

SB 302 A STAFF MEASURE SUMMARY
Joint Committee On Marijuana Regulation

Carrier: Rep. Lininger

Action Date: 03/07/17

Action: Do Pass.

House Vote

Yeas: 5 - Fahey, Helm, Lininger, Olson, Wilson

Senate Vote

Yeas: 5 - Beyer, Burdick, Ferrioli, Kruse, Prozanski

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Adam Crawford, LPRO Analyst

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. Repeals statutes related to unlawful possession, manufacturing and delivery of marijuana or marijuana products within 1,000 feet of schools. Creates criminal penalties for committing arson while manufacturing a cannabinoid extract. Changes statutes referencing controlled substances and their applicability to cannabis and cannabis-derived products. Clarifies provisions related to formal accountability agreements and youth offenders. 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:

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 A moves criminal penalties and related provisions from the CSA to the Control and Regulation of Marijuana Act. The measure also reduces criminal penalties related to possession less than four times the legal limit and increases criminal penalties for possession greater than sixteen times the legal limit. Senate Bill 302 A also creates non-Measure 11 crimes related to persons committing arson while manufacturing cannabinoid extracts. The measure repeals additional criminal penalties for the possession, manufacture, or sale of marijuana within 1,000 feet of a school. Senate Bill 302 A further clarifies which statutes referencing controlled substances are applicable to cannabis and cannabis-derived products.