

**PROPOSED AMENDMENTS TO
HOUSE BILL 3400
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and lines 3 through 5 and insert “amending ORS 133.005, 133.525,
3 133.721, 133.726, 153.005, 161.015, 161.705, 163.095, 165.805, 166.070, 181.010,
4 181.610, 181.645, 181.646, 238.005, 305.140, 305.895, 305.992, 316.680, 471.001,
5 471.360, 471.375, 471.675, 471.775, 475.752, 475.856, 475.858, 475.860, 475.862,
6 475.864, 475.900, 475.904, 616.010, 659A.320, 659A.403, 659A.409, 659A.885 and
7 802.250 and section 32, chapter 54, Oregon Laws 2012, and sections 1, 2, 3,
8 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30,
9 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 56, 57,
10 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70 and 72, chapter 1, Oregon Laws 2015;
11 repealing sections 26, 42, 55, 71, 81, 82, 83, 84, 85 and 86, chapter 1, Oregon
12 Laws 2015, and sections 32, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
13 58, 59, 60, 61, 62, 63, 64, 67, 69, 70, 71, 72, 73 and 74, chapter ____, Oregon Laws
14 2015 (Enrolled Senate Bill 964); and declaring an emergency.”.

15 Delete lines 7 through 27 and delete pages 2 through 33 and insert:
16

17 **“BALLOT MEASURE 91**

18
19 **“(Definitions)**

20
21 **“SECTION 1.** Section 5, chapter 1, Oregon Laws 2015, is amended to read:

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

3 **“[(1) ‘Authority’ means the Oregon Health Authority.]**

4 **“[(2) ‘Commission’ means the Oregon Liquor Control Commission.]**

5 **“[(3)] (1) ‘Consumer’** means a person who purchases, acquires, owns,
6 holds[,] or uses marijuana items other than for the purpose of resale.

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

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

11 **“(a) A mechanical extraction process;**

12 **“(b) A chemical extraction process using a nonhydrocarbon-based**
13 **or other solvent, such as water, vegetable glycerin, vegetable oils,**
14 **animal fats, isopropyl alcohol or ethanol;**

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

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

21 **“(4) ‘Cannabinoid edible’ means food or potable liquid into which a**
22 **cannabinoid concentrate, cannabinoid extract or dried marijuana**
23 **leaves or flowers have been incorporated.**

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

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

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

30 **“(c) Any other process identified by the commission, in consultation**

1 **with the authority, by rule.**

2 **“(6)(a) ‘Cannabinoid product’ means a cannabinoid edible and any**
3 **other product intended for human consumption or use, including a**
4 **product intended to be applied to the skin or hair, that contains**
5 **cannabinoids or dried marijuana leaves or flowers.**

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

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

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

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

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

11 *“(4) ‘Department’ means the State Department of Agriculture.]*

12 *“(5)(a) [(7)(a) [‘Financial consideration,’ except as provided in paragraph*
13 *(b) of this subsection,] ‘Financial consideration’ means value that is given*
14 *or received either directly or indirectly through sales, barter, trade, fees,*
15 *charges, dues, contributions or donations.*

16 **“(b) ‘Financial consideration’ does not [*mean any of the following*]**
17 **include:**

18 **“(A) Homegrown marijuana [*made by another person.*] **that is given or****
19 **received when nothing is given or received in return; or**

20 **“(B) Homemade [*marijuana products made by another person.*]**
21 **cannabinoid products or cannabinoid concentrates that are given or**
22 **received when nothing is given or received in return.**

23 *“(6) [(8) ‘Homegrown’ or ‘homemade’ means grown or made by a person*
24 *21 years of age or older for noncommercial purposes.*

25 *“(7) [(9) ‘Household’ means a housing unit[,] and [*includes*] any place in*
26 *or around [*the*] a housing unit at which the occupants of the housing unit*
27 *are producing, processing, [*keeping,*] or storing homegrown marijuana or*
28 *homemade [*marijuana*] **cannabinoid products or cannabinoid***
29 **concentrates.**

30 *“(8) [(10) ‘Housing unit’ means a house, an apartment[,] or a mobile*

1 home, **or** a group of rooms[,] or a single room that is occupied as separate
2 living quarters, in which the occupants live and eat separately from any
3 other persons in the building and [*which have*] **that has** direct access from
4 the outside of the building or through a common hall.

5 “[*(9) ‘Immature marijuana plant’ means a marijuana plant with no ob-*
6 *servable flowers or buds.*]

7 “**(11) ‘Immature marijuana plant’ means a marijuana plant that is**
8 **not flowering.**

9 “[*(10)*] **(12) ‘Licensee’ means [any] a person [holding] who holds** a license
10 issued under [*this Act*] **section 19, 20, 21 or 22, chapter 1, Oregon Laws**
11 **2015**[, or any person holding a license or permit issued under any regulation
12 promulgated under paragraph (e) of subsection (2) of section 7 of this Act].

13 “[*(11)*] **(13) ‘Licensee representative’ means an owner, director, officer,**
14 **manager, employee, agent[,] or other representative of a licensee, to the ex-**
15 **tent [such] that the person acts in [such] a representative capacity.**

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

18 “[*(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS*
19 *571.300, or industrial hemp commodities or products.*]

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

24 “**(14)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
25 **any part of the plant Cannabis family Cannabaceae and the seeds of**
26 **the plant Cannabis family Cannabaceae.**

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

29 “[*(14)(a)*] **(15) ‘Marijuana flowers’ means the flowers of the plant**
30 [*Cannabis family Moraceae*] **genus Cannabis within the plant family**

1 **Cannabaceae.**

2 “[*(b) ‘Marijuana flowers’ does not include any part of the plant other than*
3 *the flowers.*]

4 “[*(15)*] **(16)** ‘Marijuana items’ means marijuana, [*marijuana products, and*
5 *marijuana extracts*] **cannabinoid products, cannabinoid concentrates and**
6 **cannabinoid extracts.**

7 “[*(16)(a)*] **(17)** ‘Marijuana leaves’ means the leaves of the plant [*Cannabis*
8 *family Moraceae*] **genus Cannabis within the plant family Cannabaceae.**

9 “[*(b) ‘Marijuana leaves’ does not include any part of the plant other than*
10 *the leaves.*]

11 “[*(17)*] **(18)** ‘Marijuana processor’ means a person who processes
12 marijuana items in this state.

13 “[*(18)*] **(19)** ‘Marijuana producer’ means a person who produces marijuana
14 in this state.

15 “[*(19)(a) ‘Marijuana products’ means products that contain marijuana or*
16 *marijuana extracts and are intended for human consumption.*]

17 “[*(b) ‘Marijuana products’ does not mean:*]

18 “[*(A) Marijuana, by itself; or*]

19 “[*(B) A marijuana extract, by itself.*]

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

22 “**(21)** ‘Marijuana wholesaler’ means a person who purchases marijuana
23 items in this state for resale to a person other than a consumer [*in this*
24 *state*].

25 “**(22)** ‘Mature marijuana plant’ means [*any*] **a** marijuana plant that is not
26 an immature marijuana plant.

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

29 “[*(24) ‘Person’ means any natural person, corporation, professional corpo-*
30 *ration, nonprofit corporation, cooperative corporation, profit or nonprofit un-*

1 *incorporated association, business trust, limited liability company, general or*
2 *limited partnership, joint venture, or any other legal entity.]*

3 “[25) ‘Premises’ or ‘licensed premises’ means a location licensed under
4 sections 3 to 70 of this Act and includes:]

5 “(24)(a) **‘Premises’ or ‘licensed premises’ includes the following**
6 **areas of a location licensed under section 19, 20, 21 or 22, chapter 1,**
7 **Oregon Laws 2015:**

8 “[a)] (A) All **public and private** enclosed areas at the location that are
9 used in the business operated at the location, including offices, kitchens, rest
10 rooms and storerooms[, *including all public and private areas*];

11 “[b)] (B) All areas outside [of] a building that the [*Oregon Liquor*
12 *Control*] commission has specifically licensed for the production, processing,
13 wholesale sale[,] or retail sale of marijuana items; and

14 “[c)] (C) For a location that the commission has specifically licensed for
15 the production of marijuana outside [of] a building, the entire lot or parcel,
16 as defined in ORS 92.010, that the licensee owns, leases[,] or has a right to
17 occupy.

18 “(b) **‘Premises’ or ‘licensed premises’ does not include a primary**
19 **residence, unless the commission reasonably suspects that the licensee**
20 **is operating the business for which the license has been issued within**
21 **the primary residence.**

22 “[26)(a)] (25)(a) ‘Processes’ means[:]

23 “[A)] the processing, compounding[,] or conversion of marijuana into
24 [*marijuana products or marijuana extracts*]; **cannabinoid products,**
25 **cannabinoid concentrates or cannabinoid extracts.**

26 “(b) **‘Processes’ does not include packaging or labeling.**

27 “[B) *The processing, compounding, or conversion of marijuana, either di-*
28 *rectly or indirectly by extraction from substances of natural origin, or inde-*
29 *pendently by means of chemical synthesis, or by a combination of extraction*
30 *and chemical synthesis;*]

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

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

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

5 “[(A) *The drying of marijuana by a marijuana producer, if the marijuana*
6 *producer is not otherwise processing marijuana; or*]

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

9 “[(27)(a)] **(26)(a)** ‘Produces’ means the manufacture, planting, cultivation,
10 growing[,] or harvesting of marijuana.

11 “(b) ‘Produces’ does not include:

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

14 “(B) The cultivation and growing of an immature marijuana plant by a
15 marijuana processor, marijuana wholesaler[,] or marijuana retailer if the
16 marijuana processor, marijuana wholesaler[,] or marijuana retailer purchased
17 or otherwise received the plant from a licensed marijuana producer.

18 “**(27) ‘Propagate’ means to grow immature marijuana plants or to**
19 **breed or produce the seeds of the plant Cannabis family Cannabaceae.**

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

26 “[(29) *‘Usable marijuana’ means dried marijuana flowers and dried*
27 *marijuana leaves, and any mixture or preparation thereof.*]

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

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

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

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

4
5 “(Powers and Duties of Commission)
6

7 “**SECTION 2.** Section 7, chapter 1, Oregon Laws 2015, is amended to read:

8 “**Sec. 7.** (1) The Oregon Liquor Control Commission has the powers and
9 duties specified in sections 3 to 70, **chapter 1, Oregon Laws 2015, and** [*of*
10 *this Act, and also*] the powers necessary or proper to enable [*it*] **the com-**
11 **mission** to carry out [*fully and effectually all the purposes of*] **the**
12 **commission’s duties, functions and powers under** sections 3 to 70,
13 **chapter 1, Oregon Laws 2015** [*of this Act*]. The jurisdiction, supervision,
14 [*powers and duties*] **duties, functions and powers** of the commission extend
15 to any person who buys, sells, produces, processes, transports[,] or delivers
16 any marijuana items within this state. The commission may sue and be sued.

17 “(2) The [*function,*] duties, **functions** and powers of the commission in
18 sections 3 to 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] include the
19 following:

20 “(a) To regulate the purchase, sale, production, processing,
21 transportation[,] and delivery of marijuana items in accordance with the
22 provisions of sections 3 to 70, **chapter 1, Oregon Laws 2015** [*of this Act*].

23 “(b) To grant, refuse, suspend or cancel licenses for the sale,
24 processing[,] or production of marijuana items, or other licenses in regard
25 to marijuana items, and to permit, in [*its*] **the commission’s** discretion, the
26 transfer of a license [*of any person*] **between persons.**

27 “[*(c) To collect the taxes and duties imposed by sections 3 to 70 of this Act,*
28 *and to issue, and provide for cancellation, stamps and other devices as evi-*
29 *dence of payment of such taxes or duties.*]

30 “[*(d)*] **(c)** To investigate and aid in the prosecution of every violation of

1 *[Oregon statutes]* **the statutory laws of this state** relating to marijuana
2 items[,] and **to** cooperate in the prosecution of offenders before any state
3 court of competent jurisdiction.

4 “[*e*] **(d)** To adopt [*such regulations as are*], **amend or repeal rules as**
5 necessary [*and feasible for carrying*] **to carry** out the intent and provisions
6 of sections 3 to 70, **chapter 1, Oregon Laws 2015, including rules that the**
7 **commission considers necessary to protect the public health and**
8 **safety.** [*of this Act and to amend or repeal such regulations. When such reg-*
9 *ulations are adopted they shall have the full force and effect of law.*]

10 “[*f*] **(e)** To exercise all powers incidental, convenient or necessary to
11 enable [*it*] **the commission** to administer or carry out [*any of*] the pro-
12 visions of sections 3 to 70, **chapter 1, Oregon Laws 2015, or any other law**
13 **of this state that charges the commission with a duty, function or**
14 **power related to marijuana** [*of this Act*]. **Powers described in this par-**
15 **agraph include, but are not limited to:**

16 “**(A) Issuing subpoenas;**

17 “**(B) Compelling the attendance of witnesses;**

18 “**(C) Administering oaths;**

19 “**(D) Certifying official acts;**

20 “**(E) Taking depositions as provided by law;**

21 “**(F) Compelling the production of books, payrolls, accounts, papers,**
22 **records, documents and testimony; and**

23 “**(G) Establishing fees in addition to the application, licensing and**
24 **renewal fees described in sections 19, 20, 21 and 22, chapter 1, Oregon**
25 **Laws 2015, provided that any fee established by the commission is**
26 **reasonably calculated not to exceed the cost of the activity for which**
27 **the fee is charged.**

28 “[*g*] *To regulate and prohibit any advertising by manufacturers, processors,*
29 *wholesalers or retailers of marijuana items by the medium of newspapers, let-*
30 *ters, billboards, radio or otherwise.*]

1 **“(f) To adopt rules regulating and prohibiting marijuana producers,**
2 **marijuana processors, marijuana wholesalers and marijuana retailers**
3 **from advertising marijuana items in a manner:**

4 **“(A) That is appealing to minors;**

5 **“(B) That promotes excessive use;**

6 **“(C) That promotes illegal activity; or**

7 **“(D) That otherwise presents a significant risk to public health and**
8 **safety.**

9 **“[(h)] (g) To regulate the use of marijuana items for scientific, pharma-**
10 **ceutical, manufacturing, mechanical, industrial and other purposes.**

11 **“(3) Fees collected pursuant to subsection (2)(e)(G) of this section**
12 **shall be deposited in the Marijuana Control and Regulation Fund es-**
13 **tablished under section 32 of this 2015 Act.**

14 *“[(3) On or before January 1, 2016, the commission, after consultation with*
15 *the State Department of Agriculture and the Oregon Health Authority, shall*
16 *prescribe forms and adopt such rules and regulations as the commission deems*
17 *necessary for the implementation and administration of sections 3 to 70 of this*
18 *Act.]*

19 *“[(4) On or before January 1, 2017, the commission shall:]*

20 *“[(a) Examine available research, and may conduct or commission new re-*
21 *search, to investigate the influence of marijuana on the ability of a person to*
22 *drive a vehicle and on the concentration of delta-9 tetrahydrocannabinol in a*
23 *person’s blood, in each case taking into account all relevant factors; and]*

24 *“[(b) Present the results of the research to the Legislative Assembly and*
25 *make recommendations to the Legislative Assembly regarding whether any*
26 *amendments to the Oregon Vehicle Code are appropriate.]*

27 *“[(5) The commission has no power to purchase, own, sell, or possess any*
28 *marijuana items.]*

29
30 **“(Power to Purchase, Possess, Seize, Dispose)**

1 **1, Oregon Laws 2015** [*of this Act*].

2 “(e) [*Be*] **Is** transferable from the premises for which the license was ori-
3 ginally issued to another premises subject to the provisions of [*this Act,*
4 *any*] **sections 3 to 70, chapter 1, Oregon Laws 2015, applicable** rules of
5 the Oregon Liquor Control Commission and [*any municipal ordinance or local*
6 *regulation*] **applicable local ordinances**.

7 “(f) [*Cease*] **Expires** upon the death of the licensee, except as provided in
8 subsection (2) of this section.

9 “(g) **Does** not constitute property.

10 “(h) **Is** not [*be*] alienable.

11 “(i) **Is** not [*be*] subject to attachment or execution.

12 “(j) **Does** not descend by the laws of testate or intestate devolution.

13 “(2) The commission may, by order, provide for the manner and conditions
14 under which:

15 “(a) Marijuana items left by [*any*] **a** deceased, insolvent or bankrupt per-
16 son or licensee, or subject to a security interest, may be foreclosed, sold
17 under execution or otherwise disposed [*of*].

18 “(b) The business of [*any*] **a** deceased, insolvent or bankrupt licensee may
19 be operated for a reasonable period following the death, insolvency or
20 bankruptcy.

21 “(c) [*A business licensed pursuant to sections 3 to 70 of this Act subject to*
22 *a security interest may be continued in business by a secured party as defined*
23 *in ORS 79.0102*] **A secured party, as defined in ORS 79.0102, may con-**
24 **tinue to operate a business for which a license has been issued under**
25 **section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015,** for a reasonable
26 period after default on the indebtedness by the debtor.

27 “**SECTION 6.** Section 27, chapter 1, Oregon Laws 2015, is amended to
28 read:

29 “**Sec. 27. (1)** A marijuana producer, marijuana processor[,] or marijuana
30 wholesaler [*shall*] **may** deliver marijuana items only to or on a licensed

1 premises.

2 “(2) A licensed premises may receive marijuana items only from a
3 marijuana producer, marijuana processor or marijuana wholesaler for
4 whom a premises has been licensed by the Oregon Liquor Control
5 Commission.

6 “(3) The sale of marijuana items [*under any license issued by the Oregon*
7 *Liquor Control Commission for retail sales by a licensee shall*] by a
8 marijuana retailer that holds a license issued under section 22, chapter
9 1, Oregon Laws 2015, must be restricted to the premises described in the
10 license, but deliveries may be made by the marijuana retailer to consumers
11 pursuant to a bona fide [*orders*] order received [*on*] at the licensed premises
12 prior to delivery.

13 **“SECTION 7.** Section 28, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 **“Sec. 28.** (1) [*Any person desiring*] An applicant for a license or renewal
16 of a license under sections 3 to 70, chapter 1, Oregon Laws 2015, shall
17 apply [*of this Act shall make application*] to the Oregon Liquor Control
18 Commission [*upon forms to be furnished*] in the form required by the com-
19 mission, showing the name and address of the applicant, location of the place
20 of business that is to be operated under the license[,] and [*such*] other per-
21 tinent information [*as*] required by the commission [*may require*]. [*No li-*
22 *cence shall be granted or renewed*] The commission may not grant or
23 renew a license until the applicant has complied with the provisions of
24 sections 3 to 70, chapter 1, Oregon Laws 2015, [*of this Act*] and the rules
25 of the commission.

26 “(2) The commission may reject any application that is not submitted in
27 the form required by rule. The commission shall give applicants an opportu-
28 nity to be heard if an application is rejected. A hearing under this subsection
29 is not subject to the requirements for contested case proceedings under ORS
30 chapter 183.

1 “(3) Except as provided in subsection (2) of this section, a revocation of,
2 or a refusal to issue or renew, a license under sections 3 to 70, **chapter 1,**
3 **Oregon Laws 2015,** [of this Act] is subject to the requirements for contested
4 case proceedings under ORS chapter 183.

5 “[4) *The commission shall assess a nonrefundable fee for processing a new*
6 *or renewal application for any license authorized by sections 3 to 70 of this*
7 *Act. The application processing fee shall be \$250.*]

8 “[5) *The annual license fee for any license granted under sections 3 to 70*
9 *of this Act shall be \$1,000. The license fee is nonrefundable and shall be paid*
10 *by each applicant upon the granting or committing of a license.*]

11 **“SECTION 8.** Section 29, chapter 1, Oregon Laws 2015, is amended to
12 read:

13 **“Sec. 29.** (1) The Oregon Liquor Control Commission may not license
14 [any] **an** applicant under the provisions of sections 3 to 70, **chapter 1,**
15 **Oregon Laws 2015,** [of this Act] if the applicant is under 21 years of age.

16 “(2) The [Oregon Liquor Control] commission may refuse to license [any]
17 **an** applicant under the provisions of sections 3 to 70, **chapter 1, Oregon**
18 **Laws 2015,** [of this Act] if the commission has reasonable ground to believe
19 [any of the following to be true:]

20 “[a) *That there are sufficient licensed premises in the locality set out in*
21 *the application, or that the granting of a license in the locality set out in the*
22 *application is not demanded by public interest or convenience. In determining*
23 *whether there are sufficient licensed premises in the locality, the commission*
24 *shall consider seasonal fluctuations in the population of the locality and shall*
25 *ensure that there are adequate licensed premises to serve the needs of the lo-*
26 *cality during the peak seasons.*]

27 “[b)] that the applicant:

28 “[A)] (a) Is in the habit of using alcoholic beverages, habit-forming
29 drugs, marijuana[,] or controlled substances to excess.

30 “[B)] (b) Has made false statements to the commission.

1 “[C] (c) Is incompetent or physically unable to carry on the management
2 of the establishment proposed to be licensed.

3 “[D] (d) Has been convicted of violating a general or local law of this
4 state or another state, or of violating a federal law, if the conviction is
5 substantially related to the fitness and ability of the applicant to lawfully
6 carry out activities under the license.

7 “[E] *Has maintained an insanitary establishment.*]

8 “(e) **Has failed to comply with sections 69 to 80 of this 2015 Act.**

9 “[F] (f) Is not of good repute and moral character.

10 “[G] (g) [*Did*] **Does** not have a good record of compliance with sections
11 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this Act*] or any rule of the
12 commission adopted [*pursuant thereto*] **under sections 3 to 70, chapter 1,**
13 **Oregon Laws 2015.**

14 “[H] (h) Is not the legitimate owner of the business proposed to be li-
15 censed, or other persons have ownership interests in the business [*which*]
16 **that** have not been disclosed.

17 “[I] (i) Is not possessed of or has not demonstrated financial responsi-
18 bility sufficient to adequately meet the requirements of the business proposed
19 to be licensed.

20 “[J] (j) Is unable to understand the laws of Oregon relating to
21 marijuana or the rules of the commission.

22 “(3) Notwithstanding [*subparagraph (D) of paragraph (b) of*] subsection
23 (2)(d) of this section, in determining whether the commission may refuse to
24 license an applicant, the commission may not consider the prior conviction
25 of the applicant or any owner, director, officer, manager, employee, agent[,]
26 or other representative of the applicant for:

27 “(a) The manufacture of marijuana, if:

28 “(A) The date of the conviction is **two or** more [*than five*] years before
29 the date of the application; and

30 “(B) The person has not been convicted more than once for the manufac-

1 ture or delivery of marijuana;

2 “(b) The delivery of marijuana to a person 21 years of age or older, if:

3 “(A) The date of the conviction is **two or** more [*than five*] years before
4 the date of the application; and

5 “(B) The person has not been convicted more than once for the manufac-
6 ture or delivery of marijuana; or

7 “(c) The possession of marijuana.

8 “**SECTION 9.** Section 30, chapter 1, Oregon Laws 2015, is amended to
9 read:

10 “**Sec. 30.** [(1)] The Oregon Liquor Control Commission may [*cancel*] **re-**
11 **voke** or suspend [*any*] **a** license issued under sections 3 to 70, **chapter 1,**
12 **Oregon Laws 2015** [*of this Act*], if the commission finds or has reasonable
13 ground to believe any of the following to be true:

14 “[*a*] (1) That the licensee:

15 “[*A*] (a) Has violated [*any*] **a** provision of sections 3 to 70, **chapter 1,**
16 **Oregon Laws 2015,** [*of this Act*] or [*any*] **a** rule of the commission adopted
17 [*pursuant thereto*] **under sections 3 to 70, chapter 1, Oregon Laws 2015.**

18 “[*B*] (b) Has made any false representation or statement to the com-
19 mission in order to induce or prevent action by the commission.

20 “[*C*] *Has maintained an insanitary establishment.*]

21 “(c) **Has failed to comply with sections 69 to 80 of this 2015 Act.**

22 “[*D*] (d) Is insolvent or incompetent or physically unable to carry on the
23 management of the establishment of the licensee.

24 “[*E*] (e) Is in the habit of using alcoholic liquor, habit-forming drugs,
25 marijuana[,] or controlled substances to excess.

26 “[*F*] (f) Has misrepresented to a customer or the public any marijuana
27 items sold by the licensee.

28 “[*G*] (g) Since the granting of the license, has been convicted of a fel-
29 ony, of violating any of the marijuana laws of this state, general or local,
30 or of any misdemeanor or violation of any municipal ordinance committed

1 on the licensed premises.

2 “[*(b)*] **(2)** That there is any other reason that, in the opinion of the com-
3 mission, based on public convenience or necessity, warrants canceling or
4 suspending [*such*] **the** license.

5 “[*(2) Civil penalties under this section shall be imposed as provided in ORS*
6 *183.745.*]

7 **“SECTION 10. For the purpose of requesting a state or nationwide**
8 **criminal records check under ORS 181.534, the Oregon Liquor Control**
9 **Commission may require the fingerprints of any individual listed on**
10 **an application submitted under section 28, chapter 1, Oregon Laws**
11 **2015.**

12 **“SECTION 11.** Section 18, chapter 1, Oregon Laws 2015, is amended to
13 read:

14 **“Sec. 18.** (1) [*On or before January 4, 2016,*] The Oregon Liquor Control
15 Commission shall [*begin receiving applications for the licensing of persons*]
16 **approve or deny an application** to produce, process[,] and sell marijuana
17 [*within the state*] **under sections 19, 20, 21 and 22, chapter 1, Oregon**
18 **Laws 2015.** Upon [*receipt of a license*] **receiving an** application, the com-
19 mission [*shall*] **may** not unreasonably delay [*the processing, approval, or re-*
20 *jection of*] **processing, approving or denying** the application or, if the
21 application is approved, [*the issuance of*] **issuing** the license.

22 **“(2)** The licenses described in sections [*3 to 70 of this Act shall*] **19, 20,**
23 **21 and 22, chapter 1, Oregon Laws 2015, must** be issued by the commis-
24 sion, subject to [*its regulations and restrictions and*] the provisions of
25 sections 3 to 70 [*of this Act*], **chapter 1, Oregon Laws 2015, and the rules**
26 **adopted under sections 3 to 70, chapter 1, Oregon Laws 2015.**

27 **“(3)** The commission may not license a premises that does not have de-
28 fined boundaries. A licensed premises [*need not*] **does not need to** be en-
29 closed by a wall, fence or other structure, but the commission may require
30 that [*any*] **a** licensed premises be enclosed as a condition of issuing or re-

1 newing a license. The commission may not license [*premises that are*] mobile
2 **premises.**

3

4

“(License Holders)”

5

6 **“SECTION 12.** Section 19, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 **“Sec. 19.** (1) The production of marijuana is subject to regulation by the
9 Oregon Liquor Control Commission.

10 **“(2)** A marijuana producer must have a production license issued by the
11 commission for the premises at which the marijuana is produced. **To hold**
12 **a production license under this section, a marijuana producer:**

13 **“(a) Must apply for a license in the manner described in section 28,**
14 **chapter 1, Oregon Laws 2015;**

15 **“(b) Must provide proof that an applicant listed on an application**
16 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
17 **resident of this state for two or more years and is 21 years of age or**
18 **older; and**

19 **“(c) Must meet the requirements of any rule adopted by the com-**
20 **mission under subsection (3) of this section.**

21 **“(3) The commission shall adopt rules that:**

22 **“(a) Require a marijuana producer to annually renew a license is-**
23 **sued under this section;**

24 **“(b) Establish application, licensure and renewal of licensure fees**
25 **for marijuana producers;**

26 **“(c) Require marijuana produced by marijuana producers to be**
27 **tested in accordance with section 92 of this 2015 Act;**

28 **“(d) Require marijuana producers to submit, at the time of applying**
29 **for or renewing a license under section 28, chapter 1, Oregon Laws**
30 **2015, a report describing the applicant’s or licensee’s electrical or wa-**

1 ter usage; and

2 “(e)(A) Require a marijuana producer to meet any public health and
3 safety standards and industry best practices established by the com-
4 mission by rule related to:

5 “(i) The production of marijuana; or

6 “(ii) The propagation of immature marijuana plants and the seeds
7 of the plant Cannabis family Cannabaceae.

8 “(B) For purposes of establishing rules under subparagraph (A)(ii)
9 of this paragraph, the commission may not limit:

10 “(i) The number of immature marijuana plants that may be pos-
11 sessed by a marijuana producer licensed under this section;

12 “(ii) The size of the grow canopy a marijuana producer licensed
13 under this section uses to grow immature marijuana plants; or

14 “(iii) The weight or size of shipments of immature marijuana plants
15 made by a marijuana producer licensed under this section.

16 “(4) Fees adopted under subsection (3)(b) of this section:

17 “(a) May not exceed the cost of administering sections 3 to 70,
18 chapter 1, Oregon Laws 2015, with respect to marijuana producers;

19 “(b) Shall be in the form of a schedule that imposes a greater fee
20 for premises with more square footage or on which more mature
21 marijuana plants are grown; and

22 “(c) Shall be deposited in the Marijuana Control and Regulation
23 Fund established under section 32 of this 2015 Act.

24 **“SECTION 13.** (1) The Oregon Liquor Control Commission shall
25 adopt rules restricting the size of mature marijuana plant grow
26 canopies at premises for which a license has been issued under section
27 19, chapter 1, Oregon Laws 2015. In adopting rules under this sub-
28 section, the commission shall:

29 “(a) Limit the size of mature marijuana plant grow canopies, for
30 premises where marijuana is grown outdoors and for premises where

1 marijuana is grown indoors, in a manner calculated to result in
2 premises that produce the same amount of harvested marijuana leaves
3 and harvested marijuana flowers regardless of whether the marijuana
4 is grown outdoors or indoors.

5 “(b) Subject to subsection (2) of this section, adopt a tiered system
6 under which permitted the size of a marijuana producer’s mature
7 marijuana plant grow canopy increases at the time of licensure re-
8 newal under section 19, chapter 1, Oregon Laws 2015, except that the
9 permitted size of a marijuana producer’s mature marijuana plant grow
10 canopy may not increase following any year during which the com-
11 mission disciplined the marijuana producer for violating a provision
12 of sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted
13 under a provision of sections 3 to 70, chapter 1, Oregon Laws 2015.

14 “(c) Take into consideration the market demand for marijuana
15 items in this state, the number of persons applying for a license under
16 section 19, chapter 1, Oregon Laws 2015, and to whom a license has
17 been issued under section 19, chapter 1, Oregon Laws 2015, and
18 whether the availability of marijuana items in this state is
19 commensurate with the market demand.

20 “(2) This section does not apply to a premises for which a license
21 has been issued under section 19, chapter 1, Oregon Laws 2015, if the
22 premises is used only to propagate immature marijuana plants.

23 “SECTION 14. Section 20, chapter 1, Oregon Laws 2015, is amended to
24 read:

25 “**Sec. 20.** (1) The processing of marijuana items is subject to regulation
26 by the Oregon Liquor Control Commission.

27 “(2) A marijuana processor must have a processor license issued by the
28 commission for the premises at which marijuana items are processed. **To**
29 **hold a processor license under this section, a marijuana processor:**

30 “(a) **Must apply for a license in the manner described in section 28,**

1 **chapter 1, Oregon Laws 2015;**

2 **“(b) Must provide proof that an applicant listed on an application**
3 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
4 **resident of this state for two or more years and is 21 years of age or**
5 **older;**

6 **“(c) If the marijuana processor processes marijuana extracts, may**
7 **not be located in an area zoned exclusively for residential use; and**

8 **“(d) Must meet the requirements of any rule adopted by the com-**
9 **mission under subsection (3) of this section.**

10 **“(3) The commission shall adopt rules that:**

11 **“(a) Require a marijuana processor to annually renew a license is-**
12 **sued under this section;**

13 **“(b) Establish application, licensure and renewal of licensure fees**
14 **for marijuana processors;**

15 **“(c) Require marijuana processed by a marijuana processor to be**
16 **tested in accordance with section 92 of this 2015 Act; and**

17 **“(d) Require a marijuana processor to meet any public health and**
18 **safety standards and industry best practices established by the com-**
19 **mission by rule related to:**

20 **“(A) Cannabinoid edibles;**

21 **“(B) Cannabinoid concentrates;**

22 **“(C) Cannabinoid extracts; and**

23 **“(D) Any other type of cannabinoid product identified by the com-**
24 **mission by rule.**

25 **“(4) Fees adopted under subsection (3)(b) of this section:**

26 **“(a) May not exceed the cost of administering sections 3 to 70,**
27 **chapter 1, Oregon Laws 2015, with respect to marijuana processors;**
28 **and**

29 **“(b) Shall be deposited in the Marijuana Control and Regulation**
30 **Fund established under section 32 of this 2015 Act.**

1 **“SECTION 15.** Section 21, chapter 1, Oregon Laws 2015, is amended to
2 read:

3 **“Sec. 21.** (1) The wholesale sale of marijuana items is subject to regu-
4 lation by the Oregon Liquor Control Commission.

5 “(2) A marijuana wholesaler must have a wholesale license issued by the
6 commission for the premises at which marijuana items are received, [*kept,*]
7 stored[,] or delivered. **To hold a wholesale license under this section, a**
8 **marijuana wholesaler:**

9 **“(a) Must apply for a license in the manner described in section 28,**
10 **chapter 1, Oregon Laws 2015;**

11 **“(b) Must provide proof that an applicant listed on an application**
12 **submitted under section 28, chapter 1, Oregon Laws 2015, has been a**
13 **resident of this state for two or more years and is 21 years of age or**
14 **older;**

15 **“(c) May not be located in an area that is zoned exclusively for**
16 **residential use; and**

17 **“(d) Must meet the requirements of any rule adopted by the com-**
18 **mission under subsection (3) of this section.**

19 **“(3) The commission shall adopt rules that:**

20 **“(a) Require a marijuana wholesaler to annually renew a license**
21 **issued under this section annually;**

22 **“(b) Establish application, licensure and renewal of licensure fees**
23 **for marijuana wholesalers;**

24 **“(c) Require marijuana items received, stored or delivered by a**
25 **marijuana wholesaler to be tested in accordance with section 92 of this**
26 **2015 Act; and**

27 **“(d) Require a marijuana wholesaler to meet any public health and**
28 **safety standards and industry best practices established by the com-**
29 **mission by rule.**

30 **“(4) Fees adopted under subsection (3)(b) of this section:**

1 “(a) May not exceed the cost of administering sections 3 to 70,
2 chapter 1, Oregon Laws 2015, with respect to marijuana wholesalers;
3 and

4 “(b) Shall be deposited in the Marijuana Control and Regulation
5 Fund established under section 32 of this 2015 Act.

6 “**SECTION 16.** Section 22, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 “**Sec. 22.** (1) The retail sale of marijuana items is subject to regulation
9 by the Oregon Liquor Control Commission.

10 “(2) A marijuana retailer must have a retail license issued by the com-
11 mission for the premises at which marijuana items are sold. **To hold a retail**
12 **license under this section, a marijuana retailer:**

13 “(a) Must apply for a license in the manner described in section 28,
14 chapter 1, Oregon Laws 2015;

15 “(b) Must provide proof that an applicant listed on an application
16 submitted under section 28, chapter 1, Oregon Laws 2015, has been a
17 resident of this state for two or more years and is 21 years of age or
18 older;

19 “(c) May not be located in an area that is zoned exclusively for
20 residential use;

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

22 “(A) A public elementary or secondary school for which attendance
23 is compulsory under ORS 339.020; or

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

26 “(e) Must meet the requirements of any rule adopted by the com-
27 mission under subsection (3) of this section.

28 “(3) The commission shall adopt rules that:

29 “(a) Require a marijuana retailer to annually renew a license issued
30 under this section;

1 **“(b) The term of a permit issued under this section;**
2 **“(c) Procedures for applying for and renewing a permit issued under**
3 **this section; and**
4 **“(d) Reasonable application, issuance and renewal fees for a permit**
5 **issued under this section.**
6 **“(2)(a) The commission may require an individual applying for a**
7 **permit under this section to successfully complete a course, made**
8 **available by or through the commission, through which the individual**
9 **receives training on:**
10 **“(A) Checking identification;**
11 **“(B) Detecting intoxication;**
12 **“(C) Handling marijuana items;**
13 **“(D) The content of sections 3 to 70, chapter 1, Oregon Laws 2015,**
14 **and rules adopted under sections 3 to 70, chapter 1, Oregon Laws 2015;**
15 **and**
16 **“(E) Any matter deemed necessary by the commission to protect**
17 **the public health and safety.**
18 **“(b) The commission or other provider of the course may charge a**
19 **reasonable fee for the course.**
20 **“(c) The commission may not require an individual to successfully**
21 **complete the course more than once, except that:**
22 **“(A) As part of a final order suspending a permit issued under this**
23 **section, the commission may require a permit holder to successfully**
24 **complete the course as a condition of lifting the suspension; and**
25 **“(B) As part of a final order revoking a permit issued under this**
26 **section, the commission shall require an individual to successfully**
27 **complete the course prior to applying for a new permit.**
28 **“(3) The commission shall conduct a criminal records check under**
29 **ORS 181.534 on an individual applying for a permit under this section.**
30 **“(4) Subject to the applicable provisions of ORS chapter 183, the**

1 commission may suspend, revoke or refuse to issue or renew a permit
2 if the individual who is applying for or who holds the permit:

3 “(a) Is convicted of a felony, except that the commission may not
4 consider a conviction for the manufacture or delivery of marijuana if
5 the date of the conviction is two or more years before the date of the
6 application or renewal;

7 “(b) Violates any provision of sections 3 to 70, chapter 1, Oregon
8 Laws 2015, or any rule adopted under sections 3 to 70, chapter 1,
9 Oregon Laws 2015; or

10 “(c) Makes a false statement to the commission.

11 “(5) A permit issued under this section is a personal privilege and
12 permits work described under section 19 of this 2015 Act only for the
13 individual who holds the permit.

14

15 “(Employment Relations)

16

17 “SECTION 20a. (1) An employee of a person licensed under section
18 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, has the right to form, join
19 and participate in the activities of a labor organization of the
20 employee’s own choosing for the purpose of securing representation
21 and collective bargaining for matters concerning employment relations
22 with the person licensed under section 19, 20, 21 or 22, chapter 1,
23 Oregon Laws 2015.

24 “(2) For purposes of this section, the provisions of ORS chapters 661
25 to 663 apply to relations between employees of persons licensed under
26 section 19, 20, 21 and 22, chapter 1, Oregon Laws 2015, and employers
27 that are licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws
28 2015, in the same manner that those provisions apply to other em-
29 ployment relations.

30 “SECTION 20b. (1) It is an unlawful employment practice for a

1 person that holds a license under section 19, 20, 21 or 22, chapter 1,
2 Oregon Laws 2015, to discharge, demote, suspend or in any manner
3 discriminate or retaliate against an employee of the person with re-
4 gard to promotion, compensation or other terms, conditions or privi-
5 leges of employment on the basis that the employee has in good faith
6 reported information to the Oregon Liquor Control Commission that
7 the employee believes is evidence of a violation of a provision of
8 sections 3 to 70, chapter 1, Oregon Laws 2015, or a rule adopted under
9 a provision of sections 3 to 70, chapter 1, Oregon Laws 2015.

10 “(2) This section is subject to enforcement under ORS chapter 659A.

11 “SECTION 20c. In adopting rules related to industry best practices
12 under sections 19, 20, 21 and 22, chapter 1, Oregon Laws 2015, the
13 Oregon Liquor Control Commission may consider whether a an appli-
14 cant or a person applying for renewal of a license under section 19, 20,
15 21 or 22, chapter 1, Oregon Laws 2015, has developed a business plan
16 and whether the business plan includes:

17 “(1) Providing living wages, benefits and training or apprenticeship
18 opportunities to employees; or

19 “(2) Implementing informed environmental practices or consumer
20 safety practices.

21

22 “(Bonds and Liability Insurance)

23

24 “SECTION 21. (1) Except as provided in subsection (2) of this sec-
25 tion, the Oregon Liquor Control Commission may require a person
26 that holds a license under section 22, chapter 1, Oregon Laws 2015, to
27 maintain on file with the commission a bond with a corporate surety
28 authorized to transact business in this state. The bond shall be in a
29 form acceptable to the commission and shall be in an amount that the
30 commission determines is reasonably affordable and available. The

1 bond is payable to the Department of Revenue if the licensee fails to
2 pay the tax imposed upon the retail sale of marijuana items as re-
3 quired by section 70 of this 2015 Act.

4 “(2) In lieu of maintaining the bond required by subsection (1) of
5 this section, a person that holds a license under section 22, chapter 1,
6 Oregon Laws 2015, may deposit in a bank or trust company for the
7 benefit of the commission an equivalent amount in cash, letters of
8 credit recognized by the State Treasurer or negotiable securities of a
9 character approved by the State Treasurer. Interest earned on depos-
10 ited funds or securities shall accrue to the person that made the de-
11 posit.

12 **“SECTION 22.** As is necessary to protect the public health and
13 safety, the Oregon Liquor Control Commission may require a person
14 that holds a license under section 19, 20, 21 or 22, chapter 1, Oregon
15 Laws 2015, to maintain general liability insurance in an amount that
16 the commission determines is reasonably affordable and available for
17 the purpose of protecting the person against damages resulting from
18 a cause of action related to activities undertaken pursuant to the li-
19 cense.

20

21 “(Seed to Sale Tracking System)

22

23 **“SECTION 23.** (1) The Oregon Liquor Control Commission shall de-
24 velop and maintain a system for tracking the transfer of marijuana
25 items between licensed premises.

26 “(2) The purposes of the system developed and maintained under
27 this section include, but are not limited to:

28 “(a) Preventing the diversion of marijuana items to criminal en-
29 terprises, gangs, cartels and other states;

30 “(b) Preventing persons from substituting or tampering with

1 marijuana items;

2 “(c) Ensuring an accurate accounting of the production, processing
3 and sale of marijuana items;

4 “(d) Ensuring that taxes are collected for the purpose of being dis-
5 tributed as described in section 44, chapter 1, Oregon Laws 2015;

6 “(e) Ensuring that laboratory testing results are accurately re-
7 ported; and

8 “(f) Ensuring compliance with the provisions of sections 3 to 70,
9 chapter 1, Oregon Laws 2015, rules adopted under the provisions of
10 sections 3 to 70, chapter 1, Oregon Laws 2015, and any other law of this
11 state that charges the commission with a duty, function or power re-
12 lated to marijuana.

13 “(3) The system developed and maintained under this section must
14 be capable of tracking, at a minimum:

15 “(a) The propagation of immature marijuana plants and the pro-
16 duction of marijuana by a marijuana producer;

17 “(b) The processing of marijuana by a marijuana processor;

18 “(c) The receiving, storing and delivering of marijuana items by a
19 marijuana wholesaler;

20 “(d) The sale of marijuana items by a marijuana retailer to a con-
21 sumer;

22 “(e) The purchase and sale of marijuana items between licensees,
23 as permitted by sections 3 to 70, chapter 1, Oregon Laws 2015;

24 “(f) The transfer of marijuana items between licensed premises;

25 “(g) The collection of taxes imposed upon the retail sale of
26 marijuana items under section 70 of this 2015 Act; and

27 “(h) Any other information that the commission determines is
28 reasonably necessary to accomplish the duties, functions and powers
29 of the commission under sections 3 to 70, chapter 1, Oregon Laws 2015.

30

1 “[(2) *Except as authorized by rule or as necessitated in an emergency, a*
2 *person under 21 years of age may not enter or attempt to enter any portion of*
3 *a licensed premises that is posted or otherwise identified as being prohibited*
4 *to the use of minors.*]

5 “[(3) *A person who violates subsection (1) or (2) of this section commits a*
6 *Class B violation.*]

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

18 “[(5) *If a person cited under this section is at least 13 years of age but less*
19 *than 21 years of age at the time the person is found in default under ORS*
20 *153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any*
21 *other penalty, the court shall issue notice under ORS 809.220 to the department*
22 *for the department to suspend the person’s driving privileges under ORS*
23 *809.280 (4).*]

24 “[(6) *The prohibitions of this section do not apply to a person under 21*
25 *years of age who is acting under the direction of the Oregon Liquor Control*
26 *Commission or under the direction of state or local law enforcement agencies*
27 *for the purpose of investigating possible violations of laws prohibiting sales*
28 *of marijuana items to persons who are under 21 years of age.*]

29 **“(1)(a) A person under 21 years of age may not attempt to purchase,**
30 **purchase or acquire a marijuana item.**

1 **“(b) For purposes of this subsection, purchasing a marijuana item**
2 **includes accepting a marijuana item, and acquiring a marijuana item**
3 **includes consuming a marijuana item, provided that the consumption**
4 **of the marijuana item occurred no more than 24 hours before the de-**
5 **termination that the person consumed the marijuana item.**

6 **“(2) Except as authorized by the Oregon Liquor Control Commission**
7 **by rule, or as necessary in an emergency, a person under 21 years of**
8 **age may not enter or attempt to enter any portion of a licensed**
9 **premises that is posted or otherwise identified as being prohibited to**
10 **the use of persons under 21 years of age.**

11 **“(3) A person who violates subsection (1) or (2) of this section**
12 **commits a Class B violation.**

13 **“(4) In addition to and not in lieu of any other penalty established**
14 **by law, a court may require a person under 21 years of age who vio-**
15 **lates subsection (1) of this section through misrepresentation of age**
16 **to perform community service, and the court may order that the**
17 **person’s driving privileges and right to apply for driving privileges be**
18 **suspended for a period not to exceed one year. If a court has issued**
19 **an order suspending driving privileges under this section, the court,**
20 **upon petition of the person, may withdraw the order at any time the**
21 **court deems appropriate. The court notification to the Department of**
22 **Transportation under this subsection may include a recommendation**
23 **that the person be granted a hardship permit under ORS 807.240 if the**
24 **person is otherwise eligible for the permit.**

25 **“(5) If a person cited under this section is at least 13 years of age**
26 **but less than 21 years of age at the time the person is found in default**
27 **under ORS 153.102 or 419C.472 for failure to appear, in addition to and**
28 **not in lieu of any other penalty, the court shall issue notice under ORS**
29 **809.220 to the department for the department to suspend the person’s**
30 **driving privileges under ORS 809.280 (4).**

1 “(6) In addition to and not in lieu of any penalty established by law,
2 the court shall order a person to undergo assessment and treatment
3 if the person has previously been found to have violated this section.

4 “(7) The prohibitions of this section do not apply to a person under
5 21 years of age who is acting under the direction of the commission
6 or under the direction of state or local law enforcement agencies for
7 the purpose of investigating possible violations of laws prohibiting
8 sales of marijuana items to persons who are under 21 years of age.

9 “(8) The prohibitions of this section do not apply to a person under
10 21 years of age who is acting under the direction of a licensee for the
11 purpose of investigating possible violations by employees of the
12 licensee of laws prohibiting sales of marijuana items to persons who
13 are under 21 years of age.

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

16 “(A) The person contacted emergency medical services or a law
17 enforcement agency in order to obtain medical assistance for another
18 person who was in need of medical assistance because that person
19 consumed a marijuana item and the evidence of the violation of this
20 section was obtained as a result of the person’s having contacted
21 emergency medical services or a law enforcement agency; or

22 “(B) The person was in need of medical assistance because the
23 person consumed a marijuana item and the evidence of the violation
24 of this section was obtained as a result of the person’s having sought
25 or obtained the medical assistance.

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

30 “SECTION 26. The Oregon Liquor Control Commission may adopt

1 **rules establishing the circumstances under which the commission may**
2 **require a marijuana retailer that holds a license issued under section**
3 **22, chapter 1, Oregon Laws 2015, to use an age verification scanner or**
4 **any other equipment used to verify a person’s age for the purpose of**
5 **ensuring that the marijuana retailer does not sell marijuana items to**
6 **a person under 21 years of age. The marijuana retailer may not retain**
7 **any information obtained under this section after verifying a person’s**
8 **age. The marijuana retailer may not use any information obtained**
9 **under this section for any purpose other than verifying a person’s age.**

10 **“SECTION 27.** ORS 659A.403 is amended to read:

11 “659A.403. (1) Except as provided in subsection (2) of this section, all
12 persons within the jurisdiction of this state are entitled to the full and equal
13 accommodations, advantages, facilities and privileges of any place of public
14 accommodation, without any distinction, discrimination or restriction on
15 account of race, color, religion, sex, sexual orientation, national origin,
16 marital status or age if the individual is [*18 years*] of age, **as described in**
17 **this section**, or older.

18 “(2) Subsection (1) of this section does not prohibit:

19 “(a) The enforcement of laws governing the consumption of alcoholic
20 beverages by minors and the frequenting by minors of places of public ac-
21 commodation where alcoholic beverages are served; [*or*]

22 **“(b) The enforcement of laws governing the use of marijuana items,**
23 **as defined in section 5, chapter 1, Oregon Laws 2015, by persons under**
24 **21 years of age and the frequenting by persons under 21 years of age**
25 **of places of public accommodation where marijuana items are sold;**
26 **or**

27 “[*b*] (c) The offering of special rates or services to persons 50 years of
28 age or older.

29 “(3) It is an unlawful practice for any person to deny full and equal ac-
30 commodations, advantages, facilities and privileges of any place of public

1 accommodation in violation of this section.

2 **“SECTION 28.** ORS 659A.409 is amended to read:

3 “659A.409. Except as provided by laws governing the consumption of al-
4 coholic beverages by minors [*and*], **the use of marijuana items, as defined**
5 **in section 5, chapter 1, Oregon Laws 2015, by persons under 21 years**
6 **of age, the frequenting by minors of places of public accommodation where**
7 **alcoholic beverages are served[,] and the frequenting by persons under**
8 **21 years of age of places of public accommodation where marijuana**
9 **items are sold, and except for special rates or services offered to persons**
10 **50 years of age or older, it is an unlawful practice for any person acting on**
11 **behalf of any place of public accommodation as defined in ORS 659A.400 to**
12 **publish, circulate, issue or display, or cause to be published, circulated, is-**
13 **sued or displayed, any communication, notice, advertisement or sign of any**
14 **kind to the effect that any of the accommodations, advantages, facilities,**
15 **services or privileges of the place of public accommodation will be refused,**
16 **withheld from or denied to, or that any discrimination will be made against,**
17 **any person on account of race, color, religion, sex, sexual orientation, na-**
18 **tional origin, marital status or age if the individual is [18 years] of age, as**
19 **described in this section, or older.**

20

21 **“(Enforcement)**

22

23 **“SECTION 29. In addition to any other liability or penalty provided**
24 **by law, the Oregon Liquor Control Commission may impose for each**
25 **violation of a provision of sections 3 to 70, chapter 1, Oregon Laws**
26 **2015, or a rule adopted under a provision of sections 3 to 70, chapter**
27 **1, Oregon Laws 2015, a civil penalty that does not exceed \$5,000 for**
28 **each violation. The commission shall impose civil penalties under this**
29 **section in the manner provided by ORS 183.745. Moneys collected under**
30 **this section shall be deposited in the Marijuana Control and Regu-**

1 lation Fund established under section 32 of this 2015 Act.

2 **“SECTION 30. (1) An Oregon Liquor Control Commission regulatory**
3 **specialist has the authority as provided in ORS 133.005 to 133.400,**
4 **133.450, 133.525 to 133.703, 133.721 to 133.739, 161.235 and 161.245, ORS**
5 **chapter 153, chapter 743, Oregon Laws 1971, and sections 3 to 70,**
6 **chapter 1, Oregon Laws 2015, to conduct inspections and investi-**
7 **gations, make seizures, aid in prosecutions for offenses, issue citations**
8 **for violations and otherwise enforce the provisions of sections 3 to 70,**
9 **chapter 1, Oregon Laws 2015, any rule adopted under sections 3 to 70,**
10 **chapter 1, Oregon Laws 2015, and any other law of this state that**
11 **charges the commission with a duty, function or power related to**
12 **marijuana, including enforcing any provision of a law or rule related**
13 **to individuals who use false identification for purposes of purchasing**
14 **or possessing a marijuana item or who engage in illegal activity on**
15 **or near a licensed premises.**

16 **“(2) A commission regulatory specialist may not:**

17 **“(a) Be sworn in as a federal law enforcement official and act in**
18 **that capacity while performing duties under this section.**

19 **“(b) Carry a firearm.**

20 **“(c) Conduct inspections and investigations of a primary residence**
21 **or for purposes of ensuring compliance with section 6, chapter 1,**
22 **Oregon Laws 2015.**

23 **“(d) Except as provided in section 116 of this 2015 Act, conduct in-**
24 **spections and investigations for purposes of ensuring compliance with**
25 **ORS 475.300 to 475.346.**

26 **“SECTION 31. For purposes of sections 3 to 70, chapter 1, Oregon**
27 **Laws 2015, the provisions of ORS 183.440 apply to subpoenas issued by**
28 **the Oregon Liquor Control Commission and any authorized agent of**
29 **the commission.**

30

1 “(Marijuana Control and Regulation Fund)

2
3 **“SECTION 32. The Marijuana Control and Regulation Fund is es-**
4 **tablished in the State Treasury, separate and distinct from the General**
5 **Fund. Interest earned by the Marijuana Control and Regulation Fund**
6 **shall be credited to the fund. Moneys in the fund are continuously**
7 **appropriated to the Oregon Liquor Control Commission to administer**
8 **and enforce sections 3 to 70, chapter 1, Oregon Laws 2015.**

9
10 “(Land Use)

11
12 **“SECTION 33.** Section 59, chapter 1, Oregon Laws 2015, is amended to
13 read:

14 **“Sec. 59.** *[(1) Cities and counties may adopt reasonable time, place and*
15 *manner regulations of the nuisance aspects of establishments that sell*
16 *marijuana to consumers if the city or county makes specific findings that the*
17 *establishment would cause adverse effects to occur.]*

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

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

22 **“(a) Reasonable conditions on the manner in which a marijuana**
23 **producer licensed under section 19, chapter 1, Oregon Laws 2015, may**
24 **produce marijuana;**

25 **“(b) Reasonable conditions on the manner in which a marijuana**
26 **processor licensed under section 20, chapter 1, Oregon Laws 2015, may**
27 **process marijuana;**

28 **“(c) Reasonable conditions on the manner in which a marijuana**
29 **wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may**
30 **sell marijuana at wholesale;**

1 “(d) Reasonable limitations on the hours during which a marijuana
2 retailer licensed under section 22, chapter 1, Oregon Laws 2015, may
3 operate;

4 “(e) Reasonable conditions on the manner in which a marijuana
5 retailer licensed under section 22, chapter 1, Oregon Laws 2015, may
6 sell marijuana items;

7 “(f) Reasonable requirements related to the public’s access to a
8 premises for which a license has been issued under section 22, chapter
9 1, Oregon Laws 2015; and

10 “(g) Reasonable limitations on where a premises for which a license
11 may be issued under section 22, chapter 1, Oregon Laws 2015, may be
12 located.

13 “(2) Notwithstanding ORS 633.738, the governing body of a city or
14 county may adopt ordinances that impose reasonable regulations on
15 the operation of businesses located at premises for which a license has
16 been issued under section 22, chapter 1, Oregon Laws 2015, if the
17 premises are located in the area subject to the jurisdiction of the city
18 or county, except that the governing body of a city or county may not
19 adopt an ordinance that prohibits a premises for which a license has
20 been issued under section 22, chapter 1, Oregon Laws 2015, from being
21 located within a distance that is greater than 1,000 feet of another
22 premises for which a license has been issued under section 22, chapter
23 1, Oregon Laws 2015.

24 “(3) Regulations adopted under this section must be consistent with
25 city and county comprehensive plans and zoning ordinances and ap-
26 plicable provisions of public health and safety laws.

27 “SECTION 34. (1) Notwithstanding any other provision of law,
28 marijuana is:

29 “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;

30 “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as

1 **defined in ORS 30.930;**

2 **“(c) A product of farm use as described in ORS 308A.062; and**

3 **“(d) The product of an agricultural activity for purposes of ORS**
4 **568.909.**

5 **“(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the fol-**
6 **lowing are not permitted uses on land designated for exclusive farm**
7 **use:**

8 **“(a) A new dwelling used in conjunction with a marijuana crop;**

9 **“(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o),**
10 **used in conjunction with a marijuana crop; and**

11 **“(c) A commercial activity, as described in ORS 215.213 (2)(c) or**
12 **215.283 (2)(a), carried on in conjunction with a marijuana crop.**

13 **“(3) A county may allow the production of marijuana as a farm use**
14 **on land zoned for farm or forest use in the same manner as the pro-**
15 **duction of marijuana is allowed in exclusive farm use zones under this**
16 **section and ORS 215.213 and 215.283.**

17 **“(4)(a) Prior to the issuance of a license under section 19, 20, 21 or**
18 **22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commis-**
19 **sion shall request a land use compatibility statement from the city or**
20 **county that authorizes the land use. The land use compatibility**
21 **statement must demonstrate that the requested license is for a land**
22 **use that is allowable as a permitted or conditional use within the given**
23 **zoning designation where the land is located. The commission may not**
24 **issue a license if the land use compatibility statement shows that the**
25 **proposed land use is prohibited in the applicable zone.**

26 **“(b) A city or county that receives a request for a land use com-**
27 **patibility statement under this subsection must act on that request**
28 **within 21 days of:**

29 **“(A) Receipt of the request, if the land use is allowable as an out-**
30 **right permitted use; or**

1 illegal activity;

2 “(e) Prevent violence and the use of firearms in **association with** the
3 cultivation and distribution of marijuana;

4 “(f) Prevent drugged driving and the exacerbation of other adverse public
5 health consequences associated with the use of marijuana;

6 “(g) Prevent the growing of marijuana on public lands and the attendant
7 public safety and environmental dangers posed by marijuana production on
8 public lands; and

9 “(h) Prevent the possession and use of marijuana on federal property.

10 “**SECTION 36.** Section 2, chapter 1, Oregon Laws 2015, is amended to
11 read:

12 “**Sec. 2.** *[(1) Sections 3 to 70 of this Act are added to and made a part of*
13 *the Oregon Revised Statutes.]*

14 “[~~(2)~~ Section 71 is added to and made a part of ORS chapter 317.]

15 “[~~(3)~~] **(1)** Section 72, **chapter 1, Oregon Laws 2015**, is added to and made
16 a part of ORS chapter 475.

17 “[~~(4)~~] **(2)** Section 73, **chapter 1, Oregon Laws 2015**, is added to and made
18 a part of ORS chapter 811.

19 “**SECTION 37.** Section 3, chapter 1, Oregon Laws 2015, is amended to
20 read:

21 “**Sec. 3.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, *[of this Act]*
22 shall be known and may be cited as the Control[,] **and** Regulation[, *and*
23 *Taxation*] of Marijuana *[and Industrial Hemp]* Act.

24 “**SECTION 38.** Section 4, chapter 1, Oregon Laws 2015, is amended to
25 read:

26 “**Sec. 4.** Sections 3 to 70, **chapter 1, Oregon Laws 2015**, *[of this Act]*
27 may not be construed:

28 “(1) To amend or affect *[in any way any]* state or federal law pertaining
29 to employment matters;

30 “(2) To amend or affect *[in any way any]* state or federal law pertaining

1 to landlord-tenant matters;

2 “(3) To prohibit a recipient of a federal grant or an applicant for a federal
3 grant from prohibiting the manufacture, delivery, possession[,] or use of
4 marijuana to the extent necessary to satisfy federal requirements for the
5 grant;

6 “(4) To prohibit a party to a federal contract or a person applying to be
7 a party to a federal contract from prohibiting the manufacture, delivery,
8 possession[,] or use of marijuana to the extent necessary to comply with the
9 terms and conditions of the contract or to satisfy federal requirements for
10 the contract;

11 “(5) To require a person to violate a federal law;

12 “(6) To exempt a person from a federal law or obstruct the enforcement
13 of a federal law; or

14 “(7) To amend or affect [*in any way*] the Oregon Medical Marijuana Act.

15 “**SECTION 39.** Section 6, chapter 1, Oregon Laws 2015, is amended to
16 read:

17 “**Sec. 6.** (1) Sections 7 to 44 and 60 to 62, **chapter 1, Oregon Laws 2015,**
18 [*of this Act*] do not apply:

19 “(a) To the production, processing[, *keeping,*] or storage of homegrown
20 marijuana at a household by one or more persons 21 years of age and
21 older, if the total **amount** of homegrown marijuana at the household does
22 not exceed four marijuana plants and eight ounces of usable marijuana at
23 [*a given*] **any** time.

24 “(b) To the making, processing[, *keeping,*] or storage of homemade
25 [*marijuana*] **cannabinoid** products at a household by one or more persons
26 21 years of age and older, if the total **amount** of homemade [*marijuana*]
27 **cannabinoid** products at the household does not exceed [*sixteen*] **16** ounces
28 in solid form at [*a given*] **any** time.

29 “(c) To the making, processing[, *keeping,*] or storage of homemade
30 [*marijuana*] **cannabinoid** products at a household by one or more persons

1 21 years of age and older, if the total **amount** of homemade [*marijuana*]
2 **cannabinoid** products at the household does not exceed [*seventy-two*] **72**
3 ounces in liquid form at [*a given*] **any** time.

4 “(d) **To the making, processing or storage of homemade cannabinoid**
5 **concentrates at a household by one or more persons 21 years of age**
6 **or older, if the total amount of homemade cannabinoid concentrates**
7 **at the household does not exceed one ounce at any time.**

8 “[*d*] (e) To the delivery of not more than one ounce of homegrown
9 marijuana at a [*given*] time by a person 21 years of age or older to another
10 person 21 years of age or older for noncommercial purposes.

11 “[*e*] (f) To the delivery of not more than [*sixteen*] **16** ounces of homemade
12 [*marijuana*] **cannabinoid** products in solid form at a [*given*] time by a person
13 21 years of age or older to another person 21 years of age or older for non-
14 commercial purposes.

15 “[*f*] (g) To the delivery of not more than [*seventy-two*] **72** ounces of
16 homemade [*marijuana*] **cannabinoid** products in liquid form at a [*given*] time
17 by a person 21 years of age or older to another person 21 years of age or
18 older for noncommercial purposes.

19 “(h) **To the delivery of not more than one ounce of cannabinoid**
20 **concentrates at a time by a person 21 years of age or older to another**
21 **person 21 years of age or older for noncommercial purposes.**

22 “(2) Sections 7 to 70, **chapter 1, Oregon Laws 2015** [*of this Act*]:

23 “(a) Do not apply to the extent a person acts within the scope of and in
24 compliance with the Oregon Medical Marijuana Act; [*or*] **and**

25 “(b) Do not amend or affect [*in any way the function,*] duties, **functions**
26 and powers of the Oregon Health Authority under the Oregon Medical
27 Marijuana Act.

28 “**SECTION 40.** Section 10, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 “**Sec. 10.** [*No member of the Oregon Liquor Control Commission, the State*

1 *Department of Agriculture, or the Oregon Health Authority may be sued for*
2 *doing or omitting to do any act in the performance of duties as prescribed in*
3 *sections 3 to 70 of this Act.] A person may not sue the Oregon Liquor*
4 **Control Commission or a member of the commission, the State De-**
5 **partment of Agriculture or the Oregon Health Authority, or any em-**
6 **ployee of the commission, department or authority, for performing or**
7 **omitting to perform any duty, function or power of the commission,**
8 **department or authority set forth in sections 3 to 70, chapter 1, Oregon**
9 **Laws 2015, or in any other law of this state requiring the commission,**
10 **department or authority to perform a duty, function or power related**
11 **to marijuana.**

12 **“SECTION 41.** Section 11, chapter 1, Oregon Laws 2015, is amended to
13 read:

14 **“Sec. 11.** (1) [*Neither*] The Oregon Liquor Control Commission, the State
15 Department of Agriculture[, *nor*] **and** the Oregon Health Authority may **not**
16 refuse to perform any duty under sections 3 to 70, **chapter 1, Oregon Laws**
17 **2015,** [*of this Act*] on the basis that manufacturing, distributing, dispensing,
18 possessing[,] or using marijuana is prohibited by federal law.

19 **“(2)** The commission may not revoke or refuse to issue or renew a license
20 under sections 3 to 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] on the
21 basis that manufacturing, distributing, dispensing, possessing[,] or using
22 marijuana is prohibited by federal law.

23 **“SECTION 42.** Section 12, chapter 1, Oregon Laws 2015, is amended to
24 read:

25 **“Sec. 12.** [*No*] A contract [*shall be*] **is not** unenforceable on the basis that
26 manufacturing, distributing, dispensing, possessing[,] or using marijuana is
27 prohibited by federal law.

28 **“SECTION 43.** Section 13, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 **“Sec. 13.** Licensees and licensee representatives may produce, deliver[,]

1 and possess marijuana items subject to the provisions of sections 3 to 70,
2 **chapter 1, Oregon Laws 2015** [*of this Act*]. The production, delivery[,] and
3 possession of marijuana items by a licensee or a licensee representative in
4 compliance with sections 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this*
5 *Act shall*] **does** not constitute a criminal or civil offense under Oregon law.

6 **“SECTION 44.** Section 14, chapter 1, Oregon Laws 2015, is amended to
7 read:

8 **“Sec. 14.** [*No*] **A** licensee or licensee representative may **not** sell or de-
9 liver [*any marijuana items to any*] **a marijuana item to a person under 21**
10 **years of age.**

11 **“SECTION 45.** Section 17, chapter 1, Oregon Laws 2015, is amended to
12 read:

13 **“Sec. 17.** (1) [*No*] **A** person [*shall*] **may not** produce any piece of iden-
14 tification that would falsely indicate the person’s age.

15 **“(2)** If a piece of identification is offered as evidence in any administra-
16 tive or criminal prosecution of a licensee or licensee representative for sale
17 or service of [*marijuana items*] **a marijuana item** to a person [*not having*
18 *reached*] **under 21 years of age**, the licensee or licensee representative [*shall*
19 *be found to have committed no crime or other wrong*] **is not guilty of any**
20 **offense prohibiting a person from selling or serving a marijuana item**
21 **to a person under 21 years of age** unless it is demonstrated that a rea-
22 sonable person would have determined that the identification exhibited **by**
23 **the person under 21 years of age** was altered or did not accurately de-
24 scribe the person **under 21 years of age** to whom the marijuana [*items*
25 *were*] **item was** sold or served.

26 **“SECTION 46.** Section 23, chapter 1, Oregon Laws 2015, is amended to
27 read:

28 **“Sec. 23.** (1) The Oregon Liquor Control Commission has the right after
29 72 hours’ notice to the owner or the agent of the owner to make an exam-
30 ination of the books and may at any time make an examination of the

1 premises of any person licensed under sections 3 to 70, **chapter 1, Oregon**
2 **Laws 2015** [*of this Act*], for the purpose of determining compliance with
3 sections 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this Act*] and the rules
4 of the commission.

5 “(2) The commission [*shall*] **may** not require the books of [*any*] a licensee
6 to be maintained on the premises of the licensee.

7 “(3) **This section does not authorize the commission to make an**
8 **examination of the premises of a person registered under ORS 475.300**
9 **to 475.346.**

10 “**SECTION 47.** Section 24, chapter 1, Oregon Laws 2015, is amended to
11 read:

12 “**Sec. 24.** The same person may hold one or more production licenses, one
13 or more processor licenses, one or more wholesale licenses[,] and one or more
14 retail licenses.

15 “**SECTION 48.** Section 45, chapter 1, Oregon Laws 2015, is amended to
16 read:

17 “**Sec. 45. (1) A licensee or licensee representative may not import**
18 **marijuana items** [*may not be imported*] into this state or [*exported*] **export**
19 **marijuana items** from this state [*by any licensee or licensee representative*].

20 “(2) A violation of subsection (1) of this section is a:

21 “(a) Class C felony, if the importation or exportation is for consideration;
22 or

23 “(b) Class A misdemeanor, if the importation or exportation is not for
24 consideration.

25 “**SECTION 49.** Section 46, chapter 1, Oregon Laws 2015, is amended to
26 read:

27 “**Sec. 46.** [*Marijuana items*] **A marijuana item** may not be given as a
28 prize, premium or consideration for a lottery, contest, game of chance [*or*],
29 **game of skill**[,] or competition of any kind.

30 “**SECTION 50.** Section 47, chapter 1, Oregon Laws 2015, is amended to

1 read:

2 “**Sec. 47.** (1) A person may not sell, give or otherwise make available any
3 marijuana [*items*] **item** to [*any*] **a** person who is visibly intoxicated.

4 “(2)(a) A person who exercises control over private real property may not
5 knowingly allow [*any other*] **a** person under the age of 21 years to consume
6 marijuana items on the property, or allow any other person under the age
7 of 21 years to remain on the property if the person under the age of 21 years
8 consumes marijuana items on the property.

9 “(b) This subsection:

10 “(A) Applies only to a person who is present and in control of the lo-
11 cation at the time the consumption occurs; and

12 “(B) Does not apply to the owner of rental property, or the agent of an
13 owner of rental property, unless the consumption occurs in the individual
14 **housing** unit in which the owner or agent resides.

15 “**SECTION 51.** Section 48, chapter 1, Oregon Laws 2015, is amended to
16 read:

17 “**Sec. 48.** (1) [*No*] **A** person [*shall*] **may not** make false representations
18 or statements to the Oregon Liquor Control Commission in order to induce
19 or prevent action by the commission.

20 “(2) [*No*] **A** licensee of the commission [*shall*] **may not** maintain a noisy,
21 lewd, disorderly or insanitary establishment or supply impure or otherwise
22 deleterious marijuana items.

23 “(3) [*No*] **A** licensee of the commission [*shall*] **may not** misrepresent to
24 a customer or to the public any marijuana items.

25 “**SECTION 52.** Section 50, chapter 1, Oregon Laws 2015, is amended to
26 read:

27 “**Sec. 50.** (1) [*No marijuana items shall*] **A marijuana item may not** be
28 sold or offered for sale within this state unless [*such marijuana items*
29 *comply*] **the marijuana item complies** with the minimum standards [*fixed*
30 *pursuant to law*] **prescribed by the statutory laws of this state.**

1 “[2] *The Oregon Liquor Control Commission may require a marijuana*
2 *producer, marijuana processor, or marijuana wholesaler to provide a labora-*
3 *tory analysis demonstrating to the satisfaction of the commission that partic-*
4 *ular marijuana items comply with the minimum standards in this state.*]

5 “[3] *No marijuana items offered for sale within this state may be altered*
6 *or tampered with in any way by any person not licensed to do so by the com-*
7 *mission.*]

8 “[4] (2) The **Oregon Liquor Control** Commission may prohibit the sale
9 of [*any marijuana items*] **a marijuana item by a marijuana retailer** for a
10 reasonable period of time [*while it is determining*] **for the purpose of de-**
11 **termining** whether the marijuana [*items comply*] **item complies** with **the**
12 minimum standards [*in this*] **prescribed by the statutory laws of this** state.

13 **“SECTION 53.** Section 51, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 **“Sec. 51.** (1) [*No*] **A licensee** [*shall*] **may not** use or allow the use of
16 [*any*] **a mark or label** on the container of [*any marijuana items which are*]
17 **a marijuana item that is** kept for sale[,] if the container does not precisely
18 and clearly indicate the nature of [*its*] **the container’s** contents or in any
19 way might deceive [*any*] **a customer** as to the nature, composition, quantity,
20 age or quality of [*such*] **the marijuana** [*items*] **item.**

21 “(2) The Oregon Liquor Control Commission may prohibit [*any*] **a licensee**
22 from selling any brand of marijuana [*items which*] **item that** in [*its*] **the**
23 **commission’s** judgment is deceptively labeled or branded as to content[,]
24 or contains injurious or adulterated ingredients.

25 **“SECTION 54.** Section 53, chapter 1, Oregon Laws 2015, is amended to
26 read:

27 **“Sec. 53.** (1) Except for **a licensed marijuana** [*producers and their*] **pro-**
28 **ducer and the producer’s** licensee [*representatives, no*] **representative, a**
29 licensee may **not** possess a mature marijuana plant.

30 “(2) [*No*] **A licensee** may **not** sell a mature marijuana plant.

1 **“SECTION 55.** Section 56, chapter 1, Oregon Laws 2015, is amended to
2 read:

3 **“Sec. 56.** (1) [No] A person may **not** produce, process[, *keep*,] or store
4 homegrown marijuana or homemade [*marijuana*] **cannabinoid** products **or**
5 **cannabinoid concentrates** if the homegrown marijuana or homemade
6 [*marijuana*] **cannabinoid** products **or cannabinoid concentrates** can be
7 readily seen by normal unaided vision from a public place.

8 “(2) A violation of subsection (1) of this section is a Class B violation.

9 **“SECTION 56.** Section 57, chapter 1, Oregon Laws 2015, is amended to
10 read:

11 **“Sec. 57.** [No] A person may **not** produce, process[, *keep*,] or store home-
12 made [*marijuana*] **cannabinoid** extracts.

13 **“SECTION 57.** Section 58, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 **“Sec. 58.** [*Sections 3 to 70 of this Act*,] **The provisions of sections 3 to**
16 **70, chapter 1, Oregon Laws 2015, are** designed to operate uniformly
17 throughout the state[, *shall be*] **and are** paramount and superior to and
18 [*shall*] fully replace and supersede any [*and all*] municipal charter
19 [*enactments*] **amendment** or local [*ordinances*] **ordinance** inconsistent with
20 [*it*] **the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015.**
21 [*Such charters*] **Amendments** and ordinances **that are inconsistent with**
22 **the provisions of sections 3 to 70, chapter 1, Oregon Laws 2015,**
23 [*hereby*] are repealed.

24 **“SECTION 58.** Section 60, chapter 1, Oregon Laws 2015, is amended to
25 read:

26 **“Sec. 60.** (1) The governing body of a city or a county, when a petition
27 is filed as provided in this section, shall order an election on the question
28 whether the operation of licensed premises [*shall*] **should** be prohibited in
29 the city or county.

30 “(2) Except as **otherwise** provided in [*subsections (3), (4) and (5) of*] this

1 section, the requirements for preparing, circulating and filing a petition un-
2 der this section:

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

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

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

8 “(a) Must be filed not less than 60 days before the day of the election;
9 and

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

12 “(4) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county
13 or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the
14 requirements for preparing, circulating and filing a petition under this sec-
15 tion *[shall]* **must** be as provided for an initiative petition under the county
16 or city charter or an ordinance adopted under the county or city charter.

17 “(5) *[No]* A signature is **not** valid unless signed within 180 days before
18 the petition is filed.

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

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

23 “**SECTION 59.** Section 61, chapter 1, Oregon Laws 2015, is amended to
24 read:

25 “**Sec. 61.** Section 60, **chapter 1, Oregon Laws 2015, does** *[of this Act*
26 *shall]* not prevent any person residing in the county or city from having, for
27 personal use, a marijuana *[items]* **item** purchased from a marijuana *[retailers*
28 *duly]* **retailer** licensed under **section 22, chapter 1, Oregon Laws 2015** *[this*
29 *Act]*.

30 “**SECTION 60.** Section 63, chapter 1, Oregon Laws 2015, is amended to

1 read:

2 “**Sec. 63.** The state police, sheriffs[*constables and all*] **and** police officers
3 [*within the State of Oregon shall*] **of this state may** shall enforce sections
4 3 to [*30 of this Act and sections 45 to*] 70, **chapter 1, Oregon Laws 2015,**
5 [*of this Act*] and assist the Oregon Liquor Control Commission in detecting
6 violations of sections 3 to [*30 of this Act and sections 45 to*] 70, **chapter 1,**
7 **Oregon Laws 2015,** [*of this Act*] and apprehending offenders. [*Each such*]
8 **An** enforcing officer [*having*] **who has** notice, knowledge or reasonable
9 ground of suspicion of [*any*] **a** violation of sections 3 to [*30 of this Act or*
10 *sections 45 to*] 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] shall imme-
11 diately notify the district attorney[,] and furnish the district attorney with
12 names and addresses of any witnesses, or other information within the
13 officer’s knowledge, of [*such*] **the** violation.

14 “**SECTION 61.** Section 64, chapter 1, Oregon Laws 2015, is amended to
15 read:

16 “**Sec. 64.** (1) [*Whenever any*] **When an** officer arrests [*any*] **a** person for
17 violation of sections 3 to [*30 of this Act or sections 45 to*] 70, **chapter 1,**
18 **Oregon Laws 2015** [*of this Act*], the officer may take into possession all
19 marijuana items[,] and other property [*which*] **that** the person so arrested
20 has in possession, or **that is** on the premises, [*which*] **that** is apparently
21 being used in violation of sections 3 to [*30 of this Act or sections 45 to*] 70,
22 **chapter 1, Oregon Laws 2015** [*of this Act*].

23 “(2) If [*the*] **a** person [*so*] arrested **as described in this section** is con-
24 victed, and [*it is found*] **the court finds** that the marijuana items[,] and
25 other property [*has*] **have** been used in violation of [*Oregon law*] **the laws**
26 **of this state:**

27 “(a) The marijuana items [*shall*] **must** be forfeited to an appropriate state
28 or local law enforcement agency[,] and [*shall*] **must** be delivered by the court
29 or officer, **at the direction of the court,** to the law enforcement agency;
30 and

1 “(b) Subject to other applicable law, the other property [*shall*] **must** be
2 forfeited to the Oregon Liquor Control Commission, and [*shall*] **must** be de-
3 livered by the court or officer to the commission.

4 “(3) The commission is authorized to destroy or make such other disposi-
5 tion of any property it receives under [*paragraph (b) of*] subsection (2)(b) of
6 this section as it considers to be in the public interest. In any such case, all
7 such property, including [*lockers, chairs, tables, cash registers, music devices,*
8 *gambling devices,*] furniture, furnishings, equipment and facilities for the
9 storing, serving or using of marijuana items [*shall*] **must** be confiscated and
10 forfeited to the state, and the clear proceeds [*shall*] **must** be deposited with
11 the State Treasury in the Common School Fund [*in the manner provided in*
12 *this section*].

13 “**SECTION 62.** Section 65, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 “**Sec. 65.** The county courts, district attorneys and municipal authorities,
16 immediately upon the conviction of any licensee of the Oregon Liquor Con-
17 trol Commission of a violation of any provision of sections 3 to [*30 of this*
18 *Act or sections 45 to*] 70, **chapter 1, Oregon Laws 2015,** [*of this Act*] or the
19 violation of any other law of this state or ordinance of any municipality
20 [*therein*] **in this state,** in which violation marijuana had any part, shall
21 notify the commission [*thereof. Such officials*] **of the conviction. The**
22 **county courts, district attorneys and municipal authorities** shall notify
23 the commission of any acts, practices or other conduct of [*any such*] a
24 licensee [*which*] **convicted as described in this section that** may be
25 subversive of the general welfare or contrary to the spirit of **sections 3 to**
26 **70, chapter 1, Oregon Laws 2015,** [*this Act*] and shall recommend such
27 action on the part of the commission as will remove the evil.

28 “**SECTION 63.** Section 66, chapter 1, Oregon Laws 2015, is amended to
29 read:

30 “**Sec. 66.** Any room, house, building, boat, structure or place of any kind

1 where marijuana items are sold, manufactured, bartered or given away in
2 violation of Oregon law, or where persons are permitted to resort for the
3 purpose of using marijuana items in violation of Oregon law, or any place
4 where marijuana items are kept for sale, barter or gift in violation of
5 [Oregon law] **the laws of this state**, and all marijuana items or property
6 subject to confiscation under section 64, **chapter 1, Oregon Laws 2015**, [of
7 this Act] kept and used in such a place, [is] **are** a common nuisance. [Any]
8 **A** person who maintains or assists in maintaining [such] **the** common nui-
9 sance or knowingly suffers or permits [such] **the** nuisance to exist in any
10 place of which the person is the owner, manager or lessor, [shall be] **is** guilty
11 of a violation of sections 3 to [30 of this Act and sections 45 to] 70, **chapter**
12 **1, Oregon Laws 2015** [of this Act].

13 **“SECTION 64.** Section 67, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 **“Sec. 67.** If it is proved that the owner of [any] a building or premises
16 knowingly has [suffered the same to be used or] **used the building or**
17 **premises or allowed the building or premises to be** occupied for the
18 manufacture, sale or possession of marijuana items[,] contrary to the pro-
19 visions of sections 3 to [30 of this Act or sections 45 to] 70, **chapter 1,**
20 **Oregon Laws 2015** [of this Act], [such] **the** building or premises are subject
21 to a lien for, and may be sold to pay all fines and costs assessed against their
22 occupants for, any violation of sections 3 to [30 of this Act or sections 45
23 to] 70, **chapter 1, Oregon Laws 2015** [of this Act]. The lien [shall] **must** be
24 enforced immediately by civil action in any court [having] **that has** juris-
25 diction, by the district attorney of the county [wherein] **in which** the build-
26 ing or premises are located.

27 **“SECTION 65.** Section 68, chapter 1, Oregon Laws 2015, is amended to
28 read:

29 **“Sec. 68.** In case of invasion, disaster, insurrection[,] **or** riot, or imminent
30 danger [thereof] **of invasion, disaster, insurrection or riot**, the Governor

1 may, for the duration of [*such*] **the** invasion, disaster, insurrection[,] **or** riot,
2 or imminent danger [*thereof*], immediately suspend without notice any license
3 in the area involved granted under sections 3 to [*30 of this Act or sections*
4 *45 to*] **70, chapter 1, Oregon Laws 2015** [*of this Act*].

5 **“SECTION 66.** Section 69, chapter 1, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 69.** (1) Except where other punishment is specifically provided for
8 in sections 3 to 70, **chapter 1, Oregon Laws 2015** [*of this Act*], violation of
9 any provision of sections 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this*
10 *Act*] is a Class A misdemeanor.

11 “[*(2) A violation of subsection (1) of section 40 of this Act is a Class B*
12 *misdemeanor.*.]

13 “[*(3)*] **(2)** Subject to ORS 153.022, violation of [*any regulation*
14 *promulgated*] **a rule adopted under section 7 (2)(d), chapter 1, Oregon**
15 **Laws 2015**, [*paragraph (e) of subsection (2) of section 7 of this Act*] is a Class
16 C violation.

17 **“SECTION 67.** Section 70, chapter 1, Oregon Laws 2015, is amended to
18 read:

19 **“Sec. 70.** If any [*sections, subsections, paragraphs, phrases, or words*]
20 **section, subsection, paragraph, phrase or word** of sections 3 to 70,
21 **chapter 1, Oregon Laws 2015**, [*of this Act shall be*] **is held to be** uncon-
22 stitutional, void[,] or illegal, either on [*their*] **its** face or as applied, [*this*
23 *shall*] **that holding does** not affect the applicability, constitutionality[,] or
24 legality of any other [*sections, subsections, paragraphs, phrases, and words*]
25 **section, subsection, paragraph, phrase or word** of sections 3 to 70,
26 **chapter 1, Oregon Laws 2015** [*of this Act*]. To that end, the sections, sub-
27 sections, paragraphs, phrases[,] and words of sections 3 to 70, **chapter 1,**
28 **Oregon Laws 2015**, [*of this Act*] are intended to be severable. It is hereby
29 declared to be the intent of **the people of this state in adopting** sections
30 3 to 70, **chapter 1, Oregon Laws 2015**, [*of this Act*] that sections 3 to 70,

1 **chapter 1, Oregon Laws 2015**, [of this Act] would have been adopted had
2 such unconstitutional, void[,] or illegal sections, subsections, paragraphs,
3 phrases[,] or words, if any, not been included in sections 3 to 70, **chapter**
4 **1, Oregon Laws 2015** [of this Act].

5 **“SECTION 68.** Section 72, chapter 1, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 72.** As used in the following statutes and any rule adopted [there-
8 under] **under the following statutes**, the term ‘controlled substance’
9 [shall] **does** not include marijuana:

10 “(1) ORS 475.125 [to ORS], **475.135, 475.145, 475.155 and 475.165** [(regis-
11 tration with the State Board of Pharmacy)].

12 “(2) ORS 475.175 [to ORS], **475.185, 475.188 and 475.190** [(records)].

13 **“SECTION 69.** Section 32, chapter 1, Oregon Laws 2015, is amended to
14 read:

15 **“Sec. 32.** (1) As used in sections 31 to 44, **chapter 1, Oregon Laws 2015**
16 [of this Act], ‘sale’ or ‘sold’ means any transfer, exchange or barter, in any
17 manner or by any means, for a consideration, and includes [and means] all
18 sales made by any person. It includes a gift by a person engaged in the
19 business of selling marijuana, for advertising, as a means of evading sections
20 31 to 44, **chapter 1, Oregon Laws 2015** [of this Act], or for any other pur-
21 pose.

22 “(2) If a marijuana producer also holds one or more processor licenses,
23 one or more wholesale licenses[,] or one or more retail licenses, a sale of
24 marijuana flowers, marijuana leaves[,] or immature marijuana plants will be
25 deemed to occur if and when the marijuana producer processes or takes any
26 other action with respect to [such] **the** marijuana flowers, marijuana
27 leaves[,] or immature marijuana plants for which a processor license,
28 wholesale license[,] or retail license is required, regardless of whether the
29 marijuana producer continues to own or possess the marijuana flowers,
30 marijuana leaves[,] or immature marijuana plants.

1 **“SECTION 70.** Section 33, chapter 1, Oregon Laws 2015, is amended to
2 read:

3 **“Sec. 33.** (1) A tax is imposed upon the privilege of engaging in business
4 as a marijuana producer at the rate of:

5 “(a) \$35 per ounce on all marijuana flowers;

6 “(b) \$10 per ounce on all marijuana leaves; and

7 “(c) \$5 per immature marijuana plant.

8 “(2) The rates of tax imposed by this section upon marijuana flowers and
9 marijuana leaves apply proportionately to quantities of less than one ounce.

10 “(3) The tax imposed by this section [*shall*] **must** be measured by the
11 quantities of marijuana flowers, marijuana leaves[,] and immature marijuana
12 plants produced and sold by any marijuana producer. The taxes specified in
13 this section [*shall*] **must** be levied and assessed to the marijuana producer
14 at the time of the first sale of the marijuana flowers, marijuana leaves[,] and
15 immature marijuana plants by the marijuana producer.

16 “(4) For reporting periods beginning on or after July 1, 2017, the rates
17 of tax under subsection (1) of this section [*shall*] **must** be adjusted for each
18 biennium according to the cost-of-living adjustment for the calendar year.
19 The Oregon Liquor Control Commission shall recompute the rates for each
20 biennium by adding to each rate in subsection (1) of this section the product
21 obtained by multiplying the rate by a factor that is equal to 0.25 multiplied
22 by the percentage (if any) by which the monthly averaged U.S. City Average
23 Consumer Price Index for the 12 consecutive months ending August 31 of the
24 prior calendar year exceeds the monthly averaged U.S. City Average Con-
25 sumer Price Index for the 12 consecutive months ending August 31, 2015.

26 “(5) The commission shall regularly review the rates of tax under sub-
27 section (1) of this section and make recommendations to the Legislative As-
28 sembly regarding appropriate adjustments to the rates that will further the
29 purposes of:

30 “(a) Maximizing net revenue;

1 “(b) Minimizing the illegal marijuana industry under Oregon law; and

2 “(c) Discouraging the use of marijuana by minors under 21 years of age.

3 **“SECTION 71.** Section 34, chapter 1, Oregon Laws 2015, is amended to
4 read:

5 **“Sec. 34.** (1) The privilege tax imposed by section 33, **chapter 1, Oregon**
6 **Laws 2015,** *[of this Act shall]* **must** be paid to the Oregon Liquor Control
7 Commission. The taxes covering the periods for which statements are re-
8 quired to be rendered by section 35, **chapter 1, Oregon Laws 2015,** *[of this*
9 *Act shall]* **must** be paid before the time for filing such statements expires.
10 If not so paid, a penalty of 10 percent and interest at the rate of one percent
11 a month or fraction of a month *[shall]* **must** be added and collected. The
12 commission may refund any tax payment imposed upon or paid in error by
13 any licensee.

14 “(2) The commission may waive any interest or penalty assessed to a
15 marijuana producer subject to the tax imposed under section 33, **chapter 1,**
16 **Oregon Laws 2015,** *[of this Act]* if the commission, in its discretion, deter-
17 mines that the marijuana producer has made a good faith attempt to comply
18 with the requirements of sections 31 to 44, **chapter 1, Oregon Laws 2015**
19 *[of this Act]*.

20 “(3) Except in the case of fraud, the commission may not assess any in-
21 terest or penalty on any tax due under section 33, **chapter 1, Oregon Laws**
22 **2015,** *[of this Act]* following the expiration of 36 months from the date on
23 which was filed the statement required under section 35, **chapter 1, Oregon**
24 **Laws 2015,** *[of this Act]* reporting the quantities of marijuana flowers,
25 marijuana leaves[,] and immature marijuana plants upon which the tax is
26 due.

27 “(4) A marijuana producer may appeal a tax imposed under section 33,
28 **chapter 1, Oregon Laws 2015,** *[of this Act]* in the manner of a contested
29 case under ORS chapter 183.

30 **“SECTION 72.** Section 35, chapter 1, Oregon Laws 2015, is amended to

1 read:

2 “**Sec. 35.** On or before the 20th day of each month, every marijuana pro-
3 ducer shall file with the Oregon Liquor Control Commission a statement of
4 the quantities of marijuana flowers, marijuana leaves[,] and immature
5 marijuana plants sold by the marijuana producer during the preceding cal-
6 endar month.

7 “**SECTION 73.** Section 36, chapter 1, Oregon Laws 2015, is amended to
8 read:

9 “**Sec. 36.** If any marijuana producer fails, neglects or refuses to file a
10 statement required by section 35, **chapter 1, Oregon Laws 2015**, [*of this*
11 *Act*] or files a false statement, the Oregon Liquor Control Commission shall
12 estimate the quantities of marijuana flowers, marijuana leaves[,] and imma-
13 ture marijuana plants sold by the marijuana producer and assess the privi-
14 lege taxes [*thereon*] **on the estimated quantities**. The marijuana producer
15 [*shall*] **must** be estopped from complaining of the quantities so estimated.

16 “**SECTION 74.** Section 37, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 “**Sec. 37.** The privilege tax required to be paid by section 33, **chapter 1,**
19 **Oregon Laws 2015**, [*of this Act*] constitutes a lien upon, and has the effect
20 of an execution duly levied against, any and all property of the marijuana
21 producer, attaching at the time the marijuana flowers, marijuana leaves[,]
22 and immature marijuana plants subject to the tax were sold, and remaining
23 until the tax is paid. The lien created by this section is paramount to all
24 private liens or encumbrances.

25 “**SECTION 75.** Section 38, chapter 1, Oregon Laws 2015, is amended to
26 read:

27 “**Sec. 38.** Every marijuana producer shall keep a complete and accurate
28 record of all sales of marijuana flowers, marijuana leaves[,] and immature
29 marijuana plants, and a complete and accurate record of the number of
30 ounces of marijuana flowers produced, the number of ounces of marijuana

1 leaves produced, the number of immature marijuana plants produced[,] and
2 the dates of production. The records [*shall*] **must** be in such form and con-
3 tain such other information as the Oregon Liquor Control Commission may
4 prescribe.

5 **“SECTION 76.** Section 39, chapter 1, Oregon Laws 2015, is amended to
6 read:

7 **“Sec. 39.** (1) The Oregon Liquor Control Commission may, at any time,
8 examine the books and records of any marijuana producer[,] and may appoint
9 auditors, investigators and other employees that the commission considers
10 necessary to enforce its powers and perform its duties under sections 31 to
11 44, **chapter 1, Oregon Laws 2015** [*of this Act*].

12 “(2) Every marijuana producer shall maintain and keep for two years all
13 records, books and accounts required by sections 31 to 44, **chapter 1,**
14 **Oregon Laws 2015,** [*of this Act*] and shall provide copies of those records,
15 books and accounts to the commission when requested by the commission.

16 **“SECTION 77.** Section 40, chapter 1, Oregon Laws 2015, is amended to
17 read:

18 **“Sec. 40.** (1) [*No*] **A** marijuana producer [*shall*] **may not:**

19 “(a) Fail to pay the privilege tax prescribed in section 33, **chapter 1,**
20 **Oregon Laws 2015,** [*of this Act*] when it is due; or

21 “(b) Falsify the statement required by section 35, **chapter 1, Oregon**
22 **Laws 2015** [*of this Act*].

23 “(2) [*No*] **A** person [*shall*] **may not:**

24 “(a) Refuse to permit the Oregon Liquor Control Commission or any of
25 its representatives to make an inspection of the books and records authorized
26 by sections 38 and 39, **chapter 1, Oregon Laws 2015** [*of this Act*];

27 “(b) Fail to keep books of account prescribed by the commission or re-
28 quired by sections 31 to 44, **chapter 1, Oregon Laws 2015** [*of this Act*];

29 “(c) Fail to preserve the books for two years for inspection of the com-
30 mission; or

1 “(d) Alter, cancel or obliterate entries in the books of account for the
2 purpose of falsifying any record required by sections 31 to 44, **chapter 1,**
3 **Oregon Laws 2015,** [of this Act] to be made, maintained or preserved.

4 “**SECTION 78.** Section 41, chapter 1, Oregon Laws 2015, is amended to
5 read:

6 “**Sec. 41.** Sections 31 to 44, **chapter 1, Oregon Laws 2015,** [of this Act]
7 do not apply to commerce with foreign nations or commerce with the several
8 states, except [in so far] **insofar** as the same may be permitted under the
9 Constitution and laws of the United States.

10 “**SECTION 79.** Section 43, chapter 1, Oregon Laws 2015, is amended to
11 read:

12 “**Sec. 43.** (1) All money collected by the Oregon Liquor Control Commis-
13 sion under sections 3 to 70, **chapter 1, Oregon Laws 2015,** [of this Act
14 shall] **must** be remitted to the State Treasurer, who shall credit it to a
15 suspense account of the commission. Whenever the commission determines
16 that moneys have been received by it in excess of the amount legally due and
17 payable to the commission or that it has received money [to] **in** which it has
18 no legal interest, or that any license fee or deposit is properly refundable,
19 the commission is authorized and directed to refund such money by check
20 drawn upon the State Treasurer and charged to the suspense account of the
21 commission. After withholding refundable license fees and such sum, not to
22 exceed \$250,000, as it considers necessary as a revolving fund for a working
23 cash balance for the purpose of paying travel expenses, advances, other
24 miscellaneous bills and extraordinary items [which] **that** are payable in cash
25 immediately upon presentation, the commission shall direct the State Treas-
26 urer to transfer the money remaining in the suspense account to the Oregon
27 Marijuana Account established under section 44, **chapter 1, Oregon Laws**
28 **2015** [of this Act]. Moneys in the Oregon Marijuana Account are contin-
29 uously appropriated to the commission to be distributed and used as required
30 or allowed by Oregon law.

1 “(2) All necessary expenditures of the commission incurred in carrying
2 out sections 3 to 70, **chapter 1, Oregon Laws 2015** [of this Act], including
3 [such] sums necessary to reimburse the \$250,000 revolving fund, [shall] **must**
4 be paid from the Oregon Marijuana Account.

5 **“NOTE:** Sections 80 to 90 were deleted by amendment. Subsequent
6 sections were not renumbered.

7

8

“TESTING

9

10 **“SECTION 91. As used in sections 91 to 99 of this 2015 Act:**

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

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

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

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

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

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

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

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

27 **“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
28 **any part of the plant Cannabis family Cannabaceae and the seeds of**
29 **the plant Cannabis family Cannabaceae.**

30 **“(b) ‘Marijuana’ does not include industrial hemp, as defined in**

1 **ORS 571.300.**

2 **“(6) ‘Marijuana item’ means marijuana, usable marijuana, a**
3 **cannabinoid product or a cannabinoid concentrate or extract.**

4 **“(7) ‘Processing’ means the compounding or conversion of**
5 **marijuana into cannabinoid products or cannabinoid concentrates or**
6 **extracts.**

7 **“(8) ‘Producing’ means:**

8 **“(a) Planting, cultivating, growing, trimming or harvesting**
9 **marijuana; or**

10 **“(b) Drying marijuana leaves and flowers.**

11 **“(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of**
12 **marijuana.**

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

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

15 **“(B) Waste material that is a by-product of producing or processing**
16 **marijuana.**

17 **“SECTION 92. (1) As is necessary to protect the public health and**
18 **safety, and in consultation with the Oregon Liquor Control Commis-**
19 **sion and the State Department of Agriculture, the Oregon Health Au-**
20 **thority shall adopt rules:**

21 **“(a) Establishing standards for testing marijuana items.**

22 **“(b) Identifying appropriate tests for marijuana items, depending**
23 **on the type of marijuana item and the manner in which the marijuana**
24 **item was produced or processed, that are necessary to protect the**
25 **public health and safety, including, but not limited to, tests for:**

26 **“(A) Microbiological contaminants;**

27 **“(B) Pesticides;**

28 **“(C) Other contaminants;**

29 **“(D) Solvents or residual solvents; and**

30 **“(E) Tetrahydrocannabinol and cannabidiol concentration.**

1 “(c) Establishing procedures for determining batch sizes and for
2 sampling usable marijuana, cannabinoid products and cannabinoid
3 concentrates or extracts.

4 “(d) Establishing different minimum standards for different varie-
5 ties of usable marijuana and different types of cannabinoid products
6 and cannabinoid concentrates and extracts.

7 “(2) In addition to the testing requirements established under sub-
8 section (1) of this section, the authority or the commission may re-
9 quire cannabinoid edibles to be tested in accordance with any
10 applicable law of this state, or any applicable rule adopted under a law
11 of this state, related to the production and processing of food products
12 or commodities.

13 “(3) In adopting rules under ORS 475.300 to 475.346, the authority
14 may require:

15 “(a) A person responsible for a marijuana grow site under ORS
16 475.304 to test usable marijuana before transferring the usable
17 marijuana to a registrant other than an individual who holds a regis-
18 try identification card under ORS 475.309; and

19 “(b) A person processing marijuana to test cannabinoid products
20 or cannabinoid concentrates or extracts before transferring the
21 cannabinoid products or cannabinoid concentrates or extracts to a
22 registrant other than an individual who holds a registry identification
23 card under ORS 475.309.

24 “(4) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws
25 2015, the commission may require:

26 “(a) A marijuana producer that holds a license under section 19,
27 chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a
28 license under section 21, chapter 1, Oregon Laws 2015, to test usable
29 marijuana before selling or transferring the usable marijuana; and

30 “(b) A marijuana processor that holds a license under section 20,

1 chapter 1, Oregon Laws 2015, or a marijuana wholesaler that holds a
2 license under section 21, chapter 1, Oregon Laws 2015, to test
3 cannabinoid products or cannabinoid concentrates or extracts before
4 selling or transferring the cannabinoid products or cannabinoid con-
5 centrates or extracts.

6 “(5) The authority and the commission may conduct random testing
7 of marijuana items for the purpose of determining whether a person
8 subject to testing under subsection (3) of this section or a licensee
9 subject to testing under subsection (4) of this section is in compliance
10 with this section.

11 “(6) In adopting rules to implement this section, the authority and
12 commission may not require a marijuana item to undergo the same
13 test more than once unless the marijuana item is processed into a
14 different type of marijuana item or the condition of the marijuana
15 item has fundamentally changed.

16 “(7) The testing of marijuana items as required by this section must
17 be conducted by a laboratory licensed by the commission under section
18 93 of this 2015 Act and accredited by the authority under section 94 of
19 this 2015 Act.

20 “(8) In adopting rules under subsection (1) of this section, the au-
21 thority:

22 “(a) Shall consider the cost of a potential testing procedure and how
23 that cost will affect the cost to the ultimate consumer of the
24 marijuana item; and

25 “(b) May not adopt rules that are more restrictive than is reason-
26 ably necessary to protect the public health and safety.

27 **“SECTION 93. (1) A laboratory that conducts testing of marijuana**
28 **items as required by section 92 of this 2015 Act must have a license to**
29 **operate at the premises at which the marijuana items are tested.**

30 “(2) For purposes of this section, the Oregon Liquor Control Com-

1 **mission shall adopt rules establishing:**

2 **“(a) Qualifications to be licensed under this section, including that**
3 **an applicant for licensure under this section must be accredited by the**
4 **authority as described in section 94 of this 2015 Act;**

5 **“(b) Processes for applying for and renewing a license under this**
6 **section;**

7 **“(c) Fees for applying for, receiving and renewing a license under**
8 **this section; and**

9 **“(d) Procedures for:**

10 **“(A) Tracking usable marijuana, cannabinoid products and**
11 **cannabinoid concentrates or extracts to be tested;**

12 **“(B) Documenting and reporting test results; and**

13 **“(C) Disposing of samples of usable marijuana, cannabinoid pro-**
14 **ducts and cannabinoid concentrates or extracts that have been tested.**

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

16 **“(4) The commission may inspect premises licensed under this sec-**
17 **tion to ensure compliance with sections 91 to 99 of this 2015 Act and**
18 **rules adopted under sections 91 to 99 of this 2015 Act.**

19 **“(5) Subject to the applicable provisions of ORS chapter 183, the**
20 **commission may refuse to issue or renew, or may suspend or revoke,**
21 **a license issued under this section for violation of:**

22 **“(a) A provision of sections 91 to 99 of this 2015 Act or a rule**
23 **adopted under a provision of sections 91 to 99 of this 2015 Act; or**

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

27 **“(6) Fees adopted under subsection (2)(c) of this section must be**
28 **reasonably calculated to pay the expenses incurred by the commission**
29 **under sections 91 to 99 of this 2015 Act.**

30 **“(7) Fee moneys collected under this section shall be deposited in**

1 the Marijuana Control and Regulation Fund established under section
2 32 of this 2015 Act and are continuously appropriated to the commis-
3 sion for the purpose of carrying out the duties, functions and powers
4 of the commission under sections 91 to 99 of this 2015 Act.

5 **“SECTION 94. (1) A laboratory that conducts testing of marijuana**
6 **items as required by section 92 of this 2015 Act must be accredited**
7 **under ORS 438.605 to 438.620 and meet other qualifications as estab-**
8 **lished by the Oregon Health Authority under this section.**

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

13 **“(a) Complete an application;**

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

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

18 **“(3) The authority may inspect premises licensed under section 93**
19 **of this 2015 Act to ensure compliance with sections 91 to 99 of this 2015**
20 **Act and rules adopted under sections 91 to 99 of this 2015 Act.**

21 **“(4) Subject to the applicable provisions of ORS chapter 183, the**
22 **authority may refuse to issue or renew, or may suspend or revoke, a**
23 **laboratory’s accreditation granted under this section and ORS 438.605**
24 **to 438.620 for violation of:**

25 **“(a) A provision of sections 91 to 99 of this 2015 Act or a rule**
26 **adopted under a provision of sections 91 to 99 of this 2015 Act; or**

27 **“(b) A provision of sections 3 to 70, chapter 1, Oregon Laws 2015,**
28 **or a rule adopted under a provision of sections 3 to 70, chapter 1,**
29 **Oregon Laws 2015.**

30 **“(5) In establishing fees under ORS 438.620 for laboratories that test**

1 marijuana items, the authority shall establish fees that are reasonably
2 calculated to pay the expenses incurred by the authority under this
3 section and ORS 438.605 to 439.620 in accrediting laboratories that test
4 marijuana items.

5 **“SECTION 95. Sections 91 to 99 of this 2015 Act do not apply to:**

6 **“(1) A person responsible for a marijuana grow site under ORS**
7 **475.304 if the person is transferring usable marijuana or an immature**
8 **marijuana plant, as defined in section 5, chapter 1, Oregon Laws 2015,**
9 **to:**

10 **“(a) A person who holds a registry identification card under ORS**
11 **475.309 and who designated the person responsible for the marijuana**
12 **grow site to grow marijuana for the person who holds a registry**
13 **identification card; or**

14 **“(b) A person who has been designated as the primary caregiver**
15 **under ORS 475.312 of a person who holds a registry identification card**
16 **under ORS 475.309 and who designated the person responsible for the**
17 **marijuana grow site to grow marijuana for the person who holds a**
18 **registry identification card; or**

19 **“(2) A person who has been designated as the primary caregiver**
20 **under ORS 475.312 of a person who holds a registry identification card**
21 **under ORS 475.309 if the person is transferring a marijuana item to the**
22 **person who holds a registry identification card.**

23 **“SECTION 96. Subject to the applicable provisions of ORS chapter**
24 **183, if an applicant or licensee violates a provision of sections 91 to 99**
25 **of this 2015 Act or a rule adopted under a provision of sections 91 to**
26 **99 of this 2015 Act, the Oregon Liquor Control Commission may refuse**
27 **to issue or renew, or may suspend or revoke, a license issued under**
28 **section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.**

29 **“SECTION 97. Subject to the applicable provisions of ORS chapter**
30 **183, if a person violates a provision of sections 91 to 99 of this 2015 Act**

1 or a rule adopted under a provision of sections 91 to 99 of this 2015 Act,
2 the Oregon Health Authority may:

3 “(1) Refuse to register the person under ORS 475.300 to 475.346;

4 “(2) Suspend activities conducted by a registrant pursuant to ORS
5 475.300 to 475.346; or

6 “(3) Remove a registrant from a registry kept pursuant to ORS
7 475.300 to 475.346.

8 **“SECTION 98.** (1) In addition to any other liability or penalty pro-
9 vided by law, the Oregon Health Authority may impose for each vio-
10 lation of a provision of sections 91 to 99 of this 2015 Act, or a rule
11 adopted under a provision of sections 91 to 99 of this 2015 Act, a civil
12 penalty that does not exceed \$500 for each day that the violation oc-
13 curs.

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

16 “(3) Moneys collected under this section shall be deposited in the
17 Oregon Health Authority Fund established under ORS 413.101 and are
18 continuously appropriated to the authority for the purpose of carrying
19 out the duties, functions and powers of the authority under sections
20 91 to 99 of this 2015 Act.

21 **“SECTION 99.** A person who holds a license under section 93 of this
22 2015 Act, and an employee of or other person who performs work for
23 a person who holds a license under section 93 of this 2015 Act, are ex-
24 empt from the criminal laws of this state for possession, delivery or
25 manufacture of marijuana, aiding and abetting another in the pos-
26 session, delivery or manufacture of marijuana, or any other criminal
27 offense in which possession, delivery or manufacture of marijuana is
28 an element, while performing activities related to testing as described
29 in sections 91 to 99 of this 2015 Act.

30

1 **“PACKAGING, LABELING AND DOSAGE**

2
3 **“SECTION 100. As used in sections 100 to 112 of this 2015 Act:**

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

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

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

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

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

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

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

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

20 **“(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**
21 **any part of the plant Cannabis family Cannabaceae and the seeds of**
22 **the plant Cannabis family Cannabaceae.**

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

25 **“(6) ‘Marijuana item’ means marijuana, usable marijuana, a**
26 **cannabinoid product or a cannabinoid concentrate or extract.**

27 **“(7) ‘Processing’ means the compounding or conversion of**
28 **marijuana into cannabinoid products or cannabinoid concentrates or**
29 **extracts.**

30 **“(8) ‘Producing’ means:**

1 “(a) Planting, cultivating, growing, trimming or harvesting
2 marijuana; or

3 “(b) Drying marijuana leaves and flowers.

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

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

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

8 “(B) Waste material that is a by-product of producing or processing
9 marijuana.

10 “SECTION 101. (1) As is necessary to protect the public health and
11 safety, and in consultation with the Oregon Liquor Control Commis-
12 sion and the State Department of Agriculture, the Oregon Health Au-
13 thority shall adopt rules establishing standards for the labeling of
14 marijuana items, including but not limited to:

15 “(a) Ensuring that usable marijuana, cannabinoid concentrates and
16 extracts, cannabinoid edibles and other cannabinoid products have la-
17 beling that communicates:

18 “(A) Health and safety warnings;

19 “(B) Activation time;

20 “(C) Results of tests conducted pursuant to sections 91 to 99 of this
21 2015 Act;

22 “(D) Potency;

23 “(E) For cannabinoid products and cannabinoid concentrates and
24 extracts, serving size and the number of servings included in a
25 cannabinoid product or cannabinoid concentrate or extract package;
26 and

27 “(F) Content of the marijuana item; and

28 “(b) Labeling that is in accordance with applicable state food la-
29 beling requirements for the same type of food product or potable liquid
30 when the food product or potable liquid does not contain marijuana

1 or cannabinoids.

2 “(2) In adopting rules under ORS 475.300 to 475.346, the authority
3 shall require all usable marijuana, cannabinoid products and
4 cannabinoid concentrates and extracts transferred by a medical
5 marijuana facility registered under ORS 475.314 to be labeled in ac-
6 cordance with subsection (1) of this section and rules adopted under
7 subsection (1) of this section.

8 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws
9 2015, the commission shall require all usable marijuana, cannabinoid
10 products and cannabinoid concentrates and extracts sold or trans-
11 ferred by a marijuana retailer that holds a license under section 22,
12 chapter 1, Oregon Laws 2015, to be labeled in accordance with sub-
13 section (1) of this section and rules adopted under subsection (1) of this
14 section.

15 “(4) In adopting rules under subsection (1) of this section, the au-
16 thority:

17 “(a) May establish different labeling standards for different varie-
18 ties of usable marijuana and for different types of cannabinoid pro-
19 ducts and cannabinoid concentrates and extracts;

20 “(b) May establish different minimum labeling standards for per-
21 sons registered under ORS 475.300 to 475.346 and persons licensed under
22 sections 3 to 70, chapter 1, Oregon Laws 2015;

23 “(c) Shall consider the cost of a potential requirement and how that
24 cost will affect the cost to the ultimate consumer of the marijuana
25 item; and

26 “(d) May not adopt rules that are more restrictive than is reason-
27 ably necessary to protect the public health and safety.

28 “SECTION 102. (1) As used in this section:

29 “(a) ‘Licensee’ has the meaning given that term in section 5, chap-
30 ter 1, Oregon Laws 2015.

1 **“(b) ‘Registrant’ means a person registered under ORS 475.300 to**
2 **475.346.**

3 **“(2) The Oregon Liquor Control Commission may by rule require a**
4 **licensee, and the Oregon Health Authority may by rule require a reg-**
5 **istrant, to submit a label intended for use on a marijuana item for**
6 **preapproval by the commission before the licensee or registrant may**
7 **sell or transfer a marijuana item bearing the label. The commission**
8 **shall determine whether a label submitted under this section complies**
9 **with section 101 of this 2015 Act and any rule adopted under section**
10 **101 of this 2015 Act.**

11 **“(3) The commission may impose a fee for submitting a label for**
12 **preapproval under this section that is reasonably calculated to not**
13 **exceed the cost of administering this section.**

14 **“SECTION 103. (1) As is necessary to protect the public health and**
15 **safety, and in consultation with the Oregon Health Authority and the**
16 **State Department of Agriculture, the Oregon Liquor Control Com-**
17 **mission shall adopt rules establishing standards for the packaging of**
18 **marijuana items, including but not limited to:**

19 **“(a) Ensuring that usable marijuana, cannabinoid concentrates and**
20 **extracts, cannabinoid edibles and other cannabinoid products are:**

21 **“(A) Packaged in child-resistant safety packaging; and**

22 **“(B) Not marketed in a manner that:**

23 **“(i) Is untruthful or misleading;**

24 **“(ii) Is attractive to minors; or**

25 **“(iii) Otherwise creates a significant risk of harm to public health**
26 **and safety; and**

27 **“(b) Ensuring that cannabinoid edibles and other cannabinoid pro-**
28 **ducts are not packaged in a manner that is attractive to minors.**

29 **“(2) In adopting rules under ORS 475.300 to 475.346, the authority**
30 **shall require all usable marijuana, cannabinoid products and**

1 cannabinoid concentrates and extracts transferred by a medical
2 marijuana facility registered under ORS 475.314 to be packaged in ac-
3 cordance with subsection (1) of this section and rules adopted under
4 subsection (1) of this section.

5 “(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws
6 2015, the commission shall require all usable marijuana, cannabinoid
7 products and cannabinoid concentrates and extracts sold or trans-
8 ferred by a marijuana retailer that holds a license under section 22,
9 chapter 1, Oregon Laws 2015, to be packaged in accordance with sub-
10 section (1) of this section and rules adopted under subsection (1) of this
11 section.

12 “(4) In adopting rules under subsection (1) of this section the com-
13 mission:

14 “(a) May establish different packaging standards for different vari-
15 eties of usable marijuana and for different types of cannabinoid pro-
16 ducts and cannabinoid concentrates and extracts;

17 “(b) May establish different minimum packaging standards for per-
18 sons registered under ORS 475.300 to 475.346 and persons licensed under
19 sections 3 to 70, chapter 1, Oregon Laws 2015;

20 “(c) May consider the effect on the environment of requiring cer-
21 tain packaging;

22 “(d) Shall consider the cost of a potential requirement and how that
23 cost will affect the cost to the ultimate consumer of the marijuana
24 item; and

25 “(e) May not adopt rules that are more restrictive than is reason-
26 ably necessary to protect the public health and safety.

27 **“SECTION 104. (1) As used in this section:**

28 “(a) ‘Licensee’ has the meaning given that term in section 5, chap-
29 ter 1, Oregon Laws 2015.

30 “(b) ‘Registrant’ means a person registered under ORS 475.300 to

1 **475.346.**

2 **“(2) The Oregon Liquor Control Commission may by rule require a**
3 **licensee, and the Oregon Health Authority may by rule require a reg-**
4 **istrant, to submit packaging intended for a marijuana item for preap-**
5 **proval by the commission before the licensee or registrant may sell**
6 **or transfer a marijuana item packaged in the packaging. The com-**
7 **mission shall determine whether packaging submitted under this sec-**
8 **tion complies with section 103 of this 2015 Act and any rule adopted**
9 **under section 103 of this 2015 Act.**

10 **“(3) The commission may impose a fee for submitting packaging for**
11 **preapproval under this section that is reasonably calculated to not**
12 **exceed the cost of administering this section.**

13 **“SECTION 105. (1) The Oregon Health Authority shall adopt rules**
14 **establishing:**

15 **“(a) The maximum concentration of tetrahydrocannabinol that is**
16 **permitted in a single serving of a cannabinoid product or cannabinoid**
17 **concentrate or extract; and**

18 **“(b) The number of servings that are permitted in a cannabinoid**
19 **product or cannabinoid concentrate or extract package.**

20 **“(2) In adopting rules under ORS 475.300 to 475.346, the authority**
21 **shall require all usable marijuana, cannabinoid products and**
22 **cannabinoid concentrates and extracts transferred by a medical**
23 **marijuana facility registered under ORS 475.314 to meet the concen-**
24 **tration standards adopted by rule pursuant to subsection (1) of this**
25 **section.**

26 **“(3) In adopting rules under sections 3 to 70, chapter 1, Oregon Laws**
27 **2015, the Oregon Liquor Control Commission shall require all usable**
28 **marijuana, cannabinoid products and cannabinoid concentrates and**
29 **extracts sold or transferred by a marijuana retailer that holds a li-**
30 **cence under section 22, chapter 1, Oregon Laws 2015, to meet the con-**

1 **centration standards adopted by rule pursuant to subsection (1) of this**
2 **section.**

3 **“SECTION 106. Sections 100 to 112 of this 2015 Act do not apply to:**

4 **“(1) A person responsible for a marijuana grow site under ORS**
5 **475.304 if the person is transferring usable marijuana or an immature**
6 **marijuana plant, as defined in section 5, chapter 1, Oregon Laws 2015,**
7 **to:**

8 **“(a) A person who holds a registry identification card under ORS**
9 **475.309 and who designated the person responsible for the marijuana**
10 **grow site to grow marijuana for the person who holds a registry**
11 **identification card; or**

12 **“(b) A person who has been designated as the primary caregiver**
13 **under ORS 475.312 of a person who holds a registry identification card**
14 **under ORS 475.309, and who designated the person responsible for the**
15 **marijuana grow site to grow marijuana for the person who holds a**
16 **registry identification card; or**

17 **“(2) A person who has been designated as the primary caregiver**
18 **under ORS 475.312 of a person who holds a registry identification card**
19 **under ORS 475.309 if the person is transferring a marijuana item to the**
20 **person who holds a registry identification card.**

21 **“SECTION 107. To ensure compliance with sections 100 to 112 of this**
22 **2015 Act and any rule adopted under sections 100 to 112 of this 2015**
23 **Act, the Oregon Health Authority may inspect the premises of:**

24 **“(1) A medical marijuana facility registered under ORS 475.314; and**

25 **“(2) A person that processes marijuana to test cannabinoid products**
26 **or cannabinoid concentrates or extracts for the purpose of transferring**
27 **the cannabinoid products or cannabinoid concentrates or extracts to**
28 **a medical marijuana facility registered under ORS 475.314.**

29 **“SECTION 108. To ensure compliance with sections 100 to 112 of this**
30 **2015 Act and any rule adopted under sections 100 to 112 of this 2015**

1 Act, the Oregon Liquor Control Commission may inspect the premises
2 of a person that holds a license under section 19, 20, 21 or 22, chapter
3 1, Oregon Laws 2015.

4 **“SECTION 109.** Subject to the applicable provisions of ORS chapter
5 183, if a person violates a provision of sections 100 to 112 of this 2015
6 Act or a rule adopted under a provision of sections 100 to 112 of this
7 2015 Act, the Oregon Health Authority may:

8 **“(1) Refuse to register a person under ORS 475.300 to 475.346;**

9 **“(2) Suspend activities conducted by a registrant pursuant to ORS**
10 **475.300 to 475.346; or**

11 **“(3) Remove a registrant from a registry kept pursuant to ORS**
12 **475.300 to 475.346.**

13 **“SECTION 110.** Subject to the applicable provisions of ORS chapter
14 183, if the applicant or licensee violates a provision of sections 100 to
15 112 of this 2015 Act or a rule adopted under a provision of sections 100
16 to 112 of this 2015 Act, the Oregon Liquor Control Commission may
17 refuse to issue or renew, or may suspend or revoke, a license issued
18 under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

19 **“SECTION 111.** (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 100 to 112 of this 2015 Act, or a rule
22 adopted under a provision of sections 100 to 112 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**

1 100 to 112 of this 2015 Act.

2 **“SECTION 112.** 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 140 of this 2015 Act continue in effect until
5 superseded or repealed by rules of the authority or of the commission
6 adopted under sections 100 to 112 of this 2015 Act.

7

8 **“RESEARCH CERTIFICATE**

9

10 **“SECTION 113.** (1) The Oregon Liquor Control Commission, in con-
11 sultation with the Oregon Health Authority and the State Department
12 of Agriculture, shall establish a program for the purpose of identifying
13 and certifying private and public researchers of cannabis.

14 **“(2)(a)** The authority shall assist the commission in identifying
15 candidates for certification under this section with respect to potential
16 medical research.

17 **“(b)** The department shall assist the commission in identifying
18 candidates for certification under this section with respect to potential
19 agricultural research.

20 **“(3)** Subject to subsection (4) of this section, the commission shall
21 adopt by rule or order:

22 **“(a)** Qualifications for certification under this section;

23 **“(b)** The term of a certificate issued under this section;

24 **“(c)** Processes for applying for, receiving and renewing a certificate
25 under this section;

26 **“(d)** Procedures for tracking marijuana, usable marijuana,
27 cannabinoid products, cannabinoid concentrates and cannabinoid ex-
28 tracts received by and disposed or otherwise made use of by a person
29 certified under this section; and

30 **“(e)** Procedures for disposing or otherwise making use of marijuana,

1 usable marijuana, cannabinoid products, cannabinoid concentrates and
2 cannabinoid extracts.

3 “(4) In establishing qualifications under subsection (3) of this sec-
4 tion, the commission shall consider the following:

5 “(a) A research applicant’s access to funding and the overall cost
6 of the proposed research;

7 “(b) The overall benefit of an applicant’s proposed research to this
8 state’s cannabis industry or to public health and safety; and

9 “(c) Legal barriers to conducting the proposed research or legal
10 risks associated with conducting the proposed research.

11 “(5) A person certified under this section:

12 “(a) May receive marijuana, usable marijuana, cannabinoid pro-
13 ducts, cannabinoid concentrates and cannabinoid extracts from a
14 licensee or a registrant under ORS 475.300 to 475.346; and

15 “(b) May not sell or otherwise transfer marijuana, usable
16 marijuana, cannabinoid products, cannabinoid concentrates or
17 cannabinoid extracts to any other person, except as provided in rules
18 adopted by the commission under subsection (3)(e) of this section.

19 “(6) Except as otherwise provided by the commission by rule, rules
20 adopted by the commission for the purpose of administering and en-
21 forcing sections 3 to 70, chapter 1, Oregon Laws 2015, with respect to
22 licensees and licensee representatives apply to persons certified under
23 this section and persons employed by or who otherwise perform work
24 for persons certified under this section.

25 “(7) A person who is certified under this section, and an employee
26 of or other person who performs work for a person certified under this
27 section, is exempt from the criminal laws of this state for possession,
28 delivery or manufacture of marijuana, aiding and abetting another in
29 the possession, delivery and manufacture of marijuana, or any other
30 criminal offense in which possession, delivery or manufacture of

1 marijuana is an element, while performing activities related to con-
2 ducting research as described in this section.

3
4 **“CANNABINOID EDIBLES**

5
6 **“SECTION 114. (1) Notwithstanding the authority granted to the**
7 **State Department of Agriculture under ORS chapters 571, 618 and 633**
8 **and ORS 632.206 to 632.260, 632.275 to 632.290, 632.450 to 632.490, 632.516**
9 **to 632.625, 632.705 to 632.815, 632.835 to 632.850 and 632.900 to 632.985, the**
10 **department may not exercise authority over marijuana items or a**
11 **licensee, except that ORS 618.121 to 618.161, 618.991, 618.995, 633.311 to**
12 **633.479, 633.992 and 633.994 apply to marijuana items or to a licensee.**

13 **“(2) In exercising its authority under ORS chapter 616, the depart-**
14 **ment may not:**

15 **“(a) Establish standards for marijuana as a food additive, as defined**
16 **in ORS 616.205;**

17 **“(b) Consider marijuana to be an adulterant, unless the concen-**
18 **tration of a cannabinoid in a cannabinoid product, cannabinoid con-**
19 **centrate or cannabinoid extract exceeds acceptable levels established**
20 **by the Oregon Health Authority by rule; or**

21 **“(c) Apply ORS 616.256, 616.265, 616.270 or 616.275 to cannabinoid**
22 **edibles or enforce ORS 616.256, 616.265, 616.270 or 616.275 with respect**
23 **to cannabinoid edibles.**

24 **“SECTION 115. ORS 616.010 is amended to read:**

25 **“616.010. The duty of administration and enforcement of all regulatory**
26 **legislation applying to:**

27 **“(1) The production, processing and distribution of all food products or**
28 **commodities of agricultural origin shall, in addition to such further legis-**
29 **lation as shall specifically name the State Department of Agriculture as the**
30 **administering agency, be performed by the department to the exclusion of**

1 any other department not so specifically named, **except as provided in**
2 **section 114 of this 2015 Act.**

3 “(2) The sanitation of establishments where food or drink is consumed on
4 the premises where sold, or to sanitary practices used in such establishments,
5 shall be performed by the Oregon Health Authority.

6

7 **“MEDICAL MARIJUANA GROW SITE OPT-IN**

8

9 **“SECTION 116. (1) Notwithstanding any other provision of sections**
10 **3 to 70, chapter 1, Oregon Laws 2015, a person responsible for a**
11 **marijuana grow site under ORS 475.304 may apply for a license under**
12 **section 19, chapter 1, Oregon Laws 2015, to produce marijuana at the**
13 **address of the marijuana grow site, provided that all individuals reg-**
14 **istered with the Oregon Health Authority to produce marijuana at the**
15 **address are listed on the application submitted to the Oregon Liquor**
16 **Control Commission under section 28, chapter 1, Oregon Laws 2015.**

17 **“(2) Notwithstanding any other provision of sections 3 to 70, chapter**
18 **1, Oregon Laws 2015, the commission may issue a license under section**
19 **19, chapter 1, Oregon Laws 2015, to a person responsible for a**
20 **marijuana grow site under ORS 475.304 if the person responsible for the**
21 **marijuana grow site:**

22 **“(a) Meets any criminal background check requirements established**
23 **by the commission by rule;**

24 **“(b) Agrees to be subject to the provisions of sections 3 to 70,**
25 **chapter 1, Oregon Laws 2015, and rules adopted under sections 3 to 70,**
26 **chapter 1, Oregon Laws 2015, that apply to marijuana producers; and**

27 **“(c) Submits proof, in a form and manner prescribed by the com-**
28 **mission, of having obtained the permission to apply for licensure un-**
29 **der section 19, chapter 1, Oregon Laws 2015, of each individual who**
30 **holds a registry identification card issued under ORS 475.309 for whom**

1 the person produces marijuana at the address of the marijuana grow
2 site.

3 “(3) The commission by rule or order may waive the application of
4 any rule adopted under sections 3 to 70, chapter 1, Oregon Laws 2015,
5 to a person responsible for a marijuana grow site that holds a license
6 under section 19, chapter 1, Oregon Laws 2015.

7 “(4) A person responsible for a marijuana grow site that holds a li-
8 cense under section 19, chapter 1, Oregon Laws 2015, and each person
9 listed on the application submitted to the commission under section
10 28, chapter 1, Oregon Laws 2015, for that license:

11 “(a) May, notwithstanding ORS 475.300 to 475.346, possess the
12 amount or number of marijuana plants permitted pursuant to rules
13 adopted under section 19, chapter 1, Oregon Laws 2015, in addition to
14 the amount or number of marijuana plants permitted pursuant to ORS
15 475.300 to 475.346, provided that:

16 “(A) Each marijuana plant is tracked using the system developed
17 and maintained under section 23 of this 2015 Act; and

18 “(B) Marijuana plants permitted pursuant to ORS 475.300 to 475.346
19 are identified as marijuana plants that are to be used for purposes set
20 forth in ORS 475.300 to 475.346;

21 “(b) May transfer marijuana and usable marijuana to other regis-
22 trants under ORS 475.300 to 475.346 in accordance with rules adopted
23 by the authority; and

24 “(c) May sell immature marijuana plants and usable marijuana to
25 other persons licensed under sections 19, 20, 21 and 22, chapter 1,
26 Oregon Laws 2015, in accordance with rules adopted by the commis-
27 sion.

28 “(5) The commission shall adopt rules providing for the transfer or
29 disposal of marijuana grown by a person responsible for a marijuana
30 grow site that holds a license under section 19, chapter 1, Oregon Laws

1 2015, if the person chooses to surrender the person's license.

2 “(6) Notwithstanding ORS 475.331, the authority may provide infor-
3 mation to the commission as is necessary for the commission to de-
4 termine whether a person responsible for a marijuana grow site that
5 holds a license under section 19, chapter 1, Oregon Laws 2015, is in
6 compliance with this section.

7 “(7) This section does not prohibit or otherwise restrict the duties,
8 functions and powers of a person responsible for a marijuana grow site
9 as set forth in ORS 475.300 to 475.346, except that the person is not
10 subject to any requirement related to the reporting or tracking of
11 mature marijuana plants and usable marijuana.

12
13 “CANNABIS EDUCATION PROGRAM

14 “EFFECTIVE ON PASSAGE

15
16 “SECTION 117. (1) As part of the comprehensive alcohol and drug
17 abuse policy and implementation plan described in ORS 336.222, the
18 Oregon Health Authority, State Board of Education and Alcohol and
19 Drug Policy Commission shall collaborate on developing marijuana
20 abuse prevention curricula and public information programs for stu-
21 dents, parents, teachers, administrators and school board members.

22 “(2) In the manner provided by ORS 192.245, the authority shall re-
23 port on the implementation of this section to the Legislative Assembly
24 on or before February 1 of each odd-numbered year.

25 “SECTION 118. Notwithstanding section 117 (2) of this 2015 Act, the
26 Oregon Health Authority shall first report on the implementation of
27 section 117 of this 2015 Act and may make recommendations for legis-
28 lation, including recommendations related to the use of moneys col-
29 lected as a tax from businesses involved in marijuana operations, to
30 the Legislative Assembly on or before February 1, 2016.

1 **cense’ and ‘licensee representative’ have the meanings given those**
2 **terms in section 5, chapter 1, Oregon Laws 2015.**

3 “[~~(1)~~] (2) Except for licensees and licensee **representatives that are**
4 **engaged in lawful activities** [*as defined in subsections (10) and (11) of sec-*
5 *tion 5 of this Act*], and except for a person acting within the scope of and in
6 compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1)*
7 *of section 6 of this Act*], it is unlawful for any person to manufacture
8 marijuana.

9 “[~~(2)~~] (3) Unlawful manufacture of marijuana is a Class [~~B~~] **C felony.**

10 “[~~(3)~~] (4) Notwithstanding subsection [~~(2)~~] (3) of this section, unlawful
11 manufacture of marijuana is a Class B misdemeanor[,] if a person 21 years
12 of age or older manufactures homegrown marijuana at a household and the
13 total number of homegrown marijuana plants at the household exceeds four
14 marijuana plants but does not exceed eight marijuana plants.

15 “[~~(4)~~ As used in subsection (3) of this section, the terms ‘homegrown’ and
16 ‘household’ have the meanings given to them in section 5 of this Act.]

17 **“SECTION 122.** ORS 475.860, as amended by section 78, chapter 1, Oregon
18 Laws 2015, is amended to read:

19 “475.860. (1) Except for licensees and licensee representatives, **as those**
20 **terms are defined in section 5, chapter 1, Oregon Laws 2015, that are**
21 **engaged in lawful activities** [*as defined in subsections (10) and (11) of sec-*
22 *tion 5 of this Act*], and except for a person acting within the scope of and in
23 compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1)*
24 *of section 6 of this Act*], it is unlawful for any person to deliver marijuana.

25 “(2) Unlawful delivery of marijuana is a[:]
26 **Class C felony.**

27 “[~~(a)~~ Class B felony if the delivery is for consideration.]

28 “[~~(b)~~ Class C felony if the delivery is for no consideration.]

29 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of
30 marijuana is a:

“(a) Class A [*misdemeanor*] **violation**, if the delivery is for no consider-

1 ation and consists of less than one avoirdupois ounce of the dried leaves,
2 stems and flowers of the plant Cannabis family Moraceae; or

3 “(b) Violation, if the delivery is for no consideration and consists of less
4 than five grams of the dried leaves, stems and flowers of the plant Cannabis
5 family Moraceae. A violation under this paragraph is a specific fine vio-
6 lation. The presumptive fine for a violation under this paragraph is \$650.

7 “(4) Notwithstanding subsections (2) and (3) of this section, unlawful de-
8 livery of marijuana is a[.] **Class B felony, if the delivery is to a person**
9 **under 18 years of age and the defendant is at least 21 years of age.**

10 “[*(a) Class A felony, if the delivery is to a person under 18 years of age*
11 *and the defendant is at least 18 years of age and is at least three years older*
12 *than the person to whom the marijuana is delivered; or]*

13 “[*(b) Class C misdemeanor, if the delivery:*]

14 “[*(A) Is for no consideration;*]

15 “[*(B) Consists of less than five grams of the dried leaves, stems and flowers*
16 *of the plant Cannabis family Moraceae;*]

17 “[*(C) Takes place in a public place, as defined in ORS 161.015, that is*
18 *within 1,000 feet of the real property comprising a public or private elementary,*
19 *secondary or career school attended primarily by minors; and]*

20 “[*(D) Is to a person who is 18 years of age or older.*]

21 “**SECTION 123.** ORS 475.864, as amended by section 79, chapter 1, Oregon
22 Laws 2015, is amended to read:

23 “475.864. (1) As used in subsections (2) to (4) of this section:

24 “(a) ‘Marijuana’ means the leaves, stems[,] and flowers of the plant
25 Cannabis family Moraceae.

26 “(b) ‘Marijuana product’ has the meaning given the term ‘marijuana’ in
27 ORS 475.005 (16), but does not include the leaves, stems and flowers of the
28 plant Cannabis family Moraceae.

29 “(2) It is unlawful for any person under 21 years of age knowingly or in-
30 tentionally to possess marijuana or marijuana product.

1 “(3)(a) Unlawful possession of [*four*] **more than eight** avoirdupois ounces
2 [*or more*] of marijuana by a person under 21 years of age is a Class [C
3 *felony*] **A misdemeanor.**

4 “(b) Unlawful possession of **more than** one avoirdupois ounce of
5 marijuana [*or more*], but less than [*four*] **eight** avoirdupois ounces, by a
6 person under 21 years of age is a Class B misdemeanor.

7 “(c) Unlawful possession of [*less than*] one avoirdupois ounce **or less** of
8 marijuana by a person under 21 years of age is a specific fine violation. The
9 presumptive fine for a violation under this paragraph is \$650.

10 “(4)(a) Unlawful possession of [*one-quarter avoirdupois ounce or more*]
11 **more than 16 avoirdupois ounces** of marijuana product **in a solid form**
12 **or more than 72 ounces of marijuana product in a liquid form** by a
13 person under 21 years of age is a Class [C *felony*] **A misdemeanor.**

14 “(b) Unlawful possession of [*less than one-quarter avoirdupois ounce*] **16**
15 **avoirdupois ounces or less** of marijuana product **in a solid form or 72**
16 **ounces or less of marijuana product in a liquid form** by a person under
17 21 years of age is a Class B misdemeanor.

18 “(5) As used in subsections (6) to (8) of this section, [*the terms*]
19 **‘cannabinoid concentrate,’ ‘cannabinoid extract,’ ‘cannabinoid prod-**
20 **uct,’** ‘licensee,’ ‘licensee representative,’ ‘marijuana,’ [*‘marijuana extracts,’*
21 *‘marijuana products,’*] ‘marijuana retailer,’ ‘public place[,’] and ‘usable
22 marijuana’ have the meanings given [*to them*] **those terms** in section 5,
23 **chapter 1, Oregon Laws 2015** [*of this Act*].

24 “(6) Except for licensees and licensee representatives **acting in accord-**
25 **ance with sections 3 to 70, chapter 1, Oregon Laws 2015, and any rule**
26 **adopted under sections 3 to 70, chapter 1, Oregon Laws 2015,** it is un-
27 lawful for any person 21 years of age or older knowingly or intentionally to
28 possess:

29 “(a) More than one ounce of usable marijuana in a public place.

30 “(b) More than eight ounces of usable marijuana.

1 “(c) More than [*sixteen*] **16** ounces of [*marijuana*] **cannabinoid** products
2 in solid form.

3 “(d) More than [*seventy-two*] **72** ounces of [*marijuana*] **cannabinoid** pro-
4 ducts in liquid form.

5 “(e) More than one ounce of [*marijuana extracts*] **cannabinoid extracts**
6 **or cannabinoid concentrates.**

7 “(f) [*Any marijuana extracts that were*] **A cannabinoid extract that was**
8 not purchased from a [*licensed*] marijuana retailer **that holds a license**
9 **under section 22, chapter 1, Oregon Laws 2015.**

10 “(7) A violation of [*paragraphs (a) to (e) of*] subsection (6)(a) to (e) of this
11 section is a:

12 “(a) Class C felony, if the amount possessed is more than four times the
13 applicable maximum amount specified in subsection (6)(a) to (e) of this sec-
14 tion;

15 “(b) Class B misdemeanor, if the amount possessed is more than two
16 times, but not more than four times, the applicable maximum amount speci-
17 fied in subsection (6)(a) to (e) of this section; or

18 “(c) Class B violation, if the amount possessed is not more than two times
19 the applicable maximum amount specified in subsection (6)(a) to (e) of this
20 section.

21 “(8) A violation of [*paragraph (f) of*] subsection (6)(f) of this section is
22 a:

23 “(a) Class C felony, if the amount possessed is more than one-quarter
24 ounce of [*such marijuana extracts*] **the cannabinoid extract**; or

25 “(b) Class B misdemeanor, if the amount possessed is not more than one-
26 quarter ounce of [*such marijuana extracts*] **the cannabinoid extract.**

27 “**SECTION 124.** ORS 475.752, as amended by section 76, chapter 1, Oregon
28 Laws 2015, is amended to read:

29 “475.752. (1) Except for licensees and licensee representatives, **as those**
30 **terms are defined in section 5, chapter 1, Oregon Laws 2015, that are**

1 **engaged in lawful activities** [*as defined in subsections (10) and (11) of sec-*
2 *tion 5 of this Act*], and except for a person acting within the scope of and in
3 compliance with **section 6 (1), chapter 1, Oregon Laws 2015** [*subsection (1)*
4 *of section 6 of this Act*], and except as authorized by ORS 475.005 to 475.285
5 and 475.752 to 475.980, it is unlawful for any person to manufacture or de-
6 liver a controlled substance. Any person who violates this subsection with
7 respect to:

8 “(a) A controlled substance in Schedule I, is guilty of a Class A felony,
9 except as otherwise provided in ORS 475.886 and 475.890.

10 “(b) A controlled substance in Schedule II, is guilty of a Class B felony,
11 except as otherwise provided in ORS 475.858, 475.860, 475.862, 475.878, 475.880,
12 475.882, 475.904 and 475.906.

13 “(c) A controlled substance in Schedule III, is guilty of a Class C felony,
14 except as otherwise provided in ORS 475.904 and 475.906.

15 “(d) A controlled substance in Schedule IV, is guilty of a Class B
16 misdemeanor.

17 “(e) A controlled substance in Schedule V, is guilty of a Class C
18 misdemeanor.

19 “(2) Except as authorized in ORS 475.005 to 475.285 and 475.752 to 475.980,
20 it is unlawful for any person to create or deliver a counterfeit substance.
21 Any person who violates this subsection with respect to:

22 “(a) A counterfeit substance in Schedule I, is guilty of a Class A felony.

23 “(b) A counterfeit substance in Schedule II, is guilty of a Class B felony.

24 “(c) A counterfeit substance in Schedule III, is guilty of a Class C felony.

25 “(d) A counterfeit substance in Schedule IV, is guilty of a Class B
26 misdemeanor.

27 “(e) A counterfeit substance in Schedule V, is guilty of a Class C
28 misdemeanor.

29 “(3) It is unlawful for any person knowingly or intentionally to possess
30 a controlled substance, other than marijuana, unless the substance was ob-

1 tained directly from, or pursuant to a valid prescription or order of, a prac-
2 titioner while acting in the course of professional practice, or except as
3 otherwise authorized by ORS 475.005 to 475.285 and 475.752 to 475.980. Any
4 person who violates this subsection with respect to:

5 “(a) A controlled substance in Schedule I, is guilty of a Class B felony,
6 except as otherwise provided in ORS 475.894.

7 “(b) A controlled substance in Schedule II, is guilty of a Class C felony,
8 except as otherwise provided in ORS 475.864.

9 “(c) A controlled substance in Schedule III, is guilty of a Class A
10 misdemeanor.

11 “(d) A controlled substance in Schedule IV, is guilty of a Class C
12 misdemeanor.

13 “(e) A controlled substance in Schedule V, is guilty of a violation.

14 “(4) In any prosecution under this section for manufacture, possession or
15 delivery of that plant of the genus *Lophophora* commonly known as peyote,
16 it is an affirmative defense that the peyote is being used or is intended for
17 use:

18 “(a) In connection with the good faith practice of a religious belief;

19 “(b) As directly associated with a religious practice; and

20 “(c) In a manner that is not dangerous to the health of the user or others
21 who are in the proximity of the user.

22 “(5) The affirmative defense created in subsection (4) of this section is
23 not available to any person who has possessed or delivered the peyote while
24 incarcerated in a correctional facility in this state.

25 “(6)(a) Notwithstanding subsection (1) of this section, a person who un-
26 lawfully manufactures or delivers a controlled substance in Schedule IV and
27 who thereby causes death to another person is guilty of a Class C felony.

28 “(b) For purposes of this subsection, causation is established when the
29 controlled substance plays a substantial role in the death of the other per-
30 son.

1 **SECTION 125.** ORS 161.705, as amended by section 2, chapter ____,
2 Oregon Laws 2015 (Enrolled Senate Bill 364), is amended to read:

3 “161.705. Notwithstanding ORS 161.525, the court may enter judgment of
4 conviction for a Class A misdemeanor and make disposition accordingly
5 when:

6 “(1)(a) A person is convicted of any Class C felony; **or**

7 “[(b) A person is convicted of a Class B felony pursuant to ORS 475.860
8 (2)(a); or]

9 “[(c)] **(b)** A person convicted of a felony described in paragraph (a) [or
10 (b)] of this subsection, [of possession of marijuana constituting a Class B
11 felony,] or of a Class A felony pursuant to ORS 166.720, has successfully
12 completed a sentence of probation; and

13 “(2) The court, considering the nature and circumstances of the crime and
14 the history and character of the defendant, believes that it would be unduly
15 harsh to sentence the defendant for a felony.

16 **SECTION 126.** ORS 475.900 is amended to read:

17 “475.900. (1) A violation of ORS 475.752, 475.806 to 475.894, 475.904 or
18 475.906 shall be classified as crime category 8 of the sentencing guidelines
19 grid of the Oregon Criminal Justice Commission if:

20 “(a) The violation constitutes delivery or manufacture of a controlled
21 substance and involves substantial quantities of a controlled substance. For
22 purposes of this paragraph, the following amounts constitute substantial
23 quantities of the following controlled substances:

24 “(A) Five grams or more of a mixture or substance containing a detect-
25 able amount of heroin;

26 “(B) Ten grams or more of a mixture or substance containing a detectable
27 amount of cocaine;

28 “(C) Ten grams or more of a mixture or substance containing a detectable
29 amount of methamphetamine, its salts, isomers or salts of its isomers;

30 “(D) Two hundred or more user units of a mixture or substance contain-

1 ing a detectable amount of lysergic acid diethylamide;

2 “(E) Sixty grams or more of a mixture or substance containing a detect-
3 able amount of psilocybin or psilocin; or

4 “(F) Five grams or more or 25 or more pills, tablets or capsules of a
5 mixture or substance containing a detectable amount of:

6 “(i) 3,4-methylenedioxyamphetamine;

7 “(ii) 3,4-methylenedioxymethamphetamine; or

8 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

9 “(b) The violation constitutes possession, delivery or manufacture of a
10 controlled substance and the possession, delivery or manufacture is a com-
11 mercial drug offense. A possession, delivery or manufacture is a commercial
12 drug offense for purposes of this subsection if it is accompanied by at least
13 three of the following factors:

14 “(A) The delivery was of heroin, cocaine, methamphetamine, lysergic acid
15 diethylamide, psilocybin or psilocin and was for consideration;

16 “(B) The offender was in possession of \$300 or more in cash;

17 “(C) The offender was unlawfully in possession of a firearm or other
18 weapon as described in ORS 166.270 (2), or the offender used, attempted to
19 use or threatened to use a deadly or dangerous weapon as defined in ORS
20 161.015, or the offender was in possession of a firearm or other deadly or
21 dangerous weapon as defined in ORS 161.015 for the purpose of using it in
22 connection with a controlled substance offense;

23 “(D) The offender was in possession of materials being used for the
24 packaging of controlled substances such as scales, wrapping or foil, other
25 than the material being used to contain the substance that is the subject of
26 the offense;

27 “(E) The offender was in possession of drug transaction records or cus-
28 tomer lists;

29 “(F) The offender was in possession of stolen property;

30 “(G) Modification of structures by painting, wiring, plumbing or lighting

1 to facilitate a controlled substance offense;

2 “(H) The offender was in possession of manufacturing paraphernalia, in-
3 cluding recipes, precursor chemicals, laboratory equipment, lighting, venti-
4 lating or power generating equipment;

5 “(I) The offender was using public lands for the manufacture of controlled
6 substances;

7 “(J) The offender had constructed fortifications or had taken security
8 measures with the potential of injuring persons; or

9 “(K) The offender was in possession of controlled substances in an amount
10 greater than:

11 “(i) Three grams or more of a mixture or substance containing a detect-
12 able amount of heroin;

13 “(ii) Eight grams or more of a mixture or substance containing a detect-
14 able amount of cocaine;

15 “(iii) Eight grams or more of a mixture or substance containing a de-
16 tectable amount of methamphetamine;

17 “(iv) Twenty or more user units of a mixture or substance containing a
18 detectable amount of lysergic acid diethylamide;

19 “(v) Ten grams or more of a mixture or substance containing a detectable
20 amount of psilocybin or psilocin; or

21 “(vi) Four grams or more or 20 or more pills, tablets or capsules of a
22 mixture or substance containing a detectable amount of:

23 “(I) 3,4-methylenedioxyamphetamine;

24 “(II) 3,4-methylenedioxymethamphetamine; or

25 “(III) 3,4-methylenedioxy-N-ethylamphetamine.

26 “(c) The violation constitutes a violation of ORS 475.848, 475.852, 475.862,
27 475.868, 475.872, 475.878, 475.882, 475.888, 475.892 or 475.904.

28 “(d) The violation constitutes manufacturing methamphetamine and the
29 manufacturing consists of:

30 “(A) A chemical reaction involving one or more precursor substances for

1 the purpose of manufacturing methamphetamine; or

2 “(B) Grinding, soaking or otherwise breaking down a precursor substance
3 for the purpose of manufacturing methamphetamine.

4 “(e) The violation constitutes a violation of ORS 475.860 (4)[(a)] or a vi-
5 olation of ORS 475.906 (1) or (2) that is not described in ORS 475.907.

6 “(2) A violation of ORS 475.752 or 475.806 to 475.894 shall be classified
7 as crime category 6 of the sentencing guidelines grid of the Oregon Criminal
8 Justice Commission if:

9 “(a) The violation constitutes delivery of heroin, cocaine, methamphet-
10 amine or 3,4-methylenedioxyamphetamine,
11 3,4-methylenedioxymethamphetamine or
12 3,4-methylenedioxy-N-ethylamphetamine and is for consideration.

13 “(b) The violation constitutes possession of:

14 “(A) Five grams or more of a mixture or substance containing a detect-
15 able amount of heroin;

16 “(B) Ten grams or more of a mixture or substance containing a detectable
17 amount of cocaine;

18 “(C) Ten grams or more of a mixture or substance containing a detectable
19 amount of methamphetamine;

20 “(D) Two hundred or more user units of a mixture or substance contain-
21 ing a detectable amount of lysergic acid diethylamide;

22 “(E) Sixty grams or more of a mixture or substance containing a detect-
23 able amount of psilocybin or psilocin; or

24 “(F) Five grams or more or 25 or more pills, tablets or capsules of a
25 mixture or substance containing a detectable amount of:

26 “(i) 3,4-methylenedioxyamphetamine;

27 “(ii) 3,4-methylenedioxymethamphetamine; or

28 “(iii) 3,4-methylenedioxy-N-ethylamphetamine.

29 “(3) Any felony violation of ORS 475.752 or 475.806 to 475.894 not con-
30 tained in subsection (1) or (2) of this section shall be classified as:

1 “(a) Crime category 4 of the sentencing guidelines grid of the Oregon
2 Criminal Justice Commission if the violation involves delivery or manufac-
3 ture of a controlled substance; or

4 “(b) Crime category 1 of the sentencing guidelines grid of the Oregon
5 Criminal Justice Commission if the violation involves possession of a con-
6 trolled substance.

7 “(4) In order to prove a commercial drug offense, the state shall plead in
8 the accusatory instrument sufficient factors of a commercial drug offense
9 under subsections (1) and (2) of this section. The state has the burden of
10 proving each factor beyond a reasonable doubt.

11 “(5) As used in this section, ‘mixture or substance’ means any mixture or
12 substance, whether or not the mixture or substance is in an ingestible or
13 marketable form at the time of the offense.

14 **“SECTION 127.** ORS 475.904 is amended to read:

15 “475.904. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752
16 to 475.980, it is unlawful for any person to manufacture or deliver a schedule
17 I, II or III controlled substance within 1,000 feet of the real property com-
18 prising a public or private elementary, secondary or career school attended
19 primarily by minors.

20 “(2) Unlawful manufacture or delivery of a controlled substance within
21 1,000 feet of a school is a Class A felony[, *except as otherwise provided in*
22 *ORS 475.860*].

23 **“(3) This section does not apply to:**

24 **“(a) A licensee or licensee representative, as those terms are de-**
25 **defined in section 5, chapter 1, Oregon Laws 2015, that is engaged in**
26 **lawful activities; or**

27 **“(b) A person acting within the scope of and in compliance with**
28 **section 6 (1), chapter 1, Oregon Laws 2015.**

29 **“SECTION 128. The amendments to statutes by sections 119 to 127**
30 **of this 2015 Act apply to conduct occurring on or after the effective**

1 date of this 2015 Act.

2 **“SECTION 129.** When a person convicted of a marijuana offense
3 based on conduct that occurs before the effective date of this 2015 Act
4 files a motion for a court order setting aside the conviction pursuant
5 to ORS 137.225, the court shall consider the offense to be classified
6 under ORS 161.535 or 161.555 as if the conduct occurred on or after the
7 effective date of this 2015 Act when determining if the person is eligi-
8 ble for the order.

9

10

“RETAIL DRUG OUTLETS

11

“EFFECTIVE ON PASSAGE

12

13 **“SECTION 130.** Section 131 of this 2015 Act is added to and made a
14 part of ORS chapter 689.

15 **“SECTION 131.** (1) The State Board of Pharmacy shall establish by
16 rule instructions for the disposal of marijuana left behind by individ-
17 uals visiting retail drug outlets.

18 **“(2)** At a minimum, the instructions established under subsection
19 (1) of this section must:

20 **“(a)** Require an employee or supervisor of the retail drug outlet to
21 notify law enforcement upon discovering marijuana at the site; and

22 **“(b)** Include procedures for destroying the marijuana so that it can
23 no longer be used for human consumption.

24 **“(3)** A person acting under and in accordance with this section is
25 exempt from the criminal laws of this state for any criminal offense
26 in which possession of marijuana is an element.

27

28

“TASK FORCES

29

“EFFECTIVE ON PASSAGE

30

1 **“SECTION 131a. (1) The Task Force on Cannabis Environmental**
2 **Best Practices is established, consisting of nine members appointed**
3 **as follows:**

4 **“(a) The President of the Senate shall appoint two members from**
5 **among members of the Senate who served on the Joint Committee on**
6 **Implementing Measure 91 during the 2015 regular session of the Leg-**
7 **islative Assembly.**

8 **“(b) The Speaker of the House of Representatives shall appoint two**
9 **members from among members of the House of Representatives who**
10 **served on the Joint Committee on Implementing Measure 91 during**
11 **the 2015 regular session of the Legislative Assembly.**

12 **“(c) The Governor shall appoint five representatives from among**
13 **the following state agencies:**

14 **“(A) The Public Utility Commission;**

15 **“(B) The State Department of Energy;**

16 **“(C) The State Department of Agriculture;**

17 **“(D) The Water Resources Department; and**

18 **“(E) The Oregon Liquor Control Commission.**

19 **“(2) The task force shall study the use of electricity and water by,**
20 **and the agricultural practices associated with, the growing of cannabis**
21 **by persons who hold a license under section 19, chapter 1, Oregon Laws**
22 **2015, and by persons who are responsible for a marijuana grow site**
23 **under ORS 475.304. As part of the report submitted under subsection**
24 **(9) of this section, the task force shall include suggestions related to**
25 **environmental best practices for the propogating, producing and har-**
26 **vesting of cannabis.**

27 **“(3) A majority of the voting members of the task force constitutes**
28 **a quorum for the transaction of business.**

29 **“(4) Official action by the task force requires the approval of a**
30 **majority of the voting members of the task force.**

1 “(5) The task force shall elect one of its members to serve as
2 chairperson.

3 “(6) If there is a vacancy for any cause, the appointing authority
4 shall make an appointment to become immediately effective.

5 “(7) The task force shall meet at times and places specified by the
6 call of the chairperson or of a majority of the voting members of the
7 task force.

8 “(8) The task force may adopt rules necessary for the operation of
9 the task force.

10 “(9) The task force shall submit a report in the manner provided
11 by ORS 192.245, and may include recommendations for legislation, to
12 an interim committee of the Legislative Assembly related to the reg-
13 ulation of cannabis as appropriate no later than September 15, 2016.

14 “(10) The Oregon Liquor Control Commission shall provide staff
15 support to the task force.

16 “(11) Members of the task force who are not members of the Leg-
17 islative Assembly are not entitled to compensation, but may be reim-
18 bursed for actual and necessary travel and other expenses incurred by
19 them in the performance of their official duties in the manner and
20 amounts provided for in ORS 292.495. Claims for expenses incurred in
21 performing functions of the task force shall be paid out of funds ap-
22 propriated to Oregon Liquor Control Commission for purposes of the
23 task force.

24 “(12) All agencies of state government, as defined in ORS 174.111,
25 are directed to assist the task force in the performance of its duties
26 and, to the extent permitted by laws relating to confidentiality, to
27 furnish such information and advice as the members of the task force
28 consider necessary to perform their duties.

29 “SECTION 132. (1) The Task Force on Local Control of Marijuana
30 Production and Sales is established, consisting of eleven members ap-

1 pointed as follows:

2 “(a) The President of the Senate shall appoint two members from
3 among members of the Senate who served on the Joint Committee on
4 Implementing Measure 91 during the 2015 regular session of the Leg-
5 islative Assembly.

6 “(b) The Speaker of the House of Representatives shall appoint two
7 members from among members of the House of Representatives who
8 served on the Joint Committee on Implementing Measure 91 during
9 the 2015 regular session of the Legislative Assembly.

10 “(c) The Governor shall appoint seven representatives from among
11 the following:

12 “(A) Two individuals who represent counties;

13 “(B) Two individuals who represent cities; and

14 “(C) Three individuals who represent the cannabis industry.

15 “(2) The task force shall consider the laws of this state related to
16 cannabis production, processing, transfers and sales and determine
17 whether counties and cities should be able to adopt ordinances pro-
18 hibiting the production, processing, transfer or sale of cannabis or
19 cannabis products. In making a determination under this subsection,
20 the task force shall consider:

21 “(a) Whether persons suffering from debilitating medical conditions
22 have access to cannabis as a medicine under ORS 475.300 to 475.346;

23 “(b) The market demand for cannabis for recreational purposes; and

24 “(c) Any data related to whether the electorate of individual coun-
25 ties and cities approves or disapproves of allowing the production,
26 processing, transfer or sale of cannabis or cannabis products in the
27 area subject to the jurisdiction of the city or county.

28 “(3) A majority of the voting members of the task force constitutes
29 a quorum for the transaction of business.

30 “(4) Official action by the task force requires the approval of a

1 majority of the voting members of the task force.

2 “(5) The task force shall elect one of its members to serve as
3 chairperson.

4 “(6) If there is a vacancy for any cause, the appointing authority
5 shall make an appointment to become immediately effective.

6 “(7) The task force shall meet at times and places specified by the
7 call of the chairperson or of a majority of the voting members of the
8 task force.

9 “(8) The task force may adopt rules necessary for the operation of
10 the task force.

11 “(9) The task force shall submit a report in the manner provided
12 by ORS 192.245, and may include recommendations for legislation, to
13 an interim committee of the Legislative Assembly related to the reg-
14 ulation of cannabis as appropriate no later than September 15, 2016.

15 “(10) The Oregon Liquor Control Commission shall provide staff
16 support to the task force.

17 “(11) Members of the task force who are not members of the Leg-
18 islative Assembly are not entitled to compensation, but may be reim-
19 bursed for actual and necessary travel and other expenses incurred by
20 them in the performance of their official duties in the manner and
21 amounts provided for in ORS 292.495. Claims for expenses incurred in
22 performing functions of the task force shall be paid out of funds ap-
23 propriated to commission for purposes of the task force.

24 “(12) All agencies of state government, as defined in ORS 174.111,
25 are directed to assist the task force in the performance of its duties
26 and, to the extent permitted by laws relating to confidentiality, to
27 furnish such information and advice as the members of the task force
28 consider necessary to perform their duties.

29

30

“OTHER AMENDMENTS

1 **“SECTION 132a.** ORS 133.005 is amended to read:

2 “133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
3 the context requires otherwise:

4 “(1) ‘Arrest’ means to place a person under actual or constructive re-
5 straint or to take a person into custody for the purpose of charging that
6 person with an offense. A ‘stop’ as authorized under ORS 131.605 to 131.625
7 is not an arrest.

8 “(2) ‘Federal officer’ means a special agent or law enforcement officer
9 employed by a federal agency who is empowered to effect an arrest with or
10 without a warrant for violations of the United States Code and who is au-
11 thorized to carry firearms in the performance of duty.

12 “(3) ‘Peace officer’ means:

13 “(a) A member of the Oregon State Police;

14 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
15 ficer or a police officer commissioned by a university under ORS 352.383 or
16 353.125;

17 “(c) An investigator of a district attorney’s office if the investigator is
18 or has been certified as a peace officer in this or any other state;

19 “(d) An investigator of the Criminal Justice Division of the Department
20 of Justice of the State of Oregon;

21 “(e) A humane special agent as defined in ORS 181.435;

22 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
23 thority described in ORS 471.775 (2);

24 “(g) An authorized tribal police officer as defined in section 1, chapter
25 644, Oregon Laws 2011; or

26 “(h) A judicial marshal appointed under ORS 1.177 who is trained pursu-
27 ant to ORS 181.647.

28 “(4) ‘Reserve officer’ means an officer or member of a law enforcement
29 agency who is:

30 “(a) A volunteer or employed less than full-time as a peace officer com-

1 missioned by a city, port, school district, mass transit district, county,
2 county service district authorized to provide law enforcement services under
3 ORS 451.010, the Criminal Justice Division of the Department of Justice, the
4 Oregon State Lottery Commission or the Governor or a member of the De-
5 partment of State Police;

6 “(b) Armed with a firearm; and

7 “(c) Responsible for enforcing the criminal laws and traffic laws of this
8 state or laws or ordinances relating to airport security.

9 **“SECTION 132b.** ORS 133.005, as amended by section 39, chapter 644,
10 Oregon Laws 2011, section 7, chapter 54, Oregon Laws 2012, section 4, chap-
11 ter 67, Oregon Laws 2012, section 5, chapter 154, Oregon Laws 2013, and
12 section 9, chapter 180, Oregon Laws 2013, is amended to read:

13 “133.005. As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless
14 the context requires otherwise:

15 “(1) ‘Arrest’ means to place a person under actual or constructive re-
16 straint or to take a person into custody for the purpose of charging that
17 person with an offense. A ‘stop’ as authorized under ORS 131.605 to 131.625
18 is not an arrest.

19 “(2) ‘Federal officer’ means a special agent or law enforcement officer
20 employed by a federal agency who is empowered to effect an arrest with or
21 without a warrant for violations of the United States Code and who is au-
22 thorized to carry firearms in the performance of duty.

23 “(3) ‘Peace officer’ means:

24 “(a) A member of the Oregon State Police;

25 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
26 ficer or a police officer commissioned by a university under ORS 352.383 or
27 353.125;

28 “(c) An investigator of a district attorney’s office if the investigator is
29 or has been certified as a peace officer in this or any other state;

30 “(d) An investigator of the Criminal Justice Division of the Department

1 of Justice of the State of Oregon;

2 “(e) A humane special agent as defined in ORS 181.435;

3 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
4 thority described in ORS 471.775 (2); or

5 “(g) A judicial marshal appointed under ORS 1.177 who is trained pursu-
6 ant to ORS 181.647.

7 “(4) ‘Reserve officer’ means an officer or member of a law enforcement
8 agency who is:

9 “(a) A volunteer or employed less than full-time as a peace officer com-
10 missioned by a city, port, school district, mass transit district, county,
11 county service district authorized to provide law enforcement services under
12 ORS 451.010, the Criminal Justice Division of the Department of Justice, the
13 Oregon State Lottery Commission or the Governor or a member of the De-
14 partment of State Police;

15 “(b) Armed with a firearm; and

16 “(c) Responsible for enforcing the criminal laws and traffic laws of this
17 state or laws or ordinances relating to airport security.

18 “**SECTION 132c.** ORS 133.525 is amended to read:

19 “133.525. As used in ORS 133.525 to 133.703, unless the context requires
20 otherwise:

21 “(1) ‘Judge’ means any judge of the circuit court, the Court of Appeals,
22 the Supreme Court, any justice of the peace or municipal judge authorized
23 to exercise the powers and perform the duties of a justice of the peace.

24 “(2) ‘Police officer’ means:

25 “(a) A member of the Oregon State Police;

26 “(b) A sheriff or municipal police officer, a police officer commissioned
27 by a university under ORS 352.383 or 353.125 or an authorized tribal police
28 officer as defined in section 1, chapter 644, Oregon Laws 2011;

29 “(c) An investigator of a district attorney’s office if the investigator is
30 or has been certified as a peace officer in this or any other state;

1 “(d) An investigator of the Criminal Justice Division of the Department
2 of Justice;

3 “(e) A humane special agent as defined in ORS 181.435; or

4 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
5 thority described in ORS 471.775 (2).

6 “**SECTION 132d.** ORS 133.525, as amended by section 40, chapter 644,
7 Oregon Laws 2011, section 9, chapter 54, Oregon Laws 2012, section 6, chap-
8 ter 67, Oregon Laws 2012, and section 11, chapter 180, Oregon Laws 2013, is
9 amended to read:

10 “133.525. As used in ORS 133.525 to 133.703, unless the context requires
11 otherwise:

12 “(1) ‘Judge’ means any judge of the circuit court, the Court of Appeals,
13 the Supreme Court, any justice of the peace or municipal judge authorized
14 to exercise the powers and perform the duties of a justice of the peace.

15 “(2) ‘Police officer’ means:

16 “(a) A member of the Oregon State Police;

17 “(b) A sheriff or municipal police officer or a police officer commissioned
18 by a university under ORS 352.383 or 353.125;

19 “(c) An investigator of a district attorney’s office if the investigator is
20 or has been certified as a peace officer in this or any other state;

21 “(d) An investigator of the Criminal Justice Division of the Department
22 of Justice;

23 “(e) A humane special agent as defined in ORS 181.435; or

24 “(f) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
25 thority described in ORS 471.775 (2).

26 “**SECTION 132e.** ORS 133.721 is amended to read:

27 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
28 requires otherwise:

29 “(1) ‘Aggrieved person’ means a person who was a party to any wire,
30 electronic or oral communication intercepted under ORS 133.724 or 133.726

1 or a person against whom the interception was directed and who alleges that
2 the interception was unlawful.

3 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral
4 communication, includes any information concerning the identity of the
5 parties to such communication or the existence, substance, purport or
6 meaning of that communication.

7 “(3) ‘Electronic communication’ means any transfer of signs, signals,
8 writing, images, sounds, data or intelligence of any nature transmitted in
9 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical
10 system, or transmitted in part by wire, but does not include:

11 “(a) Any oral communication or any communication that is completely
12 by wire; or

13 “(b) Any communication made through a tone-only paging device.

14 “(4) ‘Electronic, mechanical or other device’ means any device or appa-
15 ratus that can be used to intercept a wire, electronic or oral communication
16 other than:

17 “(a) Any telephone or telegraph instrument, equipment or facility, or any
18 component thereof that is furnished to the subscriber or user by a telecom-
19 munications carrier in the ordinary course of its business and that is being
20 used by the subscriber or user in the ordinary course of its business or being
21 used by a telecommunications carrier in the ordinary course of its business,
22 or by an investigative or law enforcement officer in the ordinary course of
23 official duties; or

24 “(b) A hearing aid or similar device being used to correct subnormal
25 hearing to not better than normal.

26 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the
27 contents of any wire, electronic or oral communication through the use of
28 any electronic, mechanical or other device.

29 “(6) ‘Investigative or law enforcement officer’ means:

30 “(a) An officer or other person employed to investigate or enforce the law

1 by:

2 “(A) A county sheriff or municipal police department, or a police depart-
3 ment established by a university under ORS 352.383 or 353.125;

4 “(B) The Oregon State Police, the Department of Corrections, the Attor-
5 ney General or a district attorney; or

6 “(C) Law enforcement agencies of other states or the federal government;

7 “(b) An authorized tribal police officer as defined in section 1, chapter
8 644, Oregon Laws 2011; or

9 “(c) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
10 thority described in ORS 471.775 (2).

11 “(7) ‘Oral communication’ means:

12 “(a) Any oral communication, other than a wire or electronic communi-
13 cation, uttered by a person exhibiting an expectation that such communi-
14 cation is not subject to interception under circumstances justifying such
15 expectation; or

16 “(b) An utterance by a person who is participating in a wire or electronic
17 communication, if the utterance is audible to another person who, at the
18 time the wire or electronic communication occurs, is in the immediate pres-
19 ence of the person participating in the communication.

20 “(8) ‘Telecommunications carrier’ means:

21 “(a) A telecommunications utility as defined in ORS 759.005; or

22 “(b) A cooperative corporation organized under ORS chapter 62 that pro-
23 vides telecommunications services.

24 “(9) ‘Telecommunications service’ has the meaning given that term in
25 ORS 759.005.

26 “(10) ‘Wire communication’ means any communication made in whole or
27 in part through the use of facilities for the transmission of communications
28 by the aid of wire, cable or other like connection between the point of origin
29 and the point of reception, whether furnished or operated by a public utility
30 or privately owned or leased.

1 **“SECTION 132f.** ORS 133.721, as amended by section 70, chapter 644,
2 Oregon Laws 2011, section 11, chapter 54, Oregon Laws 2012, and section 13,
3 chapter 180, Oregon Laws 2013, is amended to read:

4 “133.721. As used in ORS 41.910 and 133.721 to 133.739, unless the context
5 requires otherwise:

6 “(1) ‘Aggrieved person’ means a person who was a party to any wire,
7 electronic or oral communication intercepted under ORS 133.724 or 133.726
8 or a person against whom the interception was directed and who alleges that
9 the interception was unlawful.

10 “(2) ‘Contents,’ when used with respect to any wire, electronic or oral
11 communication, includes any information concerning the identity of the
12 parties to such communication or the existence, substance, purport or
13 meaning of that communication.

14 “(3) ‘Electronic communication’ means any transfer of signs, signals,
15 writing, images, sounds, data or intelligence of any nature transmitted in
16 whole or in part by a radio, electromagnetic, photoelectronic or photo-optical
17 system, or transmitted in part by wire, but does not include:

18 “(a) Any oral communication or any communication that is completely
19 by wire; or

20 “(b) Any communication made through a tone-only paging device.

21 “(4) ‘Electronic, mechanical or other device’ means any device or appa-
22 ratus that can be used to intercept a wire, electronic or oral communication
23 other than:

24 “(a) Any telephone or telegraph instrument, equipment or facility, or any
25 component thereof that is furnished to the subscriber or user by a telecom-
26 munications carrier in the ordinary course of its business and that is being
27 used by the subscriber or user in the ordinary course of its business or being
28 used by a telecommunications carrier in the ordinary course of its business,
29 or by an investigative or law enforcement officer in the ordinary course of
30 official duties; or

1 “(b) A hearing aid or similar device being used to correct subnormal
2 hearing to not better than normal.

3 “(5) ‘Intercept’ means the acquisition, by listening or recording, of the
4 contents of any wire, electronic or oral communication through the use of
5 any electronic, mechanical or other device.

6 “(6) ‘Investigative or law enforcement officer’ means:

7 “(a) An officer or other person employed to investigate or enforce the law
8 by:

9 “(A) A county sheriff or municipal police department, or a police depart-
10 ment established by a university under ORS 352.383 or 353.125;

11 “(B) The Oregon State Police, the Department of Corrections, the Attor-
12 ney General or a district attorney; or

13 “(C) Law enforcement agencies of other states or the federal government;
14 or

15 “(b) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
16 thority described in ORS 471.775 (2).

17 “(7) ‘Oral communication’ means:

18 “(a) Any oral communication, other than a wire or electronic communi-
19 cation, uttered by a person exhibiting an expectation that such communi-
20 cation is not subject to interception under circumstances justifying such
21 expectation; or

22 “(b) An utterance by a person who is participating in a wire or electronic
23 communication, if the utterance is audible to another person who, at the
24 time the wire or electronic communication occurs, is in the immediate pres-
25 ence of the person participating in the communication.

26 “(8) ‘Telecommunications carrier’ means:

27 “(a) A telecommunications utility as defined in ORS 759.005; or

28 “(b) A cooperative corporation organized under ORS chapter 62 that pro-
29 vides telecommunications services.

30 “(9) ‘Telecommunications service’ has the meaning given that term in

1 ORS 759.005.

2 “(10) ‘Wire communication’ means any communication made in whole or
3 in part through the use of facilities for the transmission of communications
4 by the aid of wire, cable or other like connection between the point of origin
5 and the point of reception, whether furnished or operated by a public utility
6 or privately owned or leased.

7 **“SECTION 132g.** ORS 133.726 is amended to read:

8 “133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
9 scribed in this section, a law enforcement officer is authorized to intercept
10 an oral communication to which the officer or a person under the direct
11 supervision of the officer is a party, without obtaining an order for the in-
12 terception of a wire, electronic or oral communication under ORS 133.724.

13 “(2) For purposes of this section and ORS 133.736, a person is a party to
14 an oral communication if the oral communication is made in the person’s
15 immediate presence and is audible to the person regardless of whether the
16 communication is specifically directed to the person.

17 “(3) An ex parte order for intercepting an oral communication in any
18 county of this state under this section may be issued by any judge as defined
19 in ORS 133.525 upon written application made upon oath or affirmation of
20 the district attorney or a deputy district attorney authorized by the district
21 attorney for the county in which the order is sought or upon the oath or
22 affirmation of any peace officer as defined in ORS 133.005. The application
23 shall include:

24 “(a) The name of the applicant and the applicant’s authority to make the
25 application;

26 “(b) A statement demonstrating that there is probable cause to believe
27 that a person whose oral communication is to be intercepted is engaged in
28 committing, has committed or is about to commit a particular felony, or a
29 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
30 communication will yield evidence thereof; and

1 “(c) The identity of the person, if known, suspected of committing the
2 crime and whose oral communication is to be intercepted.

3 “(4) The judge may require the applicant to furnish further testimony or
4 documentary evidence in support of the application.

5 “(5) Upon examination of the application and evidence, the judge may
6 enter an ex parte order, as requested or as modified, authorizing or approv-
7 ing the interception of an oral communication within the state if the judge
8 determines on the basis of the facts submitted by the applicant that:

9 “(a) There is probable cause to believe that a person is engaged in com-
10 mitting, has committed or is about to commit a particular felony, or a
11 misdemeanor under ORS 167.007 or 167.008; and

12 “(b) There is probable cause to believe that the oral communication to
13 be obtained will contain evidence concerning that crime.

14 “(6) An order authorizing or approving the interception of an oral com-
15 munication under this section must specify:

16 “(a) The identity of the person, if known, whose oral communication is
17 to be intercepted;

18 “(b) A statement identifying the particular crime to which the oral com-
19 munication is expected to relate;

20 “(c) The agency authorized under the order to intercept the oral commu-
21 nication;

22 “(d) The name and office of the applicant and the signature and title of
23 the issuing judge;

24 “(e) A period of time after which the order shall expire; and

25 “(f) A statement that the order authorizes only the interception of an oral
26 communication to which a law enforcement officer or a person under the
27 direct supervision of a law enforcement officer is a party.

28 “(7) An order under ORS 133.724 or this section is not required when a
29 law enforcement officer intercepts an oral communication to which the offi-
30 cer or a person under the direct supervision of the officer is a party if the

1 oral communication is made by a person whom the officer has probable cause
2 to believe has committed, is engaged in committing or is about to commit:

3 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894
4 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

5 “(b) Any other crime punishable as a felony if the circumstances at the
6 time the oral communication is intercepted are of such exigency that it
7 would be unreasonable to obtain a court order under ORS 133.724 or this
8 section.

9 “(8) A law enforcement officer who intercepts an oral communication
10 pursuant to this section may not intentionally fail to record and preserve the
11 oral communication in its entirety. A law enforcement officer, or a person
12 under the direct supervision of the officer, who is authorized under this
13 section to intercept an oral communication is not required to exclude from
14 the interception an oral communication made by a person for whom probable
15 cause does not exist if the officer or the person under the officer’s direct
16 supervision is a party to the oral communication.

17 “(9) A law enforcement officer may not divulge the contents of an oral
18 communication intercepted under this section before a preliminary hearing
19 or trial in which an oral communication is going to be introduced as evi-
20 dence against a person except:

21 “(a) To a superior officer or other official with whom the law enforcement
22 officer is cooperating in the enforcement of the criminal laws of this state
23 or the United States;

24 “(b) To a magistrate;

25 “(c) In a presentation to a federal or state grand jury; or

26 “(d) In compliance with a court order.

27 “(10) A law enforcement officer may intercept an oral communication
28 under this section only when acting within the scope of the officer’s em-
29 ployment and as a part of assigned duties.

30 “(11) As used in this section, ‘law enforcement officer’ means:

1 “(a) An officer employed to enforce criminal laws by:

2 “(A) The United States, this state or a municipal government within this
3 state;

4 “(B) A political subdivision, agency, department or bureau of the govern-
5 ments described in subparagraph (A) of this paragraph; or

6 “(C) A police department established by a university under ORS 352.383
7 or 353.125;

8 “(b) An authorized tribal police officer as defined in section 1, chapter
9 644, Oregon Laws 2011; or

10 “(c) A [*liquor enforcement inspector*] **regulatory specialist** as defined in
11 ORS 471.001.

12 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.

13 “**SECTION 132h.** ORS 133.726, as amended by section 71, chapter 644,
14 Oregon Laws 2011, section 13, chapter 54, Oregon Laws 2012, and section 15,
15 chapter 180, Oregon Laws 2013, is amended to read:

16 “133.726. (1) Notwithstanding ORS 133.724, under the circumstances de-
17 scribed in this section, a law enforcement officer is authorized to intercept
18 an oral communication to which the officer or a person under the direct
19 supervision of the officer is a party, without obtaining an order for the in-
20 terception of a wire, electronic or oral communication under ORS 133.724.

21 “(2) For purposes of this section and ORS 133.736, a person is a party to
22 an oral communication if the oral communication is made in the person’s
23 immediate presence and is audible to the person regardless of whether the
24 communication is specifically directed to the person.

25 “(3) An ex parte order for intercepting an oral communication in any
26 county of this state under this section may be issued by any judge as defined
27 in ORS 133.525 upon written application made upon oath or affirmation of
28 the district attorney or a deputy district attorney authorized by the district
29 attorney for the county in which the order is sought or upon the oath or
30 affirmation of any peace officer as defined in ORS 133.005. The application

1 shall include:

2 “(a) The name of the applicant and the applicant’s authority to make the
3 application;

4 “(b) A statement demonstrating that there is probable cause to believe
5 that a person whose oral communication is to be intercepted is engaged in
6 committing, has committed or is about to commit a particular felony, or a
7 misdemeanor under ORS 167.007 or 167.008, and that intercepting the oral
8 communication will yield evidence thereof; and

9 “(c) The identity of the person, if known, suspected of committing the
10 crime and whose oral communication is to be intercepted.

11 “(4) The judge may require the applicant to furnish further testimony or
12 documentary evidence in support of the application.

13 “(5) Upon examination of the application and evidence, the judge may
14 enter an ex parte order, as requested or as modified, authorizing or approv-
15 ing the interception of an oral communication within the state if the judge
16 determines on the basis of the facts submitted by the applicant that:

17 “(a) There is probable cause to believe that a person is engaged in com-
18 mitting, has committed or is about to commit a particular felony, or a
19 misdemeanor under ORS 167.007 or 167.008; and

20 “(b) There is probable cause to believe that the oral communication to
21 be obtained will contain evidence concerning that crime.

22 “(6) An order authorizing or approving the interception of an oral com-
23 munication under this section must specify:

24 “(a) The identity of the person, if known, whose oral communication is
25 to be intercepted;

26 “(b) A statement identifying the particular crime to which the oral com-
27 munication is expected to relate;

28 “(c) The agency authorized under the order to intercept the oral commu-
29 nication;

30 “(d) The name and office of the applicant and the signature and title of

1 the issuing judge;

2 “(e) A period of time after which the order shall expire; and

3 “(f) A statement that the order authorizes only the interception of an oral
4 communication to which a law enforcement officer or a person under the
5 direct supervision of a law enforcement officer is a party.

6 “(7) An order under ORS 133.724 or this section is not required when a
7 law enforcement officer intercepts an oral communication to which the offi-
8 cer or a person under the direct supervision of the officer is a party if the
9 oral communication is made by a person whom the officer has probable cause
10 to believe has committed, is engaged in committing or is about to commit:

11 “(a) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894
12 or 475.906 or as a misdemeanor under ORS 167.007 or 167.008; or

13 “(b) Any other crime punishable as a felony if the circumstances at the
14 time the oral communication is intercepted are of such exigency that it
15 would be unreasonable to obtain a court order under ORS 133.724 or this
16 section.

17 “(8) A law enforcement officer who intercepts an oral communication
18 pursuant to this section may not intentionally fail to record and preserve the
19 oral communication in its entirety. A law enforcement officer, or a person
20 under the direct supervision of the officer, who is authorized under this
21 section to intercept an oral communication is not required to exclude from
22 the interception an oral communication made by a person for whom probable
23 cause does not exist if the officer or the person under the officer’s direct
24 supervision is a party to the oral communication.

25 “(9) A law enforcement officer may not divulge the contents of an oral
26 communication intercepted under this section before a preliminary hearing
27 or trial in which an oral communication is going to be introduced as evi-
28 dence against a person except:

29 “(a) To a superior officer or other official with whom the law enforcement
30 officer is cooperating in the enforcement of the criminal laws of this state

1 or the United States;

2 “(b) To a magistrate;

3 “(c) In a presentation to a federal or state grand jury; or

4 “(d) In compliance with a court order.

5 “(10) A law enforcement officer may intercept an oral communication
6 under this section only when acting within the scope of the officer’s em-
7 ployment and as a part of assigned duties.

8 “(11) As used in this section, ‘law enforcement officer’ means:

9 “(a) An officer employed to enforce criminal laws by:

10 “(A) The United States, this state or a municipal government within this
11 state;

12 “(B) A political subdivision, agency, department or bureau of the govern-
13 ments described in subparagraph (A) of this paragraph; or

14 “(C) A police department established by a university under ORS 352.383
15 or 353.125; or

16 “(b) A [*liquor enforcement inspector*] **regulatory specialist** as defined in
17 ORS 471.001.

18 “(12) Violation of subsection (9) of this section is a Class A misdemeanor.

19 “**SECTION 132i.** ORS 153.005 is amended to read:

20 “153.005. As used in this chapter:

21 “(1) ‘Enforcement officer’ means:

22 “(a) A member of the Oregon State Police.

23 “(b) A sheriff or deputy sheriff.

24 “(c) A city marshal or a member of the police of a city, municipal or
25 quasi-municipal corporation.

26 “(d) A police officer commissioned by a university under ORS 352.383 or
27 353.125.

28 “(e) An investigator of a district attorney’s office if the investigator is
29 or has been certified as a peace officer in this or any other state.

30 “(f) An investigator of the Criminal Justice Division of the Department

1 of Justice of the State of Oregon.

2 “(g) A Port of Portland peace officer.

3 “(h) A humane special agent as defined in ORS 181.435.

4 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
5 thority described in ORS 471.775 (2).

6 “(j) An authorized tribal police officer as defined in section 1, chapter 644,
7 Oregon Laws 2011.

8 “(k) Any other person specifically authorized by law to issue citations for
9 the commission of violations.

10 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.

11 “(3) ‘Violation’ means an offense described in ORS 153.008.

12 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issu-
13 ance of a citation that charges a person with commission of a violation.

14 “**SECTION 132j.** ORS 153.005, as amended by section 45, chapter 644,
15 Oregon Laws 2011, section 15, chapter 54, Oregon Laws 2012, section 8,
16 chapter 67, Oregon Laws 2012, and section 22, chapter 180, Oregon Laws 2013,
17 is amended to read:

18 “153.005. As used in this chapter:

19 “(1) ‘Enforcement officer’ means:

20 “(a) A member of the Oregon State Police.

21 “(b) A sheriff or deputy sheriff.

22 “(c) A city marshal or a member of the police of a city, municipal or
23 quasi-municipal corporation.

24 “(d) A police officer commissioned by a university under ORS 352.383 or
25 353.125.

26 “(e) An investigator of a district attorney’s office if the investigator is
27 or has been certified as a peace officer in this or any other state.

28 “(f) An investigator of the Criminal Justice Division of the Department
29 of Justice of the State of Oregon.

30 “(g) A Port of Portland peace officer.

1 “(h) A humane special agent as defined in ORS 181.435.

2 “(i) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
3 thority described in ORS 471.775 (2).

4 “(j) Any other person specifically authorized by law to issue citations for
5 the commission of violations.

6 “(2) ‘Traffic offense’ has the meaning given that term in ORS 801.555.

7 “(3) ‘Violation’ means an offense described in ORS 153.008.

8 “(4) ‘Violation proceeding’ means a judicial proceeding initiated by issu-
9 ance of a citation that charges a person with commission of a violation.

10 **“SECTION 132k.** ORS 161.015 is amended to read:

11 “161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635,
12 unless the context requires otherwise:

13 “(1) ‘Dangerous weapon’ means any weapon, device, instrument, material
14 or substance which under the circumstances in which it is used, attempted
15 to be used or threatened to be used, is readily capable of causing death or
16 serious physical injury.

17 “(2) ‘Deadly weapon’ means any instrument, article or substance specifi-
18 cally designed for and presently capable of causing death or serious physical
19 injury.

20 “(3) ‘Deadly physical force’ means physical force that under the circum-
21 stances in which it is used is readily capable of causing death or serious
22 physical injury.

23 “(4) ‘Peace officer’ means:

24 “(a) A member of the Oregon State Police;

25 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
26 ficer as defined in ORS 133.005, or a police officer commissioned by a uni-
27 versity under ORS 352.383 or 353.125;

28 “(c) An investigator of the Criminal Justice Division of the Department
29 of Justice or investigator of a district attorney’s office;

30 “(d) A humane special agent as defined in ORS 181.435;

1 “(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
2 thority described in ORS 471.775 (2);

3 “(f) An authorized tribal police officer as defined in section 1, chapter 644,
4 Oregon Laws 2011; and

5 “(g) Any other person designated by law as a peace officer.

6 “(5) ‘Person’ means a human being and, where appropriate, a public or
7 private corporation, an unincorporated association, a partnership, a govern-
8 ment or a governmental instrumentality.

9 “(6) ‘Physical force’ includes, but is not limited to, the use of an electrical
10 stun gun, tear gas or mace.

11 “(7) ‘Physical injury’ means impairment of physical condition or substan-
12 tial pain.

13 “(8) ‘Serious physical injury’ means physical injury which creates a sub-
14 stantial risk of death or which causes serious and protracted disfigurement,
15 protracted impairment of health or protracted loss or impairment of the
16 function of any bodily organ.

17 “(9) ‘Possess’ means to have physical possession or otherwise to exercise
18 dominion or control over property.

19 “(10) ‘Public place’ means a place to which the general public has access
20 and includes, but is not limited to, hallways, lobbies and other parts of
21 apartment houses and hotels not constituting rooms or apartments designed
22 for actual residence, and highways, streets, schools, places of amusement,
23 parks, playgrounds and premises used in connection with public passenger
24 transportation.

25 “**SECTION 132L.** ORS 161.015, as amended by section 46, chapter 644,
26 Oregon Laws 2011, section 17, chapter 54, Oregon Laws 2012, section 10,
27 chapter 67, Oregon Laws 2012, and section 24, chapter 180, Oregon Laws 2013,
28 is amended to read:

29 “161.015. As used in chapter 743, Oregon Laws 1971, and ORS 166.635,
30 unless the context requires otherwise:

1 “(1) ‘Dangerous weapon’ means any weapon, device, instrument, material
2 or substance which under the circumstances in which it is used, attempted
3 to be used or threatened to be used, is readily capable of causing death or
4 serious physical injury.

5 “(2) ‘Deadly weapon’ means any instrument, article or substance specif-
6 ically designed for and presently capable of causing death or serious physical
7 injury.

8 “(3) ‘Deadly physical force’ means physical force that under the circum-
9 stances in which it is used is readily capable of causing death or serious
10 physical injury.

11 “(4) ‘Peace officer’ means:

12 “(a) A member of the Oregon State Police;

13 “(b) A sheriff, constable, marshal, municipal police officer or reserve of-
14 ficer as defined in ORS 133.005, or a police officer commissioned by a uni-
15 versity under ORS 352.383 or 353.125;

16 “(c) An investigator of the Criminal Justice Division of the Department
17 of Justice or investigator of a district attorney’s office;

18 “(d) A humane special agent as defined in ORS 181.435;

19 “(e) A [*liquor enforcement inspector*] **regulatory specialist** exercising au-
20 thority described in ORS 471.775 (2); and

21 “(f) Any other person designated by law as a peace officer.

22 “(5) ‘Person’ means a human being and, where appropriate, a public or
23 private corporation, an unincorporated association, a partnership, a govern-
24 ment or a governmental instrumentality.

25 “(6) ‘Physical force’ includes, but is not limited to, the use of an electrical
26 stun gun, tear gas or mace.

27 “(7) ‘Physical injury’ means impairment of physical condition or substan-
28 tial pain.

29 “(8) ‘Serious physical injury’ means physical injury which creates a sub-
30 stantial risk of death or which causes serious and protracted disfigurement,

1 protracted impairment of health or protracted loss or impairment of the
2 function of any bodily organ.

3 “(9) ‘Possess’ means to have physical possession or otherwise to exercise
4 dominion or control over property.

5 “(10) ‘Public place’ means a place to which the general public has access
6 and includes, but is not limited to, hallways, lobbies and other parts of
7 apartment houses and hotels not constituting rooms or apartments designed
8 for actual residence, and highways, streets, schools, places of amusement,
9 parks, playgrounds and premises used in connection with public passenger
10 transportation.

11 **“SECTION 132m.** ORS 163.095 is amended to read:

12 “163.095. As used in ORS 163.105 and this section, ‘aggravated murder’
13 means murder as defined in ORS 163.115 which is committed under, or ac-
14 companied by, any of the following circumstances:

15 “(1)(a) The defendant committed the murder pursuant to an agreement
16 that the defendant receive money or other thing of value for committing the
17 murder.

18 “(b) The defendant solicited another to commit the murder and paid or
19 agreed to pay the person money or other thing of value for committing the
20 murder.

21 “(c) The defendant committed murder after having been convicted previ-
22 ously in any jurisdiction of any homicide, the elements of which constitute
23 the crime of murder as defined in ORS 163.115 or manslaughter in the first
24 degree as defined in ORS 163.118.

25 “(d) There was more than one murder victim in the same criminal episode
26 as defined in ORS 131.505.

27 “(e) The homicide occurred in the course of or as a result of intentional
28 maiming or torture of the victim.

29 “(f) The victim of the intentional homicide was a person under the age
30 of 14 years.

1 “(2)(a) The victim was one of the following and the murder was related
2 to the performance of the victim’s official duties in the justice system:

3 “(A) A police officer as defined in ORS 181.610;

4 “(B) A correctional, parole and probation officer or other person charged
5 with the duty of custody, control or supervision of convicted persons;

6 “(C) A member of the Oregon State Police;

7 “(D) A judicial officer as defined in ORS 1.210;

8 “(E) A juror or witness in a criminal proceeding;

9 “(F) An employee or officer of a court of justice;

10 “(G) A member of the State Board of Parole and Post-Prison Supervision;

11 or

12 “(H) A [*liquor enforcement inspector*] **regulatory specialist**.

13 “(b) The defendant was confined in a state, county or municipal penal or
14 correctional facility or was otherwise in custody when the murder occurred.

15 “(c) The defendant committed murder by means of an explosive as defined
16 in ORS 164.055.

17 “(d) Notwithstanding ORS 163.115 (1)(b), the defendant personally and
18 intentionally committed the homicide under the circumstances set forth in
19 ORS 163.115 (1)(b).

20 “(e) The murder was committed in an effort to conceal the commission
21 of a crime, or to conceal the identity of the perpetrator of a crime.

22 “(f) The murder was committed after the defendant had escaped from a
23 state, county or municipal penal or correctional facility and before the de-
24 fendant had been returned to the custody of the facility.

25 “**SECTION 132n.** ORS 165.805 is amended to read:

26 “165.805. (1) A person commits the crime of misrepresentation of age by
27 a minor if:

28 “(a) Being less than a certain, specified age, the person knowingly pur-
29 ports to be of any age other than the true age of the person with the intent
30 of securing a right, benefit or privilege which by law is denied to persons

1 under that certain, specified age; or

2 “(b) Being unmarried, the person knowingly represents that the person is
3 married with the intent of securing a right, benefit or privilege which by law
4 is denied to unmarried persons.

5 “(2) Misrepresentation of age by a minor is a Class C misdemeanor.

6 “(3) In addition to and not in lieu of any other penalty established by law,
7 a person who, using a driver permit or license or other identification issued
8 by the Department of Transportation of this state or its equivalent in an-
9 other state, commits the crime of misrepresentation of age by a minor in
10 order to purchase or consume alcoholic liquor may be required to perform
11 community service and the court shall order that the person’s driving privi-
12 leges and right to apply for driving privileges be suspended for a period not
13 to exceed one year. If a court has issued an order suspending driving privi-
14 leges under this section, the court, upon petition of the person, may with-
15 draw the order at any time the court deems appropriate. The court
16 notification to the department under this subsection may include a recom-
17 mendation that the person be granted a hardship permit under ORS 807.240
18 if the person is otherwise eligible for the permit.

19 “(4) The prohibitions of this section do not apply to any person acting
20 under the direction of the Oregon Liquor Control Commission or a [*liquor*
21 *enforcement inspector*] **regulatory specialist** or under the direction of state
22 or local law enforcement agencies for the purpose of investigating possible
23 violations of laws prohibiting sales of alcoholic beverages to persons who
24 are under a certain, specified age.

25 “(5) The prohibitions of this section do not apply to a person under the
26 age of 21 years who is acting under the direction of a licensee for the pur-
27 pose of investigating possible violations by employees of the licensee of laws
28 prohibiting sales of alcoholic beverages to persons who are under the age
29 of 21 years.

30 “**SECTION 132o.** ORS 166.070 is amended to read:

1 “166.070. (1) A person commits the crime of aggravated harassment if the
2 person, knowing that the other person is a:

3 “(a) Staff member, knowingly propels saliva, blood, urine, semen, feces or
4 other dangerous substance at the staff member while the staff member is
5 acting in the course of official duty or as a result of the staff member’s of-
6 ficial duties;

7 “(b) Public safety officer, knowingly propels blood, urine, semen or feces
8 at the public safety officer while the public safety officer is acting in the
9 course of official duty or as a result of the public safety officer’s official
10 duties; or

11 “(c) Public safety officer, intentionally propels saliva at the public safety
12 officer, and the saliva comes into physical contact with the public safety
13 officer, while the public safety officer is acting in the course of official duty
14 or as a result of the public safety officer’s official duties.

15 “(2) Aggravated harassment is a Class C felony. When a person is con-
16 victed of violating subsection (1)(a) of this section, in addition to any other
17 sentence it may impose, the court shall impose a term of incarceration in a
18 state correctional facility.

19 “(3) As used in this section:

20 “(a) ‘Public safety officer’ means an emergency medical services provider
21 as defined in ORS 682.025, a [*liquor enforcement inspector*] **regulatory spe-**
22 **cialist** as defined in ORS 471.001 or a fire service professional, a parole and
23 probation officer or a police officer as those terms are defined in ORS
24 181.610.

25 “(b) ‘Staff member’ has the meaning given that term in ORS 163.165.

26 “**SECTION 133.** ORS 181.010, as amended by section 1, chapter 119,
27 Oregon Laws 2014, is amended to read:

28 “181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless
29 the context requires otherwise:

30 “(1) ‘Criminal justice agency’ means:

1 “(a) The Governor;
2 “(b) Courts of criminal jurisdiction;
3 “(c) The Attorney General;
4 “(d) District attorneys, city attorneys with criminal prosecutorial func-
5 tions, attorney employees of the office of public defense services and
6 nonprofit public defender organizations established under contract with the
7 Public Defense Services Commission;
8 “(e) Law enforcement agencies;
9 “(f) The Department of Corrections;
10 “(g) The Oregon Youth Authority;
11 “(h) The State Board of Parole and Post-Prison Supervision;
12 “(i) The Department of Public Safety Standards and Training;
13 “(j) The enforcement division of the Oregon Liquor Control Commission
14 **in performing duties related to investigating and enforcing the crimi-**
15 **nal laws of this state that the commission is charged to enforce;**
16 “(k) Regional information systems that share programs to track, identify
17 and remove cross-jurisdictional criminal and terrorist conspiracies; and
18 “(L) Any other state or local agency with law enforcement authority.
19 “(2) ‘Criminal offender information’ includes records and related data as
20 to physical description and vital statistics, fingerprints received and com-
21 piled for purposes of identifying criminal offenders and alleged offenders,
22 records of arrests and the nature and disposition of criminal charges, in-
23 cluding sentencing, confinement, parole and release.
24 “(3) ‘Department’ means the Department of State Police established under
25 ORS 181.020.
26 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State
27 Police appointed under ORS 181.220.
28 “(5) ‘Designated agency’ means any state, county or municipal government
29 agency where Oregon criminal offender information is required to implement
30 a federal or state statute, executive order or administrative rule that ex-

1 expressly refers to criminal conduct and contains requirements or exclusions
2 expressly based on such conduct or for agency employment purposes, licens-
3 ing purposes or other demonstrated and legitimate needs when designated
4 by order of the Governor.

5 “(6) ‘Disposition report’ means a form or process prescribed or furnished
6 by the department, containing a description of the ultimate action taken
7 subsequent to an arrest.

8 “(7) ‘Law enforcement agency’ means:

9 “(a) County sheriffs, municipal police departments, police departments
10 established by a university under ORS 352.383 or 353.125 and State Police;

11 “(b) Other police officers of this state or another state, including humane
12 special agents as defined in ORS 181.435;

13 “(c) A tribal government as defined in section 1, chapter 644, Oregon
14 Laws 2011, that employs authorized tribal police officers as defined in section
15 1, chapter 644, Oregon Laws 2011; and

16 “(d) Law enforcement agencies of the federal government.

17 “(8) ‘State police’ means the sworn members of the state police force ap-
18 pointed under ORS 181.250.

19 “(9) ‘Superintendent’ means the Superintendent of State Police appointed
20 under ORS 181.200.

21 **“SECTION 134.** ORS 181.010, as amended by section 49, chapter 644,
22 Oregon Laws 2011, section 19, chapter 54, Oregon Laws 2012, section 12,
23 chapter 67, Oregon Laws 2012, section 30, chapter 180, Oregon Laws 2013, and
24 section 2, chapter 119, Oregon Laws 2014, is amended to read:

25 “181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless
26 the context requires otherwise:

27 “(1) ‘Criminal justice agency’ means:

28 “(a) The Governor;

29 “(b) Courts of criminal jurisdiction;

30 “(c) The Attorney General;

1 “(d) District attorneys, city attorneys with criminal prosecutorial func-
2 tions, attorney employees of the office of public defense services and
3 nonprofit public defender organizations established under contract with the
4 Public Defense Services Commission;

5 “(e) Law enforcement agencies;

6 “(f) The Department of Corrections;

7 “(g) The Oregon Youth Authority;

8 “(h) The State Board of Parole and Post-Prison Supervision;

9 “(i) The Department of Public Safety Standards and Training;

10 “(j) The enforcement division of the Oregon Liquor Control Commission
11 **in performing duties related to investigating and enforcing the crimi-**
12 **nal laws of this state that the commission is charged to enforce;**

13 “(k) Regional information systems that share programs to track, identify
14 and remove cross-jurisdictional criminal and terrorist conspiracies; and

15 “(L) Any other state or local agency with law enforcement authority.

16 “(2) ‘Criminal offender information’ includes records and related data as
17 to physical description and vital statistics, fingerprints received and com-
18 piled for purposes of identifying criminal offenders and alleged offenders,
19 records of arrests and the nature and disposition of criminal charges, in-
20 cluding sentencing, confinement, parole and release.

21 “(3) ‘Department’ means the Department of State Police established under
22 ORS 181.020.

23 “(4) ‘Deputy superintendent’ means the Deputy Superintendent of State
24 Police appointed under ORS 181.220.

25 “(5) ‘Designated agency’ means any state, county or municipal government
26 agency where Oregon criminal offender information is required to implement
27 a federal or state statute, executive order or administrative rule that ex-
28 pressly refers to criminal conduct and contains requirements or exclusions
29 expressly based on such conduct or for agency employment purposes, licens-
30 ing purposes or other demonstrated and legitimate needs when designated

1 by order of the Governor.

2 “(6) ‘Disposition report’ means a form or process prescribed or furnished
3 by the department, containing a description of the ultimate action taken
4 subsequent to an arrest.

5 “(7) ‘Law enforcement agency’ means:

6 “(a) County sheriffs, municipal police departments, police departments
7 established by a university under ORS 352.383 or 353.125 and State Police;

8 “(b) Other police officers of this state or another state, including humane
9 special agents as defined in ORS 181.435; and

10 “(c) Law enforcement agencies of the federal government.

11 “(8) ‘State police’ means the sworn members of the state police force ap-
12 pointed under ORS 181.250.

13 “(9) ‘Superintendent’ means the Superintendent of State Police appointed
14 under ORS 181.200.

15 **“SECTION 134a.** ORS 181.610 is amended to read:

16 “181.610. As used in ORS 181.610 to 181.712, unless the context requires
17 otherwise:

18 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.

19 “(2) ‘Board’ means the Board on Public Safety Standards and Training
20 appointed pursuant to ORS 181.620.

21 “(3) ‘Certified reserve officer’ means a reserve officer who has been des-
22 ignated by a local law enforcement unit, has received training necessary for
23 certification and has met the minimum standards and training requirements
24 established under ORS 181.640.

25 “(4) ‘Commissioned’ means being authorized to perform various acts or
26 duties of a police officer or certified reserve officer and acting under the
27 supervision and responsibility of a county sheriff or as otherwise provided
28 by law.

29 “(5) ‘Corrections officer’ means an officer or member employed full-time
30 by a law enforcement unit who:

1 “(a) Is charged with and primarily performs the duty of custody, control
2 or supervision of individuals convicted of or arrested for a criminal offense
3 and confined in a place of incarceration or detention other than a place used
4 exclusively for incarceration or detention of juveniles; or

5 “(b) Has been certified as a corrections officer described in paragraph (a)
6 of this subsection and has supervisory or management authority for cor-
7 rections officers described in paragraph (a) of this subsection.

8 “(6) ‘Department’ means the Department of Public Safety Standards and
9 Training.

10 “(7) ‘Director’ means the Director of the Department of Public Safety
11 Standards and Training.

12 “(8) ‘Domestic violence’ means abuse between family or household mem-
13 bers.

14 “(9) ‘Emergency medical dispatcher’ means a person who has responsibil-
15 ity to process requests for medical assistance from the public or to dispatch
16 medical care providers.

17 “(10) ‘Family or household members’ has the meaning given that term in
18 ORS 107.705.

19 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an
20 officer or a member of a public or private fire protection agency that is en-
21 gaged primarily in fire investigation, fire prevention, fire safety, fire control
22 or fire suppression or providing emergency medical services, light and heavy
23 rescue services, search and rescue services or hazardous materials incident
24 response. ‘Fire service professional’ does not mean forest fire protection
25 agency personnel.

26 “(12) ‘Law enforcement unit’ means:

27 “(a) A police force or organization of the state, a city, university that has
28 established a police department under ORS 352.383 or 353.125, port, school
29 district, mass transit district, county, county service district authorized to
30 provide law enforcement services under ORS 451.010, tribal government as

1 defined in section 1, chapter 644, Oregon Laws 2011, that employs authorized
2 tribal police officers as defined in section 1, chapter 644, Oregon Laws 2011,
3 the Criminal Justice Division of the Department of Justice, the Department
4 of Corrections, the Oregon State Lottery Commission, the Security and
5 Emergency Preparedness Office of the Judicial Department or common car-
6 rier railroad the primary duty of which, as prescribed by law, ordinance or
7 directive, is one or more of the following:

8 “(A) Detecting crime and enforcing the criminal laws of this state or laws
9 or ordinances relating to airport security;

10 “(B) The custody, control or supervision of individuals convicted of or
11 arrested for a criminal offense and confined to a place of incarceration or
12 detention other than a place used exclusively for incarceration or detention
13 of juveniles; or

14 “(C) The control, supervision and reformation of adult offenders placed
15 on parole or sentenced to probation and investigation of adult offenders on
16 parole or probation or being considered for parole or probation;

17 “(b) A police force or organization of a private entity with a population
18 of more than 1,000 residents in an unincorporated area the employees of
19 which are commissioned by a county sheriff;

20 “(c) A district attorney’s office;

21 “(d) The Oregon Liquor Control Commission with regard to [*liquor*
22 *enforcement inspectors*] **regulatory specialists**; or

23 “(e) A humane investigation agency as defined in ORS 181.433.

24 “[*(13) ‘Liquor enforcement inspector’ has the meaning given that term in*
25 *ORS 471.001.*]

26 “[*(14)*] **(13)** ‘Parole and probation officer’ means:

27 “(a) An officer who is employed full-time by the Department of Cor-
28 rections, a county or a court and who is charged with and performs the duty
29 of:

30 “(A) Community protection by controlling, investigating, supervising and

1 providing or making referrals to reformative services for adult parolees or
2 probationers or offenders on post-prison supervision; or

3 “(B) Investigating adult offenders on parole or probation or being con-
4 sidered for parole or probation; or

5 “(b) An officer who:

6 “(A) Is certified and has been employed as a full-time parole and pro-
7 bation officer for more than one year;

8 “(B) Is employed part-time by the Department of Corrections, a county
9 or a court; and

10 “(C) Is charged with and performs the duty of:

11 “(i) Community protection by controlling, investigating, supervising and
12 providing or making referrals to reformative services for adult parolees or
13 probationers or offenders on post-prison supervision; or

14 “(ii) Investigating adult offenders on parole or probation or being con-
15 sidered for parole or probation.

16 “[~~15~~] (14) ‘Police officer’ means:

17 “(a) An officer, member or employee of a law enforcement unit employed
18 full-time as a peace officer who is:

19 “(A) Commissioned by a city, port, school district, mass transit district,
20 county, county service district authorized to provide law enforcement ser-
21 vices under ORS 451.010, tribal government as defined in section 1, chapter
22 644, Oregon Laws 2011, the Criminal Justice Division of the Department of
23 Justice, the Oregon State Lottery Commission, a university that has estab-
24 lished a police department under ORS 352.383 or 353.125, the Governor or the
25 Department of State Police; and

26 “(B) Responsible for enforcing the criminal laws of this state or laws or
27 ordinances relating to airport security;

28 “(b) An investigator of a district attorney’s office if the investigator is
29 or has been certified as a peace officer in this or another state;

30 “(c) A humane special agent commissioned under ORS 181.433;

1 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursu-
2 ant to ORS 181.647; or

3 “(e) An authorized tribal police officer as defined in section 1, chapter
4 644, Oregon Laws 2011.

5 “[~~(16)~~] **(15)** ‘Public or private safety agency’ means a unit of state or local
6 government, a special purpose district or a private firm that provides, or has
7 authority to provide, fire fighting, police, ambulance or emergency medical
8 services.

9 “[~~(17)~~] **(16)** ‘Public safety personnel’ and ‘public safety officer’ include
10 corrections officers, youth correction officers, emergency medical dispatch-
11 ers, parole and probation officers, police officers, certified reserve officers,
12 telecommunicators, [*liquor enforcement inspectors*] **regulatory specialists**
13 and fire service professionals.

14 **“(17) ‘Regulatory specialist’ has the meaning given that term in**
15 **ORS 471.001.**

16 “(18) ‘Reserve officer’ means an officer or member of a law enforcement
17 unit who is:

18 “(a) A volunteer or employed less than full-time as a peace officer com-
19 missioned by a city, port, school district, mass transit district, county,
20 county service district authorized to provide law enforcement services under
21 ORS 451.010, tribal government as defined in section 1, chapter 644, Oregon
22 Laws 2011, the Criminal Justice Division of the Department of Justice, the
23 Oregon State Lottery Commission, a university that has established a police
24 department under ORS 352.383 or 353.125, the Governor or the Department
25 of State Police;

26 “(b) Armed with a firearm; and

27 “(c) Responsible for enforcing the criminal laws and traffic laws of this
28 state or laws or ordinances relating to airport security.

29 “(19) ‘Telecommunicator’ means a person employed as an emergency tele-
30 phone worker as defined in ORS 243.736 or a public safety dispatcher whose

1 primary duties are receiving, processing and transmitting public safety in-
2 formation received through a 9-1-1 emergency reporting system as defined in
3 ORS 403.105.

4 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth
5 Authority who is charged with and primarily performs the duty of custody,
6 control or supervision of youth offenders confined in a youth correction fa-
7 cility.

8 **“SECTION 134b.** ORS 181.610, as amended by section 50, chapter 644,
9 Oregon Laws 2011, section 23, chapter 54, Oregon Laws 2012, section 14,
10 chapter 67, Oregon Laws 2012, section 5, chapter 88, Oregon Laws 2012, sec-
11 tion 18, chapter 1, Oregon Laws 2013, section 7, chapter 154, Oregon Laws
12 2013, and section 32, chapter 180, Oregon Laws 2013, is amended to read:

13 “181.610. As used in ORS 181.610 to 181.712, unless the context requires
14 otherwise:

15 “(1) ‘Abuse’ has the meaning given that term in ORS 107.705.

16 “(2) ‘Board’ means the Board on Public Safety Standards and Training
17 appointed pursuant to ORS 181.620.

18 “(3) ‘Certified reserve officer’ means a reserve officer who has been des-
19 ignated by a local law enforcement unit, has received training necessary for
20 certification and has met the minimum standards and training requirements
21 established under ORS 181.640.

22 “(4) ‘Commissioned’ means being authorized to perform various acts or
23 duties of a police officer or certified reserve officer and acting under the
24 supervision and responsibility of a county sheriff or as otherwise provided
25 by law.

26 “(5) ‘Corrections officer’ means an officer or member employed full-time
27 by a law enforcement unit who:

28 “(a) Is charged with and primarily performs the duty of custody, control
29 or supervision of individuals convicted of or arrested for a criminal offense
30 and confined in a place of incarceration or detention other than a place used

1 exclusively for incarceration or detention of juveniles; or

2 “(b) Has been certified as a corrections officer described in paragraph (a)
3 of this subsection and has supervisory or management authority for cor-
4 rections officers described in paragraph (a) of this subsection.

5 “(6) ‘Department’ means the Department of Public Safety Standards and
6 Training.

7 “(7) ‘Director’ means the Director of the Department of Public Safety
8 Standards and Training.

9 “(8) ‘Domestic violence’ means abuse between family or household mem-
10 bers.

11 “(9) ‘Emergency medical dispatcher’ means a person who has responsibil-
12 ity to process requests for medical assistance from the public or to dispatch
13 medical care providers.

14 “(10) ‘Family or household members’ has the meaning given that term in
15 ORS 107.705.

16 “(11) ‘Fire service professional’ means a paid or volunteer firefighter, an
17 officer or a member of a public or private fire protection agency that is en-
18 gaged primarily in fire investigation, fire prevention, fire safety, fire control
19 or fire suppression or providing emergency medical services, light and heavy
20 rescue services, search and rescue services or hazardous materials incident
21 response. ‘Fire service professional’ does not mean forest fire protection
22 agency personnel.

23 “(12) ‘Law enforcement unit’ means:

24 “(a) A police force or organization of the state, a city, university that has
25 established a police department under ORS 352.383 or 353.125, port, school
26 district, mass transit district, county, county service district authorized to
27 provide law enforcement services under ORS 451.010, tribal government, the
28 Criminal Justice Division of the Department of Justice, the Department of
29 Corrections, the Oregon State Lottery Commission, the Security and Emer-
30 gency Preparedness Office of the Judicial Department or common carrier

1 railroad the primary duty of which, as prescribed by law, ordinance or di-
2 rective, is one or more of the following:

3 “(A) Detecting crime and enforcing the criminal laws of this state or laws
4 or ordinances relating to airport security;

5 “(B) The custody, control or supervision of individuals convicted of or
6 arrested for a criminal offense and confined to a place of incarceration or
7 detention other than a place used exclusively for incarceration or detention
8 of juveniles; or

9 “(C) The control, supervision and reformation of adult offenders placed
10 on parole or sentenced to probation and investigation of adult offenders on
11 parole or probation or being considered for parole or probation;

12 “(b) A police force or organization of a private entity with a population
13 of more than 1,000 residents in an unincorporated area the employees of
14 which are commissioned by a county sheriff;

15 “(c) A district attorney’s office;

16 “(d) The Oregon Liquor Control Commission with regard to [*liquor*
17 *enforcement inspectors*] **regulatory specialists**; or

18 “(e) A humane investigation agency as defined in ORS 181.433.

19 “[*(13) ‘Liquor enforcement inspector’ has the meaning given that term in*
20 *ORS 471.001.*]

21 “[*(14)*] **(13)** ‘Parole and probation officer’ means:

22 “(a) An officer who is employed full-time by the Department of Cor-
23 rections, a county or a court and who is charged with and performs the duty
24 of:

25 “(A) Community protection by controlling, investigating, supervising and
26 providing or making referrals to reformative services for adult parolees or
27 probationers or offenders on post-prison supervision; or

28 “(B) Investigating adult offenders on parole or probation or being con-
29 sidered for parole or probation; or

30 “(b) An officer who:

1 “(A) Is certified and has been employed as a full-time parole and pro-
2 bation officer for more than one year;

3 “(B) Is employed part-time by the Department of Corrections, a county
4 or a court; and

5 “(C) Is charged with and performs the duty of:

6 “(i) Community protection by controlling, investigating, supervising and
7 providing or making referrals to reformatory services for adult parolees or
8 probationers or offenders on post-prison supervision; or

9 “(ii) Investigating adult offenders on parole or probation or being con-
10 sidered for parole or probation.

11 “[(15)] (14) ‘Police officer’ means:

12 “(a) An officer, member or employee of a law enforcement unit employed
13 full-time as a peace officer who is:

14 “(A) Commissioned by a city, port, school district, mass transit district,
15 county, county service district authorized to provide law enforcement ser-
16 vices under ORS 451.010, tribal government, the Criminal Justice Division
17 of the Department of Justice, the Oregon State Lottery Commission, a uni-
18 versity that has established a police department under ORS 352.383 or
19 353.125, the Governor or the Department of State Police; and

20 “(B) Responsible for enforcing the criminal laws of this state or laws or
21 ordinances relating to airport security;

22 “(b) An investigator of a district attorney’s office if the investigator is
23 or has been certified as a peace officer in this or another state;

24 “(c) A humane special agent commissioned under ORS 181.433; or

25 “(d) A judicial marshal appointed under ORS 1.177 who is trained pursu-
26 ant to ORS 181.647.

27 “[(16)] (15) ‘Public or private safety agency’ means a unit of state or local
28 government, a special purpose district or a private firm that provides, or has
29 authority to provide, fire fighting, police, ambulance or emergency medical
30 services.

1 “[(17)] (16) ‘Public safety personnel’ and ‘public safety officer’ include
2 corrections officers, youth correction officers, emergency medical dispatch-
3 ers, parole and probation officers, police officers, certified reserve officers,
4 telecommunicators, [*liquor enforcement inspectors*] **regulatory specialists**
5 and fire service professionals.

6 “(17) ‘**Regulatory specialist**’ has the meaning given that term in
7 **ORS 471.001**.

8 “(18) ‘Reserve officer’ means an officer or member of a law enforcement
9 unit who is:

10 “(a) A volunteer or employed less than full-time as a peace officer com-
11 missioned by a city, port, school district, mass transit district, county,
12 county service district authorized to provide law enforcement services under
13 ORS 451.010, tribal government, the Criminal Justice Division of the De-
14 partment of Justice, the Oregon State Lottery Commission, a university that
15 has established a police department under ORS 352.383 or 353.125, the Gov-
16 ernor or the Department of State Police;

17 “(b) Armed with a firearm; and

18 “(c) Responsible for enforcing the criminal laws and traffic laws of this
19 state or laws or ordinances relating to airport security.

20 “(19) ‘Telecommunicator’ means a person employed as an emergency tele-
21 phone worker as defined in ORS 243.736 or a public safety dispatcher whose
22 primary duties are receiving, processing and transmitting public safety in-
23 formation received through a 9-1-1 emergency reporting system as defined in
24 ORS 403.105.

25 “(20) ‘Youth correction officer’ means an employee of the Oregon Youth
26 Authority who is charged with and primarily performs the duty of custody,
27 control or supervision of youth offenders confined in a youth correction fa-
28 cility.

29 “**SECTION 134c**. ORS 181.645 is amended to read:

30 “181.645. A law enforcement unit in this state may not employ as a police

1 officer, corrections officer, parole and probation officer or [*liquor enforcement*
2 *inspector*] **regulatory specialist**, or utilize as a certified reserve officer, any
3 person who has not yet attained the age of 21 years.

4 **“SECTION 134d.** ORS 181.646 is amended to read:

5 “181.646. (1) Except for a person who has requested and obtained an ex-
6 tension from the Department of Public Safety Standards and Training under
7 subsection (2) of this section, subject to subsection (3) of this section the
8 Oregon Liquor Control Commission may not employ a person as a [*liquor*
9 *enforcement inspector*] **regulatory specialist** for more than 18 months unless
10 the person is a citizen of the United States who has been certified under ORS
11 181.640 as being qualified as a [*liquor enforcement inspector*] **regulatory**
12 **specialist** and the certification has not:

13 “(a) Lapsed; or

14 “(b) Been revoked under ORS 181.661, 181.662 and 181.664 (1) and not re-
15 issued under ORS 181.661 (2).

16 “(2) The department, upon the facts contained in an affidavit accompa-
17 nying the request for extension, may find good cause for failure to obtain
18 certification within the time period described in subsection (1) of this sec-
19 tion. If the department finds that there is good cause for the failure, the
20 department may extend for up to one year the period that a person may serve
21 as a [*liquor enforcement inspector*] **regulatory specialist** without certifica-
22 tion. The grant or denial of an extension is within the sole discretion of the
23 department.

24 “(3) The citizenship requirement in subsection (1) of this section does not
25 apply to a person employed as a [*liquor enforcement inspector*] **regulatory**
26 **specialist** on March 16, 2012, who continues to serve as a [*liquor enforcement*
27 *inspector*] **regulatory specialist** without a lapse under subsection (4) of this
28 section.

29 “(4) The certification of a [*liquor enforcement inspector*] **regulatory spe-**
30 **cialist** shall lapse after three or more consecutive months of not being em-

1 ployed as a [*liquor enforcement inspector*] **regulatory specialist** unless the
2 [*liquor enforcement inspector*] **regulatory specialist** is on leave from the
3 commission. Upon reemployment as a [*liquor enforcement inspector*] **regula-**
4 **tory specialist**, the person whose certification has lapsed may apply to be
5 certified under ORS 181.610 to 181.712.

6 “(5) The commission shall pay the costs of training required for a [*liquor*
7 *enforcement inspector*] **regulatory specialist** to be certified by the depart-
8 ment.

9 “**SECTION 134e.** Section 32, chapter 54, Oregon Laws 2012, is amended
10 to read:

11 “**Sec. 32.** (1) The Department of Public Safety Standards and Training
12 shall make public safety personnel certification under ORS 181.640 as [*liquor*
13 *enforcement inspectors*] **regulatory specialists** available for qualified appli-
14 cants no later than July 1, 2015.

15 “(2) Notwithstanding [*section 21 of this 2012 Act*] **ORS 181.646** and the
16 amendments to ORS 181.610 by sections 22 and 23, **chapter 54, Oregon Laws**
17 **2012** [*of this 2012 Act*], an inspector or investigator employed by the Oregon
18 Liquor Control Commission and not granted an extension under [*section 21*
19 *of this 2012 Act*] **ORS 181.646** to obtain certification may perform the duties
20 of a [*liquor enforcement inspector*] **regulatory specialist** without certifica-
21 tion under ORS 181.640 until January 1, 2017.

22 “(3) An employee of the Oregon Liquor Control Commission who takes
23 voluntary training for commission inspectors and investigators provided by
24 the Department of Public Safety Standards and Training prior to the date
25 that [*liquor enforcement inspector*] **regulatory specialist** training is avail-
26 able from the department is deemed to have met the minimum basic training
27 requirements for a [*liquor enforcement inspector*] **regulatory specialist** and
28 is exempt from any minimum physical standards for [*liquor enforcement in-*
29 *spectors*] **regulatory specialists** developed under [*section 21 of this 2012*
30 *Act*] **ORS 181.646.**

1 **“SECTION 134f.** ORS 238.005, as amended by section 2, chapter 107,
2 Oregon Laws 2014, is amended to read:

3 “238.005. For purposes of this chapter:

4 “(1) ‘Active member’ means a member who is presently employed by a
5 participating public employer in a qualifying position and who has completed
6 the six-month period of service required by ORS 238.015.

7 “(2) ‘Annuity’ means payments for life derived from contributions made
8 by a member as provided in this chapter.

9 “(3) ‘Board’ means the Public Employees Retirement Board.

10 “(4) ‘Calendar year’ means 12 calendar months commencing on January
11 1 and ending on December 31 following.

12 “(5) ‘Continuous service’ means service not interrupted for more than five
13 years, except that such continuous service shall be computed without regard
14 to interruptions in the case of:

15 “(a) An employee who had returned to the service of the employer as of
16 January 1, 1945, and who remained in that employment until having estab-
17 lished membership in the Public Employees Retirement System.

18 “(b) An employee who was in the armed services on January 1, 1945, and
19 returned to the service of the employer within one year of the date of being
20 otherwise than dishonorably discharged and remained in that employment
21 until having established membership in the Public Employees Retirement
22 System.

23 “(6) ‘Creditable service’ means any period of time during which an active
24 member is being paid a salary by a participating public employer and for
25 which benefits under this chapter are funded by employer contributions and
26 earnings on the fund. For purposes of computing years of ‘creditable
27 service,’ full months and major fractions of a month shall be considered to
28 be one-twelfth of a year and shall be added to all full years. ‘Creditable
29 service’ includes all retirement credit received by a member.

30 “(7) ‘Earliest service retirement age’ means the age attained by a member

1 when the member could first make application for retirement under the pro-
2 visions of ORS 238.280.

3 “(8) ‘Employee’ includes, in addition to employees, public officers, but
4 does not include:

5 “(a) Persons engaged as independent contractors.

6 “(b) Seasonal, emergency or casual workers whose periods of employment
7 with any public employer or public employers do not total 600 hours in any
8 calendar year.

9 “(c) Persons provided sheltered employment or made-work by a public
10 employer in an employment or industries program maintained for the benefit
11 of such persons.

12 “(d) Persons employed and paid from federal funds received under a fed-
13 eral program intended primarily to alleviate unemployment. However, any
14 such person shall be considered an ‘employee’ if not otherwise excluded by
15 paragraphs (a) to (c) of this subsection and the public employer elects to
16 have the person so considered by an irrevocable written notice to the board.

17 “(e) Persons who are employees of a railroad, as defined in ORS 824.020,
18 and who, as such employees, are included in a retirement plan under federal
19 railroad retirement statutes. This paragraph shall be deemed to have been
20 in effect since the inception of the system.

21 “(9) ‘Final average salary’ means whichever of the following is greater:

22 “(a) The average salary per calendar year paid by one or more partic-
23 ipating public employers to an employee who is an active member of the
24 system in three of the calendar years of membership before the effective date
25 of retirement of the employee, in which three years the employee was paid
26 the highest salary. The three calendar years in which the employee was paid
27 the largest total salary may include calendar years in which the employee
28 was employed for less than a full calendar year. If the number of calendar
29 years of active membership before the effective date of retirement of the
30 employee is three or fewer, the final average salary for the employee is the

1 average salary per calendar year paid by one or more participating public
2 employers to the employee in all of those years, without regard to whether
3 the employee was employed for the full calendar year.

4 “(b) One-third of the total salary paid by a participating public employer
5 to an employee who is an active member of the system in the last 36 calendar
6 months of active membership before the effective date of retirement of the
7 employee.

8 “(10) ‘Firefighter’ does not include a volunteer firefighter, but does in-
9 clude:

10 “(a) The State Fire Marshal, the chief deputy fire marshal and deputy
11 state fire marshals; and

12 “(b) An employee of the State Forestry Department who is certified by the
13 State Forester as a professional wildland firefighter and whose primary du-
14 ties include the abatement of uncontrolled fires as described in ORS 477.064.

15 “(11) ‘Fiscal year’ means 12 calendar months commencing on July 1 and
16 ending on June 30 following.

17 “(12) ‘Fund’ means the Public Employees Retirement Fund.

18 “(13) ‘Inactive member’ means a member who is not employed in a quali-
19 fying position, whose membership has not been terminated in the manner
20 described by ORS 238.095 and who is not retired for service or disability.

21 “(14) ‘Institution of higher education’ means a public university listed in
22 ORS 352.002, the Oregon Health and Science University and a community
23 college, as defined in ORS 341.005.

24 “(15) ‘Member’ means a person who has established membership in the
25 system and whose membership has not been terminated as described in ORS
26 238.095. ‘Member’ includes active, inactive and retired members.

27 “(16) ‘Member account’ means the regular account and the variable ac-
28 count.

29 “(17) ‘Normal retirement age’ means:

30 “(a) For a person who establishes membership in the system before Jan-

1 uary 1, 1996, as described in ORS 238.430, 55 years of age if the employee
2 retires at that age as a police officer or firefighter or 58 years of age if the
3 employee retires at that age as other than a police officer or firefighter.

4 “(b) For a person who establishes membership in the system on or after
5 January 1, 1996, as described in ORS 238.430, 55 years of age if the employee
6 retires at that age as a police officer or firefighter or 60 years of age if the
7 employee retires at that age as other than a police officer or firefighter.

8 “(18) ‘Pension’ means annual payments for life derived from contributions
9 by one or more public employers.

10 “(19) ‘Police officer’ includes:

11 “(a) Employees of institutions defined in ORS 421.005 as Department of
12 Corrections institutions whose duties, as assigned by the Director of the
13 Department of Corrections, include the custody of persons committed to the
14 custody of or transferred to the Department of Corrections and employees
15 of the Department of Corrections who were classified as police officers on
16 or before July 27, 1989, whether or not such classification was authorized
17 by law.

18 “(b) Employees of the Department of State Police who are classified as
19 police officers by the Superintendent of State Police.

20 “(c) Employees of the Oregon Liquor Control Commission who are clas-
21 sified as [*liquor enforcement inspectors*] **regulatory specialists** by the ad-
22 ministrator of the commission.

23 “(d) Sheriffs and those deputy sheriffs or other employees of a sheriff
24 whose duties, as classified by the sheriff, are the regular duties of police
25 officers or corrections officers.

26 “(e) Police chiefs and police personnel of a city who are classified as po-
27 lice officers by the council or other governing body of the city.

28 “(f) Police officers who are commissioned by a university under ORS
29 352.383 or 353.125 and who are classified as police officers by the university.

30 “(g) Parole and probation officers employed by the Department of Cor-

1 rections, parole and probation officers who are transferred to county em-
2 ployment under ORS 423.549 and adult parole and probation officers, as
3 defined in ORS 181.610, who are classified as police officers for the purposes
4 of this chapter by the county governing body. If a county classifies adult
5 parole and probation officers as police officers for the purposes of this
6 chapter, and the employees so classified are represented by a labor organ-
7 ization, any proposal by the county to change that classification or to cease
8 to classify adult parole and probation officers as police officers for the pur-
9 poses of this chapter is a mandatory subject of bargaining.

10 “(h) Police officers appointed under ORS 276.021 or 276.023.

11 “(i) Employees of the Port of Portland who are classified as airport police
12 by the Board of Commissioners of the Port of Portland.

13 “(j) Employees of the State Department of Agriculture who are classified
14 as livestock police officers by the Director of Agriculture.

15 “(k) Employees of the Department of Public Safety Standards and Train-
16 ing who are classified by the department as other than secretarial or clerical
17 personnel.

18 “(L) Investigators of the Criminal Justice Division of the Department of
19 Justice.

20 “(m) Corrections officers as defined in ORS 181.610.

21 “(n) Employees of the Oregon State Lottery Commission who are classi-
22 fied by the Director of the Oregon State Lottery as enforcement agents pur-
23 suant to ORS 461.110.

24 “(o) The Director of the Department of Corrections.

25 “(p) An employee who for seven consecutive years has been classified as
26 a police officer as defined by this section, and who is employed or transferred
27 by the Department of Corrections to fill a position designated by the Direc-
28 tor of the Department of Corrections as being eligible for police officer sta-
29 tus.

30 “(q) An employee of the Department of Corrections classified as a police

1 officer on or prior to July 27, 1989, whether or not that classification was
2 authorized by law, as long as the employee remains in the position held on
3 July 27, 1989. The initial classification of an employee under a system im-
4 plemented pursuant to ORS 240.190 does not affect police officer status.

5 “(r) Employees of a school district who are appointed and duly sworn
6 members of a law enforcement agency of the district as provided in ORS
7 332.531 or otherwise employed full-time as police officers commissioned by
8 the district.

9 “(s) Employees at youth correction facilities and juvenile detention facil-
10 ities under ORS 419A.050, 419A.052 and 420.005 to 420.915 who are required
11 to hold valid Oregon teaching licenses and who have supervisory, control or
12 teaching responsibilities over juveniles committed to the custody of the De-
13 partment of Corrections or the Oregon Youth Authority.

14 “(t) Employees at youth correction facilities as defined in ORS 420.005
15 whose primary job description involves the custody, control, treatment, in-
16 vestigation or supervision of juveniles placed in such facilities.

17 “(u) Employees of the Oregon Youth Authority who are classified as ju-
18 venile parole and probation officers.

19 “(20) ‘Prior service credit’ means credit provided under ORS 238.442 or
20 under ORS 238.225 (2) to (6) (1999 Edition).

21 “(21) ‘Public employer’ means the state, one of its agencies, any city,
22 county, or municipal or public corporation, any political subdivision of the
23 state or any instrumentality thereof, or an agency created by one or more
24 such governmental organizations to provide governmental services. For pur-
25 poses of this chapter, such agency created by one or more governmental or-
26 ganizations is a governmental instrumentality and a legal entity with power
27 to enter into contracts, hold property and sue and be sued.

28 “(22) ‘Qualifying position’ means one or more jobs with one or more par-
29 ticipating public employers in which an employee performs 600 or more hours
30 of service in a calendar year, excluding any service in a job for which a

1 participating public employer does not provide benefits under this chapter
2 pursuant to an application made under ORS 238.035.

3 “(23) ‘Regular account’ means the account established for each active and
4 inactive member under ORS 238.250.

5 “(24) ‘Retired member’ means a member who is retired for service or dis-
6 ability.

7 “(25) ‘Retirement credit’ means a period of time that is treated as credit-
8 able service for the purposes of this chapter.

9 “(26)(a) ‘Salary’ means the remuneration paid an employee in cash out of
10 the funds of a public employer in return for services to the employer, plus
11 the monetary value, as determined by the Public Employees Retirement
12 Board, of whatever living quarters, board, lodging, fuel, laundry and other
13 advantages the employer furnishes the employee in return for services.

14 “(b) ‘Salary’ includes but is not limited to:

15 “(A) Payments of employee and employer money into a deferred compen-
16 sation plan, which are deemed salary paid in each month of deferral;

17 “(B) The amount of participation in a tax-sheltered or deferred annuity,
18 which is deemed salary paid in each month of participation;

19 “(C) Retroactive payments described in ORS 238.008; and

20 “(D) Wages of a deceased member paid to a surviving spouse or dependent
21 children under ORS 652.190.

22 “(c) ‘Salary’ or ‘other advantages’ does not include:

23 “(A) Travel or any other expenses incidental to employer’s business which
24 is reimbursed by the employer;

25 “(B) Payments for insurance coverage by an employer on behalf of em-
26 ployee or employee and dependents, for which the employee has no cash op-
27 tion;

28 “(C) Payments made on account of an employee’s death;

29 “(D) Any lump sum payment for accumulated unused sick leave;

30 “(E) Any accelerated payment of an employment contract for a future

1 period or an advance against future wages;

2 “(F) Any retirement incentive, retirement severance pay, retirement bonus
3 or retirement gratuitous payment;

4 “(G) Payments for periods of leave of absence after the date the employer
5 and employee have agreed that no future services qualifying pursuant to ORS
6 238.015 (3) will be performed, except for sick leave and vacation;

7 “(H) Payments for instructional services rendered to public universities
8 listed in ORS 352.002 or the Oregon Health and Science University when
9 such services are in excess of full-time employment subject to this chapter.
10 A person employed under a contract for less than 12 months is subject to this
11 subparagraph only for the months to which the contract pertains; or

12 “(I) Payments made by an employer for insurance coverage provided to a
13 domestic partner of an employee.

14 “(27) ‘School year’ means the period beginning July 1 and ending June 30
15 next following.

16 “(28) ‘System’ means the Public Employees Retirement System.

17 “(29) ‘Variable account’ means the account established for a member who
18 participates in the Variable Annuity Account under ORS 238.260.

19 “(30) ‘Vested’ means being an active member of the system in each of five
20 calendar years.

21 “(31) ‘Volunteer firefighter’ means a firefighter whose position normally
22 requires less than 600 hours of service per year.

23 **“SECTION 134g.** ORS 471.001 is amended to read:

24 “471.001. As used in this chapter and ORS chapter 473:

25 “(1) ‘Alcoholic beverage’ and ‘alcoholic liquor’ mean any liquid or solid
26 containing more than one-half of one percent alcohol by volume and capable
27 of being consumed by a human being.

28 “(2) ‘Commercial establishment’ means a place of business:

29 “(a) Where food is cooked and served;

30 “(b) That has kitchen facilities adequate for the preparation and serving

1 of meals;

2 “(c) That has dining facilities adequate for the serving and consumption
3 of meals; and

4 “(d) That:

5 “(A) If not a for-profit private club, serves meals to the general public;
6 or

7 “(B) If a for-profit private club, serves meals to the club’s members and
8 guests and complies with any minimum membership and food service re-
9 quirements established by Oregon Liquor Control Commission rules.

10 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

11 “(4) ‘Distilled liquor’ means any alcoholic beverage other than a wine,
12 cider or malt beverage. ‘Distilled liquor’ includes distilled spirits.

13 “(5) ‘Licensee’ means any person holding a license issued under this
14 chapter.

15 “[6] ‘Liquor enforcement inspector’ means a full-time employee of the com-
16 mission who is authorized to act as an agent of the commission in conducting
17 inspections or investigations, making arrests and seizures, aiding in prose-
18 cutions for offenses, issuing citations for violations and otherwise enforcing
19 this chapter, ORS 474.005 to 474.095 and 474.115, commission rules and any
20 other statutes the commission considers related to alcoholic liquor.]

21 “[7(a)] **(6)(a)** ‘Malt beverage’ means an alcoholic beverage obtained by
22 the fermentation of grain that contains not more than 14 percent alcohol by
23 volume.

24 “(b) ‘Malt beverage’ includes:

25 “(A) Beer, ale, porter, stout and similar alcoholic beverages containing
26 not more than 14 percent alcohol by volume;

27 “(B) Malt beverages containing six percent or less alcohol by volume and
28 that contain at least 51 percent alcohol by volume obtained by the
29 fermentation of grain, as long as not more than 49 percent of the beverage’s
30 overall alcohol content is obtained from flavors and other added nonbeverage

1 ingredients containing alcohol; and

2 “(C) Malt beverages containing more than six percent alcohol by volume
3 that derive not more than 1.5 percent of the beverage’s overall alcohol con-
4 tent by volume from flavors and other added nonbeverage ingredients con-
5 taining alcohol.

6 “(c) ‘Malt beverage’ does not include cider or an alcoholic beverage ob-
7 tained primarily by fermentation of rice, such as sake.

8 “[8] (7) ‘Manufacturer’ means every person who produces, brews,
9 ferments, manufactures or blends an alcoholic beverage within this state or
10 who imports or causes to be imported into this state an alcoholic beverage
11 for sale or distribution within the state.

12 “[9] (8) ‘Permittee’ means a person holding a permit issued under ORS
13 471.360 to 471.390.

14 “[10] (9) ‘Premises’ or ‘licensed premises’ means a location licensed un-
15 der this chapter and includes all enclosed areas at the location that are used
16 in the business operated at the location, including offices, kitchens, rest
17 rooms and storerooms, including all public and private areas where patrons
18 are permitted to be present. ‘Premises’ or ‘licensed premises’ includes areas
19 outside of a building that the commission has specifically designated as ap-
20 proved for alcoholic beverage service or consumption.

21 **“(10) ‘Regulatory specialist’ means a full-time employee of the**
22 **commission who is authorized to act as an agent of the commission**
23 **in conducting inspections or investigations, making arrests and sei-**
24 **zures, aiding in prosecutions for offenses, issuing citations for vio-**
25 **lations and otherwise enforcing this chapter, ORS 474.005 to 474.095 and**
26 **474.115, commission rules and any other statutes the commission con-**
27 **siders related to regulating liquor or marijuana.**

28 “(11) ‘Wine’ means any fermented vinous liquor or fruit juice, or other
29 fermented beverage fit for beverage purposes that is not a malt beverage,
30 containing more than one-half of one percent of alcohol by volume and not

1 more than 21 percent of alcohol by volume. 'Wine' includes fortified wine.
2 'Wine' does not include cider.

3 **SECTION 134h.** ORS 471.360 is amended to read:

4 "471.360. (1) Except as otherwise provided in ORS 471.375:

5 "(a) Any person employed by a licensee of the Oregon Liquor Control
6 Commission must have a valid service permit issued by the commission if the
7 person:

8 "(A) Participates in any manner in the mixing, selling or service of alco-
9 holic liquor for consumption on the premises where served or sold; or

10 "(B) Participates in the dispensing of malt beverages, wines or cider sold
11 in securely covered containers provided by the consumer.

12 "(b) A licensee of the commission may not permit any person who lacks
13 a service permit required of the person under paragraph (a) of this sub-
14 section:

15 "(A) To mix, sell or serve any alcoholic liquor for consumption on li-
16 censed premises; or

17 "(B) To dispense malt beverages, wines or cider sold in securely covered
18 containers provided by the consumer.

19 "(c) A permittee shall make the service permit available at any time while
20 on duty for immediate inspection by any [*liquor enforcement inspector*] **reg-**
21 **ulatory specialist** or by any other peace officer.

22 "(2) The commission may waive the requirement for a service permit for
23 an employee of a licensee whose primary function is not the sale of alcoholic
24 liquor or food, including but not limited to public passenger carriers, hospi-
25 tals, or convalescent, nursing or retirement homes.

26 **SECTION 134i.** ORS 471.375 is amended to read:

27 "471.375. (1) Any person who has not had a permit refused or revoked or
28 whose permit is not under suspension may mix, sell or serve alcoholic
29 beverages as provided under subsection (4) of this section if the person pre-
30 pares in duplicate an application for a service permit prior to mixing, selling

1 or serving any alcoholic beverage for consumption on licensed premises and
2 the application is indorsed as required under subsection (2) of this section.
3 A copy of the indorsed application must be kept on the licensed premises by
4 any licensee for whom the person mixes, sells or serves alcoholic beverages
5 and must be made available for immediate inspection by any [*liquor enforce-*
6 *ment inspector*] **regulatory specialist** or by any other peace officer until the
7 applicant receives the service permit.

8 “(2) An application for a service permit under subsection (1) of this sec-
9 tion must be indorsed by one of the following persons:

10 “(a) The licensee under whose license the applicant will mix, sell or serve
11 alcoholic beverages. If a licensee indorses an application, the licensee must
12 immediately transmit the application to the commission with the fee required
13 by subsection (3) of this section.

14 “(b) An officer or employee of a company that provides servers to
15 licensees on a temporary basis. The commission must give a company written
16 approval to indorse service permit applications before an application may be
17 indorsed under this paragraph.

18 “(c) An employee of the commission designated by the commission to ac-
19 cept and indorse applications under this section. The applicant must per-
20 sonally appear before the employee of the commission and provide
21 identification as may be required by commission rule.

22 “(d) An employee of an alcohol server education course provider that has
23 been certified by the commission under ORS 471.542 (8). The employee must
24 be specifically designated by the provider to indorse applications under this
25 section.

26 “(3) An applicant for a service permit must be 18 years of age or over.
27 Application for a service permit shall be made on a form supplied by the
28 commission. The applicant shall truly answer all questions, provide any fur-
29 ther information required, and pay a fee not to exceed \$10. The commission
30 shall either set the fee to cover only the administrative costs of the service

1 permit program, or apply any excess to the Alcohol Education Program es-
2 tablished under ORS 471.541.

3 “(4) An applicant for a service permit whose application has been
4 indorsed as provided under this section may:

5 “(a) Participate in the mixing, selling or service of alcoholic beverages
6 for consumption on the premises where served or sold; and

7 “(b) Participate in the dispensing of malt beverages, wine or cider sold
8 in securely covered containers provided by the consumer.

9 **“SECTION 134j.** ORS 471.675 is amended to read:

10 “471.675. A person may not forcibly resist lawful arrest, or by physical
11 contact recklessly interfere with an investigation of any infringement of the
12 Liquor Control Act or with any lawful search or seizure being made by a
13 peace officer or a [*liquor enforcement inspector*] **regulatory specialist** if the
14 person knows or should know that the investigation, search or seizure is
15 being performed by a peace officer or [*liquor enforcement inspector*] **regula-**
16 **tory specialist.**

17 **“SECTION 134k.** ORS 471.775 is amended to read:

18 “471.775. (1) The provisions of ORS 183.440 shall apply to subpoenas issued
19 by each member of the Oregon Liquor Control Commission or any of its au-
20 thorized agents.

21 “(2) [*Liquor enforcement inspectors*] **Regulatory specialists** have author-
22 ity as provided under this chapter, ORS chapter 153, ORS 133.005 to 133.400,
23 133.450, 133.525 to 133.703, 133.721 to 133.739, 161.235, 161.239 and 161.245 and
24 chapter 743, Oregon Laws 1971, to conduct inspections or investigations,
25 make arrests and seizures, aid in prosecutions for offenses, issue criminal
26 citations and citations for violations and otherwise enforce this chapter, ORS
27 474.005 to 474.095 and 474.115, commission rules and any other laws of this
28 state that the commission considers related to alcoholic liquor, including but
29 not limited to laws regarding the manufacture, importation, transportation,
30 possession, distribution, sale or consumption of alcoholic beverages, the

1 manufacture or use of false identification or the entry of premises licensed
2 to sell alcoholic liquor.

3 **“SECTION 134L.** ORS 659A.320 is amended to read:

4 “659A.320. (1) Except as provided in subsection (2) of this section, it is
5 an unlawful employment practice for an employer to obtain or use for em-
6 ployment purposes information contained in the credit history of an appli-
7 cant for employment or an employee, or to refuse to hire, discharge, demote,
8 suspend, retaliate or otherwise discriminate against an applicant or an em-
9 ployee with regard to promotion, compensation or the terms, conditions or
10 privileges of employment based on information in the credit history of the
11 applicant or employee.

12 “(2) Subsection (1) of this section does not apply to:

13 “(a) Employers that are federally insured banks or credit unions;

14 “(b) Employers that are required by state or federal law to use individual
15 credit history for employment purposes;

16 “(c) The application for employment or the employment of a public safety
17 officer who will be or who is:

18 “(A) A member of a law enforcement unit;

19 “(B) Employed as a peace officer commissioned by a city, port, school
20 district, mass transit district, county, university under ORS 352.383 or
21 353.125, Indian reservation, the Superintendent of State Police under ORS
22 181.433, the Criminal Justice Division of the Department of Justice, the
23 Oregon State Lottery Commission or the Governor or employed as a [*liquor*
24 *enforcement inspector*] **regulatory specialist** by the Oregon Liquor Control
25 Commission; and

26 “(C) Responsible for enforcing the criminal laws of this state or laws or
27 ordinances related to airport security; or

28 “(d) The obtainment or use by an employer of information in the credit
29 history of an applicant or employee because the information is substantially
30 job-related and the employer’s reasons for the use of such information are

1 disclosed to the employee or prospective employee in writing.

2 “(3) An employee or an applicant for employment may file a complaint
3 under ORS 659A.820 for violations of this section and may bring a civil
4 action under ORS 659A.885 and recover the relief as provided by ORS
5 659A.885 (1) and (2).

6 “(4) As used in this section, ‘credit history’ means any written or other
7 communication of any information by a consumer reporting agency that
8 bears on a consumer’s creditworthiness, credit standing or credit capacity.

9 **“SECTION 134m.** ORS 659A.885 is amended to read:

10 “659A.885. (1) Any person claiming to be aggrieved by an unlawful prac-
11 tice specified in subsection (2) of this section may file a civil action in cir-
12 cuit court. In any action under this subsection, the court may order
13 injunctive relief and any other equitable relief that may be appropriate, in-
14 cluding but not limited to reinstatement or the hiring of employees with or
15 without back pay. A court may order back pay in an action under this sub-
16 section only for the two-year period immediately preceding the filing of a
17 complaint under ORS 659A.820 with the Commissioner of the Bureau of La-
18 bor and Industries, or if a complaint was not filed before the action was
19 commenced, the two-year period immediately preceding the filing of the
20 action. In any action under this subsection, the court may allow the pre-
21 vailing party costs and reasonable attorney fees at trial and on appeal. Ex-
22 cept as provided in subsection (3) of this section:

23 “(a) The judge shall determine the facts in an action under this sub-
24 section; and

25 “(b) Upon any appeal of a judgment in an action under this subsection,
26 the appellate court shall review the judgment pursuant to the standard es-
27 tablished by ORS 19.415 (3).

28 “(2) An action may be brought under subsection (1) of this section alleg-
29 ing a violation of ORS 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237
30 (2), 476.574, 652.355, 653.060, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063,

1 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.150 to 659A.186,
2 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,
3 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,
4 659A.309, 659A.315, 659A.318, 659A.320 or 659A.421 **or section 20b of this**
5 **2015 Act.**

6 “(3) In any action under subsection (1) of this section alleging a violation
7 of ORS 25.337, 25.424, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,
8 659A.082, 659A.103 to 659A.145, 659A.199, 659A.228, 659A.230, 659A.250 to
9 659A.262, 659A.290, 659A.318 or 659A.421:

10 “(a) The court may award, in addition to the relief authorized under
11 subsection (1) of this section, compensatory damages or \$200, whichever is
12 greater, and punitive damages;

13 “(b) At the request of any party, the action shall be tried to a jury;

14 “(c) Upon appeal of any judgment finding a violation, the appellate court
15 shall review the judgment pursuant to the standard established by ORS
16 19.415 (1); and

17 “(d) Any attorney fee agreement shall be subject to approval by the court.

18 “(4) In any action under subsection (1) of this section alleging a violation
19 of ORS 652.355 or 653.060, the court may award, in addition to the relief
20 authorized under subsection (1) of this section, compensatory damages or
21 \$200, whichever is greater.

22 “(5) In any action under subsection (1) of this section alleging a violation
23 of ORS 171.120, 476.574, 659A.203 or 659A.218, the court may award, in addi-
24 tion to the relief authorized under subsection (1) of this section,
25 compensatory damages or \$250, whichever is greater.

26 “(6) In any action under subsection (1) of this section alleging a violation
27 of ORS 10.090 or 10.092, the court may award, in addition to the relief au-
28 thorized under subsection (1) of this section, a civil penalty in the amount
29 of \$720.

30 “(7) Any individual against whom any distinction, discrimination or re-

1 restriction on account of race, color, religion, sex, sexual orientation, national
2 origin, marital status or age, if the individual is 18 years of age or older,
3 has been made by any place of public accommodation, as defined in ORS
4 659A.400, by any employee or person acting on behalf of the place or by any
5 person aiding or abetting the place or person in violation of ORS 659A.406
6 may bring an action against the operator or manager of the place, the em-
7 ployee or person acting on behalf of the place or the aider or abettor of the
8 place or person. Notwithstanding subsection (1) of this section, in an action
9 under this subsection:

10 “(a) The court may award, in addition to the relief authorized under
11 subsection (1) of this section, compensatory and punitive damages;

12 “(b) The operator or manager of the place of public accommodation, the
13 employee or person acting on behalf of the place, and any aider or abettor
14 shall be jointly and severally liable for all damages awarded in the action;

15 “(c) At the request of any party, the action shall be tried to a jury;

16 “(d) The court shall award reasonable attorney fees to a prevailing
17 plaintiff;

18 “(e) The court may award reasonable attorney fees and expert witness fees
19 incurred by a defendant who prevails only if the court determines that the
20 plaintiff had no objectively reasonable basis for asserting a claim or no
21 reasonable basis for appealing an adverse decision of a trial court; and

22 “(f) Upon any appeal of a judgment under this subsection, the appellate
23 court shall review the judgment pursuant to the standard established by ORS
24 19.415 (1).

25 “(8) When the commissioner or the Attorney General has reasonable cause
26 to believe that a person or group of persons is engaged in a pattern or
27 practice of resistance to the rights protected by ORS 659A.145 or 659A.421
28 or federal housing law, or that a group of persons has been denied any of the
29 rights protected by ORS 659A.145 or 659A.421 or federal housing law, the
30 commissioner or the Attorney General may file a civil action on behalf of

1 the aggrieved persons in the same manner as a person or group of persons
2 may file a civil action under this section. In a civil action filed under this
3 subsection, the court may assess against the respondent, in addition to the
4 relief authorized under subsections (1) and (3) of this section, a civil penalty:

5 “(a) In an amount not exceeding \$50,000 for a first violation; and

6 “(b) In an amount not exceeding \$100,000 for any subsequent violation.

7 “(9) In any action under subsection (1) of this section alleging a violation
8 of ORS 659A.145 or 659A.421 or alleging discrimination under federal housing
9 law, when the commissioner is pursuing the action on behalf of an aggrieved
10 complainant, the court shall award reasonable attorney fees to the commis-
11 sioner if the commissioner prevails in the action. The court may award rea-
12 sonable attorney fees and expert witness fees incurred by a defendant that
13 prevails in the action if the court determines that the commissioner had no
14 objectively reasonable basis for asserting the claim or for appealing an ad-
15 verse decision of the trial court.

16 “(10) In an action under subsection (1) or (8) of this section alleging a
17 violation of ORS 659A.145 or 659A.421 or discrimination under federal hous-
18 ing law:

19 “(a) ‘Aggrieved person’ includes a person who believes that the person:

20 “(A) Has been injured by an unlawful practice or discriminatory housing
21 practice; or

22 “(B) Will be injured by an unlawful practice or discriminatory housing
23 practice that is about to occur.

24 “(b) An aggrieved person in regard to issues to be determined in an action
25 may intervene as of right in the action. The Attorney General may intervene
26 in the action if the Attorney General certifies that the case is of general
27 public importance. The court may allow an intervenor prevailing party costs
28 and reasonable attorney fees at trial and on appeal.

29 **“SECTION 134n.** ORS 802.250 is amended to read:

30 “802.250. (1) An eligible public employee may request that any driver or

1 vehicle record kept by the Department of Transportation that contains or is
2 required to contain the eligible employee's residence address contain instead
3 the address of the public agency employing the eligible employee. A request
4 under this section shall:

5 “(a) Be in a form specified by the department that provides for verifica-
6 tion of the eligible employee's employment.

7 “(b) Contain verification by the employing public agency of the eligible
8 employee's employment with the public agency.

9 “(2) Upon receipt of a request and verification under subsection (1) of this
10 section, the department shall remove the eligible employee's residence ad-
11 dress from its records, if necessary, and substitute therefor the address of the
12 public agency employing the eligible employee. The department shall indicate
13 on the records that the address shown is an employment address. While the
14 request is in effect, the eligible employee may enter the address of the public
15 agency employing the eligible employee on any driver or vehicle form issued
16 by the department that requires an address.

17 “(3) A public agency that verifies an eligible employee's employment un-
18 der subsection (1) of this section shall notify the department within 30 days
19 if the eligible employee ceases to be employed by the public agency. The el-
20 ible employee shall notify the department of a change of address as pro-
21 vided in ORS 803.220 or 807.560.

22 “(4) If an eligible employee is killed in the line of duty, a person who is
23 a household member of the eligible employee may request that any driver or
24 vehicle record kept by the department that contains or is required to contain
25 the household member's residence address continue to contain the address
26 of the public agency that employed the eligible employee for up to four years
27 after the date of the death of the eligible employee. On or before the date
28 on which the four-year period ends, the household member shall notify the
29 department of a change of address as provided in ORS 803.220 or 807.560. A
30 request under this subsection shall be in a form specified by the department.

1 “(5) As used in this section, ‘eligible employee’ means:

2 “(a) A member of the State Board of Parole and Post-Prison Supervision.

3 “(b) The Director of the Department of Corrections and an employee of
4 an institution defined in ORS 421.005 as Department of Corrections insti-
5 tutions, whose duties, as assigned by the superintendent, include the custody
6 of persons committed to the custody of or transferred to the institution.

7 “(c) A parole and probation officer employed by the Department of Cor-
8 rections and an employee of the Department of Corrections Release Center
9 whose duties, as assigned by the Chief of the Release Center, include the
10 custody of persons committed to the custody of or transferred to the Release
11 Center.

12 “(d) A police officer appointed under ORS 276.021 or 276.023.

13 “(e) An employee of the State Department of Agriculture who is classified
14 as a brand inspector by the Director of Agriculture.

15 “(f) An investigator of the Criminal Justice Division of the Department
16 of Justice.

17 “(g) A corrections officer as defined in ORS 181.610.

18 “(h) A federal officer. As used in this paragraph, ‘federal officer’ means
19 a special agent or law enforcement officer employed by:

20 “(A) The Federal Bureau of Investigation;

21 “(B) The United States Secret Service;

22 “(C) The United States Citizenship and Immigration Services;

23 “(D) The United States Marshals Service;

24 “(E) The Drug Enforcement Administration;

25 “(F) The United States Postal Service;

26 “(G) The United States Customs and Border Protection;

27 “(H) The United States General Services Administration;

28 “(I) The United States Department of Agriculture;

29 “(J) The Bureau of Alcohol, Tobacco, Firearms and Explosives;

30 “(K) The Internal Revenue Service;

1 “(L) The United States Department of the Interior; or

2 “(M) Any federal agency if the person is empowered to effect an arrest
3 with or without warrant for violations of the United States Code and is au-
4 thorized to carry firearms in the performance of duty.

5 “(i) An employee of the Department of Human Services or the Oregon
6 Health Authority whose duties include personal contact with clients or pa-
7 tients of the department or the authority.

8 “(j) Any judge of a court of this state.

9 “(k) An employee of the Oregon Youth Authority whose duties include
10 personal contact with persons committed to the legal or physical custody of
11 the authority.

12 “(L) A district attorney, as defined in ORS 131.005, or deputy district at-
13 torney.

14 “(m) An employee who provides educational services to persons who are
15 clients or patients of the Department of Human Services or the Oregon
16 Health Authority, who are under the jurisdiction of the Psychiatric Security
17 Review Board or who are under the custody or supervision of the Department
18 of Corrections, the State Board of Parole and Post-Prison Supervision, a
19 community corrections agency, the Oregon Youth Authority or a juvenile
20 department. As used in this paragraph, ‘employee who provides educational
21 services’ means a person who provides instruction, or services related to the
22 instruction, of a subject usually taught in an elementary school, a secondary
23 school or a community college or who provides special education and related
24 services in other than a school setting and who works for:

25 “(A) An education service district or a community college district; or

26 “(B) A state officer, board, commission, bureau, department or division in
27 the executive branch of state government that provides educational services.

28 “(n) An employee of the Oregon Liquor Control Commission who is:

29 “(A) A [*liquor enforcement inspector*] **regulatory specialist**; or

30 “(B) A regulatory manager.

1 “(o) A police officer as defined in ORS 801.395.

2 “(p) An employee whose duties include personal contact with criminal
3 offenders and who is employed by a law enforcement unit, as defined in ORS
4 181.610.

5
6 **“REPORT**

7
8 **“SECTION 134o. (1) As used in this section, ‘marijuana’ and**
9 **‘marijuana item’ have the meanings given those terms in section 5,**
10 **chapter 1, Oregon Laws 2015.**

11 **“(2) On or before February 1 of each odd-numbered year, the Oregon**
12 **Liquor Control Commission shall report to the Legislative Assembly**
13 **in the manner required by ORS 192.245, the approximate amount of**
14 **marijuana produced by persons who hold a license under section 19,**
15 **chapter 1, Oregon Laws 2015, and the approximate amount of**
16 **marijuana items sold by persons who hold a license under section 22,**
17 **chapter 1, Oregon Laws 2015, and whether the supply of marijuana in**
18 **this state is commensurate with the demand for marijuana items in**
19 **this state.**

20
21 **“TEMPORARY PROVISIONS**

22
23 **“SECTION 135. The Oregon Liquor Control Commission shall ap-**
24 **prove or deny applications submitted to the commission under section**
25 **18, chapter 1, Oregon Laws 2015, to produce, process or sell marijuana**
26 **under sections 19, 20, 21 and 22, chapter 1, Oregon Laws 2015, as soon**
27 **as practicable after January 4, 2016.**

28 **“SECTION 136. On or before January 1, 2017, the Oregon Liquor**
29 **Control Commission:**

30 **“(1) Shall examine available research, and may conduct or com-**

1 mission new research, to investigate the influence of marijuana on the
2 ability of a person to drive a vehicle and on the concentration of
3 delta-9-tetrahydrocannabinol in a person’s blood, in each case taking
4 into account all relevant factors; and

5 “(2) In the manner provided by ORS 192.245, shall present the re-
6 sults of the research, including any recommendations for legislation,
7 to the interim committees of the Legislative Assembly related to ju-
8 diciary.

9
10 “REPEALS

11
12 “SECTION 137. (1) Sections 26, 42, 55, 71, 81, 82, 83, 84, 85 and 86,
13 chapter 1, Oregon Laws 2015, are repealed.

14 “(2) Section 132 of this 2015 Act is repealed on December 31, 2016.

15
16 “CONFLICTS

17
18 “SECTION 138. If Senate Bill 964 becomes law, sections 32, 44, 45,
19 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67
20 (amending section 5, chapter 1, Oregon Laws 2015), 69, 70, 71, 72, 73 and
21 74, chapter —, Oregon Laws 2015 (Enrolled Senate Bill 964), are re-
22 pealed.

23
24 “SERIES PLACEMENT

25
26 “SECTION 139. Sections 3, 4, 10, 13, 17 to 23, 26, 29 to 32, 34, 34a, 113,
27 114 and 116 of this 2015 Act are added to and made a part of sections
28 3 to 70, chapter 1, Oregon Laws 2015.

29
30 “DATES

