

**PROPOSED AMENDMENTS TO
SENATE BILL 844**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “and declaring an emergency.”.

3 Delete lines 4 through 14 and insert:

4 **“SECTION 1. As used in sections 1 to 11 of this 2015 Act:**

5 **“(1) ‘Cannabinoid edible’ means food or potable liquid into which a**
6 **cannabinoid extract or the dried leaves or flowers of marijuana have**
7 **been incorporated.**

8 **“(2) ‘Cannabinoid extract’ means a product containing cannabinoids**
9 **that have been separated from marijuana by chemical or mechanical**
10 **processes.**

11 **“(3)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
12 **any part of the plant Cannabis family Cannabaceae and the seeds of**
13 **the plant Cannabis family Cannabaceae.**

14 **“(b) ‘Marijuana’ does not include industrial hemp, as defined in**
15 **ORS 571.300.**

16 **“(4)(a) ‘Marijuana product’ means a cannabinoid edible, a**
17 **cannabinoid extract or any other product into which cannabinoids or**
18 **the dried leaves or flowers of marijuana have been incorporated.**

19 **“(b) ‘Marijuana product’ does not include industrial hemp, as de-**
20 **defined in ORS 571.300.**

21 **“(5) ‘Processing’ means the conversion of marijuana into marijuana**
22 **products.**

1 **“(6) ‘Production’ means planting, cultivating, growing, trimming**
2 **and harvesting marijuana and drying marijuana leaves and flowers.**

3 **“(7) ‘Usable marijuana’ means the dried leaves and flowers of**
4 **marijuana and any mixture or preparation of the dried leaves and**
5 **flowers of marijuana, including any marijuana product, that is appro-**
6 **priate for use as allowed in ORS 475.300 to 475.346 or sections 3 to 70,**
7 **chapter 1, Oregon Laws 2015.**

8 **“SECTION 2. (1) Sections 1 to 11 of this 2015 Act and rules adopted**
9 **under sections 1 to 11 of this 2015 Act shall serve as the basis for es-**
10 **tablishing the minimum standards for testing usable marijuana in this**
11 **state as required under ORS 475.300 to 475.346 and section 50, chapter**
12 **1, Oregon Laws 2015.**

13 **“(2) Sections 1 to 11 of this 2015 Act do not prevent the Oregon**
14 **Health Authority or the Oregon Liquor Control Commission from es-**
15 **tablishing additional minimum standards for testing usable marijuana,**
16 **or from establishing minimum standards for producing or processing**
17 **marijuana or usable marijuana, if the authority or commission is**
18 **otherwise authorized under the laws of this state to establish those**
19 **standards.**

20 **“SECTION 3. The Oregon Health Authority shall require all usable**
21 **marijuana transferred by a person registered under ORS 475.314, and**
22 **the Oregon Liquor Control Commission shall require all usable**
23 **marijuana sold by a marijuana retailer that holds a license under**
24 **section 22, chapter 1, Oregon Laws 2015, to have been tested to ensure**
25 **the public health and safety. Testing of usable marijuana as required**
26 **by this section must be conducted by a laboratory licensed by the**
27 **commission under section 4 of this 2015 Act and accredited as de-**
28 **scribed in section 5 of this 2015 Act.**

29 **“SECTION 4. (1) A laboratory that conducts testing of usable**
30 **marijuana as required by section 3 of this 2015 Act must have a license**

1 to operate at the premises at which the usable marijuana is tested.

2 “(2) For purposes of this section, the commission shall adopt rules
3 establishing:

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

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

9 “(c) Fees for applying for, receiving and renewing a license under
10 this section.

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

12 “(4) Fees adopted under subsection (2)(c) of this section must be
13 reasonably calculated to pay the expenses incurred by the commission
14 under sections 1 to 11 of this 2015 Act.

15 “(5) Fee moneys collected under this section shall be deposited in
16 the Marijuana Testing Fund established under section 11 of this 2015
17 Act.

18 **“SECTION 5. (1) A laboratory that conducts testing of usable**
19 **marijuana as required by section 3 of this 2015 Act must be accredited**
20 **under ORS 438.605 to 438.620 and meet other qualifications as estab-**
21 **lished by the Oregon Health Authority under this section.**

22 “(2) In addition to other qualifications required pursuant to ORS
23 438.605 to 438.620, the authority shall require an applicant for accredi-
24 tation under ORS 438.605 to 438.620 for purposes related to the testing
25 of usable marijuana to:

26 “(a) Complete an online application;

27 “(b) Undergo an onsite inspection;

28 “(c) Meet applicable requirements, specifications and guidelines for
29 testing usable marijuana as established by the International Organ-
30 ization for Standardization, or its successor organization;

1 “(d) Meet applicable requirements, specifications and guidelines for
2 testing usable marijuana as established by the National Environmental
3 Laboratory Accreditation Conference, or its successor organization;
4 and

5 “(e) Meet other applicable requirements, specifications and guide-
6 lines for testing usable marijuana, as determined to be appropriate by
7 the authority.

8 “(3) In establishing fees under ORS 438.620 for laboratories that test
9 usable marijuana, the authority shall establish fees that are reason-
10 ably calculated to pay the expenses incurred by the authority under
11 this section and ORS 438.605 to 439.620 in accrediting laboratories that
12 test usable marijuana.

13 “SECTION 6. (1) The Oregon Liquor Control Commission, in con-
14 sultation with the Oregon Health Authority and the State Department
15 of Agriculture, shall adopt rules establishing minimum standards for
16 testing usable marijuana. At a minimum, rules adopted under this
17 section shall:

18 “(a) Establish procedures for tracking usable marijuana to be
19 tested;

20 “(b) Establish procedures and standards for testing the dried leaves
21 and flowers of marijuana, cannabinoid edibles, cannabinoid extracts
22 and other marijuana products, as determined necessary by the com-
23 mission, for potency, pesticides and mycotoxins;

24 “(c) Establish procedures and standards for testing the dried leaves
25 and flowers of marijuana for aspergillus;

26 “(d) Establish procedures and standards for testing cannabinoid
27 edibles, cannabinoid extracts and other marijuana products, as deter-
28 mined necessary by the commission, for residual solvents;

29 “(e) Require cannabinoid edibles to be tested in accordance with any
30 applicable law of this state, or any applicable rule adopted under a law

1 of this state, related to the production and processing of food products
2 or commodities;

3 “(f) Establish procedures for reporting test results;

4 “(g) Establish requirements for documenting and keeping test re-
5 sults;

6 “(h) Requirements for disposing of samples of usable marijuana
7 that have been tested.

8 “(2) The commission may establish additional procedures and stan-
9 dards for testing usable marijuana for additional toxins or substances
10 as the commission determines is necessary to protect the public health
11 and safety.

12 “(3) In adopting rules under subsections (1) and (2) of this section,
13 the commission:

14 “(a) May establish different minimum standards for different vari-
15 eties of marijuana or for different types of marijuana products;

16 “(b) May establish different procedures and standards for persons
17 registered under ORS 475.300 to 475.346 and persons licensed under
18 sections 3 to 70, chapter 1, Oregon Laws 2015;

19 “(c) Shall consider the cost of a potential procedure and the feasi-
20 bility that a person registered under ORS 475.300 to 475.346 or a persons
21 licensed under sections 3 to 70, chapter 1, Oregon Laws 2015, will be
22 able to pay for the procedure; and

23 “(d) May not adopt rules that are more constrictive than is neces-
24 sary to protect the public health and safety.

25 “SECTION 7. Sections 1 to 11 of this 2015 Act do not apply to a
26 person responsible for a marijuana grow site under ORS 475.304 who
27 transfers marijuana or usable marijuana to a person who holds a reg-
28 istry identification card issued under ORS 475.309 or a person who has
29 been designated as a registry identification cardholder’s primary
30 caregiver under ORS 475.312.

1 **“SECTION 8. (1) The Oregon Liquor Control Commission may in-**
2 **spect premises licensed under section 4 of this 2015 Act to ensure**
3 **compliance with sections 1 to 11 of this 2015 Act and rules adopted**
4 **under sections 1 to 11 of this 2015 Act.**

5 **“(2) The state police, sheriffs and other police officers within this**
6 **state shall assist the commission in enforcing sections 1 to 11 of this**
7 **2015 Act and rules adopted under sections 1 to 11 of this 2015 Act. A**
8 **member of the state police, a sheriff or any other police officer who**
9 **has notice, knowledge or reasonable ground of suspicion of a violation**
10 **of a provision of sections 1 to 11 of this 2015 Act or of a rule adopted**
11 **under sections 1 to 11 of this 2015 Act shall immediately notify the**
12 **district attorney of the county in which the violation occurred and**
13 **furnish the district attorney with all information related to the vio-**
14 **lation, including the name and address of any witness to the violation.**

15 **“SECTION 9. Subject to the provisions of ORS chapter 183, the**
16 **commission may refuse to issue or renew, or may suspend or revoke,**
17 **a license issued under section 4 of this 2015 Act, for violation of:**

18 **“(1) A provision of sections 1 to 11 of this 2015 Act or a rule adopted**
19 **under sections 1 to 11 of this 2015 Act;**

20 **“(2) A provision of ORS 475.300 to 475.346 or a rule adopted under**
21 **ORS 475.300 to 475.346; or**

22 **“(3) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015,**
23 **or a rule adopted under a provision of sections 3 to 70, chapter 1,**
24 **Oregon Laws 2015.**

25 **“SECTION 10. In addition to any other liability or penalty provided**
26 **by law, the Oregon Liquor Control Commission may impose for each**
27 **violation of a provision of sections 1 to 11 of this 2015 Act, or a rule**
28 **adopted under a provision of sections 1 to 11, a civil penalty that does**
29 **not exceed \$5,000 for each day that the violation occurs. The commis-**
30 **sion shall impose civil penalties under this section in the manner**

1 provided by ORS 183.745. Moneys collected under this section shall be
2 deposited in the Marijuana Testing Fund established under section 11
3 of this 2015 Act.

4 **“SECTION 11.** The Marijuana Testing Fund is established in the
5 State Treasury, separate and distinct from the General Fund. The
6 Marijuana Testing Fund shall consist of all moneys collected by the
7 Oregon Liquor Control Commission under sections 4 and 10 of this 2015
8 Act. Interest earned by the Marijuana Testing Fund shall be credited
9 to the fund. Moneys in the Marijuana Testing Fund are continuously
10 appropriated to the commission to administer and enforce sections 1
11 to 11 of this 2015 Act.”.

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