

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1544**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest  
2 of the line and line 3 and insert “amending ORS 475B.139, 475B.630, 475B.813,  
3 475B.831 and 475B.895 and section 5, chapter 613, Oregon Laws 2017; and  
4 declaring an emergency.”.

5 Delete lines 5 through 29 and delete pages 2 through 5 and insert:

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

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

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

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

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

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

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

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

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

21 “(b) Notwithstanding ORS 475B.206, receive marijuana and usable

1 marijuana from, and for a fee process that marijuana and usable marijuana  
2 into cannabinoid products, cannabinoid concentrates and cannabinoid ex-  
3 tracts for, a registry identification cardholder or the designated primary  
4 caregiver of a registry identification cardholder, provided that the  
5 cannabinoid products, cannabinoid concentrates and cannabinoid extracts  
6 meet the requirements of ORS 475B.550 to 475B.590 and **the concentration**  
7 **standards adopted under ORS 475B.625.**

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

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

14 **“SECTION 2.** ORS 475B.630 is amended to read:

15 “475B.630. (1) ORS 475B.600 to 475B.655 do not apply to:

16 “[1] (a) A person responsible for a marijuana grow site under ORS  
17 475B.810 if the person is transferring usable marijuana or an immature  
18 marijuana plant, as defined in ORS 475B.015, to:

19 “[a] (A) A person who holds a registry identification card under ORS  
20 475B.797 and who designated the person responsible for the marijuana grow  
21 site to grow marijuana for the person who holds a registry identification  
22 card; or

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

28 “[2] (b) A person who has been designated as the primary caregiver  
29 under ORS 475B.804 of a person who holds a registry identification card  
30 under ORS 475B.797 if the person is transferring a marijuana item to the

1 person who holds a registry identification card.

2 “(2) The labeling and packaging requirements and standards of ORS  
3 475B.600 to 475B.655 do not apply to a marijuana processor registered  
4 under ORS 475B.139 when the marijuana processor receives marijuana  
5 and usable marijuana from, and for a fee processes that marijuana and  
6 usable marijuana into cannabinoid products, cannabinoid concentrates  
7 and cannabinoid extracts for, a registry identification cardholder or  
8 the designated primary caregiver of a registry identification  
9 cardholder.

10 “**SECTION 3.** ORS 475B.813 is amended to read:

11 “475B.813. (1) For purposes of ORS 475B.785 to 475B.949, *[the following*  
12 *forms of evidence shall be sufficient to establish the address where a*  
13 *marijuana grow site is located:]*

14 “[*(a) A tax lot number;*]

15 “[*(b) An assessor’s map number with a map attached, showing the exact*  
16 *location of the marijuana grow site; or]*

17 “[*(c) The exact location of the marijuana grow site using one or more of the*  
18 *following:] if a marijuana grow site has a physical United States Postal*  
19 **Service address, an application filed for a marijuana grow site regis-**  
20 **tration card under ORS 475B.810 must state the physical address. If the**  
21 **grow site does not have a physical United States Postal Service ad-**  
22 **dress, the application must state:**

23 “(a) An assessor’s map number with a map showing the exact lo-  
24 cation of the grow site;

25 “(b) The name of the city or, if outside of a city, the name of the  
26 county in which the grow site is located;

27 “(c) The zip code for the location; and

28 “(d) One or more of the following for the location:

29 “(A) Longitude and latitude coordinates;

30 “(B) Township coordinates; *[or]*

1 “(C) Global positioning system coordinates[.]; **or**

2 **“(D) The tax lot number.**

3 “(2) For purposes of ORS 475B.810, the Oregon Health Authority shall  
4 accept the forms of evidence described in subsection (1) of this section for  
5 the purpose of establishing the address where a marijuana grow site is lo-  
6 cated.

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

8 “475B.831. (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)(A) Unless an address is the marijuana grow site [*of*] **where** a person  
14 designated to produce marijuana by a registry identification cardholder **is**  
15 **registered with the Oregon Health Authority under ORS 475B.810**, the  
16 address where a registry identification cardholder or the primary caregiver  
17 of a registry identification cardholder produces marijuana may be used to  
18 produce not more than:

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

21 “(ii) Twelve or fewer immature marijuana plants per registry identifica-  
22 tion cardholder, up to 24 immature marijuana plants.

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

26 “(C) Subject to subparagraph (D) of this paragraph, an address that is  
27 subject to this paragraph may be used to produce marijuana plants pursuant  
28 to ORS 475B.301 if a person other than a registry identification cardholder  
29 who is using the address to produce marijuana plants pursuant to ORS  
30 475B.785 to 475B.949 resides at the address.

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

3 “(2)(a) A person may be designated to produce marijuana under ORS  
4 475B.810 by no more than *[four]* **eight** registry identification cardholders.

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

10 “**(b) A person responsible for a marijuana grow site may produce for**  
11 **a registry identification cardholder who designates the person to**  
12 **produce marijuana no more than:**

13 “**(A) Six mature marijuana plants;**

14 “**(B) 24 immature marijuana plants that are 24 inches or more in**  
15 **height; and**

16 “**(C) The amount, established by the Oregon Health Authority by**  
17 **rule, of immature marijuana plants that are less than 24 inches in**  
18 **height.**

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

22 “(a) Except as provided in paragraph (b) of this subsection, no more than  
23 **the following amounts of marijuana plants may be produced at the**  
24 **address:**

25 “**(A) 12 mature marijuana plants** *[and no more than];*

26 “**(B) [24] 48** immature marijuana plants that are 24 inches or more in  
27 height *[may be produced at the address; or]; and*

28 “**(C) The amount, established by the authority by rule, of immature**  
29 **marijuana plants that are less than 24 inches in height; or**

30 “(b) Subject to subsection (5) of this section, if each person responsible

1 for a marijuana grow site located at the address first registered with the  
2 [*Oregon Health*] authority under ORS 475B.810 before January 1, 2015[.],

3 “[*(A)*] no more than the **following amounts of marijuana plants may**  
4 **be produced at the address:**

5 “**(A) The** amount of mature marijuana plants located at that address on  
6 December 31, 2014, in excess of 12 mature marijuana plants, not to exceed  
7 24 mature marijuana plants[, *may be produced at the address; and*];

8 “**(B) [No more than 48] 96** immature marijuana plants that are 24 inches  
9 or more in height [*may be produced at the address.*]; **and**

10 “**(C) The amount, established by the authority by rule, of immature**  
11 **marijuana plants that are less than 24 inches in height.**

12 “(4) If the address of a [*person responsible for a*] marijuana grow site  
13 **registered** under ORS 475B.810 is located in an area other than an area de-  
14 scribed in subsection (3) of this section:

15 “(a) Except as provided in paragraph (b) of this subsection, no more than  
16 **the following amounts of marijuana plants may be produced at the**  
17 **address:**

18 “**(A)** 48 mature marijuana plants [*and no more than 96*];

19 “**(B) 192** immature marijuana plants that are 24 inches or more in height  
20 [*may be produced at the address; or*]; **and**

21 “**(C) The amount, established by the authority by rule, of immature**  
22 **marijuana plants that are less than 24 inches in height; or**

23 “(b) Subject to subsections (5) and (6) of this section, if each person re-  
24 sponsible for a marijuana grow site located at the address first registered  
25 with the authority under ORS 475B.810 before January 1, 2015[.],

26 “[*(A)*] no more than the **following amounts of marijuana plants may**  
27 **be produced at the address:**

28 “**(A) The** amount of mature marijuana plants located at that address on  
29 December 31, 2014, in excess of 48 mature marijuana plants, not to exceed  
30 96 mature marijuana plants[, *may be produced at the address; and*];

1 “(B) [*No more than 192*] **384** immature marijuana plants that are 24 inches  
2 or more in height [*may be produced at the address.*]; **and**

3 “(C) **The amount, established by the authority by rule, of immature**  
4 **marijuana plants that are less than 24 inches in height.**

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

8 “[*a*] *No more than 12 mature marijuana plants and no more than 24 im-*  
9 *mature marijuana plants that are 24 inches or more in height may be subse-*  
10 *quently produced at any address described in subsection (3) of this section at*  
11 *which the person responsible for that marijuana grow site produces*  
12 *marijuana.*]

13 “[*b*] *No more than 48 mature marijuana plants and no more than 96 im-*  
14 *mature marijuana plants that are 24 or more inches in height may be subse-*  
15 *quently produced at any address described in Subsection (4) of this section at*  
16 *which the person responsible for that marijuana grow site produces*  
17 *marijuana.*]

18 “**(5)(a) If the authority suspends or revokes the registration of a**  
19 **person responsible for a marijuana grow site that is located at an ad-**  
20 **dress described in subsection (3)(b) of this section, no more than the**  
21 **following amounts of marijuana plants may subsequently be produced**  
22 **at any address described in subsection (3) of this section at which the**  
23 **person responsible for the marijuana grow site produces marijuana:**

24 “(A) **12 mature marijuana plants;**

25 “(B) **48 immature marijuana plants that are 24 inches or more in**  
26 **height; and**

27 “(C) **The amount, established by the authority by rule, of immature**  
28 **marijuana plants that are less than 24 inches in height.**

29 “(b) **If the authority suspends or revokes the registration of a per-**  
30 **son responsible for a marijuana grow site that is located at an address**

1 **described in subsection (4)(b) of this section, no more than the fol-**  
2 **lowing amounts of marijuana plants may subsequently be produced at**  
3 **any address described in subsection (4) of this section at which the**  
4 **person responsible for the marijuana grow site produces marijuana:**

5 **“(A) 48 mature marijuana plants;**

6 **“(B) 192 immature marijuana plants that are 24 inches or more in**  
7 **height; and**

8 **“(C) The amount, established by the authority by rule, of immature**  
9 **marijuana plants that are less than 24 inches in height.**

10 “(6) If a registry identification cardholder who designated a person to  
11 produce marijuana for the registry identification cardholder pursuant to ORS  
12 475B.810 terminates the designation, the person responsible for the marijuana  
13 grow site whose designation has been terminated may not be designated to  
14 produce marijuana by another registry identification cardholder, except that  
15 the person may be designated by another registry identification cardholder  
16 if no more than 48 mature marijuana plants and no more than [96] **192** im-  
17 mature marijuana plants that are 24 or more inches in height are produced  
18 at the address for the marijuana grow site at which the person produces  
19 marijuana.

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

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



1 marijuana plants.

2 **“SECTION 5.** ORS 475B.895 is amended to read:

3 “475B.895. (1) The Oregon Health Authority shall enter into an agreement  
4 with the Oregon Liquor Control Commission under which the commission  
5 shall use the system developed and maintained under ORS 475B.177 to track:

6 “(a) The propagation of immature marijuana plants and the production  
7 of marijuana by marijuana grow sites;

8 “(b) The processing of marijuana into medical cannabinoid products,  
9 cannabinoid concentrates and cannabinoid extracts that are transferred to  
10 a medical marijuana dispensary;

11 “(c) The transfer of usable marijuana, immature marijuana plants, medical  
12 cannabinoid products, cannabinoid concentrates and cannabinoid extracts by  
13 a marijuana grow site or a medical marijuana dispensary to a registry iden-  
14 tification cardholder or the designated primary caregiver of a registry iden-  
15 tification cardholder; and

16 “(d) The transfer of usable marijuana, immature marijuana plants, med-  
17 ical cannabinoid products, cannabinoid concentrates and cannabinoid ex-  
18 tracts between marijuana grow sites, marijuana processing sites and medical  
19 marijuana dispensaries.

20 “(2) Marijuana grow sites, marijuana processing sites, medical marijuana  
21 dispensaries and any other person that processes marijuana into medical  
22 cannabinoid products and cannabinoid concentrates for the purpose of  
23 transferring the medical cannabinoid products and cannabinoid concentrates  
24 to a medical marijuana dispensary are subject to tracking under this section.

25 “(3) On and after the date on which a marijuana grow site becomes sub-  
26 ject to tracking under this section, the person is exempt from the require-  
27 ments of ORS 475B.816 and the provisions of ORS 475B.810 that relate to  
28 ORS 475B.816.

29 “(4) On and after the date on which a marijuana processing site becomes  
30 subject to tracking under this section, the marijuana processing site is ex-

1   empt from the requirements of ORS 475B.846 and the provisions of ORS  
2   475B.840 that relate to ORS 475B.846.

3       “(5) On and after the date on which a medical marijuana dispensary be-  
4   comes subject to tracking under this section, the medical marijuana  
5   dispensary is exempt from the requirements of ORS 475B.867 and the pro-  
6   visions of ORS 475B.858 that relate to ORS 475B.867.

7       “(6) The commission may conduct inspections and investigations of al-  
8   leged violations of ORS 475B.785 to 475B.949 about which the commission  
9   obtains knowledge as a result of performing the commission’s duties under  
10  this section. Notwithstanding ORS 475B.299, the commission may use regu-  
11  latory specialists, as defined in ORS 471.001, to conduct the inspections and  
12  investigations, including inspections and investigations of marijuana grow  
13  sites located at a primary residence.

14       “(7) Notwithstanding ORS 475B.759, before making any other distribution  
15  from the Oregon Marijuana Account established under ORS 475B.759, the  
16  Department of Revenue shall first distribute moneys quarterly from the ac-  
17  count to the commission for deposit in the Marijuana Control and Regu-  
18  lation Fund established under ORS 475B.296 for purposes of paying  
19  administrative, inspection and investigatory costs incurred by the commis-  
20  sion under this section, provided that the amount of distributed moneys does  
21  not exceed \$1.25 million per quarter. For purposes of estimating the amount  
22  of moneys necessary to pay costs incurred under this section, the commission  
23  shall establish a formulary based on expected costs for each marijuana grow  
24  site, marijuana processing site or medical marijuana dispensary that is  
25  tracked under this section. The commission shall provide to the Department  
26  of Revenue and the Legislative Fiscal Officer before each quarter the esti-  
27  mated amount of moneys necessary to pay costs expected to be incurred un-  
28  der this section and the formulary.

29       “(8) When imposing a fee on a person responsible for a marijuana grow  
30  site, marijuana processing site or medical marijuana dispensary under ORS

1 475B.810, 475B.840 or 475B.858, the authority shall impose an additional fee  
2 that is reasonably calculated to pay costs incurred under this section other  
3 than costs paid pursuant to subsection (7) of this section. As part of the  
4 agreement entered into under subsection (1) of this section, the authority  
5 shall transfer fee moneys collected pursuant to this subsection to the com-  
6 mission for deposit in the Marijuana Control and Regulation Fund estab-  
7 lished under ORS 475B.296. Moneys collected pursuant to this subsection and  
8 deposited in the Marijuana Control and Regulation Fund are continuously  
9 appropriated to the commission for purposes of this section.

10 “(9) The authority and the commission may adopt rules as necessary to  
11 administer this section.

12 “(10) This section does not apply to a marijuana grow site located at an  
13 address where:

14 “(a) A registry identification cardholder produces marijuana and no more  
15 than 12 mature marijuana plants and 24 immature marijuana plants are  
16 produced [*at the address.*];

17 “(b) **No more than two persons are registered under ORS 475B.810**  
18 **to produce marijuana; or**

19 “(c) **The address is used to produce marijuana for no more than two**  
20 **registry identification cardholders.**

21 “**SECTION 6.** Section 5, chapter 613, Oregon Laws 2017, is amended to  
22 read:

23 “**Sec. 5.** Section 4 [*of this 2017 Act*], **chapter 613, Oregon Laws 2017**, is  
24 repealed on [*July 1*] **December 31, 2018.**

25 “**SECTION 7. (1) The amendments to ORS 475B.139 and 475B.630 by**  
26 **sections 1 and 2 of this 2018 Act apply to marijuana products trans-**  
27 **ferred on or after the effective date of this 2018 Act.**

28 “(2) **The amendments to ORS 475B.813 by section 3 of this 2018 Act**  
29 **apply to applications submitted on or after the effective date of this**  
30 **2018 Act.**

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

4       **“SECTION 8. (1) The amendments to ORS 475B.895 by section 5 of**  
5 **this 2018 Act become operative on January 1, 2019.**

6       **“(2) The Oregon Health Authority and the Oregon Liquor Control**  
7 **Commission may take any action before the operative date specified**  
8 **in subsection (1) of this section that is necessary for the authority or**  
9 **the commission to exercise, on and after the operative date specified**  
10 **in subsection (1) of this section, all of the duties, functions and powers**  
11 **conferred on the authority and the commission by the amendments**  
12 **to ORS 475B.895 by section 5 of this 2018 Act.**

13       **“SECTION 9. This 2018 Act being necessary for the immediate**  
14 **preservation of the public peace, health and safety, an emergency is**  
15 **declared to exist, and this 2018 Act takes effect on its passage.”.**

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