

Requested by JOINT COMMITTEE ON MARIJUANA REGULATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 2198**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and lines 3 through 23.

3 On page 2, delete lines 1 through 15 and insert “amending ORS 475B.428
4 and section 33, chapter 24, Oregon Laws 2016, and section 41, chapter ____,
5 Oregon Laws 2017 (Enrolled Senate Bill 1057); and declaring an
6 emergency.”.

7 Delete lines 17 through 45 and delete pages 3 through 186 and insert:
8

9 **“OREGON CANNABIS COMMISSION**

10
11 **“SECTION 1. (1) The Oregon Cannabis Commission is established
12 within the Oregon Health Authority. The commission consists of:**

13 **“(a) The Public Health Officer or the Public Health Officer’s
14 designee; and**

15 **“(b) Eight members appointed by the Governor as follows:**

16 **“(A) A registry identification cardholder, as defined in ORS
17 475B.410;**

18 **“(B) A person designated to produce marijuana by a registry iden-
19 tification cardholder, as defined in ORS 475B.410;**

20 **“(C) An attending physician, as defined in ORS 475B.410;**

21 **“(D) A person representing the Oregon Health Authority;**

1 “(E) A person representing the Oregon Liquor Control Commission;
2 “(F) A local health officer, as described in ORS 431.418;
3 “(G) A law enforcement officer; and
4 “(H) A person knowledgeable about research proposal grant proto-
5 cols.

6 “(2) The term of office of each member of the commission is four
7 years, but a member serves at the pleasure of the Governor. Before
8 the expiration of the term of a member, the Governor shall appoint a
9 successor whose term begins on January 1 of the following year. A
10 member is eligible for reappointment. If there is a vacancy for any
11 cause, the Governor shall make an appointment to become imme-
12 diately effective for the unexpired term.

13 “(3) The appointment of each member of the commission is subject
14 to confirmation by the Senate in the manner prescribed in ORS 171.562
15 and 171.565.

16 “(4) A member of the commission is entitled to compensation and
17 expenses as provided in ORS 292.495.

18 “SECTION 2. (1) The Oregon Cannabis Commission shall select one
19 of its members as chairperson and another as vice chairperson, for
20 terms and with duties and powers necessary for the performance of the
21 functions of the offices as the commission determines.

22 “(2) A majority of the members of the commission constitutes a
23 quorum for the transaction of business.

24 “(3) The commission shall meet at least once every month at a time
25 and place determined by the commission. The commission also may
26 meet at other times and places specified by the call of the chairperson
27 or of a majority of the members of the commission.

28 “SECTION 3. The Oregon Health Authority shall provide staff sup-
29 port to the Oregon Cannabis Commission and shall perform other
30 services as necessary for the effective operation of the commission.

1 **“SECTION 4. (1) As soon as practicable after the effective date of**
2 **this 2017 Act, the Oregon Cannabis Commission shall determine:**

3 **“(a) A possible framework for the future governance of the Oregon**
4 **Medical Marijuana Program, including:**

5 **“(A) Proper oversight and regulation of each of the following:**

6 **“(i) Registry identification cardholders and designated primary**
7 **caregivers, as those terms are defined in ORS 475B.410;**

8 **“(ii) Attending physicians, as defined in ORS 475B.410;**

9 **“(iii) Marijuana grow sites, as defined in ORS 475B.410;**

10 **“(iv) Marijuana processing sites, as defined in ORS 475B.410; and**

11 **“(v) Medical marijuana dispensaries, as defined in ORS 475B.410;**

12 **“(B) Necessary amendments to the laws of the state pertaining to**
13 **cannabis, including any necessary amendments to ORS 475B.010 to**
14 **475B.395 and 475B.400 to 475B.525; and**

15 **“(C) The future role of the commission with respect to the possible**
16 **framework.**

17 **“(b) Steps that the state must take, whether administrative or leg-**
18 **islative in nature, to ensure that research on cannabis and cannabis-**
19 **derived products is being conducted for public purposes, including the**
20 **advancement of:**

21 **“(A) Public health policy and public safety policy;**

22 **“(B) Agronomic and horticultural best practices; and**

23 **“(C) Medical and pharmacopoeial best practices.**

24 **“(2) In determining the possible framework for the future**
25 **governance of the Oregon Medical Marijuana Program under sub-**
26 **section (1)(a) of this section, the commission shall consider:**

27 **“(a) Potential factors that could prevent access to cannabis for**
28 **medical use;**

29 **“(b) Potential laws and rules that will facilitate access to cannabis**
30 **for medical use; and**

1 “(c) The impact of federal laws, regulations and policies on the
2 possible framework.

3 “(3) On or before December 15, 2017, the commission shall submit
4 a report in the manner prescribed by ORS 192.245 to the interim com-
5 mittees of the Legislative Assembly related to health and judiciary on
6 the findings and determinations made by the commission under sub-
7 section (1) of this section. As part of the report, the commission may
8 make recommendations for legislation.

9 “(4) For purposes of making recommendations for legislation under
10 subsection (3) of this section, after the effective date of this 2017 Act
11 and on or before December 15, 2017, the commission may request an
12 interim committee of the Legislative Assembly related to health or
13 judiciary to direct the Legislative Counsel to prepare legislative con-
14 cepts for the commission’s consideration.

15 “SECTION 5. Section 4 of this 2017 Act is repealed on July 1, 2018.

16 “SECTION 6. In addition to any other duty prescribed by law, the
17 Oregon Cannabis Commission shall:

18 “(1) Provide advice to the Oregon Health Authority with respect to
19 the administration of ORS 475B.400 to 475B.525;

20 “(2) Provide advice to the Oregon Liquor Control Commission with
21 respect to the administration of ORS 475B.010 to 475B.395, insofar as
22 those statutes pertain to registry identification cardholders and des-
23 ignated primary caregivers, as those terms are defined in ORS
24 475B.410;

25 “(3) Develop a long-term strategic plan for ensuring that cannabis
26 will remain a therapeutic option for persons with debilitating medical
27 conditions as defined in ORS 475B.410;

28 “(4) Develop a long-term strategic plan for ensuring that cannabis
29 will remain affordable for persons with debilitating medical conditions
30 as defined in ORS 475B.410; and

1 “(5) Monitor and study federal laws, regulations and policies re-
2 garding marijuana.

3
4 “MARIJUANA GROW SITE TRANSFERS TO
5 OREGON LIQUOR CONTROL COMMISSION LICENSEES

6
7 “SECTION 7. Section 8 of this 2017 Act is added to and made a part
8 of ORS 475B.400 to 475B.525.

9 “SECTION 8. A marijuana grow site may transfer up to 20 pounds
10 of usable marijuana per year to a person that holds a license issued
11 under ORS 475B.090 or 475B.100, provided that:

12 “(1) The transfer is tracked using the system developed and main-
13 tained under ORS 475B.150;

14 “(2) More than 12 mature marijuana plants are produced at the
15 marijuana grow site;

16 “(3) The usable marijuana has been assigned to the person respon-
17 sible for the marijuana grow site pursuant to ORS 475B.425;

18 “(4) The usable marijuana has been tested in accordance with the
19 provisions of ORS 475B.550 to 475B.590; and

20 “(5) The marijuana grow site first registered with the Oregon
21 Health Authority under ORS 475B.420 on or before the effective date
22 of this 2017 Act.

23
24 “DESIGNATED PRIMARY CAREGIVERS

25
26 “SECTION 9. Section 10 of this 2017 Act is added to and made a part
27 of ORS 475B.400 to 475B.525.

28 “SECTION 10. A designated primary caregiver may assist the des-
29 ignating registry identification cardholder with any matter related to
30 the medical use of marijuana, including:

1 **“(B) For immature marijuana plants that are less than 24 inches in**
2 **height, six times the applicable number of mature marijuana plants**
3 **that the person may produce for the registry identification cardholder**
4 **under ORS 475B.428.**

5 **“(c) The address of a person responsible for a marijuana grow site**
6 **registered under ORS 475B.420 may not be used to produce immature**
7 **marijuana plants in excess of the following:**

8 **“(A) For immature marijuana plants that are 24 inches or more in**
9 **height, three times the applicable number of mature marijuana plants**
10 **that may be produced at the address under ORS 475B.428; and**

11 **“(B) For immature marijuana plants that are less than 24 inches in**
12 **height, six times the applicable number of mature marijuana plants**
13 **that may be produced at the address under ORS 475B.428.**

14 **“(2) Subject to the limits described in subsection (1)(b) and (c) of**
15 **this section, if multiple persons responsible for a marijuana grow site**
16 **under ORS 475B.420 are located at the same address, the persons des-**
17 **ignated to produce marijuana by registry identification cardholders**
18 **who are located at that address may collectively produce marijuana**
19 **plants for any number of registry identification cardholders who des-**
20 **ignate the persons to produce marijuana.**

21 **“(3) If a law enforcement officer determines that there is a number**
22 **of marijuana plants at an address in excess of the quantities specified**
23 **in this section, or that an address is being used to produce a number**
24 **of marijuana plants in excess of the quantities specified in subsection**
25 **(1)(b) of this section, the law enforcement officer may confiscate only**
26 **the excess number of marijuana plants.**

27 **“SECTION 13.** If Senate Bill 1057 becomes law, ORS 475B.428, as
28 amended by section 23, chapter 24, Oregon Laws 2016, and section 37, chapter
29 ____, Oregon Laws 2017 (Enrolled Senate Bill 1057), is amended to read:

30 **“475B.428. (1)(a) A registry identification cardholder and the designated**

1 primary caregiver of the registry identification cardholder may jointly
2 possess[:]

3 “[A] six or fewer mature marijuana plants[; *and*].

4 **“(b) Unless an address is the marijuana grow site of a person des-**
5 **ignated to produce marijuana by a registry identification cardholder,**
6 **the address where a registry identification cardholder or the primary**
7 **caregiver of a registry identification cardholder produces marijuana**
8 **may be used to produce not more than six mature marijuana plants.**

9 “[B] *Twelve or fewer immature marijuana plants.*]

10 “[b] *Unless an address is the marijuana grow site of a person designated*
11 *to produce marijuana by a registry identification cardholder, the address*
12 *where a registry identification cardholder or the primary caregiver of a regis-*
13 *try identification cardholder produces marijuana may be used to produce not*
14 *more than:*]

15 “[A] *Six or fewer mature marijuana plants; and*]

16 “[B] *Twelve or fewer immature marijuana plants.*]

17 “(2)(a) A person may be designated to produce marijuana under ORS
18 475B.420 by no more than four registry identification cardholders.

19 “(b) A person who is designated to produce marijuana by a registry
20 identification cardholder may produce no more than six mature marijuana
21 plants [*and no more than 12 immature marijuana plants*] for a registry iden-
22 tification cardholder who designates the person to produce marijuana.

23 “(3) If the address of a person responsible for a marijuana grow site under
24 ORS 475B.420 is located within city limits in an area zoned for residential
25 use:

26 “(a) Except as provided in paragraph (b) of this subsection, no more than
27 12 mature marijuana plants [*and no more than 24 immature marijuana*
28 *plants*] may be produced at the address; or

29 “(b) Subject to subsection (5) of this section, if each person responsible
30 for a marijuana grow site located at the address first registered with the

1 Oregon Health Authority under ORS 475B.420 before January 1, 2015,[:]

2 “[A)] no more than the amount of mature marijuana plants located at
3 that address on December 31, 2014, in excess of 12 mature marijuana plants,
4 not to exceed 24 mature marijuana plants, may be produced at the
5 address.[: and]

6 “[B) *No more than 48 immature marijuana plants may be produced at the*
7 *address.*]

8 “(4) If the address of a person responsible for a marijuana grow site under
9 ORS 475B.420 is located in an area other than an area described in sub-
10 section (3) of this section:

11 “(a) Except as provided in paragraph (b) of this subsection, no more than
12 48 mature marijuana plants [*and no more than 96 immature marijuana*
13 *plants*] may be produced at the address; or

14 “(b) Subject to subsections (5) and (6) of this section, if each person re-
15 sponsible for a marijuana grow site located at the address first registered
16 with the authority under ORS 475B.420 before January 1, 2015,[:]

17 “[A)] no more than the amount of mature marijuana plants located at
18 that address on December 31, 2014, in excess of 48 mature marijuana plants,
19 not to exceed 96 mature marijuana plants, may be produced at the
20 address.[: and]

21 “[B) *No more than 192 immature marijuana plants may be produced at the*
22 *address.*]

23 “(5) If the authority suspends or revokes the registration of a person re-
24 sponsible for a marijuana grow site that is located at an address described
25 in subsection (3)(b) or (4)(b) of this section:

26 “(a) No more than 12 mature marijuana plants [*and no more than 24 im-*
27 *mature marijuana plants*] may be subsequently produced at any address de-
28 scribed in subsection (3) of this section at which the person responsible for
29 that marijuana grow site produces marijuana.

30 “(b) No more than 48 mature marijuana plants [*and no more than 96 im-*

1 *mature marijuana plants*] may be subsequently produced at any address de-
2 scribed in subsection (4) of this section at which the person responsible for
3 that marijuana grow site produces marijuana.

4 “(6) If a registry identification cardholder who designated a person to
5 produce marijuana for the registry identification cardholder pursuant to ORS
6 475B.420 terminates the designation, the person responsible for the marijuana
7 grow site whose designation has been terminated may not be designated to
8 produce marijuana by another registry identification cardholder, except that
9 the person may be designated by another registry identification cardholder
10 if no more than 48 mature marijuana plants [*and no more than 96 immature*
11 *marijuana plants*] are produced at the address for the marijuana grow site
12 at which the person produces marijuana.

13 “(7) Subject to the limits described in subsections (2) to (6) of this section,
14 if multiple persons responsible for a marijuana grow site under ORS 475B.420
15 are located at the same address, the persons designated to produce marijuana
16 by registry identification cardholders who are located at that address may
17 collectively produce marijuana plants for any number of registry identifica-
18 tion cardholders who designate the persons to produce marijuana.

19 “(8) If a law enforcement officer determines that there is a number of
20 marijuana plants at an address in excess of the quantities specified in this
21 section, or that an address is being used to produce a number of marijuana
22 plants in excess of the quantities specified in subsection (1)(b) of this section,
23 the law enforcement officer may confiscate only the excess number of
24 marijuana plants.

25 **“SECTION 14.** If Senate Bill 1057 becomes law, section 33, chapter 24,
26 Oregon Laws 2016, as amended by section 38, chapter ___, Oregon Laws 2017
27 (Enrolled Senate Bill 1057), is amended to read:

28 **“Sec. 33.** (1) As used in this section, ‘designated primary caregiver,’ ‘im-
29 mature marijuana plant,’ ‘marijuana,’ ‘medical cannabinoid product’ and
30 ‘registry identification cardholder’ have the meanings given those terms in

1 ORS 475B.410.

2 “(2) A city or county may not adopt an ordinance, by referral or other-
3 wise, that prohibits or otherwise limits:

4 “(a) The privileges described in ORS 475B.245; or

5 “(b) The right of a registry identification cardholder and the designated
6 primary caregiver of a registry identification cardholder to:

7 “(A) Possess the seeds of marijuana, immature marijuana plants or med-
8 ical cannabinoid products as described in ORS 475B.400 to 475B.525;

9 “(B) Jointly possess up to six mature marijuana plants [*and up to 12 im-*
10 *mature marijuana plants*] under ORS 475B.428 (1) **and up to the applicable**
11 **amount of immature marijuana plants as specified in section 12 of this**
12 **2017 Act**; or

13 “(C) Jointly possess up to 24 ounces of usable marijuana under ORS
14 475B.430 (1).

15

16

“TRACKING

17

18 “**SECTION 15. Sections 16 and 17 of this 2017 Act are added to and**
19 **made a part of ORS 475B.400 to 475B.525.**

20 “**SECTION 16. Section 40, chapter ___, Oregon Laws 2017 (Enrolled**
21 **Senate Bill 1057) does not authorize the Oregon Health Authority or**
22 **the Oregon Liquor Control Commission to require a marijuana grow**
23 **site to use a security system or any component of a security system,**
24 **such as video surveillance, an alarm system, sensors or physical bar-**
25 **riers.**

26 “**SECTION 17. Evidence of a violation of ORS 475B.400 to 475B.525**
27 **discovered during an inspection or investigation of a marijuana grow**
28 **site located at a primary residence pursuant to section 40, chapter ___,**
29 **Oregon Laws 2017 (Enrolled Senate Bill 1057) is not admissible at a civil**
30 **or criminal proceeding unless the evidence was discovered as the direct**

1 **result of using the system developed and maintained under ORS**
2 **475B.150.**

3 **“SECTION 18.** If Senate Bill 1057 becomes law, section 41, chapter ___,
4 Oregon Laws 2017 (Enrolled Senate Bill 1057), is amended to read:

5 **“Sec. 41.** *[(1) For purposes of subjecting marijuana grow sites, marijuana*
6 *processing sites and medical marijuana dispensaries to tracking under section*
7 *40 of this 2017 Act:]*

8 *“[(a) On or before September 1, 2017, the Oregon Health Authority shall*
9 *notify marijuana grow sites, marijuana processing sites and medical*
10 *marijuana dispensaries of the requirements of this section and section 40 of*
11 *this 2017 Act;]*

12 *“[(b) On or before December 1, 2017, each marijuana grow site, marijuana*
13 *processing site and medical marijuana dispensary located in this state shall*
14 *notify the authority in a form and manner prescribed by the authority as to*
15 *whether the marijuana grow site, marijuana processing site or medical*
16 *marijuana dispensary is electing to remain registered under ORS 475B.400 to*
17 *475B.525 and be subject to tracking or is electing to apply for licensure under*
18 *ORS 475B.010 to 475B.395;]*

19 *“[(c) If the marijuana grow site, marijuana processing site or medical*
20 *marijuana dispensary elects to apply for licensure under ORS 475B.010 to*
21 *475B.395, the marijuana grow site, marijuana processing site or medical*
22 *marijuana dispensary must have filed an application with the Oregon Liquor*
23 *Control Commission under ORS 475B.040 on or before January 1, 2018; and]*

24 *“[(d) If the marijuana grow site, marijuana processing site or medical*
25 *marijuana dispensary elects to remain registered under ORS 475B.400 to*
26 *475B.525 and be subject to tracking, the marijuana grow site, marijuana pro-*
27 *cessing site or medical marijuana dispensary is subject to tracking beginning*
28 *on or before July 1, 2018.]*

29 *“[(2) If a marijuana grow site, marijuana processing site or medical*
30 *marijuana dispensary does not make an election as required by subsection (1)*

1 of this section on or before January 1, 2018, the authority may not renew the
2 registration of the marijuana grow site, marijuana processing site or medical
3 marijuana dispensary.]

4 “[3] If a marijuana grow site, marijuana processing site or medical
5 marijuana dispensary is not in compliance with subsection (1)(d) of this section
6 on or before July 1, 2018, the authority may not renew the registration of the
7 marijuana grow site, marijuana processing site or medical marijuana
8 dispensary unless the marijuana grow site, marijuana processing site or med-
9 ical marijuana dispensary has an application on file with the commission un-
10 der ORS 475B.040 and the commission has not proposed to deny the
11 application.]

12 “[4] The authority and the commission shall share information as neces-
13 sary to implement this section.]

14 **“(1) For purposes of subjecting marijuana grow sites, marijuana
15 processing sites and medical marijuana dispensaries to tracking under
16 section 40, chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 1057):**

17 **“(a) On or before November 1, 2017, the Oregon Health Authority
18 shall notify marijuana grow sites, marijuana processing sites and
19 medical marijuana dispensaries of the requirements of this section and
20 section 40, chapter ___, Oregon Laws 2017 (Enrolled Senate Bill 1057);**

21 **“(b) On or before July 1, 2018, each marijuana grow site located at
22 an address at which more than 12 mature marijuana plants are
23 produced must notify the authority in a form and manner prescribed
24 by the authority as to whether the marijuana grow site will reduce the
25 number of mature marijuana plants at the marijuana grow site to 12
26 or fewer mature marijuana plants; and**

27 **“(c) Each marijuana grow site, marijuana processing site or medical
28 marijuana dispensary must be subject to tracking on or before Janu-
29 ary 1, 2019.**

30 **“(2) If a marijuana grow site, marijuana processing site or medical**

1 marijuana dispensary does not comply with subsection (1)(c) of this
2 section, the authority may not renew the registration of the marijuana
3 grow site, marijuana processing site or medical marijuana dispensary.

4 “(3) The authority and the Oregon Liquor Control Commission shall
5 share information as necessary to implement this section.

6 “SECTION 19. Notwithstanding section 40 (10), chapter __, Oregon
7 Laws 2017 (Enrolled Senate Bill 1057), section 40, chapter __, Oregon
8 Laws 2017 (Enrolled Senate Bill 1057) does not apply to a marijuana
9 grow site located at an address where a registry identification
10 cardholder produces marijuana and no more than 12 mature marijuana
11 plants and 36 immature marijuana plants are produced at the address.

12 “SECTION 20. If Senate Bill 1057 does not become law, sections 11,
13 12, 15, 16, 17 and 19 of this 2017 Act are repealed.

14

15

“TECHNICAL PROVISIONS

16

17 “SECTION 21. If a city or county enacts or has enacted an ordi-
18 nance prohibiting or allowing marijuana processing sites registered
19 under ORS 475B.435 or medical marijuana dispensaries registered un-
20 der ORS 475B.450, the governing body of the city or the county may
21 amend the ordinance, without referring the amendment to the electors
22 of the city or county under ORS 475B.800, to prohibit or allow a
23 licensee, as defined in ORS 475B.015, that has been designated an ex-
24 clusively medical licensee under section 24, 25, 26 or 27, chapter __,
25 Oregon Laws 2017 (Enrolled Senate Bill 1057).

26

27

“MISCELLANEOUS

28

29 “SECTION 22. (1) Notwithstanding the term of office specified by
30 section 1 (2) of this 2017 Act, of the members first appointed to the

1 **Oregon Cannabis Commission:**

2 **“(a) Two shall serve for terms ending January 1, 2019.**

3 **“(b) Two shall serve for terms ending January 1, 2020.**

4 **“(c) Two shall serve for terms ending January 1, 2021.**

5 **“(d) Two shall serve for terms ending January 1, 2022.**

6 **“(2) Notwithstanding the confirmation requirement specified in**
7 **section 1 (3) of this 2017 Act, the Governor shall appoint members to**
8 **the Oregon Cannabis Commission as soon as practicable after the ef-**
9 **fective date of this 2017 Act and the members may perform their duties**
10 **under sections 4 and 6 of this 2017 Act before being confirmed.**

11 **“SECTION 23. The unit captions used in this 2017 Act are provided**
12 **only for the convenience of the reader and do not become part of the**
13 **statutory law of this state or express any legislative intent in the**
14 **enactment of this 2017 Act.**

15 **“SECTION 24. This 2017 Act being necessary for the immediate**
16 **preservation of the public peace, health and safety, an emergency is**
17 **declared to exist, and this 2017 Act takes effect on its passage.”.**

18
