

A-Engrossed
Senate Bill 1561

Ordered by the Senate February 14
Including Senate Amendments dated February 14

Sponsored by Senator PROZANSKI, Representative HELM (Pre-session filed.)

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.

[Directs State Department of Agriculture to develop Oregon Hemp Plan for establishment of Oregon Hemp Program for commercial production and sale of hemp. Changes term "industrial hemp" to "hemp." Becomes operative on date on which United States Department of Agriculture approves Oregon Hemp Plan.]

Directs State Department of Agriculture to administer Oregon Hemp State Program for production, processing and sale of hemp. Changes term "industrial hemp" to "hemp." Requires department to conduct criminal records check of applicants for licensure to grow hemp. Allows department to identify and require by rule licensure for other activities related to hemp.

Merges determinations of guilt for certain offenses related to marijuana into single conviction. Removes from commercial marijuana offense possession of certain items.

Directs Oregon Cannabis Commission to [determine framework for future governance] work collaboratively with Oregon Health Authority and Oregon Liquor Control Commission in administration of Oregon Medical Marijuana Program and report biennially on long-term strategic planning to interim committees of Legislative Assembly related to health and judiciary.

Specifies health care providers who may recommend medical use of marijuana to registry identification cardholder.

[Directs Oregon Liquor Control Commission to establish by rule process to register medical marijuana grow sites. Defines "medical marijuana grow sites." Allows medical marijuana grow sites to apply for registration not later than September 1, 2020. Establishes plant production limits for medical marijuana grow sites registered by commission. Becomes operative June 1, 2020.]

[Declares emergency, effective on passage.]

Directs Oregon Liquor Control Commission to assess financial impact of cannabis tracking system and report findings to interim committees of Legislative Assembly related to economic development and marijuana not later than December 31, 2020. Sunsets assessment on January 2, 2021.

Directs Oregon Liquor Control Commission to adopt rules to develop compliance education programs for cannabis entities regulated by commission.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to cannabis; creating new provisions; amending ORS 133.619, 161.067, 165.663, 475B.015, 475B.227, 475B.253, 475B.254, 475B.311, 475B.337, 475B.354, 475B.550, 475B.600, 475B.791, 475B.797, 475B.913, 475B.916, 475B.952, 475B.961, 571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288, 571.294, 571.302, 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345 and 571.348; repealing ORS 571.341; and prescribing an effective date.

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

OREGON HEMP STATE PROGRAM

SECTION 1. Sections 2, 3 and 5 of this 2020 Act are added to and made a part of ORS 571.260 to 571.348.

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 **SECTION 2.** (1) The State Department of Agriculture shall conduct a criminal records
2 check under ORS 181A.195 on an individual who submits an application for a grower license
3 under ORS 571.281.

4 (2) For the purpose of requesting a state or nationwide criminal records check, the de-
5 partment may require fingerprints of any individual listed on an application submitted under
6 ORS 571.260 to 571.348, including:

7 (a) If the applicant is a limited partnership, each partner of the limited partnership;

8 (b) If the applicant is a limited liability company, each member of the limited liability
9 company;

10 (c) If the applicant is a corporation, each director and officer of the corporation;

11 (d) Any individual who is a partner, member, director or officer of an entity with a fi-
12 nancial interest in the applicant; and

13 (e) Other key participants with the applicant, as identified by the department by rule.

14 (3) ORS 181A.195 (10) does not apply to the department for purposes of conducting a
15 criminal records check under this section.

16 **SECTION 3.** (1) Except as provided in subsection (2) of this section:

17 (a) If a person has been convicted of a felony related to a controlled substance under
18 state or federal law, the person is ineligible for a license under ORS 571.281 to grow hemp
19 issued by the State Department of Agriculture for 10 years following the date of the person's
20 conviction.

21 (b) If a licensee or an applicant, or a person related to the applicant as described in
22 section 2 (2)(e) of this 2020 Act, is convicted of a felony related to a controlled substance
23 under state or federal law, the department may deny, revoke or refuse to renew a grower
24 license under ORS 571.281 during the 10 years following the date of conviction.

25 (2) This section does not apply to a person who was registered to grow hemp with the
26 department before October 31, 2019.

27 **SECTION 4.** Section 3 of this 2020 Act applies to convictions before, on and after October
28 31, 2019.

29 **SECTION 5.** The Legislative Assembly finds and declares that the development and ad-
30 ministration of the Oregon Hemp State Program described in ORS 571.263 will move the State
31 of Oregon and its residents to the forefront of the hemp industry.

32 **SECTION 6.** ORS 571.260 is amended to read:

33 571.260. ORS 571.260 to 571.348 shall be known and may be cited as the [*Oregon Industrial Hemp*
34 *Agricultural Pilot Program and Research Act*] **Oregon Hemp Act**.

35 **SECTION 7.** ORS 571.263 is amended to read:

36 571.263. The State Department of Agriculture shall administer an Oregon [*Industrial Hemp Ag-*
37 *ricultural Pilot Program for the purpose of studying the growth, cultivation and marketing of*
38 *industrial*] **Hemp State Program for the production, processing and sale of hemp** in this state.

39 In carrying out the program, the department:

40 (1) Shall administer ORS 571.260 to 571.348[;].

41 (2)(a) Shall adopt rules to implement a state plan for the production of hemp in accord-
42 ance with the Agriculture Improvement Act of 2018 (P.L. 115-334) and subsequent federal law.
43 The rules adopted under this subsection must conform to, and not be more restrictive than,
44 the rules related to hemp promulgated by the United States Department of Agriculture.

45 (b) In adopting rules under this subsection, the State Department of Agriculture shall

1 **include public input.**

2 (c) **The rules adopted under this subsection may include the adoption by reference of any**
3 **federal laws, rules, regulations or guidelines, or standards, practices or requirements related**
4 **to the production of hemp.**

5 [(2)] (3) Shall adopt by rule any record keeping and reporting requirements necessary to ad-
6 minister the program[;].

7 [(3)] (4) May purchase, possess, seize or dispose of [*industrial*] hemp products or commodities
8 as the [*department*] **State Department of Agriculture** deems necessary to enforce and ensure
9 compliance with ORS 571.260 to 571.348 or department rules relating to ORS 571.260 to 571.348[;
10 *and*].

11 [(4)] (5) May exercise any other power or perform any other function necessary to administer
12 the program.

13 **SECTION 8.** ORS 571.269 is amended to read:

14 571.269. As used in ORS 571.260 to 571.348:

15 (1) "Agricultural hemp seed" means Cannabis seed:

16 (a) That is sold to or intended to be sold to [*registered*] **licensed** growers for planting; or

17 (b) That remains in an unprocessed or partially processed condition that is capable of
18 germination.

19 (2) "Crop" means [*industrial*] hemp grown under a single [*registration*] **license**.

20 (3) "Grower" means a person, joint venture or cooperative that produces [*industrial*] hemp.

21 (4) "Handler" means a person, joint venture or cooperative that receives [*industrial*] hemp for
22 processing into commodities, products or agricultural hemp seed **and any other activities identi-**
23 **fied by the State Department of Agriculture by rule.**

24 [(5) "*Industrial hemp*":]

25 [(a) *Except as provided in this paragraph, means all nonseed parts and varieties of the Cannabis*
26 *plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does*
27 *not exceed 0.3 percent on a dry weight basis. The State Department of Agriculture, by rule, may adopt*
28 *any higher average tetrahydrocannabinol concentration limit established in federal law.*]

29 [(b) *Means any Cannabis seed.*]

30 [(A) *That is part of a crop;*]

31 [(B) *That is retained by a grower for future planting;*]

32 [(C) *That is agricultural hemp seed;*]

33 [(D) *That is for processing into or for use as agricultural hemp seed; or*]

34 [(E) *That has been processed in a manner or to an extent that the Cannabis seed is incapable of*
35 *germination.*]

36 [(c) *Does not mean industrial hemp commodities or products.*]

37 (5) **"Hemp" means the plant species Cannabis sativa that:**

38 (a) **Has a tetrahydrocannabinol concentration that complies with the concentration**
39 **specified by the department by rule; and**

40 (b) **Has the meaning as defined by the department by rule.**

41 (6) "[*Industrial*] Hemp concentrate" means [*an industrial*] a hemp product obtained by separating
42 cannabinoids from [*industrial*] hemp by:

43 (a) A mechanical process;

44 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as water, vege-
45 table glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

1 (c) A chemical extraction process using carbon dioxide, provided that the process does not in-
2 volve the use of high heat or pressure; or

3 (d) Any other process identified by the department by rule.

4 (7) “[*Industrial*] Hemp extract” means [*an industrial*] a hemp product obtained by separating
5 cannabinoids from [*industrial*] hemp by:

6 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
7 or propane;

8 (b) A chemical extraction process using carbon dioxide, if the process uses high heat or pres-
9 sure; or

10 (c) Any other process identified by the department by rule.

11 **(8) “Licensee” means a grower, handler, agricultural hemp seed producer or other person**
12 **licensed under ORS 571.281.**

13 **SECTION 9.** ORS 571.272 is amended to read:

14 571.272. (1) [*Industrial*] Hemp is an agricultural product that is subject to regulation by the
15 State Department of Agriculture.

16 (2) For purposes of ORS chapter 616, the department may not consider [*industrial*] hemp or [*in-*
17 *dustrial*] hemp commodities or products to be an adulterant.

18 **SECTION 10.** ORS 571.275 is amended to read:

19 571.275. (1) The Oregon Liquor Control Commission may purchase, possess, seize or dispose of
20 [*industrial*] hemp products or commodities located on a premises licensed under ORS 475B.070,
21 475B.090, 475B.100, 475B.105 or 475B.560 or other area under the control of the premises licensee
22 as the commission deems necessary to enforce and ensure compliance with:

23 (a) ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 or rules adopted by
24 the commission relating to ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655;
25 or

26 (b) Any provision in ORS 571.260 to 571.348 or in rules adopted by the commission or State
27 Department of Agriculture under ORS 571.260 to 571.348 that makes a requirement, restriction or
28 other provision of ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 applica-
29 ble to [*industrial*] hemp.

30 (2) If the commission purchases, possesses, seizes or disposes of [*industrial*] hemp products or
31 commodities under this section to enforce or ensure compliance with a provision of ORS 571.260 to
32 571.348 or rule adopted by the department under ORS 571.260 to 571.348 that makes a requirement,
33 restriction or other provision of ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to
34 475B.655 applicable to [*industrial*] hemp, the commission shall notify the department of the commis-
35 sion action as soon as practicable.

36 **SECTION 11.** ORS 571.278 is amended to read:

37 571.278. There is established in the State Treasury, separate and distinct from the General Fund,
38 the [*Industrial*] Hemp Fund. Interest earned by the fund shall be credited to the fund. The fund shall
39 consist of all moneys credited to or deposited in the fund. Moneys in the fund are continuously ap-
40 propriated to the State Department of Agriculture for the purposes of implementing, administering
41 and enforcing ORS 571.260 to 571.348.

42 **SECTION 12.** ORS 571.281 is amended to read:

43 571.281. (1)(a) To grow or handle [*industrial*] hemp, a person must be [*registered with*] **licensed**
44 **by** the State Department of Agriculture as a grower or handler.

45 **(b) The department may identify by rule activities related to growing or handling hemp**

1 **in addition to those described in ORS 571.269, and may require licensure to engage in those**
2 **activities. The department may issue, renew, suspend, revoke or refuse to issue or renew a**
3 **license required pursuant to this subsection.**

4 (2)(a) Only a grower or handler [*registered*] **licensed** under this section may produce agricultural
5 hemp seed. For a grower or handler to produce agricultural hemp seed, the grower or handler must
6 be [*registered with*] **licensed** by the department as an agricultural hemp seed producer.

7 (b) Notwithstanding paragraph (a) of this subsection:

8 (A) A grower [*registered*] **licensed** under this section that retains agricultural hemp seed for the
9 purpose of personally propagating [*industrial*] hemp in a subsequent year is not required to [*register*
10 *with*] **be licensed** by the department as an agricultural hemp seed producer; and

11 (B) A grower or handler [*registered*] **licensed** under this section that produces Cannabis seeds
12 that are incapable of germination, or a handler [*registered*] **licensed** under this section that pro-
13 cesses Cannabis seeds that are incapable of germination into commodities or products, is not re-
14 quired to [*register with*] **be licensed** by the department as an agricultural hemp seed producer.

15 (3) An applicant for [*registration*] **a license** under this section must submit to the department,
16 in a form and manner prescribed by the department, the following information:

17 (a) The name and address of the applicant;

18 (b) The name and address of the [*industrial*] hemp operation of the applicant; and

19 (c) Any other information required by the department by rule.

20 (4) [*Registration under this section is valid for a one-year term, beginning on January 1.*] **The**
21 **department shall adopt rules specifying the period of time for which a license issued under**
22 **this section is valid.** A [*grower, handler or agricultural hemp seed producer may renew a*
23 *registration*] **licensee may renew a license** under this section in a form and manner prescribed by
24 the department.

25 (5) A [*registration*] **license** under this section is a personal privilege and is not transferable.

26 (6) A grower or handler [*registered*] **licensed** under this section must keep records as required
27 by the department by rule. Upon not less than three days' notice, the department may subject the
28 records to inspection or audit during normal business hours. The department may make an in-
29 spection or audit for the purpose of ensuring compliance with:

30 (a) A provision of ORS 571.260 to 571.348;

31 (b) A rule adopted under a provision of ORS 571.260 to 571.348; or

32 (c) An order issued by the department pursuant to a provision of ORS 571.260 to 571.348 or a
33 rule adopted under a provision of ORS 571.260 to 571.348.

34 (7) In addition to any inspection conducted pursuant to ORS 561.275, the department may inspect
35 any crop during the crop's growth phase and take a representative composite sample for field anal-
36 ysis. If a crop contains an average tetrahydrocannabinol concentration exceeding [*0.3 percent on a*
37 *dry weight basis or a tetrahydrocannabinol concentration exceeding the concentration allowed under*
38 *federal law, whichever is greater,*] **the concentration specified by the department by rule,** the
39 department may detain, seize or embargo the crop as provided under ORS 561.605 to 561.620, subject
40 to any process established under ORS 571.345.

41 (8)(a) The department may charge [*growers, handlers and agricultural hemp seed producers*]
42 **licensees the following fees in amounts reasonably calculated by the department to pay the**
43 **cost of administering ORS 571.260 to 571.348:**

44 (A) Application fees[, *registration and renewal of registration fees,*];

45 (B) License and license renewal fees;

1 (C) Administrative change fees; and

2 (D) Fees for other services [*in amounts reasonably calculated by the department to pay the cost*
3 *of administering ORS 571.260 to 571.348*].

4 (b) Moneys from fees charged under this subsection shall be deposited in the [*Industrial*] Hemp
5 Fund established under ORS 571.278.

6 (9) The department may adopt rules establishing public health and safety standards and industry
7 best practices for [*growers and handlers registered under this section*] **licensees**.

8 **SECTION 13.** ORS 571.285 is amended to read:

9 571.285. (1) Subject to the provisions of ORS chapter 183, the State Department of Agriculture
10 may revoke [*the registration of a grower, handler or agricultural hemp seed producer*] **a licensee's**
11 **license** or refuse to [*register*] **license** or renew the [*registration*] **license** if a [*grower, handler or*
12 *agricultural hemp seed producer*] **licensee** violates:

13 (a) A provision of ORS 571.260 to 571.348;

14 (b) A rule adopted under a provision of ORS 571.260 to 571.348;

15 (c) An order issued by the department pursuant to a provision of ORS 571.260 to 571.348 or a
16 rule adopted under a provision of ORS 571.260 to 571.348; or

17 (d) Any statutory law or department rule related to agricultural activities other than
18 [*industrial*] hemp operations.

19 [(2) *The department may not discipline a grower, handler or agricultural hemp seed producer un-*
20 *der this section on the basis that possessing, delivering and manufacturing industrial hemp are pro-*
21 *hibited by federal law.*]

22 (2) **The department may adopt rules to prohibit a licensee from reapplying for a license**
23 **under ORS 571.281 for a period of time specified by rule by the department if the licensee**
24 **violates:**

25 (a) **A provision of ORS 571.260 to 571.348;**

26 (b) **A rule adopted pursuant to ORS 571.260 to 571.348; or**

27 (c) **An order issued by the department pursuant to ORS 571.260 to 571.348 or a rule**
28 **adopted pursuant to ORS 571.260 to 571.348.**

29 **SECTION 14.** ORS 571.288 is amended to read:

30 571.288. A grower [*registered*] **licensed** under ORS 571.281 may use any propagation method,
31 including planting seeds or starts or the use of clones or cuttings, to produce [*industrial*] hemp.

32 **SECTION 15.** ORS 571.294 is amended to read:

33 571.294. The State Department of Agriculture may charge growers and handlers [*registered*] **li-**
34 **censed** under ORS 571.281 fees reasonably calculated by the department to pay the cost of sampling
35 or testing [*industrial*] hemp or [*industrial*] hemp commodities or products under ORS 571.330 and
36 571.333. Moneys from fees charged under this section shall be deposited in the [*Industrial*] Hemp
37 Fund established under ORS 571.278.

38 **SECTION 16.** ORS 571.302 is amended to read:

39 571.302. (1) For purposes of ORS 633.511 to 633.750, agricultural hemp seed is an agricultural
40 seed or a flower seed, as those terms are defined in ORS 633.511.

41 (2) The Director of Agriculture, or the director's agent, and the Dean of the College of Agri-
42 cultural Sciences of Oregon State University, or the dean's agent, shall establish a program for the
43 labeling and certification of agricultural hemp seed. For purposes of the program:

44 (a) The director and the dean shall perform their respective duties under ORS 633.511 to 633.750
45 with respect to agricultural hemp seed in the same manner that the director and dean perform their

1 respective duties under ORS 633.511 to 633.750 with respect to other agricultural seed or flower
2 seed, including but not limited to those duties related to labeling, testing and certifying seeds; and

3 (b) The director and the dean shall exercise their respective functions and powers under ORS
4 633.511 to 633.750 with respect to agricultural hemp seed in the same manner that the director and
5 dean exercise their respective functions and powers under ORS 633.511 to 633.750 with respect to
6 other agricultural seed or flower seed, including but not limited to inspecting and sampling seeds
7 and making rules and regulations under ORS 633.680.

8 (3) Notwithstanding subsections (1) and (2) of this section, if the director in consultation with
9 the dean determines that a specific provision of ORS 633.511 to 633.750, or a specific rule or regu-
10 lation made under ORS 633.511 to 633.750, that applies to other agricultural seed or flower seed is
11 inadequate or not suitable for the regulation of agricultural hemp seed, the director may by rule
12 exempt agricultural hemp seed from the provision, rule or regulation and make rules providing more
13 adequate or suitable regulation of agricultural hemp seed.

14 (4)(a) The director and the dean shall collaborate with growers [*registered*] **licensed** under ORS
15 571.281 in performing their respective duties and exercising their respective functions and powers
16 under ORS 633.511 to 633.750 with respect to agricultural hemp seed.

17 (b) The director and the dean may collaborate with growers [*registered*] **licensed** under ORS
18 571.281 and other stakeholders to develop a heritage agricultural hemp seed for this state.

19 (5) The director and the dean may collaborate with entities authorized to certify seeds under the
20 laws of other states in performing their respective duties and exercising their respective functions
21 and powers under ORS 633.511 to 633.750 with respect to agricultural hemp seed.

22 (6) A grower [*registered*] **licensed** under ORS 571.281 is not required, for purposes related to
23 growing [*industrial*] hemp, to use an agricultural hemp seed variety certified under the program
24 described in this section.

25 (7) The State Department of Agriculture may establish by rule waivers to, or exemptions from,
26 tests that would otherwise be conducted to determine a crop's average tetrahydrocannabinol con-
27 centration for crops planted with agricultural hemp seed varieties certified pursuant to the program
28 described in this section.

29 **SECTION 17.** ORS 571.327 is amended to read:

30 571.327. (1) An agricultural hemp seed producer [*registered*] **licensed** under ORS 571.281:

31 (a) Must sell agricultural hemp seed in a manner that complies with any standard established
32 by the Director of Agriculture under ORS 633.511 to 633.750; and

33 (b) May sell agricultural hemp seed only if the agricultural hemp seed meets any packaging or
34 labeling requirement, or any quality standard, adopted by the director under subsection (2) of this
35 section.

36 (2) The director may adopt rules establishing packaging requirements, labeling requirements and
37 quality standards for agricultural hemp seed.

38 (3) The State Department of Agriculture shall make available to growers [*registered*] **licensed**
39 under ORS 571.281 information that identifies agricultural hemp seed producers [*registered*] **licensed**
40 under ORS 571.281 from whom the growers may purchase agricultural hemp seed.

41 **SECTION 18.** ORS 571.330 is amended to read:

42 571.330. (1) For purposes of this section, "consumption" means to ingest, inhale or topically ap-
43 ply to the skin or hair.

44 (2)(a) A laboratory licensed by the Oregon Liquor Control Commission under ORS 475B.560 and
45 accredited by the Oregon Health Authority pursuant to ORS 475B.565 may test [*industrial*] hemp and

1 [industrial] hemp commodities and products produced or processed by a [grower, handler or agricul-
2 tural hemp seed producer registered under ORS 571.281] licensee.

3 (b) An accredited independent testing laboratory that has been approved by the authority or the
4 State Department of Agriculture may test [industrial] hemp and [industrial] hemp commodities and
5 products produced or processed by a [grower, handler or agricultural hemp seed producer registered
6 under ORS 571.281] licensee.

7 (3) A grower or handler may not sell or transfer [an industrial] a hemp commodity or product
8 that is intended for human consumption unless the commodity or product is tested by a laboratory
9 described in subsection (2) of this section to ensure that the commodity or product meets the re-
10 quirements adopted by the Oregon Health Authority under ORS 475B.555 (1)(a) and (b) and (2) for
11 testing marijuana items.

12 (4) For purposes of this section, the department shall adopt rules:

13 (a) Establishing protocols for the testing of [industrial] hemp commodities and products; and

14 (b) Establishing procedures for determining batch sizes and for sampling [industrial] hemp com-
15 modities and products.

16 (5) This section does not apply to:

17 (a) Agricultural hemp seed;

18 (b) Seeds of the plant genus Cannabis within the plant family Cannabaceae that are incapable
19 of germination;

20 (c) Products derived from seeds described in paragraph (b) of this subsection; or

21 (d) Other parts of [industrial] hemp that the department identifies by rule as exempt.

22 **SECTION 19.** ORS 571.333 is amended to read:

23 571.333. (1) The State Department of Agriculture may enter into an agreement with the Oregon
24 Health Authority for the purpose of developing standards for investigating and testing [an
25 industrial] a hemp crop to determine the average tetrahydrocannabinol concentration of the crop.

26 (2) In accordance with standards developed under subsection (1) of this section, a laboratory
27 described in ORS 571.330 may test [an industrial] a hemp crop for the purpose of determining the
28 average tetrahydrocannabinol concentration of the crop. The laboratory must provide the test re-
29 sults to the department in a form and manner prescribed by the department.

30 **SECTION 20.** ORS 571.336 is amended to read:

31 571.336. (1) As used in this section, “licensee,” “marijuana,” “marijuana item” and “marijuana
32 processor” have the meanings given those terms in ORS 475B.015.

33 (2) A grower [registered] licensed under ORS 571.281 may deliver [industrial] hemp, and a han-
34 dler [registered] licensed under ORS 571.281 may deliver [industrial] hemp concentrates and [indus-
35 trial] hemp extracts, to a marijuana processor that holds a license issued under ORS 475B.090, if:

36 (a) The grower or handler and the marijuana processor are registered with the Oregon Liquor
37 Control Commission, in a form and manner prescribed by the commission, for the purpose of pro-
38 cessing [industrial] hemp, [industrial] hemp concentrates and [industrial] hemp extracts;

39 (b) The marijuana processor is provided with the results of any test conducted on the
40 [industrial] hemp, [industrial] hemp concentrate or [industrial] hemp extract pursuant to ORS 571.260
41 to 571.348 as a condition of the marijuana processor’s receiving the [industrial] hemp, [industrial]
42 hemp concentrate or [industrial] hemp extract;

43 (c) The marijuana processor keeps the results of any test that the marijuana processor receives
44 pursuant to paragraph (b) of this subsection in a form and manner prescribed by the commission;

45 (d) The [industrial] hemp, [industrial] hemp concentrate or [industrial] hemp extract is tracked

1 using the system developed and maintained under ORS 475B.177 when the *[industrial]* hemp, *[indus-*
 2 *trial]* hemp concentrate or *[industrial]* hemp extract is delivered to the premises of the marijuana
 3 processor; and

4 (e) The grower or handler and the marijuana processor meet any other requirement established
 5 by the commission by rule.

6 (3) *[Industrial]* Hemp, *[industrial]* hemp concentrates and *[industrial]* hemp extracts may be pro-
 7 cessed by a marijuana processor registered under this section into any *[industrial]* hemp commodity
 8 or product or used by a marijuana processor registered under this section to supplement the pro-
 9 cessing of any marijuana item.

10 (4) *[An industrial]* A hemp concentrate, *[industrial]* hemp extract, *[industrial]* hemp commodity
 11 or product or marijuana item processed pursuant to this section may be delivered by a marijuana
 12 processor registered under this section to a licensee as described in ORS 475B.206, provided that the
 13 *[industrial]* hemp concentrate, *[industrial]* hemp extract, *[industrial]* hemp commodity or product or
 14 marijuana item meets any applicable requirement for marijuana items set forth in ORS 475B.010 to
 15 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules adopted under ORS 475B.010 to
 16 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655.

17 (5) The commission may impose an annual fee reasonably calculated to not exceed the cost of
 18 administering this section on growers registered under this section, handlers registered under this
 19 section and marijuana processors registered under this section. Fees collected under this section
 20 shall be deposited in the Marijuana Control and Regulation Fund established under ORS 475B.296.
 21 Moneys deposited in the fund pursuant to this subsection are continuously appropriated to the
 22 commission for the purpose of administering this section.

23 **SECTION 21.** ORS 571.337 is amended to read:

24 571.337. (1) As used in this section:

25 (a) “Consumption” has the meaning given that term in ORS 571.330.

26 (b) “Processor” means a person licensed under ORS 475B.090.

27 (c) “Retailer” means a person licensed under ORS 475B.105.

28 (d) “Wholesaler” means a person licensed under ORS 475B.100.

29 (2) *[Except as provided in ORS 571.341,]* A processor, retailer or wholesaler may purchase, re-
 30 ceive, transfer, sell or transport *[industrial]* hemp, or *[an industrial]* a hemp commodity or product
 31 that contains cannabinoids and is intended for human consumption, only if:

32 (a) The processor, retailer or wholesaler received the hemp, commodity or product from a
 33 grower or handler *[registered]* **licensed** under ORS 571.281 or a processor;

34 (b) The grower, handler or processor under paragraph (a) of this subsection is registered by the
 35 Oregon Liquor Control Commission as provided under ORS 571.336; and

36 (c) The hemp, commodity or product meets the requirements for marijuana items under ORS
 37 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules adopted by the
 38 commission.

39 (3) A grower, handler or processor registered as described under ORS 571.336 (2)(a) shall enter
 40 hemp, commodity or product that contains cannabinoids, is intended for human consumption and is
 41 intended for transfer, sale or transport to a processor, retailer or wholesaler licensed under ORS
 42 475B.010 to 475B.545 into the tracking system described in ORS 475B.177 before the hemp, com-
 43 modity or product is transferred to a laboratory described in ORS 571.330 (2) for testing of a type
 44 described under ORS 475B.555. The commission shall continue to track the hemp, commodity or
 45 product entered into the system under this subsection when the hemp, commodity or product is

1 transferred, sold or transported to a premises licensed under ORS 475B.010 to 475B.545, or to other
2 areas under the control of the premises licensee.

3 (4) The State Department of Agriculture shall adopt rules regarding the activities of growers
4 and handlers under this section.

5 (5) The commission shall adopt rules regarding the activities of processors, retailers, wholesalers
6 and laboratories under this section.

7 **SECTION 22.** ORS 571.339 is amended to read:

8 571.339. A person may not make a retail sale of [*industrial*] hemp commodities or products in
9 this state unless the [*industrial*] hemp commodities or products and the [*industrial*] hemp used to
10 process the [*industrial*] hemp commodities or products meet the requirements for processing [*indus-*
11 *trial*] hemp commodities or products or growing [*industrial*] hemp set forth in ORS 571.260 to 571.348
12 and rules adopted under ORS 571.260 to 571.348. This section does not apply to the retail sale of
13 [*industrial*] hemp commodities or products by a marijuana retailer, as defined in ORS 475B.015, that
14 holds a license issued under ORS 475B.105.

15 **SECTION 23.** ORS 571.345 is amended to read:

16 571.345. The State Department of Agriculture may by rule or order establish a process providing
17 for the remediation of a violation of ORS 571.330 or 571.333 that is committed by a grower or han-
18 dler [*registered*] **licensed** under ORS 571.281 and is not committed intentionally.

19 **SECTION 24.** ORS 571.348 is amended to read:

20 571.348. (1) Subject to the provisions of ORS chapter 183, the State Department of Agriculture
21 may impose a civil penalty not to exceed \$2,500 on a person for violating:

22 (a) A provision of ORS 571.260 to 571.348;

23 (b) A rule adopted under a provision of ORS 571.260 to 571.348; or

24 (c) An order issued by the department pursuant to a provision of ORS 571.260 to 571.348 or a
25 rule adopted under a provision of ORS 571.260 to 571.348.

26 [(2) *The department may not discipline a person under this section on the basis that possessing,*
27 *delivering and manufacturing industrial hemp are prohibited by federal law.*]

28 [(3)] (2) All moneys collected by the department under this section shall be deposited in the
29 General Fund in the State Treasury to the credit of the [*Industrial*] Hemp Fund established under
30 ORS 571.278.

31 **SECTION 25.** **The State Department of Agriculture shall issue a license to grow or handle**
32 **hemp under ORS 571.281 on the date the previous registration is due for renewal to a grower**
33 **or handler who:**

34 (1) **Registered under ORS 571.281 on or before the operative date specified in section 27**
35 **of this 2020 Act; and**

36 (2) **Meets the requirements for registration renewal.**

37 **SECTION 26.** ORS 571.341 is repealed.

38 **SECTION 27.** (1) **Sections 2, 3, 5 and 25 of this 2020 Act and the amendments to ORS**
39 **571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288, 571.294, 571.302,**
40 **571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345 and 571.348 by sections 6 to 24 of this**
41 **2020 Act and the repeal of ORS 571.341 by section 26 of this 2020 Act become operative on**
42 **October 31, 2020.**

43 (2) **The Oregon Health Authority, the Oregon Liquor Control Commission and the State**
44 **Department of Agriculture may take any action before the operative date specified in sub-**
45 **section (1) of this section that is necessary to enable the authority, the commission and the**

1 department to exercise, on and after the operative date specified in subsection (1) of this
2 section, all of the duties, functions and powers conferred on the authority, the commission
3 and the department by sections 2, 3, 5 and 25 of this 2020 Act and the amendments to ORS
4 571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288, 571.294, 571.302,
5 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345 and 571.348 by sections 6 to 24 of this
6 2020 Act and the repeal of ORS 571.341 by section 26 of this 2020 Act.

7
8 **CONFORMING AMENDMENTS**
9

10 **SECTION 28.** ORS 475B.015 is amended to read:

11 475B.015. As used in ORS 475B.010 to 475B.545:

12 (1) “Cannabinoid” means any of the chemical compounds that are the active constituents derived
13 from marijuana.

14 (2) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from
15 marijuana by:

16 (a) A mechanical extraction process;

17 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as water, vege-
18 table glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

19 (c) A chemical extraction process using carbon dioxide, provided that the process does not in-
20 volve the use of high heat or pressure; or

21 (d) Any other process identified by the Oregon Liquor Control Commission, in consultation with
22 the Oregon Health Authority, by rule.

23 (3) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,
24 cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

25 (4) “Cannabinoid extract” means a substance obtained by separating cannabinoids from
26 marijuana by:

27 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
28 or propane;

29 (b) A chemical extraction process using carbon dioxide, if the process uses high heat or pres-
30 sure; or

31 (c) Any other process identified by the commission, in consultation with the authority, by rule.

32 (5)(a) “Cannabinoid product” means a cannabinoid edible and any other product intended for
33 human consumption or use, including a product intended to be applied to the skin or hair, that
34 contains cannabinoids or dried marijuana leaves or flowers.

35 (b) “Cannabinoid product” does not include:

36 (A) Usable marijuana by itself;

37 (B) A cannabinoid concentrate by itself;

38 (C) A cannabinoid extract by itself; or

39 (D) [Industrial] Hemp, as defined in ORS 571.269.

40 (6) “Consumer” means a person who purchases, acquires, owns, holds or uses marijuana items
41 other than for the purpose of resale.

42 (7) “Deliver” means the actual, constructive or attempted transfer from one person to another
43 of a marijuana item, whether or not there is an agency relationship.

44 (8) “Designated primary caregiver” has the meaning given that term in ORS 475B.791.

45 (9)(a) “Financial consideration” means value that is given or received either directly or indi-

1 rectly through sales, barter, trade, fees, charges, dues, contributions or donations.

2 (b) "Financial consideration" does not include marijuana, cannabinoid products or cannabinoid
3 concentrates that are delivered within the scope of and in compliance with ORS 475B.301.

4 (10) "Homegrown" means grown by a person 21 years of age or older for noncommercial pur-
5 poses.

6 (11) "Household" means a housing unit and any place in or around a housing unit at which the
7 occupants of the housing unit are producing, processing, possessing or storing homegrown
8 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

9 (12) "Housing unit" means a house, an apartment or a mobile home, or a group of rooms or a
10 single room that is occupied as separate living quarters, in which the occupants live and eat sepa-
11 rately from any other persons in the building and that has direct access from the outside of the
12 building or through a common hall.

13 (13) "Immature marijuana plant" means a marijuana plant that is not flowering.

14 (14) "Licensee" means a person that holds a license issued under ORS 475B.070, 475B.090,
15 475B.100 or 475B.105.

16 (15) "Licensee representative" means an owner, director, officer, manager, employee, agent or
17 other representative of a licensee, to the extent that the person acts in a representative capacity.

18 (16)(a) "Manufacture" means producing, propagating, preparing, compounding, converting or
19 processing a marijuana item, either directly or indirectly, by extracting from substances of natural
20 origin.

21 (b) "Manufacture" includes any packaging or repackaging of a marijuana item or the labeling
22 or relabeling of a container containing a marijuana item.

23 (17)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant
24 Cannabis family Cannabaceae and marijuana seeds.

25 (b) "Marijuana" does not include:

26 (A) [*Industrial*] Hemp, as defined in ORS 571.269; or

27 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
28 or more cannabinoids, that are approved by the United States Food and Drug Administration and
29 dispensed by a pharmacy, as defined in ORS 689.005.

30 (18) "Marijuana flowers" means the flowers of the plant genus Cannabis within the plant family
31 Cannabaceae.

32 (19) "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and
33 cannabinoid extracts.

34 (20) "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family
35 Cannabaceae.

36 (21) "Marijuana processor" means a person that processes marijuana items in this state.

37 (22) "Marijuana producer" means a person that produces marijuana in this state.

38 (23) "Marijuana retailer" means a person that sells marijuana items to a consumer in this state.

39 (24)(a) "Marijuana seeds" means the seeds of the plant Cannabis family Cannabaceae.

40 (b) "Marijuana seeds" does not include the seeds of [*industrial*] hemp, as defined in ORS 571.269.

41 (25) "Marijuana wholesaler" means a person that purchases marijuana items in this state for
42 resale to a person other than a consumer.

43 (26) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana
44 plant.

45 (27) "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract"

1 means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concen-
2 tration of tetrahydrocannabinol that is permitted under ORS 475B.625 in a single serving of the
3 cannabinoid product, cannabinoid concentrate or cannabinoid extract for consumers who hold a
4 valid registry identification card issued under ORS 475B.797.

5 (28) “Medical purpose” means a purpose related to using usable marijuana, cannabinoid pro-
6 ducts, cannabinoid concentrates or cannabinoid extracts to mitigate the symptoms or effects of a
7 debilitating medical condition, as defined in ORS 475B.791.

8 (29) “Noncommercial” means not dependent or conditioned upon the provision or receipt of fi-
9 nancial consideration.

10 (30)(a) “Premises” includes the following areas of a location licensed under ORS 475B.010 to
11 475B.545:

12 (A) All public and private enclosed areas at the location that are used in the business operated
13 at the location, including offices, kitchens, rest rooms and storerooms;

14 (B) All areas outside a building that the commission has specifically licensed for the processing,
15 wholesale sale or retail sale of marijuana items; and

16 (C) For a location that the commission has specifically licensed for the production of marijuana
17 outside a building, that portion of the location used to produce marijuana.

18 (b) “Premises” does not include a primary residence.

19 (31)(a) “Processes” means the processing, compounding or conversion of marijuana into
20 cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

21 (b) “Processes” does not include packaging or labeling.

22 (32)(a) “Produces” means the manufacture, planting, cultivation, growing or harvesting of
23 marijuana.

24 (b) “Produces” does not include:

25 (A) The drying of marijuana by a marijuana processor, if the marijuana processor is not other-
26 wise producing marijuana; or

27 (B) The cultivation and growing of an immature marijuana plant by a marijuana processor,
28 marijuana wholesaler or marijuana retailer if the marijuana processor, marijuana wholesaler or
29 marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

30 (33) “Propagate” means to grow immature marijuana plants or to breed or produce marijuana
31 seeds.

32 (34) “Public place” means a place to which the general public has access and includes, but is
33 not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting
34 rooms or apartments designed for actual residence, and highways, streets, schools, places of
35 amusement, parks, playgrounds and areas used in connection with public passenger transportation.

36 (35) “Registry identification cardholder” has the meaning given that term in ORS 475B.791.

37 (36)(a) “Usable marijuana” means the dried leaves and flowers of marijuana.

38 (b) “Usable marijuana” does not include:

39 (A) Marijuana seeds;

40 (B) The stalks and roots of marijuana; or

41 (C) Waste material that is a by-product of producing or processing marijuana.

42 **SECTION 29.** ORS 475B.253 is amended to read:

43 475B.253. (1) As used in this section, “[*industrial*] hemp” has the meaning given that term in
44 ORS 571.269.

45 (2) [*An industrial*] A hemp product or commodity offered for sale by a marijuana retailer that

1 holds a license issued under ORS 475B.105 must carry a label that clearly identifies whether the
2 product or commodity is derived from hemp or marijuana.

3 (3) The Oregon Liquor Control Commission may inspect the premises of a marijuana retailer
4 that holds a license issued under ORS 475B.105 to ensure compliance with this section.

5 **SECTION 30.** ORS 475B.550 is amended to read:

6 475B.550. As used in ORS 475B.550 to 475B.590:

7 (1) "Cannabinoid" means any of the chemical compounds that are the active constituents of
8 marijuana.

9 (2) "Cannabinoid concentrate or extract" means a substance obtained by separating
10 cannabinoids from marijuana by a mechanical, chemical or other process.

11 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or
12 extract or the dried leaves or flowers of marijuana have been incorporated.

13 (4)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for hu-
14 man consumption or use, including a product intended to be applied to a person's skin or hair, that
15 contains cannabinoids or the dried leaves or flowers of marijuana.

16 (b) "Cannabinoid product" does not include:

17 (A) Usable marijuana by itself;

18 (B) A cannabinoid concentrate or extract by itself; or

19 (C) [*Industrial*] Hemp, as defined in ORS 571.269.

20 (5)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant
21 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

22 (b) "Marijuana" does not include:

23 (A) [*Industrial*] Hemp, as defined in ORS 571.269; or

24 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
25 or more cannabinoids, that are approved by the United States Food and Drug Administration and
26 dispensed by a pharmacy, as defined in ORS 689.005.

27 (6) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a
28 cannabinoid concentrate or extract.

29 (7) "Processing" means the compounding or conversion of marijuana into cannabinoid products
30 or cannabinoid concentrates or extracts.

31 (8) "Producing" means:

32 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

33 (b) Drying marijuana leaves and flowers.

34 (9)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

35 (b) "Usable marijuana" does not include:

36 (A) The seeds, stalks and roots of marijuana; or

37 (B) Waste material that is a by-product of producing or processing marijuana.

38 **SECTION 31.** ORS 475B.600 is amended to read:

39 475B.600. As used in ORS 475B.600 to 475B.655:

40 (1) "Cannabinoid" means any of the chemical compounds that are the active constituents of
41 marijuana.

42 (2) "Cannabinoid concentrate or extract" means a substance obtained by separating
43 cannabinoids from marijuana by a mechanical, chemical or other process.

44 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or
45 extract or the dried leaves or flowers of marijuana have been incorporated.

1 (4)(a) “Cannabinoid product” means a cannabinoid edible or any other product intended for hu-
2 man consumption or use, including a product intended to be applied to a person’s skin or hair, that
3 contains cannabinoids or the dried leaves or flowers of marijuana.

4 (b) “Cannabinoid product” does not include:

5 (A) Usable marijuana by itself;

6 (B) A cannabinoid concentrate or extract by itself; or

7 (C) [Industrial] Hemp, as defined in ORS 571.269.

8 (5)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
9 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

10 (b) “Marijuana” does not include:

11 (A) [Industrial] Hemp, as defined in ORS 571.269; or

12 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
13 or more cannabinoids, that are approved by the United States Food and Drug Administration and
14 dispensed by a pharmacy, as defined in ORS 689.005.

15 (6) “Marijuana item” means marijuana, usable marijuana, a cannabinoid product or a
16 cannabinoid concentrate or extract.

17 (7) “Processing” means the compounding or conversion of marijuana into cannabinoid products
18 or cannabinoid concentrates or extracts.

19 (8) “Producing” means:

20 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

21 (b) Drying marijuana leaves and flowers.

22 (9)(a) “Usable marijuana” means the dried leaves and flowers of marijuana.

23 (b) “Usable marijuana” does not include:

24 (A) The seeds, stalks and roots of marijuana; or

25 (B) Waste material that is a by-product of producing or processing marijuana.

26 **SECTION 32.** (1) The amendments to ORS 475B.015, 475B.253, 475B.550 and 475B.600 by
27 sections 28 to 31 of this 2020 Act become operative on October 31, 2020.

28 (2) The Oregon Health Authority and the Oregon Liquor Control Commission may take
29 any action before the operative date specified in subsection (1) of this section that is neces-
30 sary to enable the authority and the commission to exercise, on and after the operative date
31 specified in subsection (1) of this section, all of the duties, functions and powers conferred
32 on the authority and the commission by the amendments to ORS 475B.015, 475B.253, 475B.550
33 and 475B.600 by sections 28 to 31 of this 2020 Act.

34
35 **CANNABIS OFFENSES**

36
37 **SECTION 33.** ORS 133.619 is amended to read:

38 133.619. (1) A warrant authorizing the installation or tracking of a mobile tracking device shall
39 be executed as provided in this section.

40 (2) The officer need not inform any person of the existence or content of the warrant prior to
41 its execution.

42 (3) Except as provided in subsection (4) of this section, the officer need not deliver or leave a
43 receipt for things seized or observations made under authority of the warrant.

44 (4) Within five days of the execution of the warrant, or, in the case of an ongoing investigation,
45 within such additional time as the issuing judge may allow upon application, the officer shall mail

1 a receipt for things seized or observations made under authority of the warrant to the following:

2 (a) If the mobile tracking device has been affixed to a vehicle, to the registered owner; and

3 (b) To such other persons as the court may direct in the warrant.

4 (5) The receipt provided for in subsection (4) of this section must include the dates and times
5 during which the officer monitored or attempted to monitor the mobile tracking device.

6 (6) A warrant authorizing the installation or tracking of a mobile tracking device shall be issued
7 only when based upon the submission of an affidavit or oral statement as described in ORS 133.545,
8 which affidavit or statement demonstrates that probable cause exists to believe that an individual
9 is committing or is about to commit:

10 (a) A particular felony of murder, kidnapping, arson, robbery or other crime dangerous to life
11 and punishable as a felony;

12 (b) A crime punishable as a felony arising under ORS 475.752 [*or*], 475.806 to 475.894, **475B.010**
13 **to 475B.545 or 475B.785 to 475B.949;**

14 (c) The crime of unlawfully transporting metal property under ORS 164.857 or a crime described
15 in ORS 165.118;

16 (d) Bribery, extortion, burglary or unauthorized use of a motor vehicle punishable as a felony;

17 (e) A violation of a criminal provision of the wildlife laws as described in ORS 496.002;

18 (f) A violation of a criminal provision of the commercial fishing laws as described in ORS
19 506.001;

20 (g) A violation of ORS 704.020, 704.021, 704.030 or 704.065; or

21 (h) A conspiracy to commit a crime listed in this subsection.

22 (7) A court may authorize the installation or tracking of a mobile tracking device for a period
23 not to exceed 30 days. Upon application, the court may grant one or more extensions for a period
24 not to exceed 30 days per extension.

25 **SECTION 34.** ORS 161.067 is amended to read:

26 161.067. (1)(a) When the same conduct or criminal episode violates two or more statutory pro-
27 visions and each provision requires proof of an element that the others do not, there are as many
28 separately punishable offenses as there are separate statutory violations.

29 **(b) Notwithstanding paragraph (a) of this subsection, when the same conduct or criminal**
30 **episode violates the following statutory provisions, the two determinations of guilt merge**
31 **into a single conviction and are not separately punishable:**

32 **(A) Unlawful delivery of a marijuana item under ORS 475B.346 based on conduct consti-**
33 **tuting an attempted delivery; and**

34 **(B) Unlawful possession of a marijuana item under ORS 475B.337 or 475B.341.**

35 (2) When the same conduct or criminal episode, though violating only one statutory provision
36 involves two or more victims, there are as many separately punishable offenses as there are victims.
37 However, two or more persons owning joint interests in real or personal property shall be consid-
38 ered a single victim for purposes of determining the number of separately punishable offenses if the
39 property is the subject of one of the following crimes:

40 (a) Theft as defined in ORS 164.015.

41 (b) Unauthorized use of a vehicle as defined in ORS 164.135.

42 (c) Criminal possession of rented or leased personal property as defined in ORS 164.140.

43 (d) Criminal possession of a rented or leased motor vehicle as defined in ORS 164.138.

44 (e) Burglary as defined in ORS 164.215 or 164.225.

45 (f) Criminal trespass as defined in ORS 164.243, 164.245, 164.255, 164.265 or 164.278.

1 (g) Arson and related offenses as defined in ORS 164.315, 164.325 or 164.335.

2 (h) Forgery and related offenses as defined in ORS 165.002 to 165.070.

3 (3) When the same conduct or criminal episode violates only one statutory provision and in-
4 volves only one victim, but nevertheless involves repeated violations of the same statutory provision
5 against the same victim, there are as many separately punishable offenses as there are violations,
6 except that each violation, to be separately punishable under this subsection, must be separated
7 from other such violations by a sufficient pause in the defendant's criminal conduct to afford the
8 defendant an opportunity to renounce the criminal intent. Each method of engaging in oral or anal
9 sexual intercourse as defined in ORS 163.305, and each method of engaging in unlawful sexual pen-
10 etration as defined in ORS 163.408 and 163.411 shall constitute separate violations of their respec-
11 tive statutory provisions for purposes of determining the number of statutory violations.

12 **SECTION 35.** ORS 165.663 is amended to read:

13 165.663. Any police officer may apply to the circuit court in which judicial district the targeted
14 telephone is located for an ex parte order or extension of an order authorizing the installation and
15 use of a pen register or a trap and trace device. The application shall:

16 (1) Be in writing under oath;

17 (2) Include the identity of the applicant and the identity of the law enforcement agency con-
18 ducting the investigation;

19 (3) Contain a statement demonstrating that there is probable cause to believe that an individual
20 is committing, has committed or is about to commit:

21 (a) A particular felony of murder, kidnapping, arson, robbery, bribery, extortion or other crime
22 dangerous to life and punishable as a felony;

23 (b) A crime punishable as a felony under ORS 475.752, 475.806 to 475.894 [or], 475.906, **475B.010**
24 **to 475B.545 or 475B.785 to 475B.949;**

25 (c) A crime under ORS 166.720 that includes as part of the pattern of racketeering activity at
26 least one incident of conduct that constitutes a felony; or

27 (d) Any conspiracy to commit a crime described in paragraphs (a) to (c) of this subsection; and

28 (4) Contain a statement demonstrating that use of a pen register or trap and trace device will
29 yield evidence relevant to the crime.

30 **SECTION 36.** ORS 475B.227 is amended to read:

31 475B.227. (1) For purposes of this section,[:]

32 [(a)] "export" includes placing a marijuana item in any mode of transportation for hire, such as
33 luggage, mail or parcel delivery, even if the transportation of the marijuana item is intercepted prior
34 to the marijuana item leaving this state.

35 [(b)] "*Marijuana item*" includes industrial hemp products and commodities that contain more than
36 0.3 percent tetrahydrocannabinol.]

37 (2) **Except as provided in subsection (3) of this section,** a person may not import marijuana
38 items into this state or export marijuana items from this state.

39 (3) **This section does not apply to the import or export of hemp products or commodities**
40 **to or from this state that contain less than one percent tetrahydrocannabinol and comply**
41 **with:**

42 (a) **ORS 571.260 to 571.348 and rules adopted under, or orders issued pursuant to, ORS**
43 **571.260 to 571.348; or**

44 (b) **The Agriculture Improvement Act of 2018 (P.L. 115-334).**

45 [(3)] (4) Except as provided in subsection [(4)] (5) of this section, a violation of this section is

1 a Class B violation.

2 [(4)] (5) A violation of this section is a:

3 (a) Class A misdemeanor, if the importation or exportation:

4 (A) Is not for consideration and the person holds a license issued under ORS 475B.070, 475B.090,
5 475B.100, [or] 475B.105 **or 571.281**; or

6 (B) Concerns an amount of marijuana items that exceeds the applicable maximum amount spec-
7 ified in ORS 475B.337 (1)[(a) to (f)].

8 (b) Class C felony, if the importation or exportation:

9 (A) Is for consideration and the person holds a license issued under ORS 475B.070, 475B.090,
10 475B.100, [or] 475B.105 **or 571.281**; or

11 (B) Concerns an amount of marijuana items that exceeds 16 times the applicable maximum
12 amount specified in ORS 475B.337 (1).[(a) to (f); or]

13 [(C) Concerns a cannabinoid extract that was not purchased from a marijuana retailer that holds
14 a license issued under ORS 475B.105.]

15 **SECTION 37.** ORS 475B.254 is amended to read:

16 475B.254. (1) As used in this section:

17 (a) “Consumer” means a person who purchases, acquires, owns, holds or uses marijuana items
18 other than for the purpose of resale.

19 (b) “Marijuana item” includes [*industrial*] hemp products and commodities that contain more
20 [*than 0.3 percent*] tetrahydrocannabinol **than allowed by rule adopted by the State Department**
21 **of Agriculture.**

22 (2) A person other than a marijuana retailer that holds a license issued under ORS 475B.105
23 may not sell marijuana items to a consumer.

24 **SECTION 38.** ORS 475B.311 is amended to read:

25 475B.311. (1) A person other than a marijuana processor that holds a license issued under ORS
26 475B.090 **or a handler licensed under ORS 571.281 to process hemp** may not process cannabinoid
27 extracts into a cannabinoid product.

28 (2) A person may not produce, process or store homemade [*industrial*] hemp extracts.

29 (3) Violation of this section is a Class A misdemeanor.

30 **SECTION 39.** ORS 475B.337 is amended to read:

31 475B.337. (1) Except for licensees and licensee representatives acting in accordance with ORS
32 475B.010 to 475B.545 and any rule adopted under ORS 475B.010 to 475B.545, it is unlawful for any
33 person 21 years of age or older to possess, knowingly or intentionally:

34 (a) An amount of plants in the genus *Cannabis* within the plant family Cannabaceae in excess
35 of the amount allowed under ORS 475B.301 (1).

36 (b) More than one ounce of usable marijuana in a public place.

37 (c) More than eight ounces of usable marijuana.

38 (d) More than 16 ounces of cannabinoid products in solid form or cannabinoid concentrates.

39 (e) More than 72 ounces of cannabinoid products in liquid form.

40 (f) More than one ounce of cannabinoid extracts.

41 (g) A cannabinoid extract that was not purchased from a marijuana retailer that holds a license
42 issued under ORS 475B.105 **or from a licensed marijuana retailer from another state.**

43 (2) Except as provided in subsection (3) of this section, unlawful possession of a marijuana item
44 is a Class A misdemeanor.

45 (3) Unlawful possession of a marijuana item is:

1 (a) A Class B violation, if the amount possessed is not more than two times the applicable
2 maximum amount specified in subsection (1)(a) to (f) of this section.

3 (b) A Class B misdemeanor, if the amount possessed is more than two times, but not more than
4 four times, the applicable maximum amount specified in subsection (1)(a) to (f) of this section.

5 (c) A Class C felony, if the amount possessed is:

6 (A) More than 16 times the applicable maximum amount specified in subsection (1)(a), (c), (d),
7 (e) or (f) of this subsection;

8 (B) More than eight pounds of usable marijuana in a public place; or

9 (C) More than one-quarter ounce of cannabinoid extract that was not purchased from a
10 marijuana retailer that holds a license issued under ORS 475B.105 **or from a licensed marijuana**
11 **retailer from another state.**

12 **SECTION 40.** ORS 475B.354 is amended to read:

13 475B.354. (1) Except as provided in subsection (3) of this section, a felony under ORS 475B.337
14 or 475B.341 shall be classified as crime category 1 of the sentencing guidelines grid of the Oregon
15 Criminal Justice Commission.

16 (2) Except as provided in subsection (3) of this section, a felony under ORS 475B.346 or 475B.349
17 shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon Criminal
18 Justice Commission.

19 (3) Subject to subsection (4) of this section, a felony under ORS 475B.337, 475B.341, 475B.346 or
20 475B.349 shall be classified as crime category 8 of the sentencing guidelines grid of the Oregon
21 Criminal Justice Commission if the violation is a commercial marijuana offense. A violation is a
22 commercial marijuana offense for purposes of this subsection if the violation was committed in
23 conjunction with at least three of the following factors:

24 (a) The offender [*delivered a marijuana item for consideration*] **was in possession of an amount**
25 **of marijuana items that exceeds 16 times the applicable maximum amount specified in ORS**
26 **475B.301;**

27 (b) The offender was in possession of [*\$300*] **\$3,000** or more in cash;

28 (c) The offender was unlawfully in possession of a firearm or other weapon as described in ORS
29 166.270 (2), the offender used, attempted to use or threatened to use a deadly weapon or dangerous
30 weapon, as those terms are defined in ORS 161.015, or the offender was in possession of a firearm
31 or other deadly weapon or dangerous weapon for the purpose of using the deadly weapon or dan-
32 gerous weapon;

33 [*(d) The offender was in possession of materials being used for the packaging of marijuana items,*
34 *such as scales, wrapping or foil, other than a material used to contain the marijuana item that is the*
35 *subject of the violation;*]

36 [*(e)*] (d) The offender was in possession of marijuana item transaction records or customer lists;

37 [*(f)*] (e) The offender was in possession of stolen property;

38 [*(g)*] (f) The offender was in possession of manufacturing paraphernalia specifically designed for
39 producing marijuana, such as recipes, [*precursor chemicals, laboratory equipment,*] lighting equip-
40 ment, ventilating equipment or power generation equipment;

41 [*(h)*] (g) The offender modified structures by painting, wiring, plumbing or lighting the structures
42 to facilitate the offense;

43 [*(i)*] (h) The offender used public lands to manufacture the marijuana item; or

44 [*(j)*] (i) The offender constructed fortifications or took security measures that had the potential
45 to injure persons.

1 (4) To prove that a violation is a commercial marijuana offense for purposes of subsection (3)
2 of this section, the state must plead in the accusatory instrument at least three of the factors de-
3 scribed in subsection (3) of this section. The state has the burden of proving each factor beyond a
4 reasonable doubt.

5 **SECTION 41.** (1) **The amendments to ORS 133.619, 161.067, 165.663, 475B.227, 475B.254,**
6 **475B.311, 475B.337 and 475B.354 by sections 33 to 40 of this 2020 Act become operative on**
7 **October 31, 2020.**

8 (2) **The Oregon Liquor Control Commission may take any action before the operative date**
9 **specified in subsection (1) of this section that is necessary to enable the commission to ex-**
10 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**
11 **duties, functions and powers conferred on the commission by the amendments to ORS**
12 **133.619, 161.067, 165.663, 475B.227, 475B.254, 475B.311, 475B.337 and 475B.354 by sections 33 to**
13 **40 of this 2020 Act.**

14
15 **OREGON MEDICAL MARIJUANA ACT**

16
17 **SECTION 42.** ORS 475B.791 is amended to read:

18 475B.791. As used in ORS 475B.785 to 475B.949:

19 (1) “Attending [*physician*] **provider**” means [*a physician licensed under ORS chapter 677*] **one**
20 **of the following health care providers** who has primary responsibility for the care and treatment
21 of a person diagnosed with a debilitating medical condition[.]:

22 (a) **A physician licensed under ORS chapter 677;**

23 (b) **A physician assistant licensed under ORS 677.505 to 677.525;**

24 (c) **A nurse practitioner licensed under ORS 678.375 to 678.390;**

25 (d) **A naturopathic physician licensed under ORS chapter 685; or**

26 (e) **A dentist licensed under ORS chapter 679.**

27 (2) “Cannabinoid” means any of the chemical compounds that are the active constituents of
28 marijuana.

29 (3) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from
30 marijuana by:

31 (a) A mechanical extraction process;

32 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable
33 glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

34 (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided
35 that the process does not involve the use of high heat or pressure; or

36 (d) Any other process identified by the Oregon Health Authority, in consultation with the
37 Oregon Liquor Control Commission, by rule.

38 (4) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,
39 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

40 (5) “Cannabinoid extract” means a substance obtained by separating cannabinoids from
41 marijuana by:

42 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
43 or propane;

44 (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the
45 process uses high heat or pressure; or

1 (c) Any other process identified by the Oregon Health Authority, in consultation with the
2 Oregon Liquor Control Commission, by rule.

3 (6) “Debilitating medical condition” means:

4 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
5 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
6 the treatment of those medical conditions;

7 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
8 tient, one or more of the following:

9 (A) Cachexia;

10 (B) Severe pain;

11 (C) Severe nausea;

12 (D) Seizures, including seizures caused by epilepsy; or

13 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

14 (c) Post-traumatic stress disorder; or

15 (d) Any other medical condition or side effect related to the treatment of a medical condition
16 adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition
17 filed under ORS 475B.946.

18 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.

19 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to
20 another registry identification cardholder if no consideration is paid for the transfer.

21 (8)(a) “Designated primary caregiver” means an individual:

22 (A) Who is 18 years of age or older;

23 (B) Who has significant responsibility for managing the well-being of a person who has been
24 diagnosed with a debilitating medical condition; and

25 (C) Who is designated as the person responsible for managing the well-being of a person who
26 has been diagnosed with a debilitating medical condition on that person’s application for a registry
27 identification card or in other written notification submitted to the authority.

28 (b) “Designated primary caregiver” does not include a person’s attending [*physician*] **provider**.

29 (9) “High heat” means a temperature exceeding 180 degrees.

30 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.

31 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
32 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

33 (b) “Marijuana” does not include:

34 (A) [*Industrial*] Hemp, as defined in ORS 571.269; or

35 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
36 or more cannabinoids, that are approved by the United States Food and Drug Administration and
37 dispensed by a pharmacy, as defined in ORS 689.005.

38 (12) “Marijuana grow site” means a location registered under ORS 475B.810 where marijuana
39 is produced for use by a registry identification cardholder.

40 (13) “Marijuana processing site” means a marijuana processing site registered under ORS
41 475B.840 or a site for which an applicant has submitted an application for registration under ORS
42 475B.840.

43 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana
44 plant.

45 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-

1 tended for human consumption or use, including a product intended to be applied to a person's skin
2 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

3 (b) "Medical cannabinoid product" does not include:

4 (A) Usable marijuana by itself;

5 (B) A cannabinoid concentrate by itself;

6 (C) A cannabinoid extract by itself; or

7 (D) [Industrial] Hemp, as defined in ORS 571.269.

8 (16) "Medical marijuana dispensary" means a medical marijuana dispensary registered under
9 ORS 475B.858 or a site for which an applicant has submitted an application for registration under
10 ORS 475B.858.

11 (17) "Medical use of marijuana" means the production, processing, possession, delivery or ad-
12 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
13 symptoms or effects of a debilitating medical condition.

14 (18) "Person designated to produce marijuana by a registry identification cardholder" means a
15 person designated to produce marijuana by a registry identification cardholder under ORS 475B.810
16 who produces marijuana for a registry identification cardholder at an address other than the address
17 where the registry identification cardholder resides or at an address where more than 12 mature
18 marijuana plants are produced.

19 (19) "Process" means the compounding or conversion of marijuana into medical cannabinoid
20 products, cannabinoid concentrates or cannabinoid extracts.

21 (20) "Production" means:

22 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

23 (b) Drying marijuana leaves or flowers.

24 (21) "Registry identification card" means a document issued by the Oregon Health Authority
25 under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana
26 and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated
27 primary caregiver.

28 (22) "Registry identification cardholder" means a person to whom a registry identification card
29 has been issued under ORS 475B.797.

30 (23)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

31 (b) "Usable marijuana" does not include:

32 (A) The seeds, stalks and roots of marijuana; or

33 (B) Waste material that is a by-product of producing marijuana.

34 (24) "Written documentation" means a statement signed by the attending [*physician*] **provider**
35 of a person diagnosed with a debilitating medical condition or copies of the person's relevant med-
36 ical records.

37 **SECTION 43.** ORS 475B.797 is amended to read:

38 475B.797. (1) The Oregon Health Authority shall establish a program for the issuance of registry
39 identification cards to applicants who meet the requirements of this section.

40 (2) The authority shall issue a registry identification card to an applicant who is 18 years of age
41 or older if the applicant pays a fee in an amount established by the authority by rule and submits
42 to the authority an application containing the following information:

43 (a) Written documentation from the applicant's attending [*physician*] **provider** stating that the
44 attending [*physician*] **provider** has diagnosed the applicant as having a debilitating medical condi-
45 tion and that the medical use of marijuana may mitigate the symptoms or effects of the applicant's

1 debilitating medical condition;

2 (b) The name, address and date of birth of the applicant;

3 (c) The name, address and telephone number of the applicant's attending [*physician*] **provider**;

4 (d) Proof of residency, submitted in a form required by the authority by rule;

5 (e) The name and address of the applicant's designated primary caregiver, if the applicant is
6 designating a primary caregiver under ORS 475B.804; and

7 (f) The information described in ORS 475B.810 (2), if the applicant is applying to produce
8 marijuana or designate another person under ORS 475B.810 to produce marijuana.

9 (3)(a) The authority shall issue a registry identification card to an applicant who is under 18
10 years of age if:

11 (A) The applicant pays the fee and submits the application described in subsection (2) of this
12 section; and

13 (B) The custodial parent or legal guardian who is responsible for the health care decisions of
14 the applicant signs and submits to the authority a written statement that:

15 (i) The applicant's attending [*physician*] **provider** has explained to the applicant and to the
16 custodial parent or legal guardian the possible risks and benefits of the medical use of marijuana;

17 (ii) The custodial parent or legal guardian consents to the medical use of marijuana by the ap-
18 plicant;

19 (iii) The custodial parent or legal guardian agrees to serve as the applicant's designated primary
20 caregiver; and

21 (iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-
22 quency of the medical use of marijuana by the applicant.

23 (b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-
24 section (2)(f) of this section.

25 (4) The authority shall:

26 (a) On the date on which the authority receives an application described in subsection (2) of this
27 section, issue a receipt to the applicant verifying that the authority received an application under
28 subsection (2) or (3) of this section; and

29 (b) Approve or deny an application received under subsection (2) or (3) of this section within
30 30 days after receiving the application.

31 (5)(a) If the authority approves an application, the authority shall issue a serially numbered
32 registry identification card to the applicant within five days after approving the application. The
33 registry identification card must include the following information:

34 (A) The registry identification cardholder's name, address and date of birth;

35 (B) The issuance date and expiration date of the registry identification card;

36 (C) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,
37 the name and address of the registry identification cardholder's designated primary caregiver; and

38 (D) Any other information required by the authority by rule.

39 (b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,
40 the authority shall issue an identification card to the designated primary caregiver. The identifica-
41 tion card must contain the information required by paragraph (a) of this subsection.

42 (6) A registry identification cardholder shall:

43 (a) In a form and manner prescribed by the authority, notify the authority of any change con-
44 cerning the registry identification cardholder's:

45 (A) Name, address or attending [*physician*] **provider**;

1 (B) Designated primary caregiver, including the designation of a primary caregiver made at a
2 time other than at the time of applying for or renewing a registry identification card; or

3 (C) Person responsible for a marijuana grow site, including the designation of a person respon-
4 sible for a marijuana grow site made at a time other than at the time of applying for or renewing
5 a registry identification card.

6 (b) Annually renew the registry identification card by paying a fee in an amount established by
7 the authority by rule and submitting to the authority an application that contains the following in-
8 formation:

9 (A) Updated written documentation from the registry identification cardholder's attending [*phy-*
10 *sician*] **provider** stating that the registry identification cardholder still has a debilitating medical
11 condition and that the medical use of marijuana may mitigate the symptoms or effects of the registry
12 identification cardholder's debilitating medical condition;

13 (B) The information described in subsection (2)(b) to (f) of this section; and

14 (C) If the registry identification cardholder is under 18 years of age, a statement signed by the
15 custodial parent or legal guardian of the registry identification cardholder that meets the require-
16 ments of subsection (3) of this section.

17 (7) The authority shall:

18 (a) On the date on which the authority receives an application described in subsection (2) of this
19 section, issue a receipt to the applicant verifying that the authority received an application under
20 subsection (6)(b) of this section; and

21 (b) Approve or deny an application received under subsection (6)(b) of this section within 30
22 days after receiving the application.

23 (8)(a) If the registry identification cardholder's attending [*physician*] **provider** determines that
24 the registry identification cardholder no longer has a debilitating medical condition, or determines
25 that the medical use of marijuana is contraindicated for the registry identification cardholder's de-
26 bilitating medical condition, the registry identification cardholder shall return the registry identifi-
27 cation card to the authority within 30 calendar days after receiving notice of the determination.

28 (b) If, because of circumstances beyond the control of the registry identification cardholder, a
29 registry identification cardholder is unable to obtain a second medical opinion about the registry
30 identification cardholder's continuing eligibility for the medical use of marijuana before having to
31 return the registry identification card to the authority, the authority may grant the registry iden-
32 tification cardholder additional time to obtain a second medical opinion.

33 (9)(a) The authority may deny an application for a registry identification card or an application
34 to renew a registry identification card, or may suspend or revoke a registry identification card, if:

35 (A) The applicant or registry identification cardholder does not provide the information required
36 by this section;

37 (B) The authority determines that the applicant or registry identification cardholder provided
38 false information; or

39 (C) The authority determines that the applicant or registry identification cardholder violated a
40 provision of ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to 475B.949.

41 (b) If a registry identification card is revoked, any associated identification card issued under
42 subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475B.810
43 (6), shall also be revoked.

44 (c) A person whose application is denied, or whose registry identification card is revoked, under
45 this subsection may not reapply for a registry identification card for six months from the date of the

1 denial or revocation unless otherwise authorized by the authority.

2 (10)(a) The authority may deny a designation of a primary caregiver made under ORS 475B.804,
3 or suspend or revoke an associated identification card issued under subsection (5)(b) of this section,
4 if the authority determines that the designee or the registry identification cardholder violated a
5 provision of ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to 475B.949.

6 (b) A person whose designation has been denied, or whose identification card has been revoked,
7 under this subsection may not be designated as a primary caregiver under ORS 475B.804 for six
8 months from the date of the denial or revocation unless otherwise authorized by the authority.

9 (11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry
10 identification card, or a registry identification cardholder applying for renewal of a registry iden-
11 tification card, submits to the authority proof of having served in the Armed Forces of the United
12 States, the authority may not impose a fee that is greater than \$20 for the issuance or renewal of
13 the registry identification card.

14 (b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identifi-
15 cation cardholder include in the application to renew a registry identification card updated written
16 documentation from the cardholder's attending [*physician*] **provider** regarding the cardholder's con-
17 tinuing debilitating medical condition does not apply to a service-disabled veteran who:

18 (A) Has been assigned a total and permanent disability rating for compensation that rates the
19 veteran as unable to secure or follow a substantially gainful occupation as a result of service-
20 connected disabilities as described in 38 C.F.R. 4.16; or

21 (B) Has a United States Department of Veterans Affairs total disability rating of 100 percent
22 as a result of an injury or illness that the veteran incurred, or that was aggravated, during active
23 military service and who received a discharge or release under other than dishonorable conditions.

24 (12) For any purpose described in ORS 475B.785 to 475B.949, including exemption from criminal
25 liability under ORS 475B.907, a receipt issued by the authority verifying that an application has
26 been submitted to the authority under subsection (2), (3) or (6)(b) of this section has the same legal
27 effect as a registry identification card for 30 days following the date on which the receipt was issued
28 to the applicant.

29 **SECTION 44.** ORS 475B.913 is amended to read:

30 475B.913. (1) Except as provided in ORS 475B.910, a person has an affirmative defense to a
31 criminal charge of possession, delivery or manufacture of marijuana, or any other criminal offense
32 in which possession, delivery or manufacture of marijuana is an element, if the person charged with
33 the offense:

34 (a) Was diagnosed with a debilitating medical condition within 12 months of the date on which
35 the person was arrested and was advised by the person's attending [*physician*] **provider** that the
36 medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condi-
37 tion;

38 (b) Is engaged in the medical use of marijuana; and

39 (c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS
40 475B.831.

41 (2) A person does not need to lawfully possess a registry identification card to assert the affir-
42 mative defense established in this section.

43 (3) A person engaged in the medical use of marijuana who claims that marijuana provides med-
44 ically necessary benefits and who is charged with a crime pertaining to the use of marijuana is not
45 precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from pre-

1 sending evidence supporting the necessity of marijuana for treatment of a specific disease or medical
2 condition, provided that:

3 (a) The person possesses, delivers or manufactures marijuana only as permitted under ORS
4 475B.831 (1); and

5 (b) The person has taken a substantial step toward complying with the provisions of ORS
6 475B.785 to 475B.949.

7 (4) A defendant proposing to use the affirmative defense established in this section in a criminal
8 action shall, not less than five days before the trial of the cause, file and serve upon the district
9 attorney a written notice of the intention to assert the affirmative defense. The notice must specif-
10 ically state the reasons why the defendant is entitled to assert the affirmative defense and the fac-
11 tual basis for the affirmative defense. If the defendant fails to file and serve the notice, the defendant
12 is not permitted to assert the affirmative defense at the trial of the cause unless the court orders,
13 for good cause, otherwise.

14 **SECTION 45.** ORS 475B.916 is amended to read:

15 475B.916. The **Oregon Board of Dentistry, Oregon Board of Naturopathic Medicine, Oregon**
16 **Medical Board and Oregon State Board of Nursing** may not impose a civil penalty or take other
17 disciplinary action against an attending [*physician*] **provider** for:

18 (1) Advising a person diagnosed as having a debilitating medical condition by the attending
19 [*physician*] **provider** or another physician licensed under ORS chapter 677, **physician assistant li-**
20 **censed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390,**
21 **naturopathic physician licensed under ORS chapter 685 or dentist licensed under ORS chap-**
22 **ter 679** about the risks and benefits associated with the medical use of marijuana or that the med-
23 ical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical
24 condition, provided that the advice is based on the attending [*physician's*] **provider's** personal as-
25 sessment of the person's medical history and current medical condition; or

26 (2) Providing the written documentation necessary for issuance or renewal of a registry iden-
27 tification card under ORS 475B.797, provided that the written documentation is based on the at-
28 tending [*physician's*] **provider's** personal assessment of the person's medical history and current
29 medical condition and the attending [*physician*] **provider** has discussed with the person the potential
30 risks and benefits associated with the medical use of marijuana.

31 **SECTION 46.** ORS 475B.952 is amended to read:

32 475B.952. (1) The Oregon Cannabis Commission is established within the Oregon Health Au-
33 thority. The commission consists of:

34 (a) The Public Health Officer or the Public Health Officer's designee; and

35 (b) Eight members appointed by the Governor as follows:

36 (A) A registry identification cardholder, as defined in ORS 475B.791;

37 (B) A person designated to produce marijuana by a registry identification cardholder, as defined
38 in ORS 475B.791;

39 (C) An attending [*physician*] **provider**, as defined in ORS 475B.791;

40 (D) A person representing the Oregon Health Authority;

41 (E) A person representing the Oregon Liquor Control Commission;

42 (F) A local health officer, as described in ORS 431.418;

43 (G) A law enforcement officer; and

44 (H) A person knowledgeable about research proposal grant protocols.

45 (2) The term of office of each member of the commission is four years, but a member serves at

1 the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall
2 appoint a successor whose term begins on January 1 of the following year. A member is eligible for
3 reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to be-
4 come immediately effective for the unexpired term.

5 (3) The appointment of each member of the commission is subject to confirmation by the Senate
6 in the manner prescribed in ORS 171.562 and 171.565.

7 (4) Members of the commission are not entitled to compensation, but may be reimbursed for
8 actual and necessary travel and other expenses incurred by them in the performance of their official
9 duties in the manner and amounts provided for in ORS 292.495.

10 **SECTION 47. (1) The amendments to ORS 475B.791, 475B.797, 475B.913, 475B.916 and**
11 **475B.952 by sections 42 to 46 of this 2020 Act become operative on October 31, 2020.**

12 **(2) The Oregon Health Authority may take any action before the operative date specified**
13 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
14 **after the operative date specified in subsection (1) of this section, all of the duties, functions**
15 **and powers conferred on the authority by the amendments to ORS 475B.791, 475B.797,**
16 **475B.913, 475B.916 and 475B.952 by sections 42 to 46 of this 2020 Act.**

17
18 **OREGON CANNABIS COMMISSION**
19

20 **SECTION 48.** ORS 475B.961 is amended to read:

21 475B.961. (1) In addition to any other duty prescribed by law, the Oregon Cannabis Commission
22 shall:

23 [(1)] (a) [Provide advice to] **Work collaboratively with** the Oregon Health Authority [with re-
24 spect to] **in** the administration of ORS 475B.785 to 475B.949;

25 [(2)] (b) [Provide advice to] **Work collaboratively with** the Oregon Liquor Control Commission
26 [with respect to] **in** the administration of ORS 475B.010 to 475B.545, insofar as those statutes pertain
27 to registry identification cardholders and designated primary caregivers, as those terms are defined
28 in ORS 475B.791;

29 [(3)] (c) Develop a long-term strategic plan for ensuring that cannabis will remain a therapeutic
30 option for persons with debilitating medical conditions as defined in ORS 475B.791;

31 [(4)] (d) Develop a long-term strategic plan for ensuring that cannabis will remain affordable for
32 persons with debilitating medical conditions as defined in ORS 475B.791; and

33 [(5)] (e) Monitor and study federal laws, regulations and policies regarding marijuana.

34 **(2) On or before September 2 of each odd-numbered year, the Oregon Cannabis Commis-**
35 **sion shall submit a report about the long-term strategic plans described in subsection (1)(c)**
36 **and (d) of this section, in the manner prescribed in ORS 192.245, to the interim committees**
37 **of the Legislative Assembly related to health and the judiciary. The commission may include**
38 **with the submission described in this subsection any recommendations for legislation.**

39 **SECTION 49. (1) The amendments to ORS 475B.961 by section 48 of this 2020 Act become**
40 **operative on October 31, 2020.**

41 **(2) The Oregon Cannabis Commission may take any action before the operative date**
42 **specified in subsection (1) of this section that is necessary to enable the commission to ex-**
43 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**
44 **duties, functions and powers conferred on the commission by the amendments to ORS**
45 **475B.961 by section 48 of this 2020 Act.**

CANNABIS TRACKING SYSTEM ASSESSMENT

SECTION 50. (1) The Oregon Liquor Control Commission shall assess the financial impact of the tracking system described in ORS 475B.177 on licensees as defined in ORS 475B.015 and the state and make recommendations to improve the tracking system and reduce the cost of tracking to cannabis businesses in Oregon.

(2) The commission shall submit findings from the assessment and any recommendations for legislation to the interim committees of the Legislative Assembly related to economic development and marijuana not later than December 31, 2020.

SECTION 51. Section 50 of this 2020 Act is repealed on January 2, 2021.

CANNABIS COMPLIANCE EDUCATION PROGRAMS

SECTION 52. Section 53 of this 2020 Act is added to and made a part of ORS 475B.010 to 475B.545.

SECTION 53. (1) The Oregon Liquor Control Commission shall adopt rules to develop compliance education programs for licensees and cannabis entities regulated by the commission. In adopting rules under this section, the commission shall consult with licensees and other interested parties.

(2) The rules adopted under this section must:

(a) Clarify that participation in a compliance education program is voluntary;

(b) Establish mitigation periods for certain violations, as determined by the commission, of ORS 475B.010 to 475B.545 and rules adopted under ORS 475B.010 to 475B.545; and

(c) Include that the commission may offer recommendations on the abatement of violations described in paragraph (b) of this subsection prior to taking any action specified in ORS 475B.256.

(3) The commission may adopt other rules as necessary to carry out this section.

SECTION 54. (1) Section 53 of this 2020 Act becomes operative on January 1, 2021.

(2) The Oregon Liquor Control Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by section 53 of this 2020 Act.

UNIT CAPTIONS

SECTION 55. The unit captions used in this 2020 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2020 Act.

EFFECTIVE DATE

SECTION 56. This 2020 Act takes effect on the 91st day after the date on which the 2020 regular session of the Eightieth Legislative Assembly adjourns sine die.