

House Bill 2201

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Interim Committee on Marijuana Legalization)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Corrects and conforms definitions for "cannabinoid concentrate" and "cannabinoid extract" in laws regulating cannabis.

A BILL FOR AN ACT

1
2 Relating to cannabis; amending ORS 475B.015 and 475B.410.

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

4 **SECTION 1.** ORS 475B.015, as amended by section 63, chapter 24, Oregon Laws 2016, and section 11, chapter 83, Oregon Laws 2016, is amended to read:

5
6 475B.015. As used in ORS 475B.010 to 475B.395:

7 (1) "Cannabinoid" means any of the chemical compounds that are the active constituents of
8 marijuana.

9 (2) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
10 marijuana by:

11 (a) A mechanical extraction process;

12 (b) A chemical extraction process using a nonhydrocarbon-based [*or other*] solvent, such as wa-
13 ter, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

14 (c) A chemical extraction process using [*the hydrocarbon-based solvent*] carbon dioxide, provided
15 that the process does not involve the use of high heat or pressure; or

16 (d) Any other process identified by the Oregon Liquor Control Commission, in consultation with
17 the Oregon Health Authority, by rule.

18 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate,
19 cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

20 (4) "Cannabinoid extract" means a substance obtained by separating cannabinoids from
21 marijuana by:

22 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
23 or propane;

24 (b) A chemical extraction process using [*the hydrocarbon-based solvent*] carbon dioxide, if the
25 process uses high heat or pressure; or

26 (c) Any other process identified by the commission, in consultation with the authority, by rule.

27 (5)(a) "Cannabinoid product" means a cannabinoid edible and any other product intended for
28 human consumption or use, including a product intended to be applied to the skin or hair, that
29 contains cannabinoids or dried marijuana leaves or flowers.

30 (b) "Cannabinoid product" does not include:

31 (A) Usable marijuana by itself;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (B) A cannabinoid concentrate by itself;
 2 (C) A cannabinoid extract by itself; or
 3 (D) Industrial hemp, as defined in ORS 571.300.
- 4 (6) “Consumer” means a person who purchases, acquires, owns, holds or uses marijuana items
 5 other than for the purpose of resale.
- 6 (7)(a) “Financial consideration” means value that is given or received either directly or indi-
 7 rectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- 8 (b) “Financial consideration” does not include marijuana, cannabinoid products or cannabinoid
 9 concentrates that are delivered within the scope of and in compliance with ORS 475B.245.
- 10 (8) “Homegrown” means grown by a person 21 years of age or older for noncommercial purposes.
- 11 (9) “Household” means a housing unit and any place in or around a housing unit at which the
 12 occupants of the housing unit are producing, processing, possessing or storing homegrown
 13 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- 14 (10) “Housing unit” means a house, an apartment or a mobile home, or a group of rooms or a
 15 single room that is occupied as separate living quarters, in which the occupants live and eat sepa-
 16 rately from any other persons in the building and that has direct access from the outside of the
 17 building or through a common hall.
- 18 (11) “Immature marijuana plant” means a marijuana plant that is not flowering.
- 19 (12) “Licensee” means a person [*who*] **that** holds a license issued under ORS 475B.070, 475B.090,
 20 475B.100 or 475B.110.
- 21 (13) “Licensee representative” means an owner, director, officer, manager, employee, agent or
 22 other representative of a licensee, to the extent that the person acts in a representative capacity.
- 23 (14)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
 24 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- 25 (b) “Marijuana” does not include industrial hemp, as defined in ORS 571.300.
- 26 (15) “Marijuana flowers” means the flowers of the plant genus Cannabis within the plant family
 27 Cannabaceae.
- 28 (16) “Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates and
 29 cannabinoid extracts.
- 30 (17) “Marijuana leaves” means the leaves of the plant genus Cannabis within the plant family
 31 Cannabaceae.
- 32 (18) “Marijuana processor” means a person who processes marijuana items in this state.
- 33 (19) “Marijuana producer” means a person who produces marijuana in this state.
- 34 (20) “Marijuana retailer” means a person who sells marijuana items to a consumer in this state.
- 35 (21) “Marijuana wholesaler” means a person who purchases marijuana items in this state for
 36 resale to a person other than a consumer.
- 37 (22) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana
 38 plant.
- 39 (23) “Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract”
 40 means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concen-
 41 tration of tetrahydrocannabinol that is permitted under ORS 475B.625 in a single serving of the
 42 cannabinoid product, cannabinoid concentrate or cannabinoid extract for consumers who hold a
 43 valid registry identification card issued under ORS 475B.415.
- 44 (24) “Medical purpose” means a purpose related to using usable marijuana, cannabinoid pro-
 45 ducts, cannabinoid concentrates or cannabinoid extracts to mitigate the symptoms or effects of a

1 debilitating medical condition, as defined in ORS 475B.410.

2 (25) "Noncommercial" means not dependent or conditioned upon the provision or receipt of fi-
3 nancial consideration.

4 (26)(a) "Premises" or "licensed premises" includes the following areas of a location licensed
5 under ORS 475B.070, 475B.090, 475B.100 or 475B.110:

6 (A) All public and private enclosed areas at the location that are used in the business operated
7 at the location, including offices, kitchens, rest rooms and storerooms;

8 (B) All areas outside a building that the commission has specifically licensed for the processing,
9 wholesale sale or retail sale of marijuana items; and

10 (C) For a location that the commission has specifically licensed for the production of marijuana
11 outside a building, that portion of the location used to produce marijuana.

12 (b) "Premises" or "licensed premises" does not include a primary residence.

13 (27)(a) "Processes" means the processing, compounding or conversion of marijuana into
14 cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

15 (b) "Processes" does not include packaging or labeling.

16 (28)(a) "Produces" means the manufacture, planting, cultivation, growing or harvesting of
17 marijuana.

18 (b) "Produces" does not include:

19 (A) The drying of marijuana by a marijuana processor, if the marijuana processor is not other-
20 wise producing marijuana; or

21 (B) The cultivation and growing of an immature marijuana plant by a marijuana processor,
22 marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or
23 marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

24 (29) "Propagate" means to grow immature marijuana plants or to breed or produce the seeds
25 of the plant Cannabis family Cannabaceae.

26 (30) "Public place" means a place to which the general public has access and includes, but is
27 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
28 rooms or apartments designed for actual residence, and highways, streets, schools, places of
29 amusement, parks, playgrounds and areas used in connection with public passenger transportation.

30 (31)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

31 (b) "Usable marijuana" does not include:

32 (A) The seeds, stalks and roots of marijuana; or

33 (B) Waste material that is a by-product of producing or processing marijuana.

34 **SECTION 2.** ORS 475B.410 is amended to read:

35 475B.410. As used in ORS 475B.400 to 475B.525:

36 (1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary
37 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

38 (2) "Cannabinoid" means any of the chemical compounds that are the active constituents of
39 marijuana.

40 (3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
41 marijuana by:

42 (a) A mechanical extraction process;

43 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as **water**, vege-
44 table glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

45 (c) A chemical extraction process using [*the hydrocarbon-based solvent*] carbon dioxide, provided

1 that the process does not involve the use of high heat or pressure; or

2 (d) Any other process identified by the Oregon Health Authority, in consultation with the
3 Oregon Liquor Control Commission, by rule.

4 (4) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,
5 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

6 (5) “Cannabinoid extract” means a substance obtained by separating cannabinoids from
7 marijuana by:

8 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
9 or propane;

10 (b) A chemical extraction process using [*the hydrocarbon-based solvent*] carbon dioxide, if the
11 process uses high heat or pressure; or

12 (c) Any other process identified by the Oregon Health Authority, in consultation with the
13 Oregon Liquor Control Commission, by rule.

14 (6) “Debilitating medical condition” means:

15 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
16 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
17 the treatment of those medical conditions;

18 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
19 tient, one or more of the following:

20 (A) Cachexia;

21 (B) Severe pain;

22 (C) Severe nausea;

23 (D) Seizures, including seizures caused by epilepsy; or

24 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

25 (c) Post-traumatic stress disorder; or

26 (d) Any other medical condition or side effect related to the treatment of a medical condition
27 adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition
28 filed under ORS 475B.517.

29 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.

30 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to
31 another registry identification cardholder if no consideration is paid for the transfer.

32 (8)(a) “Designated primary caregiver” means an individual:

33 (A) Who is 18 years of age or older;

34 (B) Who has significant responsibility for managing the well-being of a person who has been
35 diagnosed with a debilitating medical condition; and

36 (C) Who is designated as the person responsible for managing the well-being of a person who
37 has been diagnosed with a debilitating medical condition on that person’s application for a registry
38 identification card or in other written notification submitted to the authority.

39 (b) “Designated primary caregiver” does not include a person’s attending physician.

40 (9) “High heat” means a temperature exceeding 180 degrees.

41 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.

42 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
43 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

44 (b) “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

45 (12) “Marijuana grow site” means a location registered under ORS 475B.420 where marijuana

1 is produced for use by a registry identification cardholder.

2 (13) "Marijuana processing site" means a marijuana processing site registered under ORS
3 475B.435 or a site for which an applicant has submitted an application for registration under ORS
4 475B.435.

5 (14) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana
6 plant.

7 (15)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product in-
8 tended for human consumption or use, including a product intended to be applied to a person's skin
9 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

10 (b) "Medical cannabinoid product" does not include:

11 (A) Usable marijuana by itself;

12 (B) A cannabinoid concentrate by itself;

13 (C) A cannabinoid extract by itself; or

14 (D) Industrial hemp, as defined in ORS 571.300.

15 (16) "Medical marijuana dispensary" means a medical marijuana dispensary registered under
16 ORS 475B.450 or a site for which an applicant has submitted an application for registration under
17 ORS 475B.450.

18 (17) "Medical use of marijuana" means the production, processing, possession, delivery or ad-
19 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
20 symptoms or effects of a debilitating medical condition.

21 (18) "Person designated to produce marijuana by a registry identification cardholder" means a
22 person **who is** designated to produce marijuana by a registry identification cardholder under ORS
23 475B.420 **and** who produces marijuana for a registry identification cardholder at an address other
24 than the address where the registry identification cardholder resides or at an address where more
25 than 12 mature marijuana plants are produced.

26 (19) "Process" means the compounding or conversion of marijuana into medical cannabinoid
27 products, cannabinoid concentrates or cannabinoid extracts.

28 (20) "Production" means:

29 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

30 (b) Drying marijuana leaves or flowers.

31 (21) "Registry identification card" means a document issued by the Oregon Health Authority
32 under ORS 475B.415 that identifies a person authorized to engage in the medical use of marijuana
33 and, if the person has a designated primary caregiver under ORS 475B.418, the person's designated
34 primary caregiver.

35 (22) "Registry identification cardholder" means a person to whom a registry identification card
36 has been issued under ORS 475B.415.

37 (23)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

38 (b) "Usable marijuana" does not include:

39 (A) The seeds, stalks and roots of marijuana; or

40 (B) Waste material that is a by-product of producing marijuana.

41 (24) "Written documentation" means a statement signed by the attending physician of a person
42 diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

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