Senate Bill 1544

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

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

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

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

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

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

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

(a) Holds a license issued under ORS 475B.090;

(b) Meets any qualifications adopted by the commission by rule;

(c) Applies to the commission in a form and manner prescribed by the commission; and

(d) Pays any fee adopted by the commission by rule.

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

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

(b) Notwithstanding ORS 475B.206, receive marijuana and usable marijuana from, and for a fee process that marijuana and usable marijuana into cannabinoid products, cannabinoid concentrates and cannabinoid extracts for, a registry identification cardholder or a person designated to produce marijuana by a registry identification cardholder, provided that the cannabinoid products, cannabinoid concentrates and cannabinoid extracts meet the requirements of ORS 475B.550 to 475B.590 and 475B.625.

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

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

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.

LC 203
475B.555. (1) As is necessary to protect the public health and safety, and in consultation with the Oregon Liquor Control Commission and the State Department of Agriculture, the Oregon Health Authority shall adopt rules:

(a) Establishing standards for testing marijuana items.

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

(A) Microbiological contaminants;

(B) Pesticides;

(C) Other contaminants;

(D) Solvents or residual solvents; and

(E) Tetrahydrocannabinol and cannabidiol concentration.

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

(d) Establishing different minimum standards for different varieties of usable marijuana and different types of cannabinoid products and cannabinoid concentrates and extracts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) If a registry identification cardholder who designated a person to produce marijuana for the registry identification cardholder pursuant to ORS 475B.810 terminates the designation, the person
responsible for the marijuana grow site whose designation has been terminated may not be desig-
nated to produce marijuana by another registry identification cardholder, except that the person
may be designated by another registry identification cardholder if no more than 48 mature
marijuana plants and no more than [96] _____ immature marijuana plants [that are 24 or more inches
in height] are produced at the address for the marijuana grow site at which the person produces
marijuana.

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

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

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

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