

# House Bill 2099

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Liquor Control Commission)

## 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**.

Allows transfer of information that may be used to identify consumer of marijuana items if information is protected.

## A BILL FOR AN ACT

1  
2 Relating to marijuana; creating new provisions; and amending ORS 475B.220.

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

4 **SECTION 1.** ORS 475B.220 is amended to read:

5 475B.220. (1) As used in this section, "information that may be used to identify a consumer"  
6 means information that may be acquired through the production of a piece of identification as de-  
7 scribed in ORS 475B.216, whether the information is contained in a piece of identification described  
8 in ORS 475B.216 or in a different document or record.

9 (2) A consumer may not be required to procure for the purpose of acquiring or purchasing a  
10 marijuana item a piece of identification other than:

11 (a) A piece of identification described in ORS 475B.216; and

12 (b) If the consumer is a registry identification cardholder, as defined in ORS 475B.791, a registry  
13 identification card, as defined in ORS 475B.791.

14 (3) A marijuana retailer may not record and retain any information that may be used to identify  
15 a consumer, except as necessary to make deliveries to consumers pursuant to ORS 475B.206 (3), as  
16 required by any rules adopted under ORS 475B.206 (3).

17 (4) A marijuana retailer may not transfer any information that may be used to identify a con-  
18 sumer to any other person **unless, upon transfer, the information is protected by encryption,**  
19 **tokenization or some other method to conceal the identity of the consumer.**

20 (5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and retain  
21 the name and contact information of a consumer for the purpose of notifying the consumer of ser-  
22 vices that the marijuana retailer provides or of discounts, coupons and other marketing information  
23 if:

24 (A) The marijuana retailer asks the consumer whether the marijuana retailer may record and  
25 retain the information; and

26 (B) The consumer consents to the recording and retention of the information.

27 (b) This subsection does not authorize a marijuana retailer to transfer information that may be  
28 used to identify a consumer.

29 (6) This section does not apply to deidentified information the documentation and transfer of  
30 which is required by the Department of Revenue for purposes of ORS 475B.707.

31 **SECTION 2.** The amendments to ORS 475B.220 by section 1 of this 2019 Act apply to in-

**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 **formation that may be used to identify a consumer transferred on or after the effective date**  
2 **of this 2019 Act.**

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