

D R A F T

SUMMARY

Removes height limitation on immature marijuana plants produced for medical purposes. Changes possession limit on immature marijuana plants for persons designated to produce marijuana for registry identification cardholders and persons responsible for medical marijuana grow sites. Exempts certain processing of marijuana for medical purposes from testing requirements.

A BILL FOR AN ACT

1
2 Relating to marijuana; creating new provisions; and amending ORS 475B.139,
3 475B.555, 475B.570 and 475B.831.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 475B.139 is amended to read:

6 475B.139. (1) To process marijuana for medical purposes, a marijuana
7 processor that holds a license issued under ORS 475B.090 must register with
8 the Oregon Liquor Control Commission under this section.

9 (2) The commission shall register a marijuana processor for the purpose
10 of processing marijuana for medical purposes if the marijuana processor:

11 (a) Holds a license issued under ORS 475B.090;

12 (b) Meets any qualifications adopted by the commission by rule;

13 (c) Applies to the commission in a form and manner prescribed by the
14 commission; and

15 (d) Pays any fee adopted by the commission by rule.

16 (3) A marijuana processor registered under this section may:

17 (a) Process marijuana and usable marijuana into medical grade
18 cannabinoid products, cannabinoid concentrates and cannabinoid extracts;

1 and

2 (b) Notwithstanding ORS 475B.206, receive marijuana and usable
3 marijuana from, and for a fee process that marijuana and usable marijuana
4 into cannabinoid products, cannabinoid concentrates and cannabinoid ex-
5 tracts for, a registry identification cardholder [*or*], the designated primary
6 caregiver of a registry identification cardholder **or a person designated to**
7 **produce marijuana by a registry identification cardholder**, provided that
8 the cannabinoid products, cannabinoid concentrates and cannabinoid ex-
9 tracts meet the requirements of ORS [*475B.550 to 475B.590 and*] 475B.625.

10 (4)(a) The commission shall adopt rules necessary to administer this sec-
11 tion.

12 (b) The rules must provide that any fee adopted by the commission under
13 subsection (2)(d) of this section be in an amount reasonably calculated to not
14 exceed, together with other fees collected under ORS 475B.010 to 475B.545,
15 the cost of administering ORS 475B.010 to 475B.545.

16 **SECTION 2.** ORS 475B.555 is amended to read:

17 475B.555. (1) As is necessary to protect the public health and safety, and
18 in consultation with the Oregon Liquor Control Commission and the State
19 Department of Agriculture, the Oregon Health Authority shall adopt rules:

20 (a) Establishing standards for testing marijuana items.

21 (b) Identifying appropriate tests for marijuana items, depending on the
22 type of marijuana item and the manner in which the marijuana item was
23 produced or processed, that are necessary to protect the public health and
24 safety, including, but not limited to, tests for:

25 (A) Microbiological contaminants;

26 (B) Pesticides;

27 (C) Other contaminants;

28 (D) Solvents or residual solvents; and

29 (E) Tetrahydrocannabinol and cannabidiol concentration.

30 (c) Establishing procedures for determining batch sizes and for sampling
31 usable marijuana, cannabinoid products and cannabinoid concentrates or

1 extracts.

2 (d) Establishing different minimum standards for different varieties of
3 usable marijuana and different types of cannabinoid products and
4 cannabinoid concentrates and extracts.

5 (2) In addition to the testing requirements established under subsection
6 (1) of this section, the authority or the commission may require cannabinoid
7 edibles to be tested in accordance with any applicable law of this state, or
8 any applicable rule adopted under a law of this state, related to the pro-
9 duction and processing of food products or commodities.

10 (3) In adopting rules under ORS 475B.785 to 475B.949, the authority may
11 require:

12 (a) A person responsible for a marijuana grow site under ORS 475B.810
13 to test usable marijuana before transferring the usable marijuana to a reg-
14 istrant other than an individual who holds a registry identification card
15 under ORS 475B.797; and

16 (b) A person processing marijuana to test cannabinoid products or
17 cannabinoid concentrates or extracts before transferring the cannabinoid
18 products or cannabinoid concentrates or extracts to a registrant other than
19 an individual who holds a registry identification card under ORS 475B.797.

20 (4) In adopting rules under ORS 475B.010 to 475B.545, the commission may
21 require:

22 (a) A marijuana producer that holds a license under ORS 475B.070 or a
23 marijuana wholesaler that holds a license under ORS 475B.100 to test usable
24 marijuana before selling or transferring the usable marijuana; and

25 (b) **Except as provided under ORS 475B.139**, a marijuana processor that
26 holds a license under ORS 475B.090 or a marijuana wholesaler that holds a
27 license under ORS 475B.100 to test cannabinoid products or cannabinoid
28 concentrates or extracts before selling or transferring the cannabinoid pro-
29 ducts or cannabinoid concentrates or extracts.

30 (5) The authority and the commission may conduct random testing of
31 marijuana items for the purpose of determining whether a person subject to

1 testing under subsection (3) of this section or a licensee subject to testing
2 under subsection (4) of this section is in compliance with this section.

3 (6) In adopting rules to implement this section, the authority and com-
4 mission may not require a marijuana item to undergo the same test more
5 than once unless the marijuana item is processed into a different type of
6 marijuana item or the condition of the marijuana item has fundamentally
7 changed.

8 (7) The testing of marijuana items as required by this section must be
9 conducted by a laboratory licensed by the commission under ORS 475B.560
10 and accredited by the authority under ORS 475B.565.

11 (8) In adopting rules under subsection (1) of this section, the authority:

12 (a) Shall consider the cost of a potential testing procedure and how that
13 cost will affect the cost to the ultimate consumer of the marijuana item; and

14 (b) May not adopt rules that are more restrictive than is reasonably
15 necessary to protect the public health and safety.

16 **SECTION 3.** ORS 475B.570 is amended to read:

17 475B.570. ORS 475B.550 to 475B.590 do not apply to:

18 (1) A person responsible for a marijuana grow site under ORS 475B.810
19 if the person is transferring usable marijuana or an immature marijuana
20 plant, as defined in ORS 475B.015, to:

21 (a) A person who holds a registry identification card under ORS 475B.797
22 and who designated the person responsible for the marijuana grow site to
23 grow marijuana for the person who holds a registry identification card; or

24 (b) A person who has been designated as the primary caregiver under ORS
25 475B.804 of a person who holds a registry identification card under ORS
26 475B.797 and who designated the person responsible for the marijuana grow
27 site to grow marijuana for the person who holds a registry identification
28 card; [or]

29 (2) A person who has been designated as the primary caregiver under ORS
30 475B.804 of a person who holds a registry identification card under ORS
31 475B.797 if the person is transferring a marijuana item to the person who

1 holds a registry identification card; or

2 **(3) A marijuana processor registered under ORS 475B.139 when the**
3 **marijuana processor receives marijuana and usable marijuana from,**
4 **and for a fee processes that marijuana and usable marijuana into**
5 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**
6 **tracts for, a registry identification cardholder or the designated pri-**
7 **mary caregiver of a registry identification cardholder.**

8 **SECTION 4.** ORS 475B.831 is amended to read:

9 475B.831. (1)(a) A registry identification cardholder and the designated
10 primary caregiver of the registry identification cardholder may jointly pos-
11 sess:

12 (A) Six or fewer mature marijuana plants; and

13 (B) Twelve or fewer immature marijuana plants.

14 (b)(A) Unless an address is the marijuana grow site [of] **where** a person
15 designated to produce marijuana by a registry identification cardholder **is**
16 **registered with the Oregon Health Authority under ORS 475B.810**, the
17 address where a registry identification cardholder or the primary caregiver
18 of a registry identification cardholder produces marijuana may be used to
19 produce not more than:

20 (i) Six or fewer mature marijuana plants per registry identification
21 cardholder, up to 12 mature marijuana plants; and

22 (ii) Twelve or fewer immature marijuana plants per registry identification
23 cardholder, up to 24 immature marijuana plants.

24 (B) Except as provided in subparagraph (C) of this paragraph, an address
25 that is subject to this paragraph may not be used to produce marijuana
26 plants pursuant to ORS 475B.301.

27 (C) Subject to subparagraph (D) of this paragraph, an address that is
28 subject to this paragraph may be used to produce marijuana plants pursuant
29 to ORS 475B.301 if a person other than a registry identification cardholder
30 who is using the address to produce marijuana plants pursuant to ORS
31 475B.785 to 475B.949 resides at the address.

1 (D) An address that is subject to this paragraph may not be used to
2 produce more than 12 total mature marijuana plants.

3 (2)(a) A person may be designated to produce marijuana under ORS
4 475B.810 by no more than four registry identification cardholders.

5 (b) A person who is designated to produce marijuana by a registry iden-
6 tification cardholder may produce no more than six mature marijuana plants
7 and no more than [12] ____ immature marijuana plants [*that are 24 inches*
8 *or more in height*] for a registry identification cardholder who designates the
9 person to produce marijuana.

10 (3) If the address of a person responsible for a marijuana grow site under
11 ORS 475B.810 is located within city limits in an area zoned for residential
12 use:

13 (a) Except as provided in paragraph (b) of this subsection, no more than
14 12 mature marijuana plants and no more than [24] ____ immature marijuana
15 plants [*that are 24 inches or more in height*] may be produced at the address;
16 or

17 (b) Subject to subsection (5) of this section, if each person responsible for
18 a marijuana grow site located at the address first registered with the [*Oregon*
19 *Health*] authority under ORS 475B.810 before January 1, 2015:

20 (A) No more than the amount of mature marijuana plants located at that
21 address on December 31, 2014, in excess of 12 mature marijuana plants, not
22 to exceed 24 mature marijuana plants, may be produced at the address; and

23 (B) No more than [48] ____ immature marijuana plants [*that are 24 inches*
24 *or more in height*] may be produced at the address.

25 (4) If the address of a person responsible for a marijuana grow site under
26 ORS 475B.810 is located in an area other than an area described in sub-
27 section (3) of this section:

28 (a) Except as provided in paragraph (b) of this subsection, no more than
29 48 mature marijuana plants and no more than [96] ____ immature marijuana
30 plants [*that are 24 inches or more in height*] may be produced at the address;
31 or

1 (b) Subject to subsections (5) and (6) of this section, if each person re-
2 sponsible for a marijuana grow site located at the address first registered
3 with the authority under ORS 475B.810 before January 1, 2015:

4 (A) No more than the amount of mature marijuana plants located at that
5 address on December 31, 2014, in excess of 48 mature marijuana plants, not
6 to exceed 96 mature marijuana plants, may be produced at the address; and

7 (B) No more than [192] ____ immature marijuana plants [*that are 24 inches*
8 *or more in height*] may be produced at the address.

9 (5) If the authority suspends or revokes the registration of a person re-
10 sponsible for a marijuana grow site that is located at an address described
11 in subsection (3)(b) or (4)(b) of this section:

12 (a) No more than 12 mature marijuana plants and no more than [24] ____
13 immature marijuana plants [*that are 24 inches or more in height*] may be
14 subsequently produced at any address described in subsection (3) of this
15 section at which the person responsible for that marijuana grow site
16 produces marijuana.

17 (b) No more than 48 mature marijuana plants and no more than [96] ____
18 immature marijuana plants [*that are 24 or more inches in height*] may be
19 subsequently produced at any address described in subsection (4) of this
20 section at which the person responsible for that marijuana grow site
21 produces marijuana.

22 (6) If a registry identification cardholder who designated a person to
23 produce marijuana for the registry identification cardholder pursuant to ORS
24 475B.810 terminates the designation, the person responsible for the marijuana
25 grow site whose designation has been terminated may not be designated to
26 produce marijuana by another registry identification cardholder, except that
27 the person may be designated by another registry identification cardholder
28 if no more than 48 mature marijuana plants and no more than [96] ____ im-
29 mature marijuana plants [*that are 24 or more inches in height*] are produced
30 at the address for the marijuana grow site at which the person produces
31 marijuana.

1 (7) Subject to the limits described in subsections (2) to (6) of this section,
2 if multiple persons responsible for a marijuana grow site under ORS 475B.810
3 are located at the same address, the persons designated to produce marijuana
4 by registry identification cardholders who are located at that address may
5 collectively produce marijuana plants for any number of registry identifica-
6 tion cardholders who designate the persons to produce marijuana.

7 (8) If a law enforcement officer determines that there is a number of
8 marijuana plants at an address in excess of the quantities specified in this
9 section, or that an address is being used to produce a number of marijuana
10 plants in excess of the quantities specified in subsection (1)(b) of this section,
11 the law enforcement officer may confiscate only the excess number of
12 marijuana plants.

13 **SECTION 5. (1) The amendments to ORS 475B.570 by section 3 of**
14 **this 2018 Act apply to marijuana processors on and after the effective**
15 **date of this 2018 Act.**

16 **(2) The amendments to ORS 475B.831 by section 4 of this 2018 Act**
17 **apply to marijuana plants produced on and after the effective date of**
18 **this 2018 Act.**

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