

Senate Bill 873

Sponsored by JOINT COMMITTEE ON MARIJUANA REGULATION

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**.

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

1
2 Relating to cannabis; amending ORS 475B.340, 475B.370 and 475B.500.

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

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

6 475B.370. (1) Marijuana is:

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

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

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

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

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

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

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

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

18 (3) A county may allow the production of marijuana as a farm use on land zoned for farm or
19 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones
20 under this section and ORS 215.213, 215.283 and 475B.063.

21 **(4) Notwithstanding ORS 475B.325 and 475B.800 and any other provision of law to the**
22 **contrary, a county may not limit or restrict the production of marijuana or the propagation**
23 **of marijuana plants occurring on land designated for exclusive farm use.**

24 [(4)] (5) This section applies to:

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

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

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

30 **SECTION 2.** ORS 475B.340, as amended by section 4, chapter 23, Oregon Laws 2016, and section
31 66, chapter 24, Oregon Laws 2016, is amended to read:

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

2 (a) "Reasonable regulations" includes:

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

6 [(b)] (B) Reasonable conditions on the manner in which a marijuana processor licensed under
7 ORS 475B.090 may process marijuana or in which a person who holds a certificate issued under ORS
8 475B.235 may process marijuana;

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

11 [(d)] (D) Reasonable conditions on the manner in which a marijuana retailer licensed under ORS
12 475B.110 may sell marijuana items;

13 [(e)] (E) Reasonable limitations on the hours during which a premises for which a license has
14 been issued under ORS 475B.070, 475B.090, 475B.100 or 475B.110 may operate;

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

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

19 (b) "Reasonable regulations" does not include limitations or prohibitions on the pro-
20 duction of marijuana or the propagation of marijuana plants occurring on land designated for
21 exclusive farm use.

22 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, **except on lands designated for exclu-
23 sive farm use**, the governing body of a city or county may adopt ordinances that impose reasonable
24 regulations on the operation of businesses located at premises for which a license has been issued
25 under ORS 475B.070, 475B.090, 475B.100 or 475B.110, or for which a certificate has been issued un-
26 der ORS 475B.235, if the premises are located in the area subject to the jurisdiction of the city or
27 county, except that the governing body of a city or county may not:

28 (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS
29 475B.110 from being located within a distance that is greater than 1,000 feet of another premises for
30 which a license has been issued under ORS 475B.110.

31 (b) Adopt an ordinance after January 1, 2015, that imposes a setback requirement for an agri-
32 cultural building used to produce marijuana located on a premises for which a license has been is-
33 sued under ORS 475B.070 if the agricultural building:

34 (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and
35 building code requirements at the time of construction;

36 (B) Is located at an address where a marijuana grow site first registered with the Oregon Health
37 Authority under ORS 475B.420 on or before January 1, 2015;

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

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

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

43 475B.500. (1) For purposes of this section[,]:

44 (a) "Reasonable regulations" includes:

45 [(a)] (A) Reasonable limitations on the hours during which the marijuana grow site of a person

1 designated to produce marijuana by a registry identification cardholder, a marijuana processing site
 2 or a medical marijuana dispensary may operate;

3 [(b)] (B) Reasonable conditions on the manner in which the marijuana grow site of a person
 4 designated to produce marijuana by a registry identification cardholder, a marijuana processing site
 5 or a medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products,
 6 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

7 [(c)] (C) Reasonable requirements related to the public’s access to the marijuana grow site of a
 8 person designated to produce marijuana by a registry identification cardholder, a marijuana pro-
 9 cessing site or a medical marijuana dispensary; and

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

13 (b) **“Reasonable regulations” does not include limitations or prohibitions on the pro-**
 14 **duction of marijuana or the propagation of marijuana plants occurring on land designated for**
 15 **exclusive farm use.**

16 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, **except on lands designated for exclu-**
 17 **sive farm use**, the governing body of a city or county may adopt ordinances that impose reasonable
 18 regulations on the operation of marijuana grow sites of persons designated to produce marijuana
 19 by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries
 20 that are located in the area subject to the jurisdiction of the city or county.

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