

**PROPOSED AMENDMENTS TO
HOUSE BILL 3400**

1 On page 20 of the typed amendments to House Bill 3400 dated June 8 (HB
2 3400-10), delete lines 25 through 27 and insert:

3 “(b) Proof, until January 1, 2020, that the person responsible for the
4 marijuana grow site has been a resident of this state for two or more years,
5 and proof that the person responsible for the marijuana grow site is 21 years
6 of age or older;”.

7 On page 21, line 7, delete “five” and insert “two”.

8 On page 31, delete lines 10 through 12 and insert:

9 “(d) Proof, until January 1, 2020, that each individual responsible for the
10 marijuana processing site has been a resident of this state for two or more
11 years, and proof that each individual responsible for the marijuana process-
12 ing site is 21 years of age or older;”.

13 In line 30, delete “five” and insert “two”.

14 On page 37, delete lines 15 through 18 and insert:

15 “(d) Proof, until January 1, 2020, that each individual responsible for the
16 medical marijuana dispensary has been a resident of this state for two or
17 more years, and proof that each individual responsible for the medical
18 marijuana dispensary is 21 years of age or older;”.

19 On page 38, line 29, delete “five” and insert “two”.

20 On page 71, after line 20, insert:

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“LOCAL OPTION

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

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

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

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

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

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

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

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

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

22 **“(3) If the governing body of a qualifying city or county adopts an**
23 **ordinance under this section, the governing body must provide the text**
24 **of the ordinance:**

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

29 **“(b) To the Oregon Liquor Control Commission, if the ordinance**
30 **concerns a premises for which a license has been issued under section**

1 **19, 20, 21 or 22, chapter 1, Oregon Laws 2015.**

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

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

8 **“(5) Notwithstanding any other provisions of law, a qualifying city**
9 **or county that adopts an ordinance under this section may not impose**
10 **a tax or fee on the production, processing or sale of marijuana or any**
11 **product into which marijuana has been incorporated.**

12 **“(6) Notwithstanding subsection (2) of this section, a medical**
13 **marijuana dispensary is not subject to an ordinance adopted under this**
14 **section if the medical marijuana dispensary:**

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

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

19 **“(7) Notwithstanding subsection (2) of this section, a marijuana**
20 **processing site is not subject to an ordinance adopted under this sec-**
21 **tion if the marijuana processing site:**

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

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

26 **“SECTION 44c. (1) The governing body of a city or county may**
27 **adopt ordinances to be referred to the electors of the city or county**
28 **as described in subsection (2) of this section that prohibit or allow the**
29 **establishment of any one or more of the following in the area subject**
30 **to the jurisdiction of the city or the unincorporated area subject to the**

1 jurisdiction of the county:

2 “(a) Marijuana processing sites registered under section 10 of this
3 2015 Act;

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

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

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

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

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

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

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

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

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

25 “(b) To the Oregon Liquor Control Commission, if the ordinance
26 concerns a premises for which a license has been issued under section
27 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

28 “(4)(a) Upon receiving notice of a prohibition under subsection (3)
29 of this section, the authority shall discontinue registering those enti-
30 ties to which the prohibition applies until the date of the next state-

1 wide general election.

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

6 “(5) Notwithstanding any other provisions of law, a city or county
7 that adopts an ordinance under this section that prohibits the estab-
8 lishment of an entity described in subsection (1) of this section may
9 not impose a tax or fee on the production, processing or sale of
10 marijuana or any product into which marijuana has been incorpo-
11 rated.

12 “(6) Notwithstanding subsection (1) of this section, a medical
13 marijuana dispensary is not subject to an ordinance adopted under this
14 section if the medical marijuana dispensary:

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

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

19 “(7) Notwithstanding subsection (1) of this section, a marijuana
20 processing site is not subject to an ordinance adopted under this sec-
21 tion if the marijuana processing site:

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

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

26 “SECTION 44d. (1) Notwithstanding sections 44b and 44c of this 2015
27 Act, a medical marijuana dispensary is not subject to an ordinance
28 adopted pursuant to section 44b or 44c of this 2015 Act if the medical
29 marijuana dispensary:

30 “(a) Was registered under ORS 475.314, or has applied to be regis-

1 **tered under ORS 475.314, on or before July 1, 2015; and**

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

4 **“(2) This section does not apply to a medical marijuana dispensary**
5 **if the Oregon Health Authority revokes the registration of the medical**
6 **marijuana dispensary.**

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

12 **“(a) Was registered under ORS 475.300 to 475.346 on or before July**
13 **1, 2015;**

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

16 **“(c) Has successfully completed a city or county land use applica-**
17 **tion process.**

18 **“(2) This section does not apply to a marijuana processing site if the**
19 **Oregon Health Authority revokes the registration of the marijuana**
20 **processing site.”.**

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