

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.450”.
- 2 On page 2, delete lines 21 through 45.
- 3 On page 3, delete lines 1 through 31 and insert:
- 4 **“SECTION 4.** ORS 475B.340 is amended to read:
- 5 “475B.340. (1) For purposes of this section, ‘reasonable regulations’ in-
- 6 cludes:
- 7 “(a) Reasonable conditions on the manner in which a marijuana producer
- 8 licensed under ORS 475B.070 may produce marijuana;
- 9 “(b) Reasonable conditions on the manner in which a marijuana processor
- 10 licensed under ORS 475B.090 may process marijuana;
- 11 “(c) Reasonable conditions on the manner in which a marijuana whole-
- 12 saler licensed under ORS 475B.100 may sell marijuana at wholesale;
- 13 “(d) Reasonable limitations on the hours during which a marijuana
- 14 retailer licensed under ORS 475B.110 may operate;
- 15 “(e) Reasonable conditions on the manner in which a marijuana retailer
- 16 licensed under ORS 475B.110 may sell marijuana items;
- 17 “(f) Reasonable requirements related to the public’s access to a premises
- 18 for which a license has been issued under ORS 475B.070, 475B.090, 475B.100
- 19 or 475B.110; and
- 20 “(g) Reasonable limitations on where a premises for which a license may
- 21 be issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110 may be located.

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

7 “(a) Adopt an ordinance that prohibits a premises for which a license has
8 been issued under ORS 475B.110 from being located:

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

11 “(B) **Within any distance of the premises of a medical marijuana**
12 **dispensary registered under ORS 475B.450; or**

13 “(b) **Adopt an ordinance after January 1, 2015, that imposes a set-**
14 **back requirement for an agricultural building used to produce**
15 **marijuana located on a premises for which a license has been issued**
16 **under ORS 475B.070 if the agricultural building:**

17 “(A) **Was constructed on or before July 1, 2015, in compliance with**
18 **all applicable land use and building code requirements at the time of**
19 **construction;**

20 “(B) **Is located at an address where a marijuana grow site first**
21 **registered with the Oregon Health Authority under ORS 475B.420 on**
22 **or before January 1, 2015;**

23 “(C) **Was used to produce marijuana pursuant to the provisions of**
24 **ORS 475B.400 to 475B.525 on or before January 1, 2015; and**

25 “(D) **Has four opaque walls and a roof.**

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

29 “**SECTION 5.** ORS 475B.500 is amended to read:

30 “475B.500. (1) For purposes of this section, ‘reasonable regulations’ in-

1 cludes:

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

6 “(b) Reasonable conditions on the manner in which **the marijuana grow**
7 **site of a person designated to produce marijuana by a registry iden-**
8 **tification cardholder**, a marijuana processing site or a medical marijuana
9 dispensary may transfer usable marijuana, medical cannabinoid products,
10 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants
11 and seeds;

12 “(c) Reasonable requirements related to the public’s access to the
13 marijuana grow site of a person designated to produce marijuana by a reg-
14 istry identification cardholder, a marijuana processing site or a medical
15 marijuana dispensary; and

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

19 “(2) Notwithstanding ORS 633.738, the governing body of a city or county
20 may adopt ordinances that impose reasonable regulations on the operation
21 of marijuana grow sites of persons designated to produce marijuana by reg-
22 istry identification cardholders, marijuana processing sites and medical
23 marijuana dispensaries that are located in the area subject to the jurisdic-
24 tion of the city or county[.], **except that the governing body of a city or**
25 **county may not adopt an ordinance that prohibits a medical marijuana**
26 **dispensary from being located:**

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

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

1 **“SECTION 6.** ORS 475B.450 is amended to read:

2 “475B.450. (1)(a) The Oregon Health Authority shall establish by rule a
3 medical marijuana dispensary registration system for the purpose of tracking
4 and regulating the transfer of:

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

8 “(B) Medical cannabinoid products, cannabinoid concentrates and
9 cannabinoid extracts from persons responsible for marijuana processing sites
10 to medical marijuana dispensaries; and

11 “(C) Usable marijuana, immature marijuana plants, seeds, medical
12 cannabinoid products, cannabinoid concentrates and cannabinoid extracts
13 from medical marijuana dispensaries to registry identification cardholders
14 and designated primary caregivers.

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

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

21 “(a) The name of the individual who owns the medical marijuana
22 dispensary or, if a business entity owns the medical marijuana dispensary,
23 the name of each individual who has a financial interest in the medical
24 marijuana dispensary;

25 “(b) The name of the individual or individuals responsible for the medical
26 marijuana dispensary, if different from the name of the individual who owns
27 the medical marijuana dispensary;

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

29 “(d) Proof, until January 1, 2020, that each individual responsible for the
30 medical marijuana dispensary has been a resident of this state for two or

1 more years, and proof that each individual responsible for the medical
2 marijuana dispensary is 21 years of age or older;

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

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

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

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

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

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

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

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

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

18 “[*e*] *Must not be located within 1,000 feet of another medical marijuana*
19 *dispensary; and*]

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

22 “(4)(a) The authority shall conduct a criminal records check under ORS
23 181A.195 for each individual named in an application submitted under sub-
24 section (2) of this section.

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

29 “(c) An individual convicted more than once for the manufacture or de-
30 livery of a controlled substance in Schedule I or Schedule II may not own

1 or be responsible for a medical marijuana dispensary.

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

10 “(6) A medical marijuana dispensary that is registered under this section
11 is not required to register with the State Board of Pharmacy under ORS
12 475.125.

13 “(7) The individual or individuals responsible for a medical marijuana
14 dispensary shall maintain documentation of each transfer of usable
15 marijuana, medical cannabinoid products, cannabinoid concentrates,
16 cannabinoid extracts, immature marijuana plants and seeds.

17 “(8) The authority may inspect:

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

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

24 “(9) Subject to the provisions of ORS chapter 183, the authority may re-
25 fuse to register an applicant under this section or may suspend or revoke the
26 registration of a medical marijuana dispensary if the authority determines
27 that the applicant, the owner of the medical marijuana dispensary, a person
28 responsible for the medical marijuana dispensary, or an employee of the
29 medical marijuana dispensary, violated a provision of ORS 475B.400 to
30 475B.525, a rule adopted under ORS 475B.400 to 475B.525 or an ordinance

1 adopted pursuant to ORS 475B.500.

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

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

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

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

11 “(d) Require that usable marijuana, medical cannabinoid products,
12 cannabinoid concentrates, cannabinoid extracts and immature marijuana
13 plants transferred by a medical marijuana dispensary be tested to ensure the
14 public health and safety; and

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

17 In line 32, delete “6” and insert “7”.

18 On page 4, line 1, delete “7” and insert “8”.

19 In line 11, delete “8” and insert “9”.

20 In line 17, delete “9” and insert “10”.

21 _____