

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 1511**

1 On page 1 of the printed bill, line 3, delete “475B.285 and 475B.375” and
2 insert “475B.285, 475B.340, 475B.375, 475B.450 and 475B.500”.

3 On page 14, after line 35, insert:
4

5 **“DISTANCE REQUIREMENTS**

6
7 **“SECTION 16a.** ORS 475B.340 is amended to read:

8 “475B.340. (1) For purposes of this section, ‘reasonable regulations’ in-
9 cludes:

10 “(a) Reasonable conditions on the manner in which a marijuana producer
11 licensed under ORS 475B.070 may produce marijuana;

12 “(b) Reasonable conditions on the manner in which a marijuana processor
13 licensed under ORS 475B.090 may process marijuana;

14 “(c) Reasonable conditions on the manner in which a marijuana whole-
15 saler licensed under ORS 475B.100 may sell marijuana at wholesale;

16 “(d) Reasonable limitations on the hours during which a marijuana
17 retailer licensed under ORS 475B.110 may operate;

18 “(e) Reasonable conditions on the manner in which a marijuana retailer
19 licensed under ORS 475B.110 may sell marijuana items;

20 “(f) Reasonable requirements related to the public’s access to a premises
21 for which a license has been issued under ORS 475B.070, 475B.090, 475B.100

1 or 475B.110; and

2 “(g) Reasonable limitations on where a premises for which a license may
3 be issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110 may be located.

4 “(2) Notwithstanding ORS 633.738, the governing body of a city or county
5 may adopt ordinances that impose reasonable regulations on the operation
6 of businesses located at premises for which a license has been issued under
7 ORS 475B.070, 475B.090, 475B.100 or 475B.110 if the premises are located in
8 the area subject to the jurisdiction of the city or county, except that the
9 governing body of a city or county may not adopt an ordinance that prohibits
10 a premises for which a license has been issued under ORS 475B.110 from
11 being located:

12 “(a) Within a distance that is greater than 1,000 feet of another premises
13 for which a license has been issued under ORS 475B.110[.]; or

14 “(b) **Within any distance of the premises of a medical marijuana**
15 **dispensary registered under ORS 475B.450.**

16 “(3) Regulations adopted under this section must be consistent with city
17 and county comprehensive plans and zoning ordinances and applicable pro-
18 visions of public health and safety laws.

19 “**SECTION 16b.** ORS 475B.500 is amended to read:

20 “475B.500. (1) For purposes of this section, ‘reasonable regulations’ in-
21 cludes:

22 “(a) Reasonable limitations on the hours during which the marijuana
23 grow site of a person designated to produce marijuana by a registry iden-
24 tification cardholder, a marijuana processing site or a medical marijuana
25 dispensary may operate;

26 “(b) Reasonable conditions on the manner in which a marijuana process-
27 ing site or medical marijuana dispensary may transfer usable marijuana,
28 medical cannabinoid products, cannabinoid concentrates, cannabinoid ex-
29 tracts, immature marijuana plants and seeds;

30 “(c) Reasonable requirements related to the public’s access to the

1 marijuana grow site of a person designated to produce marijuana by a reg-
2 istry identification cardholder, a marijuana processing site or a medical
3 marijuana dispensary; and

4 “(d) Reasonable limitations on where the marijuana grow site of a person
5 designated to produce marijuana by a registry identification cardholder, a
6 marijuana processing site or a medical marijuana dispensary may be located.

7 “(2) Notwithstanding ORS 633.738, the governing body of a city or county
8 may adopt ordinances that impose reasonable regulations on the operation
9 of marijuana grow sites of persons designated to produce marijuana by reg-
10 istry identification cardholders, marijuana processing sites and medical
11 marijuana dispensaries that are located in the area subject to the jurisdic-
12 tion of the city or county[.], **except that the governing body of a city or**
13 **county may not adopt an ordinance that prohibits a medical marijuana**
14 **dispensary from being located:**

15 “(a) **Within a distance that is greater than 1,000 feet of another**
16 **medical marijuana dispensary; or**

17 “(b) **Within any distance of a premises for which a license has been**
18 **issued under ORS 475B.110.**

19 “**SECTION 16c.** ORS 475B.450 is amended to read:

20 “475B.450. (1)(a) The Oregon Health Authority shall establish by rule a
21 medical marijuana dispensary registration system for the purpose of tracking
22 and regulating the transfer of:

23 “(A) Usable marijuana, immature marijuana plants and seeds from regis-
24 try identification cardholders, designated primary caregivers and persons
25 responsible for marijuana grow sites to medical marijuana dispensaries;

26 “(B) Medical cannabinoid products, cannabinoid concentrates and
27 cannabinoid extracts from persons responsible for marijuana processing sites
28 to medical marijuana dispensaries; and

29 “(C) Usable marijuana, immature marijuana plants, seeds, medical
30 cannabinoid products, cannabinoid concentrates and cannabinoid extracts

1 from medical marijuana dispensaries to registry identification cardholders
2 and designated primary caregivers.

3 “(b) A person may not operate an establishment for the purpose of pro-
4 viding the services described in paragraph (a) of this subsection unless the
5 person is registered under this section.

6 “(2) The registration system established under subsection (1) of this sec-
7 tion must require an applicant for a medical marijuana dispensary to submit
8 an application to the authority that includes:

9 “(a) The name of the individual who owns the medical marijuana
10 dispensary or, if a business entity owns the medical marijuana dispensary,
11 the name of each individual who has a financial interest in the medical
12 marijuana dispensary;

13 “(b) The name of the individual or individuals responsible for the medical
14 marijuana dispensary, if different from the name of the individual who owns
15 the medical marijuana dispensary;

16 “(c) The address of the medical marijuana dispensary;

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

21 “(e) Documentation, as required by the authority by rule, that demon-
22 strates the medical marijuana dispensary meets the requirements of sub-
23 section (3) of this section; and

24 “(f) Any other information that the authority considers necessary.

25 “(3) To qualify for registration under this section, a medical marijuana
26 dispensary:

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

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

29 “(c) Must be registered as a business, or have filed an application to
30 register as a business, with the office of the Secretary of State;

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

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

4 “(B) A private or parochial elementary or secondary school, teaching
5 children as described in ORS 339.030 (1)(a); **and**

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

8 “[*(f)*] **(e)** Must meet the requirements of any rule adopted by the authority
9 under subsection (10) of this section.

10 “(4)(a) The authority shall conduct a criminal records check under ORS
11 181A.195 for each individual named in an application submitted under sub-
12 section (2) of this section.

13 “(b) An individual convicted for the manufacture or delivery of a con-
14 trolled substance in Schedule I or Schedule II may not own or be responsible
15 for a medical marijuana dispensary for two years from the date the individ-
16 ual is convicted.

17 “(c) An individual convicted more than once for the manufacture or de-
18 livery of a controlled substance in Schedule I or Schedule II may not own
19 or be responsible for a medical marijuana dispensary.

20 “(5) If a person submits the application required under subsection (2) of
21 this section, if the medical marijuana dispensary identified in the application
22 meets the requirements of this section and any rules adopted under this
23 section and if each individual named in the application passes the criminal
24 records check required under subsection (4) of this section, the authority
25 shall register the medical marijuana dispensary and issue proof of registra-
26 tion. Proof of registration must be displayed on the premises of the medical
27 marijuana dispensary at all times.

28 “(6) A medical marijuana dispensary that is registered under this section
29 is not required to register with the State Board of Pharmacy under ORS
30 475.125.

1 “(7) The individual or individuals responsible for a medical marijuana
2 dispensary shall maintain documentation of each transfer of usable
3 marijuana, medical cannabinoid products, cannabinoid concentrates,
4 cannabinoid extracts, immature marijuana plants and seeds.

5 “(8) The authority may inspect:

6 “(a) The premises of a proposed medical marijuana dispensary or a regis-
7 tered medical marijuana dispensary to ensure compliance with this section
8 and ORS 475B.453 and any rules adopted under this section or ORS 475B.453;
9 and

10 “(b) The records of a registered medical marijuana dispensary to ensure
11 compliance with subsection (7) of this section.

12 “(9) Subject to the provisions of ORS chapter 183, the authority may re-
13 fuse to register an applicant under this section or may suspend or revoke the
14 registration of a medical marijuana dispensary if the authority determines
15 that the applicant, the owner of the medical marijuana dispensary, a person
16 responsible for the medical marijuana dispensary, or an employee of the
17 medical marijuana dispensary, violated a provision of ORS 475B.400 to
18 475B.525, a rule adopted under ORS 475B.400 to 475B.525 or an ordinance
19 adopted pursuant to ORS 475B.500.

20 “(10) The authority shall adopt rules to implement this section, including
21 rules that:

22 “(a) Require a registered medical marijuana dispensary to annually renew
23 the registration for that dispensary;

24 “(b) Establish fees for registering, and renewing the registration of, a
25 medical marijuana dispensary;

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

29 “(d) Require that usable marijuana, medical cannabinoid products,
30 cannabinoid concentrates, cannabinoid extracts and immature marijuana

1 plants transferred by a medical marijuana dispensary be tested to ensure the
2 public health and safety; and

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

5 **“SECTION 16d. The amendments to ORS 475B.450 and 475B.500 by**
6 **sections 16b and 16c of this 2016 Act become operative on March 1,**
7 **2016.”.**

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