

Requested by Representative BUCKLEY

**PROPOSED AMENDMENTS TO
SENATE BILL 1511**

1 On page 1 of the printed bill, line 2, after “ORS” insert “475.005,
2 475B.015,”.

3 In line 3, delete “and 475B.375” and insert “, 475B.375, 475B.410, 475B.550
4 and 475B.600”.

5 On page 14, after line 35, insert:
6

7 **“EXEMPTION FOR PRODUCTS INTENDED**
8 **TO BE APPLIED TO THE SKIN OR HAIR**

9
10 **“SECTION 16a.** ORS 475.005 is amended to read:

11 “475.005. As used in ORS 475.005 to 475.285 and 475.752 to 475.980, unless
12 the context requires otherwise:

13 “(1) ‘Abuse’ means the repetitive excessive use of a drug short of de-
14 pendence, without legal or medical supervision, which may have a detri-
15 mental effect on the individual or society.

16 “(2) ‘Administer’ means the direct application of a controlled substance,
17 whether by injection, inhalation, ingestion or any other means, to the body
18 of a patient or research subject by:

19 “(a) A practitioner or an authorized agent thereof; or

20 “(b) The patient or research subject at the direction of the practitioner.

21 “(3) ‘Administration’ means the Drug Enforcement Administration of the

1 United States Department of Justice, or its successor agency.

2 “(4) ‘Agent’ means an authorized person who acts on behalf of or at the
3 direction of a manufacturer, distributor or dispenser. It does not include a
4 common or contract carrier, public warehouseman or employee of the carrier
5 or warehouseman.

6 “(5) ‘Board’ means the State Board of Pharmacy.

7 “(6) ‘Controlled substance’:

8 “(a) Means a drug or its immediate precursor classified in Schedules I
9 through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812,
10 as modified under ORS 475.035. The use of the term ‘precursor’ in this para-
11 graph does not control and is not controlled by the use of the term
12 ‘precursor’ in ORS 475.752 to 475.980.

13 “(b) Does not mean industrial hemp, as defined in ORS 571.300, or indus-
14 trial hemp commodities or products.

15 “(7) ‘Counterfeit substance’ means a controlled substance or its container
16 or labeling, which, without authorization, bears the trademark, trade name,
17 or other identifying mark, imprint, number or device, or any likeness thereof,
18 of a manufacturer, distributor or dispenser other than the person who in fact
19 manufactured, delivered or dispensed the substance.

20 “(8) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted
21 transfer, other than by administering or dispensing, from one person to an-
22 other of a controlled substance, whether or not there is an agency relation-
23 ship.

24 “(9) ‘Device’ means instruments, apparatus or contrivances, including
25 their components, parts or accessories, intended:

26 “(a) For use in the diagnosis, cure, mitigation, treatment or prevention
27 of disease in humans or animals; or

28 “(b) To affect the structure of any function of the body of humans or
29 animals.

30 “(10) ‘Dispense’ means to deliver a controlled substance to an ultimate

1 user or research subject by or pursuant to the lawful order of a practitioner,
2 and includes the prescribing, administering, packaging, labeling or com-
3 pounding necessary to prepare the substance for that delivery.

4 “(11) ‘Dispenser’ means a practitioner who dispenses.

5 “(12) ‘Distributor’ means a person who delivers.

6 “(13) ‘Drug’ means:

7 “(a) Substances recognized as drugs in the official United States
8 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or
9 official National Formulary, or any supplement to any of them;

10 “(b) Substances intended for use in the diagnosis, cure, mitigation, treat-
11 ment or prevention of disease in humans or animals;

12 “(c) Substances (other than food) intended to affect the structure or any
13 function of the body of humans or animals; and

14 “(d) Substances intended for use as a component of any article specified
15 in paragraph (a), (b) or (c) of this subsection; however, the term does not
16 include devices or their components, parts or accessories.

17 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
18 communication sent or received through technological apparatuses, including
19 computer terminals or other equipment or mechanisms linked by telephone
20 or microwave relays, or any similar apparatus having electrical, digital,
21 magnetic, wireless, optical, electromagnetic or similar capabilities.

22 “(15) ‘Manufacture’ means the production, preparation, propagation, com-
23 pounding, conversion or processing of a controlled substance, either directly
24 or indirectly by extraction from substances of natural origin, or independ-
25 ently by means of chemical synthesis, or by a combination of extraction and
26 chemical synthesis, and includes any packaging or repackaging of the sub-
27 stance or labeling or relabeling of its container, except that this term does
28 not include the preparation or compounding of a controlled substance:

29 “(a) By a practitioner as an incident to administering or dispensing of a
30 controlled substance in the course of professional practice; or

1 “(b) By a practitioner, or by an authorized agent under the practitioner’s
2 supervision, for the purpose of, or as an incident to, research, teaching or
3 chemical analysis and not for sale.

4 “(16) ‘Marijuana’:

5 “(a) Except as provided in this subsection, means all parts of the plant
6 Cannabis family Moraceae, whether growing or not; the resin extracted from
7 any part of the plant; and every compound, manufacture, salt, derivative,
8 mixture, or preparation of the plant or its resin.

9 “(b) Does not mean the mature stalks of the plant, fiber produced from
10 the stalks, oil or cake made from the seeds of the plant, any other compound,
11 manufacture, salt, derivative, mixture, or preparation of the mature stalks
12 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized
13 seed of the plant which is incapable of germination.

14 “(c) Does not mean industrial hemp, as defined in ORS 571.300, or indus-
15 trial hemp commodities or products.

16 “(d) **Does not mean a product containing cannabinoids intended to**
17 **be applied to a person’s skin or hair if the concentration of the**
18 **cannabinoids in the product is five percent or less than five percent**
19 **of the weight of the product.**

20 “(17) ‘Person’ includes a government subdivision or agency, business trust,
21 estate, trust or any other legal entity.

22 “(18) ‘Practitioner’ means physician, dentist, veterinarian, scientific in-
23 vestigator, certified nurse practitioner, physician assistant or other person
24 licensed, registered or otherwise permitted by law to dispense, conduct re-
25 search with respect to or to administer a controlled substance in the course
26 of professional practice or research in this state but does not include a
27 pharmacist or a pharmacy.

28 “(19) ‘Prescription’ means a written, oral or electronically transmitted
29 direction, given by a practitioner for the preparation and use of a drug.
30 When the context requires, ‘prescription’ also means the drug prepared under

1 such written, oral or electronically transmitted direction. Any label affixed
2 to a drug prepared under written, oral or electronically transmitted direction
3 shall prominently display a warning that the removal thereof is prohibited
4 by law.

5 “(20) ‘Production’ includes the manufacture, planting, cultivation, grow-
6 ing or harvesting of a controlled substance.

7 “(21) ‘Research’ means an activity conducted by the person registered
8 with the federal Drug Enforcement Administration pursuant to a protocol
9 approved by the United States Food and Drug Administration.

10 “(22) ‘Ultimate user’ means a person who lawfully possesses a controlled
11 substance for the use of the person or for the use of a member of the
12 household of the person or for administering to an animal owned by the
13 person or by a member of the household of the person.

14 “(23) ‘Within 1,000 feet’ means a straight line measurement in a radius
15 extending for 1,000 feet or less in every direction from a specified location
16 or from any point on the boundary line of a specified unit of property.

17 **“SECTION 16b.** ORS 475B.015 is amended to read:

18 “475B.015. As used in ORS 475B.010 to 475B.395:

19 “(1) ‘Consumer’ means a person who purchases, acquires, owns, holds or
20 uses marijuana items other than for the purpose of resale.

21 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the
22 active constituents of marijuana.

23 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating
24 cannabinoids from marijuana by:

25 “(a) A mechanical extraction process;

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

29 “(c) A chemical extraction process using the hydrocarbon-based solvent
30 carbon dioxide, provided that the process does not involve the use of high

1 heat or pressure; or

2 “(d) Any other process identified by the Oregon Liquor Control Commis-
3 sion, in consultation with the Oregon Health Authority, by rule.

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

7 “(5) ‘Cannabinoid extract’ means a substance obtained by separating
8 cannabinoids from marijuana by:

9 “(a) A chemical extraction process using a hydrocarbon-based solvent,
10 such as butane, hexane or propane;

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

13 “(c) Any other process identified by the commission, in consultation with
14 the authority, by rule.

15 “(6)(a) ‘Cannabinoid product’ means a cannabinoid edible and any other
16 product intended for human consumption or use, including a product in-
17 tended to be applied to the skin or hair, that contains cannabinoids or dried
18 marijuana leaves or flowers.

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

20 “(A) Usable marijuana by itself;

21 “(B) A cannabinoid concentrate by itself;

22 “(C) A cannabinoid extract by itself; [or]

23 “(D) Industrial hemp, as defined in ORS 571.300[.]; or

24 **“(E) A product containing cannabinoids intended to be applied to**
25 **the skin or hair if the concentration of the cannabinoids in the prod-**
26 **uct is five percent or less than five percent of the weight of the prod-**
27 **uct.**

28 “(7)(a) ‘Financial consideration’ means value that is given or received ei-
29 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
30 contributions or donations.

1 “(b) ‘Financial consideration’ does not include:

2 “(A) Homegrown marijuana that is given or received when nothing is
3 given or received in return; or

4 “(B) Homemade cannabinoid products or cannabinoid concentrates that
5 are given or received when nothing is given or received in return.

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

8 “(9) ‘Household’ means a housing unit and any place in or around a
9 housing unit at which the occupants of the housing unit are producing,
10 processing, or storing homegrown marijuana or homemade cannabinoid pro-
11 ducts or cannabinoid concentrates.

12 “(10) ‘Housing unit’ means a house, an apartment or a mobile home, or
13 a group of rooms or a single room that is occupied as separate living quar-
14 ters, in which the occupants live and eat separately from any other persons
15 in the building and that has direct access from the outside of the building
16 or through a common hall.

17 “(11) ‘Immature marijuana plant’ means a marijuana plant that is not
18 flowering.

19 “(12) ‘Licensee’ means a person who holds a license issued under ORS
20 475B.070, 475B.090, 475B.100 or 475B.110.

21 “(13) ‘Licensee representative’ means an owner, director, officer, manager,
22 employee, agent or other representative of a licensee, to the extent that the
23 person acts in a representative capacity.

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

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

29 “(15) ‘Marijuana flowers’ means the flowers of the plant genus Cannabis
30 within the plant family Cannabaceae.

1 “(16) ‘Marijuana items’ means marijuana, cannabinoid products,
2 cannabinoid concentrates and cannabinoid extracts.

3 “(17) ‘Marijuana leaves’ means the leaves of the plant genus Cannabis
4 within the plant family Cannabaceae.

5 “(18) ‘Marijuana processor’ means a person who processes marijuana
6 items in this state.

7 “(19) ‘Marijuana producer’ means a person who produces marijuana in
8 this state.

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

11 “(21) ‘Marijuana wholesaler’ means a person who purchases marijuana
12 items in this state for resale to a person other than a consumer.

13 “(22) ‘Mature marijuana plant’ means a marijuana plant that is not an
14 immature marijuana plant.

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

17 “(24)(a) ‘Premises’ or ‘licensed premises’ includes the following areas of
18 a location licensed under ORS 475B.070, 475B.090, 475B.100 or 475B.110:

19 “(A) All public and private enclosed areas at the location that are used
20 in the business operated at the location, including offices, kitchens, rest
21 rooms and storerooms;

22 “(B) All areas outside a building that the commission has specifically li-
23 censed for the production, processing, wholesale sale or retail sale of
24 marijuana items; and

25 “(C) For a location that the commission has specifically licensed for the
26 production of marijuana outside a building, the entire lot or parcel, as de-
27 fined in ORS 92.010, that the licensee owns, leases or has a right to occupy.

28 “(b) ‘Premises’ or ‘licensed premises’ does not include a primary residence.

29 “(25)(a) ‘Processes’ means the processing, compounding or conversion of
30 marijuana into cannabinoid products, cannabinoid concentrates or

1 cannabinoid extracts.

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

3 “(26)(a) ‘Produces’ means the manufacture, planting, cultivation, growing
4 or harvesting of marijuana.

5 “(b) ‘Produces’ does not include:

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

8 “(B) The cultivation and growing of an immature marijuana plant by a
9 marijuana processor, marijuana wholesaler or marijuana retailer if the
10 marijuana processor, marijuana wholesaler or marijuana retailer purchased
11 or otherwise received the plant from a licensed marijuana producer.

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

14 “(28) ‘Public place’ means a place to which the general public has access
15 and includes, but is not limited to, hallways, lobbies and other parts of
16 apartment houses and hotels not constituting rooms or apartments designed
17 for actual residence, and highways, streets, schools, places of amusement,
18 parks, playgrounds and areas used in connection with public passenger
19 transportation.

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

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

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

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

26 “**SECTION 16c.** ORS 475B.410 is amended to read:

27 “475B.410. As used in ORS 475B.400 to 475B.525:

28 “(1) ‘Attending physician’ means a physician licensed under ORS chapter
29 677 who has primary responsibility for the care and treatment of a person
30 diagnosed with a debilitating medical condition.

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

3 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating
4 cannabinoids from marijuana by:

5 “(a) A mechanical extraction process;

6 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
7 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or
8 ethanol;

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

12 “(d) Any other process identified by the Oregon Health Authority, in
13 consultation with the Oregon Liquor Control Commission, by rule.

14 “(4) ‘Cannabinoid edible’ means food or potable liquid into which a
15 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
16 marijuana have been incorporated.

17 “(5) ‘Cannabinoid extract’ means a substance obtained by separating
18 cannabinoids from marijuana by:

19 “(a) A chemical extraction process using a hydrocarbon-based solvent,
20 such as butane, hexane or propane;

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

23 “(c) Any other process identified by the Oregon Health Authority, in
24 consultation with the Oregon Liquor Control Commission, by rule.

25 “(6) ‘Debilitating medical condition’ means:

26 “(a) Cancer, glaucoma, a degenerative or pervasive neurological condi-
27 tion, positive status for human immunodeficiency virus or acquired immune
28 deficiency syndrome, or a side effect related to the treatment of those med-
29 ical conditions;

30 “(b) A medical condition or treatment for a medical condition that

1 produces, for a specific patient, one or more of the following:

2 “(A) Cachexia;

3 “(B) Severe pain;

4 “(C) Severe nausea;

5 “(D) Seizures, including seizures caused by epilepsy; or

6 “(E) Persistent muscle spasms, including spasms caused by multiple
7 sclerosis;

8 “(c) Post-traumatic stress disorder; or

9 “(d) Any other medical condition or side effect related to the treatment
10 of a medical condition adopted by the Oregon Health Authority by rule or
11 approved by the authority pursuant to a petition filed under ORS 475B.517.

12 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.

13 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
14 tification cardholder to another registry identification cardholder if no con-
15 sideration is paid for the transfer.

16 “(8)(a) ‘Designated primary caregiver’ means an individual:

17 “(A) Who is 18 years of age or older;

18 “(B) Who has significant responsibility for managing the well-being of a
19 person who has been diagnosed with a debilitating medical condition; and

20 “(C) Who is designated as the person responsible for managing the well-
21 being of a person who has been diagnosed with a debilitating medical con-
22 dition on that person’s application for a registry identification card or in
23 other written notification submitted to the authority.

24 “(b) ‘Designated primary caregiver’ does not include a person’s attending
25 physician.

26 “(9) ‘High heat’ means a temperature exceeding 180 degrees.

27 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not
28 flowering.

29 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
30 part of the plant Cannabis family Cannabaceae and the seeds of the plant

1 Cannabis family Cannabaceae.

2 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
3 571.300.

4 “(12) ‘Marijuana grow site’ means a location registered under ORS
5 475B.420 where marijuana is produced for use by a registry identification
6 cardholder.

7 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-
8 istered under ORS 475B.435 or a site for which an applicant has submitted
9 an application for registration under ORS 475B.435.

10 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an
11 immature marijuana plant.

12 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and
13 any 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 dried leaves or flowers of marijuana.

16 “(b) ‘Medical cannabinoid product’ does not include:

17 “(A) Usable marijuana by itself;

18 “(B) A cannabinoid concentrate by itself;

19 “(C) A cannabinoid extract by itself; [*or*]

20 “(D) Industrial hemp, as defined in ORS 571.300[.]; **or**

21 **“(E) A product containing cannabinoids intended to be applied to a**
22 **person’s skin or hair if the concentration of the cannabinoids in the**
23 **product is five percent or less than five percent of the weight of the**
24 **product.**

25 “(16) ‘Medical marijuana dispensary’ means a medical marijuana
26 dispensary registered under ORS 475B.450 or a site for which an applicant
27 has submitted an application for registration under ORS 475B.450.

28 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
29 session, delivery or administration of marijuana, or use of paraphernalia
30 used to administer marijuana, to mitigate the symptoms or effects of a de-

1 debilitating medical condition.

2 “(18) ‘Person designated to produce marijuana by a registry identification
3 cardholder’ means a person designated to produce marijuana by a registry
4 identification cardholder under ORS 475B.420 who produces marijuana for a
5 registry identification cardholder at an address other than the address where
6 the registry identification cardholder resides or at an address where more
7 than 12 mature marijuana plants are produced.

8 “(19) ‘Process’ means the compounding or conversion of marijuana into
9 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
10 tracts.

11 “(20) ‘Production’ means:

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

13 “(b) Drying marijuana leaves or flowers.

14 “(21) ‘Registry identification card’ means a document issued by the
15 Oregon Health Authority under ORS 475B.415 that identifies a person au-
16 thorized to engage in the medical use of marijuana and, if the person has a
17 designated primary caregiver under ORS 475B.418, the person’s designated
18 primary caregiver.

19 “(22) ‘Registry identification cardholder’ means a person to whom a reg-
20 istry identification card has been issued under ORS 475B.415.

21 “(23)(a) ‘Usable marijuana’ means the dried leaves and flowers of
22 marijuana.

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

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

25 “(B) Waste material that is a by-product of producing marijuana.

26 “(24) ‘Written documentation’ means a statement signed by the attending
27 physician of a person diagnosed with a debilitating medical condition or
28 copies of the person’s relevant medical records.

29 **“SECTION 16d.** ORS 475B.550 is amended to read:

30 “475B.550. As used in ORS 475B.550 to 475B.590:

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

3 “(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by
4 separating cannabinoids from marijuana by a mechanical, chemical or other
5 process.

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

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

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

14 “(A) Usable marijuana by itself;

15 “(B) A cannabinoid concentrate or extract by itself; [*or*]

16 “(C) Industrial hemp, as defined in ORS 571.300[.]; **or**

17 “**(D) A product containing cannabinoids intended to be applied to a**
18 **person’s skin or hair if the concentration of the cannabinoids in the**
19 **product is five percent or less than five percent of the weight of the**
20 **product.**

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

24 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
25 571.300.

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

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

30 “(8) ‘Producing’ means:

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

2 “(b) Drying marijuana leaves and flowers.

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

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

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

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

9 **“SECTION 16e.** ORS 475B.600 is amended to read:

10 “475B.600. As used in ORS 475B.600 to 475B.655:

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

13 “(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by
14 separating cannabinoids from marijuana by a mechanical, chemical or other
15 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 other
20 product intended for human consumption or use, including a product in-
21 tended to be applied to a person’s skin or hair, that contains cannabinoids
22 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[.]; **or**

27 **“(D) A product containing cannabinoids intended to be applied to a**
28 **person’s skin or hair if the concentration of the cannabinoids in the**
29 **product is five percent or less than five percent of the weight of the**
30 **product.**

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

4 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
5 571.300.

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

8 “(7) ‘Processing’ means the compounding or conversion of marijuana into
9 cannabinoid products or cannabinoid concentrates or extracts.

10 “(8) ‘Producing’ means:

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

12 “(b) Drying marijuana leaves and flowers.

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

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

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

17 “(B) Waste material that is a by-product of producing or processing
18 marijuana.”.

19
