

SB 56-27  
(LC 685)  
5/25/17 (MBM/ps)

Requested by JOINT COMMITTEE ON MARIJUANA REGULATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 56**

1 On page 1 of the printed bill, line 2, delete “and declaring an  
2 emergency” and insert “creating new provisions; amending ORS 475B.135 and  
3 section 2, chapter 18, Oregon Laws 2017 (Enrolled Senate Bill 863); and pre-  
4 scribing an effective date”.

5 Delete lines 4 through 29 and delete page 2 and insert:  
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7 **“IMMEDIATE SUSPENSION OF LICENSE FOR**  
8 **DIVERTING MARIJUANA ITEMS INTO BLACK MARKET**  
9

10 **“SECTION 1. Section 2 of this 2017 Act is added to and made a part**  
11 **of ORS 475B.010 to 475B.395.**

12 **“SECTION 2. (1) The Legislative Assembly finds and declares that**  
13 **the unregulated commerce of marijuana items constitutes a serious**  
14 **danger to public health and safety.**

15 **“(2) In addition to any other disciplinary action available to the**  
16 **Oregon Liquor Control Commission under ORS 475B.010 to 475B.395,**  
17 **the commission may immediately restrict, suspend or refuse to renew**  
18 **a license issued under ORS 475B.010 to 475B.395 if circumstances create**  
19 **probable cause for the commission to conclude that a licensee has**  
20 **purchased or received a marijuana item from an unlicensed source or**  
21 **that a licensee has sold, stored or transferred a marijuana item in a**

1 manner that is not permitted by the licensee’s license.

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3 **“LOCAL GOVERNMENT VERIFICATION**  
4 **OF LAWFUL ACTIVITY**

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6 **“SECTION 3. Section 4 of this 2017 Act is added to and made a part**  
7 **of ORS 475B.010 to 475B.395.**

8 **“SECTION 4. The Oregon Liquor Control Commission shall main-**  
9 **tain a telephone hotline for the purpose of informing a person desig-**  
10 **nated by a city or a county to contact the commission about whether**  
11 **an address is the location of a premises for which a license has been**  
12 **issued under ORS 475B.010 to 475B.395 or is the location of a premises**  
13 **for which an application for licensure has been submitted under ORS**  
14 **475B.040.**

15 **“SECTION 5. Section 6 of this 2017 Act is added to and made a part**  
16 **of ORS 475B.400 to 475B.525.**

17 **“SECTION 6. (1) The Oregon Health Authority shall maintain a**  
18 **telephone hotline for the purpose of informing a person designated by**  
19 **a city or a county to contact the authority about whether an address**  
20 **is the location of a marijuana grow site, marijuana processing site or**  
21 **medical marijuana dispensary or is the proposed location of a**  
22 **marijuana grow site, marijuana processing site or medical marijuana**  
23 **dispensary.**

24 **“(2) The authority may disclose the address of a marijuana grow**  
25 **site for purposes of this section notwithstanding ORS 475B.460.**

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27 **“PROCESSING BY SMALL PRODUCERS**

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29 **“SECTION 7. Section 8 of this 2017 Act is added to and made a part**  
30 **of ORS 475B.010 to 475B.395.**

1 **“SECTION 8. (1) Notwithstanding ORS 475B.090, a marijuana pro-**  
2 **ducer that holds a license issued under ORS 475B.070 and has a mature**  
3 **marijuana plant grow canopy described in subsection (2) of this section**  
4 **may process marijuana into a cannabinoid concentrate if the process**  
5 **involves separating cannabinoids from marijuana by:**

6 **“(a) A mechanical process; or**

7 **“(b) An extraction process using water as the solvent.**

8 **“(2) To be eligible to process marijuana into a cannabinoid concen-**  
9 **trate under this section, a marijuana producer must have a mature**  
10 **marijuana plant grow canopy, as restricted by the Oregon Liquor**  
11 **Control Commission under ORS 475B.075, that does not exceed:**

12 **“(a) For marijuana grown outdoors, 5,000 square feet; or**

13 **“(b) For marijuana grown indoors, 1,250 square feet.**

14 **“(3) The processing of marijuana under this section must comport**  
15 **with any reasonable condition adopted under ORS 475B.340 that is im-**  
16 **posed on the manner in which a marijuana processor licensed under**  
17 **ORS 475B.090 may process marijuana.**

18 **“SECTION 9. ORS 475B.135 is amended to read:**

19 **“475B.135. As is necessary to protect the public health and safety, the**  
20 **Oregon Liquor Control Commission may require a premises licensed under**  
21 **ORS 475B.070, 475B.090, 475B.100 or 475B.110 to be segregated into separate**  
22 **areas:**

23 **“(1) For conducting the activities permitted under each license if the**  
24 **licensee holds more than one license issued under ORS 475B.070, 475B.090,**  
25 **475B.100 or 475B.110; [or]**

26 **“(2) For conducting activities related to processing marijuana into dif-**  
27 **ferent types of cannabinoid products, cannabinoid concentrates or**  
28 **cannabinoid extracts, if the licensee is a marijuana processor that processes**  
29 **marijuana into any combination of different types of products, concentrates**  
30 **and extracts[.]; or**

1       **“(3) For producing marijuana and processing marijuana as de-**  
2 **scribed in section 8 of this 2017 Act, if the licensee is a marijuana**  
3 **producer that processes marijuana as described in section 8 of this 2017**  
4 **Act.**

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6                   **“RETENTION OF CONSUMER INFORMATION**

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8       **“SECTION 10.** Section 2, chapter 18, Oregon Laws 2017 (Enrolled Senate  
9 Bill 863), is amended to read:

10       **“Sec. 2.** (1) As used in this section, ‘information that may be used to  
11 identify a consumer’ means information that may be acquired through the  
12 production of a piece of identification as described in ORS 475B.170, whether  
13 the information is contained in a piece of identification described in ORS  
14 475B.170 or in a different document or record.

15       “(2) A consumer may not be required to procure for the purpose of ac-  
16 quiring or purchasing a marijuana item a piece of identification other than:

17       “(a) A piece of identification described in ORS 475B.170; and

18       “(b) If the consumer is a registry identification cardholder, as defined in  
19 ORS 475B.410, a registry identification card, as defined in ORS 475B.410.

20       “(3) A marijuana retailer may not record and retain any information that  
21 may be used to identify a consumer, **except as necessary to make deliv-**  
22 **eries to consumers pursuant to ORS 475B.160 (3), as required by any**  
23 **rules adopted under ORS 475B.160 (3).**

24       “(4) A marijuana retailer may not transfer any information that may be  
25 used to identify a consumer to any other person.

26       “(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer  
27 may record and retain the name and contact information of a consumer for  
28 the purpose of notifying the consumer of services that the marijuana retailer  
29 provides or of discounts, coupons and other marketing information if:

30       “(A) The marijuana retailer asks the consumer whether the marijuana

1 retailer may record and retain the information; and

2 “(B) The consumer consents to the recording and retention of the infor-  
3 mation.

4 “(b) This subsection does not authorize a marijuana retailer to transfer  
5 information that may be used to identify a consumer.

6 “(6) This section does not apply to deidentified information the documen-  
7 tation and transfer of which is required by the Department of Revenue for  
8 purposes of section 2, chapter 91, Oregon Laws 2016.

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**“OPERATIVE DATE FOR  
SECTIONS 4 AND 6 OF ACT**

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13 **“SECTION 11. (1) Sections 4 and 6 of this 2017 Act become operative  
14 on January 1, 2018.**

15 **“(2) The Oregon Liquor Control Commission and the Oregon Health  
16 Authority may take any action before the operative date specified in  
17 subsection (1) of this section that is necessary to enable the commis-  
18 sion and the authority to exercise, on and after the operative date  
19 specified in subsection (1) of this section, all of the duties, functions  
20 and powers conferred on the commission and the authority by sections  
21 4 and 6 of this 2017 Act.**

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**“CAPTIONS**

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

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**“EFFECTIVE DATE**

1 **“SECTION 13. This 2017 Act takes effect on the 91st day after the**  
2 **date on which the 2017 regular session of the Seventy-ninth Legislative**  
3 **Assembly adjourns sine die.”.**

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