

Requested by JOINT COMMITTEE ON MARIJUANA LEGALIZATION

**PROPOSED AMENDMENTS TO
SENATE BILL 1598**

1 On page 1 of the printed bill, line 2, after “ORS” insert “475B.160,
2 475B.235,”.

3 On page 4, after line 7, insert:
4

5 **“MEDICAL MARIJUANA DISPENSARIES**
6 **ORGANIZED AS NONPROFIT CORPORATIONS**
7

8 **“SECTION 8. Section 9 of this 2016 Act is added to and made a part**
9 **of ORS 475B.400 to 475B.525.**

10 **“SECTION 9. (1) In addition to the powers granted nonprofit cor-**
11 **porations under ORS 65.077 and 65.081, a medical marijuana dispensary**
12 **that is owned by a nonprofit corporation organized under ORS chapter**
13 **65 may:**

14 **“(a) Receive by gift, devise or bequest:**

15 **“(A) Usable marijuana, immature marijuana plants and seeds from**
16 **registry identification cardholders, designated primary caregivers,**
17 **persons responsible for marijuana grow sites, persons who hold a li-**
18 **cence under ORS 475B.070 and persons who hold a certificate under**
19 **ORS 475B.235; and**

20 **“(B) Medical cannabinoid products, cannabinoid concentrates and**
21 **cannabinoid extracts from persons responsible for marijuana process-**

1 ing sites, persons who hold a license under ORS 475B.090 and persons
2 who hold a certificate under ORS 475B.235.

3 “(b) In accordance with subsection (3) of this section, dispense us-
4 able marijuana, immature marijuana plants, seeds, medical
5 cannabinoid products, cannabinoid concentrates and cannabinoid ex-
6 tracts directly to registry identification cardholders or designated pri-
7 mary caregivers in areas of this state, including areas where a city or
8 county has prohibited the establishment of medical marijuana
9 dispensaries, where registry identification cardholders do not have
10 access to a medical marijuana dispensary.

11 “(2) If a registry identification cardholder is at or below the federal
12 poverty guidelines, a medical marijuana dispensary that is owned by
13 a nonprofit corporation organized under ORS chapter 65 shall dispense
14 usable marijuana, immature marijuana plants, seeds, medical
15 cannabinoid products, cannabinoid concentrates and cannabinoid ex-
16 tracts to that registry identification cardholder or the designated pri-
17 mary caregiver of that registry identification cardholder free of charge
18 or at a discounted price.

19 “(3) To dispense usable marijuana, immature marijuana plants,
20 seeds, medical cannabinoid products, cannabinoid concentrates and
21 cannabinoid extracts as described in subsection (1)(b) of this section,
22 a medical marijuana dispensary that is owned by a nonprofit corpo-
23 ration organized under ORS chapter 65 shall:

24 “(a) Dispense only from a mobile unit that meets any public health
25 and safety requirements adopted by the Oregon Health Authority by
26 rule;

27 “(b) Dispense only to registry identification cardholders who are at
28 or below the federal poverty guidelines or to the designated primary
29 caregivers of registry identification cardholders who are at or below
30 the federal poverty guidelines;

1 “(c) Dispense only on property that is owned by a state agency;

2 “(d) Notify the state agency that owns the property on which the
3 dispensing will occur of the dispensing at least two weeks before the
4 dispensing; and

5 “(e) If the dispensing is occurring in an area where a city or county
6 has prohibited the establishment of medical marijuana dispensaries:

7 “(A) Dispense in that area no more than one day per month; and

8 “(B) Notify the governing body of the city or county with jurisdic-
9 tion over that area of the dispensing at least two weeks before the
10 dispensing.

11 “(4) A state agency that receives notice under subsection (3)(d) of
12 this section must allow the medical marijuana facility to dispense us-
13 able marijuana, immature marijuana plants, seeds, medical
14 cannabinoid products, cannabinoid concentrates and cannabinoid ex-
15 tracts on the property that is owned by the state agency.

16 “(5) Upon request, the Oregon Department of Administrative Ser-
17 vices shall provide to a medical marijuana dispensary that is owned
18 by a nonprofit corporation organized under ORS chapter 65 informa-
19 tion related to property that is owned by a state agency. The depart-
20 ment shall determine the form and manner of making a request under
21 this subsection.

22 “(6) When providing notice under subsection (3)(d) and (e)(B) of this
23 section, and when making a request under subsection (5) of this sec-
24 tion, the medical marijuana dispensary shall provide proof that the
25 medical marijuana dispensary is owned by a nonprofit corporation or-
26 ganized under ORS chapter 65.

27 “(7) The authority shall adopt rules necessary to implement this
28 section.

29 “**SECTION 10.** ORS 475B.160 is amended to read:

30 “475B.160. (1) **Except as provided in section 9 of this 2016 Act, a**

1 marijuana producer, marijuana processor or marijuana wholesaler may de-
2 liver marijuana items only to or on a [*licensed*] premises.

3 “(2) A [*licensed*] premises may receive marijuana items only from a
4 marijuana producer, marijuana processor or marijuana wholesaler for whom
5 a premises has been licensed by the Oregon Liquor Control Commission.

6 “(3) The sale of marijuana items by a marijuana retailer that holds a li-
7 cense issued under ORS 475B.110 must be restricted to the premises described
8 in the license, but deliveries may be made by the marijuana retailer to con-
9 sumers pursuant to a bona fide order received at the [*licensed*] premises prior
10 to delivery.

11 **“SECTION 11.** ORS 475B.235 is amended to read:

12 “475B.235. (1) The Oregon Liquor Control Commission, in consultation
13 with the Oregon Health Authority and the State Department of Agriculture,
14 shall establish a program for the purpose of identifying and certifying pri-
15 vate and public researchers of cannabis.

16 “(2)(a) The authority shall assist the commission in identifying candidates
17 for certification under this section with respect to potential medical re-
18 search.

19 “(b) The department shall assist the commission in identifying candidates
20 for certification under this section with respect to potential agricultural re-
21 search.

22 “(3) Subject to subsection (4) of this section, the commission shall adopt
23 by rule or order:

24 “(a) Qualifications for certification under this section;

25 “(b) The term of a certificate issued under this section;

26 “(c) Processes for applying for, receiving and renewing a certificate under
27 this section;

28 “(d) Procedures for tracking marijuana, usable marijuana, cannabinoid
29 products, cannabinoid concentrates and cannabinoid extracts received by and
30 disposed or otherwise made use of by a person certified under this section;

1 and

2 “(e) Procedures for disposing or otherwise making use of marijuana, usable
3 marijuana, cannabinoid products, cannabinoid concentrates and
4 cannabinoid extracts.

5 “(4) In establishing qualifications under subsection (3) of this section, the
6 commission shall consider the following:

7 “(a) A research applicant’s access to funding and the overall cost of the
8 proposed research;

9 “(b) The overall benefit of an applicant’s proposed research to this state’s
10 cannabis industry or to public health and safety; and

11 “(c) Legal barriers to conducting the proposed research or legal risks associated
12 with conducting the proposed research.

13 “**(5) In adopting procedures under subsection (3)(d) and (e) of this**
14 **section with respect to making use of marijuana, usable marijuana,**
15 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**
16 **tracts, the commission shall also adopt procedures by which a person**
17 **certified under this section may give, devise or bequest usable**
18 **marijuana, immature marijuana plants, seeds, cannabinoid products,**
19 **cannabinoid concentrates and cannabinoid extracts to a medical**
20 **marijuana dispensary registered with the authority under ORS**
21 **475B.450 and owned by a nonprofit corporation organized under ORS**
22 **chapter 65 for purposes described in section 9 of this 2016 Act.**

23 “[5] (6) A person certified under this section:

24 “(a) May receive marijuana, usable marijuana, cannabinoid products,
25 cannabinoid concentrates and cannabinoid extracts from a licensee or a
26 registrant under ORS 475B.400 to 475B.525; and

27 “(b) May not sell or otherwise transfer marijuana, usable marijuana,
28 cannabinoid products, cannabinoid concentrates or cannabinoid extracts to
29 any other person, except as provided in *[rules adopted by the commission*
30 *under subsection (3)(e) of]* this section **and rules adopted by the commis-**

1 **sion under this section.**

2 “[~~(6)~~] (7) Except as otherwise provided by the commission by rule, rules
3 adopted by the commission for the purpose of administering and enforcing
4 ORS 475B.010 to 475B.395 with respect to licensees and licensee represen-
5 tatives apply to persons certified under this section and persons employed
6 by or who otherwise perform work for persons certified under this section.

7 “[~~(7)~~] (8) A person who is certified under this section, and an employee
8 of or other person who performs work for a person certified under this sec-
9 tion, is exempt from the criminal laws of this state for possession, delivery
10 or manufacture of marijuana, aiding and abetting another in the possession,
11 delivery and manufacture of marijuana, or any other criminal offense in
12 which possession, delivery or manufacture of marijuana is an element, while
13 performing activities related to conducting research as described in this
14 section.

15
16 **“OPERATIVE DATE**

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18 **“SECTION 12. (1) Sections 8 and 9 of this 2016 Act and the amend-
19 ments to ORS 475B.160 and 475B.235 by sections 10 and 11 of this 2016
20 Act become operative on January 1, 2017.**

21 **“(2) The Oregon Health Authority and the Oregon Liquor Control
22 Commission may take any action before the operative date specified
23 in subsection (1) of this section that is necessary to enable the au-
24 thority and the commission to exercise, on and after the operative
25 date specified in subsection (1) of this section, all the duties, powers
26 and functions conferred on the authority and the commission by
27 sections 8 and 9 of this 2016 Act and the amendments to ORS 475B.160
28 and 475B.235 by sections 10 and 11 of this 2016 Act.”.**

29 In line 11, delete “8” and insert “13”.

30 In line 17, delete “9” and insert “14”.

