

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO  
SENATE BILL 1598**

1 On page 1 of the printed bill, line 2, after “475B.375” insert “, 475B.490”.

2 On page 4, after line 7, insert:

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**“INSPECTIONS OF MARIJUANA GROW SITES**

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6 **“SECTION 8.** ORS 475B.490 is amended to read:

7 “475B.490. (1) Registration under ORS 475B.400 to 475B.525 or possession  
8 of proof of registration under ORS 475B.400 to 475B.525 does not constitute  
9 probable cause to search the person or property of the registrant or other-  
10 wise subject the person or property of the registrant to inspection by a  
11 government agency. However, the Oregon Health Authority may inspect  
12 [a] **the** marijuana grow site [*registered under ORS 475B.420*] **of a person**  
13 **designated to produce marijuana by a registry identification**  
14 **cardholder**, a marijuana processing site registered under ORS 475B.435, or  
15 a medical marijuana dispensary registered under ORS 475B.450, at any rea-  
16 sonable time to determine whether the person responsible for the marijuana  
17 grow site, the person responsible for the marijuana processing site, or the  
18 person responsible for the medical marijuana dispensary, is in compliance  
19 with ORS 475B.400 to 475B.525 and rules adopted under ORS 475B.400 to  
20 475B.525.

21 “(2) Any property interest possessed, owned or used in connection with

1 the medical use of marijuana or acts incidental to the medical use of  
2 marijuana that has been seized by state or local law enforcement officers  
3 may not be harmed, neglected, injured or destroyed while in the possession  
4 of a law enforcement agency, except that a law enforcement agency has no  
5 responsibility to maintain live marijuana plants lawfully seized. Such prop-  
6 erty interest may not be forfeited under any provision of law providing for  
7 the forfeiture of property, except pursuant to a sentence imposed after con-  
8 viction of a criminal offense. Marijuana and equipment or paraphernalia  
9 used to produce, process or administer marijuana that was seized by a law  
10 enforcement officer shall be returned immediately if the district attorney in  
11 whose county the property was seized, or the district attorney's designee,  
12 determines that the person from whom the marijuana, equipment or par-  
13 aphernalia was seized is entitled to the protections provided by ORS 475B.400  
14 to 475B.525. The determination may be evidenced by a decision not to pros-  
15 ecute, the dismissal of charges or acquittal.

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**“OPERATIVE DATE**

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19 **“SECTION 9. The amendments to ORS 475B.490 by section 8 of this**  
20 **2016 Act become operative on March 1, 2016.”.**

21 In line 11, delete “8” and insert “10”.

22 In line 17, delete “9” and insert “11”.

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