

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” delete the rest of the
2 line and lines 3 through 11 and insert “475B.050, 475B.160, 475B.215, 475B.235,
3 475B.245, 475B.340, 475B.370, 475B.375, 475B.443 and 475B.500 and section 79,
4 chapter ___, Oregon Laws 2016 (Enrolled House Bill 4014); repealing sections
5 16, 17, 18, 26, 27, 28, 28a, 29 and 67, chapter ___, Oregon Laws 2016 (Enrolled
6 House Bill 4014) and sections 16, 17, 18, 19 and 20, chapter ___, Oregon Laws
7 2016 (Enrolled Senate Bill 1511); and declaring an emergency.”.

8 Delete lines 13 through 28 and delete pages 2 through 4 and insert:
9

10 **“LAND USE LAWS**

11
12 **“SECTION 1. Section 2 of this 2016 Act is added to and made a part
13 of ORS 475B.010 to 475B.395.**

14 **“SECTION 2. The requirement under ORS 475B.063 to obtain a land
15 use compatibility statement as a condition of receiving a license under
16 ORS 475B.070 does not apply to an applicant if:**

17 **“(1) The applicant is applying for a license at an address where a
18 marijuana grow site registered under ORS 475B.420 is located;**

19 **“(2) The address is outside of city limits;**

20 **“(3) At least one person responsible for a marijuana grow site lo-
21 cated at the address first registered with the Oregon Health Authority**

1 **under ORS 475B.420 before January 1, 2015;**

2 **“(4) Each person responsible for a marijuana grow site located at**
3 **the address first registered with the Oregon Health Authority under**
4 **ORS 475B.420 before February 1, 2016; and**

5 **“(5) The applicant is applying for a mature marijuana plant grow**
6 **canopy of:**

7 **“(a) 5,000 square feet or less, if the marijuana is produced outdoors;**
8 **or**

9 **“(b) 1,250 square feet or less, if the marijuana is produced indoors.**

10 **“SECTION 3.** ORS 475B.370 is amended to read:

11 **“475B.370. (1) [Notwithstanding any other provision of law,] Marijuana is:**

12 **“(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;**

13 **“(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined**
14 **in ORS 30.930;**

15 **“(c) A product of farm use as described in ORS 308A.062; and**

16 **“(d) The product of an agricultural activity for purposes of ORS 568.909.**

17 **“(2) Notwithstanding ORS chapters 195, 196, 197 [and], 215 and 227, the**
18 **following are not permitted uses on land designated for exclusive farm use:**

19 **“(a) A new dwelling used in conjunction with a marijuana crop;**

20 **“(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used**
21 **in conjunction with a marijuana crop; and**

22 **“(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283**
23 **(2)(a), carried on in conjunction with a marijuana crop.**

24 **“(3) A county may allow the production of marijuana as a farm use on**
25 **land zoned for farm or forest use in the same manner as the production of**
26 **marijuana is allowed in exclusive farm use zones under this section and ORS**
27 **215.213, 215.283 and 475B.063.**

28 **“(4) This section applies to:**

29 **“(a) Marijuana producers licensed under ORS 475B.070;**

30 **“(b) Persons registered under ORS 475B.420 and designated to**

1 produce marijuana by one or more persons who hold valid registry
2 identification cards issued under ORS 475B.415; and

3 “(c) For the purpose of producing marijuana or propagating imma-
4 ture marijuana plants, persons who hold certificates under ORS
5 475B.235.

6 “**SECTION 4.** ORS 475B.340 is amended to read:

7 “475B.340. (1) For purposes of this section, ‘reasonable regulations’ in-
8 cludes:

9 “(a) Reasonable conditions on the manner in which a marijuana producer
10 licensed under ORS 475B.070 may produce marijuana **or in which a person**
11 **who holds a certificate issued under ORS 475B.235 may produce**
12 **marijuana or propagate immature marijuana plants;**

13 “(b) Reasonable conditions on the manner in which a marijuana processor
14 licensed under ORS 475B.090 may process marijuana **or in which a person**
15 **who holds a certificate issued under ORS 475B.235 may process**
16 **marijuana;**

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

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

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

23 “(f) Reasonable requirements related to the public’s access to a premises
24 for which a license **or certificate** has been issued under ORS 475B.070,
25 475B.090, 475B.100 [*or*], 475B.110 **or 475B.235;** and

26 “(g) Reasonable limitations on where a premises for which a license **or**
27 **certificate** may be issued under ORS 475B.070, 475B.090, 475B.100 [*or*],
28 475B.110 **or 475B.235** may be located.

29 “(2) Notwithstanding ORS **30.935, 215.253 (1) or** 633.738, the governing
30 body of a city or county may adopt ordinances that impose reasonable regu-

1 lations on the operation of businesses located at premises for which a license
2 has been issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110, **or for**
3 **which a certificate has been issued under ORS 475B.235**, if the premises
4 are located in the area subject to the jurisdiction of the city or county, ex-
5 cept that the governing body of a city or county may not:

6 **“(a) Adopt an ordinance that prohibits a premises for which a license has**
7 **been issued under ORS 475B.110 from being located within a distance that**
8 **is greater than 1,000 feet of another premises for which a license has been**
9 **issued under ORS 475B.110.**

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

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

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

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

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

23 *“[(3) Regulations adopted under this section must be consistent with city*
24 *and county comprehensive plans and zoning ordinances and applicable pro-*
25 *visions of public health and safety laws.]*

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

27 **“475B.500. (1) For purposes of this section, ‘reasonable regulations’ in-**
28 **cludes:**

29 **“(a) Reasonable limitations on the hours during which the marijuana**
30 **grow site of a person designated to produce marijuana by a registry iden-**

1 tification cardholder, a marijuana processing site or a medical marijuana
2 dispensary may operate;

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

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

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

16 “(2) Notwithstanding ORS **30.935, 215.253 (1) or** 633.738, the governing
17 body of a city or county may adopt ordinances that impose reasonable regu-
18 lations on the operation of marijuana grow sites of persons designated to
19 produce marijuana by registry identification cardholders, marijuana pro-
20 cessing sites and medical marijuana dispensaries that are located in the area
21 subject to the jurisdiction of the city or county.

22 “**SECTION 6.** ORS 475B.375 is amended to read:

23 “475B.375. [ORS 475B.025, 475B.033, 475B.035, 475B.040, 475B.045,
24 475B.055, 475B.060, 475B.065, 475B.068, 475B.070, 475B.090, 475B.100,
25 475B.110, 475B.130, 475B.160, 475B.165, 475B.170, 475B.180, 475B.185,
26 475B.190, 475B.195, 475B.200, 475B.205, 475B.210, 475B.250, 475B.255,
27 475B.260, 475B.265, 475B.270, 475B.275, 475B.280, 475B.298, 475B.300,
28 475B.305, 475B.310, 475B.315, 475B.320, 475B.325, 475B.330, 475B.335,
29 475B.340, 475B.350, 475B.353, 475B.355, 475B.358, 475B.365, 475B.378, 475B.380
30 and 475B.395:] **Except for ORS 475B.370 and 475B.373, ORS 475B.010 to**

1 **475B.395:**

2 “(1) Do not apply to the extent a person acts within the scope of and in
3 compliance with the Oregon Medical Marijuana Act; and

4 “(2) Do not amend or affect duties, functions and powers of the Oregon
5 Health Authority under the Oregon Medical Marijuana Act.

6
7 **“FINGERPRINTING**

8
9 **“SECTION 7. (1) Sections 9 and 10 of this 2016 Act are added to and
10 made a part of ORS 475B.010 to 475B.395.**

11 **“(2) Section 11 of this 2016 Act is added to and made a part of ORS
12 475B.550 to 475B.590.**

13 **“SECTION 8. ORS 475B.050 is amended to read:**

14 **“475B.050. For the purpose of requesting a state or nationwide criminal
15 records check under ORS 181A.195, the Oregon Liquor Control Commission
16 may require the fingerprints of any individual listed on an application sub-
17 mitted under ORS 475B.040. If the applicant is a legal entity, the powers
18 conferred on the commission under this section include the power to
19 require the fingerprints of:**

20 **“(1) If the applicant is a limited partnership, each partner of the
21 limited partnership;**

22 **“(2) If the applicant is a limited liability company, each member of
23 the limited liability company;**

24 **“(3) If the applicant is a corporation, each director and officer of
25 the corporation;**

26 **“(4) Any individual who holds a financial interest of 10 percent or
27 more in the person applying for the license; and**

28 **“(5) Any individual who is a partner, member, director or officer
29 of a legal entity with a financial interest in the person applying for the
30 license.**

1 **“SECTION 9.** For the purpose of requesting a state or nationwide
2 **criminal records check under ORS 181A.195, the Oregon Liquor Control**
3 **Commission may require the fingerprints of any individual listed on**
4 **an application submitted under ORS 475B.218.**

5 **“SECTION 10.** For the purpose of requesting a state or nationwide
6 **criminal records check under ORS 181A.195, the Oregon Liquor Control**
7 **Commission may require the fingerprints of any individual listed on**
8 **an application submitted under ORS 475B.235. If the applicant is a**
9 **legal entity, the powers conferred on the commission under this sec-**
10 **tion include the power to require the fingerprints of:**

11 **“(1) If the applicant is a limited partnership, each partner of the**
12 **limited partnership;**

13 **“(2) If the applicant is a limited liability company, each member of**
14 **the limited liability company;**

15 **“(3) If the applicant is a corporation, each director and officer of**
16 **the corporation;**

17 **“(4) Any individual who holds a financial interest of 10 percent or**
18 **more in the person applying for the certificate; and**

19 **“(5) Any individual who is a partner, member, director or officer**
20 **of a legal entity with a financial interest in the person applying for the**
21 **certificate.**

22 **“SECTION 11.** For the purpose of requesting a state or nationwide
23 **criminal records check under ORS 181A.195, the Oregon Liquor Control**
24 **Commission may require the fingerprints of any individual listed on**
25 **an application submitted under ORS 475B.560. If the applicant is a**
26 **legal entity, the powers conferred on the commission under this sec-**
27 **tion include the power to require the fingerprints of:**

28 **“(1) If the applicant is a limited partnership, each partner of the**
29 **limited partnership;**

30 **“(2) If the applicant is a limited liability company, each member of**

1 the limited liability company;

2 “(3) If the applicant is a corporation, each director and officer of
3 the corporation;

4 “(4) Any individual who holds a financial interest of 10 percent or
5 more in the person applying for the license; and

6 “(5) Any individual who is a partner, member, director or officer
7 of a legal entity with a financial interest in the person applying for the
8 license.

9 **“SECTION 12.** Sections 13 and 14 of this 2016 Act are added to and
10 made a part of ORS 475B.400 to 475B.525.

11 **“SECTION 13.** For the purpose of requesting a state or nationwide
12 criminal records check under ORS 181A.195, the Oregon Health Au-
13 thority may require the fingerprints of any individual listed on an
14 application submitted under ORS 475B.435. If the applicant is a legal
15 entity, the powers conferred on the authority under this section in-
16 clude the power to require the fingerprints of:

17 “(1) If the applicant is a limited partnership, each partner of the
18 limited partnership;

19 “(2) If the applicant is a limited liability company, each member of
20 the limited liability company;

21 “(3) If the applicant is a corporation, each director and officer of
22 the corporation;

23 “(4) Any individual who holds a financial interest of 10 percent or
24 more in the person applying for the license; and

25 “(5) Any individual who is a partner, member, director or officer
26 of a legal entity with a financial interest in the person applying for the
27 license.

28 **“SECTION 14.** For the purpose of requesting a state or nationwide
29 criminal records check under ORS 181A.195, the Oregon Health Au-
30 thority may require the fingerprints of any individual listed on an

1 application submitted under ORS 475B.450. If the applicant is a legal
2 entity, the powers conferred on the authority under this section in-
3 clude the power to require the fingerprints of:

4 “(1) If the applicant is a limited partnership, each partner of the
5 limited partnership;

6 “(2) If the applicant is a limited liability company, each member of
7 the limited liability company;

8 “(3) If the applicant is a corporation, each director and officer of
9 the corporation;

10 “(4) Any individual who holds a financial interest of 10 percent or
11 more in the person applying for the license; and

12 “(5) Any individual who is a partner, member, director or officer
13 of a legal entity with a financial interest in the person applying for the
14 license.

15 “SECTION 15. If House Bill 4014 becomes law, sections 16, 17 and
16 18, chapter __, Oregon Laws 2016 (Enrolled House Bill 4014), are re-
17 pealed.

18

19

“WORKER PERMITS

20

21 “SECTION 16. ORS 475B.215 is amended to read:

22 “475B.215. (1) An individual who performs work for or on behalf of a
23 person who holds a license under ORS 475B.070, 475B.090, 475B.100 or
24 475B.110 must have a valid permit issued by the Oregon Liquor Control
25 Commission under ORS 475B.218 if the individual participates in:

26 “(a) The possession, **production, propagation, processing**, securing or
27 selling of marijuana items at the premises for which the license has been
28 issued;

29 “(b) The recording of the possession, **production, propagation, pro-**
30 **cessing**, securing or selling of marijuana items at the premises for which the

1 license has been issued; or

2 “(c) The verification of any document described in ORS 475B.170.

3 “(2) A person who holds a license under ORS **475B.070, 475B.090,**
4 **475B.100 or** 475B.110 must verify that an individual has a valid permit issued
5 under ORS 475B.218 before allowing the individual to perform any work de-
6 scribed in subsection (1) of this section at the premises for which the license
7 has been issued.

8 **“SECTION 17. The amendments to ORS 475B.215 by section 16 of**
9 **this 2016 Act apply to individuals who have been hired by, or who have**
10 **otherwise entered into an agreement to perform work for or on behalf**
11 **of, a person who holds a license under ORS 475B.070, 475B.090, 475B.100**
12 **or 475B.110 before, on or after the operative date specified in section**
13 **29 of this 2016 Act.**

14

15 **“MARIJUANA PROCESSING SITES REGULATED**
16 **UNDER OREGON MEDICAL MARIJUANA ACT**

17

18 **“SECTION 18.** If House Bill 4014 becomes law, ORS 475B.443, as amended
19 by section 7, chapter ___, Oregon Laws 2016 (Enrolled House Bill 4014), is
20 amended to read:

21 **“475B.443. [(1)] (1)(a) Except as provided in paragraph (b) of this**
22 **subsection,** a marijuana processing site may not transfer medical
23 cannabinoid products, cannabinoid concentrates or cannabinoid extracts to
24 a person other than another marijuana processing site or a medical
25 marijuana dispensary.

26 **“(b) A marijuana processing site may transfer a medical**
27 **cannabinoid product, cannabinoid concentrate or cannabinoid extract**
28 **to a registry identification cardholder, or the designated primary**
29 **caregiver of a registry identification cardholder, provided that the**
30 **registry identification cardholder or designated primary caregiver**

1 provides the marijuana processing site with the marijuana to be pro-
2 cessed into the medical cannabinoid product, cannabinoid concentrate
3 or cannabinoid extract and the marijuana processing site receives no
4 compensation for the transfer.

5 “(c) A registry identification cardholder, or the designated primary
6 caregiver of a registry identification cardholder, may reimburse a
7 marijuana processing site for all costs associated with the processing
8 of marijuana for the registry identification cardholder.

9 “(2) A person other than a marijuana processing site may not transfer
10 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
11 tracts to a medical marijuana dispensary.

12

13

**“MARIJUANA PRODUCTION REPORTING
UNDER THE OREGON MEDICAL MARIJUANA ACT**

14

15

16 **“SECTION 19.** Section 20 of this 2016 Act is added to and made a
17 part of ORS 475B.400 to 475B.525.

18 **“SECTION 20.** (1) Notwithstanding ORS 475B.423 (2), a person des-
19 ignated to produce marijuana by a registry identification cardholder
20 may delegate the person’s duty to submit to the Oregon Health Au-
21 thority the information described in ORS 475B.423 to another person
22 designated to produce marijuana by a registry identification
23 cardholder if the marijuana grow sites for which the persons are re-
24 quired to submit the information are located at the same address.

25 **“(2)** A person to whom the duty described in subsection (1) of this
26 section is delegated must inform the authority of the delegation in a
27 form and manner prescribed by the authority.

28 **“(3)** In adopting rules prescribing the form and manner in which
29 information is submitted to the authority under ORS 475B.423, the
30 authority shall adopt rules that lessen the administrative burden on

1 persons to whom the duty described in subsection (1) of this section
2 is delegated.

3
4 **“MEDICAL MARIJUANA DISPENSARIES**
5 **ORGANIZED AS NONPROFIT CORPORATIONS**

6
7 **“SECTION 21. Section 22 of this 2016 Act is added to and made a**
8 **part of ORS 475B.400 to 475B.525.**

9 **“SECTION 22. (1) In addition to the powers granted nonprofit cor-**
10 **porations under ORS 65.077 and 65.081, a medical marijuana dispensary**
11 **that is owned by a nonprofit corporation organized under ORS chapter**
12 **65 may receive by gift, devise or bequest:**

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

18 **“(b) Medical cannabinoid products, cannabinoid concentrates and**
19 **cannabinoid extracts from persons responsible for marijuana process-**
20 **ing sites, persons who hold a license under ORS 475B.090 and persons**
21 **who hold a certificate under ORS 475B.235.**

22 **“(2) If a registry identification cardholder’s annual income is at or**
23 **below the federal poverty guidelines, a medical marijuana dispensary**
24 **that is owned by a nonprofit corporation organized under ORS chapter**
25 **65 shall dispense usable marijuana, immature marijuana plants, seeds,**
26 **medical cannabinoid products, cannabinoid concentrates and**
27 **cannabinoid extracts to that registry identification cardholder or the**
28 **designated primary caregiver of that registry identification cardholder**
29 **free of charge or at a discounted price.**

30 **“(3) The Oregon Health Authority shall adopt rules necessary to**

1 **implement this section.**

2 **“SECTION 23.** ORS 475B.160 is amended to read:

3 “475B.160. (1) **Except as provided in section 22 of this 2016 Act,** a
4 marijuana producer, marijuana processor or marijuana wholesaler may de-
5 liver marijuana items only to or on a [*licensed*] premises.

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

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

14 **“SECTION 24.** ORS 475B.235 is amended to read:

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

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

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

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

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

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

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

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

5 “(e) Procedures for disposing or otherwise making use of marijuana, usa-
6 ble marijuana, cannabinoid products, cannabinoid concentrates and
7 cannabinoid extracts.

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

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

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

14 “(c) Legal barriers to conducting the proposed research or legal risks as-
15 sociated with conducting the proposed research.

16 “**(5) In adopting procedures under subsection (3)(d) and (e) of this**
17 **section with respect to making use of marijuana, usable marijuana,**
18 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**
19 **tracts, the commission shall also adopt procedures by which a person**
20 **certified under this section may give, devise or bequest usable**
21 **marijuana, immature marijuana plants, seeds, cannabinoid products,**
22 **cannabinoid concentrates and cannabinoid extracts to a medical**
23 **marijuana dispensary registered with the authority under ORS**
24 **475B.450 and owned by a nonprofit corporation organized under ORS**
25 **chapter 65 for purposes described in section 22 of this 2016 Act.**

26 “[5] (6) A person certified under this section:

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

30 “(b) May not sell or otherwise transfer marijuana, usable marijuana,

1 cannabinoid products, cannabinoid concentrates or cannabinoid extracts to
2 any other person, except as provided in [*rules adopted by the commission*
3 *under subsection (3)(e) of*] this section **and rules adopted by the commis-**
4 **sion under this section.**

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

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

18

19

“RESEARCH PROPOSALS

20

21 **“SECTION 25. The Oregon Health Authority shall solicit proposals**
22 **through a competitive process for the purpose of choosing one or more**
23 **entities to conduct research for the purpose of developing public**
24 **health and safety standards for consumers of marijuana and**
25 **marijuana-derived products.**

26

27

“EXPUNGEMENT

28

29 **“SECTION 26. When a person convicted of a marijuana offense**
30 **based on conduct that occurred before the effective date of chapter**

1 **___, Oregon Laws 2016 (Enrolled House Bill 4014), files a motion for a**
2 **court order setting aside the conviction pursuant to ORS 137.225, the**
3 **court shall consider the offense to be classified under ORS 161.535 or**
4 **161.555 as if the conduct occurred on or after the effective date of**
5 **chapter ___, Oregon Laws 2016 (Enrolled House Bill 4014), or if the of-**
6 **fense is no longer a crime, the court shall consider the offense to be**
7 **a Class C misdemeanor, when determining if the person is eligible for**
8 **the order.**

9

10

“TECHNICAL AMENDMENTS

11

12 **“SECTION 27.** If House Bill 4014 becomes law, ORS 475B.245, as amended
13 by section 36, chapter ___, Oregon Laws 2016 (Enrolled House Bill 4014), is
14 amended to read:

15 “475B.245. ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045,
16 475B.050, 475B.055, 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.075,
17 [475B.080,] 475B.090, 475B.100, 475B.110, 475B.115, 475B.125, 475B.130,
18 475B.135, 475B.140, 475B.145, 475B.150, 475B.160, 475B.165, 475B.170, 475B.180,
19 475B.190, 475B.195, 475B.200, 475B.205, 475B.210, 475B.215, 475B.218, 475B.230,
20 475B.233, 475B.235, 475B.240, 475B.325, 475B.330, 475B.335, 475B.340, 475B.345,
21 475B.350, 475B.353, 475B.355, 475B.358, 475B.360, 475B.365, 475B.370 and
22 475B.373 do not apply:

23 “(1) To the production or storage of homegrown marijuana at a household
24 by one or more persons 21 years of age and older, if the total amount of
25 homegrown marijuana at the household does not exceed four marijuana
26 plants at any time.

27 “(2) To the possession or storage of usable marijuana items at a household
28 by one or more persons 21 years of age or older, if the total amount of usable
29 marijuana at the household does not exceed eight ounces of usable marijuana
30 at any time.

1 “(3) To the making, processing, possession or storage of cannabinoid pro-
2 ducts at a household by one or more persons 21 years of age and older, if the
3 total amount of cannabinoid products at the household does not exceed 16
4 ounces in solid form at any time.

5 “(4) To the making, processing, possession or storage of cannabinoid pro-
6 ducts at a household by one or more persons 21 years of age and older, if the
7 total amount of cannabinoid products at the household does not exceed 72
8 ounces in liquid form at any time.

9 “(5) To the making, processing, possession or storage of cannabinoid
10 concentrates at a household by one or more persons 21 years of age or older,
11 if the total amount of cannabinoid concentrates at the household does not
12 exceed 16 ounces at any time.

13 “(6) To the possession of cannabinoid extracts at a household by one or
14 more persons 21 years of age or older, if the cannabinoid extracts were pur-
15 chased from a marijuana retailer that holds a license under ORS 475B.110,
16 or transferred by a medical marijuana dispensary registered by the Oregon
17 Health Authority under ORS 475B.450, and the total amount of cannabinoid
18 extracts at the household does not exceed one ounce at any time.

19 “(7) To the delivery of not more than one ounce of usable marijuana at
20 a time by a person 21 years of age or older to another person 21 years of age
21 or older for noncommercial purposes.

22 “(8) To the delivery of not more than 16 ounces of cannabinoid products
23 in solid form at a time by a person 21 years of age or older to another person
24 21 years of age or older for noncommercial purposes.

25 “(9) To the delivery of not more than 72 ounces of cannabinoid products
26 in liquid form at a time by a person 21 years of age or older to another
27 person 21 years of age or older for noncommercial purposes.

28 “(10) To the delivery of not more than 16 ounces of cannabinoid concen-
29 trates at a time by a person 21 years of age or older to another person 21
30 years of age or older for noncommercial purposes.

1 by which medical marijuana dispensaries may dispense usable
2 marijuana, immature marijuana plants, seeds, medical cannabinoid
3 products, cannabinoid concentrates and cannabinoid extracts remotely
4 in areas of this state where individuals who hold a registry identifica-
5 tion card issued under ORS 475B.415 do not have access to a medical
6 marijuana dispensary.

7 “(2) On or before January 1, 2017, the Oregon Health Authority shall
8 report the authority’s findings under subsection (1) of this section to
9 the interim legislative committees related to health, and any interim
10 legislative committee specifically related to the regulation of medical
11 marijuana or marijuana-derived medical products. The report shall be
12 made in the manner provided by ORS 192.245 and may include recom-
13 mendations for legislation.

14

15

“OPERATIVE DATES

16

17 “SECTION 32. (1) The amendments to ORS 475B.215 by section 16
18 of this 2016 Act become operative on July 1, 2016.

19 “(2) Sections 21 and 22 of this 2016 Act and the amendments to ORS
20 475B.160 and 475B.235 by sections 23 and 24 of this 2016 Act become
21 operative on January 1, 2017.

22 “(3) The Oregon Liquor Control Commission and the Oregon Health
23 Authority may take any action before the operative date specified in
24 subsection (1) or (2) of this section, as applicable, that is necessary to
25 enable the commission or authority to exercise, on and after the op-
26 erative date specified in subsection (1) or (2) of this section, as appli-
27 cable, all the duties, powers and functions conferred on the
28 commission by the amendments to ORS 475B.215 by section 16 of this
29 2016 Act or conferred on the authority and the commission by sections
30 21 and 22 of this 2016 Act and the amendments to ORS 475B.160 and

1 475B.235 by sections 23 and 24 of this 2016 Act.

2

3

“UNIT CAPTIONS

4

5 **“SECTION 33. The unit captions used in this 2016 Act are provided**
6 **only for the convenience of the reader and do not become part of the**
7 **statutory law of this state or express any legislative intent in the**
8 **enactment of this 2016 Act.**

9

10

“EMERGENCY CLAUSE

11

12 **“SECTION 34. This 2016 Act being necessary for the immediate**
13 **preservation of the public peace, health and safety, an emergency is**
14 **declared to exist, and this 2016 Act takes effect on its passage.”.**

15
