

SB 1544 -3, -4, -7, -9, -10, -11 STAFF MEASURE SUMMARY

Senate Committee On Rules

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 2/13

WHAT THE MEASURE DOES:

Eliminates the testing requirements applicable to marijuana that is received from a Oregon Medical Marijuana Program registry identification cardholder (cardholder) or the cardholder's designated primary caregiver, processed by a licensed recreational marijuana processor and subsequently returned to the cardholder or caregiver in the form of cannabinoid products, concentrates or extracts. Expands class of persons who may provide marijuana to, and receive cannabinoid products, concentrates or extracts from, a licensed recreational marijuana processor, to include certain persons who produce marijuana for a cardholder. Modifies plant limitations applicable to address where cardholder, or their primary caregiver, produces marijuana. Modifies plant limitations applicable to medical marijuana grow sites.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 3 Replaces the measure. Expands definition of immature marijuana plant, for purposes of recreational and medical marijuana statutes, to include a plant cutting, scions and germinating seeds, that are intended to propagate marijuana.
- 4 Replaces the measure. Authorizes recreational marijuana retailers, who are registered with the Oregon Liquor Control Commission for the purpose of selling medical marijuana items, to sell at a discount or provide without charge to a cardholder or the cardholder's designated caregiver, the maximum number of immature marijuana plants that the cardholder or caregiver may possess.
- 7 Replaces the measure. Prohibits cities and counties from adopting ordinances that distinguish between marijuana grow sites that are registered with the Oregon Health Authority's grow site registration system, based on whether the site is subject to authority's tracking system.
- 9 Authorizes local governments to disclose payment distribution amounts that are made pursuant to an agreement with the Department of Revenue to collect, enforce, administer and distribute locally imposed marijuana taxes.
- 10 Requires recreational marijuana retailers who sell industrial hemp products to display those products separately from marijuana products and to attach a label to industrial hemp products that distinguishes those products from marijuana products. Authorizes Oregon Liquor Control Commission (OLCC) to inspect retailers to ensure compliance. Authorizes OLCC to adopt rules.
- 11 Replaces the measure. Exempts cannabinoid products, concentrates and extracts from certain labeling and packaging requirements, when the products, concentrates and extracts are produced from marijuana provided to a marijuana processor by a cardholder or caregiver and the cannabinoid products, concentrates or extracts are subsequently returned to the cardholder or caregiver. Requires use of physical United States Postal Service address, if available, on an application for marijuana grow site registration. Authorizes person designated to produce marijuana for a cardholder to produce marijuana for up to eight cardholders. Modifies maximum number of mature plants, immature plants that are 24 inches or more in height and immature plants that are less than 24 inches in height, that may be grown at certain grow sites. Excludes from medical marijuana tracking system marijuana grow sites where no more than two persons are registered to produce marijuana or where the address is used to produce

marijuana for no more than two persons. Extends sunset, from July 1, 2018, to December 31, 2018, on provision directing Oregon Cannabis Commission to determine possible framework for future governance of the Oregon Medical Marijuana Program and policy steps necessary to ensure cannabis-related research. Declares emergency, effective on passage.

BACKGROUND:

The general rule under ORS 475B.206 is that licensed recreational marijuana producers, processors and wholesalers may only receive marijuana from other licensees. Current law, however, provides an exception to this general rule for marijuana received by a licensed recreational marijuana processor, if the marijuana is provided by a cardholder or the cardholder's primary caregiver, processed into cannabinoid products, concentrates or extracts and returned to the cardholder or caregiver, provided that the processed product is tested and meets certain dosage requirements. Senate Bill 1544 makes two changes to this authority. First, the bill exempts these products, concentrates and extracts from the obligation to be tested. Second, the bill would allow marijuana processors to receive marijuana from, and return cannabinoid products, concentrates or extracts to, certain persons who are designated to produce marijuana for a cardholder.

Medical marijuana cardholders are currently authorized to designate another person to produce marijuana on their behalf. These designated persons may produce marijuana for up to four cardholders and are subject to specified plant limitations, based on the number of cardholders for whom they produce marijuana, whether the address at which the marijuana is produced is within the city limits in an area zoned for residential use, when the person first registered with the Oregon Health Authority and whether the registration of the person responsible for the grow site has been suspended or revoked by the authority or terminated by the cardholder. Senate Bill 1544 modifies these plant limits.