

Requested by SENATE COMMITTEE ON BUSINESS AND GENERAL GOVERNMENT

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2098**

1 On page 6 of the printed A-engrossed bill, delete lines 14 through 27 and  
2 insert:

3 **“SECTION 5.** ORS 475B.074 is amended to read:

4 “475B.074. (1) The requirement under ORS 475B.063 to obtain a land use  
5 compatibility statement as a condition of receiving a license under ORS  
6 475B.070 does not apply to an applicant if:

7 “[1] (a) The applicant is applying for a license at an address where a  
8 marijuana grow site registered under ORS 475B.810 is located;

9 “[2] (b) The address is outside of city limits;

10 “[3] (c) At least one person responsible for a marijuana grow site lo-  
11 cated at the address first registered with the Oregon Health Authority under  
12 ORS 475B.810 before January 1, 2015, **and is registered with the authority**  
13 **under ORS 475B.810 on the date on which the applicant submitted the**  
14 **application for a license under ORS 475B.070;**

15 “[4] (d) Each person responsible for a marijuana grow site located at the  
16 address first registered with the [*Oregon Health*] authority under ORS  
17 475B.810 before February 1, 2016, **and is registered with the authority**  
18 **under ORS 475B.810 on the date on which the applicant submitted the**  
19 **application for a license under ORS 475B.070;** and

20 “[5] (e) The applicant is applying for a mature marijuana plant grow  
21 canopy of:

1 “[a] (A) 5,000 square feet or less, if the marijuana is produced outdoors;  
2 or

3 “[b] (B) 1,250 square feet or less, if the marijuana is produced indoors.

4 **“(2) For purposes of this section, an applicant for a license under  
5 ORS 475B.070 is not required to demonstrate that:**

6 **“(a) At least one person responsible for a marijuana grow site lo-  
7 cated at the address for which the applicant is applying for a license  
8 has been continuously registered with the authority under ORS  
9 475B.810 between January 1, 2015, and the date on which the applicant  
10 applies for a license under ORS 475B.070; or**

11 **“(b) Each person responsible for a marijuana grow site located at  
12 the address for which the applicant is applying for a license has been  
13 continuously registered with the authority under ORS 475B.810 be-  
14 tween February 1, 2016, and the date on which the applicant applies for  
15 a license under ORS 475B.070.”.**

16 On page 7, delete lines 3 through 11 and insert:

17 **“SECTION 7. ORS 475B.186 is amended to read:**

18 **“475B.186. (1) As used in this section, ‘unapproved interest’ means  
19 a financial or other ownership interest in a marijuana-related entity  
20 if that interest is not named on a license issued by the Oregon Liquor  
21 Control Commission and is not otherwise approved by the commission.**

22 **“[(1)] (2) The Legislative Assembly finds and declares that the unregu-  
23 lated commerce of marijuana items constitutes a serious danger to public  
24 health and safety.**

25 **“(3)(a) A person may not produce, process, transport, deliver or sell  
26 a marijuana item unless the person holds a valid license issued under  
27 ORS 475B.010 to 475B.545 or a registration issued under ORS 475B.785  
28 to 475B.949 or is exempted under ORS 475B.301.**

29 **“(b) A licensee is engaged in the unregulated commerce of  
30 marijuana items if the licensee allows a person who does not hold a**

1 **license issued under ORS 475B.010 to 475B.545 or 475B.560 to engage in**  
2 **an activity that requires a license issued under ORS 475B.010 to**  
3 **475B.545 or 475B.560.**

4 “[2] (4) In addition to any other disciplinary action available to the  
5 [*Oregon Liquor Control*] commission under ORS 475B.010 to 475B.545 **or**  
6 **475B.550 to 475B.590**, the commission may immediately:

7 **“(a) Restrict, suspend or refuse to renew a license issued under ORS**  
8 **475B.010 to 475B.545 or 475B.560 if circumstances create probable cause for**  
9 **the commission to conclude that a licensee has:**

10 **“(A) Purchased or received a marijuana item from an unlicensed source**  
11 **[or that a licensee has];**

12 **“(B) Sold, stored or transferred a marijuana item in a manner that is not**  
13 **permitted by the licensee’s license[.]; or**

14 **“(C) Allowed a person who has an unapproved interest or who does**  
15 **not hold a license issued under ORS 475B.010 to 475B.545 or 475B.560 to**  
16 **engage in an activity that requires a license issued under ORS 475B.010**  
17 **to 475B.545 or 475B.560; or**

18 **“(b) Seize marijuana items from a licensee if circumstances create**  
19 **probable cause for the commission to conclude that the licensee has:**

20 **“(A) Not taken appropriate measures to prevent the unlawful di-**  
21 **version of marijuana items;**

22 **“(B) Engaged in the unlawful diversion of marijuana items; or**

23 **“(C) Allowed a person who does not hold a license issued under ORS**  
24 **475B.010 to 475B.545 or 475B.560 to engage in an activity that requires**  
25 **a license issued under ORS 475B.010 to 475B.545 or 475B.560.”.**

26 On page 11, line 9, delete “January 1, 2020” and insert “the effective date  
27 of this 2019 Act”.

28 In line 15, delete “475B.074,”.

29 In line 16, delete “2 to 16” and insert “2 to 4 and 6 to 16”.

30 In line 23, delete “475B.074,”.

1 In line 24, delete "2 to 16" and insert "2 to 4 and 6 to 16".

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