

**PROPOSED AMENDMENTS TO
HOUSE BILL 3400**

1 On page 71 of the typed amendments to House Bill 3400 dated June 8 (HB
2 3400-10), after line 20, insert:

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4

“LOCAL OPTION

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6 **“SECTION 44b. (1) As used in this section, a “qualifying city or**
7 **county” means a county, or a city located in a county, in which not**
8 **less than 55 percent of votes cast in the county during the statewide**
9 **general election held on November 4, 2014, on Ballot Measure 91**
10 **(chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.**

11 **“(2) The governing body of a qualifying city or county may adopt**
12 **ordinances that prohibit the establishment of any one or more of the**
13 **following in the area subject to the jurisdiction of the city or the un-**
14 **incorporated area subject to the jurisdiction of the county:**

15 **“(a) Marijuana processing sites registered under section 10 of this**
16 **2015 Act;**

17 **“(b) Medical marijuana dispensaries registered under ORS 475.314;**

18 **“(c) Marijuana producers licensed under section 19, chapter 1,**
19 **Oregon Laws 2015;**

20 **“(d) Marijuana processors licensed under section 20, chapter 1,**
21 **Oregon Laws 2015;**

22 **“(e) Marijuana wholesalers licensed under section 21, chapter 1,**

1 **Oregon Laws 2015;**

2 **“(f) Marijuana retailers licensed under section 22, chapter 1, Oregon**
3 **Laws 2015; or**

4 **“(g) Any combination of the entities described in this subsection.**

5 **“(3) If the governing body of a city or county adopts an ordinance**
6 **under this section, the governing body must provide the text of the**
7 **ordinance:**

8 **“(a) To the Oregon Health Authority, in a form and manner pre-**
9 **scribed by the authority, if the ordinance concerns a medical**
10 **marijuana dispensary registered under ORS 475.314 or a marijuana**
11 **processing site registered under section 10 of this 2015 Act; or**

12 **“(b) To the Oregon Liquor Control Commission, if the ordinance**
13 **concerns a premises for which a license has been issued under section**
14 **19, 20, 21 or 22, chapter 1, Oregon Laws 2015.**

15 **“(4)(a) Upon receiving notice of a prohibition under subsection (3)**
16 **of this section, the authority shall discontinue registering those enti-**
17 **ties to which the prohibition applies.**

18 **“(b) Upon receiving notice of a prohibition under subsection (3) of**
19 **this section, the commission shall discontinue licensing those premises**
20 **to which the prohibition applies.**

21 **“(5) Notwithstanding subsection (2) of this section, a medical**
22 **marijuana dispensary is not subject to an ordinance adopted under this**
23 **section if the medical marijuana dispensary:**

24 **“(a) Is registered under ORS 475.314 on or before the date on which**
25 **the governing body adopts the ordinance; and**

26 **“(b) Has successfully completed a city or county land use applica-**
27 **tion process.**

28 **“(6) Notwithstanding subsection (2) of this section, a marijuana**
29 **processing site is not subject to an ordinance adopted under this sec-**
30 **tion if the marijuana processing site:**

1 “(a) Is registered under section 10 of this 2015 Act on or before the
2 date on which the governing body adopts the ordinance; and

3 “(b) Has successfully completed a city or county land use applica-
4 tion process.

5 “SECTION 44c. (1) The governing body of a city or county may
6 adopt ordinances to be referred to the electors of the city or county
7 as described in subsection (2) of this section that prohibit or allow the
8 establishment of any one or more of the following in the area subject
9 to the jurisdiction of the city or the unincorporated area subject to the
10 jurisdiction of the county:

11 “(a) Marijuana processing sites registered under section 10 of this
12 2015 Act;

13 “(b) Medical marijuana dispensaries registered under ORS 475.314;

14 “(c) Marijuana producers licensed under section 19, chapter 1,
15 Oregon Laws 2015;

16 “(d) Marijuana processors licensed under section 20, chapter 1,
17 Oregon Laws 2015;

18 “(e) Marijuana wholesalers licensed under section 21, chapter 1,
19 Oregon Laws 2015;

20 “(f) Marijuana retailers licensed under section 22, chapter 1, Oregon
21 Laws 2015; or

22 “(g) Any combination of the entities described in this subsection.

23 “(2) If the governing body of a city or county adopts an ordinance
24 under this section, the governing body shall submit the measure of the
25 ordinance to the electors of the city or county for approval at the next
26 statewide general election.

27 “(3) If the governing body of a city or county adopts an ordinance
28 under this section, the governing body must provide the text of the
29 ordinance:

30 “(a) To the Oregon Health Authority, in a form and manner pre-

1 scribed by the authority, if the ordinance concerns a medical
2 marijuana dispensary registered under ORS 475.314 or a marijuana
3 processing site registered under section 10 of this 2015 Act; or

4 “(b) To the Oregon Liquor Control Commission, if the ordinance
5 concerns a premises for which a license has been issued under section
6 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

7 “(4)(a) Upon receiving notice of a prohibition under subsection (3)
8 of this section, the authority shall discontinue registering those enti-
9 ties to which the prohibition applies until the date of the next state-
10 wide general election.

11 “(b) Upon receiving notice of a prohibition under subsection (3) of
12 this section, the commission shall discontinue licensing those premises
13 to which the prohibition applies until the date of the next statewide
14 general election.

15 “(5) Notwithstanding subsection (1) of this section, a medical
16 marijuana dispensary is not subject to an ordinance adopted under this
17 section if the medical marijuana dispensary:

18 “(a) Is registered under ORS 475.314 on or before the date on which
19 the governing body adopts the ordinance; and

20 “(b) Has successfully completed a city or county land use applica-
21 tion process.

22 “(6) Notwithstanding subsection (1) of this section, a marijuana
23 processing site is not subject to an ordinance adopted under this sec-
24 tion if the marijuana processing site:

25 “(a) Is registered under section 10 of this 2015 Act on or before the
26 date on which the governing body adopts the ordinance; and

27 “(b) Has successfully completed a city or county land use applica-
28 tion process.

29 **“SECTION 44d. (1) Notwithstanding sections 44b and 44c of this 2015**
30 **Act, a medical marijuana dispensary is not subject to an ordinance**

1 adopted pursuant to section 44b or 44c of this 2015 Act if the medical
2 marijuana dispensary:

3 “(a) Was registered under ORS 475.314, or has applied to be regis-
4 tered under ORS 475.314, on or before July 1, 2015; and

5 “(b) Has successfully completed a city or county land use applica-
6 tion process.

7 “(2) This section does not apply to a medical marijuana dispensary
8 if the Oregon Health Authority revokes the registration of the medical
9 marijuana dispensary.

10 **“SECTION 44e. (1) Notwithstanding sections 44b and 44c of this 2015**
11 **Act, a marijuana processing site is not subject to an ordinance adopted**
12 **pursuant to section 44b or 44c of this 2015 Act if the person responsible**
13 **for the marijuana processing site or applying to be the person re-**
14 **sponsible for the marijuana processing site:**

15 “(a) Was registered under ORS 475.300 to 475.346 on or before July
16 1, 2015;

17 “(b) Was processing usable marijuana as described in section 10 (1)
18 of this 2015 Act on or before July 1, 2015; and

19 “(c) Has successfully completed a city or county land use applica-
20 tion process.

21 “(2) This section does not apply to a marijuana processing site if the
22 Oregon Health Authority revokes the registration of the marijuana
23 processing site.”.

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