

D R A F T

SUMMARY

Specifies that cities and counties may not limit or prohibit production of marijuana or propagation of marijuana plants occurring on land designated for exclusive farm use.

A BILL FOR AN ACT

Relating to cannabis; amending ORS 475B.340, 475B.370 and 475B.500.

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

SECTION 1. ORS 475B.370, as amended by section 3, chapter 23, Oregon Laws 2016, is amended to read:

475B.370. (1) Marijuana is:

(a) A crop for the purposes of “farm use” as defined in ORS 215.203;

(b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;

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

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

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

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

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

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

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of

1 marijuana is allowed in exclusive farm use zones under this section and ORS
2 215.213, 215.283 and 475B.063.

3 **(4) Notwithstanding ORS 475B.325 and 475B.800 and any other pro-**
4 **vision of law to the contrary, a county may not limit or restrict the**
5 **production of marijuana or the propagation of marijuana plants oc-**
6 **curring on land designated for exclusive farm use.**

7 ~~[(4)]~~ **(5)** This section applies to:

8 (a) Marijuana producers licensed under ORS 475B.070;

9 (b) Persons registered under ORS 475B.420 and designated to produce
10 marijuana by one or more persons who hold valid registry identification
11 cards issued under ORS 475B.415; and

12 (c) For the purpose of producing marijuana or propagating immature
13 marijuana plants, persons who hold certificates under ORS 475B.235.

14 **SECTION 2.** ORS 475B.340, as amended by section 4, chapter 23, Oregon
15 Laws 2016, and section 66, chapter 24, Oregon Laws 2016, is amended to read:

16 475B.340. (1) For purposes of this section[,]:

17 **(a)** “Reasonable regulations” includes:

18 ~~[(a)]~~ **(A)** Reasonable conditions on the manner in which a marijuana
19 producer licensed under ORS 475B.070 may produce marijuana, or in which
20 a person who holds a certificate issued under ORS 475B.235 may produce
21 marijuana or propagate immature marijuana plants;

22 ~~[(b)]~~ **(B)** Reasonable conditions on the manner in which a marijuana
23 processor licensed under ORS 475B.090 may process marijuana or in which
24 a person who holds a certificate issued under ORS 475B.235 may process
25 marijuana;

26 ~~[(c)]~~ **(C)** Reasonable conditions on the manner in which a marijuana
27 wholesaler licensed under ORS 475B.100 may sell marijuana at wholesale;

28 ~~[(d)]~~ **(D)** Reasonable conditions on the manner in which a marijuana
29 retailer licensed under ORS 475B.110 may sell marijuana items;

30 ~~[(e)]~~ **(E)** Reasonable limitations on the hours during which a premises for
31 which a license has been issued under ORS 475B.070, 475B.090, 475B.100 or

1 475B.110 may operate;

2 [(f)] (F) Reasonable requirements related to the public's access to a
3 premises for which a license or certificate has been issued under ORS
4 475B.070, 475B.090, 475B.100, 475B.110 or 475B.235; and

5 [(g)] (G) Reasonable limitations on where a premises for which a license
6 or certificate may be issued under ORS 475B.070, 475B.090, 475B.100, 475B.110
7 or 475B.235 may be located.

8 (b) **“Reasonable regulations” does not include limitations or prohi-**
9 **bitions on the production of marijuana or the propagation of**
10 **marijuana plants occurring on land designated for exclusive farm use.**

11 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, **except on lands**
12 **designated for exclusive farm use**, the governing body of a city or county
13 may adopt ordinances that impose reasonable regulations on the operation
14 of businesses located at premises for which a license has been issued under
15 ORS 475B.070, 475B.090, 475B.100 or 475B.110, or for which a certificate has
16 been issued under ORS 475B.235, if the premises are located in the area
17 subject to the jurisdiction of the city or county, except that the governing
18 body of a city or county may not:

19 (a) Adopt an ordinance that prohibits a premises for which a license has
20 been issued under ORS 475B.110 from being located within a distance that
21 is greater than 1,000 feet of another premises for which a license has been
22 issued under ORS 475B.110.

23 (b) Adopt an ordinance after January 1, 2015, that imposes a setback re-
24 quirement for an agricultural building used to produce marijuana located on
25 a premises for which a license has been issued under ORS 475B.070 if the
26 agricultural building:

27 (A) Was constructed on or before July 1, 2015, in compliance with all
28 applicable land use and building code requirements at the time of con-
29 struction;

30 (B) Is located at an address where a marijuana grow site first registered
31 with the Oregon Health Authority under ORS 475B.420 on or before January

1 1, 2015;

2 (C) Was used to produce marijuana pursuant to the provisions of ORS
3 475B.400 to 475B.525 on or before January 1, 2015; and

4 (D) Has four opaque walls and a roof.

5 **SECTION 3.** ORS 475B.500, as amended by section 5, chapter 23, Oregon
6 Laws 2016, is amended to read:

7 475B.500. (1) For purposes of this section[,]:

8 (a) “Reasonable regulations” includes:

9 [(a)] (A) Reasonable limitations on the hours during which the marijuana
10 grow site of a person designated to produce marijuana by a registry iden-
11 tification cardholder, a marijuana processing site or a medical marijuana
12 dispensary may operate;

13 [(b)] (B) Reasonable conditions on the manner in which the marijuana
14 grow site of a person designated to produce marijuana by a registry iden-
15 tification cardholder, a marijuana processing site or a medical marijuana
16 dispensary may transfer usable marijuana, medical cannabinoid products,
17 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants
18 and seeds;

19 [(c)] (C) Reasonable requirements related to the public’s access to the
20 marijuana grow site of a person designated to produce marijuana by a reg-
21 istry identification cardholder, a marijuana processing site or a medical
22 marijuana dispensary; and

23 [(d)] (D) Reasonable limitations on where the marijuana grow site of a
24 person designated to produce marijuana by a registry identification
25 cardholder, a marijuana processing site or a medical marijuana dispensary
26 may be located.

27 (b) “Reasonable regulations” does not include limitations or prohi-
28 bitions on the production of marijuana or the propagation of
29 marijuana plants occurring on land designated for exclusive farm use.

30 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, **except on lands**
31 **designated for exclusive farm use**, the governing body of a city or county

1 may adopt ordinances that impose reasonable regulations on the operation
2 of marijuana grow sites of persons designated to produce marijuana by reg-
3 istry identification cardholders, marijuana processing sites and medical
4 marijuana dispensaries that are located in the area subject to the jurisdic-
5 tion of the city or county.

6
