

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.913, 475B.916, 475B.952, 475B.961, 571.260,
5 571.263, 571.269, 571.272, 571.275, 571.278, 571.281, 571.285, 571.288, 571.294,
6 571.302, 571.327, 571.330, 571.333, 571.336, 571.337, 571.339, 571.345 and 571.348;
7 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; or**

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.

3 “SECTION 14. ORS 571.288 is amended to read:

4 “571.288. A grower [*registered*] **licensed** under ORS 571.281 may use any
5 propagation method, including planting seeds or starts or the use of clones
6 or cuttings, to produce [*industrial*] hemp.

7 “SECTION 15. ORS 571.294 is amended to read:

8 “571.294. The State Department of Agriculture may charge growers and
9 handlers [*registered*] **licensed** under ORS 571.281 fees reasonably calculated
10 by the department to pay the cost of sampling or testing [*industrial*] hemp
11 or [*industrial*] hemp commodities or products under ORS 571.330 and 571.333.
12 Moneys from fees charged under this section shall be deposited in the [*In-*
13 *dustrial*] Hemp Fund established under ORS 571.278.

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

15 “571.302. (1) For purposes of ORS 633.511 to 633.750, agricultural hemp
16 seed is an agricultural seed or a flower seed, as those terms are defined in
17 ORS 633.511.

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

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

28 “(b) The director and the dean shall exercise their respective functions
29 and powers under ORS 633.511 to 633.750 with respect to agricultural hemp
30 seed in the same manner that the director and dean exercise their respective

1 functions and powers under ORS 633.511 to 633.750 with respect to other
2 agricultural seed or flower seed, including but not limited to inspecting and
3 sampling seeds and making rules and regulations under ORS 633.680.

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

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

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

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

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

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

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

2 “571.327. (1) An agricultural hemp seed producer [*registered*] **licensed**
3 under ORS 571.281:

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

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

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

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

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

17 “571.330. (1) For purposes of this section, ‘consumption’ means to ingest,
18 inhale or topically apply to the skin or hair.

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

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

29 “(3) A grower or handler may not sell or transfer [*an industrial*] **a** hemp
30 commodity or product that is intended for human consumption unless the

1 commodity or product is tested by a laboratory described in subsection (2)
2 of this section to ensure that the commodity or product meets the require-
3 ments adopted by the Oregon Health Authority under ORS 475B.555 (1)(a)
4 and (b) and (2) for testing marijuana items.

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

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

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

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

11 “(a) Agricultural hemp seed;

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

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

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

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

19 “571.333. (1) The State Department of Agriculture may enter into an
20 agreement with the Oregon Health Authority for the purpose of developing
21 standards for investigating and testing [*an industrial*] a hemp crop to deter-
22 mine the average tetrahydrocannabinol concentration of the crop.

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

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

29 “571.336. (1) As used in this section, ‘licensee,’ ‘marijuana,’ ‘marijuana
30 item’ and ‘marijuana processor’ have the meanings given those terms in ORS

1 475B.015.

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

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

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

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

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

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

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

30 “(4) [*An industrial*] **A** hemp concentrate, [*industrial*] hemp extract, [*in-*

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

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

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

18 “571.337. (1) As used in this section:

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

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

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

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

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

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

30 “(b) The grower, handler or processor under paragraph (a) of this sub-

1 section is registered by the Oregon Liquor Control Commission as provided
2 under ORS 571.336; and

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

6 “(3) A grower, handler or processor registered as described under ORS
7 571.336 (2)(a) shall enter hemp, commodity or product that contains
8 cannabinoids, is intended for human consumption and is intended for trans-
9 fer, sale or transport to a processor, retailer or wholesaler licensed under
10 ORS 475B.010 to 475B.545 into the tracking system described in ORS 475B.177
11 before the hemp, commodity or product is transferred to a laboratory de-
12 scribed in ORS 571.330 (2) for testing of a type described under ORS 475B.555.
13 The commission shall continue to track the hemp, commodity or product
14 entered into the system under this subsection when the hemp, commodity or
15 product is transferred, sold or transported to a premises licensed under ORS
16 475B.010 to 475B.545, or to other areas under the control of the premises
17 licensee.

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

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

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

23 “571.339. A person may not make a retail sale of [*industrial*] hemp com-
24 modities or products in this state unless the [*industrial*] hemp commodities
25 or products and the [*industrial*] hemp used to process the [*industrial*] hemp
26 commodities or products meet the requirements for processing [*industrial*]
27 hemp commodities or products or growing [*industrial*] hemp set forth in ORS
28 571.260 to 571.348 and rules adopted under ORS 571.260 to 571.348. This sec-
29 tion does not apply to the retail sale of [*industrial*] hemp commodities or
30 products by a marijuana retailer, as defined in ORS 475B.015, that holds a

1 license issued under ORS 475B.105.

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

3 “571.345. The State Department of Agriculture may by rule or order es-
4 tablish a process providing for the remediation of a violation of ORS 571.330
5 or 571.333 that is committed by a grower or handler [*registered*] **licensed**
6 under ORS 571.281 and is not committed intentionally.

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

8 “571.348. (1) Subject to the provisions of ORS chapter 183, the State De-
9 partment of Agriculture may impose a civil penalty not to exceed \$2,500 on
10 a person for violating:

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

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

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

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

19 “[~~(3)~~] **(2)** All moneys collected by the department under this section shall
20 be deposited in the General Fund in the State Treasury to the credit of the
21 [*Industrial*] Hemp Fund established under ORS 571.278.

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

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

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

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

29 **“SECTION 27.** (1) Sections 2, 3, 5 and 25 of this 2020 Act and the
30 **amendments to ORS 571.260, 571.263, 571.269, 571.272, 571.275, 571.278,**

1 571.281, 571.285, 571.288, 571.294, 571.302, 571.327, 571.330, 571.333, 571.336,
2 571.337, 571.339, 571.345 and 571.348 by sections 6 to 24 of this 2020 Act
3 and the repeal of ORS 571.341 by section 26 of this 2020 Act become
4 operative on October 31, 2020.

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

17

18 “CONFORMING AMENDMENTS

19

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

21 “475B.015. As used in ORS 475B.010 to 475B.545:

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

24 “(2) ‘Cannabinoid concentrate’ means a substance obtained by separating
25 cannabinoids from marijuana by:

26 “(a) A mechanical extraction process;

27 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
28 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
29 cohol or ethanol;

30 “(c) A chemical extraction process using carbon dioxide, provided that the

1 process does not involve the use of high heat or pressure; or

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

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

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

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

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

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

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

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

20 “(A) Usable marijuana by itself;

21 “(B) A cannabinoid concentrate by itself;

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

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

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

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

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

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

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

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

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

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

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

20 “(14) ‘Licensee’ means a person that holds a license issued under ORS
21 475B.070, 475B.090, 475B.100 or 475B.105.

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

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

28 “(b) ‘Manufacture’ includes any packaging or repackaging of a marijuana
29 item or the labeling or relabeling of a container containing a marijuana
30 item.

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

3 “(b) ‘Marijuana’ does not include:

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

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

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

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

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

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

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

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

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

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

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

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

29 “(27) ‘Medical grade cannabinoid product, cannabinoid concentrate or
30 cannabinoid extract’ means a cannabinoid product, cannabinoid concentrate

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

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

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

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

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

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

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

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

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

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

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

29 “(b) ‘Produces’ does not include:

30 “(A) The drying of marijuana by a marijuana processor, if the marijuana

1 processor is not otherwise producing marijuana; or

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

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

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

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

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

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

19 “(A) Marijuana seeds;

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

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

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

24 “475B.253. (1) As used in this section, [*industrial*] hemp’ has the meaning
25 given that term in ORS 571.269.

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

30 “(3) The Oregon Liquor Control Commission may inspect the premises of

1 a marijuana retailer that holds a license issued under ORS 475B.105 to en-
2 sure compliance with this section.

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

4 “475B.550. As used in ORS 475B.550 to 475B.590:

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

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

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

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

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

18 “(A) Usable marijuana by itself;

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

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

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

24 “(b) ‘Marijuana’ does not include:

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

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

30 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid

1 product or a cannabinoid concentrate or extract.

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

4 “(8) ‘Producing’ means:

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

6 “(b) Drying marijuana leaves and flowers.

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

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

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

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

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

14 “475B.600. As used in ORS 475B.600 to 475B.655:

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

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

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

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

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

28 “(A) Usable marijuana by itself;

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

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

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

4 “(b) ‘Marijuana’ does not include:

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

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

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

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

14 “(8) ‘Producing’ means:

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

16 “(b) Drying marijuana leaves and flowers.

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

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

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

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

23 **“SECTION 32. (1) The amendments to ORS 475B.015, 475B.253,
24 475B.550 and 475B.600 by sections 28 to 31 of this 2020 Act become op-
25 erative on October 31, 2020.**

26 **“(2) The Oregon Health Authority and the Oregon Liquor Control
27 Commission may take any action before the operative date specified
28 in subsection (1) of this section that is necessary to enable the au-
29 thority and the commission to exercise, on and after the operative
30 date specified in subsection (1) of this section, all of the duties, func-**

1 **tions and powers conferred on the authority and the commission by**
2 **the amendments to ORS 475B.015, 475B.253, 475B.550 and 475B.600 by**
3 **sections 28 to 31 of this 2020 Act.**

4
5 **“CANNABIS OFFENSES**

6
7 **“SECTION 33.** ORS 133.619 is amended to read:

8 “133.619. (1) A warrant authorizing the installation or tracking of a mo-
9 bile tracking device shall be executed as provided in this section.

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

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

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

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

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

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

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

30 “(a) A particular felony of murder, kidnapping, arson, robbery or other

1 crime dangerous to life and punishable as a felony;

2 “(b) A crime punishable as a felony arising under ORS 475.752 [or],
3 475.806 to 475.894, **475B.010 to 475B.545 or 475B.785 to 475B.949**;

4 “(c) The crime of unlawfully transporting metal property under ORS
5 164.857 or a crime described in ORS 165.118;

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

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

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

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

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

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

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

19 “161.067. (1)(a) When the same conduct or criminal episode violates two
20 or more statutory provisions and each provision requires proof of an element
21 that the others do not, there are as many separately punishable offenses as
22 there are separate statutory violations.

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

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

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

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

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

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

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

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

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

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

17 “(g) Arson and related offenses as defined in ORS 164.315, 164.325 or
18 164.335.

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

20 “(3) When the same conduct or criminal episode violates only one statu-
21 tory provision and involves only one victim, but nevertheless involves re-
22 peated violations of the same statutory provision against the same victim,
23 there are as many separately punishable offenses as there are violations,
24 except that each violation, to be separately punishable under this subsection,
25 must be separated from other such violations by a sufficient pause in the
26 defendant’s criminal conduct to afford the defendant an opportunity to re-
27 nounce the criminal intent. Each method of engaging in oral or anal sexual
28 intercourse as defined in ORS 163.305, and each method of engaging in un-
29 lawful sexual penetration as defined in ORS 163.408 and 163.411 shall con-
30 stitute separate violations of their respective statutory provisions for

1 purposes of determining the number of statutory violations.

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

3 “165.663. Any police officer may apply to the circuit court in which judi-
4 cial district the targeted telephone is located for an ex parte order or ex-
5 tension of an order authorizing the installation and use of a pen register or
6 a trap and trace device. The application shall:

7 “(1) Be in writing under oath;

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

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

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

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

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

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

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

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

25 “475B.227. (1) For purposes of this section,[:]

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

30 “[*(b)*] ‘*Marijuana item*’ includes industrial hemp products and commodities

1 *that contain more than 0.3 percent tetrahydrocannabinol.]*

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

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

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

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

11 “[3] (4) Except as provided in subsection [(4)] (5) of this section, a vio-
12 lation of this section is a Class B violation.

13 “[4] (5) A violation of this section is a:

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

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

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

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

20 “(A) Is for consideration and the person holds a license issued under ORS
21 475B.070, 475B.090, 475B.100, [or] 475B.105 **or 571.281**; or

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

24 “[C] *Concerns a cannabinoid extract that was not purchased from a*
25 *marijuana retailer that holds a license issued under ORS 475B.105.]*

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

27 “475B.254. (1) As used in this section:

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

30 “(b) ‘Marijuana item’ includes [*industrial*] hemp products and commodities

1 that contain more [*than 0.3 percent*] tetrahydrocannabinol **than allowed by**
2 **rule adopted by the State Department of Agriculture.**

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

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

6 “475B.311. (1) A person other than a marijuana processor that holds a li-
7 cense issued under ORS 475B.090 **or a handler licensed under ORS 571.281**
8 **to process hemp** may not process cannabinoid extracts into a cannabinoid
9 product.

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

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

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

14 “475B.337. (1) Except for licensees and licensee representatives acting in
15 accordance with ORS 475B.010 to 475B.545 and any rule adopted under ORS
16 475B.010 to 475B.545, it is unlawful for any person 21 years of age or older
17 to possess, knowingly or intentionally:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “475B.354. (1) Except as provided in subsection (3) of this section, a felony
17 under ORS 475B.337 or 475B.341 shall be classified as crime category 1 of the
18 sentencing guidelines grid of the Oregon Criminal Justice Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **“SECTION 41. (1) The amendments to ORS 133.619, 161.067, 165.663,**
30 **475B.227, 475B.254, 475B.311, 475B.337 and 475B.354 by sections 33 to 40**

1 of this 2020 Act become operative on October 31, 2020.

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

9
10 **“OREGON MEDICAL MARIJUANA ACT**

11
12 **“SECTION 42.** ORS 475B.791 is amended to read:

13 “475B.791. As used in ORS 475B.785 to 475B.949:

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

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

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

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

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

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

23 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the
24 active constituents of marijuana.

25 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating
26 cannabinoids from marijuana by:

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

28 **“(b) A chemical extraction process using a nonhydrocarbon-based solvent,**
29 **such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or**
30 **ethanol;**

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

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

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

9 “(5) ‘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 the hydrocarbon-based solvent
14 carbon dioxide, if the process uses high heat or pressure; or

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

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

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

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

24 “(A) Cachexia;

25 “(B) Severe pain;

26 “(C) Severe nausea;

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

28 “(E) Persistent muscle spasms, including spasms caused by multiple
29 sclerosis;

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

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

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

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

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

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

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

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

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

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

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

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

24 “(b) ‘Marijuana’ does not include:

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

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

30 “(12) ‘Marijuana grow site’ means a location registered under ORS

1 475B.810 where marijuana is produced for use by a registry identification
2 cardholder.

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

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

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

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

13 “(A) Usable marijuana by itself;

14 “(B) A cannabinoid concentrate by itself;

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

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

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

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

24 “(18) ‘Person designated to produce marijuana by a registry identification
25 cardholder’ means a person designated to produce marijuana by a registry
26 identification cardholder under ORS 475B.810 who produces marijuana for a
27 registry identification cardholder at an address other than the address where
28 the registry identification cardholder resides or at an address where more
29 than 12 mature marijuana plants are produced.

30 “(19) ‘Process’ means the compounding or conversion of marijuana into

1 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
2 tracts.

3 “(20) ‘Production’ means:

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

5 “(b) Drying marijuana leaves or flowers.

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

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

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

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

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

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

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

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

22 “475B.797. (1) The Oregon Health Authority shall establish a program for
23 the issuance of registry identification cards to applicants who meet the re-
24 quirements of this section.

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

29 “(a) Written documentation from the applicant’s attending [*physician*]
30 **provider** stating that the attending [*physician*] **provider** has diagnosed the

1 applicant as having a debilitating medical condition and that the medical
2 use of marijuana may mitigate the symptoms or effects of the applicant's
3 debilitating medical condition;

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

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

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

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

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

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

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

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

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

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

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

29 “(iv) The custodial parent or legal guardian agrees to control the acqui-
30 sition, dosage and frequency of the medical use of marijuana by the appli-

1 cant.

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

4 “(4) The authority shall:

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

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

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

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

17 “(B) The issuance date and expiration date of the registry identification
18 card;

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

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

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

27 “(6) A registry identification cardholder shall:

28 “(a) In a form and manner prescribed by the authority, notify the au-
29 thority of any change concerning the registry identification cardholder’s:

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

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

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

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

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

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

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

22 “(7) The authority shall:

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

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

29 “(8)(a) If the registry identification cardholder’s attending [*physician*]
30 **provider** determines that the registry identification cardholder no longer has

1 a debilitating medical condition, or determines that the medical use of
2 marijuana is contraindicated for the registry identification cardholder's de-
3 bilitating medical condition, the registry identification cardholder shall re-
4 turn the registry identification card to the authority within 30 calendar days
5 after receiving notice of the determination.

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

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

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

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

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

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

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

30 “(10)(a) The authority may deny a designation of a primary caregiver

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

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

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

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

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

26 “(B) Has a United States Department of Veterans Affairs total disability
27 rating of 100 percent as a result of an injury or illness that the veteran in-
28 curred, or that was aggravated, during active military service and who re-
29 ceived a discharge or release under other than dishonorable conditions.

30 “(12) For any purpose described in ORS 475B.785 to 475B.949, including

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

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

7 “475B.913. (1) Except as provided in ORS 475B.910, a person has an affir-
8 mative defense to a criminal charge of possession, delivery or manufacture
9 of marijuana, or any other criminal offense in which possession, delivery or
10 manufacture of marijuana is an element, if the person charged with the of-
11 fense:

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

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

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

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

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

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

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

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

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

11 “475B.916. The **Oregon Board of Dentistry, Oregon Board of**
12 **Naturopathic Medicine, Oregon Medical Board and Oregon State Board**
13 **of Nursing** may not impose a civil penalty or take other disciplinary action
14 against an attending [*physician*] **provider** for:

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

26 “(2) Providing the written documentation necessary for issuance or re-
27 newal of a registry identification card under ORS 475B.797, provided that the
28 written documentation is based on the attending [*physician’s*] **provider’s**
29 personal assessment of the person’s medical history and current medical
30 condition and the attending [*physician*] **provider** has discussed with the

1 person the potential risks and benefits associated with the medical use of
2 marijuana.

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

4 “475B.952. (1) The Oregon Cannabis Commission is established within the
5 Oregon Health Authority. The commission consists of:

6 “(a) The Public Health Officer or the Public Health Officer’s designee;
7 and

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

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

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

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

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

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

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

16 “(G) A law enforcement officer; and

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

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

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

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

1 **“SECTION 47. (1) The amendments to ORS 475B.791, 475B.797,**
2 **475B.913, 475B.916 and 475B.952 by sections 42 to 46 of this 2020 Act be-**
3 **come operative on October 31, 2020.**

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

11
12 **“OREGON CANNABIS COMMISSION**

13
14 **“SECTION 48.** ORS 475B.961 is amended to read:

15 **“475B.961. (1) In addition to any other duty prescribed by law, the Oregon**
16 **Cannabis Commission shall:**

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

20 **“[(2)] (b) [Provide advice to] Work collaboratively with** the Oregon Li-
21 **quor Control Commission [with respect to] in** the administration of ORS
22 **475B.010 to 475B.545, insofar as those statutes pertain to registry identifica-**
23 **tion cardholders and designated primary caregivers, as those terms are de-**
24 **defined in ORS 475B.791;**

25 **“[(3)] (c) Develop a long-term strategic plan for ensuring that cannabis**
26 **will remain a therapeutic option for persons with debilitating medical con-**
27 **ditions as defined in ORS 475B.791;**

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

1 “[5] (e) Monitor and study federal laws, regulations and policies re-
2 garding marijuana.

3 “(2) On or before September 2 of each odd-numbered year, the
4 Oregon Cannabis Commission shall submit a report about the long-
5 term strategic plans described in subsection (1)(c) and (d) of this sec-
6 tion, in the manner prescribed in ORS 192.245, to the interim
7 committees of the Legislative Assembly related to health and the ju-
8 diciary. The commission may include with the submission described
9 in this subsection any recommendations for legislation.

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

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

18

19 “CANNABIS TRACKING SYSTEM ASSESSMENT

20

21 “SECTION 50. (1) The Oregon Liquor Control Commission shall as-
22 sess the financial impact of the tracking system described in ORS
23 475B.177 on licensees as defined in ORS 475B.015 and the state and
24 make recommendations to improve the tracking system and reduce
25 the cost of tracking to cannabis businesses in Oregon.

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

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

1 2021.

2

3 **“CANNABIS COMPLIANCE EDUCATION PROGRAMS**

4

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

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

12 **“(2) The rules adopted under this section must:**

13 **“(a) Clarify that participation in a compliance education program**
14 **is voluntary;**

15 **“(b) Establish mitigation periods for certain violations, as deter-**
16 **mined by the commission, of ORS 475B.010 to 475B.545 and rules**
17 **adopted under ORS 475B.010 to 475B.545; and**

18 **“(c) Include that the commission may offer recommendations on**
19 **the abatement of violations described in paragraph (b) of this sub-**
20 **section prior to taking any action specified in ORS 475B.256.**

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

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

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

