

HB 4072-3
(LC 54)
2/11/20 (SCT/ps)

Requested by HOUSE COMMITTEE ON AGRICULTURE AND LAND USE (at the request of Oregon Industrial Hemp Farmers Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4072**

1 On page 1 of the printed bill, delete line 5 and insert “571.345 and 571.348;
2 repealing ORS 571.341; and prescribing an effective date.”.

3 In line 10, delete “and 3” and insert “, 3 and 5”.

4 In line 13, delete “or han-”.

5 In line 14, delete “dler”.

6 After line 24, insert:

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

9 In line 27, delete “or handle”.

10 On page 2, line 4, after “a” insert “grower”.

11 In line 6, delete “or handle”.

12 In line 7, delete “December 30, 2018” and insert “October 31, 2019”.

13 In line 8, delete “De-” and insert “October 31, 2019.”.

14 Delete line 9 and insert:

15 **“SECTION 5. The Legislative Assembly finds and declares that the
16 development and administration of the Oregon Hemp State Program
17 described in ORS 571.263 will move the State of Oregon and its resi-
18 dents to the forefront of the hemp industry.”.**

19 In line 10, delete “5” and insert “6”.

20 In line 13, delete “6” and insert “7”.

21 Delete lines 15 and 16 and insert “Hemp State Program for the pro-

1 duction, processing and sale of hemp in this state. In carrying out the pro-
2 gram, the department:”.

3 In line 35, delete “7” and insert “8”.

4 In line 44, after “seed” insert “and any other activities identified by the
5 State Department of Agriculture by rule”.

6 On page 3, line 13, delete “Sativa” and insert “sativa”.

7 In line 15, delete “State Department of Agriculture” and insert “depart-
8 ment”.

9 In line 25, delete “an” and insert “a”.

10 In line 32, delete “or” and insert a comma and after “producer” insert
11 “or other person”.

12 In line 34, delete “8” and insert “9”.

13 In line 39, delete “9” and insert “10”.

14 On page 4, line 12, delete “10” and insert “11”.

15 In line 18, delete “11” and insert “12”.

16 In line 19, after “(1)” insert “(a)”.

17 After line 20, insert:

18 “(b) The department may identify by rule activities related to growing or
19 handling hemp in addition to those described in ORS 571.269, and may re-
20 quire licensure to engage in those activities. The department may issue, re-
21 new, suspend, revoke or refuse to issue or renew a license required pursuant
22 to this subsection.”.

23 On page 5, line 8, after “exceeding” delete the rest of the line and delete
24 lines 9 and 10 and insert “the concentration specified by the department by
25 rule, the department may detain, seize or embargo the crop as”.

26 In line 23, after “for” delete the rest of the line and insert “licensees.”.

27 In line 24, delete “12” and insert “13”.

28 In line 42, after the semicolon insert “or”.

29 In line 44, delete “; or” and insert a period.

30 Delete line 45.

1 On page 6, delete line 1.
2 In line 2, delete “13” and insert “14”.
3 In line 5, delete “14” and insert “15”.
4 In line 11, delete “15” and insert “16”.
5 On page 7, line 2, delete “16” and insert “17”.
6 In line 14, delete “17” and insert “18”.
7 In line 40, delete “18” and insert “19”.
8 On page 8, line 3, delete “19” and insert “20”.
9 In line 41, delete “20” and insert “21”.
10 On page 9, line 2, delete “Except as provided in ORS 571.341.”.
11 In line 25, delete “21” and insert “22”.
12 Delete lines 33 through 40.
13 On page 10, delete lines 7 and 8.
14 In line 9, delete “(3)” and insert “(2)”.
15 Delete lines 12 through 27 and insert:
16 **“SECTION 25. The State Department of Agriculture shall issue a**
17 **license to grow or handle hemp under ORS 571.281 on the date the**
18 **previous registration is due for renewal to a grower or handler who:**
19 **“(a) Registered under 571.281 on or before the operative date speci-**
20 **fied in section 27 of this 2020 Act; and**
21 **“(b) Meets the requirements for registration renewal.**
22 **“SECTION 26. ORS 571.341 is repealed.**
23 **“SECTION 27. (1) Sections 2, 3, 5 and 25 of this 2020 Act and the**
24 **amendments to ORS 571.260, 571.263, 571.269, 571.272, 571.275, 571.278,**
25 **571.281, 571.285, 571.288, 571.294, 571.302, 571.327, 571.330, 571.333, 571.336,**
26 **571.337, 571.339, 571.345 and 571.348 by sections 6 to 24 of this 2020 Act**
27 **and the repeal of ORS 571.341 by section 26 of this 2020 Act become**
28 **operative on October 31, 2020.**
29 **“(2) The Oregon Health Authority, the Oregon Liquor Control**
30 **Commission and the State Department of Agriculture may take any**

1 **action before the operative date specified in subsection (1) of this sec-**
2 **tion that is necessary to enable the authority, the commission and the**
3 **department to exercise, on and after the operative date specified in**
4 **subsection (1) of this section, all of the duties, functions and powers**
5 **conferred on the authority, the commission and the department by**
6 **sections 2, 3, 5 and 25 of this 2020 Act and the amendments to ORS**
7 **571.260, 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288,**
8 **571.294, 571.302, 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345**
9 **and 571.348 by sections 6 to 24 of this 2020 Act and the repeal of ORS**
10 **571.341 by section 26 of this 2020 Act.”.**

11 In line 31, delete “27” and insert “28”.

12 On page 13, delete lines 18 through 41 and insert:

13 **“SECTION 29.** ORS 475B.227 is amended to read:

14 “475B.227. (1) For purposes of this section,[:]

15 “[*(a)*] ‘export’ includes placing a marijuana item in any mode of trans-
16 portation for hire, such as luggage, mail or parcel delivery, even if the
17 transportation of the marijuana item is intercepted prior to the marijuana
18 item leaving this state.

19 “[*(b)*] ‘*Marijuana item*’ includes industrial hemp products and commodities
20 that contain more than 0.3 percent tetrahydrocannabinol.]

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

24 **“(3) This section does not apply to the import or export of hemp**
25 **products or commodities to or from this state that contains less than**
26 **one percent tetrahydrocannabinol and complies with:**

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

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

30 “[*(3)*] (4) Except as provided in subsection [*(4)*] (5) of this section, a vio-

1 lation of this section is a Class B violation.

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

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

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

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

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

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

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

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

15 In line 42, delete “29” and insert “30”.

16 On page 14, line 5, delete “30” and insert “31”.

17 Delete line 10 and insert “tetrahydrocannabinol than allowed by the State
18 Department of Agriculture by rule.”.

19 In line 13, delete “31” and insert “32”.

20 In line 15, after “475B.090” insert “or a handler licensed under ORS
21 571.281 to process hemp”.

22 In line 18, delete “32” and insert “33”.

23 On page 15, line 6, delete “33” and insert “34”.

24 In line 39, delete “34” and insert “35”.

25 On page 18, delete lines 7 through 9 and insert:

26 **“SECTION 36. (1) The amendments to ORS 475B.015, 475B.227,
27 475B.253, 475B.254, 475B.311, 475B.550, 475B.600 and 475B.791 by sections
28 28 to 35 of this 2020 Act become operative on October 31, 2020.”.**

29 In line 15, delete “27 to 34” and insert “28 to 35”.

30 After line 15, insert:

1 **“COMMERCIAL HEMP SHIPMENTS**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

“SECTION 37. The State Department of Agriculture shall establish by rule requirements for a shipment manifest for commercial hemp shipments. In adopting rules under this section, the department may define ‘commercial hemp shipment’ and ‘shipment manifest.’

“SECTION 38. (1) Section 37 of this 2020 Act becomes operative on October 31, 2020.

“(2) The State Department of Agriculture may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by section 37 of this 2020 Act.”.

In line 19, delete “36” and insert “39”.
In line 25, delete “37” and insert “40”.
