



Changes to Criminal Law Proposed by SB 302

Possession, Manufacture, and Delivery

Legislative Policy and Research Office

ORS #	Title	Proposed Change	Column1	Criminal Classification	Criminal Category
475.010 to 475B.395	Unlawful Possession of Marijuana	Adults possessing amounts outside of those defined in ORS 475B.010 to 475B.395	Section 3, (1,2)	Class A Misdemeanor	Category 1
475.010 to 475B.395	Unlawful Possession of Marijuana	If amount is <2x defined amounts	Section 3, (1,3)	Class B Violation	Category 1
475.010 to 475B.395	Unlawful Possession of Marijuana	If amount is >2x defined amounts, but <4x defined amount	Section 3, (1,3)	Class B Misdemeanor	Category 1
475.010 to 475B.395	Unlawful Possession of Marijuana	If amount is >16x defined amounts	Section 3, (1,3)	Class C Felony	Category 1
475.010 to 475B.395	Unlawful Possession of Marijuana	If > 8lbs. in a public place	Section 3, (1,3)	Class C Felony	Category 1
475.010 to 475B.395	Unlawful Possession of Marijuana	If >1/4 oz. of cannabinoid extract	Section 3, (1,3)	Class C Felony	Category 1
475.010 to 475B.395	Minor In Possession	Any amount unless otherwise noted	Section 4, (1)	Class A Misdemeanor	Category 1
475.010 to 475B.395	Minor In Possession	If >16x applicable maximum	Section 4, (1,3)	Class C Felony	Category 1
475.010 to 475B.395	Minor In Possession	If > 8 lbs. in a public place	Section 4, (1,3)	Class C Felony	Category 1



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475.010 to 475B.395	Minor In Possession	If > 1/4 oz. of cannabinoid extract	Section 4, (1,3)	Class C Felony	Category 1
475.010 to 475B.395	Unlawful Delivery	If delivery is outside of boundaries defined in ORS 475B.010 to 475B.395	Section 5, (1,2)	Class A Misdemeanor	Category 1
475B.010 to 475B.395	Unlawful Delivery	If amount is no more than 2x defined amounts	Section 5, (1,3)	Class B Misdemeanor	Category 1
475B.010 to 475B.396	Unlawful Delivery	If >16x applicable maximum	Section 5, (1,3)	Class C Felony	Category 4
475B.010 to 475B.397	Unlawful Delivery	If >8 lbs. in a public place	Section 5, (1,3)	Class C Felony	Category 4
475B.010 to 475B.398	Unlawful Delivery	If >1/4 oz. of cannabinoid extract not purchased from a retailer	Section 5, (1,3)	Class C Felony	Category 4
475B.010 to 475B.399	Unlawful Delivery	If item is delivered to person under 21 (unless deliverer is <24 and deliverer is >16)	Section 5, (1,3)	Class C Felony	Category 4
475B.010 to 475B.400	Unlawful Manufacture	If manufacture is outside of boundaries defined in ORS 475B.010 to 475B.395	Section 6, (1,2)	Class A Misdemeanor	Category 1



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475B.010 to 475B.401	Unlawful Manufacture	If manufacturer is <21 years and total # of plants is >4 but <8	Section 6, (1,3)	Class B Misdemeanor	Category 1
475B.010 to 475B.401	Unlawful Manufacture	Manufactures >12 plants	Section 6, (1,3)	Class C Felony	Category 4
475B.010 to 475B.402	Unlawful Manufacture	Manufacture of cannabinoid products or concentrate >2x defined amount	Section 6, (1,3)	Class C Felony	Category 4
475B.010 to 475B.403	Unlawful Manufacture	Unlawful manufacture of cannabinoid extract	Section 6, (1,3)	Class B Felony	Category 4



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Arson, Person Felonies

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ORS #	Title	Proposed Change	Citation	Criminal Classification	Criminal Category
475B.010 to 475B.395	Arson Incident to Manufacture	Knowingly engaging in manufacture starting a fire or explosion	Section 9	Class A Felony	
475B.010 to 475B.395	Causing another person to ingest	Knowingly causing ingestion without consent	Section 11	Class B Felony	Category 8
475B.010 to 475B.395	Causing another person to ingest	Without consent and with the intent of committing a crime of violence	Section 11	Class A Felony	Category 9
475B.010 to 475B.395	Administering to the body of a minor	Intentional administering to a minor	Section 11	Class A Felony	Category 9



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Unlawful Sale or Delivery

Legislative Policy and Research Office

ORS #	Title	Proposed Change	Citation	Criminal Classification	Criminal Category
475B.010 to 475B.395	Unlawful Sale or Delivery of Marijuana Paraphenilia	Sale or delivery to a person under 21	Section 14	Class B Violation	



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Importing and Exporting Marijuana Items

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ORS #	Title	Proposed Change	Citation	Criminal Classification	Criminal Category
475B.185	Importing and Exporting Marijuana	No Changes (A person may not import marijuana)	Section 15	Class C Felony	



Changes to Criminal Law Proposed by SB 302

Repeals

Legislative Policy and Research Office

ORS #	Title	Proposed Change	Citation
135.907-135.921	Possession of Marijuana - Diversion Program for < 1oz of Marijuana	Repealed	Section 126
475.059	Classification of marijuana - Requiring State Board of Pharmacy to classify marijuana as a controlled substance in Schedule II, III, IV, or V	Repealed	Section 126
475.290	Applicability of Uniform Controlled Substances Act to marijuana	Repealed	Section 126
475.856	Unlawful manufacture of marijuana; exceptions	Repealed	Section 126
475.858	Unlawful manufacture of marijuana within 1,000 feet of school; exceptions.	Repealed	Section 126
475.860	Unlawful delivery of marijuana; exceptions	Repealed	Section 126
475.862	Unlawful delivery of marijuana within 1,000 feet of school; exceptions	Repealed	Section 126
475.864	Unlawful possession of marijuana or marijuana product; exceptions	Repealed	Section 126
Oregon Laws 2013 Chapt 591 Section 12	Amendments to ORS 475.752, 475.856 and 475.864 by Sections 1-3 of the Act apply to conduct occurring on or after July 1, 2013	Repealed	Section 126
Oregon Laws 2015 Chapt 614 Section 129	When a person convicted of a marijuana offense based on conduct that occurs before June 30, 2015 and files a motion for a court order to set aside the conviction, the court shall consider the the action by its' criminal classification on or after June 30, 2015. If it is no longer a crime, the court shall consider the offense a Class C misdemeanor when determining if the person is eligible for the order.	Repealed	Section 126
Oregon Laws 2016 Chapt 23 Section 26	When a person convicted of a marijuana offense based on conduct that occurs before March 3, 2016 and files a motion for a court order to set aside the conviction, the court shall consider the the action by its' criminal classification on or after March 3, 2016. If it is no longer a crime, the court shall consider the offense a Class C misdemeanor when determining if the person is eligible for the order.	Repealed	Section 126



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Repeals

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Modifies the State Uniformed Controlled Substances Act - Defines

“cannabinoid concentrate,”

“cannabinoid extract,” “cannabinoid product,”

“homegrown,” “licensee,” “licensee representative,”

“marijuana retailer,” “public place” and

“usable marijuana” have the meanings given

those terms in ORS 475B.015.

Oregon Laws 2016
Chapt 24 Section 41

Repealed

Section 126

Class A misdemeanor for persons under 21 knowingly possessing more than: 4 marijuana plants, 1 oz of marijuana in public, 8 oz of marijuana, 16 oz of cannabinoid products in solid form or cannabinoid concentrates, 72 oz of cannabinoid products in liquid form, 1 oz of cannabinoid extracts, or a cannabinoid extract not purchased from a licensed marijuana retailer .

Oregon Laws 2016
Chapt 24 Section 47

Repealed

Section 126