 facility for five years from the date the [*person*] **individual** is convicted.

27 (c) [*A person*] **An individual** convicted more than once for the manufacture or delivery of a
28 controlled substance in Schedule I or Schedule II may not [*be the person*] **own or be** responsible for
29 a medical marijuana facility.

30 (5) If a person submits the application required under subsection (2) of this section, **if the med-**
31 **ical marijuana facility identified in the application meets the** [*qualifications for a medical marijuana*
32 *facility described in subsection (3) of this section and the person responsible for the medical marijuana*
33 *facility*] **requirements of this section and any rules adopted under this section and if each**
34 **individual named in the application** passes the criminal records check required under subsection
35 (4) of this section, the authority shall register the medical marijuana facility and issue [*the person*
36 *responsible for the medical marijuana facility*] proof of registration. [*The person responsible for the*
37 *medical marijuana facility shall display the*] Proof of registration **must be displayed** on the premises
38 of the medical marijuana facility at all times when usable marijuana or immature marijuana plants
39 are being transferred as described in [*subsection (1) of this section*] **ORS 475.304 (7)(c).**

40 **(6) A medical marijuana facility that is registered under this section is not required to**
41 **register with the State Board of Pharmacy under ORS 475.125.**

42 [(6)(a) *A registered medical marijuana facility may receive usable marijuana or immature*
43 *marijuana plants only from a registry identification cardholder, designated primary caregiver or person*
44 *responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization,*
45 *on a form prescribed by the authority by rule and signed by a registry identification cardholder, to*

1 *receive the usable marijuana or immature marijuana plants.]*

2 *[(b) A registered medical marijuana facility shall maintain:]*

3 *[(A) A copy of each authorization form described in paragraph (a) of this subsection; and]*

4 *[(B) Documentation of each transfer of usable marijuana or immature marijuana plants.]*

5 **(7) The individual or individuals responsible for a medical marijuana facility shall main-**
6 **tain documentation of each transfer of usable marijuana and immature marijuana plants.**

7 *[(7) A medical marijuana facility registered under this section may possess usable marijuana and*
8 *immature marijuana plants in excess of the limits imposed on registry identification cardholders and*
9 *designated primary caregivers under ORS 475.320.]*

10 *[(8)(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused*
11 *product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant*
12 *safety packaging that meets standards established by the authority by rule.]*

13 *[(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused*
14 *product that is manufactured or packaged in a manner that is attractive to minors, as determined by*
15 *the authority by rule.]*

16 *[(9)]* **(8)** The authority may inspect:

17 *[(a) The premises of an applicant for a medical marijuana facility or a registered medical*
18 *marijuana facility to ensure compliance with the qualifications for a medical marijuana facility de-*
19 *scribed in subsection (3) of this section; and]*

20 **(a) The premises of a proposed medical marijuana facility or a registered medical**
21 **marijuana facility to ensure compliance with this section and sections 25 and 27 of this 2015**
22 **Act and any rules adopted under this section or section 25 of this 2015 Act; and**

23 **(b)** The records of a registered medical marijuana facility to ensure compliance with subsection
24 *[(6)(b)]* **(7)** of this section.

25 *[(10)(a) A registry identification cardholder or the designated primary caregiver of a registry*
26 *identification cardholder may reimburse a medical marijuana facility registered under this section for*
27 *the normal and customary costs of doing business, including costs related to transferring, handling,*
28 *securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants*
29 *and the cost of supplies, utilities and rent or mortgage.]*

30 *[(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site*
31 *under this section for the normal and customary costs of doing business, including costs related to*
32 *transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and*
33 *immature marijuana plants and the cost of supplies, utilities and rent or mortgage.]*

34 *[(11)]* **(9)** **Subject to the provisions of ORS chapter 183,** the authority may revoke the regis-
35 tration of a medical marijuana facility *[registered under this section]* for failure to comply with ORS
36 475.300 to 475.346, rules adopted under ORS 475.300 to 475.346 or ordinances adopted pursuant to
37 section 2, chapter 79, Oregon Laws 2014. *[The authority may release to the public a final order re-*
38 *voking a medical marijuana facility registration.]*

39 *[(12)]* **(10)** The authority shall adopt rules to implement this section, including rules that:

40 **(a)** Require a **registered** medical marijuana facility *[registered under this section]* to annually
41 renew *[that registration; and]* **the registration for that facility;**

42 **(b)** Establish fees for registering and renewing registration for a medical marijuana facility
43 *[under this section.];*

44 **(c)** **Require installation at each medical marijuana facility of a minimum security system**
45 **that includes video surveillance, an alarm system and a safe;**

1 (d) Require that usable marijuana and immature marijuana plants transferred by a
2 medical marijuana facility be tested to ensure the public health and safety; and

3 (e) Impose any other standard on the operation of a medical marijuana facility to ensure
4 the public health and safety.

5
6 (Designation and Assignment of Responsibility)
7

8 SECTION 18. Section 19 of this 2015 Act is added to and made a part of ORS 475.300 to
9 475.346.

10 SECTION 19. (1) An individual responsible for a medical marijuana facility registered
11 under ORS 475.314 may designate or assign that responsibility to another individual.

12 (2) If a designation or assignment is made under this section, the designee or assignee
13 must submit to the Oregon Health Authority proof that the designee or assignee meets the
14 requirements and restrictions set forth in ORS 475.314 (2)(d) and (4).

15 (3) The authority may prescribe the form and manner of making a submission under
16 subsection (2) of this section.

17
18 (Secured Party)
19

20 SECTION 20. Section 21 of this 2015 Act is added to and made a part of ORS 475.300 to
21 475.346.

22 SECTION 21. (1) In the event that a medical marijuana facility registered under ORS
23 475.314 is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured
24 party, as defined in ORS 79.0102, may continue operations at the medical marijuana facility
25 upon submitting to the Oregon Health Authority proof that the secured party or, if the se-
26 cured party is a business entity, any individual who has a financial interest in the secured
27 party, meets the requirements and restrictions set forth in ORS 475.314 (4).

28 (2) The authority may prescribe the form and manner of making a submission under this
29 section.

30
31 (School Zone)
32

33 SECTION 22. Section 23 of this 2015 Act is added to and made a part of ORS 475.300 to
34 475.346.

35 SECTION 23. If a school described in ORS 475.314 (3)(d) is established within 1,000 feet
36 of a medical marijuana facility registered under ORS 475.314, the medical marijuana facility
37 may remain at its current location unless the medical marijuana facility is removed from the
38 registry established under ORS 475.314.

39
40 (Safety Standards)
41

42 SECTION 24. Section 25 of this 2015 Act is added to and made a part of ORS 475.300 to
43 475.346.

44 SECTION 25. (1) A medical marijuana facility registered under ORS 475.314 may not
45 transfer a medical marijuana product to a registry identification cardholder or the desig-

1 nated primary caregiver of the registry identification cardholder if:

2 (a) The medical marijuana product is not packaged in child-resistant safety packaging
3 that meets standards established by the Oregon Health Authority;

4 (b) The medical marijuana product is manufactured or packaged in a manner that is at-
5 tractive to minors, as determined by the authority; or

6 (c) The medical marijuana product is marketed in a manner that is untruthful or mis-
7 leading or that otherwise creates a significant risk to the public health and safety, as de-
8 termined by the authority.

9 (2) If a registered medical marijuana facility processes marijuana into medical marijuana
10 products, the medical marijuana facility must meet any public health and safety standards
11 established by the authority by rule related to:

12 (a) Cannabinoid edibles, if the medical marijuana facility processes marijuana into
13 cannabinoid edibles;

14 (b) Cannabinoid extracts, if the medical marijuana facility processes marijuana into
15 cannabinoid extracts;

16 (c) Medical marijuana products described in ORS 475.302 (3)(b), if the medical marijuana
17 facility processes marijuana into medical marijuana products described in ORS 475.302 (3)(b);
18 or

19 (d) Any other type of medical marijuana product identified by the authority by rule, if
20 the medical marijuana facility processes that type of medical marijuana product.

21 (3) The authority shall adopt rules to implement this section.

22
23 (Testing)
24

25 **SECTION 26.** Section 27 of this 2015 Act is added to and made a part of ORS 475.300 to
26 475.346.

27 **SECTION 27.** Testing of usable marijuana and immature marijuana plants as required
28 under ORS 475.314 (10) must be conducted by a laboratory accredited under ORS 438.605 to
29 438.620.

30
31 **CONFIDENTIALITY**
32

33 **SECTION 28.** Section 29 of this 2015 Act is added to and made a part of ORS 475.300 to
34 475.346.

35 **SECTION 29.** (1) Any personally identifiable information, as defined in ORS 432.005, other
36 than a name submitted with an application under 475.314 or section 11 of this 2015 Act, that
37 the Oregon Health Authority collects and maintains for purposes of registering a marijuana
38 grow site under ORS 475.304, a marijuana processing site under section 11 of this 2015 Act
39 or a medical marijuana facility under ORS 475.314 is confidential and not subject to public
40 disclosure under ORS 192.410 to 192.505.

41 (2) Any record that the authority keeps or maintains for purposes related to the instal-
42 lation or maintenance of a security system by a registered medical marijuana facility is
43 confidential and not subject to public disclosure under ORS 192.410 to 192.505.

44
45 **EXEMPTIONS FROM CRIMINAL LIABILITY**

AND AFFIRMATIVE DEFENSE

SECTION 30. Section 31 of this 2015 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 31. Except as provided in ORS 475.316, a person engaged in or assisting in the medical use of marijuana is exempt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery or manufacture of marijuana or any other criminal offense in which possession, delivery or manufacture of marijuana is an element if:

(1) The person holds a registry identification card.

(2) The person has applied for a registry identification card under ORS 475.309 and the person has proof of written documentation described in ORS 475.309 (2)(a) and the date on which the person submitted the application to the Oregon Health Authority. An exemption under this subsection applies only until the authority approves or denies the application.

(3) The person is designated as a primary caregiver under ORS 475.312.

(4) The person is responsible for or is employed by a marijuana grow site registered under ORS 475.304.

(5) The person is responsible for or is employed by a marijuana processing site registered under section 11 of this 2015 Act.

(6) The person owns, is responsible for or is employed by a medical marijuana facility registered under ORS 475.314.

(7) The person is authorized to conduct tests pursuant to section 27 of this 2015 Act.

SECTION 32. ORS 475.319 is amended to read:

475.319. (1) Except as provided in ORS 475.316 [*and 475.342*], [*it is*] **a person has** an affirmative defense to a criminal charge of possession [*or production*], **delivery or manufacture** of marijuana, or any other criminal offense in which possession [*or production*], **delivery or manufacture** of marijuana is an element, [*that*] **if** the person charged with the offense [*is a person who*]:

(a) [*Has been*] **Was** diagnosed with a debilitating medical condition within 12 months [*prior to arrest and been*] **of the date on which the person was arrested and was** advised by the person's attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

(b) Is engaged in the medical use of marijuana; and

(c) Possesses, **delivers or** [*or produces*] **manufactures** marijuana only in [*amounts*] **quantities** permitted under ORS 475.320.

(2) [*It is not necessary for a person asserting an affirmative defense pursuant to this section to have received*] **A person does not need to have been issued** a registry identification card [*in order*] to assert the affirmative defense established in this section.

(3) [*No*] **A** person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to [*such*] **the** use of marijuana [*shall be*] **is not** precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that [*the amount of marijuana at issue is no greater than permitted under ORS 475.320 and the patient*]:

(a) **The person possesses, delivers or manufactures marijuana only in quantities permitted under ORS 475.320; and**

1 **Health Authority may impose for each violation of a provision of ORS 475.300 to 475.346 or**
 2 **for each violation of a rule adopted under a provision of ORS 475.300 to 475.346 a civil penalty**
 3 **that does not exceed \$5,000.**

4 (2) **The authority shall impose civil penalties under this section in the manner provided**
 5 **by ORS 183.745.**

6 (3) **All moneys collected pursuant to this section shall be deposited in the Oregon Health**
 7 **Authority Fund established under ORS 413.101 and are continuously appropriated to the au-**
 8 **thority for the purpose of carrying out the duties, functions and powers of the authority**
 9 **under ORS 475.300 to 475.346.**

10
 11 **EXEMPTION FROM CIVIL LIABILITY**

12
 13 **SECTION 36. Section 37 of this 2015 Act is added to and made a part of ORS 475.300 to**
 14 **475.346.**

15 **SECTION 37. The Oregon Health Authority and the Oregon Liquor Control Commission,**
 16 **and the officers, employees and agents of the authority and commission, are immune from**
 17 **any cause of action for the performance of, or the failure to perform, duties required by ORS**
 18 **475.300 to 475.346.**

19
 20 **OTHER AMENDMENTS**

21
 22 **SECTION 38. ORS 475.300 is amended to read:**

23 475.300. The people of the state of Oregon [*hereby*] find that:

24 (1) Patients and doctors have found marijuana to be an effective treatment for suffering caused
 25 by debilitating medical conditions[,] and, therefore, marijuana [*should*] **must** be treated like other
 26 medicines;

27 (2) Oregonians suffering from debilitating medical conditions should be allowed to use [*small*
 28 *amounts of*] marijuana without fear of civil or criminal penalties when [*their doctors advise that such*
 29 *use*] **a doctor advises that using marijuana** may provide a medical benefit [*to them*] and when
 30 other reasonable restrictions are met regarding that use;

31 (3) ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions
 32 who may benefit from the medical use of marijuana to be able to [*discuss freely with their*] **freely**
 33 **discuss with** doctors the possible risks and benefits of medical marijuana use and to have the ben-
 34 efit of [*their doctor's*] professional **medical** advice; and

35 (4) ORS 475.300 to 475.346 are intended [*to make only those changes to existing Oregon laws that*
 36 *are necessary*] to protect patients and [*their*] doctors from criminal and civil penalties[,] and are not
 37 intended to change current civil and criminal laws governing the use of marijuana for nonmedical
 38 purposes.

39 **SECTION 39. ORS 475.303 is amended to read:**

40 475.303. (1) There is [*created*] **established within the Oregon Health Authority** the Advisory
 41 Committee on Medical Marijuana [*in the Oregon Health Authority*], consisting of 11 members ap-
 42 pointed by the Director of the Oregon Health Authority.

43 (2) The director shall appoint members of the committee from [*persons who possess registry*
 44 *identification cards, designated primary caregivers of persons who possess registry identification cards*
 45 *and advocates of the Oregon Medical Marijuana Act.*] **persons who are registered with the au-**

1 **thority under ORS 475.300 to 475.346 and who are advocates of the medical use of marijuana.**

2 (3) The committee shall advise the director on the administrative aspects of *[the Oregon Medical*
3 *Marijuana Program, review current and proposed administrative rules of the program and provide*
4 *annual input on the fee structure of the program.]* **ORS 475.300 to 475.346, including rules and fees**
5 **adopted under and proposed to be adopted under ORS 475.300 to 475.346.**

6 (4) The committee shall meet at least four times per year, at times and places specified by the
7 director.

8 (5) The authority shall provide staff support to the committee.

9 (6) All agencies of state government, as defined in ORS 174.111, are directed to assist the com-
10 mittee in the performance of its duties and, to the extent permitted by laws relating to
11 confidentiality, to furnish information and advice that the members of the committee consider nec-
12 essary to perform their duties.

13 **SECTION 40.** ORS 475.323 is amended to read:

14 475.323. (1) *[Possession of a registry identification card, designated primary caregiver identification*
15 *card pursuant to ORS 475.309 or proof of registration as a medical marijuana facility under ORS*
16 *475.314]* **Registration under ORS 475.300 to 475.346 or possession of proof of registration under**
17 **ORS 475.300 to 475.346** does not *[alone]* constitute probable cause to search the person or property
18 of the *[cardholder]* **registrant** or otherwise subject the person or property of the *[cardholder]* **reg-**
19 **istrant** to inspection by *[any governmental]* **a government** agency. However, the *[Oregon Health*
20 *Authority may inspect a medical marijuana facility registered under ORS 475.314]* **Oregon Health**
21 **Authority may inspect a marijuana grow site registered under ORS 475.304, a marijuana**
22 **processing site registered under section 11 of this 2015 Act or a medical marijuana facility**
23 **registered under ORS 475.314** at any reasonable time to determine whether *[the facility]* **the per-**
24 **son responsible for the marijuana grow site, the person responsible for the marijuana pro-**
25 **cessing site or the medical marijuana facility** is in compliance with ORS 475.300 to 475.346 **and**
26 **rules adopted under ORS 475.300 to 475.346.**

27 (2) Any property interest possessed, owned or used in connection with the medical use of
28 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
29 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
30 of *[any]* **a law enforcement agency[.], except that** a law enforcement agency has no responsibility
31 to maintain live marijuana plants lawfully seized. *[No]* Such property interest may **not** be forfeited
32 under any provision of law providing for the forfeiture of property *[other than as]*, **except pursuant**
33 **to** a sentence imposed after conviction of a criminal offense. *[Usable]* Marijuana and **equipment or**
34 paraphernalia used to **produce, process or** administer marijuana that was seized by *[any]* **a law**
35 enforcement *[office]* **officer** shall be returned immediately *[upon a determination by]* **if** the district
36 attorney in whose county the property was seized, or the district attorney's designee, **determines**
37 that the person from whom the marijuana, **equipment** or paraphernalia *[used to administer*
38 *marijuana]* was seized is entitled to the protections *[contained in]* **provided by** ORS 475.300 to
39 475.346. The determination may be evidenced*[, for example,]* by a decision not to prosecute, the dis-
40 missal of charges or acquittal.

41 **SECTION 41.** ORS 475.326 is amended to read:

42 475.326. *[No attending physician may be subjected to civil penalty or discipline by the Oregon*
43 *Medical Board for:]* **The Oregon Medical Board may not impose a civil penalty or take other**
44 **disciplinary action against an attending physician for:**

45 (1) Advising a person *[whom the attending physician has]* diagnosed as having a debilitating

1 medical condition[, or a person who the attending physician knows has been so diagnosed] by **the**
 2 **attending physician or** another physician licensed under ORS chapter 677[,], about the risks and
 3 benefits [of] **associated with the** medical use of marijuana or that the medical use of marijuana
 4 may mitigate the symptoms or effects of the person's debilitating medical condition, provided **that**
 5 the advice is based on the attending physician's personal assessment of the person's medical history
 6 and current medical condition; or

7 (2) Providing the written documentation necessary for issuance **or renewal** of a registry iden-
 8 tification card under ORS 475.309[, if] **or renewal of a registry identification card under ORS**
 9 **475.309, provided that** the documentation is based on the attending physician's personal assessment
 10 of the [applicant's] **person's** medical history and current medical condition and the attending phy-
 11 sician has discussed **with the person** the potential [medical] risks and benefits [of] **associated with**
 12 the medical use of marijuana [with the applicant].

13 **SECTION 42.** ORS 475.328 is amended to read:

14 475.328. (1) [No] **A** professional licensing board may **not** impose a civil penalty or take other
 15 disciplinary action against a licensee based on the licensee's medical use of marijuana [in accordance
 16 with] **under** the provisions of ORS 475.300 to 475.346 or actions taken by the licensee [that are
 17 necessary to carry out the licensee's role as a designated primary caregiver to a person who possesses
 18 a lawful registry identification card] **pursuant to the licensee's designation as a primary**
 19 **caregiver under ORS 475.312.**

20 (2)(a) A licensed health care professional may administer medical marijuana to a person who
 21 possesses a registry identification card and resides in a licensed health care facility if the adminis-
 22 tration of pharmaceuticals is within the scope of practice of the licensed health care professional.
 23 Administration of medical marijuana under this subsection may not take place in a public place as
 24 defined in ORS 161.015 or in the presence of a person under 18 years of age. If the medical
 25 marijuana administered under this subsection is smoked, adequate ventilation must be provided.

26 (b) Nothing in this subsection requires:

27 (A) A licensed health care professional to administer medical marijuana; or

28 (B) A licensed health care facility to make accommodations for the administration of medical
 29 marijuana.

30 **SECTION 43.** ORS 475.331 is amended to read:

31 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of [the persons to
 32 whom the authority has issued registry identification cards, the names of any designated primary
 33 caregivers, the names of persons responsible for a medical marijuana facility registered under ORS
 34 475.314, the addresses of authorized marijuana grow sites and the addresses of registered medical
 35 marijuana facilities.]:

36 **(A) The names of persons to whom a registry identification card has been issued under**
 37 **ORS 475.309; and**

38 **(B) The names of persons designated as primary caregivers under ORS 475.312.**

39 **(b)** Except as provided in subsection (2) of this section, the list shall be confidential and not
 40 subject to public disclosure.

41 [(b)] **(c)** The authority shall develop a system by which authorized employees of state and local
 42 law enforcement agencies may verify [at all times] that:

43 (A) A person [is a lawful possessor of] **lawfully possesses** a registry identification card; **or**

44 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
 45 tion card[;].

1 [(C) A location is an authorized marijuana grow site;]

2 [(D) A location is a registered medical marijuana facility; or]

3 [(E) A person is the person listed as the person responsible for a registered medical marijuana
4 facility.]

5 (2) Names, **addresses** and other identifying information from the list established pursuant to
6 subsection (1) of this section may be released to:

7 (a) Authorized employees of the authority as necessary to perform official duties of the author-
8 ity.

9 (b) Authorized employees of state or local law enforcement agencies[,] who provide to the au-
10 thority adequate identification, [such as a badge number or similar authentication of authority,] **but**
11 only as necessary to verify that:

12 (A) A person [is a lawful possessor of] **lawfully possesses** a registry identification card; **or**

13 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
14 tion card[;].

15 [(C) A location is an authorized marijuana grow site;]

16 [(D) A location is a registered medical marijuana facility; or]

17 [(E) A person is the person listed as the person responsible for a registered medical marijuana
18 facility.]

19 (3) Authorized employees of state or local law enforcement agencies [that] **who** obtain identify-
20 ing information [from the list] as authorized [under] **by** this section may not release or use the in-
21 formation for any purpose other than [verification] **to verify** that:

22 (a) A person [is a lawful possessor of] **lawfully possesses** a registry identification card; **or**

23 (b) A person is the designated primary caregiver of a lawful possessor of a registry identification
24 card[;].

25 [(c) A location is an authorized marijuana grow site;]

26 [(d) A location is a registered medical marijuana facility; or]

27 [(e) A person is the person listed as the person responsible for a registered medical marijuana fa-
28 cility.]

29 **SECTION 44.** ORS 475.334 is amended to read:

30 475.334. Any person may [submit a] petition [to] the Oregon Health Authority [requesting] **to**
31 **request** that a [particular] disease or condition be included among the diseases and conditions that
32 qualify as debilitating medical conditions under ORS [475.302] **475.300 to 475.346**. The authority
33 shall adopt rules establishing [the manner in which the authority will evaluate petitions submitted
34 under this section] **the procedure for filing a petition under this section and the manner by**
35 **which the authority evaluates a request made under this section.** [Any] Rules adopted [pursuant
36 to] **under** this section [shall] **must** require the authority to approve or deny a petition within 180
37 days of [receipt of] **receiving** the petition [by the authority]. Denial of a petition [shall be
38 considered] **is** a final [authority] **agency** action subject to judicial review.

39 **SECTION 45.** ORS 475.338 is amended to read:

40 475.338. The Oregon Health Authority shall adopt [all] rules necessary for the implementation
41 and administration of ORS 475.300 to 475.346.

42 **SECTION 46.** ORS 475.340 is amended to read:

43 475.340. Nothing in ORS 475.300 to 475.346 [shall be construed to require] **requires:**

44 (1) A government medical assistance program or private health insurer to reimburse a person
45 for costs associated with the medical use of marijuana; or

(2) An employer to accommodate the medical use of marijuana in *[any]* **the** workplace.

SECTION 47. ORS 475.342 is amended to read:

475.342. *[Nothing in]* **The provisions of** ORS 475.300 to 475.346 *[shall protect]* **do not protect** a person from a criminal cause of action based on possession, *[production, or]*, delivery **or manufacture** of marijuana that is not *[authorized by]* **described in** ORS 475.300 to 475.346.

SECTION 48. Section 2, chapter 79, Oregon Laws 2014, is amended to read:

Sec. 2. Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, “reasonable regulations” includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may *[dispense medical marijuana]* **transfer usable marijuana and immature marijuana plants.**

CONFORMING AMENDMENTS

SECTION 49. ORS 181.534 is amended to read:

181.534. (1) As used in this section:

(a) “Authorized agency” means state government as defined in ORS 174.111 and the Oregon State Bar. “Authorized agency” does not include:

(A) The Oregon State Lottery Commission or the Oregon State Lottery; or

(B) A criminal justice agency, as defined in ORS 181.010, that is authorized by federal law to receive fingerprint-based criminal records checks from the Federal Bureau of Investigation.

(b) “Subject individual” means a person from whom an authorized agency may require fingerprints pursuant to statute for the purpose of enabling the authorized agency to request a state or nationwide criminal records check.

(2) An authorized agency may request that the Department of State Police conduct a criminal records check on a subject individual for non-criminal justice purposes. If a nationwide criminal records check of a subject individual is necessary, the authorized agency may request that the Department of State Police conduct the check, including fingerprint identification, through the Federal Bureau of Investigation.

(3) The Department of State Police shall provide the results of a criminal records check conducted pursuant to subsection (2) of this section to the authorized agency requesting the check.

(4) The Federal Bureau of Investigation shall return or destroy the fingerprint cards used to conduct the criminal records check and may not keep any record of the fingerprints. If the federal bureau policy authorizing return or destruction of the fingerprint cards is changed, the Department of State Police shall cease to send the cards to the federal bureau but shall continue to process the information through other available resources.

(5) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of State Police, the department shall destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(6) If only a state criminal records check is conducted, the Department of State Police shall destroy the fingerprint cards after the criminal records check is completed and the results of the criminal records check provided to the authorized agency and shall retain no facsimiles or other

1 material from which a fingerprint can be reproduced.

2 (7) An authorized agency may conduct criminal records checks on subject individuals through
3 the Law Enforcement Data System maintained by the Department of State Police in accordance with
4 rules adopted, and procedures established, by the Department of State Police.

5 (8) An authorized agency and the Department of State Police shall permit a subject individual
6 for whom a fingerprint-based criminal records check was conducted to inspect the individual's own
7 state and national criminal offender records and, if requested by the subject individual, provide the
8 individual with a copy of the individual's own state and national criminal offender records.

9 (9) Each authorized agency, in consultation with the Department of State Police, shall adopt
10 rules to implement this section and other statutes relating to criminal offender information obtained
11 through fingerprint-based criminal records checks. The rules shall include but need not be limited
12 to:

13 (a) Identifying applicable categories of subject individuals as specified by the Oregon Depart-
14 ment of Administrative Services under ORS 181.547 who are subject to criminal records checks by
15 the authorized agency.

16 (b) Identifying applicable information that may be required from a subject individual to permit
17 a criminal records check as specified by the Oregon Department of Administrative Services under
18 ORS 181.547.

19 (c) Specifying which programs or services are subject to this section.

20 (d) If the authorized agency uses criminal records checks for agency employment purposes:

21 (A) Determining when and under what conditions a subject individual may be hired on a pre-
22 liminary basis pending a criminal records check; and

23 (B) Defining the conditions under which a subject individual may participate in training, orien-
24 tation and work activities pending completion of a criminal records check.

25 (e) Establishing fees in an amount not to exceed the actual cost of acquiring and furnishing
26 criminal offender information.

27 (10) The Department of State Police shall verify that an authorized agency has adopted the rules
28 required by subsection (9) of this section.

29 (11)(a) Except as otherwise provided in ORS 181.612, 342.143, 342.223, 443.735 and [475.304]
30 **475.300 to 475.346** and paragraph (b) of this subsection, an authorized agency, using the rules
31 adopted by the authorized agency under subsection (9) of this section and the rules adopted by the
32 Oregon Department of Administrative Services under ORS 181.547, shall determine whether a sub-
33 ject individual is fit to hold a position, provide services, be employed or be granted a license, cer-
34 tification, registration or permit, based on the criminal records check obtained pursuant to this
35 section, on any false statements made by the individual regarding the criminal history of the indi-
36 vidual and on any refusal to submit or consent to a criminal records check including fingerprint
37 identification. If a subject individual is determined to be unfit, then the individual may not hold the
38 position, provide services, be employed or be granted a license, certification, registration or permit.

39 (b) An individual prohibited from receiving public funds for employment under ORS 443.004 (3)
40 is not entitled to a determination of fitness as a subject individual under paragraph (a) of this sub-
41 section.

42 (c)(A) Subject to subparagraph (B) of this paragraph, an authorized agency making a fitness de-
43 termination of an individual under this subsection may request results of a previously made fitness
44 determination from an authorized agency that has already made a fitness determination for the in-
45 dividual. An authorized agency that receives a request under this paragraph shall provide the re-

1 requested information.

2 (B) An authorized agency may make a request under this paragraph only for individuals:

3 (i) Who are applying to hold a position, provide services, be employed or be granted a license,
4 certification, registration or permit;

5 (ii) Who are in a category of individuals as specified by the Oregon Department of Administra-
6 tive Services under ORS 181.547; and

7 (iii) For whom a fitness determination has already been made.

8 (12) Except as otherwise provided in ORS 181.612, in making the fitness determination under
9 subsection (11) of this section, the authorized agency shall consider:

10 (a) The nature of the crime;

11 (b) The facts that support the conviction or pending indictment or that indicate the making of
12 the false statement;

13 (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the
14 subject individual's present or proposed position, services, employment, license, certification or reg-
15 istration; and

16 (d) Intervening circumstances relevant to the responsibilities and circumstances of the position,
17 services, employment, license, certification, registration or permit. Intervening circumstances in-
18 clude but are not limited to:

19 (A) The passage of time since the commission of the crime;

20 (B) The age of the subject individual at the time of the crime;

21 (C) The likelihood of a repetition of offenses or of the commission of another crime;

22 (D) The subsequent commission of another relevant crime;

23 (E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

24 (F) A recommendation of an employer.

25 (13) An authorized agency and an employee of an authorized agency acting within the course
26 and scope of employment are immune from any civil liability that might otherwise be incurred or
27 imposed for determining, pursuant to subsection (11) of this section, that a subject individual is fit
28 or not fit to hold a position, provide services, be employed or be granted a license, certification,
29 registration or permit. An authorized agency and an employee of an authorized agency acting within
30 the course and scope of employment who in good faith comply with this section are not liable for
31 employment-related decisions based on determinations made under subsection (11) of this section.
32 An authorized agency or an employee of an authorized agency acting within the course and scope
33 of employment is not liable for defamation or invasion of privacy in connection with the lawful dis-
34 semination of information lawfully obtained under this section.

35 (14)(a) Each authorized agency shall establish by rule a contested case process by which a sub-
36 ject individual may appeal the determination that the individual is fit or not fit to hold a position,
37 provide services, be employed or be granted a license, certification, registration or permit on the
38 basis of information obtained as the result of a criminal records check conducted pursuant to this
39 section. Challenges to the accuracy or completeness of information provided by the Department of
40 State Police, the Federal Bureau of Investigation and agencies reporting information to the De-
41 partment of State Police or Federal Bureau of Investigation must be made through the Department
42 of State Police, Federal Bureau of Investigation or reporting agency and not through the contested
43 case process required by this paragraph.

44 (b) A subject individual who is employed by an authorized agency and who is determined not to
45 be fit for a position on the basis of information obtained as the result of a criminal records check

1 conducted pursuant to this section may appeal the determination through the contested case process
 2 adopted under this subsection or applicable personnel rules, policies and collective bargaining pro-
 3 visions. An individual's decision to appeal a determination through personnel rules, policies and
 4 collective bargaining provisions is an election of remedies as to the rights of the individual with
 5 respect to the fitness determination and is a waiver of the contested case process.

6 (c) An individual prohibited from receiving public funds for employment under ORS 443.004 (3)
 7 is not entitled to appeal a determination under paragraph (a) or (b) of this subsection.

8 (15) Criminal offender information is confidential. Authorized agencies and the Department of
 9 State Police shall adopt rules to restrict dissemination of information received under this section to
 10 persons with a demonstrated and legitimate need to know the information.

11 (16) If a subject individual refuses to consent to the criminal records check or refuses to be
 12 fingerprinted, the authorized agency shall deny the employment of the individual, or revoke or deny
 13 any applicable position, authority to provide services, license, certification, registration or permit.

14 (17) If an authorized agency requires a criminal records check of employees, prospective em-
 15 ployees, contractors, vendors or volunteers or applicants for a license, certification, registration or
 16 permit, the application forms of the authorized agency must contain a notice that the person is
 17 subject to fingerprinting and a criminal records check.

18 **SECTION 50.** ORS 181.537 is amended to read:

19 181.537. (1) As used in this section:

20 (a) "Care" means the provision of care, treatment, education, training, instruction, supervision,
 21 placement services, recreation or support to children, the elderly or persons with disabilities.

22 (b) "Native American tribe" has the meaning given that term in ORS 181.538 (4).

23 (c) "Qualified entity" means a community mental health program, a community developmental
 24 disabilities program, a local health department, the government of a Native American tribe or an
 25 agency of a Native American tribe responsible for child welfare or an individual or business or or-
 26 ganization, whether public, private, for-profit, nonprofit or voluntary, that provides care, including
 27 a business or organization that licenses, certifies or registers others to provide care.

28 (2) For the purpose of requesting a state or nationwide criminal records check under ORS
 29 181.534, the Department of Human Services, the Oregon Health Authority and the Employment De-
 30 partment may require the fingerprints of a person:

31 (a) Who is employed by or is applying for employment with either department or the authority;

32 (b) Who provides or seeks to provide services to either department or the authority as a con-
 33 tractor, subcontractor, vendor or volunteer who:

34 (A) May have contact with recipients of care;

35 (B) Has access to personal information about employees of either department or the authority,
 36 recipients of care from either department or the authority or members of the public, including Social
 37 Security numbers, dates of birth, driver license numbers, medical information, personal financial in-
 38 formation or criminal background information;

39 (C) Has access to information the disclosure of which is prohibited by state or federal laws,
 40 rules or regulations, or information that is defined as confidential under state or federal laws, rules
 41 or regulations;

42 (D) Has access to property held in trust or to private property in the temporary custody of the
 43 state;

44 (E) Has payroll or fiscal functions or responsibility for:

45 (i) Receiving, receipting or depositing money or negotiable instruments;

- 1 (ii) Billing, collections, setting up financial accounts or other financial transactions; or
2 (iii) Purchasing or selling property;
- 3 (F) Provides security, design or construction services for government buildings, grounds or fa-
4 cilities;
- 5 (G) Has access to critical infrastructure or secure facilities information; or
6 (H) Is providing information technology services and has control over or access to information
7 technology systems;
- 8 (c) For the purposes of licensing, certifying, registering or otherwise regulating or administering
9 programs, persons or qualified entities that provide care;
- 10 (d) For the purposes of employment decisions by or for qualified entities that are regulated or
11 otherwise subject to oversight by the Department of Human Services or the Oregon Health Au-
12 thority and that provide care;
- 13 (e) For the purposes of employment decisions made by a mass transit district or transportation
14 district for qualified entities that, under contracts with the district or the Oregon Health Authority,
15 employ persons to operate motor vehicles for the transportation of medical assistance program cli-
16 ents; or
- 17 (f) For the purposes of licensure, certification or registration of foster homes by the government
18 of a Native American tribe or an agency of a Native American tribe responsible for child welfare.
- 19 (3) The Department of Human Services and the Oregon Health Authority may conduct criminal
20 records checks on a person through the Law Enforcement Data System maintained by the Depart-
21 ment of State Police, if deemed necessary by the Department of Human Services or the Oregon
22 Health Authority to protect children, elderly persons, persons with disabilities or other vulnerable
23 persons.
- 24 (4) The Department of Human Services and the Oregon Health Authority may furnish to quali-
25 fied entities, in accordance with the rules of the Department of Human Services or the Oregon
26 Health Authority and the rules of the Department of State Police, information received from the
27 Law Enforcement Data System. However, any criminal offender records and information furnished
28 to the Department of Human Services or the Oregon Health Authority by the Federal Bureau of
29 Investigation through the Department of State Police may not be disseminated to qualified entities.
- 30 (5)(a) Except as otherwise provided in ORS 443.735 and [475.304] **475.300 to 475.346**, a qualified
31 entity, using rules adopted by the Department of Human Services or the Oregon Health Authority
32 under ORS 181.534 (9) and rules adopted by the Oregon Department of Administrative Services un-
33 der ORS 181.547, shall determine under this section whether a person is fit to hold a position, pro-
34 vide services, be employed or, if the qualified entity has authority to make such a determination,
35 be licensed, certified or registered, based on the criminal records check obtained pursuant to ORS
36 181.534, any false statements made by the person regarding the criminal history of the person and
37 any refusal to submit or consent to a criminal records check including fingerprint identification. If
38 a person is determined to be unfit, then that person may not hold the position, provide services or
39 be employed, licensed, certified or registered.
- 40 (b) A person prohibited from receiving public funds for employment under ORS 443.004 (3) is not
41 entitled to a determination of fitness under paragraph (a) of this subsection.
- 42 (6) In making the fitness determination under subsection (5) of this section, the qualified entity
43 shall consider:
- 44 (a) The nature of the crime;
- 45 (b) The facts that support the conviction or pending indictment or indicate the making of the

1 false statement;

2 (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the
3 person's present or proposed position, services, employment, license, certification or registration;
4 and

5 (d) Intervening circumstances relevant to the responsibilities and circumstances of the position,
6 services, employment, license, certification or registration. Intervening circumstances include but
7 are not limited to the passage of time since the commission of the crime, the age of the person at
8 the time of the crime, the likelihood of a repetition of offenses, the subsequent commission of an-
9 other relevant crime and a recommendation of an employer.

10 (7) The Department of Human Services, the Oregon Health Authority and the Employment De-
11 partment may make fitness determinations based on criminal offender records and information fur-
12 nished by the Federal Bureau of Investigation through the Department of State Police only as
13 described in ORS 181.534.

14 (8) A qualified entity and an employee of a qualified entity acting within the course and scope
15 of employment are immune from any civil liability that might otherwise be incurred or imposed for
16 determining pursuant to subsection (5) of this section that a person is fit or not fit to hold a position,
17 provide services or be employed, licensed, certified or registered. A qualified entity, employee of a
18 qualified entity acting within the course and scope of employment and an employer or employer's
19 agent who in good faith comply with this section and the decision of the qualified entity or employee
20 of the qualified entity acting within the course and scope of employment are not liable for the fail-
21 ure to hire a prospective employee or the decision to discharge an employee on the basis of the
22 qualified entity's decision. An employee of the state acting within the course and scope of employ-
23 ment is not liable for defamation or invasion of privacy in connection with the lawful dissemination
24 of information lawfully obtained under this section.

25 (9) The Department of Human Services and the Oregon Health Authority, subject to rules
26 adopted by the Oregon Department of Administrative Services under ORS 181.547, shall develop
27 systems that maintain information regarding criminal records checks in order to minimize the ad-
28 ministrative burden imposed by this section and ORS 181.534. Records maintained under this sub-
29 section are confidential and may not be disseminated except for the purposes of this section and in
30 accordance with the rules of the Department of Human Services, the Oregon Health Authority and
31 the Department of State Police. Nothing in this subsection permits the Department of Human Ser-
32 vices to retain fingerprint cards obtained pursuant to this section.

33 (10) In addition to the rules required by ORS 181.534, the Department of Human Services and
34 the Oregon Health Authority, in consultation with the Department of State Police, shall adopt rules:

35 (a) Specifying which qualified entities are subject to this section;

36 (b) Specifying which qualified entities may request criminal offender information;

37 (c) Specifying which qualified entities are responsible for deciding, subject to rules adopted by
38 the Oregon Department of Administrative Services under ORS 181.547, whether a subject individual
39 is not fit for a position, service, license, certification, registration or employment; and

40 (d) Specifying when a qualified entity, in lieu of conducting a completely new criminal records
41 check, may proceed to make a fitness determination under subsection (5) of this section using the
42 information maintained by the Department of Human Services and the Oregon Health Authority
43 pursuant to subsection (9) of this section.

44 (11) If a person refuses to consent to the criminal records check or refuses to be fingerprinted,
45 the qualified entity shall deny or terminate the employment of the person, or revoke or deny any

1 applicable position, authority to provide services, employment, license, certification or registration.

2 (12) If the qualified entity requires a criminal records check of employees or other persons, the
 3 application forms of the qualified entity must contain a notice that employment is subject to fin-
 4 gerprinting and a criminal records check.

5
 6 **REPEALS**

7
 8 **SECTION 51. ORS 475.324 is repealed.**

9
 10 **OPERATIVE DATES**

11
 12 **SECTION 52. (1) Sections 4, 6 to 14, 18 to 31 and 34 to 37, the amendments to statutes
 13 and session law by sections 1 to 3, 5, 15 to 17, 32, 33 and 38 to 50 of this 2015 Act and the
 14 repeal of ORS 475.324 by section 51 of this 2015 Act become operative on March 1, 2016.**

15 **(2) The Oregon Health Authority and the Oregon Liquor Control Commission may take
 16 any action before the operative date specified in subsection (1) of this section that is neces-
 17 sary to enable the authority and the commission to exercise, on and after the operative date
 18 specified in subsection (1) of this section, all the duties, powers and functions conferred on
 19 the authority and the commission by sections 4, 6 to 14, 18 to 31 and 34 to 37 and the
 20 amendments to statutes and session law by sections 1 to 3, 5, 15 to 17, 32, 33 and 38 to 50
 21 of this 2015 Act.**

22
 23 **UNIT CAPTIONS**

24
 25 **SECTION 53. The unit captions used in this 2015 Act are provided only for the conven-
 26 ience of the reader and do not become part of the statutory law of this state or express any
 27 legislative intent in the enactment of this 2015 Act.**

28
 29 **EMERGENCY CLAUSE**

30
 31 **SECTION 54. This 2015 Act being necessary for the immediate preservation of the public
 32 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
 33 on its passage.**

34 _____