

## **SB 302 -1, -2 STAFF MEASURE SUMMARY**

### **Joint Committee On Marijuana Regulation**

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**Prepared By:** Adam Crawford, LPRO Analyst

**Meeting Dates:** 2/14, 3/7

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#### **WHAT THE MEASURE DOES:**

Moves crimes, penalties, defenses to crimes, and procedural provisions that apply to marijuana offenses from the Uniform Controlled Substances Act to the Control and Regulation of Marijuana Act. Adjusts penalties for certain crimes. Changes statutes referencing controlled substances to clarify their applicability to cannabis and cannabis-derived products. Declares an emergency, effective on passage.

#### **ISSUES DISCUSSED:**

- Current statutes related to marijuana crimes
- Workgroup process leading to the creation of the measure
- Impact of Measure 91 and subsequent legislation on marijuana criminal proceedings

#### **EFFECT OF AMENDMENT:**

-1 Modifies arson provisions. Clarifies provisions related to formal accountability agreements and youth offenders.

-2 Creates crime of arson incident to manufacture of a cannabinoid extract in the first degree as a Class A felony. Creates crime of arson incident to manufacture of a cannabinoid extract in the second degree as a Class C felony. Clarifies provisions related to formal accountability agreements and youth offenders.

*Fiscal: Minimal fiscal impact*

*Revenue: Minimal revenue impact*

#### **BACKGROUND:**

Marijuana or cannabis has been defined by Oregon law as an illegal narcotic as far back as 1930 in Senate Bill 173 (Oregon Laws, Section 15-801). Prohibitions on the manufacture, delivery, possession, and sale of cannabis were more recently codified in SB 40 (1971), known as the Oregon Criminal Code and were eventually moved to the Oregon Uniform Controlled Substances Act (CSA). Oregon voters passed Measure 91 in 2014, allowing persons over the age of 21 to use, possess, manufacture, and sell marijuana legally, codified as the Control and Regulation of Marijuana Act in 2015. These two sets of statutes created inconsistencies within Oregon law.

Senate Bill 302 would move criminal penalties and related provisions from the CSA to the Control and Regulation of Marijuana Act. The measure also would adjust criminal penalties related to cannabis. Senate Bill 302 further clarifies which statutes referencing controlled substances are applicable to cannabis and cannabis-derived products.