

**PROPOSED AMENDMENTS TO
HOUSE BILL 2040**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and insert “and prescribing an effective date.”.

3 Delete lines 4 through 30 and delete pages 2 through 5 and insert:

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

5 **“(a) ‘Limited marijuana retail product’ means:**

6 **“(A) The dried leaves and flowers of marijuana; and**

7 **“(B) A marijuana plant that is not flowering.**

8 **“(b) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any**
9 **part of the plant Cannabis family Cannabaceae and the seeds of the**
10 **plant Cannabis family Cannabaceae.**

11 **“(c) ‘Medical marijuana dispensary’ means an entity registered with**
12 **the Oregon Health Authority under ORS 475.314.**

13 **“(2) Notwithstanding any other provision of law, on and after the**
14 **effective date of this 2015 Act, a medical marijuana dispensary may sell**
15 **limited marijuana retail product to a person who is 21 years of age or**
16 **older if:**

17 **“(a) The person presents proof of age to the medical marijuana**
18 **dispensary before entering into the medical marijuana dispensary;**

19 **“(b) The medical marijuana dispensary verifies that the person is**
20 **21 years of age or older at the time of the sale;**

21 **“(c) The medical marijuana dispensary sells no more than one-**
22 **quarter ounce of limited marijuana retail product to the person per**

1 day if the person is purchasing the dried leaves and flowers of
2 marijuana; and

3 “(d) The medical marijuana dispensary sells no more than four
4 units of limited marijuana retail product to the person if the person
5 is purchasing a marijuana plant that is not flowering.

6 “(3) A medical marijuana dispensary that makes sales as described
7 in this section must keep a record of each sale made pursuant to this
8 section. At a minimum, the record must include:

9 “(a) The amount or number of limited marijuana retail product sold
10 to each person to whom the medical marijuana dispensary sold limited
11 marijuana retail product; and

12 “(b) The name of the person to whom the medical marijuana
13 dispensary sold limited marijuana retail product.

14 “(4) The authority may inspect a record kept by a medical
15 marijuana dispensary under this section at any time during the med-
16 ical marijuana dispensary’s normal hours of operation to ensure that
17 the medical marijuana dispensary is in compliance with this section.

18 “(5) Subject to ORS chapter 183, the authority may revoke or sus-
19 pend the registration of a medical marijuana dispensary if the medical
20 marijuana dispensary violates this section.

21 “(6) A city or county may adopt ordinances prohibiting the sale of
22 limited marijuana retail product as described in this section in the
23 area subject to the jurisdiction of the city or the unincorporated area
24 subject to the jurisdiction of the county.

25 “**SECTION 2.** If House Bill 2041 becomes law, section 1 of this 2015 Act
26 is amended to read:

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

28 “(a) ‘Limited marijuana retail product’ means:

29 “(A) The dried leaves and flowers of marijuana; and

30 “(B) A marijuana plant that is not flowering.

1 “(b) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part
2 of the plant Cannabis family Cannabaceae and the seeds of the plant
3 Cannabis family Cannabaceae.

4 “(c) ‘Medical marijuana dispensary’ means an entity registered with the
5 Oregon Health Authority under ORS 475.314.

6 “(2) Notwithstanding any other provision of law, on and after the effec-
7 tive date of this 2015 Act, a medical marijuana dispensary may sell limited
8 marijuana retail product to a person who is 21 years of age or older if:

9 “(a) The person presents proof of age to the medical marijuana dispensary
10 before entering into the medical marijuana dispensary;

11 “(b) The medical marijuana dispensary verifies that the person is 21 years
12 of age or older at the time of the sale;

13 “(c) The medical marijuana dispensary sells no more than one quarter
14 ounce of limited marijuana retail product to the person per day if the person
15 is purchasing the dried leaves and flowers of marijuana; *[and]*

16 “(d) The medical marijuana dispensary sells no more than four units of
17 limited marijuana retail product to the person if the person is purchasing a
18 marijuana plant that is not flowering[.]; **and**

19 “(e) **On and after January 4, 2016, the medical marijuana dispensary**
20 **collects the tax imposed under section 2, chapter __, Oregon Laws 2015**
21 **(Enrolled House Bill 2041), in the same manner that a marijuana**
22 **retailer that holds a license under section 22, chapter 1, Oregon Laws**
23 **2015, collects the tax imposed under section 2, chapter __, Oregon**
24 **Laws 2015 (Enrolled House Bill 2041), except that the tax imposed un-**
25 **der this section shall be imposed at the rate of 25 percent of the retail**
26 **sales price of the limited marijuana retail product.**

27 “(3) A medical marijuana dispensary that makes sales as described in this
28 section must keep a record of each sale made pursuant to this section. At a
29 minimum, the record must include:

30 “(a) The amount or number of limited marijuana retail product sold to

1 each person to whom the medical marijuana dispensary sold limited
2 marijuana retail product; and

3 “(b) The name of the person to whom the medical marijuana dispensary
4 sold limited marijuana retail product.

5 “(4) The authority may inspect a record kept by a medical marijuana
6 dispensary under this section at any time during the medical marijuana
7 dispensary’s normal hours of operation to ensure that the medical marijuana
8 dispensary is in compliance with this section.

9 “(5) Subject to ORS chapter 183, the authority may revoke or suspend the
10 registration of a medical marijuana dispensary if the medical marijuana
11 dispensary violates this section.

12 **“(6) A medical marijuana dispensary that collects taxes as required
13 by this section is subject to the provisions of sections 1 to 13, chapter
14 ___, Oregon Laws 2015 (Enrolled House Bill 2041), except that the tax
15 imposed under this section shall be imposed at the rate described in
16 subsection (2)(e) of this section.**

17 “[~~(6)~~] (7) A city or county may adopt ordinances prohibiting the sale of
18 limited marijuana retail product as described in this section in the area
19 subject to the jurisdiction of the city or the unincorporated area subject to
20 the jurisdiction of the county.

21 **“SECTION 3. (1) Section 1 of this 2015 Act is repealed on December
22 31, 2016.**

23 **“(2) If House Bill 2041 becomes law, section 1 of this 2015 Act, as
24 amended by section 2 of this 2015 Act, is repealed on December 31, 2016.**

25 **“SECTION 4. This 2015 Act takes effect on the 91st day after the
26 date on which the 2015 regular session of the Seventy-eighth Legisla-
27 tive Assembly adjourns sine die.”.**

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