

**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 “creating new provisions; and amending sections 42, 58, 59, 60 and
3 61, chapter 1, Oregon Laws 2015.”.

4 Delete lines 4 through 14 and insert:

5 **“SECTION 1.** Section 58, chapter 1, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 58. The regulation of the producing, processing, distributing**
8 **and dispensing of marijuana and marijuana products is a matter of**
9 **statewide concern.** Sections 3 to 70, chapter 1, Oregon Laws 2015, [*of this*
10 *Act, designed to operate uniformly throughout the state, shall be*] **are** para-
11 mount and superior to, and shall fully replace and supersede, any and all
12 [*municipal*] **city, county and special district** charter enactments [*or local*]
13 ordinances **or regulations** inconsistent with [*it*] **sections 3 to 70, chapter**
14 **1, Oregon Laws 2015.** Any such [*charters*] **charter enactments** and **local**
15 ordinances [*hereby*] are repealed.

16 **“SECTION 2.** Section 59, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 **“Sec. 59.** [(1)] Cities and counties may adopt reasonable time, place and
19 manner regulations [*of the nuisance aspects of establishments that sell*
20 *marijuana to consumers if the city or county makes specific findings that the*
21 *establishment would cause adverse effects to occur.*] **applicable to marijuana**
22 **producers, processors, wholesalers and retailers. Any regulations that**

1 are adopted must be consistent with city and county comprehensive
2 plans, zoning ordinances and applicable provisions of public health and
3 safety laws.

4 “[*(2) The authority granted to cities and counties by this section is in ad-*
5 *dition to, and not in lieu of, the authority granted to a city or county under*
6 *its charter and the statutes and Constitution of this state.*.]

7 **“SECTION 3. (1) Notwithstanding any other provision of ORS**
8 **chapters 197, 215 and 227, marijuana is a crop for the purposes of ‘farm**
9 **use’ as defined in ORS 215.203.**

10 **“(2) A primary dwelling in conjunction with a marijuana crop lo-**
11 **cated on exclusive farm use land is not a permitted use under ORS**
12 **215.213 or 215.283.**

13 **“(3) The processing of marijuana leaves or flowers on a premises**
14 **that is located on exclusive farm use land and for which a license has**
15 **been issued under section 20, chapter 1, Oregon Laws 2015, is permis-**
16 **sible to the extent that is provided for other crops under ORS 215.213**
17 **(2) or 215.283 (2).**

18 **“(4) For the purposes of processing marijuana, a marijuana**
19 **processor shall obtain a home occupation permit consistent with city**
20 **or county comprehensive plans and zoning ordinances.**

21 **“(5) Prior to the issuance of any license authorized under sections**
22 **3 to 70, chapter 1, Oregon Laws 2015, the Oregon Liquor Control**
23 **Commission shall request a land use compatibility statement from the**
24 **city or county land use planning commission that authorizes the land**
25 **use. The land use compatibility statement must demonstrate that the**
26 **requested license is for a land use that is allowable as a permitted or**
27 **conditional use within the given zoning designation where the land is**
28 **located. The commission may not issue a license if the land use com-**
29 **patibility statement shows that the proposed land use is prohibited in**
30 **the applicable zone.**

1 **“(6) Unless otherwise prohibited under section 60, chapter 1, Oregon**
2 **Laws 2015, cities and counties shall amend existing comprehensive**
3 **plans and zoning ordinances to allow for marijuana producers,**
4 **processors, wholesalers and retailers to obtain permitted or condi-**
5 **tional use approval in at least one zoning designation within the city**
6 **or county.**

7 **“SECTION 4.** Section 60, chapter 1, Oregon Laws 2015, is amended to
8 read:

9 **“Sec. 60. (1) Marijuana producers, processors, wholesalers and**
10 **retailers are prohibited from operating in cities and counties that ap-**
11 **prove a petition described in this section.**

12 **“[(1)] (2)** The governing body of a city or a county, when a petition is
13 filed as provided in this section, shall order an election on the question
14 whether the operation of licensed premises [*shall*] **should** be prohibited in
15 the city or county.

16 **“[(2)] (3)** Except as provided in subsections [(3), (4) and (5)] **(4) to (6)** of
17 this section, the requirements for preparing, circulating and filing a petition
18 under this section:

19 **“(a)** In the case of a city, [*shall*] **must** be as provided for an initiative
20 petition under ORS 250.265 to 250.346.

21 **“(b)** In the case of a county, [*shall*] **must** be as provided for an initiative
22 petition under ORS 250.165 to 250.235.

23 **“[(3)] (4)** A petition under subsection [(2)] **(3)** of this section:

24 **“(a)** Must be filed not less than 60 days before the day of the election;
25 and

26 **“(b)** Must be signed by not less than 10 percent of the electors registered
27 in the city or county.

28 **“[(4)] (5)** If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a
29 county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city,
30 the requirements for preparing, circulating and filing a petition under this

1 section *[shall]* **must** be as provided for an initiative petition under the
2 county or city charter or an ordinance adopted under the county or city
3 charter.

4 “[5] (6) *[No]* A signature is **not** valid unless signed within 180 days be-
5 fore the petition is filed.

6 “[6] (7) An election under this section *[shall]* **must** be held at the time
7 of the next statewide general election.

8 “[7] (8) An election under this section *[shall]* **must** be conducted under
9 ORS chapters 246 to 260.

10 **“SECTION 5.** Section 61, chapter 1, Oregon Laws 2015, is amended to
11 read:

12 **“Sec. 61.** Section 60, **chapter 1, Oregon Laws 2015, does** *[of this Act*
13 *shall]* not prevent any person residing in the county or city from having, for
14 personal use, marijuana items purchased from marijuana retailers duly li-
15 censed under **sections 3 to 70, chapter 1, Oregon Laws 2015** *[this Act]*.

16 **“SECTION 6.** Section 42, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 **“Sec. 42. (1)** *[No]* A county or city of this state *[shall]* **may not** impose
19 any fee or tax, including occupation taxes, privilege taxes and inspection
20 fees, in connection with the purchase, sale, production, processing,
21 transportation[,] and delivery of marijuana items.

22 **“(2) Cities and counties are prohibited from taxing marijuana,**
23 **marijuana products and marijuana producers, processors, wholesalers**
24 **and retailers until ____ All ordinances relating to the taxation of**
25 **marijuana, marijuana products and marijuana producers, processors,**
26 **wholesalers and retailers are repealed.**

27 **“SECTION 7.** The production and the processing of homegrown
28 marijuana products described in section 6, chapter 1, Oregon Laws
29 2015, are not subject to any time, place and manner regulations
30 adopted by cities or counties under section 59, chapter 1, Oregon Laws

1 2015, that establish a minimum distance between the premises on
2 which marijuana is produced or processed and schools, parks or
3 churches.

4 **SECTION 8.** Sections 3 and 7 of this 2015 Act are added to and
5 made a part of chapters 3 to 70, chapter 1, Oregon Laws 2015.”.

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