

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 1561**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 through 7 and insert “133.619, 161.067, 165.663,
3 475B.015, 475B.227, 475B.253, 475B.254, 475B.311, 475B.337, 475B.354, 475B.550,
4 475B.600, 475B.791, 475B.797, 475B.895, 475B.913, 475B.916, 475B.952, 475B.961,
5 571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288,
6 571.294, 571.302, 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345 and
7 571.348; repealing ORS 571.341; and prescribing an effective date.”.

8 Delete lines 9 through 24 and delete pages 2 through 35 and insert:
9

10 **“OREGON HEMP STATE PROGRAM**

11
12 **“SECTION 1. Sections 2, 3 and 5 of this 2020 Act are added to and**
13 **made a part of ORS 571.260 to 571.348.**

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

17 **“(2) For the purpose of requesting a state or nationwide criminal**
18 **records check, the department may require fingerprints of any indi-**
19 **vidual listed on an application submitted under ORS 571.260 to 571.348,**
20 **including:**

21 **“(a) If the applicant is a limited partnership, each partner of the**

1 **limited partnership;**

2 **“(b) If the applicant is a limited liability company, each member**
3 **of the limited liability company;**

4 **“(c) If the applicant is a corporation, each director and officer of**
5 **the corporation;**

6 **“(d) Any individual who is a partner, member, director or officer**
7 **of an entity with a financial interest in the applicant; and**

8 **“(e) Other key participants with the applicant, as identified by the**
9 **department by rule.**

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

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

13 **“(a) If a person has been convicted of a felony related to a con-**
14 **trolled substance under state or federal law, the person is ineligible for**
15 **a license under ORS 571.281 to grow hemp issued by the State Depart-**
16 **ment of Agriculture for 10 years following the date of the person’s**
17 **conviction.**

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

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

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

27 **“SECTION 5. The Legislative Assembly finds and declares that the**
28 **development and administration of the Oregon Hemp State Program**
29 **described in ORS 571.263 will move the State of Oregon and its resi-**
30 **dents to the forefront of the hemp industry.**

1 **“SECTION 6.** ORS 571.260 is amended to read:

2 “571.260. ORS 571.260 to 571.348 shall be known and may be cited as the
3 [*Oregon Industrial Hemp Agricultural Pilot Program and Research Act*]
4 **Oregon Hemp Act.**

5 **“SECTION 7.** ORS 571.263 is amended to read:

6 “571.263. The State Department of Agriculture shall administer an Oregon
7 [*Industrial Hemp Agricultural Pilot Program for the purpose of studying the*
8 *growth, cultivation and marketing of industrial*] **Hemp State Program for**
9 **the production, processing and sale of hemp** in this state. In carrying out
10 the program, the department:

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

12 **“(2)(a) Shall adopt rules to implement a state plan for the pro-**
13 **duction of hemp in accordance with the Agriculture Improvement Act**
14 **of 2018 (P.L. 115-334) and subsequent federal law. The rules adopted**
15 **under this subsection must conform to, and not be more restrictive**
16 **than, the rules related to hemp promulgated by the United States De-**
17 **partment of Agriculture.**

18 **“(b) In adopting rules under this subsection, the State Department**
19 **of Agriculture shall include public input.**

20 **“(c) The rules adopted under this subsection may include the**
21 **adoption by reference of any federal laws, rules, regulations or guide-**
22 **lines, or standards, practices or requirements related to the production**
23 **of hemp.**

24 “[(2)] (3) Shall adopt by rule any record keeping and reporting require-
25 ments necessary to administer the program[;].

26 “[(3)] (4) May purchase, possess, seize or dispose of [*industrial*] hemp
27 products or commodities as the [*department*] **State Department of Agri-**
28 **culture** deems necessary to enforce and ensure compliance with ORS 571.260
29 to 571.348 or department rules relating to ORS 571.260 to 571.348[; *and*].

30 “[(4)] (5) May exercise any other power or perform any other function

1 necessary to administer the program.

2 **“SECTION 8.** ORS 571.269 is amended to read:

3 “571.269. As used in ORS 571.260 to 571.348:

4 “(1) ‘Agricultural hemp seed’ means Cannabis seed:

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

7 “(b) That remains in an unprocessed or partially processed condition that
8 is capable of germination.

9 “(2) ‘Crop’ means [*industrial*] hemp grown under a single [*registration*]
10 **license.**

11 “(3) ‘Grower’ means a person, joint venture or cooperative that produces
12 [*industrial*] hemp.

13 “(4) ‘Handler’ means a person, joint venture or cooperative that receives
14 [*industrial*] hemp for processing into commodities, products or agricultural
15 hemp seed **and any other activities identified by the State Department**
16 **of Agriculture by rule.**

17 “[*(5) ‘Industrial hemp’:*]

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

24 “[*(b) Means any Cannabis seed:*]

25 “[*(A) That is part of a crop;*]

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

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

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

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

1 “[*c*] Does not mean industrial hemp commodities or products.]

2 “(5) ‘Hemp’ means the plant species *Cannabis sativa* that:

3 “(a) Has a tetrahydrocannabinol concentration that complies with
4 the concentration specified by the department by rule; and

5 “(b) Has the meaning as defined by the department by rule.

6 “(6) ‘[*Industrial*] Hemp concentrate’ means [*an industrial*] a hemp product
7 obtained by separating cannabinoids from [*industrial*] hemp by:

8 “(a) A mechanical process;

9 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
10 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
11 cohool or ethanol;

12 “(c) A chemical extraction process using carbon dioxide, provided that the
13 process does not involve the use of high heat or pressure; or

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

15 “(7) ‘[*Industrial*] Hemp extract’ means [*an industrial*] a hemp product ob-
16 tained by separating cannabinoids from [*industrial*] hemp by:

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

19 “(b) A chemical extraction process using carbon dioxide, if the process
20 uses high heat or pressure; or

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

22 “(8) ‘Licensee’ means a grower, handler, agricultural hemp seed
23 producer or other person licensed under ORS 571.281.

24 “**SECTION 9.** ORS 571.272 is amended to read:

25 “571.272. (1) [*Industrial*] Hemp is an agricultural product that is subject
26 to regulation by the State Department of Agriculture.

27 “(2) For purposes of ORS chapter 616, the department may not consider
28 [*industrial*] hemp or [*industrial*] hemp commodities or products to be an
29 adulterant.

30 “**SECTION 10.** ORS 571.275 is amended to read:

1 “571.275. (1) The Oregon Liquor Control Commission may purchase, pos-
2 sess, seize or dispose of [*industrial*] hemp products or commodities located
3 on a premises licensed under ORS 475B.070, 475B.090, 475B.100, 475B.105 or
4 475B.560 or other area under the control of the premises licensee as the
5 commission deems necessary to enforce and ensure compliance with:

6 “(a) ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to
7 475B.655 or rules adopted by the commission relating to ORS 475B.010 to
8 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655; or

9 “(b) Any provision in ORS 571.260 to 571.348 or in rules adopted by the
10 commission or State Department of Agriculture under ORS 571.260 to 571.348
11 that makes a requirement, restriction or other provision of ORS 475B.010 to
12 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 applicable to [*indus-*
13 *trial*] hemp.

14 “(2) If the commission purchases, possesses, seizes or disposes of [*indus-*
15 *trial*] hemp products or commodities under this section to enforce or ensure
16 compliance with a provision of ORS 571.260 to 571.348 or rule adopted by the
17 department under ORS 571.260 to 571.348 that makes a requirement, re-
18 striction or other provision of ORS 475B.010 to 475B.545, 475B.550 to 475B.590
19 or 475B.600 to 475B.655 applicable to [*industrial*] hemp, the commission shall
20 notify the department of the commission action as soon as practicable.

21 “**SECTION 11.** ORS 571.278 is amended to read:

22 “571.278. There is established in the State Treasury, separate and distinct
23 from the General Fund, the [*Industrial*] Hemp Fund. Interest earned by the
24 fund shall be credited to the fund. The fund shall consist of all moneys
25 credited to or deposited in the fund. Moneys in the fund are continuously
26 appropriated to the State Department of Agriculture for the purposes of im-
27 plementing, administering and enforcing ORS 571.260 to 571.348.

28 “**SECTION 12.** ORS 571.281 is amended to read:

29 “571.281. (1)(a) To grow or handle [*industrial*] hemp, a person must be
30 [*registered with*] **licensed by** the State Department of Agriculture as a

1 grower or handler.

2 “(b) The department may identify by rule activities related to
3 **growing or handling hemp in addition to those described in ORS**
4 **571.269, and may require licensure to engage in those activities. The**
5 **department may issue, renew, suspend, revoke or refuse to issue or**
6 **renew a license required pursuant to this subsection.**

7 “(2)(a) Only a grower or handler [*registered*] **licensed** under this section
8 may produce agricultural hemp seed. For a grower or handler to produce
9 agricultural hemp seed, the grower or handler must be [*registered with*] **li-**
10 **icensed by** the department as an agricultural hemp seed producer.

11 “(b) Notwithstanding paragraph (a) of this subsection:

12 “(A) A grower [*registered*] **licensed** under this section that retains agri-
13 cultural hemp seed for the purpose of personally propagating [*industrial*]
14 hemp in a subsequent year is not required to [*register with*] **be licensed by**
15 the department as an agricultural hemp seed producer; and

16 “(B) A grower or handler [*registered*] **licensed** under this section that
17 produces Cannabis seeds that are incapable of germination, or a handler
18 [*registered*] **licensed** under this section that processes Cannabis seeds that
19 are incapable of germination into commodities or products, is not required
20 to [*register with*] **be licensed by** the department as an agricultural hemp
21 seed producer.

22 “(3) An applicant for [*registration*] **a license** under this section must
23 submit to the department, in a form and manner prescribed by the depart-
24 ment, the following information:

25 “(a) The name and address of the applicant;

26 “(b) The name and address of the [*industrial*] hemp operation of the ap-
27 plicant; and

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

29 “(4) [*Registration under this section is valid for a one-year term, beginning*
30 *on January 1.*] **The department shall adopt rules specifying the period**

1 **of time for which a license issued under this section is valid.** A [*grower,*
2 *handler or agricultural hemp seed producer may renew a registration*]
3 **licensee may renew a license** under this section in a form and manner
4 prescribed by the department.

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

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

12 “(a) A provision of ORS 571.260 to 571.348;

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

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

17 “(7) In addition to any inspection conducted pursuant to ORS 561.275, the
18 department may inspect any crop during the crop’s growth phase and take
19 a representative composite sample for field analysis. If a crop contains an
20 average tetrahydrocannabinol concentration exceeding [*0.3 percent on a dry*
21 *weight basis or a tetrahydrocannabinol concentration exceeding the concen-*
22 *tration allowed under federal law, whichever is greater,*] **the concentration**
23 **specified by the department by rule,** the department may detain, seize or
24 embargo the crop as provided under ORS 561.605 to 561.620, subject to any
25 process established under ORS 571.345.

26 “(8)(a) The department may charge [*growers, handlers and agricultural*
27 *hemp seed producers*] **licensees the following fees in amounts reasonably**
28 **calculated by the department to pay the cost of administering ORS**
29 **571.260 to 571.348:**

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

1 **“(B) License and license renewal fees;**

2 **“(C) Administrative change fees; and**

3 **“(D) Fees for other services** [*in amounts reasonably calculated by the de-*
4 *partment to pay the cost of administering ORS 571.260 to 571.348*].

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

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

10 **“SECTION 13.** ORS 571.285 is amended to read:

11 **“571.285. (1) Subject to the provisions of ORS chapter 183, the State De-**
12 **partment of Agriculture may revoke** [*the registration of a grower, handler or*
13 *agricultural hemp seed producer*] **a licensee’s license** or refuse to [*register*]
14 **license** or renew the [*registration*] **license** if a [*grower, handler or agricul-*
15 *tural hemp seed producer*] **licensee** violates:

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

17 **“(b) A rule adopted under a provision of ORS 571.260 to 571.348;**

18 **“(c) An order issued by the department pursuant to a provision of ORS**
19 **571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to**
20 **571.348; or**

21 **“(d) Any statutory law or department rule related to agricultural activ-**
22 **ities other than** [*industrial*] **hemp operations.**

23 **“[(2) The department may not discipline a grower, handler or agricultural**
24 **hemp seed producer under this section on the basis that possessing, delivering**
25 **and manufacturing industrial hemp are prohibited by federal law.]**

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

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

30 **“(b) A rule adopted pursuant to ORS 571.260 to 571.348;**

1 “(c) An order issued by the department pursuant to ORS 571.260 to
2 571.348 or a rule adopted pursuant to ORS 571.260 to 571.348; or

3 “(d) Any other state law, or rule adopted by the department, related
4 to agricultural activities other than hemp.

5 “**SECTION 14.** ORS 571.288 is amended to read:

6 “571.288. A grower [*registered*] **licensed** under ORS 571.281 may use any
7 propagation method, including planting seeds or starts or the use of clones
8 or cuttings, to produce [*industrial*] hemp.

9 “**SECTION 15.** ORS 571.294 is amended to read:

10 “571.294. The State Department of Agriculture may charge growers and
11 handlers [*registered*] **licensed** under ORS 571.281 fees reasonably calculated
12 by the department to pay the cost of sampling or testing [*industrial*] hemp
13 or [*industrial*] hemp commodities or products under ORS 571.330 and 571.333.
14 Moneys from fees charged under this section shall be deposited in the [*In-*
15 *dustrial*] Hemp Fund established under ORS 571.278.

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

17 “571.302. (1) For purposes of ORS 633.511 to 633.750, agricultural hemp
18 seed is an agricultural seed or a flower seed, as those terms are defined in
19 ORS 633.511.

20 “(2) The Director of Agriculture, or the director’s agent, and the Dean
21 of the College of Agricultural Sciences of Oregon State University, or the
22 dean’s agent, shall establish a program for the labeling and certification of
23 agricultural hemp seed. For purposes of the program:

24 “(a) The director and the dean shall perform their respective duties under
25 ORS 633.511 to 633.750 with respect to agricultural hemp seed in the same
26 manner that the director and dean perform their respective duties under ORS
27 633.511 to 633.750 with respect to other agricultural seed or flower seed, in-
28 cluding but not limited to those duties related to labeling, testing and cer-
29 tifying seeds; and

30 “(b) The director and the dean shall exercise their respective functions

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

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

14 “(4)(a) The director and the dean shall collaborate with growers [*regis-*
15 *tered*] **licensed** under ORS 571.281 in performing their respective duties and
16 exercising their respective functions and powers under ORS 633.511 to
17 633.750 with respect to agricultural hemp seed.

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

21 “(5) The director and the dean may collaborate with entities authorized
22 to certify seeds under the laws of other states in performing their respective
23 duties and exercising their respective functions and powers under ORS
24 633.511 to 633.750 with respect to agricultural hemp seed.

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

28 “(7) The State Department of Agriculture may establish by rule waivers
29 to, or exemptions from, tests that would otherwise be conducted to determine
30 a crop’s average tetrahydrocannabinol concentration for crops planted with

1 agricultural hemp seed varieties certified pursuant to the program described
2 in this section.

3 **“SECTION 17.** ORS 571.327 is amended to read:

4 “571.327. (1) An agricultural hemp seed producer [*registered*] **licensed**
5 under ORS 571.281:

6 “(a) Must sell agricultural hemp seed in a manner that complies with any
7 standard established by the Director of Agriculture under ORS 633.511 to
8 633.750; and

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

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

14 “(3) The State Department of Agriculture shall make available to growers
15 [*registered*] **licensed** under ORS 571.281 information that identifies agricul-
16 tural hemp seed producers [*registered*] **licensed** under ORS 571.281 from
17 whom the growers may purchase agricultural hemp seed.

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

19 “571.330. (1) For purposes of this section, ‘consumption’ means to ingest,
20 inhale or topically apply to the skin or hair.

21 “(2)(a) A laboratory licensed by the Oregon Liquor Control Commission
22 under ORS 475B.560 and accredited by the Oregon Health Authority pursuant
23 to ORS 475B.565 may test [*industrial*] hemp and [*industrial*] hemp commod-
24 ities and products produced or processed by a [*grower, handler or agricultural*
25 *hemp seed producer registered under ORS 571.281*] **licensee**.

26 “(b) An accredited independent testing laboratory that has been approved
27 by the authority or the State Department of Agriculture may test
28 [*industrial*] hemp and [*industrial*] hemp commodities and products produced
29 or processed by a [*grower, handler or agricultural hemp seed producer regis-*
30 *tered under ORS 571.281*] **licensee**.

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

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

8 “(a) Establishing protocols for the testing of [*industrial*] hemp commod-
9 ities and products; and

10 “(b) Establishing procedures for determining batch sizes and for sampling
11 [*industrial*] hemp commodities and products.

12 “(5) This section does not apply to:

13 “(a) Agricultural hemp seed;

14 “(b) Seeds of the plant genus *Cannabis* within the plant family
15 Cannabaceae that are incapable of germination;

16 “(c) Products derived from seeds described in paragraph (b) of this sub-
17 section; or

18 “(d) Other parts of [*industrial*] hemp that the department identifies by
19 rule as exempt.

20 “**SECTION 19.** ORS 571.333 is amended to read:

21 “571.333. (1) The State Department of Agriculture may enter into an
22 agreement with the Oregon Health Authority for the purpose of developing
23 standards for investigating and testing [*an industrial*] a hemp crop to deter-
24 mine the average tetrahydrocannabinol concentration of the crop.

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

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

1 “571.336. (1) As used in this section, ‘licensee,’ ‘marijuana,’ ‘marijuana
2 item’ and ‘marijuana processor’ have the meanings given those terms in ORS
3 475B.015.

4 “(2) A grower [*registered*] **licensed** under ORS 571.281 may deliver [*in-*
5 *dustrial*] hemp, and a handler [*registered*] **licensed** under ORS 571.281 may
6 deliver [*industrial*] hemp concentrates and [*industrial*] hemp extracts, to a
7 marijuana processor that holds a license issued under ORS 475B.090, if:

8 “(a) The grower or handler and the marijuana processor are registered
9 with the Oregon Liquor Control Commission, in a form and manner pre-
10 scribed by the commission, for the purpose of processing [*industrial*] hemp,
11 [*industrial*] hemp concentrates and [*industrial*] hemp extracts;

12 “(b) The marijuana processor is provided with the results of any test
13 conducted on the [*industrial*] hemp, [*industrial*] hemp concentrate or [*indus-*
14 *trial*] hemp extract pursuant to ORS 571.260 to 571.348 as a condition of the
15 marijuana processor’s receiving the [*industrial*] hemp, [*industrial*] hemp
16 concentrate or [*industrial*] hemp extract;

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

20 “(d) The [*industrial*] hemp, [*industrial*] hemp concentrate or [*industrial*]
21 hemp extract is tracked using the system developed and maintained under
22 ORS 475B.177 when the [*industrial*] hemp, [*industrial*] hemp concentrate or
23 [*industrial*] hemp extract is delivered to the premises of the marijuana
24 processor; and

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

27 “(3) [*Industrial*] Hemp, [*industrial*] hemp concentrates and [*industrial*]
28 hemp extracts may be processed by a marijuana processor registered under
29 this section into any [*industrial*] hemp commodity or product or used by a
30 marijuana processor registered under this section to supplement the pro-

1 censing of any marijuana item.

2 “(4) [*An industrial*] **A** hemp concentrate, [*industrial*] hemp extract, [*in-*
3 *dustrial*] hemp commodity or product or marijuana item processed pursuant
4 to this section may be delivered by a marijuana processor registered under
5 this section to a licensee as described in ORS 475B.206, provided that the
6 [*industrial*] hemp concentrate, [*industrial*] hemp extract, [*industrial*] hemp
7 commodity or product or marijuana item meets any applicable requirement
8 for marijuana items set forth in ORS 475B.010 to 475B.545, 475B.550 to
9 475B.590 and 475B.600 to 475B.655 and rules adopted under ORS 475B.010 to
10 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655.

11 “(5) The commission may impose an annual fee reasonably calculated to
12 not exceed the cost of administering this section on growers registered under
13 this section, handlers registered under this section and marijuana processors
14 registered under this section. Fees collected under this section shall be de-
15 posited in the Marijuana Control and Regulation Fund established under
16 ORS 475B.296. Moneys deposited in the fund pursuant to this subsection are
17 continuously appropriated to the commission for the purpose of administer-
18 ing this section.

19 “**SECTION 21.** ORS 571.337 is amended to read:

20 “571.337. (1) As used in this section:

21 “(a) ‘Consumption’ has the meaning given that term in ORS 571.330.

22 “(b) ‘Processor’ means a person licensed under ORS 475B.090.

23 “(c) ‘Retailer’ means a person licensed under ORS 475B.105.

24 “(d) ‘Wholesaler’ means a person licensed under ORS 475B.100.

25 “(2) [*Except as provided in ORS 571.341,*] A processor, retailer or whole-
26 saler may purchase, receive, transfer, sell or transport [*industrial*] hemp, or
27 [*an industrial*] **a** hemp commodity or product that contains cannabinoids and
28 is intended for human consumption, only if:

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

1 or a processor;

2 “(b) The grower, handler or processor under paragraph (a) of this sub-
3 section is registered by the Oregon Liquor Control Commission as provided
4 under ORS 571.336; and

5 “(c) The hemp, commodity or product meets the requirements for
6 marijuana items under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 and
7 475B.600 to 475B.655 and rules adopted by the commission.

8 “(3) A grower, handler or processor registered as described under ORS
9 571.336 (2)(a) shall enter hemp, commodity or product that contains
10 cannabinoids, is intended for human consumption and is intended for trans-
11 fer, sale or transport to a processor, retailer or wholesaler licensed under
12 ORS 475B.010 to 475B.545 into the tracking system described in ORS 475B.177
13 before the hemp, commodity or product is transferred to a laboratory de-
14 scribed in ORS 571.330 (2) for testing of a type described under ORS 475B.555.
15 The commission shall continue to track the hemp, commodity or product
16 entered into the system under this subsection when the hemp, commodity or
17 product is transferred, sold or transported to a premises licensed under ORS
18 475B.010 to 475B.545, or to other areas under the control of the premises
19 licensee.

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

22 “(5) The commission shall adopt rules regarding the activities of process-
23 ors, retailers, wholesalers and laboratories under this section.

24 “**SECTION 22.** ORS 571.339 is amended to read:

25 “571.339. A person may not make a retail sale of [*industrial*] hemp com-
26 modities or products in this state unless the [*industrial*] hemp commodities
27 or products and the [*industrial*] hemp used to process the [*industrial*] hemp
28 commodities or products meet the requirements for processing [*industrial*]
29 hemp commodities or products or growing [*industrial*] hemp set forth in ORS
30 571.260 to 571.348 and rules adopted under ORS 571.260 to 571.348. This sec-

1 tion does not apply to the retail sale of [*industrial*] hemp commodities or
2 products by a marijuana retailer, as defined in ORS 475B.015, that holds a
3 license issued under ORS 475B.105.

4 **“SECTION 23.** ORS 571.345 is amended to read:

5 “571.345. The State Department of Agriculture may by rule or order es-
6 tablish a process providing for the remediation of a violation of ORS 571.330
7 or 571.333 that is committed by a grower or handler [*registered*] **licensed**
8 under ORS 571.281 and is not committed intentionally.

9 **“SECTION 24.** ORS 571.348 is amended to read:

10 “571.348. (1) Subject to the provisions of ORS chapter 183, the State De-
11 partment of Agriculture may impose a civil penalty not to exceed \$2,500 on
12 a person for violating:

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; or

15 “(c) An order issued by the department pursuant to a provision of ORS
16 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
17 571.348.

18 “[*(2) The department may not discipline a person under this section on the*
19 *basis that possessing, delivering and manufacturing industrial hemp are pro-*
20 *hibited by federal law.*]

21 “[*(3)*] **(2)** All moneys collected by the department under this section shall
22 be deposited in the General Fund in the State Treasury to the credit of the
23 [*Industrial*] Hemp Fund established under ORS 571.278.

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

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

29 **“(2) Meets the requirements for registration renewal.**

30 **“SECTION 26.** ORS 571.341 is repealed.

1 **“SECTION 27. (1) Sections 2, 3, 5 and 25 of this 2020 Act and the**
2 **amendments to ORS 571.260, 571.263, 571.269, 571.272, 571.275, 571.278,**
3 **571.281, 571.285, 571.288, 571.294, 571.302, 571.327, 571.330, 571.333, 571.336,**
4 **571.337, 571.339, 571.345 and 571.348 by sections 6 to 24 of this 2020 Act**
5 **and the repeal of ORS 571.341 by section 26 of this 2020 Act become**
6 **operative on October 31, 2020.**

7 **“(2) The Oregon Health Authority, the Oregon Liquor Control**
8 **Commission and the State Department of Agriculture may take any**
9 **action before the operative date specified in subsection (1) of this sec-**
10 **tion that is necessary to enable the authority, the commission and the**
11 **department to exercise, on and after the operative date specified in**
12 **subsection (1) of this section, all of the duties, functions and powers**
13 **conferred on the authority, the commission and the department by**
14 **sections 2, 3, 5 and 25 of this 2020 Act and the amendments to ORS**
15 **571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288,**
16 **571.294, 571.302, 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345**
17 **and 571.348 by sections 6 to 24 of this 2020 Act and the repeal of ORS**
18 **571.341 by section 26 of this 2020 Act.**

19
20 **“CONFORMING AMENDMENTS**

21
22 **“SECTION 28. ORS 475B.015 is amended to read:**

23 **“475B.015. As used in ORS 475B.010 to 475B.545:**

24 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are the**
25 **active constituents derived from marijuana.**

26 **“(2) ‘Cannabinoid concentrate’ means a substance obtained by separating**
27 **cannabinoids from marijuana by:**

28 **“(a) A mechanical extraction process;**

29 **“(b) A chemical extraction process using a nonhydrocarbon-based solvent,**
30 **such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-**

1 cohol or ethanol;

2 “(c) A chemical extraction process using carbon dioxide, provided that the
3 process does not involve the use of high heat or pressure; or

4 “(d) Any other process identified by the Oregon Liquor Control Commis-
5 sion, in consultation with the Oregon Health Authority, by rule.

6 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
7 cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or
8 flowers have been incorporated.

9 “(4) ‘Cannabinoid extract’ means a substance obtained by separating
10 cannabinoids from marijuana by:

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

13 “(b) A chemical extraction process using carbon dioxide, if the process
14 uses high heat or pressure; or

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

17 “(5)(a) ‘Cannabinoid product’ means a cannabinoid edible and any other
18 product intended for human consumption or use, including a product in-
19 tended to be applied to the skin or hair, that contains cannabinoids or dried
20 marijuana leaves or flowers.

21 “(b) ‘Cannabinoid product’ does not include:

22 “(A) Usable marijuana by itself;

23 “(B) A cannabinoid concentrate by itself;

24 “(C) A cannabinoid extract by itself; or

25 “(D) [*Industrial*] Hemp, as defined in ORS 571.269.

26 “(6) ‘Consumer’ means a person who purchases, acquires, owns, holds or
27 uses marijuana items other than for the purpose of resale.

28 “(7) ‘Deliver’ means the actual, constructive or attempted transfer from
29 one person to another of a marijuana item, whether or not there is an agency
30 relationship.

1 “(8) ‘Designated primary caregiver’ has the meaning given that term in
2 ORS 475B.791.

3 “(9)(a) ‘Financial consideration’ means value that is given or received ei-
4 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
5 contributions or donations.

6 “(b) ‘Financial consideration’ does not include marijuana, cannabinoid
7 products or cannabinoid concentrates that are delivered within the scope of
8 and in compliance with ORS 475B.301.

9 “(10) ‘Homegrown’ means grown by a person 21 years of age or older for
10 noncommercial purposes.

11 “(11) ‘Household’ means a housing unit and any place in or around a
12 housing unit at which the occupants of the housing unit are producing,
13 processing, possessing or storing homegrown marijuana, cannabinoid pro-
14 ducts, cannabinoid concentrates or cannabinoid extracts.

15 “(12) ‘Housing unit’ means a house, an apartment or a mobile home, or
16 a group of rooms or a single room that is occupied as separate living quar-
17 ters, in which the occupants live and eat separately from any other persons
18 in the building and that has direct access from the outside of the building
19 or through a common hall.

20 “(13) ‘Immature marijuana plant’ means a marijuana plant that is not
21 flowering.

22 “(14) ‘Licensee’ means a person that holds a license issued under ORS
23 475B.070, 475B.090, 475B.100 or 475B.105.

24 “(15) ‘Licensee representative’ means an owner, director, officer, manager,
25 employee, agent or other representative of a licensee, to the extent that the
26 person acts in a representative capacity.

27 “(16)(a) ‘Manufacture’ means producing, propagating, preparing, com-
28 pounding, converting or processing a marijuana item, either directly or in-
29 directly, by extracting from substances of natural origin.

30 “(b) ‘Manufacture’ includes any packaging or repackaging of a marijuana

1 item or the labeling or relabeling of a container containing a marijuana
2 item.

3 “(17)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
4 part of the plant Cannabis family Cannabaceae and marijuana seeds.

5 “(b) ‘Marijuana’ does not include:

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

7 “(B) Prescription drugs, as that term is defined in ORS 689.005, including
8 those containing one or more cannabinoids, that are approved by the United
9 States Food and Drug Administration and dispensed by a pharmacy, as de-
10 fined in ORS 689.005.

11 “(18) ‘Marijuana flowers’ means the flowers of the plant genus Cannabis
12 within the plant family Cannabaceae.

13 “(19) ‘Marijuana items’ means marijuana, cannabinoid products,
14 cannabinoid concentrates and cannabinoid extracts.

15 “(20) ‘Marijuana leaves’ means the leaves of the plant genus Cannabis
16 within the plant family Cannabaceae.

17 “(21) ‘Marijuana processor’ means a person that processes marijuana
18 items in this state.

19 “(22) ‘Marijuana producer’ means a person that produces marijuana in
20 this state.

21 “(23) ‘Marijuana retailer’ means a person that sells marijuana items to a
22 consumer in this state.

23 “(24)(a) ‘Marijuana seeds’ means the seeds of the plant Cannabis family
24 Cannabaceae.

25 “(b) ‘Marijuana seeds’ does not include the seeds of [*industrial*] hemp, as
26 defined in ORS 571.269.

27 “(25) ‘Marijuana wholesaler’ means a person that purchases marijuana
28 items in this state for resale to a person other than a consumer.

29 “(26) ‘Mature marijuana plant’ means a marijuana plant that is not an
30 immature marijuana plant.

1 “(27) ‘Medical grade cannabinoid product, cannabinoid concentrate or
2 cannabinoid extract’ means a cannabinoid product, cannabinoid concentrate
3 or cannabinoid extract that has a concentration of tetrahydrocannabinol that
4 is permitted under ORS 475B.625 in a single serving of the cannabinoid
5 product, cannabinoid concentrate or cannabinoid extract for consumers who
6 hold a valid registry identification card issued under ORS 475B.797.

7 “(28) ‘Medical purpose’ means a purpose related to using usable
8 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid
9 extracts to mitigate the symptoms or effects of a debilitating medical condi-
10 tion, as defined in ORS 475B.791.

11 “(29) ‘Noncommercial’ means not dependent or conditioned upon the pro-
12 vision or receipt of financial consideration.

13 “(30)(a) ‘Premises’ includes the following areas of a location licensed un-
14 der ORS 475B.010 to 475B.545:

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

18 “(B) All areas outside a building that the commission has specifically li-
19 censed for the processing, wholesale sale or retail sale of marijuana items;
20 and

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

24 “(b) ‘Premises’ does not include a primary residence.

25 “(31)(a) ‘Processes’ means the processing, compounding or conversion of
26 marijuana into cannabinoid products, cannabinoid concentrates or
27 cannabinoid extracts.

28 “(b) ‘Processes’ does not include packaging or labeling.

29 “(32)(a) ‘Produces’ means the manufacture, planting, cultivation, growing
30 or harvesting of marijuana.

1 “(b) ‘Produces’ does not include:

2 “(A) The drying of marijuana by a marijuana processor, if the marijuana
3 processor is not otherwise producing marijuana; or

4 “(B) The cultivation and growing of an immature marijuana plant by a
5 marijuana processor, marijuana wholesaler or marijuana retailer if the
6 marijuana processor, marijuana wholesaler or marijuana retailer purchased
7 or otherwise received the plant from a licensed marijuana producer.

8 “(33) ‘Propagate’ means to grow immature marijuana plants or to breed
9 or produce marijuana seeds.

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

16 “(35) ‘Registry identification cardholder’ has the meaning given that term
17 in ORS 475B.791.

18 “(36)(a) ‘Usable marijuana’ means the dried leaves and flowers of
19 marijuana.

20 “(b) ‘Usable marijuana’ does not include:

21 “(A) Marijuana seeds;

22 “(B) The stalks and roots of marijuana; or

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

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

26 “475B.253. (1) As used in this section, [*industrial*] hemp’ has the meaning
27 given that term in ORS 571.269.

28 “(2) [*An industrial*] **A** hemp product or commodity offered for sale by a
29 marijuana retailer that holds a license issued under ORS 475B.105 must carry
30 a label that clearly identifies whether the product or commodity is derived

1 from hemp or marijuana.

2 “(3) The Oregon Liquor Control Commission may inspect the premises of
3 a marijuana retailer that holds a license issued under ORS 475B.105 to en-
4 sure 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
8 active constituents of marijuana.

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

12 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
13 cannabinoid concentrate or extract or the dried leaves or flowers of
14 marijuana have been incorporated.

15 “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other
16 product intended for human consumption or use, including a product in-
17 tended to be applied to a person’s skin or hair, that contains cannabinoids
18 or the dried leaves or flowers of marijuana.

19 “(b) ‘Cannabinoid product’ does not include:

20 “(A) Usable marijuana by itself;

21 “(B) A cannabinoid concentrate or extract by itself; or

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

23 “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
24 part of the plant Cannabis family Cannabaceae and the seeds of the plant
25 Cannabis family Cannabaceae.

26 “(b) ‘Marijuana’ does not include:

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

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

1 fined in ORS 689.005.

2 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid
3 product or a cannabinoid concentrate or extract.

4 “(7) ‘Processing’ means the compounding or conversion of marijuana into
5 cannabinoid products or cannabinoid concentrates or extracts.

6 “(8) ‘Producing’ means:

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

8 “(b) Drying marijuana leaves and flowers.

9 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
10 marijuana.

11 “(b) ‘Usable marijuana’ does not include:

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

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

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

16 “475B.600. As used in ORS 475B.600 to 475B.655:

17 “(1) ‘Cannabinoid’ means any of the chemical compounds that are the
18 active constituents of marijuana.

19 “(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by
20 separating cannabinoids from marijuana by a mechanical, chemical or other
21 process.

22 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
23 cannabinoid concentrate or extract or the dried leaves or flowers of
24 marijuana have been incorporated.

25 “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other
26 product intended for human consumption or use, including a product in-
27 tended to be applied to a person’s skin or hair, that contains cannabinoids
28 or the dried leaves or flowers of marijuana.

29 “(b) ‘Cannabinoid product’ does not include:

30 “(A) Usable marijuana by itself;

1 “(B) A cannabinoid concentrate or extract by itself; or

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

3 “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
4 part of the plant Cannabis family Cannabaceae and the seeds of the plant
5 Cannabis family Cannabaceae.

6 “(b) ‘Marijuana’ does not include:

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

8 “(B) Prescription drugs, as that term is defined in ORS 689.005, including
9 those containing one or more cannabinoids, that are approved by the United
10 States Food and Drug Administration and dispensed by a pharmacy, as de-
11 fined in ORS 689.005.

12 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid
13 product or a cannabinoid concentrate or extract.

14 “(7) ‘Processing’ means the compounding or conversion of marijuana into
15 cannabinoid products or cannabinoid concentrates or extracts.

16 “(8) ‘Producing’ means:

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

18 “(b) Drying marijuana leaves and flowers.

19 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
20 marijuana.

21 “(b) ‘Usable marijuana’ does not include:

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

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

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

28 **“(2) The Oregon Health Authority and the Oregon Liquor Control
29 Commission may take any action before the operative date specified
30 in subsection (1) of this section that is necessary to enable the au-**

1 **thority and the commission to exercise, on and after the operative**
2 **date specified in subsection (1) of this section, all of the duties, func-**
3 **tions and powers conferred on the authority and the commission by**
4 **the amendments to ORS 475B.015, 475B.253, 475B.550 and 475B.600 by**
5 **sections 28 to 31 of this 2020 Act.**

6
7 **“CANNABIS OFFENSES**

8
9 **“SECTION 33.** ORS 133.619 is amended to read:

10 “133.619. (1) A warrant authorizing the installation or tracking of a mo-
11 bile tracking device shall be executed as provided in this section.

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

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

17 “(4) Within five days of the execution of the warrant, or, in the case of
18 an ongoing investigation, within such additional time as the issuing judge
19 may allow upon application, the officer shall mail a receipt for things seized
20 or observations made under authority of the warrant to the following:

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

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

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

27 “(6) A warrant authorizing the installation or tracking of a mobile
28 tracking device shall be issued only when based upon the submission of an
29 affidavit or oral statement as described in ORS 133.545, which affidavit or
30 statement demonstrates that probable cause exists to believe that an indi-

1 vidual is committing or is about to commit:

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

4 “(b) A crime punishable as a felony arising under ORS 475.752 [or],
5 475.806 to 475.894, **475B.010 to 475B.545 or 475B.785 to 475B.949**;

6 “(c) The crime of unlawfully transporting metal property under ORS
7 164.857 or a crime described in ORS 165.118;

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

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

12 “(f) A violation of a criminal provision of the commercial fishing laws as
13 described in ORS 506.001;

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

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

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

20 **“SECTION 34.** ORS 161.067 is amended to read:

21 “161.067. (1)(a) When the same conduct or criminal episode violates two
22 or more statutory provisions and each provision requires proof of an element
23 that the others do not, there are as many separately punishable offenses as
24 there are separate statutory violations.

25 **“(b) Notwithstanding paragraph (a) of this subsection, when the**
26 **same conduct or criminal episode violates the following statutory**
27 **provisions, the two determinations of guilt merge into a single con-**
28 **viction and are not separately punishable:**

29 **“(A) Unlawful delivery of a marijuana item under ORS 475B.346**
30 **based on conduct constituting an attempted delivery; and**

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

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

10 “(a) Theft as defined in ORS 164.015.

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

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

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

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

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

19 “(g) Arson and related offenses as defined in ORS 164.315, 164.325 or
20 164.335.

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

22 “(3) When the same conduct or criminal episode violates only one statu-
23 tory provision and involves only one victim, but nevertheless involves re-
24 peated violations of the same statutory provision against the same victim,
25 there are as many separately punishable offenses as there are violations,
26 except that each violation, to be separately punishable under this subsection,
27 must be separated from other such violations by a sufficient pause in the
28 defendant’s criminal conduct to afford the defendant an opportunity to re-
29 nounce the criminal intent. Each method of engaging in oral or anal sexual
30 intercourse as defined in ORS 163.305, and each method of engaging in un-

1 lawful sexual penetration as defined in ORS 163.408 and 163.411 shall con-
2 stitute separate violations of their respective statutory provisions for
3 purposes of determining the number of statutory violations.

4 **“SECTION 35.** ORS 165.663 is amended to read:

5 “165.663. Any police officer may apply to the circuit court in which judi-
6 cial district the targeted telephone is located for an ex parte order or ex-
7 tension of an order authorizing the installation and use of a pen register or
8 a trap and trace device. The application shall:

9 “(1) Be in writing under oath;

10 “(2) Include the identity of the applicant and the identity of the law
11 enforcement agency conducting the investigation;

12 “(3) Contain a statement demonstrating that there is probable cause to
13 believe that an individual is committing, has committed or is about to com-
14 mit:

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

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

19 “(c) A crime under ORS 166.720 that includes as part of the pattern of
20 racketeering activity at least one incident of conduct that constitutes a fel-
21 ony; or

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

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

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

27 “475B.227. (1) For purposes of this section,[:]

28 “[a)] ‘export’ includes placing a marijuana item in any mode of trans-
29 portation for hire, such as luggage, mail or parcel delivery, even if the
30 transportation of the marijuana item is intercepted prior to the marijuana

1 item leaving this state.

2 “[*b*] *‘Marijuana item’ includes industrial hemp products and commodities*
3 *that contain more than 0.3 percent tetrahydrocannabinol.*”

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

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

10 “(a) **ORS 571.260 to 571.348 and rules adopted under, or orders issued**
11 **pursuant to, ORS 571.260 to 571.348; or**

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

13 “[~~(3)~~] (4) Except as provided in subsection [~~(4)~~] (5) of this section, a vio-
14 lation of this section is a Class B violation.

15 “[~~(4)~~] (5) A violation of this section is a:

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

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

19 “(B) Concerns an amount of marijuana items that exceeds the applicable
20 maximum amount specified in ORS 475B.337 (1)[*(a) to (f)*].

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

22 “(A) Is for consideration and the person holds a license issued under ORS
23 475B.070, 475B.090, 475B.100, [*or*] 475B.105 **or 571.281**; or

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

26 “[*(C) Concerns a cannabinoid extract that was not purchased from a*
27 *marijuana retailer that holds a license issued under ORS 475B.105.*”

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

29 “475B.254. (1) As used in this section:

30 “(a) ‘Consumer’ means a person who purchases, acquires, owns, holds or

1 uses marijuana items other than for the purpose of resale.

2 “(b) ‘Marijuana item’ includes [*industrial*] hemp products and commodities
3 that contain more [*than 0.3 percent*] tetrahydrocannabinol **than allowed by**
4 **rule adopted by the State Department of Agriculture.**

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

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

8 “475B.311. (1) A person other than a marijuana processor that holds a li-
9 cense issued under ORS 475B.090 **or a handler licensed under ORS 571.281**
10 **to process hemp** may not process cannabinoid extracts into a cannabinoid
11 product.

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

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

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

16 “475B.337. (1) Except for licensees and licensee representatives acting in
17 accordance with ORS 475B.010 to 475B.545 and any rule adopted under ORS
18 475B.010 to 475B.545, it is unlawful for any person 21 years of age or older
19 to possess, knowingly or intentionally:

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

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

23 “(c) More than eight ounces of usable marijuana.

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

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

27 “(f) More than one ounce of cannabinoid extracts.

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

1 “(2) Except as provided in subsection (3) of this section, unlawful pos-
2 session of a marijuana item is a Class A misdemeanor.

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

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

7 “(b) A Class B misdemeanor, if the amount possessed is more than two
8 times, but not more than four times, the applicable maximum amount speci-
9 fied in subsection (1)(a) to (f) of this section.

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

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

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

14 “(C) More than one-quarter ounce of cannabinoid extract that was not
15 purchased from a marijuana retailer that holds a license issued under ORS
16 475B.105 **or from a licensed marijuana retailer from another state.**

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

18 “475B.354. (1) Except as provided in subsection (3) of this section, a felony
19 under ORS 475B.337 or 475B.341 shall be classified as crime category 1 of the
20 sentencing guidelines grid of the Oregon Criminal Justice Commission.

21 “(2) Except as provided in subsection (3) of this section, a felony under
22 ORS 475B.346 or 475B.349 shall be classified as crime category 4 of the sen-
23 tencing guidelines grid of the Oregon Criminal Justice Commission.

24 “(3) Subject to subsection (4) of this section, a felony under ORS 475B.337,
25 475B.341, 475B.346 or 475B.349 shall be classified as crime category 8 of the
26 sentencing guidelines grid of the Oregon Criminal Justice Commission if the
27 violation is a commercial marijuana offense. A violation is a commercial
28 marijuana offense for purposes of this subsection if the violation was com-
29 mitted in conjunction with at least three of the following factors:

30 “(a) The offender [*delivered a marijuana item for consideration*] **was in**

1 **possession of an amount of marijuana items that exceeds 16 times the**
2 **applicable maximum amount specified in ORS 475B.301;**

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

4 “(c) The offender was unlawfully in possession of a firearm or other
5 weapon as described in ORS 166.270 (2), the offender used, attempted to use
6 or threatened to use a deadly weapon or dangerous weapon, as those terms
7 are defined in ORS 161.015, or the offender was in possession of a firearm
8 or other deadly weapon or dangerous weapon for the purpose of using the
9 deadly weapon or dangerous weapon;

10 “[~~d~~] *The offender was in possession of materials being used for the pack-*
11 *aging of marijuana items, such as scales, wrapping or foil, other than a ma-*
12 *terial used to contain the marijuana item that is the subject of the violation;*]

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

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

16 “[~~g~~] **(f)** The offender was in possession of manufacturing paraphernalia
17 specifically designed for producing marijuana, such as recipes, [~~precursor~~
18 *chemicals, laboratory equipment,*] lighting equipment, ventilating equipment
19 or power generation equipment;

20 “[~~h~~] **(g)** The offender modified structures by painting, wiring, plumbing
21 or lighting the structures to facilitate the offense;

22 “[~~i~~] **(h)** The offender used public lands to manufacture the marijuana
23 item; or

24 “[~~j~~] **(i)** The offender constructed fortifications or took security measures
25 that had the potential to injure persons.

26 “(4) To prove that a violation is a commercial marijuana offense for pur-
27 poses of subsection (3) of this section, the state must plead in the accusatory
28 instrument at least three of the factors described in subsection (3) of this
29 section. The state has the burden of proving each factor beyond a reasonable
30 doubt.

1 **“SECTION 41. (1) The amendments to ORS 133.619, 161.067, 165.663,**
2 **475B.227, 475B.254, 475B.311, 475B.337 and 475B.354 by sections 33 to 40**
3 **of this 2020 Act become operative on October 31, 2020.**

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

11
12 **“OREGON MEDICAL MARIJUANA ACT**
13

14 **“SECTION 42. ORS 475B.791 is amended to read:**

15 **“475B.791. As used in ORS 475B.785 to 475B.949:**

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

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

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

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

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

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

25 **“(2) ‘Cannabinoid’ means any of the chemical compounds that are the**
26 **active constituents of marijuana.**

27 **“(3) ‘Cannabinoid concentrate’ means a substance obtained by separating**
28 **cannabinoids from marijuana by:**

29 **“(a) A mechanical extraction process;**

30 **“(b) A chemical extraction process using a nonhydrocarbon-based solvent,**

1 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or
2 ethanol;

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

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

8 “(4) ‘Cannabinoid edible’ means food or potable liquid into which a
9 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
10 marijuana have been incorporated.

11 “(5) ‘Cannabinoid extract’ means a substance obtained by separating
12 cannabinoids from marijuana by:

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

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

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

19 “(6) ‘Debilitating medical condition’ means:

20 “(a) Cancer, glaucoma, a degenerative or pervasive neurological condi-
21 tion, positive status for human immunodeficiency virus or acquired immune
22 deficiency syndrome, or a side effect related to the treatment of those med-
23 ical conditions;

24 “(b) A medical condition or treatment for a medical condition that
25 produces, for a specific patient, one or more of the following:

26 “(A) Cachexia;

27 “(B) Severe pain;

28 “(C) Severe nausea;

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

30 “(E) Persistent muscle spasms, including spasms caused by multiple

1 sclerosis;

2 “(c) Post-traumatic stress disorder; or

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

6 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.

7 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
8 tification cardholder to another registry identification cardholder if no con-
9 sideration is paid for the transfer.

10 “(8)(a) ‘Designated primary caregiver’ means an individual:

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

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

14 “(C) Who is designated as the person responsible for managing the well-
15 being of a person who has been diagnosed with a debilitating medical con-
16 dition on that person’s application for a registry identification card or in
17 other written notification submitted to the authority.

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

20 “(9) ‘High heat’ means a temperature exceeding 180 degrees.

21 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not
22 flowering.

23 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
24 part of the plant Cannabis family Cannabaceae and the seeds of the plant
25 Cannabis family Cannabaceae.

26 “(b) ‘Marijuana’ does not include:

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

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

1 fined in ORS 689.005.

2 “(12) ‘Marijuana grow site’ means a location registered under ORS
3 475B.810 where marijuana is produced for use by a registry identification
4 cardholder.

5 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-
6 istered under ORS 475B.840 or a site for which an applicant has submitted
7 an application for registration under ORS 475B.840.

8 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an
9 immature marijuana plant.

10 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and
11 any other product intended for human consumption or use, including a
12 product intended to be applied to a person’s skin or hair, that contains
13 cannabinoids or dried leaves or flowers of marijuana.

14 “(b) ‘Medical cannabinoid product’ does not include:

15 “(A) Usable marijuana by itself;

16 “(B) A cannabinoid concentrate by itself;

17 “(C) A cannabinoid extract by itself; or

18 “(D) [*Industrial*] Hemp, as defined in ORS 571.269.

19 “(16) ‘Medical marijuana dispensary’ means a medical marijuana
20 dispensary registered under ORS 475B.858 or a site for which an applicant
21 has submitted an application for registration under ORS 475B.858.

22 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
23 session, delivery or administration of marijuana, or use of paraphernalia
24 used to administer marijuana, to mitigate the symptoms or effects of a de-
25 bilitating medical condition.

26 “(18) ‘Person designated to produce marijuana by a registry identification
27 cardholder’ means a person designated to produce marijuana by a registry
28 identification cardholder under ORS 475B.810 who produces marijuana for a
29 registry identification cardholder at an address other than the address where
30 the registry identification cardholder resides or at an address where more

1 than 12 mature marijuana plants are produced.

2 “(19) ‘Process’ means the compounding or conversion of marijuana into
3 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
4 tracts.

5 “(20) ‘Production’ means:

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

7 “(b) Drying marijuana leaves or flowers.

8 “(21) ‘Registry identification card’ means a document issued by the
9 Oregon Health Authority under ORS 475B.797 that identifies a person au-
10 thorized to engage in the medical use of marijuana and, if the person has a
11 designated primary caregiver under ORS 475B.804, the person’s designated
12 primary caregiver.

13 “(22) ‘Registry identification cardholder’ means a person to whom a reg-
14 istry identification card has been issued under ORS 475B.797.

15 “(23)(a) ‘Usable marijuana’ means the dried leaves and flowers of
16 marijuana.

17 “(b) ‘Usable marijuana’ does not include:

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

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

20 “(24) ‘Written documentation’ means a statement signed by the attending
21 [*physician*] **provider** of a person diagnosed with a debilitating medical con-
22 dition or copies of the person’s relevant medical records.

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

24 “475B.797. (1) The Oregon Health Authority shall establish a program for
25 the issuance of registry identification cards to applicants who meet the re-
26 quirements of this section.

27 “(2) The authority shall issue a registry identification card to an appli-
28 cant who is 18 years of age or older if the applicant pays a fee in an amount
29 established by the authority by rule and submits to the authority an appli-
30 cation containing the following information:

1 “(a) Written documentation from the applicant’s attending [*physician*]
2 **provider** stating that the attending [*physician*] **provider** has diagnosed the
3 applicant as having a debilitating medical condition and that the medical
4 use of marijuana may mitigate the symptoms or effects of the applicant’s
5 debilitating medical condition;

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

7 “(c) The name, address and telephone number of the applicant’s attending
8 [*physician*] **provider**;

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

11 “(e) The name and address of the applicant’s designated primary
12 caregiver, if the applicant is designating a primary caregiver under ORS
13 475B.804; and

14 “(f) The information described in ORS 475B.810 (2), if the applicant is
15 applying to produce marijuana or designate another person under ORS
16 475B.810 to produce marijuana.

17 “(3)(a) The authority shall issue a registry identification card to an ap-
18 plicant who is under 18 years of age if:

19 “(A) The applicant pays the fee and submits the application described in
20 subsection (2) of this section; and

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

24 “(i) The applicant’s attending [*physician*] **provider** has explained to the
25 applicant and to the custodial parent or legal guardian the possible risks and
26 benefits of the medical use of marijuana;

27 “(ii) The custodial parent or legal guardian consents to the medical use
28 of marijuana by the applicant;

29 “(iii) The custodial parent or legal guardian agrees to serve as the
30 applicant’s designated primary caregiver; and

1 “(iv) The custodial parent or legal guardian agrees to control the acqui-
2 sition, dosage and frequency of the medical use of marijuana by the appli-
3 cant.

4 “(b) An applicant who is under 18 years of age may not apply to produce
5 marijuana under subsection (2)(f) of this section.

6 “(4) The authority shall:

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

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

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

17 “(A) The registry identification cardholder’s name, address and date of
18 birth;

19 “(B) The issuance date and expiration date of the registry identification
20 card;

21 “(C) If the registry identification cardholder designated a primary
22 caregiver under ORS 475B.804, the name and address of the registry iden-
23 tification cardholder’s designated primary caregiver; and

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

25 “(b) If the registry identification cardholder designated a primary
26 caregiver under ORS 475B.804, the authority shall issue an identification
27 card to the designated primary caregiver. The identification card must con-
28 tain the information required by paragraph (a) of this subsection.

29 “(6) A registry identification cardholder shall:

30 “(a) In a form and manner prescribed by the authority, notify the au-

1 thority of any change concerning the registry identification cardholder's:

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

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

6 “(C) Person responsible for a marijuana grow site, including the desig-
7 nation of a person responsible for a marijuana grow site made at a time
8 other than at the time of applying for or renewing a registry identification
9 card.

10 “(b) Annually renew the registry identification card by paying a fee in
11 an amount established by the authority by rule and submitting to the au-
12 thority an application that contains the following information:

13 “(A) Updated written documentation from the registry identification
14 cardholder's attending [*physician*] **provider** stating that the registry iden-
15 tification cardholder still has a debilitating medical condition and that the
16 medical use of marijuana may mitigate the symptoms or effects of the regis-
17 try identification cardholder's debilitating medical condition;

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

20 “(C) If the registry identification cardholder is under 18 years of age, a
21 statement signed by the custodial parent or legal guardian of the registry
22 identification cardholder that meets the requirements of subsection (3) of this
23 section.

24 “(7) The authority shall:

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

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

1 “(8)(a) If the registry identification cardholder’s attending [*physician*]
2 **provider** determines that the registry identification cardholder no longer has
3 a debilitating medical condition, or determines that the medical use of
4 marijuana is contraindicated for the registry identification cardholder’s de-
5 bilitating medical condition, the registry identification cardholder shall re-
6 turn the registry identification card to the authority within 30 calendar days
7 after receiving notice of the determination.

8 “(b) If, because of circumstances beyond the control of the registry iden-
9 tification cardholder, a registry identification cardholder is unable to obtain
10 a second medical opinion about the registry identification cardholder’s con-
11 tinuing eligibility for the medical use of marijuana before having to return
12 the registry identification card to the authority, the authority may grant the
13 registry identification cardholder additional time to obtain a second medical
14 opinion.

15 “(9)(a) The authority may deny an application for a registry identification
16 card or an application to renew a registry identification card, or may sus-
17 pend or revoke a registry identification card, if:

18 “(A) The applicant or registry identification cardholder does not provide
19 the information required by this section;

20 “(B) The authority determines that the applicant or registry identification
21 cardholder provided false information; or

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

25 “(b) If a registry identification card is revoked, any associated identifi-
26 cation card issued under subsection (5)(b) of this section, or marijuana grow
27 site registration card issued under ORS 475B.810 (6), shall also be revoked.

28 “(c) A person whose application is denied, or whose registry identification
29 card is revoked, under this subsection may not reapply for a registry iden-
30 tification card for six months from the date of the denial or revocation un-

1 less otherwise authorized by the authority.

2 “(10)(a) The authority may deny a designation of a primary caregiver
3 made under ORS 475B.804, or suspend or revoke an associated identification
4 card issued under subsection (5)(b) of this section, if the authority determines
5 that the designee or the registry identification cardholder violated a pro-
6 vision of ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to
7 475B.949.

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

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

18 “(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement
19 that a registry identification cardholder include in the application to renew
20 a registry identification card updated written documentation from the
21 cardholder’s attending [*physician*] **provider** regarding the cardholder’s con-
22 tinuing debilitating medical condition does not apply to a service-disabled
23 veteran who:

24 “(A) Has been assigned a total and permanent disability rating for com-
25 pensation that rates the veteran as unable to secure or follow a substantially
26 gainful occupation as a result of service-connected disabilities as described
27 in 38 C.F.R. 4.16; or

28 “(B) Has a United States Department of Veterans Affairs total disability
29 rating of 100 percent as a result of an injury or illness that the veteran in-
30 curred, or that was aggravated, during active military service and who re-

1 ceived a discharge or release under other than dishonorable conditions.

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

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

9 “475B.913. (1) Except as provided in ORS 475B.910, a person has an affir-
10 mative defense to a criminal charge of possession, delivery or manufacture
11 of marijuana, or any other criminal offense in which possession, delivery or
12 manufacture of marijuana is an element, if the person charged with the of-
13 fense:

14 “(a) Was diagnosed with a debilitating medical condition within 12
15 months of the date on which the person was arrested and was advised by the
16 person’s attending [*physician*] **provider** that the medical use of marijuana
17 may mitigate the symptoms or effects of that debilitating medical condition;

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

19 “(c) Possesses, delivers or manufactures marijuana only in quantities
20 permitted under ORS 475B.831.

21 “(2) A person does not need to lawfully possess a registry identification
22 card to assert the affirmative defense established in this section.

23 “(3) A person engaged in the medical use of marijuana who claims that
24 marijuana provides medically necessary benefits and who is charged with a
25 crime pertaining to the use of marijuana is not precluded from presenting a
26 defense of choice of evils, as set forth in ORS 161.200, or from presenting
27 evidence supporting the necessity of marijuana for treatment of a specific
28 disease or medical condition, provided that:

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

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

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

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

13 “475B.916. The **Oregon Board of Dentistry, Oregon Board of**
14 **Naturopathic Medicine, Oregon Medical Board and Oregon State Board**
15 **of Nursing** may not impose a civil penalty or take other disciplinary action
16 against an attending [*physician*] **provider** for:

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

28 “(2) Providing the written documentation necessary for issuance or re-
29 newal of a registry identification card under ORS 475B.797, provided that the
30 written documentation is based on the attending [*physician’s*] **provider’s**

1 personal assessment of the person’s medical history and current medical
2 condition and the attending [*physician*] **provider** has discussed with the
3 person the potential risks and benefits associated with the medical use of
4 marijuana.

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

6 “475B.952. (1) The Oregon Cannabis Commission is established within the
7 Oregon Health Authority. The commission consists of:

8 “(a) The Public Health Officer or the Public Health Officer’s designee;
9 and

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

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

12 “(B) A person designated to produce marijuana by a registry identifica-
13 tion cardholder, as defined in ORS 475B.791;

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

15 “(D) A person representing the Oregon Health Authority;

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

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

18 “(G) A law enforcement officer; and

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

20 “(2) The term of office of each member of the commission is four years,
21 but a member serves at the pleasure of the Governor. Before the expiration
22 of the term of a member, the Governor shall appoint a successor whose term
23 begins on January 1 of the following year. A member is eligible for reap-
24 pointment. If there is a vacancy for any cause, the Governor shall make an
25 appointment to become immediately effective for the unexpired term.

26 “(3) The appointment of each member of the commission is subject to
27 confirmation by the Senate in the manner prescribed in ORS 171.562 and
28 171.565.

29 “(4) Members of the commission are not entitled to compensation, but may
30 be reimbursed for actual and necessary travel and other expenses incurred

1 by them in the performance of their official duties in the manner and
2 amounts provided for in ORS 292.495.

3 **“SECTION 47. (1) The amendments to ORS 475B.791, 475B.797,**
4 **475B.913, 475B.916 and 475B.952 by sections 42 to 46 of this 2020 Act be-**
5 **come operative on October 31, 2020.**

6 **“(2) The Oregon Health Authority may take any action before the**
7 **operative date specified in subsection (1) of this section that is neces-**
8 **sary to enable the authority to exercise, on and after the operative**
9 **date specified in subsection (1) of this section, all of the duties, func-**
10 **tions and powers conferred on the authority by the amendments to**
11 **ORS 475B.791, 475B.797, 475B.913, 475B.916 and 475B.952 by sections 42**
12 **to 46 of this 2020 Act.**

13

14 **“OREGON CANNABIS COMMISSION**

15

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

17 **“475B.961. In addition to any other duty prescribed by law, the Oregon**
18 **Cannabis Commission shall:**

19 **“(1) [Provide advice to] Work collaboratively with the Oregon Health**
20 **Authority [with respect to] in the administration of ORS 475B.785 to**
21 **475B.949;**

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

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

30 **“(4) Develop a long-term strategic plan for ensuring that cannabis will**

1 remain affordable for persons with debilitating medical conditions as defined
2 in ORS 475B.791; and

3 “(5) Monitor and study federal laws, regulations and policies regarding
4 marijuana.

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

7 **“(2) The Oregon Cannabis Commission may take any action before
8 the operative date specified in subsection (1) of this section that is
9 necessary to enable the commission to exercise, on and after the op-
10 erative date specified in subsection (1) of this section, all of the duties,
11 functions and powers conferred on the commission by the amendments
12 to ORS 475B.961 by section 48 of this 2020 Act.**

13

14 **“MEDICAL MARIJUANA TRACKING**

15

16 **“SECTION 50.** ORS 475B.895 is amended to read:

17 “475B.895. (1) The Oregon Health Authority shall enter into an agreement
18 with the Oregon Liquor Control Commission under which the commission
19 shall use the system developed and maintained under ORS 475B.177 to track:

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

22 “(b) The processing of marijuana into medical cannabinoid products,
23 cannabinoid concentrates and cannabinoid extracts that are transferred to
24 a medical marijuana dispensary;

25 “(c) The transfer of usable marijuana, immature marijuana plants, medical
26 cannabinoid products, cannabinoid concentrates and cannabinoid extracts by
27 a marijuana grow site or a medical marijuana dispensary to a registry iden-
28 tification cardholder or the designated primary caregiver of a registry iden-
29 tification cardholder; and

30 “(d) The transfer of usable marijuana, immature marijuana plants, med-

1 ical cannabinoid products, cannabinoid concentrates and cannabinoid ex-
2 tracts between marijuana grow sites, marijuana processing sites and medical
3 marijuana dispensaries.

4 “(2) Marijuana grow sites, marijuana processing sites and medical
5 marijuana dispensaries are subject to tracking under this section.

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

10 “(4) On and after the date on which a marijuana processing site becomes
11 subject to tracking under this section, the marijuana processing site is ex-
12 empt from the requirements of ORS 475B.846 and the provisions of ORS
13 475B.840 that relate to ORS 475B.846.

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

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

25 “(7) When imposing a fee on a person responsible for a marijuana grow
26 site, marijuana processing site or medical marijuana dispensary under ORS
27 475B.810, 475B.840 or 475B.858, the authority shall impose a fee that is rea-
28 sonably calculated to pay costs incurred under this section. As part of the
29 agreement entered into under subsection (1) of this section, the authority
30 shall transfer fee moneys collected pursuant to this subsection to the com-

1 mission for deposit in the Marijuana Control and Regulation Fund estab-
2 lished under ORS 475B.296. Moneys collected pursuant to this subsection and
3 deposited in the Marijuana Control and Regulation Fund are continuously
4 appropriated to the commission for purposes of this section.

5 “(8) The authority and the commission may adopt rules as necessary to
6 administer this section.

7 “[*(9) This section does not apply to a marijuana grow site located at an*
8 *address where:*]

9 “[*(a) A registry identification cardholder produces marijuana and no more*
10 *than 12 mature marijuana plants and 24 immature marijuana plants are*
11 *produced; or*]

12 “[*(b)(A) No more than two persons are registered under ORS 475B.810 to*
13 *produce marijuana; and*]

14 “[*(B) The address is used to produce marijuana for no more than two reg-*
15 *istry identification cardholders.*]

16 “**(9) This section does not apply to a marijuana grow site located**
17 **at one of the following addresses:**

18 “**(a) An address at which a registry identification cardholder**
19 **produces marijuana, and no more than 12 mature marijuana plants**
20 **and 24 immature marijuana plants are produced.**

21 “**(b) An address at which no more than two persons are registered**
22 **under ORS 475B.810 to produce marijuana and marijuana is produced**
23 **for no more than two registry identification cardholders.**

24 “**SECTION 51.** ORS 475B.895, as amended by section 7a, chapter 103,
25 Oregon Laws 2018, and section 38, chapter 456, Oregon Laws 2019, is
26 amended to read:

27 “475B.895. (1) The Oregon Health Authority shall enter into an agreement
28 with the Oregon Liquor Control Commission under which the commission
29 shall use the system developed and maintained under ORS 475B.177 to track:

30 “(a) The propagation of immature marijuana plants and the production

1 of marijuana by marijuana grow sites;

2 “(b) The processing of marijuana into medical cannabinoid products,
3 cannabinoid concentrates and cannabinoid extracts that are transferred to
4 a medical marijuana dispensary;

5 “(c) The transfer of usable marijuana, immature marijuana plants, medical
6 cannabinoid products, cannabinoid concentrates and cannabinoid extracts by
7 a marijuana grow site or a medical marijuana dispensary to a registry iden-
8 tification cardholder or the designated primary caregiver of a registry iden-
9 tification cardholder; and

10 “(d) The transfer of usable marijuana, immature marijuana plants, med-
11 ical cannabinoid products, cannabinoid concentrates and cannabinoid ex-
12 tracts between marijuana grow sites, marijuana processing sites and medical
13 marijuana dispensaries.

14 “(2) Marijuana grow sites, marijuana processing sites and medical
15 marijuana dispensaries are subject to tracking under this section.

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

20 “(4) On and after the date on which a marijuana processing site becomes
21 subject to tracking under this section, the marijuana processing site is ex-
22 empt from the requirements of ORS 475B.846 and the provisions of ORS
23 475B.840 that relate to ORS 475B.846.

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

28 “(6) The commission may conduct inspections and investigations of al-
29 leged violations of ORS 475B.785 to 475B.949 about which the commission
30 obtains knowledge as a result of performing the commission’s duties under

1 this section. Notwithstanding ORS 475B.299, the commission may use regu-
2 latory specialists, as defined in ORS 471.001, to conduct the inspections and
3 investigations, including inspections and investigations of marijuana grow
4 sites located at a primary residence.

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

20 “(8) When imposing a fee on a person responsible for a marijuana grow
21 site, marijuana processing site or medical marijuana dispensary under ORS
22 475B.810, 475B.840 or 475B.858, the authority shall impose an additional fee
23 that is reasonably calculated to pay costs incurred under this section other
24 than costs paid pursuant to subsection (7) of this section. As part of the
25 agreement entered into under subsection (1) of this section, the authority
26 shall transfer fee moneys collected pursuant to this subsection to the com-
27 mission for deposit in the Marijuana Control and Regulation Fund estab-
28 lished under ORS 475B.296. Moneys collected pursuant to this subsection and
29 deposited in the Marijuana Control and Regulation Fund are continuously
30 appropriated to the commission for purposes of this section.

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

3 “[*(10) This section does not apply to a marijuana grow site located at an*
4 *address where:*]

5 “[*(a) A registry identification cardholder produces marijuana and no more*
6 *than 12 mature marijuana plants and 24 immature marijuana plants are*
7 *produced; or*]

8 “[*(b)(A) No more than two persons are registered under ORS 475B.810 to*
9 *produce marijuana; and*]

10 “[*(B) The address is used to produce marijuana for no more than two reg-*
11 *istry identification cardholders.*]

12 “**(10) This section does not apply to a marijuana grow site located**
13 **at one of the following addresses:**

14 “**(a) An address at which a registry identification cardholder**
15 **produces marijuana, and no more than 12 mature marijuana plants**
16 **and 24 immature marijuana plants are produced.**

17 “**(b) An address at which no more than two persons are registered**
18 **under ORS 475B.810 to produce marijuana and marijuana is produced**
19 **for no more than two registry identification cardholders.**

20 “**SECTION 52. (1) The amendments to ORS 475B.895 by section 50**
21 **of this 2020 Act become operative on October 31, 2020.**

22 “**(2) The Oregon Health Authority and the Oregon Liquor Control**
23 **Commission may take any action before the operative date specified**
24 **in subsection (1) of this section that is necessary to enable the au-**
25 **thority and the commission to exercise, on and after the operative**
26 **date specified in subsection (1) of this section, all of the duties, func-**
27 **tions and powers conferred on the authority and the commission by**
28 **the amendments to ORS 475B.895 by section 50 of this 2020 Act.**

29

30

“UNIT CAPTIONS

1 **“SECTION 53. The unit captions used in this 2020 Act are provided**
2 **only for the convenience of the reader and do not become part of the**
3 **statutory law of this state or express any legislative intent in the**
4 **enactment of this 2020 Act.**

5

6

“EFFECTIVE DATE

7

8 **“SECTION 54. This 2020 Act takes effect on the 91st day after the**
9 **date on which the 2020 regular session of the Eightieth Legislative**
10 **Assembly adjourns sine die.”.**

11
