

Senate Bill 1544

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes height limitation on immature marijuana plants produced for medical purposes. Changes possession limit on immature marijuana plants for persons designated to produce marijuana for registry identification cardholders and persons responsible for medical marijuana grow sites. Exempts certain processing of marijuana for medical purposes from testing requirements.

A BILL FOR AN ACT

1
2 Relating to marijuana; creating new provisions; and amending ORS 475B.139, 475B.555, 475B.570 and
3 475B.831.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 475B.139 is amended to read:

6 475B.139. (1) To process marijuana for medical purposes, a marijuana processor that holds a li-
7 cense issued under ORS 475B.090 must register with the Oregon Liquor Control Commission under
8 this section.

9 (2) The commission shall register a marijuana processor for the purpose of processing marijuana
10 for medical purposes if the marijuana processor:

- 11 (a) Holds a license issued under ORS 475B.090;
12 (b) Meets any qualifications adopted by the commission by rule;
13 (c) Applies to the commission in a form and manner prescribed by the commission; and
14 (d) Pays any fee adopted by the commission by rule.

15 (3) A marijuana processor registered under this section may:

16 (a) Process marijuana and usable marijuana into medical grade cannabinoid products,
17 cannabinoid concentrates and cannabinoid extracts; and

18 (b) Notwithstanding ORS 475B.206, receive marijuana and usable marijuana from, and for a fee
19 process that marijuana and usable marijuana into cannabinoid products, cannabinoid concentrates
20 and cannabinoid extracts for, a registry identification cardholder [*or*], the designated primary
21 caregiver of a registry identification cardholder **or a person designated to produce marijuana**
22 **by a registry identification cardholder**, provided that the cannabinoid products, cannabinoid con-
23 centrates and cannabinoid extracts meet the requirements of ORS [*475B.550 to 475B.590 and*]
24 475B.625.

25 (4)(a) The commission shall adopt rules necessary to administer this section.

26 (b) The rules must provide that any fee adopted by the commission under subsection (2)(d) of this
27 section be in an amount reasonably calculated to not exceed, together with other fees collected
28 under ORS 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545.

29 **SECTION 2.** ORS 475B.555 is amended to read:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 475B.555. (1) As is necessary to protect the public health and safety, and in consultation with
2 the Oregon Liquor Control Commission and the State Department of Agriculture, the Oregon Health
3 Authority shall adopt rules:

4 (a) Establishing standards for testing marijuana items.

5 (b) Identifying appropriate tests for marijuana items, depending on the type of marijuana item
6 and the manner in which the marijuana item was produced or processed, that are necessary to
7 protect the public health and safety, including, but not limited to, tests for:

8 (A) Microbiological contaminants;

9 (B) Pesticides;

10 (C) Other contaminants;

11 (D) Solvents or residual solvents; and

12 (E) Tetrahydrocannabinol and cannabidiol concentration.

13 (c) Establishing procedures for determining batch sizes and for sampling usable marijuana,
14 cannabinoid products and cannabinoid concentrates or extracts.

15 (d) Establishing different minimum standards for different varieties of usable marijuana and dif-
16 ferent types of cannabinoid products and cannabinoid concentrates and extracts.

17 (2) In addition to the testing requirements established under subsection (1) of this section, the
18 authority or the commission may require cannabinoid edibles to be tested in accordance with any
19 applicable law of this state, or any applicable rule adopted under a law of this state, related to the
20 production and processing of food products or commodities.

21 (3) In adopting rules under ORS 475B.785 to 475B.949, the authority may require:

22 (a) A person responsible for a marijuana grow site under ORS 475B.810 to test usable marijuana
23 before transferring the usable marijuana to a registrant other than an individual who holds a reg-
24 istry identification card under ORS 475B.797; and

25 (b) A person processing marijuana to test cannabinoid products or cannabinoid concentrates or
26 extracts before transferring the cannabinoid products or cannabinoid concentrates or extracts to a
27 registrant other than an individual who holds a registry identification card under ORS 475B.797.

28 (4) In adopting rules under ORS 475B.010 to 475B.545, the commission may require:

29 (a) A marijuana producer that holds a license under ORS 475B.070 or a marijuana wholesaler
30 that holds a license under ORS 475B.100 to test usable marijuana before selling or transferring the
31 usable marijuana; and

32 (b) **Except as provided under ORS 475B.139**, a marijuana processor that holds a license under
33 ORS 475B.090 or a marijuana wholesaler that holds a license under ORS 475B.100 to test
34 cannabinoid products or cannabinoid concentrates or extracts before selling or transferring the
35 cannabinoid products or cannabinoid concentrates or extracts.

36 (5) The authority and the commission may conduct random testing of marijuana items for the
37 purpose of determining whether a person subject to testing under subsection (3) of this section or
38 a licensee subject to testing under subsection (4) of this section is in compliance with this section.

39 (6) In adopting rules to implement this section, the authority and commission may not require
40 a marijuana item to undergo the same test more than once unless the marijuana item is processed
41 into a different type of marijuana item or the condition of the marijuana item has fundamentally
42 changed.

43 (7) The testing of marijuana items as required by this section must be conducted by a laboratory
44 licensed by the commission under ORS 475B.560 and accredited by the authority under ORS
45 475B.565.

(8) In adopting rules under subsection (1) of this section, the authority:

(a) Shall consider the cost of a potential testing procedure and how that cost will affect the cost to the ultimate consumer of the marijuana item; and

(b) May not adopt rules that are more restrictive than is reasonably necessary to protect the public health and safety.

SECTION 3. ORS 475B.570 is amended to read:

475B.570. ORS 475B.550 to 475B.590 do not apply to:

(1) A person responsible for a marijuana grow site under ORS 475B.810 if the person is transferring usable marijuana or an immature marijuana plant, as defined in ORS 475B.015, to:

(a) A person who holds a registry identification card under ORS 475B.797 and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; or

(b) A person who has been designated as the primary caregiver under ORS 475B.804 of a person who holds a registry identification card under ORS 475B.797 and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; [or]

(2) A person who has been designated as the primary caregiver under ORS 475B.804 of a person who holds a registry identification card under ORS 475B.797 if the person is transferring a marijuana item to the person who holds a registry identification card; or

(3) A marijuana processor registered under ORS 475B.139 when the marijuana processor receives marijuana and usable marijuana from, and for a fee processes that marijuana and usable marijuana into cannabinoid products, cannabinoid concentrates and cannabinoid extracts for, a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

SECTION 4. ORS 475B.831 is amended to read:

475B.831. (1)(a) A registry identification cardholder and the designated primary caregiver of the registry identification cardholder may jointly possess:

(A) Six or fewer mature marijuana plants; and

(B) Twelve or fewer immature marijuana plants.

(b)(A) Unless an address is the marijuana grow site [of] **where** a person designated to produce marijuana by a registry identification cardholder **is registered with the Oregon Health Authority under ORS 475B.810**, the address where a registry identification cardholder or the primary caregiver of a registry identification cardholder produces marijuana may be used to produce not more than:

(i) Six or fewer mature marijuana plants per registry identification cardholder, up to 12 mature marijuana plants; and

(ii) Twelve or fewer immature marijuana plants per registry identification cardholder, up to 24 immature marijuana plants.

(B) Except as provided in subparagraph (C) of this paragraph, an address that is subject to this paragraph may not be used to produce marijuana plants pursuant to ORS 475B.301.

(C) Subject to subparagraph (D) of this paragraph, an address that is subject to this paragraph may be used to produce marijuana plants pursuant to ORS 475B.301 if a person other than a registry identification cardholder who is using the address to produce marijuana plants pursuant to ORS 475B.785 to 475B.949 resides at the address.

(D) An address that is subject to this paragraph may not be used to produce more than 12 total

1 mature marijuana plants.

2 (2)(a) A person may be designated to produce marijuana under ORS 475B.810 by no more than
3 four registry identification cardholders.

4 (b) A person who is designated to produce marijuana by a registry identification cardholder may
5 produce no more than six mature marijuana plants and no more than [12] ____ immature marijuana
6 plants [*that are 24 inches or more in height*] for a registry identification cardholder who designates
7 the person to produce marijuana.

8 (3) If the address of a person responsible for a marijuana grow site under ORS 475B.810 is lo-
9 cated within city limits in an area zoned for residential use:

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

13 (b) Subject to subsection (5) of this section, if each person responsible for a marijuana grow site
14 located at the address first registered with the [*Oregon Health*] authority under ORS 475B.810 before
15 January 1, 2015:

16 (A) No more than the amount of mature marijuana plants located at that address on December
17 31, 2014, in excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants, may
18 be produced at the address; and

19 (B) No more than [48] ____ immature marijuana plants [*that are 24 inches or more in height*] may
20 be produced at the address.

21 (4) If the address of a person responsible for a marijuana grow site under ORS 475B.810 is lo-
22 cated in an area other than an area described in subsection (3) of this section:

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

26 (b) Subject to subsections (5) and (6) of this section, if each person responsible for a marijuana
27 grow site located at the address first registered with the authority under ORS 475B.810 before
28 January 1, 2015:

29 (A) No more than the amount of mature marijuana plants located at that address on December
30 31, 2014, in excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants, may
31 be produced at the address; and

32 (B) No more than [192] ____ immature marijuana plants [*that are 24 inches or more in height*]
33 may be produced at the address.

34 (5) If the authority suspends or revokes the registration of a person responsible for a marijuana
35 grow site that is located at an address described in subsection (3)(b) or (4)(b) of this section:

36 (a) No more than 12 mature marijuana plants and no more than [24] ____ immature marijuana
37 plants [*that are 24 inches or more in height*] may be subsequently produced at any address described
38 in subsection (3) of this section at which the person responsible for that marijuana grow site
39 produces marijuana.

40 (b) No more than 48 mature marijuana plants and no more than [96] ____ immature marijuana
41 plants [*that are 24 or more inches in height*] may be subsequently produced at any address described
42 in subsection (4) of this section at which the person responsible for that marijuana grow site
43 produces marijuana.

44 (6) If a registry identification cardholder who designated a person to produce marijuana for the
45 registry identification cardholder pursuant to ORS 475B.810 terminates the designation, the person

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

7 (7) Subject to the limits described in subsections (2) to (6) of this section, if multiple persons
8 responsible for a marijuana grow site under ORS 475B.810 are located at the same address, the
9 persons designated to produce marijuana by registry identification cardholders who are located at
10 that address may collectively produce marijuana plants for any number of registry identification
11 cardholders who designate the persons to produce marijuana.

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

16 **SECTION 5. (1) The amendments to ORS 475B.570 by section 3 of this 2018 Act apply to**
17 **marijuana processors on and after the effective date of this 2018 Act.**

18 **(2) The amendments to ORS 475B.831 by section 4 of this 2018 Act apply to marijuana**
19 **plants produced on and after the effective date of this 2018 Act.**

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