

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 56**

1 On page 1 of the printed bill, line 2, after the semicolon insert “amending
2 ORS 475B.428; repealing section 36, chapter ____, Oregon Laws 2017 (En-
3 rolled Senate Bill 1057);”.

4 Delete lines 4 through 29 and delete page 2 and insert:

5 **“SECTION 1.** If Senate Bill 1057 becomes law, ORS 475B.428, as amended
6 by section 23, chapter 24, Oregon Laws 2016, and section 37, chapter ____,
7 Oregon Laws 2017 (Enrolled Senate Bill 1057), is amended to read:

8 “475B.428. (1)(a) A registry identification cardholder and the designated
9 primary caregiver of the registry identification cardholder may jointly pos-
10 sess:

11 “(A) Six or fewer mature marijuana plants; and

12 “(B) Twelve or fewer immature marijuana plants.

13 “[*b*] **(b)(A)** Unless an address is the marijuana grow site of a person
14 designated to produce marijuana by a registry identification cardholder, the
15 address where a registry identification cardholder or the primary caregiver
16 of a registry identification cardholder produces marijuana may be used to
17 produce not more than:

18 “[*A*] **(i)** Six or fewer mature marijuana plants **per registry identifica-**
19 **tion cardholder, up to 12 mature marijuana plants;** and

20 “[*B*] **(ii)** Twelve or fewer immature marijuana plants **per registry**
21 **identification cardholder, up to 24 immature marijuana plants.**

1 **“(B) Except as provided in subparagraph (C) of this paragraph, an**
2 **address that is subject to this paragraph may not be used to produce**
3 **marijuana plants pursuant to ORS 475B.245.**

4 **“(C) Subject to subparagraph (D) of this paragraph, an address that**
5 **is subject to this paragraph may be used to produce marijuana plants**
6 **pursuant to ORS 475B.245 if a person other than a registry identifica-**
7 **tion cardholder who is using the address to produce marijuana plants**
8 **pursuant to ORS 475B.400 to 475B.525 resides at the address.**

9 **“(D) An address that is subject to this paragraph may not be used**
10 **to produce more than 12 total mature marijuana plants.**

11 “(2)(a) A person may be designated to produce marijuana under ORS
12 475B.420 by no more than four registry identification cardholders.

13 “(b) A person who is designated to produce marijuana by a registry
14 identification cardholder may produce no more than six mature marijuana
15 plants and no more than 12 immature marijuana plants **that are 24 inches**
16 **or more in height** for a registry identification cardholder who designates
17 the person to produce marijuana.

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

21 “(a) Except as provided in paragraph (b) of this subsection, no more than
22 12 mature marijuana plants and no more than 24 immature marijuana plants
23 **that are 24 inches or more in height** may be produced at the address; or

24 “(b) Subject to subsection (5) of this section, if each person responsible
25 for a marijuana grow site located at the address first registered with the
26 Oregon Health Authority under ORS 475B.420 before January 1, 2015:

27 “(A) No more than the amount of mature marijuana plants located at that
28 address on December 31, 2014, in excess of 12 mature marijuana plants, not
29 to exceed 24 mature marijuana plants, may be produced at the address; and

30 “(B) No more than 48 immature marijuana plants **that are 24 inches or**

1 **more in height** may be produced at the address.

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

5 “(a) Except as provided in paragraph (b) of this subsection, no more than
6 48 mature marijuana plants and no more than 96 immature marijuana plants
7 **that are 24 inches or more in height** may be produced at the address; or

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

11 “(A) No more than the amount of mature marijuana plants located at that
12 address on December 31, 2014, in excess of 48 mature marijuana plants, not
13 to exceed 96 mature marijuana plants, may be produced at the address; and

14 “(B) No more than 192 immature marijuana plants **that are 24 inches**
15 **or more in height** may be produced at the address.

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

19 “(a) No more than 12 mature marijuana plants and no more than 24 im-
20 mature marijuana plants **that are 24 inches or more in height** may be
21 subsequently produced at any address described in subsection (3) of this
22 section at which the person responsible for that marijuana grow site
23 produces marijuana.

24 “(b) No more than 48 mature marijuana plants and no more than 96 im-
25 mature marijuana plants **that are 24 or more inches in height** may be
26 subsequently produced at any address described in subsection (4) of this
27 section at which the person responsible for that marijuana grow site
28 produces marijuana.

29 “(6) If a registry identification cardholder who designated a person to
30 produce marijuana for the registry identification cardholder pursuant to ORS

1 475B.420 terminates the designation, the person responsible for the marijuana
2 grow site whose designation has been terminated may not be designated to
3 produce marijuana by another registry identification cardholder, except that
4 the person may be designated by another registry identification cardholder
5 if no more than 48 mature marijuana plants and no more than 96 immature
6 marijuana plants **that are 24 or more inches in height** are produced at the
7 address for the marijuana grow site at which the person produces marijuana.

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

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

20 **“SECTION 2. If Senate Bill 1057 becomes law, section 36, chapter**
21 **___, Oregon Laws 2017 (Enrolled Senate Bill 1057), is repealed.**

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

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