

HB 2198-15
(LC 1468)
5/9/17 (MBM/ps)

Requested by JOINT COMMITTEE ON MARIJUANA REGULATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 2198**

1 On page 1 of the printed bill, line 2, after “cannabis;” delete the rest of
2 the line and insert “amending ORS 475B.045 and 475B.210; and declaring an
3 emergency.”.

4 Delete lines 3 through 23.

5 On page 2, delete lines 1 through 15.

6 Delete lines 17 through 45 and delete pages 3 through 186 and insert:

7 **“SECTION 1.** ORS 475B.045 is amended to read:

8 “475B.045. (1) The Oregon Liquor Control Commission may not license an
9 applicant under the provisions of ORS 475B.010 to 475B.395 if the applicant
10 is under 21 years of age.

11 “(2) The commission may refuse to **issue a license or may issue a re-**
12 **stricted license to** an applicant under the provisions of ORS 475B.010 to
13 475B.395 if the commission [*has reasonable ground to believe*] **makes a**
14 **finding** that the applicant:

15 “(a) Is in the habit of using alcoholic beverages, habit-forming drugs,
16 marijuana or controlled substances to excess.

17 “(b) Has made false statements to the commission.

18 “(c) Is incompetent or physically unable to carry on the management of
19 the establishment proposed to be licensed.

20 “(d) Has been convicted of violating a [*general or local law of this state*
21 *or another state, or of violating a federal law,*] **federal law, state law or**

1 **local ordinance** if the conviction is substantially related to the fitness and
2 ability of the applicant to lawfully carry out activities under the license.

3 “(e) Is not of good repute and moral character.

4 “(f) Does not have a good record of compliance with ORS 475B.010 to
5 475B.395 or any rule [*of the commission*] adopted under ORS 475B.010 to
6 475B.395.

7 “(g) Is not the legitimate owner of the [*business*] **premises** proposed to
8 be licensed, or **has not disclosed that** other persons have ownership inter-
9 ests in the [*business that have not been disclosed.*] **premises proposed to**
10 **be licensed.**

11 “(h) [*Is not possessed of or*] Has not demonstrated financial responsibility
12 sufficient to adequately meet the requirements of the [*business*] **premises**
13 proposed to be licensed.

14 “(i) Is unable to understand the laws of this state relating to marijuana
15 **items** or the rules [*of the commission relating to marijuana*] **adopted under**
16 **ORS 475B.010 to 475B.395.**

17 “(3) Notwithstanding subsection (2)(d) of this section, in determining
18 whether [*the commission may refuse*] to **issue a license or a restricted li-**
19 **cence to** an applicant, the commission may not consider the prior conviction
20 of the applicant or any owner, director, officer, manager, employee, agent or
21 other representative of the applicant for:

22 “(a) The manufacture of marijuana, if:

23 “(A) The date of the conviction is two or more years before the date of
24 the application; and

25 “(B) The person has not been convicted more than once for the manufac-
26 ture or delivery of marijuana;

27 “(b) The delivery of marijuana to a person 21 years of age or older, if:

28 “(A) The date of the conviction is two or more years before the date of
29 the application; and

30 “(B) The person has not been convicted more than once for the manufac-

1 ture or delivery of marijuana; or

2 “(c) The possession of marijuana.

3 **“SECTION 2.** ORS 475B.210 is amended to read:

4 “475B.210. The Oregon Liquor Control Commission may revoke [*or*], sus-
5 pend **or restrict** a license issued under ORS 475B.010 to 475B.395 **or require**
6 **a licensee or licensee representative to undergo training** if the commis-
7 sion finds or has reasonable ground to believe any of the following to be
8 true:

9 “(1) That the licensee **or licensee representative:**

10 “(a) Has violated a provision of ORS 475B.010 to 475B.395 or a rule [*of the*
11 *commission*] adopted under ORS 475B.010 to 475B.395.

12 “(b) Has made any false representation or statement to the commission
13 in order to induce or prevent action by the commission.

14 “(c) Is insolvent or incompetent or physically unable to carry on the
15 management of the establishment of the licensee.

16 “(d) Is in the habit of using alcoholic liquor, habit-forming drugs,
17 marijuana or controlled substances to excess.

18 “(e) Has misrepresented to a customer or the public any marijuana items
19 sold by the licensee **or licensee representative.**

20 “(f) Since the [*granting*] **issuance** of the license, has been convicted of a
21 felony, of violating any of the marijuana laws of this state, general or local,
22 or of any misdemeanor or violation of any municipal ordinance committed
23 on the [*licensed*] premises **for which the license has been issued.**

24 “(2) That there is any other reason that, in the opinion of the commission,
25 based on public convenience or necessity, warrants [*canceling*] **revoking,**
26 [*or*] suspending **or restricting** the license.

27 **“SECTION 3. This 2017 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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