

HOUSE AMENDMENTS TO HOUSE BILL 2265

By COMMITTEE ON GENERAL GOVERNMENT

April 8

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating
2 new provisions; amending ORS 475B.136, 475B.206, 475B.477, 475B.526, 475B.791, 475B.810, 475B.831
3 and 475B.913; and declaring an emergency.”.

4 Delete lines 4 through 10 and insert:

5 **“SECTION 1. Sections 2 to 6 of this 2021 Act are added to and made a part of ORS
6 475B.010 to 475B.545.**

7 **“SECTION 2. As used in sections 2 to 6 of this 2021 Act, ‘medical marijuana grow site’:**

8 **“(1) Means a location at which marijuana is produced for use by registry identification
9 cardholders.**

10 **“(2) Does not include a marijuana grow site registered under ORS 475B.810.**

11 **“SECTION 3. (1) The Oregon Liquor Control Commission shall establish by rule a process
12 to register medical marijuana grow sites. To hold a registration under this section, an ap-
13 plicant shall:**

14 **“(a) Apply for a registration in the manner prescribed by the commission by rule;**

15 **“(b) Provide to the commission proof that the applicant is 21 years of age or older; and**

16 **“(c) Meet any other requirements established by the commission by rule.**

17 **“(2) A registration issued under this section is valid for one year and may be renewed
18 pursuant to rules adopted by the commission.**

19 **“(3)(a) An applicant for registration under this section must be an individual.**

20 **“(b) A registration issued under this section may not be transferred:**

21 **“(A) From the individual to whom it is issued to another individual; or**

22 **“(B) To any location other than the original location at which the applicant produces
23 marijuana.**

24 **“(4) All seeds, immature marijuana plants, mature marijuana plants and usable
25 marijuana produced by the medical marijuana grow site are the property of the medical
26 marijuana grow site.**

27 **“(5) A medical marijuana grow site may transfer:**

28 **“(a) Subject to the limits established in ORS 475B.831 and 475B.834, the seeds, immature
29 marijuana plants and usable marijuana associated with the production of marijuana to:**

30 **“(A) A registry identification cardholder or designated primary caregiver; or**

31 **“(B) A medical marijuana dispensary, as defined in ORS 475B.791;**

32 **“(b) Usable marijuana to a marijuana processing site as defined in ORS 475B.791,
33 marijuana processor licensed under ORS 475B.090 or a marijuana wholesaler licensed under
34 ORS 475B.100; and**

35 **“(c) Subject to the limits established in ORS 475B.831 and 475B.834, marijuana seeds and**

1 immature marijuana plants to another medical marijuana grow site or other person as
2 specified by the commission by rule.

3 “(6) A medical marijuana grow site may receive marijuana seeds and immature
4 marijuana plants from:

5 “(a) A medical marijuana grow site;

6 “(b) A marijuana producer licensed under ORS 475B.070;

7 “(c) A marijuana wholesaler licensed under ORS 475B.100; and

8 “(d) Other persons as specified by the commission by rule.

9 “(7)(a) The commission shall establish application, registration and renewal fees under
10 this section.

11 “(b) Fees adopted under this section may not exceed, together with other fees collected
12 under ORS 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545.

13 “(c) Moneys from fees collected under this section shall be deposited into the Marijuana
14 Control and Regulation Fund established under ORS 475B.296.

15 “(8)(a) The commission shall consult with the Oregon Health Authority in adopting rules
16 under this section.

17 “(b) The commission may adopt by reference rules adopted by the authority relating to
18 the regulation of the production of marijuana under ORS 475B.785 to 475B.949.

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

20 “SECTION 4. (1) A medical marijuana grow site registered under section 3 of this 2021
21 Act is subject to the following production limits:

22 “(a) Except as provided in paragraph (c) of this subsection, if the medical marijuana grow
23 site is located within city limits in an area zoned for residential use, no more than:

24 “(A) 12 mature marijuana plants;

25 “(B) 24 immature marijuana plants that are 24 inches or more in height; and

26 “(C) The number established by the Oregon Liquor Control Commission by rule of im-
27 mature marijuana plants that are less than 24 inches in height.

28 “(b) Except as provided in paragraph (c) of this subsection, if the medical marijuana grow
29 site is located in an area other than an area described in paragraph (a) of this subsection,
30 no more than:

31 “(A) 48 mature marijuana plants;

32 “(B) 96 immature marijuana plants that are 24 inches or more in height; and

33 “(C) The number established by the commission by rule of immature marijuana plants
34 that are less than 24 inches in height.

35 “(c) If the medical marijuana grow site, on or before April 1, 2021, is in compliance with
36 the production limits in ORS 475B.831 (3)(b) or (4)(b) in effect on January 1, 2015, was ap-
37 proved by the Oregon Health Authority as a grandfathered grow site under rules adopted by
38 the authority and:

39 “(A) Is located within city limits in an area zoned for residential use, no more than:

40 “(i) 24 mature marijuana plants;

41 “(ii) 48 immature marijuana plants that are 24 inches or more in height; and

42 “(iii) The number established by the commission by rule of immature marijuana plants
43 that are less than 24 inches in height.

44 “(B) Is located in an area other than an area described in subparagraph (A) of this par-
45 agraph, no more than:

1 “(i) 96 mature marijuana plants;

2 “(ii) 192 immature marijuana plants that are 24 inches or more in height; and

3 “(iii) The number established by the commission by rule of immature marijuana plants

4 that are less than 24 inches in height.

5 “(2) In adopting rules under this section, the commission shall consult with the authority

6 and may adopt by reference rules adopted by the authority relating to plant possession lim-

7 its.

8 “SECTION 5. (1) The Oregon Liquor Control Commission shall:

9 “(a) Ensure the system developed and maintained under ORS 475B.177 is capable of

10 tracking the transfer of marijuana items produced at a medical marijuana grow site regis-

11 tered under section 3 of this 2021 Act.

12 “(b) Treat information related to medical marijuana grow sites registered under section

13 3 of this 2021 Act in the same manner as the information described in ORS 475B.541.

14 “(2) The commission may suspend, revoke or refuse to issue a registration under section

15 3 of this 2021 Act or require a registrant or representative of a registrant to complete

16 training specified by the commission if the commission finds, or has reasonable grounds to

17 believe, that the registrant or representative of the registrant:

18 “(a) Has violated a provision of ORS 475B.010 to 475B.545 or a rule adopted under ORS

19 475B.010 to 475B.545;

20 “(b) Has made any false representation or statement to the commission in order to in-

21 duce or prevent action by the commission;

22 “(c) Is insolvent or incompetent or physically unable to carry on the management of the

23 medical marijuana grow site;

24 “(d) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana or controlled

25 substances to excess;

26 “(e) Has misrepresented to a registry identification cardholder, consumer or the public

27 any marijuana items transferred by the registrant or representative of the registrant; or

28 “(f) Since the issuance of a registration under section 3 of this 2021 Act, has been con-

29 victed of a felony, violating any of the marijuana laws of this state or ordinances of a local

30 government in this state or any misdemeanor if the felony, violation or misdemeanor was

31 committed on the premises for which the registration was issued.

32 “(3) Adopt rules as necessary to carry out this section.

33 “SECTION 6. (1) In addition to any other penalty provided by law, the Oregon Liquor

34 Control Commission may impose, for each violation of ORS 475B.010 to 475B.545 or of a rule

35 adopted under ORS 475B.010 to 475B.545, by a medical marijuana grow site a civil penalty that

36 does not exceed \$500 for each day that the violation occurs.

37 “(2) The commission shall impose civil penalties under this section in the manner pro-

38 vided in ORS 183.745.

39 “(3) All moneys collected pursuant to this section shall be deposited into the Marijuana

40 Control and Regulation Fund established under ORS 475B.296.

41 “SECTION 7. ORS 475B.136 is amended to read:

42 “475B.136. (1) To produce marijuana for medical purposes, a marijuana producer that holds a

43 license issued under ORS 475B.070 must register with the Oregon Liquor Control Commission under

44 this section.

45 “(2) The commission shall register a marijuana producer for the purpose of producing marijuana

1 for medical purposes if the marijuana producer:

2 “(a) Holds a license issued under ORS 475B.070;

3 “(b) Meets any qualifications adopted by the commission by rule;

4 “(c) Applies to the commission in a form and manner prescribed by the commission; and

5 “(d) Pays any fee adopted by the commission by rule.

6 “(3) Subject to subsection (4) of this section, a marijuana producer registered under this section
7 may produce marijuana plants on a medically designated grow canopy in addition to producing
8 marijuana plants on the grow canopy allowed under rules adopted under ORS 475B.085. The com-
9 mission shall specify the size of medically designated grow canopies by rule, provided that the size
10 of any medically designated grow canopy does not exceed 10 percent of the total size of both the
11 medically designated grow canopy and the grow canopy allowed under rules adopted under ORS
12 475B.085 at the time that the marijuana producer applies for registration under this section.

13 “(4) A marijuana producer registered under this section must provide, for no consideration, at
14 least 75 percent of the annual yield of usable marijuana harvested from the marijuana producer’s
15 medically designated grow canopy to registry identification cardholders and designated primary
16 caregivers.

17 “(5) A marijuana producer registered under this section may not, during a single transaction,
18 provide a registry identification cardholder or the designated primary caregiver of a registry iden-
19 tification cardholder an amount of usable marijuana that exceeds the amount of usable marijuana
20 that a registry identification cardholder and a designated primary caregiver may jointly possess
21 under ORS 475B.834.

22 “(6) A marijuana producer registered under this section may provide immature marijuana plants
23 to a person responsible for a marijuana grow site registered under ORS 475B.810, **a medical**
24 **marijuana grow site**, a registry identification cardholder or a designated primary caregiver of a
25 registry identification cardholder.

26 “(7)(a) The commission shall adopt rules necessary to administer this section.

27 “(b) The rules must establish sanctions for failure to meet the requirements of this section or
28 a rule adopted under this section, including revocation of permission for the marijuana producer’s
29 medically designated grow canopy.

30 “(c) The rules must provide that any fee adopted by the commission under subsection (2)(d) of
31 this section be in an amount reasonably calculated to not exceed, together with other fees collected
32 under ORS 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545.

33 “**SECTION 8.** ORS 475B.206 is amended to read:

34 “475B.206. (1) Except as provided in ORS 475B.136 and 475B.873 **and section 3 of this 2021**
35 **Act**, a marijuana producer that holds a license issued under ORS 475B.070, marijuana processor that
36 holds a license issued under ORS 475B.090 [*or*], marijuana wholesaler that holds a license issued
37 under ORS 475B.100 **or medical marijuana grow site registered under section 3 of this 2021**
38 **Act** may deliver marijuana items only to or on a premises for which a license has been issued under
39 ORS 475B.070, 475B.090, 475B.100 or 475B.105, or to a registry identification cardholder or desig-
40 nated primary caregiver as allowed under ORS 475B.010 to 475B.545.

41 “(2) **Except as provided in section 3 of this 2021 Act for medical marijuana grow sites**, a
42 licensee to which marijuana items may be delivered under subsection (1) of this section may receive
43 marijuana items only from:

44 “(a) A marijuana producer that holds a license issued under ORS 475B.070, marijuana processor
45 that holds a license issued under ORS 475B.090, marijuana wholesaler that holds a license issued

1 under ORS 475B.100, marijuana retailer that holds a license issued under ORS 475B.105 or a labo-
2 ratory licensed under ORS 475B.560;

3 “(b) A researcher of cannabis that holds a certificate issued under ORS 475B.286 and that
4 transfers limited amounts of marijuana, usable marijuana, cannabinoid products, cannabinoid con-
5 centrates and cannabinoid extracts in accordance with procedures adopted under ORS 475B.286
6 (3)(d) and (e);

7 “(c) A marijuana grow site registered under ORS 475B.810, marijuana processing site registered
8 under ORS 475B.840, or a medical marijuana dispensary registered under ORS 475B.858, acting in
9 accordance with procedures adopted by the Oregon Liquor Control Commission under ORS 475B.167;
10 [or]

11 “(d) A marijuana grow site registered under ORS 475B.810[,] acting in accordance with ORS
12 475B.825 and any procedures adopted by rule by the commission; **or**

13 “(e) **A medical marijuana grow site registered under section 3 of this 2021 Act acting in**
14 **accordance with section 3 of this 2021 Act and any procedures adopted by rule by the com-**
15 **mission.**

16 “(3) The sale of marijuana items by a marijuana retailer that holds a license issued under ORS
17 475B.105 must be restricted to the premises for which the license has been issued, but deliveries
18 may be made by a marijuana retailer to consumers pursuant to a bona fide order received at the
19 premises prior to delivery.

20 “(4) The commission may by order waive the requirements of subsections (1) and (2) of this
21 section to ensure compliance with ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010
22 to 475B.545. An order issued under this subsection does not constitute a waiver of any other re-
23 quirement of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010 to 475B.545.

24 “**SECTION 9.** ORS 475B.477 is amended to read:

25 “475B.477. (1) As used in this section, ‘designated primary caregiver,’ ‘immature marijuana
26 plant,’ ‘marijuana,’ ‘medical cannabinoid product’ and ‘registry identification cardholder’ have the
27 meanings given those terms in ORS 475B.791.

28 “(2) A city or county may not adopt an ordinance, by referral or otherwise, that prohibits or
29 otherwise limits:

30 “(a) The privileges described in ORS 475B.301; [or]

31 “(b) The right of a registry identification cardholder and the designated primary caregiver of a
32 registry identification cardholder to:

33 “(A) Possess the seeds of marijuana, immature marijuana plants or medical cannabinoid products
34 as described in ORS 475B.785 to 475B.949; **or**

35 “[*B*] *Jointly possess up to six mature marijuana plants and up to 12 immature marijuana plants*
36 *under ORS 475B.831 (1); or*]

37 “[*C*] **(B)** Jointly possess up to 24 ounces of usable marijuana under ORS 475B.834 (1)[.]; **or**

38 “(c) **The right of a person designated to produce marijuana under ORS 475B.810 to**
39 **produce up to the number of marijuana plants described in ORS 475B.831 (3).**

40 “**SECTION 10.** ORS 475B.526 is amended to read:

41 “475B.526. (1) Marijuana is:

42 “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;

43 “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined in ORS 30.930;

44 “(c) A product of farm use as described in ORS 308A.062; and

45 “(d) The product of an agricultural activity for purposes of ORS 568.909.

1 “(2) Notwithstanding ORS chapters 195, 196, 197, 215 and 227, the following are not permitted
2 uses on land designated for exclusive farm use:

3 “(a) A new dwelling used in conjunction with a marijuana crop;

4 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with
5 a marijuana crop; and

6 “(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in
7 conjunction with a marijuana crop.

8 “(3) A county may allow the production of marijuana as a farm use on land zoned for farm or
9 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones
10 under this section and ORS 215.213, 215.283 and 475B.063.

11 “(4) This section applies to:

12 “(a) Marijuana producers that hold a license issued under ORS 475B.070;

13 “(b) Persons registered under ORS 475B.810 and designated to produce marijuana by one or
14 more persons who hold valid registry identification cards issued under ORS 475B.797; [and]

15 “(c) For the purpose of producing marijuana or propagating immature marijuana plants, re-
16 searchers of cannabis that hold a certificate issued under ORS 475B.286; and

17 “(d) **Medical marijuana grow sites registered under section 3 of this 2021 Act.**

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

19 “475B.791. As used in ORS 475B.785 to 475B.949:

20 “(1) ‘Attending physician’ means a physician licensed under ORS chapter 677 who has primary
21 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

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

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

26 “(a) A mechanical extraction process;

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

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

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

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

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

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

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

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

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

44 “(a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
45 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to

1 the treatment of those medical conditions;

2 “(b) A medical condition or treatment for a medical condition that produces, for a specific pa-

3 tient, one or more of the following:

4 “(A) Cachexia;

5 “(B) Severe pain;

6 “(C) Severe nausea;

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

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

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

10 “(d) Any other medical condition or side effect related to the treatment of a medical condition

11 adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition

12 filed under ORS 475B.946.

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

14 “(b) ‘Delivery’ does not include transfer of marijuana by a registry identification cardholder to

15 another registry identification cardholder if no consideration is paid for the transfer.

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

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

18 “(B) Who has significant responsibility for managing the well-being of a person who has been

19 diagnosed with a debilitating medical condition; and

20 “(C) Who is designated as the person responsible for managing the well-being of a person who

21 has been diagnosed with a debilitating medical condition on that person’s application for a registry

22 identification card or in other written notification submitted to the authority.

23 “(b) ‘Designated primary caregiver’ does not include a person’s attending physician.

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

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

26 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part of the plant

27 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

28 “(b) ‘Marijuana’ does not include:

29 “(A) Industrial hemp, as defined in ORS 571.269; or

30 “(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one

31 or more cannabinoids, that are approved by the United States Food and Drug Administration and

32 dispensed by a pharmacy, as defined in ORS 689.005.

33 “(12) ‘Marijuana grow site’ means a location registered under ORS 475B.810 where marijuana

34 is produced for use by a registry identification cardholder.

35 “(13) ‘Marijuana processing site’ means a marijuana processing site registered under ORS

36 475B.840 or a site for which an applicant has submitted an application for registration under ORS

37 475B.840.

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

39 plant.

40 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and any other product in-

41 tended for human consumption or use, including a product intended to be applied to a person’s skin

42 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

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

44 “(A) Usable marijuana by itself;

45 “(B) A cannabinoid concentrate by itself;

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

2 “(D) Industrial hemp, as defined in ORS 571.269.

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

6 “(17) ‘Medical use of marijuana’ means the production, processing, possession, delivery or ad-
7 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
8 symptoms or effects of a debilitating medical condition.

9 “(18) ‘Person designated to produce marijuana by a registry identification cardholder’ means a
10 person designated to produce marijuana by a registry identification cardholder under ORS 475B.810
11 who produces marijuana for a registry identification cardholder at an address other than the address
12 where the registry identification cardholder resides [*or at an address where more than 12 mature*
13 *marijuana plants are produced*].

14 “(19) ‘Process’ means the compounding or conversion of marijuana into medical cannabinoid
15 products, cannabinoid concentrates or cannabinoid extracts.

16 “(20) ‘Production’ means:

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

18 “(b) Drying marijuana leaves or flowers.

19 “(21) ‘Registry identification card’ means a document issued by the Oregon Health Authority
20 under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana
21 and, if the person has a designated primary caregiver under ORS 475B.804, the person’s designated
22 primary caregiver.

23 “(22) ‘Registry identification cardholder’ means a person to whom a registry identification card
24 has been issued under ORS 475B.797.

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

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

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

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

29 “(24) ‘Written documentation’ means a statement signed by the attending physician of a person
30 diagnosed with a debilitating medical condition or copies of the person’s relevant medical records.

31 “**SECTION 12.** ORS 475B.810 is amended to read:

32 “475B.810. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site
33 registration system to track and regulate the production of marijuana by a registry identification
34 cardholder or a person designated by the registry identification cardholder to produce marijuana for
35 the registry identification cardholder.

36 “(b) Except as provided in paragraph (c) of this subsection, a person may not produce marijuana
37 unless the person is registered under this section.

38 “(c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided
39 in ORS 475B.010 to 475B.545 or as otherwise provided for by the statutory laws of this state.

40 “(2) Rules adopted under this section must require an applicant for a registry identification card,
41 or a registry identification cardholder who produces marijuana or who designates another person
42 to produce marijuana, to submit an application to the authority containing the following information
43 at the time of making an application under ORS 475B.797 (2), renewing a registry identification card
44 under ORS 475B.797 (6)(b), or notifying the authority of a change under ORS 475B.797 (6)(a):

45 “(a) The name of the person responsible for the marijuana grow site;

1 “(b) Proof that the person is 21 years of age or older;

2 “(c) If the registry identification cardholder or the person responsible for the marijuana grow
3 site is not the owner of the premises of the marijuana grow site, signed informed consent from the
4 owner of the premises to register the premises as a marijuana grow site;

5 “(d) The address of the marijuana grow site; and

6 “(e) Any other information that the authority considers necessary to track the production of
7 marijuana under ORS 475B.785 to 475B.949.

8 “(3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person
9 whose name is submitted under this section as the person responsible for a marijuana grow site.

10 “(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
11 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or
12 be designated a person responsible for a marijuana grow site for two years from the date of con-
13 viction.

14 “(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
15 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
16 not act as or be designated a person responsible for a marijuana grow site.

17 “(4) Subject to subsection [(11)] (12) of this section, the authority shall issue a marijuana grow
18 site registration card if the requirements of subsections (2) and (3) of this section are met.

19 “(5) A person who holds a marijuana grow site registration card under this section must display
20 the card at the marijuana grow site at all times.

21 “(6) A marijuana grow site registration card must be obtained and posted for each registry
22 identification cardholder for whom marijuana is being produced at a marijuana grow site.

23 “(7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-
24 sociated with the production of marijuana for a registry identification cardholder by a person re-
25 sponsible for a marijuana grow site are the property of the registry identification cardholder.

26 “(b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana asso-
27 ciated with the production of marijuana for a registry identification cardholder by a person re-
28 sponsible for a marijuana grow site must be transferred to the registry identification cardholder
29 upon the request of the registry identification cardholder.

30 “(c) All usable marijuana associated with the production of marijuana for a registry identifica-
31 tion cardholder by a person responsible for a marijuana grow site must be transferred to a
32 marijuana processing site upon the request of the registry identification cardholder. For purposes
33 of this paragraph, a request to transfer usable marijuana constitutes an assignment of the right to
34 possess the usable marijuana.

35 “(d) All seeds, immature marijuana plants and usable marijuana associated with the production
36 of marijuana for a registry identification cardholder by a person responsible for a marijuana grow
37 site must be transferred to a medical marijuana dispensary upon request of the registry identifica-
38 tion cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana
39 plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature
40 marijuana plants or usable marijuana.

41 “(e) Information related to transfers made under this subsection must be submitted to the au-
42 thority in the manner required by ORS 475B.816.

43 “(8) A registry identification cardholder, or the designated caregiver of a registry identification
44 cardholder, may reimburse a person responsible for a marijuana grow site for all costs associated
45 with the production of marijuana for the registry identification cardholder.

1 “(9) The authority may inspect:

2 “(a) The marijuana grow site of a person designated to produce marijuana by a registry iden-
3 tification cardholder to ensure compliance with this section and ORS 475B.816 and 475B.831 and any
4 rule adopted under this section and ORS 475B.816 and 475B.831; and

5 “(b) The records of the marijuana grow site of a person designated to produce marijuana by a
6 registry identification cardholder to ensure compliance with this section and ORS 475B.816 and any
7 rule adopted under this section and ORS 475B.816.

8 “(10) The authority may refuse to register a registry identification cardholder or a designee
9 under this section or may suspend or revoke the registration of a person responsible for a marijuana
10 grow site if the authority determines that the applicant or the person responsible for a marijuana
11 grow site violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to
12 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

13 “(11) **A marijuana grow site registered under this section may not produce marijuana for**
14 **more than two registry identification cardholders.**

15 “[*11*] (12) The authority may require a person responsible for a marijuana grow site, prior to
16 issuing a marijuana grow site registration card under subsection (4) of this section, to pay a fee
17 reasonably calculated to pay costs incurred under this section and ORS 475B.816 and 475B.879.

18 “**SECTION 13.** ORS 475B.831 is amended to read:

19 “475B.831. (1)[*a*] A registry identification cardholder and the designated primary caregiver of
20 the registry identification cardholder may jointly possess:

21 “[*A*] (a) Six or fewer mature marijuana plants; and

22 “[*B*] (b) Twelve or fewer immature marijuana plants.

23 “[*b*](A) *Unless an address is the marijuana grow site of a person designated to produce marijuana*
24 *by a registry identification cardholder, the address where a registry identification cardholder or the*
25 *primary caregiver of a registry identification cardholder produces marijuana may be used to produce*
26 *not more than:*

27 “[*i*] *Six or fewer mature marijuana plants per registry identification cardholder, up to 12 mature*
28 *marijuana plants; and]*

29 “[*ii*] *Twelve or fewer immature marijuana plants per registry identification cardholder, up to 24*
30 *immature marijuana plants.]*

31 “[*B*] *Except as provided in subparagraph (C) of this paragraph, an address that is subject to this*
32 *paragraph may not be used to produce plants in the genus Cannabis within the plant family*
33 *Cannabaceae pursuant to ORS 475B.301.]*

34 “[*C*] *Subject to subparagraph (D) of this paragraph, an address that is subject to this paragraph*
35 *may be used to produce plants in the genus Cannabis within the plant family Cannabaceae pursuant*
36 *to ORS 475B.301 if a person other than a registry identification cardholder who is using the address*
37 *to produce marijuana plants pursuant to ORS 475B.785 to 475B.949 resides at the address.]*

38 “[*D*] *An address that is subject to this paragraph may not be used to produce more than 12 total*
39 *mature marijuana plants.]*

40 “[*2*](a) (2) A person may be designated to produce marijuana under ORS 475B.810 by no more
41 than [*eight*] **two** registry identification cardholders.

42 “[*b*] (3) A person responsible for a marijuana grow site may produce for a registry identifica-
43 tion cardholder who designates the person to produce marijuana no more than:

44 “[*A*] (a) Six mature marijuana plants;

45 “[*B*] (b) 12 immature marijuana plants that are 24 inches or more in height; and

1 “[(C)] (c) The [amount,] **number** established by the Oregon Health Authority by rule[,] of im-
2 mature marijuana plants that are less than 24 inches in height.

3 “[(3) *If the address of a person responsible for a marijuana grow site registered under ORS*
4 *475B.810 is located within city limits in an area zoned for residential use:*]

5 “[(a) *Except as provided in paragraph (b) of this subsection, no more than the following amounts*
6 *of marijuana plants may be produced at the address:*]

7 “[(A) *12 mature marijuana plants;*]

8 “[(B) *24 immature marijuana plants that are 24 inches or more in height; and*]

9 “[(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*
10 *than 24 inches in height; or*]

11 “[(b) *Subject to subsection (5) of this section, if each person responsible for a marijuana grow site*
12 *located at the address first registered with the authority under ORS 475B.810 before January 1, 2015,*
13 *no more than the following amounts of marijuana plants may be produced at the address:*]

14 “[(A) *The amount of mature marijuana plants located at that address on December 31, 2014, in*
15 *excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants;*]

16 “[(B) *48 immature marijuana plants that are 24 inches or more in height; and*]

17 “[(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*
18 *than 24 inches in height.*]

19 “[(4) *If the address of a person responsible for a marijuana grow site registered under ORS*
20 *475B.810 is located in an area other than an area described in subsection (3) of this section:*]

21 “[(a) *Except as provided in paragraph (b) of this subsection, no more than the following amounts*
22 *of marijuana plants may be produced at the address:*]

23 “[(A) *48 mature marijuana plants;*]

24 “[(B) *96 immature marijuana plants that are 24 inches or more in height; and*]

25 “[(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*
26 *than 24 inches in height; or*]

27 “[(b) *Subject to subsections (5) and (6) of this section, if each person responsible for a marijuana*
28 *grow site located at the address first registered with the authority under ORS 475B.810 before January*
29 *1, 2015, no more than the following amounts of marijuana plants may be produced at the address:*]

30 “[(A) *The amount of mature marijuana plants located at that address on December 31, 2014, in*
31 *excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants;*]

32 “[(B) *192 immature marijuana plants that are 24 inches or more in height; and*]

33 “[(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*
34 *than 24 inches in height.*]

35 “[(5)(a) *If the authority suspends or revokes the registration of a person responsible for a*
36 *marijuana grow site that is located at an address described in subsection (3)(b) of this section, no more*
37 *than the following amounts of marijuana plants may subsequently be produced at any address de-*
38 *scribed in subsection (3) of this section at which the person responsible for the marijuana grow site*
39 *produces marijuana:*]

40 “[(A) *12 mature marijuana plants;*]

41 “[(B) *24 immature marijuana plants that are 24 inches or more in height; and*]

42 “[(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*
43 *than 24 inches in height.*]

44 “[(b) *If the authority suspends or revokes the registration of a person responsible for a marijuana*
45 *grow site that is located at an address described in subsection (4)(b) of this section, no more than the*

1 following amounts of marijuana plants may subsequently be produced at any address described in
2 subsection (4) of this section at which the person responsible for the marijuana grow site produces
3 marijuana:]

4 “[A] 48 mature marijuana plants;]

5 “[B] 96 immature marijuana plants that are 24 inches or more in height; and]

6 “[C] The amount, established by the authority by rule, of immature marijuana plants that are less
7 than 24 inches in height.]

8 “[6] If a registry identification cardholder who designated a person to produce marijuana for the
9 registry identification cardholder pursuant to ORS 475B.810 terminates the designation, the person re-
10 sponsible for the marijuana grow site whose designation has been terminated may not be designated
11 to produce marijuana by another registry identification cardholder, except that the person may be des-
12 ignated by another registry identification cardholder if no more than 48 mature marijuana plants and
13 no more than 96 immature marijuana plants that are 24 or more inches in height are produced at the
14 address for the marijuana grow site at which the person produces marijuana.]

15 “[7] Subject to the limits described in subsections (2) to (6) of this section, if multiple persons re-
16 sponsible for a marijuana grow site under ORS 475B.810 are located at the same address, the persons
17 designated to produce marijuana by registry identification cardholders who are located at that address
18 may collectively produce marijuana plants for any number of registry identification cardholders who
19 designate the persons to produce marijuana.]

20 “(4)(a) **Subject to paragraph (b) of this subsection, an address at which a marijuana grow**
21 **site is located may be used to produce plants in the genus Cannabis within the plant family**
22 **Cannabaceae pursuant to ORS 475B.301.**

23 “(b) **An address described in this subsection may not be used to produce more than 12**
24 **total mature marijuana plants.**

25 “[8] (5) If a law enforcement officer determines that there is a number of marijuana plants at
26 an address in excess of the quantities specified in this section, or that an address is being used to
27 produce a number of marijuana plants in excess of the quantities specified in subsection [(1)(b)] (3)
28 **or (4)** of this section, the law enforcement officer may confiscate only the excess number of
29 marijuana plants.

30 “**SECTION 14.** ORS 475B.913 is amended to read:

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

35 “(a) Was diagnosed with a debilitating medical condition within 12 months of the date on which
36 the person was arrested and was advised by the person’s attending physician that the medical use
37 of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

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

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

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

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

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

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

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

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

14 **“SECTION 15. (1) Sections 2 to 6 of this 2021 Act and the amendments to ORS 475B.136,
15 475B.206, 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913 by sections 7 to 14 of
16 this 2021 Act become operative on January 1, 2022.**

17 **“(2) The Oregon Health Authority and the Oregon Liquor Control Commission may take
18 any action before the operative date specified in subsection (1) of this section that is neces-
19 sary to enable the authority or the commission to exercise, on or after the operative date
20 specified in subsection (1) of this section, all of the duties, functions and powers conferred
21 on the authority and the commission by sections 2 to 6 of this 2021 Act and the amendments
22 to ORS 475B.136, 475B.206, 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913 by
23 sections 7 to 14 of this 2021 Act.**

24 **“SECTION 16. (1) Until June 1, 2022, the Oregon Health Authority may renew a regis-
25 tration issued under ORS 475B.810 if the initial registration was issued before September 1,
26 2021.**

27 **“(2) On or after September 1, 2021, the authority may not:**

28 **“(a) Register a marijuana grow site under ORS 475B.810 that produces marijuana for
29 more than two registry identification cardholders, regardless of the number of persons des-
30 igned to produce marijuana by registry identification cardholders at the marijuana grow
31 site; or**

32 **“(b) Collect fees for the issuance of initial registration of marijuana grow sites described
33 in paragraph (a) of this subsection.**

34 **“SECTION 17. (1) Not later than June 1, 2022, a medical marijuana grow site may apply
35 to the Oregon Liquor Control Commission for registration under section 3 of this 2021 Act
36 if:**

37 **“(a) The medical marijuana grow site is a marijuana grow site registered with the Oregon
38 Health Authority under ORS 475B.810 on February 1, 2021;**

39 **“(b) Before September 1, 2021, the medical marijuana grow site is designated to produce
40 marijuana for three or more registry identification cardholders or is a marijuana grow site
41 at which marijuana is produced by three or more persons designated to produce marijuana;
42 and**

43 **“(c) Before September 1, 2021, the medical marijuana grow site is subject to tracking
44 under ORS 475B.177.**

45 **“(2)(a) Notwithstanding section 3 (4) of this 2021 Act, not later than June 1, 2022, a reg-**

1 istry identification cardholder who designated a person to produce marijuana under ORS
2 475B.810 may request that the person designated to produce marijuana transfer to the reg-
3 istry identification cardholder all seeds, immature marijuana plants, mature marijuana
4 plants and usable marijuana produced for the registry identification cardholder if the person
5 designated to produce marijuana applies for a medical marijuana grow site registration under
6 section 3 of this 2021 Act.

7 “(b) A person to whom a request described in paragraph (a) of this subsection is made
8 shall transfer the requested objects to the registry identification cardholder as soon as pos-
9 sible after the request is made.

10 “(3) The registration under ORS 475B.810 of a marijuana grow site at which marijuana
11 is produced for three or more registry identification cardholders, or by three or more per-
12 sons designated to produce marijuana for registry identification cardholders, and that does
13 not apply for registration under section 3 of this 2021 Act by June 1, 2022, expires on June
14 1, 2022. The expiration of a registration under this subsection may not be appealed. A
15 marijuana grow site described in this subsection may not produce marijuana after September
16 1, 2022.

17 “SECTION 18. This 2021 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
19 on its passage.”.

20 _____