

**PROPOSED AMENDMENTS TO  
SENATE BILL 844**

1 In line 2 of the printed bill, delete “amending section 27, chapter 1,  
2 Oregon Laws 2015” and insert “creating new provisions; amending ORS  
3 181.534, 181.537, 475.300, 475.302, 475.303, 475.304, 475.306, 475.309, 475.312,  
4 475.314, 475.316, 475.319, 475.320, 475.323, 475.326, 475.328, 475.331, 475.334,  
5 475.338, 475.340 and 475.342 and section 2, chapter 79, Oregon Laws 2014, and  
6 section 5, chapter 1, Oregon Laws 2015; repealing ORS 475.324; and declaring  
7 an emergency”.

8 Delete lines 4 through 14 and insert:

9

10 **“OREGON MEDICAL MARIJUANA ACT**

11

**“(Definitions)”**

12

13 **“SECTION 1.** ORS 475.302 is amended to read:

14 “475.302. As used in ORS 475.300 to 475.346:

15 “(1) ‘Attending physician’ means a physician licensed under ORS chapter  
16 677 who has primary responsibility for the care and treatment of a person  
17 diagnosed with a debilitating medical condition.

18 “[2) ‘Authority’ means the Oregon Health Authority.]

19 **“(2) ‘Cannabinoid’ means any of the chemical compounds that are**  
20 **the active constituents of marijuana.**

21 **“(3) ‘Cannabinoid concentrate’ means a substance obtained by sep-**  
22 **arating cannabinoids from marijuana by:**

1       “(a) A mechanical extraction process;

2       “(b) A chemical extraction process using a nonhydrocarbon-based  
3 solvent, such as vegetable glycerin, vegetable oils, animal fats,  
4 isopropyl alcohol or ethanol;

5       “(c) A chemical extraction process using the hydrocarbon-based  
6 solvent carbon dioxide, provided that the process does not involve the  
7 use of high heat or pressure; or

8       “(d) Any other process identified by the Oregon Health Authority,  
9 in consultation with the Oregon Liquor Control Commission, by rule.

10       “(4) ‘Cannabinoid edible’ means food or potable liquid into which a  
11 cannabinoid concentrate, cannabinoid extract or dried leaves or flow-  
12 ers of marijuana have been incorporated.

13       “(5) ‘Cannabinoid extract’ means a substance obtained by separat-  
14 ing cannabinoids from marijuana by:

15       “(a) A chemical extraction process using a hydrocarbon-based sol-  
16 vent, such as butane, hexane or propane;

17       “(b) A chemical extraction process using the hydrocarbon-based  
18 solvent carbon dioxide, if the process uses high heat or pressure; or

19       “(c) Any other process identified by the Oregon Health Authority,  
20 in consultation with the Oregon Liquor Control Commission, by rule.

21       “[(3)] (6) ‘Debilitating medical condition’ means:

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

26       “(b) A medical condition or treatment for a medical condition that  
27 produces, for a specific patient, one or more of the following:

28       “(A) Cachexia;

29       “(B) Severe pain;

30       “(C) Severe nausea;

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

2 “(E) Persistent muscle spasms, including spasms caused by multiple  
3 sclerosis;

4 “(c) Post-traumatic stress disorder; or

5 “(d) Any other medical condition or side effect related to the treatment  
6 of a medical condition adopted by the **Oregon Health** Authority by rule or  
7 approved by the authority pursuant to a petition [*submitted*] **filed** under ORS  
8 475.334.

9 “[~~(4)(a)~~] **(7)(a)** ‘Delivery’ has the meaning given that term in ORS 475.005.

10 “(b) ‘Delivery’ does not include transfer of[:]

11 “[~~(A)~~] marijuana by a registry identification cardholder to another regis-  
12 try identification cardholder if no consideration is paid for the transfer[:].

13 “[~~(B)~~ *Usable marijuana or immature marijuana plants from a registry*  
14 *identification cardholder, the designated primary caregiver of a registry iden-*  
15 *tification cardholder or a marijuana grow site to a medical marijuana facility*  
16 *registered under ORS 475.314; or]*

17 “[~~(C)~~ *Usable marijuana or immature marijuana plants from a medical*  
18 *marijuana facility registered under ORS 475.314 to a registry identification*  
19 *cardholder or the designated primary caregiver of a registry identification*  
20 *cardholder.]*

21 “[~~(5)~~] **(8)(a)** ‘Designated primary caregiver’ means an individual:

22 “**(A) Who is 18 years of age or older;**

23 “**(B) Who has significant responsibility for managing the well-being of a**  
24 **person who has been diagnosed with a debilitating medical condition; and**

25 “**(C) Who is designated as [*such on that*] the person responsible for**  
26 **managing the well-being of a person who has been diagnosed with a**  
27 **debilitating medical condition on that** person’s application for a registry  
28 identification card or in other written notification **submitted** to the au-  
29 thority.

30 “**(b)** ‘Designated primary caregiver’ does not include [*the*] a person’s at-

1 tending physician.

2 “[~~(6)~~] *‘Marijuana’* has the meaning given that term in ORS 475.005.]

3 **“(9) ‘High heat’ means a temperature exceeding 180 degrees.**

4 **“(10) ‘Immature marijuana plant’ means a marijuana plant that is**  
5 **not flowering.**

6 **“(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**  
7 **any part of the plant Cannabis family Cannabaceae and the seeds of**  
8 **the plant Cannabis family Cannabaceae.**

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

11 “[~~(7)~~] **(12) ‘Marijuana grow site’** means a location registered under ORS  
12 475.304 where marijuana is produced for use by a registry identification  
13 cardholder.

14 **“(13) ‘Marijuana processing site’ means a marijuana processing site**  
15 **registered under section 10 of this 2015 Act or a site for which an ap-**  
16 **plicant has submitted an application for registration under section 10**  
17 **of this 2015 Act.**

18 **“(14) ‘Mature marijuana plant’ means a marijuana plant, whether**  
19 **growing or cut and drying, that is not an immature marijuana plant.**

20 **“(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible**  
21 **and any other product intended for human consumption or use, in-**  
22 **cluding a product intended to be applied to a person’s skin or hair,**  
23 **that contains cannabinoids or dried leaves or flowers of marijuana.**

24 **“(b) ‘Medical cannabinoid product’ does not include:**

25 **“(A) Usable marijuana by itself;**

26 **“(B) A cannabinoid concentrate by itself;**

27 **“(C) A cannabinoid extract by itself; or**

28 **“(D) Industrial hemp, as defined in ORS 571.300.**

29 **“(16) ‘Medical marijuana dispensary’ means a medical marijuana**  
30 **dispensary registered under ORS 475.314 or a site for which an appli-**

1 **cant has submitted an application for registration under ORS 475.314.**

2 “[8] (17) ‘Medical use of marijuana’ means the production, **processing,**  
3 possession, delivery[, *distribution*] or administration of marijuana, or **use of**  
4 paraphernalia used to administer marijuana, [*as necessary for the exclusive*  
5 *benefit of a person*] to mitigate the symptoms or effects of [*the person’s*] a  
6 debilitating medical condition.

7 “[9] ‘Production’ has the meaning given that term in ORS 475.005.]

8 **“(18) ‘Process’ means the compounding or conversion of marijuana**  
9 **into medical cannabinoid products, cannabinoid concentrates or**  
10 **cannabinoid extracts.**

11 **“(19) ‘Production’ means:**

12 **“(a) Planting, cultivating, growing, trimming or harvesting**  
13 **marijuana; or**

14 **“(b) Drying marijuana leaves or flowers.**

15 “[10] (20) ‘Registry identification card’ means a document issued by the  
16 **Oregon Health Authority under ORS 475.309** that identifies a person au-  
17 thorized to engage in the medical use of marijuana and, if the person has a  
18 designated primary caregiver under ORS 475.312, the person’s designated  
19 primary caregiver.

20 **“(21) ‘Registry identification cardholder’ means a person to whom**  
21 **a registry identification card has been issued under ORS 475.309.**

22 “[11] (22)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
23 [*the plant Cannabis family Moraceae, and any mixture or preparation thereof,*  
24 *that are appropriate for medical use as allowed in ORS 475.300 to 475.346*]  
25 **marijuana.**

26 **“(b) ‘Usable marijuana’ does not include:**

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

28 **“(B) Waste material that is a by-product of producing marijuana.**

29 “[12] (23) ‘Written documentation’ means a statement signed by the at-  
30 tending physician of a person diagnosed with a debilitating medical condition

1 or copies of the person’s relevant medical records.

2

3

**“(Registry Identification Cardholders  
and Designated Primary Caregivers)”**

4

5

6 **“SECTION 2.** ORS 475.309 is amended to read:

7

8 *“475.309. [(1) Except as provided in ORS 475.316, 475.320 and 475.342, a*  
9 *person engaged in or assisting in the medical use of marijuana is excepted*  
10 *from the criminal laws of the state for possession, delivery or production of*  
11 *marijuana, aiding and abetting another in the possession, delivery or pro-*  
12 *duction of marijuana or any other criminal offense in which possession, de-*  
13 *livery or production of marijuana is an element if the following conditions*  
14 *have been satisfied:]*

14

15 *“[(a)(A) The person holds a registry identification card issued pursuant to*  
16 *this section, has applied for a registry identification card pursuant to sub-*  
17 *section (9) of this section, is the designated primary caregiver of the cardholder*  
18 *or applicant, or is the person responsible for a marijuana grow site that is*  
19 *producing marijuana for the cardholder and is registered under ORS 475.304;*  
20 *and]*

20

21 *“[(B) The person who has a debilitating medical condition, the person’s*  
22 *primary caregiver and the person responsible for a marijuana grow site that*  
23 *is producing marijuana for the cardholder and is registered under ORS*  
24 *475.304 are collectively in possession of, delivering or producing marijuana for*  
25 *medical use in amounts allowed under ORS 475.320; or]*

25

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

29

30 *“[(2) The Oregon Health Authority shall establish and maintain a program*  
for the issuance of registry identification cards to persons who meet the re-

1 *quirements of this section. Except as provided in subsection (3) of this section,*  
2 *the authority shall issue a registry identification card to any person who pays*  
3 *a fee in the amount established by the authority and provides the following:]*

4 *“(a) Valid, written documentation from the person’s attending physician*  
5 *stating that the person has been diagnosed with a debilitating medical condi-*  
6 *tion and that the medical use of marijuana may mitigate the symptoms or ef-*  
7 *fects 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*  
10 *physician;]*

11 *“(d) The name and address of the person’s designated primary caregiver,*  
12 *if the person has designated a primary caregiver at the time of application;*  
13 *and]*

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

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

22 *“(a) The attending physician of the person under 18 years of age has ex-*  
23 *plained to that person and to the custodial parent or legal guardian with re-*  
24 *sponsibility for health care decisions for the person under 18 years of age the*  
25 *possible risks and benefits of the medical use of marijuana;]*

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

29 *“(c) The custodial parent or legal guardian with responsibility for health*  
30 *care decisions for the person under 18 years of age agrees to serve as the des-*

1 *ignated primary caregiver for the person under 18 years of age; and]*

2 *“(d) The custodial parent or legal guardian with responsibility for health*  
3 *care decisions for the person under 18 years of age agrees to control the ac-*  
4 *quisition of marijuana and the dosage and frequency of use by the person un-*  
5 *der 18 years of age.]*

6 *“(4) A person applying for a registry identification card pursuant to this*  
7 *section may submit the information required in this section to a county health*  
8 *department for transmittal to the authority. A county health department that*  
9 *receives the information pursuant to this subsection shall transmit the infor-*  
10 *mation to the authority within five days of receipt of the information. Infor-*  
11 *mation received by a county health department pursuant to this subsection*  
12 *shall be confidential and not subject to disclosure, except as required to*  
13 *transmit the information to the authority.]*

14 *“(5)(a) The authority shall verify the information contained in an applica-*  
15 *tion submitted pursuant to this section and shall approve or deny an applica-*  
16 *tion within thirty days of receipt of the application.]*

17 *“(b) In addition to the authority granted to the authority under ORS*  
18 *475.316 to deny an application, the authority may deny an application for the*  
19 *following reasons:]*

20 *“(A) The applicant did not provide the information required pursuant to*  
21 *this section to establish the applicant’s debilitating medical condition and to*  
22 *document the applicant’s consultation with an attending physician regarding*  
23 *the medical use of marijuana in connection with such condition, as provided*  
24 *in subsections (2) and (3) of this section;]*

25 *“(B) The authority determines that the information provided was falsified;*  
26 *or]*

27 *“(C) The applicant has been prohibited by a court order from obtaining a*  
28 *registry identification card.]*

29 *“(c) Denial of a registry identification card shall be considered a final*  
30 *authority action, subject to judicial review. Only the person whose application*



1 *has been denied, or, in the case of a person under the age of 18 years of age*  
2 *whose application has been denied, the person’s parent or legal guardian, shall*  
3 *have standing to contest the authority’s action.]*

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

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

12 *“(A) The cardholder’s name, address and date of birth;]*

13 *“(B) The date of issuance and expiration date of the registry identification*  
14 *card;]*

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

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

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

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

26 *“(7)(a) A person who possesses a registry identification card shall:]*

27 *“(A) Notify the authority of any change in the person’s name, address, at-*  
28 *tending physician or designated primary caregiver.]*

29 *“(B) If applicable, notify the designated primary caregiver of the*  
30 *cardholder, the person responsible for the marijuana grow site that produces*

1 marijuana for the cardholder and any person responsible for a medical  
2 marijuana facility that transfers usable marijuana or immature marijuana  
3 plants to the cardholder under ORS 475.314 of any change in status including,  
4 but not limited to:]

5 “[(i) The assignment of another individual as the designated primary  
6 caregiver of the cardholder;]

7 “[(ii) The assignment of another individual as the person responsible for a  
8 marijuana grow site producing marijuana for the cardholder; or]

9 “[(iii) The end of the eligibility of the cardholder to hold a valid registry  
10 identification card.]

11 “[(C) Annually submit to the authority:]

12 “[(i) Updated written documentation from the cardholder’s attending phy-  
13 sician of the person’s debilitating medical condition and that the medical use  
14 of marijuana may mitigate the symptoms or effects of the person’s debilitating  
15 medical condition; and]

16 “[(ii) The name of the person’s designated primary caregiver if a primary  
17 caregiver has been designated for the upcoming year.]

18 “[(b) If a person who possesses a registry identification card fails to comply  
19 with this subsection, the card shall be deemed expired. If a registry identifi-  
20 cation card expires, the identification card of any designated primary caregiver  
21 of the cardholder shall also expire.]

22 “[(8)(a) A person who possesses a registry identification card pursuant to  
23 this section and who has been diagnosed by the person’s attending physician  
24 as no longer having a debilitating medical condition or whose attending phy-  
25 sician has determined that the medical use of marijuana is contraindicated for  
26 the person’s debilitating medical condition shall return the registry identifi-  
27 cation card and any other associated Oregon Medical Marijuana Program  
28 cards to the authority within 30 calendar days of notification of the diagnosis  
29 or notification of the contraindication.]

30 “[(b) If, due to circumstances beyond the control of the registry identifica-

1 *tion cardholder, a cardholder is unable to obtain a second medical opinion*  
2 *about the cardholder's continuing eligibility to use medical marijuana before*  
3 *the 30-day period specified in paragraph (a) of this subsection has expired, the*  
4 *authority may grant the cardholder additional time to obtain a second opinion*  
5 *before requiring the cardholder to return the registry identification card and*  
6 *any associated cards.]*

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

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

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

29 *“(11) The authority shall revoke the registry identification card of a*  
30 *cardholder if a court has issued an order that prohibits the cardholder from*

1 *participating in the medical use of marijuana or otherwise participating in the*  
2 *Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The*  
3 *cardholder shall return the registry identification card to the authority within*  
4 *seven calendar days of notification of the revocation. If the cardholder is a*  
5 *patient, the patient shall return the patient’s card and all other associated*  
6 *Oregon Medical Marijuana Program cards.]*

7 “[(12) *The authority shall revoke the registration of a medical marijuana*  
8 *facility registered under ORS 475.314 if a court has issued an order that pro-*  
9 *hibits the person responsible for the medical marijuana facility from partic-*  
10 *ipating in the Oregon Medical Marijuana Program under ORS 475.300 to*  
11 *475.346.]*

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

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

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

23 “(a) **Written documentation from the applicant’s attending physi-**  
24 **cian stating that the attending physician has diagnosed the applicant**  
25 **as having a debilitating medical condition and that the medical use**  
26 **of marijuana may mitigate the symptoms or effects of the applicant’s**  
27 **debilitating medical condition;**

28 “(b) **The name, address and date of birth of the applicant;**

29 “(c) **The name, address and telephone number of the applicant’s**  
30 **attending physician;**

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

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

5       “(f) The information described in ORS 475.304 (2), if the applicant  
6 is applying to produce marijuana or designate another person under  
7 ORS 475.304 to produce marijuana.

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

10       “(A) The applicant pays the fee and submits the application de-  
11 scribed in subsection (2) of this section; and

12       “(B) The custodial parent or legal guardian who is responsible for  
13 the health care decisions of the applicant signs and submits to the  
14 authority a written statement that:

15       “(i) The applicant’s attending physician has explained to the appli-  
16 cant and to the custodial parent or legal guardian the possible risks  
17 and benefits of the medical use of marijuana;

18       “(ii) The custodial parent or legal guardian consents to the medical  
19 use of marijuana by the applicant;

20       “(iii) The custodial parent or legal guardian agrees to serve as the  
21 applicant’s designated primary caregiver; and

22       “(iv) The custodial parent or legal guardian agrees to control the  
23 acquisition, dosage and frequency of the medical use of marijuana by  
24 the applicant.

25       “(b) An applicant who is under 18 years of age may not apply to  
26 produce marijuana under subsection (2)(f) of this section.

27       “(4) The authority shall approve or deny an application within 30  
28 days after receiving the application.

29       “(5)(a) If the authority approves an application, the authority shall  
30 issue a serially numbered registry identification card to the applicant

1 **within five days after approving the application. The registry identifi-**  
2 **cation card must include the following information:**

3 **“(A) The registry identification cardholder’s name, address and date**  
4 **of birth;**

5 **“(B) The issuance date and expiration date of the registry identifi-**  
6 **cation card;**

7 **“(C) If the registry identification cardholder designated a primary**  
8 **caregiver under ORS 475.312, the name and address of the registry**  
9 **identification cardholder’s designated primary caregiver; and**

10 **“(D) Any other information required by the authority by rule.**

11 **“(b) If the registry identification cardholder designated a primary**  
12 **caregiver under ORS 475.312, the authority shall issue an identification**  
13 **card to the designated primary caregiver. The identification card must**  
14 **contain the information required by paragraph (a) of this subsection.**

15 **“(6) A registry identification cardholder shall:**

16 **“(a) In a form and manner prescribed by the authority, notify the**  
17 **authority of any change concerning the registry identification**  
18 **cardholder’s:**

19 **“(A) Name, address or attending physician;**

20 **“(B) Designated primary caregiver, including the designation of a**  
21 **primary caregiver made at a time other than at the time of applying**  
22 **for or renewing a registry identification card; or**

23 **“(C) Person responsible for a marijuana grow site, including the**  
24 **designation of a person responsible for a marijuana grow site made at**  
25 **a time other than at the time of applying for or renewing a registry**  
26 **identification card.**

27 **“(b) Annually renew the registry identification card by paying a fee**  
28 **in an amount established by the authority by rule and submitting to**  
29 **the authority an application that contains the following information:**

30 **“(A) Updated written documentation from the registry identifica-**

1 tion cardholder’s attending physician stating that the registry iden-  
2 tification cardholder still has a debilitating medical condition and that  
3 the medical use of marijuana may mitigate the symptoms or effects  
4 of the registry identification cardholder’s debilitating medical condi-  
5 tion;

6 “(B) The information described in subsection (2)(b) to (f) of this  
7 section; and

8 “(C) If the registry identification cardholder is under 18 years of  
9 age, a statement signed by the custodial parent or legal guardian of  
10 the registry identification cardholder that meets the requirements of  
11 subsection (3) of this section.

12 “(7)(a) If the registry identification cardholder’s attending physician  
13 determines that the registry identification cardholder no longer has a  
14 debilitating medical condition or determines that the medical use of  
15 marijuana is contraindicated for the registry identification  
16 cardholder’s debilitating medical condition, the registry identification  
17 cardholder shall return the registry identification card to the author-  
18 ity within 30 calendar days after receiving notice of the determination.

19 “(b) If, because of circumstances beyond the control of the registry  
20 identification cardholder, a registry identification cardholder is unable  
21 to obtain a second medical opinion about the registry identification  
22 cardholder’s continuing eligibility for the medical use of marijuana  
23 before having to return the registry identification card to the author-  
24 ity, the authority may grant the registry identification cardholder ad-  
25 ditional time to obtain a second medical opinion.

26 “(8)(a) The authority may deny an application for a registry iden-  
27 tification card or an application to renew a registry identification card,  
28 or may suspend or revoke a registry identification card, if:

29 “(A) The applicant or registry identification cardholder does not  
30 provide the information required by this section;

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

2  
3       **“(C) The authority determines that the applicant or registry identification cardholder violated a provision of ORS 475.300 to 475.346 or**  
4  
5       **a rule adopted under ORS 475.300 to 475.346.**

6       **“(b) If a registry identification card is revoked, any associated**  
7       **identification card issued under subsection (5)(b) of this section, or**  
8       **marijuana grow site registration card issued under ORS 475.304 (6),**  
9       **shall also be revoked.**

10       **“(c) A person whose application is denied, or whose registry identification card is revoked, under this subsection may not reapply for**  
11       **a registry identification card for six months from the date of the denial or revocation unless otherwise authorized by the authority.**

12  
13  
14       **“(9)(a) The authority may deny a designation of a primary caregiver**  
15       **made under ORS 475.312, or suspend or revoke an associated identification card issued under subsection (5)(b) of this section, if the authority determines that the designee or the registry identification**  
16       **cardholder violated a provision of ORS 475.300 to 475.346 or a rule**  
17       **adopted under ORS 475.300 to 475.346.**

18  
19  
20       **“(b) A person whose designation has been denied, or whose identification card has been revoked, under this subsection may not be**  
21       **designated as a primary caregiver under ORS 475.312 for six months**  
22       **from the date of the denial or revocation unless otherwise authorized**  
23       **by the authority.**

24  
25       **“(10) Notwithstanding subsection (2) or (6)(b) of this section, if an**  
26       **applicant for a registry identification card, or a registry identification**  
27       **cardholder applying for renewal of a registry identification card, submits to the authority proof of having served in the Armed Forces of**  
28       **the United States and of having been diagnosed with post-traumatic**  
29       **stress disorder, the authority may not impose a fee that is greater**  
30



1 **than \$20 for the issuance or renewal of the registry identification card.**

2 **“SECTION 3.** ORS 475.312 is amended to read:

3 *“475.312. (1) If a person who [possesses a registry identification card issued*  
4 *pursuant to ORS 475.309]* **is applying for a registry identification card**  
5 **under ORS 475.309, or who is a registry identification cardholder,**  
6 chooses to [*have a designated*] **designate, or to change the designation**  
7 **of, a primary caregiver, the person must [*designate the primary caregiver by***  
8 *including*] **include** the primary caregiver’s name and address:

9 **“(a) On the person’s application for a registry identification card;**

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

11 **“(b) On the person’s application to renew a registry identification**  
12 **card; or**

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

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

19 **“(3) If a registry identification cardholder who previously designated**  
20 **a primary caregiver chooses to designate a different primary caregiver,**  
21 **the authority shall notify the previous designee of the new designation**  
22 **and issue an identification card to the newly designated primary**  
23 **caregiver.**

24 **“SECTION 4.** The amendments to ORS 475.309 and 475.312 by  
25 sections 2 and 3 of this 2015 Act apply to:

26 **“(1) Applications received by the Oregon Health Authority for a**  
27 **registry identification card on or after the operative date specified in**  
28 **section 78 of this 2015 Act;**

29 **“(2) Applications received by the authority to renew a registry**  
30 **identification card on or after the operative date specified in section**

1 **78 of this 2015 Act; and**

2 **“(3) Registry identification cards updated by the authority on or**  
3 **after the operative date specified in section 78 of this 2015 Act.**

4

5 **“(Medical Marijuana Producers)**

6

7 **“SECTION 5.** ORS 475.304 is amended to read:

8 *“475.304. [(1) The Oregon Health Authority shall establish by rule a*  
9 *marijuana grow site registration system to authorize production of marijuana*  
10 *by a registry identification cardholder, a designated primary caregiver who*  
11 *grows marijuana for the cardholder or a person who is responsible for a*  
12 *marijuana grow site. The marijuana grow site registration system adopted*  
13 *must require a registry identification cardholder to submit an application to*  
14 *the authority that includes:]*

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

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

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

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

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

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

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

29 *“[(5) All usable marijuana, plants, seedlings and seeds associated with the*  
30 *production of marijuana for a registry identification cardholder by a person*

1 responsible for a marijuana grow site are the property of the registry identifi-  
2 cation cardholder and must be provided to the registry identification  
3 cardholder, or, if the marijuana is usable marijuana or an immature  
4 marijuana plant, transferred to a medical marijuana facility registered under  
5 ORS 475.314, upon request.]

6 “[6)(a) The authority shall conduct a criminal records check under ORS  
7 181.534 of any person whose name is submitted as a person responsible for a  
8 marijuana grow site.]

9 “[b) A person convicted of a Class A or Class B felony under ORS 475.752  
10 to 475.920 for the manufacture or delivery of a controlled substance in Schedule  
11 I or Schedule II may not be issued a marijuana grow site registration card  
12 or produce marijuana for a registry identification cardholder for five years  
13 from the date of conviction.]

14 “[c) A person convicted more than once of a Class A or Class B felony  
15 under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled  
16 substance in Schedule I or Schedule II may not be issued a marijuana grow  
17 site registration card or produce marijuana for a registry identification  
18 cardholder.]

19 “[7) A registry identification cardholder or the designated primary  
20 caregiver of the cardholder may reimburse the person responsible for a  
21 marijuana grow site for the costs of supplies and utilities associated with the  
22 production of marijuana for the registry identification cardholder. No other  
23 costs associated with the production of marijuana for the registry identification  
24 cardholder, including the cost of labor, may be reimbursed.]

25 “[8) The authority may adopt rules imposing a fee in an amount estab-  
26 lished by the authority for registration of a marijuana grow site under this  
27 section.]

28 **“(1)(a) The Oregon Health Authority shall establish by rule a**  
29 **marijuana grow site registration system to track and regulate the**  
30 **production of marijuana by a registry identification cardholder or a**

1 person designated by the registry identification cardholder to produce  
2 marijuana for the registry identification cardholder.

3 “(b) Except as provided in paragraph (c) of this subsection, a person  
4 may not produce marijuana unless the person is registered under this  
5 section.

6 “(c) Paragraph (b) of this subsection does not apply to a the pro-  
7 duction of marijuana as provided in sections 3 to 70, chapter 1, Oregon  
8 Laws 2015, or as otherwise provided for by the statutory laws of this  
9 state.

10 “(2) Rules adopted under this section must require an applicant for  
11 a registry identification card, or a registry identification cardholder  
12 who produces marijuana or who designates another person to produce  
13 marijuana, to submit an application to the authority containing the  
14 following information at the time of making an application under ORS  
15 475.309 (2), renewing a registry identification card under ORS 475.309  
16 (6)(b), or notifying the authority of a change under ORS 475.309 (6)(a):

17 “(a) The name of the person responsible for the marijuana grow  
18 site;

19 “(b) Proof that the person responsible for the marijuana grow site  
20 has been a resident of this state for two or more years and is 21 years  
21 of age or older;

22 “(c) The address of the marijuana grow site; and

23 “(d) Any other information that the authority considers necessary  
24 to track the production of marijuana under ORS 475.300 to 475.346.

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

28 “(b) A person convicted of a Class A or Class B felony under ORS  
29 475.752 to 475.920 for the manufacture or delivery of a controlled sub-  
30 stance in Schedule I or Schedule II may not act as or be designated a

1 person responsible for a marijuana grow site for five years from the  
2 date of conviction.

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

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

10 “(5) A person who holds a marijuana grow site registration card  
11 under this section must display the card at the marijuana grow site  
12 at all times.

13 “(6) A marijuana grow site registration card must be obtained and  
14 posted for each registry identification cardholder for whom marijuana  
15 is being produced at a marijuana grow site.

16 “(7)(a) All seeds, immature marijuana plants, mature marijuana  
17 plants and usable marijuana associated with the production of  
18 marijuana for a registry identification cardholder by a person respon-  
19 sible for a marijuana grow site are the property of the registry iden-  
20 tification cardholder.

21 “(b) All seeds, immature marijuana plants, mature marijuana  
22 plants and usable marijuana associated with the production of  
23 marijuana for a registry identification cardholder by a person respon-  
24 sible for a marijuana grow site must be transferred to the registry  
25 identification cardholder upon the request of the registry identification  
26 cardholder.

27 “(c) All usable marijuana associated with the production of  
28 marijuana for a registry identification cardholder by a person respon-  
29 sible for a marijuana grow site must be transferred to a marijuana  
30 processing site upon the request of the registry identification

1 cardholder. For purposes of this paragraph, a request to transfer usa-  
2 ble marijuana constitutes an assignment of the right to possess the  
3 usable marijuana.

4 “(d) All seeds, immature marijuana plants and usable marijuana  
5 associated with the production of marijuana for a registry identifica-  
6 tion cardholder by a person responsible for a marijuana grow site must  
7 be transferred to a medical marijuana dispensary upon request of the  
8 registry identification cardholder. For purposes of this paragraph, a  
9 request to transfer seeds, immature marijuana plants or usable  
10 marijuana constitutes an assignment of the right to possess the seeds,  
11 immature marijuana plants or usable marijuana.

12 “(e) Information related to transfers made under this subsection  
13 must be submitted to the authority in the manner required by section  
14 6 of this 2015 Act.

15 “(8) A registry identification cardholder, or the designated caregiver  
16 of a registry identification cardholder, may reimburse a person re-  
17 sponsible for a marijuana grow site for all costs associated with the  
18 production of marijuana for the registry identification cardholder.

19 “(9) The authority may inspect:

20 “(a) The marijuana grow site of a person designated to produce  
21 marijuana by a registry identification cardholder to ensure compliance  
22 with this section and section 6 of this 2015 Act and ORS 475.320 and  
23 any rule adopted under this section and section 6 of this 2015 Act and  
24 ORS 475.320; and

25 “(b) The records of the marijuana grow site of a person designated  
26 to produce marijuana by a registry identification cardholder to ensure  
27 compliance with this section and section 6 of this 2015 Act and any rule  
28 adopted under this section and section 6 of this 2015 Act.

29 “(10) The authority may refuse to register a registry identification  
30 cardholder or a designee under this section or may suspend or revoke

1 the registration of a person responsible for a marijuana grow site if  
2 the authority determines that the applicant or the person responsible  
3 for a marijuana grow site violated a provision of ORS 475.300 to 475.346,  
4 a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted  
5 pursuant to section 2, chapter 79, Oregon Laws 2014.

6 “(11) The authority may require a person responsible for a  
7 marijuana grow site, prior to issuing a marijuana grow site registra-  
8 tion card under subsection (4) of this section, to pay a fee reasonably  
9 calculated to pay costs incurred under this section and sections 6 and  
10 14 of this 2015 Act.

11 **“SECTION 6. (1) A person designated to produce marijuana by a**  
12 **registry identification cardholder under ORS 475.304 must submit to**  
13 **the Oregon Health Authority, in a form and manner established by the**  
14 **authority by rule, the following information related to the production**  
15 **of marijuana:**

16 “(a) The number of mature marijuana plants and immature  
17 marijuana plants, the amount of marijuana leaves and flowers being  
18 dried, and the amount of usable marijuana, in the person’s possession;

19 “(b) The number of mature marijuana plants and immature  
20 marijuana plants, and the amount of usable marijuana, that the per-  
21 son transfers to each registry identification cardholder for whom the  
22 person produces marijuana;

23 “(c) The amount of usable marijuana that the person transfers to  
24 each marijuana processing site; and

25 “(d) The number of immature marijuana plants, and the amount  
26 of usable marijuana, that the person transfers to each medical  
27 marijuana dispensary.

28 “(2) The authority shall by rule require a person designated to  
29 produce marijuana by a registry identification cardholder under ORS  
30 475.304 to submit the information described in subsection (1) of this

1 section once each month.

2 “(3) In addition to submitting the information as required by sub-  
3 section (1) of this section, a person designated to produce marijuana  
4 by a registry identification cardholder under ORS 475.304 must keep a  
5 record of the information described in subsection (1) of this section for  
6 two years after the date on which the person submits the information  
7 to the authority.

8 “SECTION 6a. (1) Except as provided in subsection (2) of this sec-  
9 tion, section 6 of this 2015 Act and the amendments to ORS 475.304 by  
10 section 5 of this 2015 Act apply to persons who have registered with  
11 the Oregon Health Authority under ORS 475.304 before, on or after the  
12 operative date specified in section 78 of this 2015 Act.

13 “(2) The amendments to ORS 475.304 by section 5 of this 2015 Act  
14 pertaining to the submission of information necessary to register a  
15 person as a person responsible for a marijuana grow site apply to ap-  
16 plications for registry identification cards, applications to renew reg-  
17 istry identification cards, and designations made under ORS 475.304,  
18 on or after the operative date specified in section 78 of this 2015 Act.

19

20 “(Grow Site Possession Limits)

21

22 “SECTION 7. ORS 475.320 is amended to read:

23 “475.320. [(1)(a) A registry identification cardholder or the designated pri-  
24 mary caregiver of the cardholder may possess up to six mature marijuana  
25 plants and 24 ounces of usable marijuana.]

26 “[ (b) Notwithstanding paragraph (a) of this subsection, if a registry iden-  
27 tification cardholder has been convicted of a Class A or Class B felony under  
28 ORS 475.752 to 475.920 for the manufacture or delivery of a controlled sub-  
29 stance in Schedule I or Schedule II, the registry identification cardholder or  
30 the designated primary caregiver of the cardholder may possess one ounce of



1 *usable marijuana at any given time for a period of five years from the date*  
2 *of the conviction.]*

3 *“(2) A person authorized under ORS 475.304 to produce marijuana at a*  
4 *marijuana grow site:]*

5 *“(a) May produce marijuana for and provide marijuana:]*

6 *“(A) To a registry identification cardholder or a cardholder’s designated*  
7 *primary caregiver as authorized under this section; or]*

8 *“(B) If the marijuana is usable marijuana or an immature marijuana plant*  
9 *and the registry identification cardholder authorizes the person responsible for*  
10 *the marijuana grow site to transfer the usable marijuana or immature*  
11 *marijuana plant to a medical marijuana facility registered under ORS 475.314,*  
12 *to the medical marijuana facility.]*

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

16 *“(c) May produce marijuana for no more than four registry identification*  
17 *cardholders or designated primary caregivers concurrently.]*

18 *“(d) Must obtain and display a marijuana grow site registration card is-*  
19 *ssued under ORS 475.304 for each registry identification cardholder or desig-*  
20 *nated primary caregiver for whom marijuana is being produced.]*

21 *“(e) Must provide all marijuana produced for a registry identification*  
22 *cardholder or designated primary caregiver to the cardholder or caregiver at*  
23 *the time the person responsible for a marijuana grow site ceases producing*  
24 *marijuana for the cardholder or caregiver.]*

25 *“(f) Must return the marijuana grow site registration card to the registry*  
26 *identification cardholder to whom the card was issued when requested to do*  
27 *so by the cardholder or when the person responsible for a marijuana grow site*  
28 *ceases producing marijuana for the cardholder or caregiver.]*

29 *“(3) Except as provided in subsections (1) and (2) of this section, a registry*  
30 *identification cardholder, the designated primary caregiver of the cardholder*

1 *and the person responsible for a marijuana grow site producing marijuana for*  
2 *the registry identification cardholder may possess a combined total of up to six*  
3 *mature plants and 24 ounces of usable marijuana for that registry identifica-*  
4 *tion cardholder.]*

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

8 *“(b) A person responsible for a marijuana grow site may possess up to 18*  
9 *marijuana seedlings or starts as defined by rule of the authority for each*  
10 *registry identification cardholder for whom the person responsible for the*  
11 *marijuana grow site is producing marijuana.]*

12 **“(1) Subject to subsection (2) of this section, a registry identifica-**  
13 **tion cardholder and the designated primary caregiver of the registry**  
14 **identification cardholder may jointly possess six or fewer mature**  
15 **marijuana plants.**

16 **“(2)(a) A person may be designated to produce marijuana under**  
17 **ORS 475.304 by no more than four registry identification cardholders.**

18 **“(b) A person who is designated to produce marijuana by a registry**  
19 **identification cardholder under ORS 475.304 may produce no more than**  
20 **six mature marijuana plants per registry identification cardholder.**

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

24 **“(a) Except as provided in paragraph (b) of this subsection, no more**  
25 **than 12 mature marijuana plants may be produced at the address; or**

26 **“(b) Subject to subsection (5) of this section, if each person re-**  
27 **sponsible for a marijuana grow site located at the address first regis-**  
28 **tered with the Oregon Health Authority under ORS 475.304 before**  
29 **January 1, 2015, no more than the amount of mature marijuana plants**  
30 **located at that address on December 31, 2014, in excess of 12 mature**

1 marijuana plants, not to exceed 24 mature marijuana plants, may be  
2 produced at the address.

3 “(4) If the address of a person responsible for a marijuana grow site  
4 under ORS 475.304 is located in an area other than an area described  
5 in subsection (3) of this section:

6 “(a) Except as provided in paragraph (b) of this subsection, no more  
7 than 48 mature marijuana plants may be produced at the address; or

8 “(b) Subject to subsections (5) and (6) of this section, if each person  
9 responsible for a marijuana grow site located at the address first reg-  
10 istered with the authority under ORS 475.304 before January 1, 2015,  
11 no more than the amount of mature marijuana plants located at that  
12 address on December 31, 2014, in excess of 48 mature marijuana plants,  
13 not to exceed 96 mature marijuana plants, may be produced at the  
14 address.

15 “(5) If the authority suspends or revokes the registration of a per-  
16 son responsible for a marijuana grow site that is located at an address  
17 described in subsection (3)(b) or (4)(b) of this section:

18 “(a) No more than 12 mature marijuana plants may be subsequently  
19 produced at any address described in subsection (3) of this section at  
20 which the person responsible for that marijuana grow site produces  
21 marijuana.

22 “(b) No more than 48 mature marijuana plants may be subsequently  
23 produced at any address described in subsection (4) of this section at  
24 which the person responsible for that marijuana grow site produces  
25 marijuana.

26 “(6) If a registry identification cardholder who designated a person  
27 to produce marijuana for the registry identification cardholder pursu-  
28 ant to ORS 475.304 terminates the designation, the person responsible  
29 for the marijuana grow site whose designation has been terminated  
30 may not be designated to produce marijuana by another registry

1 identification cardholder, except that the person may be designated  
2 by another registry identification cardholder if no more than 48 ma-  
3 ture marijuana plants are produced at the address for the marijuana  
4 grow site at which the person produces marijuana.

5 “(7) If a law enforcement officer determines that a registry iden-  
6 tification cardholder, the designated primary caregiver of a registry  
7 identification cardholder, or a person responsible for a marijuana grow  
8 site under ORS 475.304 who grows marijuana for a registry identifica-  
9 tion cardholder, possesses a number of mature marijuana plants in  
10 excess of the quantities specified in this section, the law enforcement  
11 officer may confiscate only the excess number of mature marijuana  
12 plants.

13 **“SECTION 7a. (1) Except as provided in subsection (2) of this sec-**  
14 **tion, a registry identification cardholder and the designated primary**  
15 **caregiver of the registry identification cardholder may jointly possess**  
16 **no more than 24 ounces of usable marijuana.**

17 “(2) Subject to subsection (3) of this section, a person designated  
18 to produce marijuana by a registry identification cardholder under  
19 ORS 475.304 may possess the amount of usable marijuana that the  
20 person harvests from the person’s mature marijuana plants, provided  
21 that the person may not possess usable marijuana in excess of the  
22 amount of usable marijuana in the person’s possession as reported to  
23 the Oregon Health Authority under section 6 of this 2015 Act.

24 “(3) A person designated to produce marijuana by a registry iden-  
25 tification cardholder under ORS 475.304 may not possess usable  
26 marijuana in excess of:

27 “(a) For a marijuana growsite located outdoors, 12 pounds of usable  
28 marijuana per mature marijuana plant; or

29 “(b) For a marijuana growsite located indoors, six pounds of usable  
30 marijuana per mature marijuana plant.

1 **“SECTION 8. The amendments to ORS 475.320 by section 7 of this**  
2 **2015 Act apply to persons who registered with the Oregon Health Au-**  
3 **thority under ORS 475.304 before, on or after the operative date speci-**  
4 **fied in section 78 of this 2015 Act.**

5  
6 **“(Personal Agreements)**  
7

8 **“SECTION 9. Notwithstanding ORS 475.304 (7), a person responsible**  
9 **for a marijuana grow site may enter into an agreement with a registry**  
10 **identification cardholder under which the registry identification**  
11 **cardholder assigns, to the person responsible for the marijuana grow**  
12 **site, a portion of the right to possess the seeds, immature marijuana**  
13 **plants and usable marijuana that are the property of the registry**  
14 **identification cardholder.**

15  
16 **“(Proof of Issuance)**  
17

18 **“SECTION 9a. ORS 475.306 is amended to read:**

19 *“475.306. [(1) A person who possesses a registry identification card issued*  
20 *pursuant to ORS 475.309 may engage in, and a designated primary caregiver*  
21 *of such a person may assist in, the medical use of marijuana only as justified*  
22 *to mitigate the symptoms or effects of the person’s debilitating medical condi-*  
23 *tion.]*

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

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

1       **“A person to whom a registry identification card has been issued**  
2 **under ORS 475.309 (5)(a), an identification card has been issued under**  
3 **ORS 475.309 (5)(b), or a marijuana grow site registration card has been**  
4 **issued under ORS 475.304, may not possess marijuana, usable**  
5 **marijuana, medical cannabinoid products, cannabinoid concentrates**  
6 **or cannabinoid extracts in a location other than the address on file**  
7 **with the Oregon Health Authority unless the person is carrying the**  
8 **card.**

9  
10                               **“(Medical Marijuana Processors)**

11  
12       **“SECTION 10. (1)(a) The Oregon Health Authority shall establish**  
13 **by rule a marijuana processing site registration system to track and**  
14 **regulate the processing of marijuana by a person responsible for a**  
15 **marijuana processing site.**

16       **“(b) Except as provided in paragraph (c) of this subsection, a person**  
17 **may not process marijuana unless the person is registered under this**  
18 **section.**

19       **“(c) Paragraph (b) of this section does not apply to the processing**  
20 **of marijuana as provided in sections 3 to 70, chapter 1, Oregon Laws**  
21 **2015, or as otherwise provided for by the statutory laws of this state.**

22       **“(2) The registration system established under subsection (1) of this**  
23 **section must require an applicant for a marijuana processing site to**  
24 **submit an application to the authority that includes:**

25       **“(a) The name of the individual who owns the marijuana processing**  
26 **site or, if a business entity owns the marijuana processing site, the**  
27 **name of each individual who has a financial interest in the marijuana**  
28 **processing site;**

29       **“(b) The name of the individual or individuals responsible for the**  
30 **marijuana processing site, if different from the name of the individual**

1 **who owns the marijuana processing site;**  
2 **“(c) The address of the marijuana processing site;**  
3 **“(d) Proof that each individual responsible for the marijuana pro-**  
4 **cessing site has been a resident of this state for two or more years and**  
5 **is 21 years of age or older;**  
6 **“(e) Documentation, as required by the authority by rule, that**  
7 **demonstrates the marijuana processing site meets the requirements**  
8 **of subsection (3) of this section; and**  
9 **“(f) Any other information that the authority considers necessary.**  
10 **“(3) To qualify for registration under this section, a marijuana**  
11 **processing site:**  
12 **“(a) May not be located in an area that is zoned for residential use**  
13 **if the marijuana processing site processes cannabinoid extracts;**  
14 **“(b) Must be registered as a business, or have filed an application**  
15 **to register as a business, with the office of the Secretary of State; and**  
16 **“(c) Must meet the requirements of any rule adopted by the au-**  
17 **thority under subsection (10) of this section.**  
18 **“(4)(a) The authority shall conduct a criminal records check under**  
19 **ORS 181.534 for each individual named in an application under sub-**  
20 **section (2) of this section.**  
21 **“(b) An individual convicted for the manufacture or delivery of a**  
22 **controlled substance in Schedule I or Schedule II may not own or be**  
23 **responsible for a marijuana processing site for five years from the date**  
24 **the individual is convicted.**  
25 **“(c) An individual convicted more than once for the manufacture**  
26 **or delivery of a controlled substance in Schedule I or Schedule II may**  
27 **not own or be responsible for a marijuana processing site.**  
28 **“(5) If a person submits the application required under subsection**  
29 **(2) of this section, if the marijuana processing site identified in the**  
30 **application meets the requirements of this section and any rules**

1 adopted under this section and if each individual named in the appli-  
2 cation passes the criminal records check required under subsection (4)  
3 of this section, the authority shall register the marijuana processing  
4 site and issue proof of registration. Proof of registration must be dis-  
5 played on the premises of the marijuana processing site at all times.

6 “(6) A marijuana processing site that is registered under this sec-  
7 tion is not required to register with the State Board of Pharmacy un-  
8 der ORS 475.125.

9 “(7) The individual or individuals responsible for a marijuana pro-  
10 cessing site shall maintain documentation of each transfer of usable  
11 marijuana, medical cannabinoid products, cannabinoid concentrates  
12 and cannabinoid extracts.

13 “(8) The authority may inspect:

14 “(a) The premises of a proposed marijuana processing site or a  
15 registered marijuana processing site to ensure compliance with this  
16 section and sections 11 and 12 of this 2015 Act and any rules adopted  
17 under this section and sections 11 and 12 of this 2015 Act; and

18 “(b) The records of a registered marijuana processing site to ensure  
19 compliance with subsection (7) of this section.

20 “(9) Subject to the provisions of ORS chapter 183, the authority may  
21 refuse to register an applicant under this section or may suspend or  
22 revoke the registration of a marijuana processing site if the authority  
23 determines that the applicant, the owner of the marijuana processing  
24 site, a person responsible for the marijuana processing site, or an  
25 employee of the marijuana processing site, violated a provision of ORS  
26 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an  
27 ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

28 “(10) The authority shall adopt rules to implement this section, in-  
29 cluding rules that:

30 “(a) Require a registered marijuana processing site to annually re-



1 new the registration for that site;

2 “(b) Establish fees for registering, and renewing the registration of,  
3 a marijuana processing site;

4 “(c) Require that medical cannabinoid products, cannabinoid con-  
5 centrates and cannabinoid extracts transferred by a marijuana pro-  
6 cessing site be tested to ensure the public health and safety; and

7 “(d) Impose any other standard on the operation of a marijuana  
8 processing site to ensure the public health and safety.

9 “SECTION 11. (1) A marijuana processing site must meet any public  
10 health and safety standards established by the Oregon Health Au-  
11 thority by rule related to:

12 “(a) Cannabinoid edibles, if the marijuana processing site processes  
13 marijuana into cannabinoid edibles;

14 “(b) Cannabinoid concentrates, if the marijuana processing site  
15 processes marijuana into cannabinoid concentrates;

16 “(c) Cannabinoid extracts, if the marijuana processing site pro-  
17 cesses marijuana into cannabinoid extracts; or

18 “(d) Any other type of medical cannabinoid product identified by  
19 the authority by rule, if the marijuana processing site processes  
20 marijuana into that type of medical cannabinoid product.

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

22 “SECTION 12. (1) The Oregon Health Authority shall require by rule  
23 a marijuana processing site to submit to the authority for inclusion  
24 in the database developed and maintained pursuant to section 15 of  
25 this 2015 Act the following information:

26 “(a) The amount of usable marijuana transferred to the marijuana  
27 processing site;

28 “(b) The amount and type of medical cannabinoid products trans-  
29 ferred by the marijuana processing site;

30 “(c) The amount and type of cannabinoid concentrates transferred

1 by the marijuana processing site; and

2 “(d) The amount and type of cannabinoid extracts transferred by  
3 the marijuana processing site.

4 “(2) The authority by rule may require a marijuana processing site  
5 to submit to the authority for inclusion in the database developed and  
6 maintained pursuant to section 15 of this 2015 Act information that is  
7 in addition to the information described in subsection (1) of this sec-  
8 tion as the authority considers necessary to fulfill the authority’s du-  
9 ties under section 10 (1) of this 2015 Act.

10 **“SECTION 13.** (1) A marijuana processing site may not transfer  
11 medical cannabinoid products, cannabinoid concentrates or  
12 cannabinoid extracts to a person other than a registry identification  
13 cardholder, a designated primary caregiver or a medical marijuana  
14 dispensary.

15 “(2) A person other than a marijuana processing site may not  
16 transfer medical cannabinoid products, cannabinoid concentrates or  
17 cannabinoid extracts to a medical marijuana dispensary.

18 **“SECTION 14.** Section 10 of this 2015 Act does not apply to a regis-  
19 try identification cardholder or a person who has been designated as  
20 a primary caregiver under ORS 475.312 who processes a medical  
21 cannabinoid product or a cannabinoid concentrate for a registry iden-  
22 tification cardholder.

23

24 “(Database)

25

26 **“SECTION 15.** (1) The Oregon Health Authority shall develop and  
27 maintain a database of information related to the production of  
28 marijuana by persons designated to produce marijuana by a registry  
29 identification cardholder under ORS 475.304, the processing of  
30 marijuana by a marijuana processing site under section 10 of this 2015

1 Act and the transfer of usable marijuana, medical cannabinoid pro-  
2 ducts, cannabinoid concentrates and cannabinoid extracts by medical  
3 marijuana dispensaries under ORS 475.314. At a minimum, the data-  
4 base must include the information submitted to the authority under  
5 sections 6, 12 and 18 of this 2015 Act.

6 “(2)(a) Subject to paragraph (c) of this subsection, the authority  
7 may provide information that is stored in the database developed and  
8 maintained under this section to a law enforcement agency.

9 “(b) Subject to paragraph (c) of this subsection, the authority may  
10 provide information that is stored in the database developed and  
11 maintaining under this section to the regulatory agencies of a city or  
12 county.

13 “(c) The authority may not disclose:

14 “(A) Any personally identifiable information related to a registry  
15 identification cardholder or a designated primary caregiver that is  
16 stored in the database developed and maintained under this section.

17 “(B) Any information related to the amount and type of usable  
18 marijuana, medical cannabinoid products, cannabinoid concentrates  
19 and cannabinoid extracts transferred to or by persons designated to  
20 produce marijuana by a registry identification cardholder under ORS  
21 475.304, marijuana processing sites or medical marijuana dispensaries.

22 “(3) Nothing in this section prevents a law enforcement agency  
23 from lawfully obtaining information that is stored in the database de-  
24 veloped and maintained under this section by subpoena.

25

26 “(Medical Marijuana Dispensaries)

27

28 “**SECTION 16.** ORS 475.314, as amended by section 5, chapter 79, Oregon  
29 Laws 2014, is amended to read:

30 “475.314. [(1) *The Oregon Health Authority shall establish by rule a med-*

1 *ical marijuana facility registration system to authorize the transfer of usable*  
2 *marijuana and immature marijuana plants from:]*

3 “[*(a) A registry identification cardholder, the designated primary caregiver*  
4 *of a registry identification cardholder, or a person responsible for a marijuana*  
5 *grow site to the medical marijuana facility; or]*

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

8 “**(1)(a) The Oregon Health Authority shall establish by rule a med-**  
9 **ical marijuana dispensary registration system for the purpose of**  
10 **tracking and regulating the transfer of:**

11 “**(A) Usable marijuana, immature marijuana plants and seeds from**  
12 **registry identification cardholders, designated primary caregivers and**  
13 **persons responsible for marijuana grow sites to medical marijuana**  
14 **dispensaries;**

15 “**(B) Medical cannabinoid products, cannabinoid concentrates and**  
16 **cannabinoid extracts from persons responsible for marijuana process-**  
17 **ing sites to medical marijuana dispensaries; and**

18 “**(C) Usable marijuana, immature marijuana plants, seeds, medical**  
19 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**  
20 **tracts from medical marijuana dispensaries to registry identification**  
21 **cardholders and designated primary caregivers.**

22 “**(b) A person may not operate an establishment for the purpose of**  
23 **providing the services described in paragraph (a) of this subsection**  
24 **unless the person is registered under this section.**

25 “**(2) The registration system established under subsection (1) of this sec-**  
26 **tion must require an applicant for a medical marijuana [facility]**  
27 **dispensary to submit an application to the authority that includes:**

28 “**(a) The name of the individual who owns the medical marijuana**  
29 **dispensary or, if a business entity owns the medical marijuana**  
30 **dispensary, the name of each individual who has a financial interest**

1 **in the medical marijuana dispensary;**

2 “[a] (b) The name of the [person] **individual or individuals** responsible  
3 for the medical marijuana [facility] **dispensary, if different from the name**  
4 **of the individual who owns the medical marijuana dispensary;**

5 “[b] (c) The address of the medical marijuana [facility] **dispensary;**

6 “[c] (d) Proof that [the person] **each individual** responsible for the  
7 medical marijuana [facility is a resident of Oregon] **dispensary has been a**  
8 **resident of this state for two or more years and is 21 years of age or**  
9 **older;**

10 “[d] (e) Documentation, as required by the authority by rule, that dem-  
11 onstrates the medical marijuana [facility] **dispensary** meets the [qualifica-  
12 tions for a medical marijuana facility as described in] **requirements of**  
13 subsection (3) of this section; and

14 “[e] (f) Any other information that the authority considers necessary.

15 “(3) To qualify for registration under this section, a medical marijuana  
16 [facility] **dispensary:**

17 “[a] *Must be located in an area that is zoned for commercial, industrial*  
18 *or mixed use or as agricultural land;*]

19 “(a) **May not be located in an area that is zoned for residential use;**

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

21 “(c) Must be registered as a business, or have filed [a pending] **an** appli-  
22 cation to register as a business, with the office of the Secretary of State;

23 “[d] *Must not be located within 1,000 feet of the real property comprising*  
24 *a public or private elementary, secondary or career school attended primarily*  
25 *by minors;*]

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

27 “(A) **A public elementary or secondary school for which attendance**  
28 **is compulsory under ORS 339.020; or**

29 “(B) **A private or parochial elementary or secondary school, teach-**  
30 **ing children as described in ORS 339.030 (1)(a);**

1 “(e) Must not be located within 1,000 feet of another medical marijuana  
2 [*facility*] **dispensary**; and

3 “[*f*] *Must comport with rules adopted by the authority related to:*]

4 “[*A*] *Installing a minimum security system, including a video surveillance*  
5 *system, alarm system and safe; and*]

6 “[*B*] *Testing for pesticides, mold and mildew and the processes by which*  
7 *usable marijuana and immature marijuana plants that test positive for pesti-*  
8 *cides, mold or mildew must be returned to the registry identification*  
9 *cardholder, the cardholder’s designated primary caregiver or the cardholder’s*  
10 *registered grower.*]

11 “**(f) Must meet the requirements of any rule adopted by the au-**  
12 **thority under subsection (10) of this section.**

13 “(4)(a) The authority shall conduct a criminal records check under ORS  
14 181.534 [*of a person whose name is submitted as the person responsible for a*  
15 *medical marijuana facility*] **for each individual named in an application**  
16 **submitted** under subsection (2) of this section.

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

21 “(c) [*A person*] **An individual** convicted more than once for the manu-  
22 facture or delivery of a controlled substance in Schedule I or Schedule II  
23 may not [*be the person*] **own or be** responsible for a medical marijuana [*fa-*  
24 *cility*] **dispensary**.

25 “(5) If a person submits the application required under subsection (2) of  
26 this section, **if** the medical marijuana [*facility*] **dispensary** identified in the  
27 application meets the [*qualifications for a medical marijuana facility de-*  
28 *scribed in subsection (3) of this section and the person responsible for the*  
29 *medical marijuana facility*] **requirements of this section and any rules**  
30 **adopted under this section and if each individual named in the appli-**

1 **ction** passes the criminal records check required under subsection (4) of  
2 this section, the authority shall register the medical marijuana [*facility*]  
3 **dispensary** and issue [*the person responsible for the medical marijuana fa-*  
4 *cility*] proof of registration. [*The person responsible for the medical marijuana*  
5 *facility shall display the*] Proof of registration **must be displayed** on the  
6 premises of the medical marijuana [*facility at all times when usable*  
7 *marijuana or immature marijuana plants are being transferred as described*  
8 *in subsection (1) of this section*] **dispensary at all times.**

9 “**(6) A medical marijuana dispensary that is registered under this**  
10 **section is not required to register with the State Board of Pharmacy**  
11 **under ORS 475.125.**

12 “[*(6)(a) A registered medical marijuana facility may receive usable*  
13 *marijuana or immature marijuana plants only from a registry identification*  
14 *cardholder, designated primary caregiver or person responsible for a*  
15 *marijuana grow site if the registered medical marijuana facility obtains au-*  
16 *thorization, on a form prescribed by the authority by rule and signed by a*  
17 *registry identification cardholder, to receive the usable marijuana or immature*  
18 *marijuana plants.*]

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

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

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

24 “**(7) The individual or individuals responsible for a medical**  
25 **marijuana dispensary shall maintain documentation of each transfer**  
26 **of usable marijuana, medical cannabinoid products, cannabinoid con-**  
27 **centrates, cannabinoid extracts, immature marijuana plants and**  
28 **seeds.**

29 “[*(7) A medical marijuana facility registered under this section may possess*  
30 *usable marijuana and immature marijuana plants in excess of the limits im-*”

1 *posed on registry identification cardholders and designated primary caregivers*  
2 *under ORS 475.320.]*

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

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

10 *“(9) (8) The authority may inspect:*

11 *“(a) The premises of an applicant for a medical marijuana facility or a*  
12 *registered medical marijuana facility to ensure compliance with the qualifica-*  
13 *tions for a medical marijuana facility described in subsection (3) of this sec-*  
14 *tion; and]*

15 **“(a) The premises of a proposed medical marijuana dispensary or a**  
16 **registered medical marijuana dispensary to ensure compliance with**  
17 **this section and section 18 of this 2015 Act and any rules adopted under**  
18 **this section or section 18 of this 2015 Act; and**

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

21 *“(10)(a) A registry identification cardholder or the designated primary*  
22 *caregiver of a registry identification cardholder may reimburse a medical*  
23 *marijuana facility registered under this section for the normal and customary*  
24 *costs of doing business, including costs related to transferring, handling, se-*  
25 *curing, insuring, testing, packaging and processing usable marijuana and im-*  
26 *mature marijuana plants and the cost of supplies, utilities and rent or*  
27 *mortgage.]*

28 *“(b) A medical marijuana facility may reimburse a person responsible for*  
29 *a marijuana grow site under this section for the normal and customary costs*  
30 *of doing business, including costs related to transferring, handling, securing,*



1 *insuring, testing, packaging and processing usable marijuana and immature*  
2 *marijuana plants and the cost of supplies, utilities and rent or mortgage.]*

3 “[(11) *the authority may revoke the registration of a medical marijuana fa-*  
4 *cility registered under this section for failure to comply with ORS 475.300 to*  
5 *475.346, rules adopted under ORS 475.300 to 475.346 or ordinances adopted*  
6 *pursuant to section 2, chapter 79, Oregon Laws 2014. The authority may release*  
7 *to the public a final order revoking a medical marijuana facility*  
8 *registration.]*

9 “(9) **Subject to the provisions of ORS chapter 183, the authority may**  
10 **refuse to register an applicant under this section or may suspend or**  
11 **revoke the registration of a medical marijuana dispensary if the au-**  
12 **thority determines that the applicant, the owner of the medical**  
13 **marijuana dispensary, a person responsible for the medical marijuana**  
14 **dispensary, or an employee of the medical marijuana dispensary, vio-**  
15 **lated a provision of ORS 475.300 to 475.346, a rule adopted under ORS**  
16 **475.300 to 475.346 or an ordinance adopted pursuant to section 2, chap-**  
17 **ter 79, Oregon Laws 2014.**

18 “[(12)] (10) The authority shall adopt rules to implement this section, in-  
19 cluding rules that:

20 “(a) Require a **registered** medical marijuana [*facility registered under this*  
21 *section]* **dispensary** to annually renew [*that registration; and]* **the registra-**  
22 **tion for that dispensary;**

23 “(b) Establish fees for registering, and renewing **the** registration [*for]* **of,**  
24 a medical marijuana [*facility under this section.*] **dispensary;**

25 “(c) **Require that each medical marijuana dispensary install and**  
26 **maintain a minimum security system that includes video surveillance,**  
27 **an alarm system and a safe;**

28 “(d) **Require that usable marijuana, medical cannabinoid products,**  
29 **cannabinoid concentrates, cannabinoid extracts and immature**  
30 **marijuana plants transferred by a medical marijuana dispensary be**

1 tested to ensure the public health and safety; and

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

4 **“SECTION 17.** If a school described in ORS 475.314 (3)(d) is estab-  
5 lished within 1,000 feet of a medical marijuana dispensary, the medical  
6 marijuana dispensary may remain at its current location unless the  
7 authority revokes the registration of the medical marijuana  
8 dispensary.

9 **“SECTION 18. (1)** The Oregon Health Authority shall require by rule  
10 a medical marijuana dispensary to submit to the authority for inclu-  
11 sion in the database developed and maintained pursuant to section 15  
12 of this 2015 Act the following information:

13 **“(a)** The amount of usable marijuana transferred to and by the  
14 medical marijuana dispensary;

15 **“(b)** The amount and type of medical cannabinoid products trans-  
16 ferred to and by the medical marijuana dispensary;

17 **“(c)** The amount and type of cannabinoid concentrates transferred  
18 to and by the medical marijuana dispensary;

19 **“(d)** The amount and type of cannabinoid extracts transferred to  
20 and by the medical marijuana dispensary; and

21 **“(e)** The quantity of immature marijuana plants transferred to and  
22 by the medical marijuana dispensary.

23 **“(2)** The authority by rule may require a medical marijuana  
24 dispensary to submit to the authority for inclusion in the database  
25 developed and maintained pursuant to section 15 of this 2015 Act in-  
26 formation that is in addition to the information described in sub-  
27 section (1) of this section as the authority considers necessary to fulfill  
28 the authority’s duties under ORS 475.314 (1).

29  
30 **“(Designation, Assignment and Foreclosure)**

1       **“SECTION 19. (1) A person responsible for a marijuana processing**  
2 **site, or a person responsible for a medical marijuana dispensary, may**  
3 **designate that responsibility to another person.**

4       **“(2) If a designation is made under this section, the designee must**  
5 **submit to the Oregon Health Authority proof that the designee meets**  
6 **the requirements and restrictions set forth in:**

7       **“(a) For marijuana processing sites, section 10 (2)(d) and (4) of this**  
8 **2015 Act; or**

9       **“(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).**

10       **“(3) The authority may prescribe the form and manner of submit-**  
11 **ting proof under subsection (2) of this section.**

12       **“SECTION 20. (1) A person responsible for a marijuana processing**  
13 **site, or a person responsible for a medical marijuana dispensary, may**  
14 **assign that responsibility to another person.**

15       **“(2) If an assignment is made under this section, the assignee must**  
16 **submit to the Oregon Health Authority proof that the assignee meets**  
17 **the requirements and restrictions set forth in:**

18       **“(a) For marijuana processing sites, section 10 (2)(d) and (4) of this**  
19 **2015 Act; or**

20       **“(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).**

21       **“(3) The authority may prescribe the form and manner of submit-**  
22 **ting proof under subsection (2) of this section.**

23       **“SECTION 21. (1) In the event that a marijuana processing site or**  
24 **a medical marijuana dispensary is foreclosed or otherwise ceases op-**  
25 **erations as described in ORS chapter 79, a secured party, as defined in**  
26 **ORS 79.0102, may continue operations at the marijuana processing site**  
27 **or medical marijuana dispensary upon submitting to the Oregon**  
28 **Health Authority proof that the secured party or, if the secured party**  
29 **is a business entity, any individual who has a financial interest in the**  
30 **secured party, meets the requirements and restrictions set forth in:**

1       “(a) For marijuana processing sites, section 10 (2)(d) and (4) of this  
2 2015 Act; or

3       “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

4       “(2) The authority may prescribe the form and manner of submit-  
5 ting proof under subsection (1) of this section.

6  
7                               “(Exemptions from Criminal Liability  
8                               and Affirmative Defense)  
9

10       “SECTION 22. Except as provided in ORS 475.316, a person engaged  
11 in or assisting in the medical use of marijuana is exempt from the  
12 criminal laws of this state for possession, delivery or manufacture of  
13 marijuana, aiding and abetting another in the possession, delivery or  
14 manufacture of marijuana, or any other criminal offense in which  
15 possession, delivery or manufacture of marijuana is an element if:

16       “(1) The person holds a registry identification card.

17       “(2) The person has applied for a registry identification card under  
18 ORS 475.309 and the person has proof of written documentation de-  
19 scribed in ORS 475.309 (2)(a) and proof of the date on which the person  
20 submitted the application to the Oregon Health Authority. An ex-  
21 emption under this subsection applies only until the authority ap-  
22 proves or denies the application.

23       “(3) The person is designated as a primary caregiver under ORS  
24 475.312.

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

27       “(5) The person owns, is responsible for, or is employed by, a  
28 marijuana processing site.

29       “(6) The person owns, is responsible for, or is employed by, a med-  
30 ical marijuana dispensary.

1       **“SECTION 23.** ORS 475.319 is amended to read:

2       “475.319. (1) Except as provided in ORS 475.316 [*and 475.342, it is*], a  
3       **person has** an affirmative defense to a criminal charge of possession [*or*  
4       *production*], **delivery or manufacture** of marijuana, or any other criminal  
5       offense in which possession [*or production*], **delivery or manufacture** of  
6       marijuana is an element, [*that*] **if** the person charged with the offense [*is a*  
7       *person who*]:

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

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

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

16       “(2) [*It is not necessary for a person asserting an affirmative defense pur-*  
17       *suant to this section to have received*] **A person does not need to lawfully**  
18       **possess** a registry identification card [*in order*] to assert the affirmative  
19       defense established in this section.

20       “(3) [*No*] **A** person engaged in the medical use of marijuana who claims  
21       that marijuana provides medically necessary benefits and who is charged  
22       with a crime pertaining to [*such*] **the** use of marijuana [*shall be*] **is not**  
23       precluded from presenting a defense of choice of evils, as set forth in ORS  
24       161.200, or from presenting evidence supporting the necessity of marijuana  
25       for treatment of a specific disease or medical condition, provided that [*the*  
26       *amount of marijuana at issue is no greater than permitted under ORS 475.320*  
27       *and the patient*]:

28       “(a) **The person possesses, delivers or manufactures marijuana only**  
29       **as permitted under ORS 475.320 (1); and**

30       “(b) **The person** has taken a substantial step [*to comply*] **toward com-**

1 **plying** with the provisions of ORS 475.300 to 475.346.

2 “(4) [Any] **A** defendant proposing to use the affirmative defense [*provided*  
3 *for by*] **established in** this section in a criminal action shall, not less than  
4 five days before the trial of the cause, file and serve upon the district at-  
5 torney a written notice of the intention to [*offer such a*] **assert the affir-**  
6 **native** defense [*that*]. **The notice must** specifically [*states*] **state** the  
7 reasons why the defendant is entitled to assert **the affirmative defense** and  
8 the factual basis for [*such*] **the** affirmative defense. If the defendant fails  
9 to file and serve [*such*] **the** notice, the defendant is not permitted to assert  
10 the affirmative defense at the trial of the cause unless the court [*for good*  
11 *cause*] orders, **for good cause**, otherwise.

12 **“SECTION 24.** ORS 475.316 is amended to read:

13 “475.316. [(1) *No person authorized to possess, deliver or produce marijuana*  
14 *for medical use pursuant to ORS 475.300 to 475.346 shall be excepted from the*  
15 *criminal laws of this state or shall be deemed to have established an affirma-*  
16 *tive defense to criminal charges of which possession, delivery or production of*  
17 *marijuana is an element if the person, in connection with the facts giving rise*  
18 *to such charges:*] **A person is not exempt from the criminal laws of this**  
19 **state for possession, delivery or manufacture of marijuana, aiding and**  
20 **abetting another in the possession, delivery or manufacture of**  
21 **marijuana, or any other criminal offense in which possession, delivery**  
22 **or manufacture of marijuana is an element, and the person may not**  
23 **assert the affirmative defense established in ORS 475.319, if the person,**  
24 **in connection with conduct constituting an element of the offense:**

25 “[*a*] (1) Drives under the influence of marijuana as provided in ORS  
26 813.010;

27 “[*b*] (2) Engages in the medical use of marijuana in a public place, as  
28 [*that term is*] defined in ORS 161.015, [*or*] in public view or in a correctional  
29 facility, as defined in ORS 162.135 (2), or a youth correction facility, as de-  
30 fined in ORS 162.135 (6); **or**



1 **ORS 475.300 to 475.346.**

2 **“SECTION 26. Upon request the State Department of Agriculture**  
3 **and the Oregon Liquor Control Commission, pursuant to an agreement**  
4 **or otherwise, shall assist the Oregon Health Authority in implement-**  
5 **ing and enforcing the provisions of ORS 475.300 to 475.346 and rules**  
6 **adopted under the provisions of ORS 475.300 to 475.346.**

7 **“SECTION 27. The Oregon Health Authority, the State Department**  
8 **of Agriculture and the Oregon Liquor Control Commission may pos-**  
9 **sess, seize or dispose of marijuana, usable marijuana, medical**  
10 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**  
11 **tracts as is necessary for the authority to ensure compliance with and**  
12 **enforce the provisions of ORS 475.300 to 475.346 and any rule adopted**  
13 **under ORS 475.300 to 475.346.**

14

15

**“(Exemption from Civil Liability)”**

16

17 **“SECTION 28. The Oregon Health Authority, the State Department**  
18 **of Agriculture and the Oregon Liquor Control Commission, and the**  
19 **officers, employees and agents of the authority, department and com-**  
20 **mission, are immune from any cause of action for the performance**  
21 **of, or the failure to perform, duties required by ORS 475.300 to 475.346.**

22

23

**“(Confidentiality)”**

24

25 **“SECTION 29. (1) Any personally identifiable information, as de-**  
26 **finied in ORS 432.005, other than a name of an individual or an address**  
27 **submitted with an application under ORS 475.314 or section 10 of this**  
28 **2015 Act, that the Oregon Health Authority collects and maintains for**  
29 **purposes of registering a marijuana grow site under ORS 475.304, a**  
30 **marijuana processing site under section 10 of this 2015 Act, or a med-**



1 ical marijuana dispensary under ORS 475.314, is confidential and not  
2 subject to public disclosure under ORS 192.410 to 192.505, except that  
3 the authority may provide personally identifiable information to a  
4 person registered under ORS 475.300 to 475.346 if the registrant re-  
5 quests the information and the information is related to a designation  
6 made under ORS 475.300 to 475.346.

7 “(2) Any personally identifiable information, as defined in ORS  
8 432.005, submitted to the authority under section 6, 12 or 18 of this 2015  
9 Act or pursuant to section 15 of this 2015 Act is confidential and not  
10 subject to public disclosure under ORS 192.410 to 192.505.

11 “(3) Any record that the authority keeps or maintains for purposes  
12 related to the installation or maintenance of a security system by a  
13 medical marijuana dispensary pursuant to rules adopted under ORS  
14 475.314 (10) is confidential and not subject to public disclosure under  
15 ORS 192.410 to 192.505.

16 “SECTION 30. Notwithstanding section 29 of this 2015 Act, if the  
17 Oregon Health Authority suspends or revokes the registration of the  
18 marijuana grow site of a person designated to produce marijuana by  
19 a registry identification cardholder under ORS 475.304, a marijuana  
20 processing site or a medical marijuana dispensary, or otherwise takes  
21 disciplinary action against the marijuana grow site of a person desig-  
22 nated to produce marijuana by a registry identification cardholder, a  
23 marijuana processing site or a medical marijuana dispensary, the au-  
24 thority shall provide that information to a law enforcement agency.

25

26

“(Seeds)

27

28 “SECTION 31. (1) For purposes of ORS 475.300 to 475.346, seeds of  
29 the plant Cannabis family Cannabaceae are a propagant of nursery  
30 stock as defined in ORS 571.005.

1       “(2) Notwithstanding subsection (1) of this section, the production  
2 and processing of seeds under ORS 475.300 to 475.346 is not subject to  
3 the labeling or other requirements of ORS 576.715 to 576.744 or 633.511  
4 to 633.750.

5  
6                   “(Preemption and Local Government Power)  
7

8       “SECTION 32. (1) Except as expressly authorized by statutory laws  
9 of this state, the authority to regulate the medical use of marijuana,  
10 the production, processing or transfer of marijuana, usable marijuana,  
11 medical cannabinoid products, cannabinoid concentrates and  
12 cannabinoid extracts under ORS 475.300 to 475.346, and the authority  
13 to impose a tax or fee on the production, processing or transfer of  
14 marijuana, usable marijuana, medical cannabinoid products,  
15 cannabinoid concentrates and cannabinoid extracts under ORS 475.300  
16 to 475.346, is vested solely in the Legislative Assembly.

17       “(2) Except as expressly authorized by statutory laws of this state,  
18 a county, city or other municipal corporation or district may not enact  
19 ordinances regulating the medical use of marijuana, the production,  
20 processing or transfer of marijuana, usable marijuana, medical  
21 cannabinoid products, cannabinoid concentrates and cannabinoid ex-  
22 tracts under ORS 475.300 to 475.346, or ordinances imposing a tax or  
23 fee on the production, processing or transfer of marijuana, usable  
24 marijuana, medical cannabinoid products, cannabinoid concentrates  
25 and cannabinoid extracts under ORS 475.300 to 475.346.

26       “SECTION 33. Section 2, chapter 79, Oregon Laws 2014, is amended to  
27 read:

28       “**Sec. 2.** *[Notwithstanding ORS 633.738, the governing body of a city or*  
29 *county may adopt ordinances that impose reasonable regulations on the oper-*  
30 *ation of medical marijuana facilities registered, or applying for registration,*

1 *under ORS 475.314 that are located in the area subject to the jurisdiction of*  
2 *the city or county. For purposes of this section, ‘reasonable regulations’ in-*  
3 *cludes reasonable limitations on the hours during which a medical marijuana*  
4 *facility may be operated, reasonable limitations on where a medical marijuana*  
5 *facility may be located within a zone described in ORS 475.314 (3)(a) and*  
6 *reasonable conditions on the manner in which a medical marijuana facility*  
7 *may dispense medical marijuana.]*

8 **“(1) For purposes of this section, ‘reasonable regulations’ includes:**

9 **“(a) Reasonable limitations on the hours during which the**  
10 **marijuana grow site of a person designated to produce marijuana by**  
11 **a registry identification cardholder under ORS 475.304, a marijuana**  
12 **processing site or a medical marijuana dispensary may operate;**

13 **“(b) Reasonable conditions on the manner in which a marijuana**  
14 **processing site or medical marijuana dispensary may transfer usable**  
15 **marijuana, medical cannabinoid products, cannabinoid concentrates,**  
16 **cannabinoid extracts, immature marijuana plants and seeds;**

17 **“(c) Reasonable requirements related to the public’s access to the**  
18 **marijuana grow site of a person designated to produce marijuana by**  
19 **a registry identification cardholder under ORS 475.304, a marijuana**  
20 **processing site or a medical marijuana dispensary; and**

21 **“(d) Reasonable limitations on where the marijuana grow site of a**  
22 **person designated to produce marijuana by a registry identification**  
23 **cardholder under ORS 475.304, a marijuana processing site or a medical**  
24 **marijuana dispensary may be located.**

25 **“(2) Notwithstanding ORS 633.738, the governing body of a city or**  
26 **county may adopt ordinances that impose reasonable regulations on**  
27 **the operation of marijuana grow sites of persons designated to produce**  
28 **marijuana by registry identification cardholders, marijuana processing**  
29 **sites and medical marijuana dispensaries that are located in the area**  
30 **subject to the jurisdiction of the city or county.**

1                                           “(Other Amendments)  
2

3       “**SECTION 34.** ORS 475.300 is amended to read:

4       “475.300. The people of the State of Oregon [*hereby*] find that:

5       “(1) Patients and doctors have found marijuana to be an effective treat-  
6       ment for suffering caused by debilitating medical conditions[,] and, therefore,  
7       marijuana [*should*] **must** be treated like other medicines;

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

13       “(3) ORS 475.300 to 475.346 are intended to allow Oregonians with debili-  
14       tating medical conditions who may benefit from the medical use of marijuana  
15       to be able to [*discuss freely with their*] **freely discuss with** doctors the pos-  
16       sible risks and benefits [*of*] **associated with the medical use of** marijuana  
17       [*use*] and to have the benefit of [*their doctor’s*] professional **medical** advice;  
18       and

19       “(4) ORS 475.300 to 475.346 are intended [*to make only those changes to*  
20       *existing Oregon laws that are necessary*] to protect patients and [*their*] doc-  
21       tors from criminal and civil penalties[,] and are not intended to change cur-  
22       rent civil and criminal laws governing the use of marijuana for nonmedical  
23       purposes.

24       “**SECTION 35.** ORS 475.303 is amended to read:

25       “475.303. (1) There is [*created*] **established within the Oregon Health**  
26       **Authority** the Advisory Committee on Medical Marijuana [*in the Oregon*  
27       *Health Authority*], consisting of 11 members appointed by the Director of the  
28       Oregon Health Authority.

29       “(2) The director shall appoint members of the committee from [*persons*  
30       *who possess registry identification cards, designated primary caregivers of*

1 *persons who possess registry identification cards and advocates of the Oregon*  
2 *Medical Marijuana Act.] persons who are knowledgeable about*  
3 **marijuana or who are registered with the authority under ORS 475.300**  
4 **to 475.346 and who are advocates for the medical use of marijuana,**  
5 **provided that a majority of the members of the committee are regis-**  
6 **tered with the authority under ORS 475.300 to 475.346 and are advocates**  
7 **for the medical use of marijuana.**

8 “(3) The committee shall advise the director on the administrative aspects  
9 of [*the Oregon Medical Marijuana Program, review current and proposed ad-*  
10 *ministrative rules of the program and provide annual input on the fee structure*  
11 *of the program.] ORS 475.300 to 475.346, including rules and fees adopted,*  
12 **and proposed for adoption, under ORS 475.300 to 475.346.**

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

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

16 “(6) All agencies of state government, as defined in ORS 174.111, are di-  
17 rected to assist the committee in the performance of its duties and, to the  
18 extent permitted by laws relating to confidentiality, to furnish information  
19 and advice that the members of the committee consider necessary to perform  
20 their duties.

21 **“SECTION 36.** ORS 475.323 is amended to read:

22 “475.323. (1) [*Possession of a registry identification card, designated pri-*  
23 *mary caregiver identification card pursuant to ORS 475.309 or proof of regis-*  
24 *tration as a medical marijuana facility under ORS 475.314] **Registration**  
25 **under ORS 475.300 to 475.346 or possession of proof of registration un-**  
26 **der ORS 475.300 to 475.346** does not [*alone*] constitute probable cause to  
27 search the person or property of the [*cardholder*] **registrant** or otherwise  
28 subject the person or property of the [*cardholder*] **registrant** to inspection  
29 by [*any governmental*] **a government** agency. However, the Oregon Health  
30 Authority may inspect a [*medical marijuana facility registered under ORS**

1 475.314] marijuana grow site registered under ORS 475.304, a marijuana  
2 processing site registered under section 10 of this 2015 Act, or a med-  
3 ical marijuana dispensary registered under ORS 475.314, at any reason-  
4 able time to determine whether [*the facility*] the person responsible for the  
5 marijuana grow site, the person responsible for the marijuana pro-  
6 cessing site, or the person responsible for the medical marijuana  
7 dispensary, is in compliance with ORS 475.300 to 475.346 and rules adopted  
8 under ORS 475.300 to 475.346.

9 “(2) Any property interest possessed, owned or used in connection with  
10 the medical use of marijuana or acts incidental to the medical use of  
11 marijuana that has been seized by state or local law enforcement officers  
12 may not be harmed, neglected, injured or destroyed while in the possession  
13 of [*any*] a law enforcement agency[.], **except that** a law enforcement agency  
14 has no responsibility to maintain live marijuana plants lawfully seized.  
15 [*No*] Such property interest may **not** be forfeited under any provision of law  
16 providing for the forfeiture of property [*other than as*], **except pursuant to**  
17 a sentence imposed after conviction of a criminal offense. [*Usable*] Marijuana  
18 and **equipment or** paraphernalia used to **produce, process or** administer  
19 marijuana that was seized by [*any*] a law enforcement [*office*] **officer** shall  
20 be returned immediately [*upon a determination by*] **if** the district attorney in  
21 whose county the property was seized, or the district attorney’s designee,  
22 **determines** that the person from whom the marijuana, **equipment** or par-  
23 aphernalia [*used to administer marijuana*] was seized is entitled to the pro-  
24 tections [*contained in*] **provided by** ORS 475.300 to 475.346. The  
25 determination may be evidenced[, *for example,*] by a decision not to prose-  
26 cute, the dismissal of charges or acquittal.

27 **“SECTION 37.** ORS 475.326 is amended to read:

28 “475.326. [*No attending physician may be subjected to civil penalty or dis-*  
29 *cipline by the Oregon Medical Board for:*] **The Oregon Medical Board may**  
30 **not impose a civil penalty or take other disciplinary action against an**

1 **attending physician for:**

2 “(1) Advising a person [*whom the attending physician has*] diagnosed as  
3 having a debilitating medical condition[, *or a person who the attending phy-*  
4 *sician knows has been so diagnosed*] by **the attending physician or** another  
5 physician licensed under ORS chapter 677[,] about the risks and benefits  
6 [of] **associated with the** medical use of marijuana or that the medical use  
7 of marijuana may mitigate the symptoms or effects of the person’s debilitat-  
8 ing medical condition, provided **that** the advice is based on the attending  
9 physician’s personal assessment of the person’s medical history and current  
10 medical condition; or

11 “(2) Providing the written documentation necessary for issuance **or re-**  
12 **newal** of a registry identification card under ORS 475.309, [*if*] **provided that**  
13 the **written** documentation is based on the attending physician’s personal  
14 assessment of the [*applicant’s*] **person’s** medical history and current medical  
15 condition and the attending physician has discussed **with the person** the  
16 potential [*medical*] risks and benefits [of] **associated with** the medical use  
17 of marijuana [*with the applicant*].

18 **“SECTION 38.** ORS 475.328 is amended to read:

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

26 “(2)(a) A licensed health care professional may administer medical  
27 marijuana to a person who possesses a registry identification card and re-  
28 sides in a licensed health care facility if the administration of pharmaceu-  
29 ticals is within the scope of practice of the licensed health care professional.  
30 Administration of medical marijuana under this subsection may not take

1 place in a public place as defined in ORS 161.015 or in the presence of a  
2 person under 18 years of age. If the medical marijuana administered under  
3 this subsection is smoked, adequate ventilation must be provided.

4 “(b) Nothing in this subsection requires:

5 “(A) A licensed health care professional to administer medical marijuana;  
6 or

7 “(B) A licensed health care facility to make accommodations for the ad-  
8 ministration of medical marijuana.

9 **“SECTION 39.** ORS 475.331 is amended to read:

10 “475.331. (1)(a) The Oregon Health Authority shall [*create*] **establish** and  
11 maintain a list of [*the persons to whom the authority has issued registry*  
12 *identification cards, the names of any designated primary caregivers, the*  
13 *names of persons responsible for a medical marijuana facility registered under*  
14 *ORS 475.314, the addresses of authorized marijuana grow sites and the ad-*  
15 *resses of registered medical marijuana facilities.*]:

16 **“(A) The names of persons to whom a registry identification card**  
17 **has been issued under ORS 475.309;**

18 **“(B) The names of persons designated as primary caregivers under**  
19 **ORS 475.312; and**

20 **“(C) The addresses of marijuana grow sites registered under ORS**  
21 **475.304.**

22 **“(b) Except as provided in subsection (2) of this section, the list [*shall***  
23 ***be*] is confidential and not subject to public disclosure **under ORS 192.410****  
24 **to 192.505.**

25 **“[(b)] (c) The authority shall develop a system by which authorized em-**  
26 **ployees of state and local law enforcement agencies may verify [*at all***  
27 ***times*] that:**

28 **“(A) A person [*is a lawful possessor of*] **lawfully possesses** a registry**  
29 **identification card;**

30 **“(B) A person is the designated primary caregiver of a lawful possessor**



1 of a registry identification card; **or**

2 “(C) A location is [*an authorized*] **a registered** marijuana grow site[;].

3 “[*D*] A location is a registered medical marijuana facility; or]

4 “[*E*] A person is the person listed as the person responsible for a registered  
5 medical marijuana facility.]

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

9 “(a) Authorized employees of the authority as necessary to perform offi-  
10 cial duties of the authority.

11 “(b) Authorized employees of state or local law enforcement agencies[,]  
12 who provide to the authority adequate identification, [*such as a badge num-  
13 ber or similar authentication of authority,*] **but** only as necessary to verify  
14 that:

15 “(A) A person [*is a lawful possessor of*] **lawfully possesses** a registry  
16 identification card;

17 “(B) A person is the designated primary caregiver of a lawful possessor  
18 of a registry identification card; **or**

19 “(C) A location is [*an authorized*] **a registered** marijuana grow site[;].

20 “[*D*] A location is a registered medical marijuana facility; or]

21 “[*E*] A person is the person listed as the person responsible for a registered  
22 medical marijuana facility.]

23 “(3) Authorized employees of state or local law enforcement agencies  
24 [*that*] **who** obtain identifying information [*from the list*] as authorized  
25 [*under*] **by** this section may not release or use the information for any pur-  
26 pose other than [*verification*] **to verify** that:

27 “(a) A person [*is a lawful possessor of*] **lawfully possesses** a registry  
28 identification card;

29 “(b) A person is the designated primary caregiver of a lawful possessor  
30 of a registry identification card; **or**

1 “(c) A location is [*an authorized*] a **registered** 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  
4 medical marijuana facility.]

5 “(4) In addition to releasing information to authorized employees  
6 of state or local law enforcement agencies for purposes of verifying  
7 information under subsection (2)(b) of this section, the authority may  
8 release to authorized employees of state or local law enforcement  
9 agencies the minimum amount of information necessary to enable an  
10 employee to determine whether an individual or location is in compli-  
11 ance with a provision of ORS 475.300 to 475.346 or a rule adopted under  
12 ORS 475.300 to 475.346.

13 “(5) If the authority determines, after conducting an investigation  
14 or receiving a complaint of an alleged violation of a provision of ORS  
15 475.300 to 475.346 or a rule adopted under ORS 475.300 to 475.346, that  
16 a violation of a provision of ORS 475.300 to 475.346 or a rule adopted  
17 under ORS 475.300 to 475.346 has occurred, the authority may provide  
18 information obtained by the authority, except for information related  
19 to a registry identification cardholder’s debilitating condition, to au-  
20 thorized employees of state or local law enforcement agencies, or to  
21 another state or local government agency with jurisdiction over the  
22 matter.

23 “**SECTION 40.** ORS 475.334 is amended to read:

24 “475.334. Any person may [*submit a petition to*] **petition** the Oregon  
25 Health Authority [*requesting*] **to request** that a [*particular*] disease or con-  
26 dition be included among the diseases and conditions that qualify as debili-  
27 tating medical conditions under ORS [*475.302*] **475.300 to 475.346**. The  
28 authority shall adopt rules establishing [*the manner in which the authority*  
29 *will evaluate petitions submitted under this section*] **the procedure for filing**  
30 **a petition under this section and the manner by which the authority**

1 **evaluates a request made under this section.** [Any] Rules adopted [pur-  
2 suant to] **under** this section [shall] **must** require the authority to approve  
3 or deny a petition within 180 days of [receipt of] **receiving** the petition [by  
4 the authority]. Denial of a petition [shall be considered] **is** a final  
5 [authority] **agency** action subject to judicial review.

6 **“SECTION 41.** ORS 475.338 is amended to read:

7 “475.338. (1) The Oregon Health Authority shall adopt [all] rules neces-  
8 sary for the implementation, [and] administration **and enforcement** of ORS  
9 475.300 to 475.346.

10 **“(2) The authority may adopt rules as the authority considers nec-**  
11 **essary to protect the public health and safety.**

12 **“SECTION 42.** ORS 475.340 is amended to read:

13 “475.340. Nothing in ORS 475.300 to 475.346 [shall be construed to  
14 require] **requires:**

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

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

20 **“SECTION 43.** ORS 475.342 is amended to read:

21 “475.342. [Nothing in] **The provisions of** ORS 475.300 to 475.346 [shall  
22 protect] **do not protect** a person from a criminal cause of action based on  
23 possession, [production, or] delivery **or manufacture** of marijuana that is  
24 not [authorized by] **described in** ORS 475.300 to 475.346.

25

26

## “TESTING

27

28 **“SECTION 44.** As used in sections 44 to 55 of this 2015 Act:

29 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are**  
30 **the active constituents of marijuana.**

1       “(2) ‘Cannabinoid concentrate or extract’ means a substance ob-  
2       tained by separating cannabinoids from marijuana by a mechanical,  
3       chemical or other process.

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

7       “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any  
8       other product intended for human consumption or use, including a  
9       product intended to be applied to a person’s skin or hair, that contains  
10      cannabinoids or the dried leaves or flowers of marijuana.

11      “(b) ‘Cannabinoid product’ does not include:

12      “(A) Usable marijuana by itself;

13      “(B) A cannabinoid concentrate or extract by itself; or

14      “(C) Industrial hemp, as defined in ORS 571.300.

15      “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,  
16      any part of the plant Cannabis family Cannabaceae and the seeds of  
17      the plant Cannabis family Cannabaceae.

18      “(b) ‘Marijuana’ does not include industrial hemp, as defined in  
19      ORS 571.300.

20      “(6) ‘Marijuana item’ means marijuana, usable marijuana, a  
21      cannabinoid product or a cannabinoid concentrate or extract.

22      “(7) ‘Processing’ means the compounding or conversion of  
23      marijuana into cannabinoid products or cannabinoid concentrates or  
24      extracts.

25      “(8) ‘Production’ means:

26      “(a) Planting, cultivating, growing, trimming or harvesting  
27      marijuana; or

28      “(b) Drying marijuana leaves and flowers.

29      “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
30      marijuana.

1       **“(b) ‘Usable marijuana’ does not include:**

2       **“(A) The seeds, stalks and roots of marijuana; or**

3       **“(B) Waste material that is a by-product of producing marijuana.**

4       **“SECTION 45. (1) Sections 44 to 55 of this 2015 Act and rules adopted**  
5 **under sections 44 to 55 of this 2015 Act shall serve as the basis for es-**  
6 **tablishing the minimum standards for testing marijuana items in this**  
7 **state as required under ORS 475.300 to 475.346 and section 50, chapter**  
8 **1, Oregon Laws 2015.**

9       **“(2) Sections 44 to 55 of this 2015 Act do not prevent the Oregon**  
10 **Health Authority or the Oregon Liquor Control Commission from es-**  
11 **tablishing additional minimum standards for testing marijuana items,**  
12 **or from establishing minimum standards for producing or processing**  
13 **marijuana items, if the authority or commission is otherwise author-**  
14 **ized under the statutory laws of this state to establish those standards.**

15       **“SECTION 46. (1) The Oregon Health Authority shall require all**  
16 **marijuana items transferred by a medical marijuana dispensary regis-**  
17 **tered under ORS 475.314, and the Oregon Liquor Control Commission**  
18 **shall require all marijuana items sold by a marijuana retailer that**  
19 **holds a license under section 22, chapter 1, Oregon Laws 2015, to be**  
20 **tested to ensure the public health and safety.**

21       **“(2)(a) In adopting rules to implement sections 44 to 55 of this 2015**  
22 **Act, the authority may require:**

23       **“(A) A person responsible for a marijuana grow site under ORS**  
24 **475.304, a marijuana producer that holds a license under section 19,**  
25 **chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a**  
26 **license under section 21, chapter 1, Oregon Laws 2015, to test usable**  
27 **marijuana before selling or transferring the usable marijuana; and**

28       **“(B) A marijuana processing site registered under section 10 of this**  
29 **2015 Act, a marijuana processor that holds a license under section 20,**  
30 **chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a**

1 license under section 21, chapter 1, Oregon Laws 2015, to test  
2 cannabinoid products or cannabinoid concentrates or extracts before  
3 selling or transferring the cannabinoid products or cannabinoid con-  
4 concentrates or extracts.

5 “(b) In adopting rules to implement sections 44 to 55 of this 2015  
6 Act, the authority may not require a marijuana item to be tested more  
7 than once unless the marijuana item is processed into a different type  
8 of marijuana item.

9 “(3) The testing of marijuana items as required by this section must  
10 be conducted by a laboratory licensed by the authority under section  
11 47 of this 2015 Act and accredited by the authority as described in  
12 section 48 of this 2015 Act.

13 **“SECTION 47. (1) A laboratory that conducts testing of marijuana**  
14 **items as required by section 46 of this 2015 Act must have a license to**  
15 **operate at the premises at which the marijuana items are tested.**

16 “(2) For purposes of this section, the Oregon Health Authority shall  
17 adopt rules establishing:

18 “(a) Qualifications to be licensed under this section, including that  
19 an applicant for licensure under this section must be accredited by the  
20 authority as described in section 48 of this 2015 Act;

21 “(b) Processes for applying for and renewing a license under this  
22 section; and

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

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

26 “(4) Fees adopted under subsection (2)(c) of this section must be  
27 reasonably calculated to pay the expenses incurred by the commission  
28 under sections 44 to 55 of this 2015 Act.

29 “(5) Fee moneys collected under this section shall be deposited in  
30 the Oregon Health Authority Fund established under ORS 413.101 and

1 are continuously appropriated to the authority for the purpose of  
2 carrying out the duties, functions and powers of the authority under  
3 sections 44 to 55 of this 2015 Act.

4 **“SECTION 48. (1) A laboratory that conducts testing of marijuana**  
5 **items as required by section 46 of this 2015 Act must be accredited**  
6 **under ORS 438.605 to 438.620 and meet other qualifications as estab-**  
7 **lished by the Oregon Health Authority under this section.**

8 **“(2) In addition to other qualifications required pursuant to ORS**  
9 **438.605 to 438.620, the authority shall require an applicant for accredi-**  
10 **tation under ORS 438.605 to 438.620 for purposes related to the testing**  
11 **of marijuana items to:**

12 **“(a) Complete an online application;**

13 **“(b) Undergo an onsite inspection; and**

14 **“(c) Meet other applicable requirements, specifications and guide-**  
15 **lines for testing marijuana items, as determined to be appropriate by**  
16 **the authority by rule.**

17 **“(3) In establishing fees under ORS 438.620 for laboratories that test**  
18 **marijuana items, the authority shall establish fees that are reasonably**  
19 **calculated to pay the expenses incurred by the authority under this**  
20 **section and ORS 438.605 to 439.620 in accrediting laboratories that test**  
21 **marijuana items.**

22 **“SECTION 49. (1) The Oregon Health Authority, in consultation**  
23 **with the Oregon Liquor Control Commission and the State Department**  
24 **of Agriculture, shall adopt rules establishing minimum standards for**  
25 **testing marijuana items. At a minimum, rules adopted under this**  
26 **section shall:**

27 **“(a) Establish procedures for tracking usable marijuana,**  
28 **cannabinoid products and cannabinoid concentrates or extracts to be**  
29 **tested;**

30 **“(b) Establish procedures for determining batch sizes and for sam-**

1 **pling usable marijuana, cannabinoid products and cannabinoid con-**  
2 **centrates or extracts;**

3 **“(c) Establish procedures for documenting and reporting test re-**  
4 **sults;**

5 **“(d) Establish procedures for disposing of samples of usable**  
6 **marijuana, cannabinoid products and cannabinoid concentrates or ex-**  
7 **tracts that have been tested;**

8 **“(e) Establish procedures for testing usable marijuana, cannabinoid**  
9 **products and cannabinoid concentrates or extracts for**  
10 **tetrahydrocannabinol and cannabidiol concentration;**

11 **“(f) Establish procedures for testing usable marijuana for microbi-**  
12 **ological contaminants, pesticides and other contaminants as the au-**  
13 **thority determines is necessary to protect the public health and safety;**

14 **“(g) Establish procedures for testing cannabinoid concentrates or**  
15 **extracts made by separating cannabinoids from marijuana by an ex-**  
16 **traction process other than the extraction process described in para-**  
17 **graph (h) of this subsection for microbiological contaminants,**  
18 **pesticides and other contaminants as the authority determines is**  
19 **necessary to protect the public health and safety;**

20 **“(h) Establish procedures for testing cannabinoid concentrates or**  
21 **extracts made by separating cannabinoids from marijuana by a chem-**  
22 **ical extraction process using a hydrocarbon-based solvent for residual**  
23 **solvents, chemical contaminants, pesticides and other contaminants**  
24 **as the authority determines is necessary to protect the public health**  
25 **and safety;**

26 **“(i) Require cannabinoid edibles to be tested in accordance with any**  
27 **applicable law of this state, or any applicable rule adopted under a law**  
28 **of this state, related to the production and processing of food products**  
29 **or commodities; and**

30 **“(j) Require cannabinoid products that are meant to be applied to**



1 the surfaces of the skin to be tested for residual solvents as the au-  
2 thority determines is necessary to protect the public health and safety.

3 “(2) The authority may establish additional procedures for testing  
4 usable marijuana, cannabinoid products and cannabinoid concentrates  
5 and extracts as the authority determines is necessary to protect the  
6 public health and safety.

7 “(3) In adopting rules under subsections (1) and (2) of this section,  
8 the authority:

9 “(a) May establish different minimum standards for different vari-  
10 eties of usable marijuana and different types of cannabinoid products  
11 and cannabinoid concentrates or extracts;

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

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

19 “(d) May not adopt rules that are more restrictive than is necessary  
20 to protect the public health and safety.

21 “SECTION 50. Sections 44 to 55 of this 2015 Act do not apply to a  
22 person responsible for a marijuana grow site under ORS 475.304, or a  
23 person who has been designated as a primary caregiver under ORS  
24 475.312, who transfers marijuana, usable marijuana, a cannabinoid  
25 product or a cannabinoid concentrate or extract to a person who holds  
26 a registry identification card issued under ORS 475.309 or a person who  
27 has been designated as a primary caregiver.

28 “SECTION 51. (1) The Oregon Health Authority may inspect prem-  
29 ises licensed under section 47 of this 2015 Act to ensure compliance  
30 with sections 44 to 55 of this 2015 Act and rules adopted under sections

1 44 to 55 of this 2015 Act.

2 “(2) The authority may enter into an agreement with the Oregon  
3 Liquor Control Commission for the purpose of conducting investi-  
4 gations under this section. If the authority enters into an agreement  
5 with the commission under this section, the commission shall have the  
6 power to conduct investigations under sections 44 to 55 of this 2015 Act  
7 in the same manner that the commission is authorized to conduct in-  
8 vestigations under sections 3 to 70, chapter 1, Oregon Laws 2015, with  
9 respect to premises for which persons hold a license under section 19,  
10 20, 21 or 22, chapter 1, Oregon Laws 2015.

11 “SECTION 52. Subject to the provisions of ORS chapter 183, the  
12 authority may refuse to issue or renew, or may suspend or revoke, a  
13 license issued under section 47 of this 2015 Act, for violation of:

14 “(1) A provision of sections 44 to 55 of this 2015 Act or a rule adopted  
15 under sections 44 to 55 of this 2015 Act;

16 “(2) A provision of ORS 475.300 to 475.346 or a rule adopted under  
17 ORS 475.300 to 475.346; or

18 “(3) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015,  
19 or a rule adopted under a provision of sections 3 to 70, chapter 1,  
20 Oregon Laws 2015.

21 “SECTION 53. (1) In addition to any other liability or penalty pro-  
22 vided by law, the Oregon Health Authority may impose for each vio-  
23 lation of a provision of sections 44 to 55 of this 2015 Act, or a rule  
24 adopted under a provision of sections 44 to 55 of this 2015 Act, a civil  
25 penalty that does not exceed \$500 for each day that the violation oc-  
26 curs.

27 “(2) The authority shall impose civil penalties under this section in  
28 the manner provided by ORS 183.745.

29 “(3) Moneys collected under this section shall be deposited in the  
30 Oregon Health Authority Fund established under ORS 413.101 and are

1 continuously appropriated to the authority for the purpose of carrying  
2 out the duties, functions and powers of the authority under sections  
3 44 to 55 of this 2015 Act.

4 **“SECTION 54.** Subject to the applicable provisions of ORS chapter  
5 183:

6 **“(1)** The Oregon Health Authority may refuse to register a person  
7 under ORS 475.304 or 475.314, may suspend activities conducted by a  
8 registrant pursuant to ORS 475.304 or 475.314, or may remove a regis-  
9 trant from a registry kept pursuant to ORS 475.304 or 475.314, if the  
10 person violates section 46 of this 2015 Act or a rule adopted under  
11 section 46 of this 2015 Act.

12 **“(2)** The Oregon Liquor Control Commission may refuse to issue or  
13 renew, or may suspend or revoke, a license issued under section 19,  
14 20, 21 or 22, chapter 1, Oregon Laws 2015, if the applicant or licensee  
15 violates section 46 of this 2015 Act or a rule adopted under section 46  
16 of this 2015 Act.

17 **“SECTION 55.** A person who holds a license under section 47 of this  
18 2015 Act, and an employee or other person who performs work for a  
19 person who holds a license under section 47 of this 2015 Act, are ex-  
20 empt from the criminal laws of this state for possession, delivery or  
21 manufacture of marijuana, aiding and abetting another in the pos-  
22 session, delivery or manufacture of marijuana, or any other criminal  
23 offense in which possession, delivery or manufacture of marijuana is  
24 an element.

25

26

## “PACKAGING AND LABELING

27

28 **“SECTION 56.** As used in sections 56 to 63 of this 2015 Act:

29 **“(1)** ‘Cannabinoid’ means any of the chemical compounds that are  
30 the active constituents of marijuana.

1       “(2) ‘Cannabinoid concentrate or extract’ means a substance ob-  
2       tained by separating cannabinoids from marijuana by a mechanical,  
3       chemical or other process.

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

7       “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any  
8       other product intended for human consumption or use, including a  
9       product intended to be applied to a person’s skin or hair, that contains  
10      cannabinoids or the dried leaves or flowers of marijuana.

11      “(b) ‘Cannabinoid product’ does not include:

12      “(A) Usable marijuana by itself;

13      “(B) A cannabinoid concentrate or extract by itself; or

14      “(C) Industrial hemp, as defined in ORS 571.300.

15      “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,  
16      any part of the plant Cannabis family Cannabaceae and the seeds of  
17      the plant Cannabis family Cannabaceae.

18      “(b) ‘Marijuana’ does not include industrial hemp, as defined in  
19      ORS 571.300.

20      “(6) ‘Marijuana item’ means marijuana, usable marijuana, a  
21      cannabinoid product or a cannabinoid concentrate or extract.

22      “(7) ‘Processing’ means the compounding or conversion of  
23      marijuana into cannabinoid products or cannabinoid concentrates or  
24      extracts.

25      “(8) ‘Production’ means:

26      “(a) Planting, cultivating, growing, trimming or harvesting  
27      marijuana; or

28      “(b) Drying marijuana leaves and flowers.

29      “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
30      marijuana.

1       **“(b) ‘Usable marijuana’ does not include:**

2       **“(A) The seeds, stalks and roots of marijuana; or**

3       **“(B) Waste material that is a by-product of producing marijuana.**

4       **“SECTION 57. (1) Sections 56 to 63 of this 2015 Act and rules adopted**  
5 **under sections 56 to 63 of this 2015 Act shall serve as the basis for es-**  
6 **tablishing the minimum standards for packaging and labeling usable**  
7 **marijuana, cannabinoid products and cannabinoid concentrates or ex-**  
8 **tracts in this state as required under ORS 475.300 to 475.346 and section**  
9 **50, chapter 1, Oregon Laws 2015.**

10       **“(2) Sections 56 to 63 of this 2015 Act do not prevent the Oregon**  
11 **Health Authority or the Oregon Liquor Control Commission from es-**  
12 **tablishing additional minimum standards for packaging and labeling**  
13 **usable marijuana, cannabinoid products and cannabinoid concentrates**  
14 **or extracts, or from establishing minimum standards for producing or**  
15 **processing marijuana items, if the authority or commission is other-**  
16 **wise authorized under the statutory laws of this state to establish**  
17 **those standards.**

18       **“SECTION 58. The Oregon Health Authority shall require all usable**  
19 **marijuana, cannabinoid products and cannabinoid concentrates or ex-**  
20 **tracts transferred by a medical marijuana dispensary registered under**  
21 **ORS 475.314, and the Oregon Liquor Control Commission shall require**  
22 **all usable marijuana, cannabinoid products and cannabinoid concen-**  
23 **trates or extracts sold by a marijuana retailer that holds a license**  
24 **under section 22, chapter 1, Oregon Laws 2015, to be packaged and la-**  
25 **beled in a manner that ensures the public health and safety. Packag-**  
26 **ing and labeling usable marijuana, cannabinoid products and**  
27 **cannabinoid concentrates or extracts as required by this section must**  
28 **be done in accordance with section 59 of this 2015 Act.**

29       **“SECTION 59. (1) The Oregon Health Authority, in consultation**  
30 **with the Oregon Liquor Control Commission and the State Department**

1 of Agriculture, shall adopt rules establishing minimum standards for  
2 packaging and labeling usable marijuana, cannabinoid products and  
3 cannabinoid concentrates or extracts. At a minimum, rules adopted  
4 under this section shall:

5 “(a) Ensure that usable marijuana, cannabinoid edibles,  
6 cannabinoid concentrates or extracts and other cannabinoid products,  
7 as determined necessary by the authority, are packaged in child-  
8 resistant safety packaging;

9 “(b) Ensure that usable marijuana, cannabinoid edibles,  
10 cannabinoid concentrates or extracts and other cannabinoid products,  
11 as determined necessary by the authority, are not marketed in a  
12 manner that is untruthful or misleading, or that otherwise creates a  
13 significant risk to public health and safety;

14 “(c) Ensure that cannabinoid edibles and other cannabinoid pro-  
15 ducts, as determined necessary by the authority, are not packaged or  
16 presented in a manner that is attractive to minors;

17 “(d) Ensure that cannabinoid edibles and other cannabinoid pro-  
18 ducts, as determined necessary by the authority, are not marketed in  
19 a manner that is attractive to minors;

20 “(e) Ensure that cannabinoid edibles, cannabinoid concentrates or  
21 extracts and other cannabinoid products, as determined necessary by  
22 the authority, are labeled to include information related to the  
23 potency of the cannabinoid edible, cannabinoid concentrate or extract  
24 or other cannabinoid product; and

25 “(f) Ensure that cannabinoid edibles are labeled in accordance with  
26 any state or federal law, rule or regulation prescribing a labeling re-  
27 quirement for the same type of food product or potable liquid when the  
28 food product or potable liquid does not contain marijuana or  
29 cannabinoids.

30 “(2) In adopting rules under subsection (1) of this section, the au-

1 **thority:**

2 **“(a) May establish different minimum standards for different vari-**  
3 **eties of usable marijuana and for different types of cannabinoid pro-**  
4 **ducts and cannabinoid concentrates or extracts;**

5 **“(b) May establish different minimum standards for persons regis-**  
6 **tered under ORS 475.300 to 475.346 and persons licensed under sections**  
7 **3 to 70, chapter 1, Oregon Laws 2015;**

8 **“(c) Shall consider the cost of a potential requirement and the fea-**  
9 **sibility that a person registered under ORS 475.300 to 475.346 or a per-**  
10 **son licensed under sections 3 to 70, chapter 1, Oregon Laws 2015, can**  
11 **afford to comply with the requirement; and**

12 **“(d) May not adopt rules that are more restrictive than is necessary**  
13 **to protect the public health and safety.**

14 **“SECTION 60. Sections 56 to 63 of this 2015 Act do not apply to a**  
15 **person responsible for a marijuana grow site under ORS 475.304, or a**  
16 **person who has been designated as a primary caregiver under ORS**  
17 **475.312, who transfers usable marijuana, a cannabinoid product or a**  
18 **cannabinoid concentrate or extract to a person who holds a registry**  
19 **identification card issued under ORS 475.309 or a person who has been**  
20 **designated as a primary caregiver.**

21 **“SECTION 61. (1) The Oregon Health Authority may inspect the**  
22 **premises of a medical marijuana dispensary registered under ORS**  
23 **475.314, or the premises of a person who holds a license under section**  
24 **19, 20, 21 or 22, chapter 1, Oregon Laws 2015, to ensure compliance with**  
25 **sections 56 to 63 of this 2015 Act and any rule adopted under sections**  
26 **56 to 63 of this 2015 Act.**

27 **“(2) The authority may enter into an agreement with the Oregon**  
28 **Liquor Control Commission for the purpose of conducting investi-**  
29 **gations under this section. If the authority enters into an agreement**  
30 **with the commission under this section, the commission shall have the**

1 power to conduct investigations under sections 56 to 63 of this 2015 Act  
2 in the same manner that the commission is authorized to conduct in-  
3 vestigations under sections 3 to 70, chapter 1, Oregon Laws 2015, with  
4 respect to premises for which persons hold a license under section 19,  
5 20, 21 or 22, chapter 1, Oregon Laws 2015.

6 **“SECTION 62.** Subject to the applicable provisions of ORS chapter  
7 183:

8 **“(1)** The Oregon Health Authority may refuse to register a person  
9 under ORS 475.304 or 475.314, may suspend activities conducted by a  
10 registrant pursuant to ORS 475.304 or 475.314, or may remove a regis-  
11 trant from a registry kept pursuant to ORS 475.304 or 475.314, if the  
12 person violates any provision of sections 56 to 63 of this 2015 Act or  
13 any rule adopted under sections 56 to 63 of this 2015 Act.

14 **“(2)** The Oregon Liquor Control Commission may refuse to issue or  
15 renew, or may suspend or revoke, a license issued under section 19,  
16 20, 21 or 22, chapter 1, Oregon Laws 2015, if the applicant or licensee  
17 violates a provision of sections 56 to 63 of this 2015 Act or any rule  
18 adopted under sections 56 to 63 of this 2015 Act.

19 **“SECTION 63.** (1) In addition to any other liability or penalty pro-  
20 vided by law, the Oregon Health Authority may impose for each vio-  
21 lation of a provision of sections 56 to 63 of this 2015 Act, or a rule  
22 adopted under a provision of sections 56 to 63 of this 2015 Act, a civil  
23 penalty that does not exceed \$500 for each day that the violation oc-  
24 curs.

25 **“(2)** The authority shall impose civil penalties under this subsection  
26 in the manner provided by ORS 183.745.

27 **“(3)** Moneys collected under this section shall be deposited in the  
28 Oregon Health Authority Fund established under ORS 413.101 and are  
29 continuously appropriated to the authority for the purpose of carrying  
30 out the duties, functions and powers of the authority under sections



1 **56 to 63 of this 2015 Act.**

2 **“SECTION 64. The rules of the Oregon Health Authority adopted**  
3 **under ORS 475.314 (8) as that statute was in effect before the operative**  
4 **date specified in section 78 of this 2015 Act continue in effect until**  
5 **superseded or repealed by rules of the authority adopted under section**  
6 **59 of this 2015 Act.**

7

8 **“CONFORMING AMENDMENTS**

9

10 **“SECTION 65. ORS 181.534 is amended to read:**

11 **“181.534. (1) As used in this section:**

12 **“(a) ‘Authorized agency’ means state government as defined in ORS**  
13 **174.111 and the Oregon State Bar. ‘Authorized agency’ does not include:**

14 **“(A) The Oregon State Lottery Commission or the Oregon State Lottery;**  
15 **or**

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

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

22 **“(2) An authorized agency may request that the Department of State Po-**  
23 **lice conduct a criminal records check on a subject individual for non-**  
24 **criminal justice purposes. If a nationwide criminal records check of a subject**  
25 **individual is necessary, the authorized agency may request that the Depart-**  
26 **ment of State Police conduct the check, including fingerprint identification,**  
27 **through the Federal Bureau of Investigation.**

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

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

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

11 “(6) If only a state criminal records check is conducted, the Department  
12 of State Police shall destroy the fingerprint cards after the criminal records  
13 check is completed and the results of the criminal records check provided to  
14 the authorized agency and shall retain no facsimiles or other material from  
15 which a fingerprint can be reproduced.

16 “(7) An authorized agency may conduct criminal records checks on sub-  
17 ject individuals through the Law Enforcement Data System maintained by  
18 the Department of State Police in accordance with rules adopted, and pro-  
19 cedures established, by the Department of State Police.

20 “(8) An authorized agency and the Department of State Police shall per-  
21 mit a subject individual for whom a fingerprint-based criminal records check  
22 was conducted to inspect the individual’s own state and national criminal  
23 offender records and, if requested by the subject individual, provide the in-  
24 dividual with a copy of the individual’s own state and national criminal  
25 offender records.

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

30 “(a) Identifying applicable categories of subject individuals as specified

1 by the Oregon Department of Administrative Services under ORS 181.547 who  
2 are subject to criminal records checks by the authorized agency.

3 “(b) Identifying applicable information that may be required from a sub-  
4 ject individual to permit a criminal records check as specified by the Oregon  
5 Department of Administrative Services under ORS 181.547.

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

7 “(d) If the authorized agency uses criminal records checks for agency  
8 employment purposes:

9 “(A) Determining when and under what conditions a subject individual  
10 may be hired on a preliminary basis pending a criminal records check; and

11 “(B) Defining the conditions under which a subject individual may par-  
12 ticipate in training, orientation and work activities pending completion of  
13 a criminal records check.

14 “(e) Establishing fees in an amount not to exceed the actual cost of ac-  
15 quiring and furnishing criminal offender information.

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

18 “(11)(a) Except as otherwise provided in ORS 181.612, 342.143, 342.223,  
19 443.735 and ~~[475.304]~~ **475.300 to 475.346** and paragraph (b) of this subsection,  
20 an authorized agency, using the rules adopted by the authorized agency un-  
21 der subsection (9) of this section and the rules adopted by the Oregon De-  
22 partment of Administrative Services under ORS 181.547, shall determine  
23 whether a subject individual is fit to hold a position, provide services, be  
24 employed or be granted a license, certification, registration or permit, based  
25 on the criminal records check obtained pursuant to this section, on any false  
26 statements made by the individual regarding the criminal history of the in-  
27 dividual and on any refusal to submit or consent to a criminal records check  
28 including fingerprint identification. If a subject individual is determined to  
29 be unfit, then the individual may not hold the position, provide services, be  
30 employed or be granted a license, certification, registration or permit.

1       “(b) An individual prohibited from receiving public funds for employment  
2 under ORS 443.004 (3) is not entitled to a determination of fitness as a sub-  
3 ject individual under paragraph (a) of this subsection.

4       “(c)(A) Subject to subparagraph (B) of this paragraph, an authorized  
5 agency making a fitness determination of an individual under this subsection  
6 may request results of a previously made fitness determination from an au-  
7 thorized agency that has already made a fitness determination for the indi-  
8 vidual. An authorized agency that receives a request under this paragraph  
9 shall provide the requested information.

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

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

14       “(ii) Who are in a category of individuals as specified by the Oregon De-  
15 partment of Administrative Services under ORS 181.547; and

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

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

20       “(a) The nature of the crime;

21       “(b) The facts that support the conviction or pending indictment or that  
22 indicate the making of the false statement;

23       “(c) The relevancy, if any, of the crime or the false statement to the spe-  
24 cific requirements of the subject individual’s present or proposed position,  
25 services, employment, license, certification or registration; and

26       “(d) Intervening circumstances relevant to the responsibilities and cir-  
27 cumstances of the position, services, employment, license, certification, reg-  
28 istration or permit. Intervening circumstances include but are not limited  
29 to:

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

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

2 “(C) The likelihood of a repetition of offenses or of the commission of  
3 another crime;

4 “(D) The subsequent commission of another relevant crime;

5 “(E) Whether the conviction was set aside and the legal effect of setting  
6 aside the conviction; and

7 “(F) A recommendation of an employer.

8 “(13) An authorized agency and an employee of an authorized agency  
9 acting within the course and scope of employment are immune from any civil  
10 liability that might otherwise be incurred or imposed for determining, pur-  
11 suant to subsection (11) of this section, that a subject individual is fit or not  
12 fit to hold a position, provide services, be employed or be granted a license,  
13 certification, registration or permit. An authorized agency and an employee  
14 of an authorized agency acting within the course and scope of employment  
15 who in good faith comply with this section are not liable for employment-  
16 related decisions based on determinations made under subsection (11) of this  
17 section. An authorized agency or an employee of an authorized agency acting  
18 within the course and scope of employment is not liable for defamation or  
19 invasion of privacy in connection with the lawful dissemination of informa-  
20 tion lawfully obtained under this section.

21 “(14)(a) Each authorized agency shall establish by rule a contested case  
22 process by which a subject individual may appeal the determination that the  
23 individual is fit or not fit to hold a position, provide services, be employed  
24 or be granted a license, certification, registration or permit on the basis of  
25 information obtained as the result of a criminal records check conducted  
26 pursuant to this section. Challenges to the accuracy or completeness of in-  
27 formation provided by the Department of State Police, the Federal Bureau  
28 of Investigation and agencies reporting information to the Department of  
29 State Police or Federal Bureau of Investigation must be made through the  
30 Department of State Police, Federal Bureau of Investigation or reporting

1 agency and not through the contested case process required by this para-  
2 graph.

3 “(b) A subject individual who is employed by an authorized agency and  
4 who is determined not to be fit for a position on the basis of information  
5 obtained as the result of a criminal records check conducted pursuant to this  
6 section may appeal the determination through the contested case process  
7 adopted under this subsection or applicable personnel rules, policies and  
8 collective bargaining provisions. An individual’s decision to appeal a deter-  
9 mination through personnel rules, policies and collective bargaining pro-  
10 visions is an election of remedies as to the rights of the individual with  
11 respect to the fitness determination and is a waiver of the contested case  
12 process.

13 “(c) An individual prohibited from receiving public funds for employment  
14 under ORS 443.004 (3) is not entitled to appeal a determination under para-  
15 graph (a) or (b) of this subsection.

16 “(15) Criminal offender information is confidential. Authorized agencies  
17 and the Department of State Police shall adopt rules to restrict dissem-  
18 ination of information received under this section to persons with a demon-  
19 strated and legitimate need to know the information.

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

24 “(17) If an authorized agency requires a criminal records check of em-  
25 ployees, prospective employees, contractors, vendors or volunteers or appli-  
26 cants for a license, certification, registration or permit, the application forms  
27 of the authorized agency must contain a notice that the person is subject to  
28 fingerprinting and a criminal records check.

29 **“SECTION 66.** ORS 181.537 is amended to read:

30 “181.537. (1) As used in this section:

1       “(a) ‘Care’ means the provision of care, treatment, education, training,  
2 instruction, supervision, placement services, recreation or support to chil-  
3 dren, the elderly or persons with disabilities.

4       “(b) ‘Native American tribe’ has the meaning given that term in ORS  
5 181.538 (4).

6       “(c) ‘Qualified entity’ means a community mental health program, a com-  
7 munity developmental disabilities program, a local health department, the  
8 government of a Native American tribe or an agency of a Native American  
9 tribe responsible for child welfare or an individual or business or organiza-  
10 tion, whether public, private, for-profit, nonprofit or voluntary, that provides  
11 care, including a business or organization that licenses, certifies or registers  
12 others to provide care.

13       “(2) For the purpose of requesting a state or nationwide criminal records  
14 check under ORS 181.534, the Department of Human Services, the Oregon  
15 Health Authority and the Employment Department may require the finger-  
16 prints of a person:

17       “(a) Who is employed by or is applying for employment with either de-  
18 partment or the authority;

19       “(b) Who provides or seeks to provide services to either department or the  
20 authority as a contractor, subcontractor, vendor or volunteer who:

21       “(A) May have contact with recipients of care;

22       “(B) Has access to personal information about employees of either de-  
23 partment or the authority, recipients of care from either department or the  
24 authority or members of the public, including Social Security numbers, dates  
25 of birth, driver license numbers, medical information, personal financial in-  
26 formation or criminal background information;

27       “(C) Has access to information the disclosure of which is prohibited by  
28 state or federal laws, rules or regulations, or information that is defined as  
29 confidential under state or federal laws, rules or regulations;

30       “(D) Has access to property held in trust or to private property in the

1 temporary custody of the state;

2 “(E) Has payroll or fiscal functions or responsibility for:

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

4 “(ii) Billing, collections, setting up financial accounts or other financial

5 transactions; or

6 “(iii) Purchasing or selling property;

7 “(F) Provides security, design or construction services for government

8 buildings, grounds or facilities;

9 “(G) Has access to critical infrastructure or secure facilities information;

10 or

11 “(H) Is providing information technology services and has control over

12 or access to information technology systems;

13 “(c) For the purposes of licensing, certifying, registering or otherwise

14 regulating or administering programs, persons or qualified entities that pro-

15 vide care;

16 “(d) For the purposes of employment decisions by or for qualified entities

17 that are regulated or otherwise subject to oversight by the Department of

18 Human Services or the Oregon Health Authority and that provide care;

19 “(e) For the purposes of employment decisions made by a mass transit

20 district or transportation district for qualified entities that, under contracts

21 with the district or the Oregon Health Authority, employ persons to operate

22 motor vehicles for the transportation of medical assistance program clients;

23 or

24 “(f) For the purposes of licensure, certification or registration of foster

25 homes by the government of a Native American tribe or an agency of a Na-

26 tive American tribe responsible for child welfare.

27 “(3) The Department of Human Services and the Oregon Health Authority

28 may conduct criminal records checks on a person through the Law Enforce-

29 ment Data System maintained by the Department of State Police, if deemed

30 necessary by the Department of Human Services or the Oregon Health Au-



1 thority to protect children, elderly persons, persons with disabilities or other  
2 vulnerable persons.

3 “(4) The Department of Human Services and the Oregon Health Authority  
4 may furnish to qualified entities, in accordance with the rules of the De-  
5 partment of Human Services or the Oregon Health Authority and the rules  
6 of the Department of State Police, information received from the Law  
7 Enforcement Data System. However, any criminal offender records and in-  
8 formation furnished to the Department of Human Services or the Oregon  
9 Health Authority by the Federal Bureau of Investigation through the De-  
10 partment of State Police may not be disseminated to qualified entities.

11 “(5)(a) Except as otherwise provided in ORS 443.735 and [~~475.304~~] **475.300**  
12 **to 475.346**, a qualified entity, using rules adopted by the Department of Hu-  
13 man Services or the Oregon Health Authority under ORS 181.534 (9) and  
14 rules adopted by the Oregon Department of Administrative Services under  
15 ORS 181.547, shall determine under this section whether a person is fit to  
16 hold a position, provide services, be employed or, if the qualified entity has  
17 authority to make such a determination, be licensed, certified or registered,  
18 based on the criminal records check obtained pursuant to ORS 181.534, any  
19 false statements made by the person regarding the criminal history of the  
20 person and any refusal to submit or consent to a criminal records check in-  
21 cluding fingerprint identification. If a person is determined to be unfit, then  
22 that person may not hold the position, provide services or be employed, li-  
23 censed, certified or registered.

24 “(b) A person prohibited from receiving public funds for employment un-  
25 der ORS 443.004 (3) is not entitled to a determination of fitness under para-  
26 graph (a) of this subsection.

27 “(6) In making the fitness determination under subsection (5) of this sec-  
28 tion, the qualified entity shall consider:

29 “(a) The nature of the crime;

30 “(b) The facts that support the conviction or pending indictment or indi-

1 cate the making of the false statement;

2 “(c) The relevancy, if any, of the crime or the false statement to the spe-  
3 cific requirements of the person’s present or proposed position, services, em-  
4 ployment, license, certification or registration; and

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

12 “(7) The Department of Human Services, the Oregon Health Authority  
13 and the Employment Department may make fitness determinations based on  
14 criminal offender records and information furnished by the Federal Bureau  
15 of Investigation through the Department of State Police only as described in  
16 ORS 181.534.

17 “(8) A qualified entity and an employee of a qualified entity acting within  
18 the course and scope of employment are immune from any civil liability that  
19 might otherwise be incurred or imposed for determining pursuant to sub-  
20 section (5) of this section that a person is fit or not fit to hold a position,  
21 provide services or be employed, licensed, certified or registered. A qualified  
22 entity, employee of a qualified entity acting within the course and scope of  
23 employment and an employer or employer’s agent who in good faith comply  
24 with this section and the decision of the qualified entity or employee of the  
25 qualified entity acting within the course and scope of employment are not  
26 liable for the failure to hire a prospective employee or the decision to dis-  
27 charge an employee on the basis of the qualified entity’s decision. An em-  
28 ployee of the state acting within the course and scope of employment is not  
29 liable for defamation or invasion of privacy in connection with the lawful  
30 dissemination of information lawfully obtained under this section.

1       “(9) The Department of Human Services and the Oregon Health Author-  
2       ity, subject to rules adopted by the Oregon Department of Administrative  
3       Services under ORS 181.547, shall develop systems that maintain information  
4       regarding criminal records checks in order to minimize the administrative  
5       burden imposed by this section and ORS 181.534. Records maintained under  
6       this subsection are confidential and may not be disseminated except for the  
7       purposes of this section and in accordance with the rules of the Department  
8       of Human Services, the Oregon Health Authority and the Department of  
9       State Police. Nothing in this subsection permits the Department of Human  
10      Services to retain fingerprint cards obtained pursuant to this section.

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

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

15      “(b) Specifying which qualified entities may request criminal offender in-  
16      formation;

17      “(c) Specifying which qualified entities are responsible for deciding, sub-  
18      ject to rules adopted by the Oregon Department of Administrative Services  
19      under ORS 181.547, whether a subject individual is not fit for a position,  
20      service, license, certification, registration or employment; and

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

26      “(11) If a person refuses to consent to the criminal records check or re-  
27      fuses to be fingerprinted, the qualified entity shall deny or terminate the  
28      employment of the person, or revoke or deny any applicable position, au-  
29      thority to provide services, employment, license, certification or registration.

30      “(12) If the qualified entity requires a criminal records check of employees

1 or other persons, the application forms of the qualified entity must contain  
2 a notice that employment is subject to fingerprinting and a criminal records  
3 check.

4 **“SECTION 67.** Section 5, chapter 1, Oregon Laws 2015, is amended to  
5 read:

6 **“Sec. 5.** As used in sections 3 to 70, **chapter 1, Oregon Laws 2015** [*of*  
7 *this Act*]:

8 “(1) ‘Authority’ means the Oregon Health Authority.

9 “(2) ‘Commission’ means the Oregon Liquor Control Commission.

10 “(3) ‘Consumer’ means a person who purchases, acquires, owns, holds[,]  
11 or uses marijuana items other than for the purpose of resale.

12 “(4) ‘Department’ means the State Department of Agriculture.

13 “(5)(a) [*Financial consideration,*’ *except as provided in paragraph (b) of*  
14 *this subsection,*] **‘Financial consideration’** means value that is given or re-  
15 ceived directly or indirectly through sales, barter, trade, fees, charges, dues,  
16 contributions or donations.

17 “(b) ‘Financial consideration’ does not mean any of the following:

18 “(A) Homegrown marijuana made by another person.

19 “(B) Homemade marijuana products made by another person.

20 “(6) ‘Homegrown’ or ‘homemade’ means grown or made by a person 21  
21 years of age or older for noncommercial purposes.

22 “(7) ‘Household’ means a housing unit[,] and [*includes*] any place in or  
23 around the housing unit at which the occupants of the housing unit are  
24 producing, processing, keeping[,] or storing homegrown marijuana or home-  
25 made marijuana products.

26 “(8) ‘Housing unit’ means a house, an apartment[,] **or** a mobile home, **or**  
27 a group of rooms[,] or a single room that is occupied as separate living  
28 quarters, in which the occupants live and eat separately from any other  
29 persons in the building and [*which have*] **that has** direct access from the  
30 outside of the building or through a common hall.

1 “(9) ‘Immature marijuana plant’ means a marijuana plant with no ob-  
2 servable flowers or buds.

3 “(10) ‘Licensee’ means any person holding a license issued under **sections**  
4 **3 to 70, chapter 1, Oregon Laws 2015** [*this Act*], or any person holding a  
5 license or permit issued under any [*regulation promulgated*] **rule adopted**  
6 under **section 7 (2)(e), chapter 1, Oregon Laws 2015** [*paragraph (e) of*  
7 *subsection (2) of section 7 of this Act*].

8 “(11) ‘Licensee representative’ means an owner, director, officer, manager,  
9 employee, agent[,] or other representative of a licensee, to the extent [*such*]  
10 **the** person acts in [*such*] **a** representative capacity.

11 “(12)(a) ‘Marijuana’ means all parts of the plant Cannabis family  
12 Moraceae, whether growing or not, other than marijuana extracts.

13 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS  
14 571.300, or industrial hemp commodities or products.

15 “(13) ‘Marijuana extract’ means a product obtained by separating resins  
16 from marijuana by solvent extraction, using solvents other than vegetable  
17 glycerin, such as butane, hexane, isopropyl alcohol, ethanol[,] and carbon  
18 dioxide.

19 “(14)(a) ‘Marijuana flowers’ means the flowers of the plant Cannabis  
20 family Moraceae.

21 “(b) ‘Marijuana flowers’ does not include any part of the plant other than  
22 the flowers.

23 “(15) ‘Marijuana items’ means marijuana, marijuana products[,] and  
24 marijuana extracts.

25 “(16)(a) ‘Marijuana leaves’ means the leaves of the plant Cannabis family  
26 Moraceae.

27 “(b) ‘Marijuana leaves’ does not include any part of the plant other than  
28 the leaves.

29 “(17) ‘Marijuana processor’ means a person who processes marijuana  
30 items in this state.

1 “(18) ‘Marijuana producer’ means a person who produces marijuana in  
2 this state.

3 “(19)(a) ‘Marijuana products’ means products that contain marijuana or  
4 marijuana extracts and are intended for human consumption.

5 “(b) ‘Marijuana products’ does not mean:

6 “(A) Marijuana, by itself; or

7 “(B) A marijuana extract, by itself.

8 “(20) ‘Marijuana retailer’ means a person who sells marijuana items to a  
9 consumer in this state.

10 “(21) ‘Marijuana wholesaler’ means a person who purchases marijuana  
11 items in this state for resale to a person other than a consumer in this state.

12 “(22) ‘Mature marijuana plant’ means any marijuana plant that is not an  
13 immature marijuana plant.

14 “(23) ‘Noncommercial’ means not dependent or conditioned upon the pro-  
15 vision or receipt of financial consideration.

16 “(24) ‘Person’ means any natural person, corporation, professional corpo-  
17 ration, nonprofit corporation, cooperative corporation, profit or nonprofit  
18 unincorporated association, business trust, limited liability company, general  
19 or limited partnership, joint venture[,] or any other legal entity.

20 “(25) ‘Premises’ or ‘licensed premises’ means a location licensed under  
21 sections 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this Act*] and includes:

22 “(a) All enclosed areas at the location that are used in the business op-  
23 erated at the location, including offices, kitchens, rest rooms and storerooms,  
24 including all public and private areas;

25 “(b) All areas outside [*of*] a building that the Oregon Liquor Control  
26 Commission has specifically licensed for the production, processing, whole-  
27 sale sale[,] or retail sale of marijuana items; and

28 “(c) For a location that the commission has specifically licensed for the  
29 production of marijuana outside [*of*] a building, the entire lot or parcel, as  
30 defined in ORS 92.010, that the licensee owns, leases[,] or has a right to oc-

1 cupy.

2 “(26)(a) ‘Processes’ means:

3 “(A) The processing, compounding[,] or conversion of marijuana into  
4 marijuana products or marijuana extracts; **or**

5 “(B) The processing, compounding[,] or conversion of marijuana, either  
6 directly or indirectly by extraction from substances of natural origin, or in-  
7 dependently by means of chemical synthesis, or by a combination of ex-  
8 traction and chemical synthesis[;].

9 “[*(C) The packaging or repackaging of marijuana items; or*]

10 “[*(D) The labeling or relabeling of any package or container of marijuana*  
11 *items.*]

12 “(b) ‘Processes’ does not include[:]

13 “[*(A)*] the drying of marijuana by a marijuana producer, if the marijuana  
14 producer is not otherwise processing marijuana[; *or*].

15 “[*(B) The packaging and labeling of marijuana by a marijuana producer*  
16 *in preparation for delivery to a marijuana processor.*]

17 “(27)(a) ‘Produces’ means the manufacture, planting, cultivation,  
18 growing[,] or harvesting of marijuana.

19 “(b) ‘Produces’ does not include:

20 “(A) The drying of marijuana by a marijuana processor, if the marijuana  
21 processor is not otherwise producing marijuana; **or**

22 “(B) The cultivation and growing of an immature marijuana plant by a  
23 marijuana processor, marijuana wholesaler[,] or marijuana retailer if the  
24 marijuana processor, marijuana wholesaler[,] or marijuana retailer purchased  
25 or otherwise received the plant from a licensed marijuana producer.

26 “(28) ‘Public place’ means a place to which the general public has access  
27 and includes, but is not limited to, hallways, lobbies and other parts of  
28 apartment houses and hotels not constituting rooms or apartments designed  
29 for actual residence, and highways, streets, schools, places of amusement,  
30 parks, playgrounds and [*premises*] **areas** used in connection with public

1 passenger transportation.

2 “(29) ‘Usable marijuana’ means dried marijuana flowers and dried  
3 marijuana leaves, and any mixture or preparation [*thereof*] **of the flowers**  
4 **or leaves.**

5

6 **“TEMPORARY RESIDENCY PROVISION**

7 **“EFFECTIVE UPON PASSAGE**

8

9 **“SECTION 68. (1) The Oregon Health Authority, in addition to the**  
10 **information required under ORS 475.304 for registering as a marijuana**  
11 **grow site or renewing a marijuana grow site registration, and in ad-**  
12 **dition to information required under ORS 475.314 for registering as a**  
13 **medical marijuana dispensary or renewing a medical marijuana**  
14 **dispensary registration, shall require all applications for registering**  
15 **or renewing registration under ORS 475.304 and 475.314 to contain proof**  
16 **that any person whose name is included in the application has been a**  
17 **resident of this state for:**

18 **“(a) Except as provided in paragraph (b) of this subsection, two or**  
19 **more years; or**

20 **“(b) Subject to subsection (2) of this section, and notwithstanding**  
21 **any residency requirements under ORS 475.304 or 465.314, if the person**  
22 **first registered with the authority on or before January 1, 2015, one**  
23 **year.**

24 **“(2) For purposes of subsection (1)(b) of this section, the authority**  
25 **may not require proof of residency for any person whose name is in-**  
26 **cluded in the application for renewing a marijuana grow site registra-**  
27 **tion or renewing a medical marijuana dispensary registration until**  
28 **January 1, 2016.**

29

30 **“LOCAL OPTION**





1 the county or city charter or an ordinance adopted under the county  
2 or city charter.

3 “(5) No signature is valid unless signed within 180 days before the  
4 petition is filed.

5 “(6) An election held pursuant to this section shall be held at the  
6 time of the next statewide general election.

7 “(7) An election held pursuant to this section shall be conducted  
8 under ORS chapters 246 to 260.

9 “(8) The filing of a petition under subsection (2) of this section does  
10 not suspend any city or county ordinance prohibiting or allowing  
11 medical marijuana dispensaries or marijuana processing sites, or both.  
12 In each city or county that returns a majority vote to prohibit or allow  
13 the operation of medical marijuana dispensaries or marijuana pro-  
14 cessing sites, or both, the ordinance shall take effect January 1 fol-  
15 lowing the date of the statewide general election.

16 “(9) An ordinance prohibiting the operation of medical marijuana  
17 dispensaries or marijuana processing sites under this section does not  
18 apply to:

19 “(a) A medical marijuana dispensary if the medical marijuana  
20 dispensary:

21 “(A) Is registered under ORS 475.314 on or before the date on which  
22 the ordinance takes effect; and

23 “(B) Is in compliance with applicable ordinances of a city or county  
24 or is a land use applicant whose land use application is deemed com-  
25 plete by a city or county and in compliance with applicable ordinances  
26 of a city or county; or

27 “(b) A marijuana processing site if the marijuana processing site:

28 “(A) Is registered under section 10 of this 2015 Act on or before the  
29 date on which the ordinance takes effect; and

30 “(B) Is in compliance with applicable ordinances of a city or county

1 or is a land use applicant whose land use application is deemed com-  
2 plete by a city or county and in compliance with applicable ordinances  
3 of a city or county.

4 **“SECTION 72. (1) Notwithstanding section 70 of this 2015 Act, a**  
5 **medical marijuana dispensary is not subject to an ordinance adopted**  
6 **under section 70 of this 2015 Act if the medical marijuana dispensary:**

7 **“(a) Is registered under ORS 475.314 on or before May 1, 2015; and**

8 **“(b)(A) Is in compliance with, or, if the medical marijuana**  
9 **dispensary is not making transfers as described in ORS 475.314 (1) on**  
10 **or before May 1, 2015, will be in compliance with, applicable ordinances**  
11 **of a city or county; or**

12 **“(B) Is a land use applicant whose land use application is deemed**  
13 **complete by a city or county and in compliance with applicable ordi-**  
14 **nances of a city or county.**

15 **“(2) Notwithstanding section 70 of this 2015 Act, a medical**  
16 **marijuana dispensary is not subject to an ordinance adopted under**  
17 **section 70 of this 2015 Act if the medical marijuana dispensary:**

18 **“(a) Applies to be registered under ORS 475.314 on or before July 1,**  
19 **2015; and**

20 **“(b) Is in compliance with applicable ordinances of a city or county**  
21 **or is a land use applicant whose land use application is deemed com-**  
22 **plete by a city or county and in compliance with applicable ordinances**  
23 **of a city or county.**

24 **“(3) This section does not apply to a medical marijuana dispensary**  
25 **if the Oregon Health Authority revokes the registration of the medical**  
26 **marijuana dispensary.**

27 **“SECTION 73. (1) Notwithstanding section 70 of this 2015 Act, a**  
28 **marijuana processing site is not subject to an ordinance adopted under**  
29 **section 70 of this 2015 Act if the person responsible for the marijuana**  
30 **processing site, or a person applying to be the person responsible for**

1 the marijuana processing site:

2 “(a) Is registered under ORS 475.300 to 475.346 on or before the op-  
3 erative date specified in section 78 of this 2015 Act;

4 “(b) Is processing usable marijuana as described in section 10 (1)  
5 of this 2015 Act on or before the operative date specified in section 78  
6 of this 2015 Act; and

7 “(c) Is in compliance with applicable ordinances of a city or county  
8 or is a land use applicant whose land use application is deemed com-  
9 plete by a city or county and in compliance with applicable ordinances  
10 of a city or county.

11 “(2) This section does not apply to a marijuana processing site if the  
12 Oregon Health Authority revokes the registration of the marijuana  
13 processing site.

14

15

**“TEMPORARY DEFINITION**

16

17 **“SECTION 74. For purposes of sections 70, 71 and 72 of this 2015 Act,**  
18 **a ‘medical marijuana dispensary’ is a ‘medical marijuana facility’ as**  
19 **described in ORS 475.314 as that statute was in effect before the oper-**  
20 **ative date specified in section 78 of this 2015 Act.**

21

22

**“SERIES PLACEMENT**

23

24 **“SECTION 75. Sections 6, 7a, 9, 10 to 15, 17 to 22 and 25 to 32 of this**  
25 **2015 Act are added to and made a part of ORS 475.300 to 475.346.**

26

27

**“REPEALS**

28

29 **“SECTION 76. ORS 475.324 is repealed.**

30 **“SECTION 77. Section 68 of this 2015 Act is repealed on January 1,**

1 2019.

2

3

**“OPERATIVE DATE**

4

5 **“SECTION 78. (1) Sections 6, 7a, 9, 10 to 15, 17 to 22, 25 to 32, 44 to**  
6 **64 and 73 of this 2015 Act and the amendments to statutes and session**  
7 **law by sections 1 to 3, 5, 7, 9a, 16, 23, 24, 33 to 43 and 65 to 67 of this**  
8 **2015 Act and the repeal of ORS 475.324 by section 76 of this 2015 Act**  
9 **become operative on March 1, 2016.**

10 **“(2) The Oregon Health Authority, the Oregon Liquor Control**  
11 **Commission and the State Department of Agriculture may take any**  
12 **action before the operative date specified in subsection (1) of this sec-**  
13 **tion that is necessary to enable the authority and the commission to**  
14 **exercise, on and after the operative date specified in subsection (1) of**  
15 **this section, all the duties, powers and functions conferred on the au-**  
16 **thority, commission and department by sections 6, 7a, 9, 10 to 15, 17**  
17 **to 22, 25 to 32, 44 to 64 and 73 of this 2015 Act and the amendments to**  
18 **statutes and session law by sections 1 to 3, 5, 7, 9a, 16, 23, 24, 33 to 43**  
19 **and 65 to 67 of this 2015 Act.**

20

21

**“UNIT CAPTIONS**

22

23 **“SECTION 79. The unit captions used in this 2015 Act are provided**  
24 **only for the convenience of the reader and do not become part of the**  
25 **statutory law of this state or express any legislative intent in the**  
26 **enactment of this 2015 Act.**

27

28

**“EMERGENCY CLAUSE**

29

30 **“SECTION 80. This 2015 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**  
2 **declared to exist, and this 2015 Act takes effect on its passage.”.**

3

---