

**PROPOSED AMENDMENTS TO
HOUSE BILL 2313**

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

4 Delete lines 4 through 21 and insert:

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

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

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

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

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

21 **“(b) A person commits a Class A violation if the person violates**
22 **subsection (1) of this section by reason of personal possession of**

1 marijuana items while the person is operating a motor vehicle, as de-
2 fined in ORS 801.360.

3 “(5) In addition to and not in lieu of any other penalty established
4 by law, a person under 21 years of age who violates subsection (1) of
5 this section through misrepresentation of age may be required to per-
6 form community service, and the court shall order that the person’s
7 driving privileges and right to apply for driving privileges be suspended
8 for a period not to exceed one year. If a court has issued an order
9 suspending driving privileges under this section, the court, upon peti-
10 tion of the person, may withdraw the order at any time the court
11 deems appropriate. The court notification to the Department of
12 Transportation under this subsection may include a recommendation
13 that the person be granted a hardship permit under ORS 807.240 if the
14 person is otherwise eligible for the permit.

15 “(6) If a person cited under this section is at least 13 years of age
16 but less than 21 years of age at the time the person is found in default
17 under ORS 153.102 or 419C.472 for failure to appear, in addition to and
18 not in lieu of any other penalty, the court shall issue notice under ORS
19 809.220 to the department for the department to suspend the person’s
20 driving privileges under ORS 809.280 (4).

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

26 “(8) The prohibitions of this section do not apply to a person under
27 21 years of age who is acting under the direction of the Oregon Liquor
28 Control Commission or under the direction of state or local law
29 enforcement agencies for the purpose of investigating possible vio-
30 lations of laws prohibiting sales of marijuana items to persons who are

1 under 21 years of age.

2 “(9) The prohibitions of this section do not apply to a person under
3 21 years of age who is acting under the direction of a licensee for the
4 purpose of investigating possible violations by employees of the
5 licensee of laws prohibiting sales of marijuana items to persons who
6 are under 21 years of age.

7 “(10)(a) A person under 21 years of age is not in violation of, and
8 is immune from prosecution under, this section if:

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

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

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

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

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

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