SENATE AMENDMENTS TO
SENATE BILL 758

By COMMITTEE ON HEALTH CARE

April 23


Delete lines 8 through 18 and delete pages 2 through 28 and insert:

“OREGON MEDICAL AND THERAPEUTIC CANNABIS ACT

SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS 475B.785 to 475B.949.

SECTION 2. (1)(a) A person designated to produce marijuana by a registry identification cardholder may transfer, pursuant to an agreement entered into with the registry identification cardholder and subject to the limits established in ORS 475B.825, 475B.831 and 475B.834, all or part of the seeds, immature marijuana plants and usable marijuana associated with the production of marijuana described in this subsection to another registry identification cardholder or the other registry identification cardholder’s designated primary caregiver.

(b) A person may enter into an agreement under this section in addition to an agreement described in ORS 475B.822.

(2) A transfer made under this section is subject to tracking under ORS 475B.895.

(3) The Oregon Health Authority may adopt rules to carry out this section.

SECTION 3. The Oregon Health Authority shall include on a website dedicated to the authority and on a website dedicated to the program administered under ORS 475B.785 to 475B.949 a statement declaring that cannabis is to be treated as a medicine for Oregonians of all ages, the program administered under ORS 475B.785 to 475B.949 is a public health program and the authority is dedicated to ensuring equitable access to the program for all Oregonians. The authority shall adopt and abide by internal policies that focus on ensuring equitable access to the program for all Oregonians.

SECTION 4. The Oregon Health Authority shall, in consultation with the Oregon Liquor Control Commission and other state agencies as necessary:

(1) Ensure the highest level of protection and privacy for information submitted and maintained in the databases established under ORS 475B.879 and 475B.882, the electronic system established under ORS 475B.892 and the tracking system established under ORS
Continually revise information handling and submission processes to reduce multiple submissions of personally identifiable information in the databases established under ORS 475B.879 and 475B.882, the electronic system established under ORS 475B.892 and the tracking system established under ORS 475B.177; and

(3) Ensure any third party vendors with which the authority or the commission contracts for the management of the databases established under ORS 475B.879 and 475B.882, the electronic system established under ORS 475B.892 and the tracking system established under ORS 475B.177 prevent cybersecurity breaches.

SECTION 5. ORS 475B.788 is amended to read:

ORS 475B.788. ORS 475B.785 to 475B.949 shall be known as the Oregon Medical [Marijuana and Therapeutic Cannabis Act.

SECTION 6. ORS 475B.791 is amended to read:

ORS 475B.791. As used in ORS 475B.785 to 475B.949 shall be known as the Oregon Medical...
tient, one or more of the following:

“(A) Cachexia;
“(B) Severe pain;
“(C) Severe nausea;
“(D) Seizures, including seizures caused by epilepsy; or
“(E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
“(c) Post-traumatic stress disorder, presumptive post-traumatic stress disorder based on the
person’s history of arrest or imprisonment or a medical condition related to post-traumatic
stress disorder, including:
“(A) Chronic anxiety; and
“(B) Chronic depression; or
“(d) Any other medical condition or side effect related to the treatment of a medical condition
adopted by the Oregon Health Authority by rule [or], approved by the authority pursuant to a pe-
tition filed under ORS 475B.946 or as determined by an attending provider in the professional
judgment and ongoing medical oversight of the attending provider.
“(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.
“(b) ‘Delivery’ does not include transfer of marijuana by a registry identification cardholder to
another registry identification cardholder if no consideration is paid for the transfer.
“(8)(a) ‘Designated primary caregiver’ means an individual:
“(A) Who is 18 years of age or older;
“(B) Who has significant responsibility for managing the well-being of a person who has been
diagnosed with a debilitating medical condition; and
“(C) Who is designated as the person responsible for managing the well-being of a person who
has been diagnosed with a debilitating medical condition on that person’s application for a registry
identification card or in other written notification submitted to the authority.
“(b) ‘Designated primary caregiver’ does not include a person’s attending [physician] provider.
“(9) ‘High heat’ means a temperature exceeding 180 degrees.
“(10) ‘Immature marijuana plant’ means a marijuana plant that is not flowering.
“(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any part of the plant
Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
“(b) ‘Marijuana’ does not include:
“(A) Industrial hemp, as defined in ORS 571.269; or
“(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
or more cannabinoids, that are approved by the United States Food and Drug Administration and
dispensed by a pharmacy, as defined in ORS 689.005.
“(12) ‘Marijuana grow site’ means a location registered under ORS 475B.810 where marijuana
is produced for use by a registry identification cardholder.
“(13) ‘Marijuana processing site’ means a marijuana processing site registered under ORS
475B.840 or a site for which an applicant has submitted an application for registration under ORS
475B.840.
“(14) ‘Mature marijuana plant’ means a marijuana plant that is not an immature marijuana
plant.
“(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and any other product in-
tended for human consumption or use, including a product intended to be applied to a person’s skin
or hair, that contains cannabinoids or dried leaves or flowers of marijuana.
“(b) ‘Medical cannabinoid product’ does not include:

“(A) Usable marijuana by itself;

“(B) A cannabinoid concentrate by itself;

“(C) A cannabinoid extract by itself; or

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

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

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

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

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

“(20) ‘Production’ means:

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

“(b) Drying marijuana leaves or flowers.

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

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

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

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

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

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

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

**SECTION 7.** ORS 475B.797 is amended to read:

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

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

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

“(b) The name, address and date of birth of the applicant;
“(c) The name, address and telephone number of the applicant’s attending [physician] provider;
“(d) Proof of residency, submitted in a form required by the authority by rule;
“(e) The name and address of the applicant’s designated primary caregiver, if the applicant is designating a primary caregiver under ORS 475B.804; and
“(f) The information described in ORS 475B.810 (2), if the applicant is applying to produce marijuana or designate another person under ORS 475B.810 to produce marijuana.
“(3)(a) The authority shall issue a registry identification card to an applicant who is under 18 years of age if:
“(A) The applicant pays the fee and submits the application described in subsection (2) of this section; and
“(B) The custodial parent or legal guardian who is responsible for the health care decisions of the applicant signs and submits to the authority a written statement that:
“(i) The applicant’s attending [physician] provider has explained to the applicant and to the custodial parent or legal guardian the possible risks and benefits of the medical use of marijuana;
“(ii) The custodial parent or legal guardian consents to the medical use of marijuana by the applicant;
“(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated primary caregiver; and
“(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and frequency of the medical use of marijuana by the applicant.
“(b) An applicant who is under 18 years of age may not apply to produce marijuana under subsection (2)(f) of this section.
“(4) The authority shall:
“(a) On the date on which the authority receives an application described in subsection (2) of this section, issue a receipt to the applicant verifying that the authority received an application under subsection (2) or (3) of this section; and
“(b) Approve or deny an application received under subsection (2) or (3) of this section within 30 days after receiving the application.
“(5)(a) If the authority approves an application, the authority shall issue a serially numbered registry identification card to the applicant within five days after approving the application. The registry identification card must include the following information:
“(A) The registry identification cardholder’s name, address and date of birth;
“(B) The issuance date and expiration date of the registry identification card;
“(C) If the registry identification cardholder designated a primary caregiver under ORS 475B.804, the name and address of the registry identification cardholder’s designated primary caregiver; and
“(D) Any other information required by the authority by rule.
“(b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804, the authority shall issue an identification card to the designated primary caregiver. The identification card must contain the information required by paragraph (a) of this subsection.
“(6) A registry identification cardholder shall:
“(a) In a form and manner prescribed by the authority, notify the authority of any change concerning the registry identification cardholder’s:
“(A) Name, address or attending [physician] provider;
“(B) Designated primary caregiver, including the designation of a primary caregiver made at a
time other than at the time of applying for or renewing a registry identification card; or

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

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

“(A) Updated written documentation from the registry identification cardholder’s attending [physician] provider stating that the registry identification cardholder still has a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the registry identification cardholder’s debilitating medical condition;

“(B) The information described in subsection (2)(b) to [(f)] (e) of this section; and

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

“(7) The authority shall:

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

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

“(8)(a) If the registry identification cardholder’s attending [physician] provider determines that the registry identification cardholder no longer has a debilitating medical condition, or determines that the medical use of marijuana is contraindicated for the registry identification cardholder’s debilitating medical condition, the registry identification cardholder shall return the registry identification card to the authority within 30 calendar days after receiving notice of the determination.

“(b) If, because of circumstances beyond the control of the registry identification cardholder, a registry identification card is unable to obtain a second medical opinion about the registry identification cardholder’s continuing eligibility for the medical use of marijuana before having to return the registry identification card to the authority, the authority may grant the registry identification cardholder additional time to obtain a second medical opinion.

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

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

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

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

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

“(c) A person whose application is denied, or whose registry identification card is revoked, under this subsection may not reapply for a registry identification card for six months from the date of the denial or revocation unless otherwise authorized by the authority.
“(10)(a) The authority may deny a designation of a primary caregiver made under ORS 475B.804, or suspend or revoke an associated identification card issued under subsection (5)(b) of this section, if the authority determines that the designee or the registry identification cardholder violated a provision of ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to 475B.949.

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

“(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry identification card, or a registry identification cardholder applying for renewal of a registry identification card, submits to the authority [proof of having served in the Armed Forces of the United States] applicable documentation listed in paragraph (c) of this subsection, the authority may not impose a fee that is greater than $20 for the issuance or renewal of the registry identification card.

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

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

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

“(c) The following are acceptable documentation for the purposes of paragraph (a) of this subsection:

“(A) Proof of having served in the Armed Forces of the United States;

“(B) Proof of receiving Supplemental Security Income; or

“(C) Proof of receiving Social Security Disability Insurance benefits.

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

“SECTION 8. ORS 475B.797, as amended by section 7 of this 2021 Act, is amended to read:

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

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

“(a) Written documentation from the applicant’s attending provider stating that the attending provider has diagnosed the applicant as having a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the applicant’s debilitating medical condition;

“(b) The name, address and date of birth of the applicant;
“(c) The name, address and telephone number of the applicant’s attending provider;
“(d) The name and address of the applicant’s designated primary caregiver, if the applicant is
designating a primary caregiver under ORS 475B.804; and
“(e) The information described in ORS 475B.810 (2), if the applicant is applying to produce
marijuana or designate another person under ORS 475B.810 to produce marijuana.
“(3)(a) The authority shall issue a registry identification card to an applicant who is under 18
years of age if:
“(A) The applicant pays the fee and submits the application described in subsection (2) of this
section; and
“(B) The custodial parent or legal guardian who is responsible for the health care decisions of
the applicant signs and submits to the authority a written statement that:
“(i) The applicant’s attending provider has explained to the applicant and to the custodial parent
or legal guardian the possible risks and benefits of the medical use of marijuana;
“(ii) The custodial parent or legal guardian consents to the medical use of marijuana by the
applicant;
“(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated pri-
mary caregiver; and
“(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-
quency of the medical use of marijuana by the applicant.
“(b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-
section (2)(e) of this section.
“(4) The authority shall:
“(a) On the date on which the authority receives an application described in subsection (2) of
this section, issue a receipt to the applicant verifying that the authority received an application
under subsection (2) or (3) of this section; and
“(b) Approve or deny an application received under subsection (2) or (3) of this section within
30 days after receiving the application.
“(5)(a) If the authority approves an application, the authority shall issue a serially numbered
registry identification card to the applicant within five days after approving the application. The
registry identification card must include the following information:
“(A) The registry identification cardholder’s name, address and date of birth;
“(B) The issuance date and expiration date of the registry identification card;
“(C) If the registry identification cardholder designated a primary caregiver under ORS
475B.804, the name and address of the registry identification cardholder’s designated primary
caregiver; and
“(D) Any other information required by the authority by rule.
“(b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,
the authority shall issue an identification card to the designated primary caregiver. The identifica-
tion card must contain the information required by paragraph (a) of this subsection.
“(c) If an applicant under subsection (2) of this section provides written documentation
from the applicant’s attending provider that the attending provider has diagnosed the applicant
as having a debilitating medical condition of which the applicant cannot be cured and
the authority approves the applicant’s application, the authority shall issue to the applicant
a permanent registry identification card that contains the information described in para-
graph (a)(A), (C) and (D) of this subsection and that is not subject to the renewal require-
ments under subsection (6)(b) of this section.

“(6) A registry identification cardholder shall:

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

“(A) Name, address or attending provider;

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

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

“(b) Except as provided in subsection (5)(c) of this section, annually renew the registry identification card by paying a fee in an amount established by the authority by rule and submitting to the authority an application that contains the following information:

“(A) Updated written documentation from the registry identification cardholder’s attending provider stating that the registry identification cardholder still has a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the registry identification cardholder’s debilitating medical condition;

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

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

“(7) The authority shall:

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

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

“(8)(a) If the registry identification cardholder’s attending provider determines that the registry identification cardholder no longer has a debilitating medical condition, or determines that the medical use of marijuana is contraindicated for the registry identification cardholder’s debilitating medical condition, the registry identification cardholder shall return the registry identification card to the authority within 30 calendar days after receiving notice of the determination.

“(b) If, because of circumstances beyond the control of the registry identification cardholder, a registry identification cardholder is unable to obtain a second medical opinion about the registry identification cardholder’s continuing eligibility for the medical use of marijuana before having to return the registry identification card to the authority, the authority may grant the registry identification cardholder additional time to obtain a second medical opinion.

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

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

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

“(C) The authority determines that the applicant or registry identification cardholder violated a provision of ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to 475B.949.
“(b) If a registry identification card is revoked, any associated identification card issued under subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475B.810 (5), shall also be revoked.

“(c) A person whose application is denied, or whose registry identification card is revoked, under this subsection may not reapply for a registry identification card for six months from the date of the denial or revocation unless otherwise authorized by the authority.

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

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

“(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry identification card, or a registry identification cardholder applying for renewal of a registry identification card, submits to the authority applicable documentation listed in paragraph (c) of this subsection, the authority may not impose a fee that is greater than $20 for the issuance or renewal of the registry identification card.

“(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identification cardholder include in the application to renew a registry identification card updated written documentation from the cardholder’s attending provider regarding the cardholder’s continuing debilitating medical condition does not apply to a service-disabled veteran who:

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

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

“(c) The following are acceptable documentation for the purposes of paragraph (a) of this subsection:

“(A) Proof of having served in the Armed Forces of the United States;

“(B) Proof of receiving Supplemental Security Income; or

“(C) Proof of receiving Social Security Disability Insurance benefits.

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

**SECTION 9.** ORS 475B.801 is amended to read:

“475B.801. A designated primary caregiver may assist the designating registry identification cardholder with any matter related to the medical use of marijuana, including:

“(1) The production of marijuana at the address provided by the registry identification cardholder to the Oregon Health Authority pursuant to ORS 475B.797 [(2)(f)] (2)(e); and

“(2) The processing of marijuana into cannabinoid concentrates or medical cannabinoid products.
SECTION 10. ORS 475B.810 is amended to read:

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

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

“(c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided in ORS 475B.010 to 475B.545 or as otherwise provided for by the statutory laws of this state or the production of marijuana for medical use by a registry identification cardholder who produces marijuana only at the registry identification cardholder’s primary residence and only for the use of the registry identification cardholder.

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

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

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

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

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

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

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

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

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

“(4) Subject to subsection [(11)] (10) of this section, the authority shall issue a marijuana grow site registration card if the requirements of [subsections (2) and (3)] subsection (2) of this section are met.

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

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

“(6)(a) Except as provided in section 2 of this 2021 Act, all seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site are the property of the registry identification cardholder.

“(b) Except as provided in section 2 of this 2021 Act, all seeds, immature marijuana plants,
mature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to the registry identification cardholder upon the request of the registry identification cardholder.

“(c) Except as provided in section 2 of this 2021 Act, all usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to a marijuana processing site upon the request of the registry identification cardholder. For purposes of this paragraph, a request to transfer usable marijuana constitutes an assignment of the right to possess the usable marijuana.

“(d) Except as provided in section 2 of this 2021 Act, all seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to a medical marijuana dispensary upon request of the registry identification cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature marijuana plants or usable marijuana.

“[(e) Information related to transfers made under this subsection must be submitted to the authority in the manner required by ORS 475B.816.]

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

“[(9)] (8) The authority may inspect:

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

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

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

“[(11)] (10) The authority may require a person responsible for a marijuana grow site, prior to issuing a marijuana grow site registration card under subsection [(4)] (3) of this section, to pay a fee reasonably calculated to pay costs incurred under this section and ORS 475B.816 and ORS 475B.879.

SECTION 11. ORS 475B.822 is amended to read:

“475B.822. Notwithstanding ORS 475B.810 [(7)] (6), a person responsible for a marijuana grow site may enter into an agreement with a registry identification cardholder under which the registry identification cardholder assigns, to the person responsible for the marijuana grow site, a portion of the right to possess the seeds, immature marijuana plants and usable marijuana that are the property of the registry identification cardholder.

SECTION 12. ORS 475B.831 is amended to read:

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

“(A) Six or fewer mature marijuana plants; and
“(B) Twelve or fewer immature marijuana plants.

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

“(i) Six or fewer mature marijuana plants per registry identification cardholder, up to 12 mature
marijuana plants; and

“(ii) Twelve or fewer immature marijuana plants per registry identification cardholder, up to 24
immature marijuana plants.

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

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

“(D) An address that is subject to this paragraph may not be used to produce more than 12 total
mature marijuana plants.

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

“(b) A person responsible for a marijuana grow site may produce for a registry identification
cardholder who designates the person to produce marijuana no more than:

“(A) Six mature marijuana plants;

“(B) 12 immature marijuana plants that are 24 inches or more in height; and

“(C) The [amount] number, established by the Oregon Health Authority by rule, of immature
marijuana plants that are less than 24 inches in height.

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

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

“(A) 12 mature marijuana plants;

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

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

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

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

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

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

“(4) If the address of a person responsible for a marijuana grow site registered under ORS
475B.810 is located in an area other than an area described in subsection (3) of this section:
“(a) Except as provided in paragraph (b) of this subsection, no more than the following amounts numbers of marijuana plants may be produced at the address:

“(A) 48 mature marijuana plants;

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

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

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

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

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

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

“(5)(a) If the authority suspends or revokes the registration of a person responsible for a marijuana grow site that is located at an address described in subsection (3)(b) of this section, no more than the following amounts numbers of marijuana plants may subsequently be produced at any address described in subsection (3) of this section at which the person responsible for the marijuana grow site produces marijuana:

“(A) 12 mature marijuana plants;

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

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

“(b) If the authority suspends or revokes the registration of a person responsible for a marijuana grow site that is located at an address described in subsection (4)(b) of this section, no more than the following amounts numbers of marijuana plants may subsequently be produced at any address described in subsection (4) of this section at which the person responsible for the marijuana grow site produces marijuana:

“(A) 48 mature marijuana plants;

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

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

“(6) If a registry identification cardholder who designated a person to produce marijuana for the registry identification cardholder pursuant to ORS 475B.810 terminates the designation, the person responsible for the marijuana grow site whose designation has been terminated may not be designated to produce marijuana by another registry identification cardholder, except that the person may be designated by another registry identification cardholder if no more than 48 mature marijuana plants and no more than 96 immature marijuana plants that are 24 or more inches in height are produced at the address for the marijuana grow site at which the person produces marijuana.

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

“(8) If a law enforcement officer determines that there is a number of marijuana plants at an
address in excess of the quantities specified in this section, or that an address is being used to
produce a number of marijuana plants in excess of the quantities specified in subsection (1)(b) of this
section, the law enforcement officer may confiscate only the excess number of marijuana plants.

SECTION 13. ORS 475B.834 is amended to read:

“475B.834. (1) Except as provided in subsection (2) of this section, a registry identification
cardholder and the designated primary caregiver of the registry identification cardholder may jointly
possess no more than 24 ounces of usable marijuana.

(2) Subject to subsection (3) of this section, a person designated to produce marijuana by a
registry identification cardholder may possess the amount of usable marijuana that the person har-
vests from the person’s mature marijuana plants, provided that the person may not possess usable
marijuana in excess of the amount of usable marijuana in the person’s possession as reported to the
Oregon Health Authority under ORS 475B.816.

(3) A person designated to produce marijuana by a registry identification cardholder may not
possess usable marijuana in excess of:

(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature
marijuana plant; or

(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature
marijuana plant.

SECTION 14. ORS 475B.837 is amended to read:

“475B.837. A person to whom a registry identification card has been issued under ORS 475B.797
(5)(a) or (c), an identification card has been issued under ORS 475B.797 (5)(b), or a marijuana grow
site registration card has been issued under ORS 475B.810, may not possess marijuana, usable
marijuana, medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts in a
location other than the address on file with the Oregon Health Authority unless the person is car-
rying the card.

SECTION 15. ORS 475B.840 is amended to read:

“475B.840. (1)(a) The Oregon Health Authority shall establish by rule a marijuana processing
site registration system to track and regulate the processing of marijuana by a person responsible
for a marijuana processing site.

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

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

(2) The registration system established under subsection (1) of this section must require an
applicant for a marijuana processing site to submit an application to the authority that includes:

(a) The name of the individual who owns the marijuana processing site or, if a business entity
owns the marijuana processing site, the name of each individual who has a financial interest in the
marijuana processing site;

(b) The name of the individual or individuals responsible for the marijuana processing site, if
different from the name of the individual who owns the marijuana processing site;

(c) The address of the marijuana processing site;

(d) Proof that each individual responsible for the marijuana processing site is 21 years of age
or older;
“(e) Documentation, as required by the authority by rule, that demonstrates the marijuana pro-
cessing site meets the requirements of subsection (3) of this section; and
“(f) Any other information that the authority considers necessary.
“(3) To qualify for registration under this section, a marijuana processing site:
“(a) May not be located in an area that is zoned for residential use if the marijuana processing
site processes cannabinoid extracts;
“(b) Must be registered as a business, or have filed an application to register as a business, with
the office of the Secretary of State; and
“(c) Must meet the requirements of any rule adopted by the authority under subsection [(10)]
(9) of this section.
“[(4)(a) The authority shall conduct a criminal records check under ORS 181A.195 for each indi-
vidual named in an application under subsection (2) of this section.]
“(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule
I or Schedule II may not own or be responsible for a marijuana processing site for two years from the
date the individual is convicted.]
“(c) An individual convicted more than once for the manufacture or delivery of a controlled sub-
stance in Schedule I or Schedule II may not own or be responsible for a marijuana processing site.]
“[(5) (4) If a person submits the application required under subsection (2) of this section, if the
marijuana processing site identified in the application meets the requirements of this section and
any rules adopted under this section [and if each individual named in the application passes the
criminal records check required under subsection (4) of this section], the authority shall register the
marijuana processing site and issue proof of registration. Proof of registration must be displayed on
the premises of the marijuana processing site at all times.
“[(6) (5) A marijuana processing site that is registered under this section is not required to
register with the State Board of Pharmacy under ORS 475.125.
“[(7) (6) The individual or individuals responsible for a marijuana processing site shall maintain
documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid
concentrates and cannabinoid extracts.
“[(8) (7) The authority may inspect:
“(a) The premises of a proposed marijuana processing site or a registered marijuana processing
site to ensure compliance with this section and ORS 475B.846 and 475B.849 and any rules adopted
under this section and ORS 475B.846 and 475B.849; and
“(b) The records of a registered marijuana processing site to ensure compliance with subsection
[(7)] (6) of this section.
“[(9) (8) Subject to the provisions of ORS chapter 183, the authority may refuse to register an
applicant under this section or may suspend or revoke the registration of a marijuana processing
site if the authority determines that the applicant, the owner of the marijuana processing site, a
person responsible for the marijuana processing site, or an employee of the marijuana processing
site, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to
475B.949 or an ordinance adopted pursuant to ORS 475B.928.
“[(10) (9) The authority shall adopt rules to implement this section, including rules that:
“(a) Require a registered marijuana processing site to annually renew the registration for that
site;
“(b) Establish fees for registering, and renewing the registration of, a marijuana processing site;
“(c) Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid ex-
tracts transferred by a marijuana processing site be tested to ensure the public health and safety;
and

“(d) Impose any other standard on the operation of a marijuana processing site to ensure the public health and safety.

“SECTION 16. ORS 475B.858 is amended to read:

“475B.858. (1)(a) The Oregon Health Authority shall establish by rule a medical marijuana dispensary registration system for the purpose of tracking and regulating the transfer of:

“(A) Usable marijuana, immature marijuana plants and seeds from registry identification cardholders, designated primary caregivers and persons responsible for marijuana grow sites to medical marijuana dispensaries;

“(B) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites to medical marijuana dispensaries; and

“(C) Usable marijuana, immature marijuana plants, seeds, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from medical marijuana dispensaries to registry identification cardholders and designated primary caregivers.

“(b) A person may not operate an establishment for the purpose of providing the services described in paragraph (a) of this subsection unless the person is registered under this section.

“(2) The registration system established under subsection (1) of this section must require an applicant for a medical marijuana dispensary to submit an application to the authority that includes:

“(a) The name of the individual who owns the medical marijuana dispensary or, if a business entity owns the medical marijuana dispensary, the name of each individual who has a financial interest in the medical marijuana dispensary;

“(b) The name of the individual or individuals responsible for the medical marijuana dispensary, if different from the name of the individual who owns the medical marijuana dispensary;

“(c) The address of the medical marijuana dispensary;

“(d) Proof that each individual responsible for the medical marijuana dispensary is 21 years of age or older;

“(e) Documentation, as required by the authority by rule, that demonstrates the medical marijuana dispensary meets the requirements of subsection (3) of this section; and

“(f) Any other information that the authority considers necessary.

“(3) To qualify for registration under this section, a medical marijuana dispensary:

“(a) May not be located in an area that is zoned for residential use;

“(b) May not be located at the same address as a marijuana grow site;

“(c) Must be registered as a business, or have filed an application to register as a business, with the office of the Secretary of State;

“(d) Except as provided under ORS 475B.864, may not be located within 1,000 feet of:

“(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

“(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

“(e) Must not be located within 1,000 feet of another medical marijuana dispensary; and

“(f) Must meet the requirements of any rule adopted by the authority under subsection [(10)] (9) of this section.

“[4(a) The authority shall conduct a criminal records check under ORS 181A.195 for each individual named in an application submitted under subsection (2) of this section.]
“[(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a medical marijuana dispensary for two years from the date the individual is convicted.]”

“[(c) An individual convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a medical marijuana dispensary.]”

“[(5) (4) If a person submits the application required under subsection (2) of this section, if the medical marijuana dispensary identified in the application meets the requirements of this section and any rules adopted under this section [and if each individual named in the application passes the criminal records check required under subsection (4) of this section], the authority shall register the medical marijuana dispensary and issue proof of registration. Proof of registration must be displayed on the premises of the medical marijuana dispensary at all times.

“[(6) (5) A medical marijuana dispensary that is registered under this section is not required to register with the State Board of Pharmacy under ORS 475.125.

“[(7) (6) The individual or individuals responsible for a medical marijuana dispensary shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds.

“[(8) (7) The authority may inspect:

“(a) The premises of a proposed medical marijuana dispensary or a registered medical marijuana dispensary to ensure compliance with this section and ORS 475B.867 and any rules adopted under this section or ORS 475B.867; and

“(b) The records of a registered medical marijuana dispensary to ensure compliance with subsection [(7) (6) of this section.

“[(9) (8) Subject to the provisions of ORS chapter 183, the authority may refuse to register an applicant under this section or may suspend or revoke the registration of a medical marijuana dispensary if the authority determines that the applicant, the owner of the medical marijuana dispensary, a person responsible for the medical marijuana dispensary, or an employee of the medical marijuana dispensary, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

“[(10) (9) The authority shall adopt rules to implement this section, including rules that:

“(a) Require a registered medical marijuana dispensary to annually renew the registration for that dispensary;

“(b) Establish fees for registering, and renewing the registration of, a medical marijuana dispensary;

“(c) Require that each medical marijuana dispensary install and maintain a minimum security system that includes video surveillance, an alarm system and a safe;

“(d) Require that usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts and immature marijuana plants transferred by a medical marijuana dispensary be tested to ensure the public health and safety; and

“(e) Impose any other standard on the operation of a medical marijuana dispensary to ensure the public health and safety.

“SECTION 17. ORS 475B.879 is amended to read:

“475B.879. (1) The Oregon Health Authority shall develop and maintain a database of information related to the production of marijuana by persons designated to produce marijuana by a registry identification cardholder, the processing of marijuana by a marijuana processing site under ORS
475B.840 and the transfer of usable marijuana, medical cannabinoid products, cannabinoid concent-
trates and cannabinoid extracts by medical marijuana dispensaries under ORS 475B.858. At a mini-
mum, the database must include the information submitted to the authority under ORS [475B.816,]
475B.846 and 475B.867.

“(2)(a) Subject to paragraph (c) of this subsection, the authority may provide information that
is stored in the database developed and maintained under this section to a law enforcement agency.

“(b) Subject to paragraph (c) of this subsection, the authority may provide information that is
stored in the database developed and maintained under this section to the regulatory agencies of a
city or county.

“(c) The authority may not disclose:

“(A) Any personally identifiable information related to a registry identification cardholder or a
designated primary caregiver that is stored in the database developed and maintained under this
section.

“(B) Any information related to the amount and type of usable marijuana, medical cannabinoid
products, cannabinoid concentrates and cannabinoid extracts transferred to or by persons designated
to produce marijuana by a registry identification cardholder, marijuana processing sites or medical
marijuana dispensaries.

“(3) Nothing in this section prevents a law enforcement agency from lawfully obtaining infor-
mation that is stored in the database developed and maintained under this section by subpoena.

“SECTION 18. ORS 475B.885 is amended to read:

“475B.885. (1) Any personally identifiable information, as defined in ORS 432.005, other than a
name of an individual or an address submitted with an application under ORS 475B.840 or 475B.858,
that the Oregon Health Authority collects and maintains for purposes of registering a marijuana
grow site under ORS 475B.810, a marijuana processing site under ORS 475B.840, or a medical
marijuana dispensary under ORS 475B.858, is confidential and not subject to public disclosure under
ORS 192.311 to 192.478, except that the authority may provide personally identifiable information to
a person registered under ORS 475B.785 to 475B.949 if the registrant requests the information and
the information is related to a designation made under ORS 475B.785 to 475B.949.

“(2) Any personally identifiable information, as defined in ORS 432.005, submitted to the au-
thority under ORS [475B.816] 475B.846 or 475B.867 or pursuant to ORS 475B.879 is confidential and
not subject to public disclosure under ORS 192.311 to 192.478.

“(3) Any record that the authority keeps or maintains for purposes related to the installation
or maintenance of a security system by a medical marijuana dispensary pursuant to rules adopted
under ORS 475B.858 [(10)] (9) is confidential and not subject to public disclosure under ORS 192.311
to 192.478.

“SECTION 19. ORS 475B.895 is amended to read:

“475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-
quor Control Commission under which the commission shall use the system developed and main-
tained under ORS 475B.177 to track:

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

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

“(c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products,
cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana
dispensary to a registry identification cardholder or the designated primary caregiver of a registry
identification cardholder; and

“(d) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabino
d concentrates and cannabinoid extracts between marijuana grow sites, marijuana pro-
cessing sites and medical marijuana dispensaries.

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

“(3) On and after the date on which a marijuana grow site becomes subject to tracking under this
section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS
475B.810 that relate to ORS 475B.816.]

“(4) On and after the date on which a marijuana processing site becomes subject to track-
ing under this section, the marijuana processing site is exempt from the requirements of ORS
475B.846 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

“(5) On and after the date on which a medical marijuana dispensary becomes subject to
tracking under this section, the medical marijuana dispensary is exempt from the requirements of
ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

“(6) The commission may conduct inspections and investigations of alleged violations of
ORS 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing
the commission’s duties under this section. Notwithstanding ORS 475B.299, the commission may use
regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-
cluding inspections and investigations of marijuana grow sites located at a primary residence.

“(7) When imposing a fee on a person responsible for a marijuana grow site, marijuana
processing site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the au-
thority shall impose a fee that is reasonably calculated to pay costs incurred under this section. As
part of the agreement entered into under subsection (1) of this section, the authority shall transfer
fee moneys collected pursuant to this subsection to the commission for deposit in the Marijuana
Control and Regulation Fund established under ORS 475B.296. Moneys collected pursuant to this
subsection and deposited in the Marijuana Control and Regulation Fund are continuously appropri-
cated to the commission for purposes of this section.

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

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

“(a) A registry identification cardholder produces marijuana and no more than 12 mature
marijuana plants and 24 immature marijuana plants are produced; or

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

“(B) The address is used to produce marijuana for no more than two registry identification
cardholders.

*SECTION 20.* ORS 475B.895, as amended by section 7a, chapter 103, Oregon Laws 2018, and
section 38, chapter 456, Oregon Laws 2019, is amended to read:

“475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-
quor Control Commission under which the commission shall use the system developed and main-
tained under ORS 475B.177 to track:

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

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

“(c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana dispensary to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder; and

“(d) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts between marijuana grow sites, marijuana processing sites and medical marijuana dispensaries.

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

“[(3) On and after the date on which a marijuana grow site becomes subject to tracking under this section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS 475B.810 that relate to ORS 475B.816.]

“[(4)] (3) On and after the date on which a marijuana processing site becomes subject to tracking under this section, the marijuana processing site is exempt from the requirements of ORS 475B.846 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

“[(5)] (4) On and after the date on which a medical marijuana dispensary becomes subject to tracking under this section, the medical marijuana dispensary is exempt from the requirements of ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

“[(6)] (5) The commission may conduct inspections and investigations of alleged violations of ORS 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing the commission’s duties under this section. Notwithstanding ORS 475B.299, the commission may use regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, including inspections and investigations of marijuana grow sites located at a primary residence.

“[(7)] (6) Notwithstanding ORS 475B.759, before making any other distribution from the Oregon Marijuana Account established under ORS 475B.759, the Department of Revenue shall first distribute moneys quarterly from the account to the commission for deposit in the Marijuana Control and Regulation Fund established under ORS 475B.296 for purposes of paying administrative, inspection and investigatory costs incurred by the commission under this section, provided that the amount of distributed moneys does not exceed $1.25 million per quarter. For purposes of estimating the amount of moneys necessary to pay costs incurred under this section, the commission shall establish a formulary based on expected costs for each marijuana grow site, marijuana processing site or medical marijuana dispensary that is tracked under this section. The commission shall provide to the Department of Revenue and the Legislative Fiscal Officer before each quarter the estimated amount of moneys necessary to pay costs expected to be incurred under this section and the formulary.

“[(8)] (7) When imposing a fee on a person responsible for a marijuana grow site, marijuana processing site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the authority shall impose an additional fee that is reasonably calculated to pay costs incurred under this section other than costs paid pursuant to subsection [(7)] (6) of this section. As part of the agreement entered into under subsection (1) of this section, the authority shall transfer fee moneys collected pursuant to this subsection to the commission for deposit in the Marijuana Control and Regulation Fund established under ORS 475B.296. Moneys collected pursuant to this subsection and deposited in the Marijuana Control and Regulation Fund are continuously appropriated to the commission for purposes of this section.

“[(9)] (8) The authority and the commission may adopt rules as necessary to administer this
section.

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

“(a) A registry identification cardholder produces marijuana and no more than 12 mature
marijuana plants and 24 immature marijuana plants are produced; or

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

“(B) The address is used to produce marijuana for no more than two registry identification

 cardholders.

*SECTION 21.* ORS 475B.898 is amended to read:

“475B.898. (1) A person responsible for a marijuana processing site, or a person responsible for
a medical marijuana dispensary, may designate that responsibility to another person.

“(2) If a designation is made under this section, the designee must submit to the Oregon Health
Authority proof that the designee meets the requirements and restrictions set forth in:

“(a) For marijuana processing sites, ORS 475B.840 (2)(d) and (4); or

“(b) For medical marijuana dispensaries, ORS 475B.858 (2)(d) and (4).

“(3) The authority may prescribe the form and manner of submitting proof under subsection (2)

 of this section.

*SECTION 22.* ORS 475B.901 is amended to read:

“475B.901. (1) A person responsible for a marijuana processing site, or a person responsible for
a medical marijuana dispensary, may assign that responsibility to another person.

“(2) If an assignment is made under this section, the assignee must submit to the Oregon Health
Authority proof that the assignee meets the requirements and restrictions set forth in:

“(a) For marijuana processing sites, ORS 475B.840 (2)(d) and (4); or

“(b) For medical marijuana dispensaries, ORS 475B.858 (2)(d) and (4).

“(3) The authority may prescribe the form and manner of submitting proof under subsection (2)

 of this section.

*SECTION 23.* ORS 475B.904 is amended to read:

“475B.904. (1) In the event that a marijuana processing site or a medical marijuana dispensary
is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as
defined in ORS 79.0102, may continue operations at the marijuana processing site or medical
marijuana dispensary upon submitting to the Oregon Health Authority proof that the secured party
or, if the secured party is a business entity, any individual who has a financial interest in the se-
cured party, meets the requirements and restrictions set forth in:

“(a) For marijuana processing sites, ORS 475B.840 (2)(d) and (4); or

“(b) For medical marijuana dispensaries, ORS 475B.858 (2)(d) and (4).

“(2) The authority may prescribe the form and manner of submitting proof under subsection (1)

 of this section.

*SECTION 24.* ORS 475B.913 is amended to read:

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

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


“(b) Is engaged in the medical use of marijuana; and
“(c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS 475B.831.
“(2) A person does not need to lawfully possess a registry identification card to assert the affirmative defense established in this section.
“(3) A person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to the use of marijuana is not precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that:
“(a) The person possesses, delivers or manufactures marijuana only as permitted under ORS 475B.831 (1); and
“(b) The person has taken a substantial step toward complying with the provisions of ORS 475B.785 to 475B.949.
“(4) A defendant proposing to use the affirmative defense established in this section in a criminal action shall, not less than five days before the trial of the cause, file and serve upon the district attorney a written notice of the intention to assert the affirmative defense. The notice must specifically state the reasons why the defendant is entitled to assert the affirmative defense and the factual basis for the affirmative defense. If the defendant fails to file and serve the notice, the defendant is not permitted to assert the affirmative defense at the trial of the cause unless the court orders, for good cause, otherwise.

SECTION 25. ORS 475B.916 is amended to read:
“ORS 475B.916. [The Oregon Medical Board] A health professional regulatory board that licenses an attending provider may not impose a civil penalty or take other disciplinary action against an attending [physician] provider for:
“(1) Advising a person diagnosed as having a debilitating medical condition by the attending [physician] provider or another [physician licensed under ORS chapter 677] licensed health care provider authorized to make diagnoses about the risks and benefits associated with the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition, provided that the advice is based on the attending [physician’s] provider’s personal assessment of the person’s medical history and current medical condition; [or]
“(2) Providing the written documentation necessary for issuance or renewal of a registry identification card under ORS 475B.797, provided that the written documentation is based on the attending [physician’s] provider’s personal assessment of the person’s medical history and current medical condition and the attending [physician] provider has discussed with the person the potential risks and benefits associated with the medical use of marijuana; [or]
“(3) Recommending to or discussing with a person described in subsection (1) of this section, or educating a person described in subsection (1) of this section about, the medical use of marijuana.

SECTION 26. (1) The Oregon Health Authority and the Oregon Liquor Control Commission shall, in collaboration, study and determine:
“(a) A method for the commission to provide to the authority information related to the transfer of marijuana items from marijuana retailers, as defined in ORS 475B.015 and licensed under ORS 475B.105, to registry identification cardholders, as defined in ORS

SA to SB 758
475B.791; and

“(b) How to efficiently anonymize the information described in paragraph (a) of this subsection and make the anonymized information available for observational research studies.

“(2) Not later than December 31, 2022, the authority and the commission shall submit, in the manner provided in ORS 192.245, a report of the determinations described in subsection (1) of this section to an interim committee of the Legislative Assembly related to public health. The authority and the commission may include in the report recommendations for legislation.

“SECTION 27. (1) The Oregon Health Authority and the Oregon Cannabis Commission shall, in collaboration, identify necessary modifications in order to:

“(a) Provide each registry identification cardholder and designated primary care giver, as those terms are defined in ORS 475B.791, a permanent registration number;

“(b) Issue registry identification cards under ORS 475B.797 that are valid for at least four years;

“(c) Simplify the process for renewal of registry identification cards under ORS 475B.797;

“(d) Require that the fee imposed under ORS 475B.810 is a fee per marijuana grow site, as defined in ORS 475B.791, regardless of the number of registry identification cardholders for whom marijuana is produced at the marijuana grow site;

“(e) Align the renewal timeline for registry identification cards issued under ORS 475B.797 and marijuana grow site registration cards issued under ORS 475B.810;

“(f) Eliminate the marijuana plant production limit and any requirement for marijuana grow site consent forms for a marijuana grow site at which marijuana for medical use is produced only by a registry identification cardholder for use by only the registry identification cardholder; and

“(g) Eliminate the requirement that a marijuana grow site obtain and post a marijuana grow site registration card under ORS 475B.810 for each registry identification cardholder for whom marijuana is being produced at the marijuana grow site.

“(2) Not later than December 31, 2022, the authority and the commission shall submit, in the manner provided in ORS 192.245, a report of the modifications identified under subsection (1) of this section to an interim committee of the Legislative Assembly related to public health. The authority and the commission shall include in the report recommendations for legislation.

“SECTION 28. Sections 26 and 27 of this 2021 Act are repealed on January 2, 2023.

“SECTION 29. ORS 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861 are repealed.

“SECTION 30. (1) Section 2 of this 2021 Act, the amendments to ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.822, 475B.831, 475B.834, 475B.840, 475B.858, 475B.879, 475B.885, 475B.895, 475B.898, 475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 7, 9 to 13 and 15 to 25 of this 2021 Act and the repeal of ORS 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861 by section 29 of this 2021 Act become operative on January 1, 2022.

“(2) The amendments to ORS 475B.797 and 475B.837 by sections 8 and 14 of this 2021 Act become operative on June 1, 2022.

“(3) Sections 3 and 4 of this 2021 Act become operative on September 1, 2022.

“(4) A health professional regulatory board described in ORS 475B.916, the Oregon Health Authority and the Oregon Liquor Control Commission may take any action before the oper-
ative dates specified in subsections (1) to (3) of this section that is necessary to enable the
authority, the commission and the boards to exercise, on and after the operative dates
specified in subsections (1) to (3) of this section, all of the duties, functions and powers
conferred on the authority, the commission and the boards by sections 2 to 4 of this 2021
Act, the amendments to ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.822,
475B.831, 475B.834, 475B.837, 475B.840, 475B.858, 475B.879, 475B.885, 475B.895, 475B.898,
475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 25 of this 2021 Act and the repeal
of ORS 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861 by section 29 of this 2021 Act.

"TESTING RESULTS"

"SECTION 31. Section 32 of this 2021 Act is added to and made a part of ORS 475B.550
to 475B.590.

"SECTION 32. (1) A marijuana retailer licensed under ORS 475B.105 and a medical
marijuana dispensary, as defined in ORS 475B.791, shall publish on a website operated by or
on behalf of the marijuana retailer or medical marijuana dispensary the results of testing
required under ORS 475B.555 for each marijuana item sold by the marijuana retailer or
medical marijuana dispensary if the testing included a complete terpene profile.

"(2)(a) The Oregon Liquor Control Commission shall adopt rules to carry out this section
with regard to marijuana retailers.

"(b) The Oregon Health Authority shall adopt rules to carry out this section with regard
to medical marijuana dispensaries.

"SECTION 33. (1) Section 32 of this 2021 Act becomes operative on June 1, 2022.

"(2) The Oregon Health Authority and the Oregon Liquor Control Commission may take
any action before the operative date specified in subsection (1) of this section that is neces-
sary to enable the authority and the commission to exercise, on and after the operative date
specified in subsection (1) of this section, all of the duties, functions and powers conferred
on the authority and the commission by section 32 of this 2021 Act.

"OREGON LIQUOR CONTROL COMMISSION LICENSEEES"

"SECTION 34. Sections 35 and 37 of this 2021 Act are added to and made a part of ORS
475B.010 to 475B.545.

"SECTION 35. (1) The Oregon Liquor Control Commission shall collaborate with the
Oregon Health Authority and the Oregon Cannabis Commission to establish a registry iden-
tification cardholder care and accommodation program to ensure that registry identification
cardholders, including registry identification cardholders residing in a residential facility as
defined in ORS 443.400, have long-term access to marijuana for medical use from marijuana
retailers licensed under ORS 475B.105. The program established under this section must in-
clude, but is not limited to, the following:

"(a) Minimum standards for availability and quality of marijuana items;

"(b) Expanded registry identification cardholder services;

"(c) Development of the ability for registry identification cardholders to access, at no
cost or a reduced cost, medical cannabinoid products, as defined in ORS 475B.791, and
marijuana items; and
“(d) For individuals who hold permits issued under ORS 475B.266, training related to medical cannabinoid products and the exemption from taxation pursuant to ORS 475B.707 for a registry identification cardholder or a designated primary caregiver of a registry identification cardholder.

“(2)(a) An applicant for a license or renewal of a license issued under ORS 475B.070, 475B.090, 475B.100 and 475B.105 shall submit with the application a care and accommodation plan that meets the program requirements established by rule by the Oregon Liquor Control Commission.

“(b) The Oregon Liquor Control Commission may create a care and accommodation plan template that an applicant or licensee may customize as necessary.

“SECTION 36. Section 35 of this 2021 Act applies to applications for licenses or renewal of licenses under ORS 475B.070, 475B.090, 475B.100 or 475B.105 submitted on or after the operative date specified in section 38 of this 2021 Act.

“SECTION 37. (1) A marijuana retailer licensed under ORS 475B.105 may transfer marijuana items to an individual who provides to the marijuana retailer proof that the individual is the holder of a medical marijuana patient card issued by another state.

“(2) A marijuana retailer licensed under ORS 475B.105 shall:

“(a) Post in an area visible to the public a notice that an individual described in subsection (1) of this section is not exempt from ORS 475B.227 or 475B.831; and

“(b) Provide to each consumer of marijuana items who purchases or receives a marijuana item from the retailer a printed copy of the notice described in this subsection.

“(3) The Oregon Liquor Control Commission:

“(a) May adopt rules regarding the validity of medical marijuana patient cards described under subsection (1) of this section; and

“(b) Shall adopt rules to establish requirements for the notice described under subsection (2) of this section.

“SECTION 38. (1) Sections 35 and 37 of this 2021 Act become operative on January 1, 2022.

“(2) The Oregon Liquor Control Commission, the Oregon Health Authority and the Oregon Cannabis Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commissions and the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commissions and the authority by sections 35 and 37 of this 2021 Act.

“OREGON CANNABIS COMMISSION

“SECTION 39. ORS 475B.952 is amended to read:

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

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

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

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

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

“(C) An attending [physician] provider, as defined in ORS 475B.791;
“(D) A person representing the Oregon Health Authority;
“(E) A person representing the Oregon Liquor Control Commission;
“(F) A local health officer, as described in ORS 431.418;
“(G) A law enforcement officer; and
“(H) A person knowledgeable about research proposal grant protocols.

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

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

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

**SECTION 40.** ORS 475B.961 is amended to read:

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

“(a) Determine a possible framework for the future governance of the Oregon medical
marijuana program, including:

“(A) Proper oversight and regulation of each of the following:

“(i) Registry identification cardholders and designated primary caregivers, as those terms
are defined in ORS 475B.791;

“(ii) Attending providers, as defined in ORS 475B.791;

“(iii) Marijuana grow sites, as defined in ORS 475B.791; and

“(iv) Marijuana processing sites, as defined in ORS 475B.791;

“(B) Necessary amendments to the laws of this state pertaining to marijuana, including
any necessary amendments to ORS 475B.010 to 475B.545 and 475B.785 to 475B.949; and

“(C) The future role of the Oregon Cannabis Commission with respect to the possible
framework;

“[(1)] (b) [Provide advice to] Collaborate with the Oregon Health Authority [with respect to] in
the administration of ORS 475B.785 to 475B.949;

“[(2)] (c) [Provide advice to] Collaborate with the Oregon Liquor Control Commission [with re-
spect to] in the administration of ORS 475B.010 to 475B.545, insofar as those statutes pertain to
registry identification cardholders and designated primary caregivers, as those terms are defined in
ORS 475B.791;

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

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

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

“(2) On or before September 2 of each odd-numbered year, the Oregon Cannabis Com-
mission shall submit a report about the possible framework determined under subsection
(1)(a) of this section and the long-term strategic plans described in subsection (1)(d) and (e)
of this section, in the manner prescribed in ORS 192.245, to the interim committees of the
Legislative Assembly related to health and the judiciary. The Oregon Cannabis Commission may include with the submission described in this subsection any recommendations for legislation. The commission may request the interim committees described in this subsection to direct the Legislative Counsel to prepare legislative concepts for the commission’s consideration.

"SECTION 41. (1) The amendments to ORS 475B.952 and 475B.961 by sections 39 and 40 of this 2021 Act become operative on January 1, 2022.

(2) The Oregon Cannabis Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by the amendments to ORS 475B.952 and 475B.961 by sections 39 and 40 of this 2021 Act.

"OTHER AMENDMENTS

"SECTION 42. ORS 475B.020 is amended to read:

ORS 475B.020 is amended to read:

"475B.020. ORS 475B.010 to 475B.545 may not be construed:

(1) To amend or affect state or federal law pertaining to employment matters;

(2) To amend or affect state or federal law pertaining to landlord-tenant matters;

(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession or use of marijuana to the extent necessary to satisfy federal requirements for the grant;

(4) To prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession or use of marijuana to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract;

(5) To require a person to violate a federal law;

(6) To exempt a person from a federal law or obstruct the enforcement of a federal law; or

(7) To amend or affect the Oregon Medical Marijuana and Therapeutic Cannabis Act.

"SECTION 43. ORS 475B.220 is amended to read:

ORS 475B.220 is amended to read:

"475B.220. (1) As used in this section, ‘information that may be used to identify a consumer’ means information that may be acquired through the production of a piece of identification as described in ORS 475B.216, whether the information is contained in a piece of identification described in ORS 475B.216 or in a different document or record.

(2) A consumer may not be required to procure for the purpose of acquiring or purchasing a marijuana item a piece of identification other than:

(a) A piece of identification described in ORS 475B.216; and

(b)(A) If the consumer is a registry identification cardholder, as defined in ORS 475B.791, a registry identification card, as defined in ORS 475B.791[.]; or

(B) If the person is the holder of a medical marijuana patient card issued by another state, the person's medical marijuana patient card.

(3) A marijuana retailer may not record and retain any information that may be used to identify a consumer, except as necessary to make deliveries to consumers pursuant to ORS 475B.206 (3), as required by any rules adopted under ORS 475B.206 (3).

(4) A marijuana retailer may not transfer any information that may be used to identify a con-
“(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and retain the name and contact information of a consumer for the purpose of notifying the consumer of services that the marijuana retailer provides or of discounts, coupons and other marketing information if:

“(A) The marijuana retailer asks the consumer whether the marijuana retailer may record and retain the information; and

“(B) The consumer consents to the recording and retention of the information.

“(b) This subsection does not authorize a marijuana retailer to transfer information that may be used to identify a consumer.

“(6) This section does not apply to deidentified information the documentation and transfer of which is required by the Department of Revenue for purposes of ORS 475B.707.

SECTION 44. ORS 475B.531 is amended to read:

“475B.531. Except for ORS 475B.526 and 475B.529, ORS 475B.010 to 475B.545:

“(1) Do not apply to the extent a person acts within the scope of and in compliance with the Oregon Medical [Marijuana] and Therapeutic Cannabis Act; and

“(2) Do not amend or affect duties, functions and powers of the Oregon Health Authority under the Oregon Medical [Marijuana] and Therapeutic Cannabis Act.

SECTION 45. ORS 475B.570 is amended to read:

“475B.570. ORS 475B.550 to 475B.590 do not apply to:

“(1) A person responsible for a marijuana grow site under ORS 475B.810 if the person is transferring usable marijuana or an immature marijuana plant, as defined in ORS 475B.015, to:

“(a) A person who holds a registry identification card under ORS 475B.797 and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; or

“(b) A person who has been designated as the primary caregiver under ORS 475B.804 of a person who holds a registry identification card under ORS 475B.797, and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; [or]

“(2) A person who has been designated as the primary caregiver under ORS 475B.804 of a person who holds a registry identification card under ORS 475B.797 if the person is transferring a marijuana item to the person who holds a registry identification card[..]; or

“(3) A person designated to produce marijuana by a registry identification cardholder if the person is transferring all or part of the seeds, immature marijuana plants and usable marijuana pursuant to an agreement described in section 2 of this 2021 Act.

SECTION 46. ORS 475B.630 is amended to read:

“475B.630. (1) ORS 475B.600 to 475B.655 do not apply to:

“(a) A person responsible for a marijuana grow site under ORS 475B.810 if the person is transferring usable marijuana or an immature marijuana plant, as defined in ORS 475B.015, to:

“(A) A person who holds a registry identification card under ORS 475B.797 and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; or

“(B) A person who has been designated as the primary caregiver under ORS 475B.804 of a person who holds a registry identification card under ORS 475B.797, and who designated the person responsible for the marijuana grow site to grow marijuana for the person who holds a registry identification card; or
identification card; [or]

“(b) A person who has been designated as the primary caregiver under ORS 475B.804 of a person
who holds a registry identification card under ORS 475B.797 if the person is transferring a
marijuana item to the person who holds a registry identification card[.]; or

“(c) A person designated to produce marijuana by a registry identification cardholder if
the person is transferring all or part of the seeds, immature marijuana plants and usable
marijuana pursuant to an agreement described in section 2 of this 2021 Act.

“(2) The labeling and packaging requirements and standards of ORS 475B.600 to 475B.655 do not
apply to a marijuana processor registered under ORS 475B.139 when the marijuana processor re-
cieves marijuana and usable marijuana from, and for a fee processes that marijuana and usable
marijuana into cannabinoid products, cannabinoid concentrates and cannabinoid extracts for, a
registry identification cardholder or the designated primary caregiver of a registry identification
cardholder.

SECTION 47. ORS 475B.707 is amended to read:

“475B.707. (1) As used in this section, ‘designated primary caregiver,’ ‘registry identification
card’ and ‘registry identification cardholder’ have the meanings given those terms in ORS 475B.791.

“(2) Notwithstanding ORS 475B.705:

“(a) A tax is not imposed upon the retail sale of marijuana items in this state to a registry
identification cardholder, [or] to a designated primary caregiver who is purchasing a marijuana item
for a registry identification cardholder or to an individual who holds a medical marijuana pa-
tient card issued by another state; and

“(b) A marijuana retailer may not collect the tax imposed under ORS 475B.705 from a consumer
if, at the time at which the retail sale of the marijuana item occurs, the consumer provides proof
to the marijuana retailer that the consumer:

“(A) Holds a valid registry identification card under ORS 475B.797; [or]

“(B) Holds a valid identification card under ORS 475B.797 (5)(b) and is purchasing the marijuana
item for a registry identification cardholder or to an individual who holds a medical marijuana pa-
tient card issued by another state.

“(C) Holds a valid medical marijuana patient card issued by another state.

“(3) The Department of Revenue:

“(a) Shall adopt rules establishing procedures by which a marijuana retailer shall document that
a consumer holds a valid registry identification card issued under ORS 475B.797 [or], a valid iden-
tification card issued under ORS 475B.797 (5)(b) or a valid medical marijuana patient card issued
by another state; and

“(b) May adopt rules establishing procedures by which the department may verify that a
marijuana retailer collects the tax imposed under ORS 475B.705 from consumers of marijuana items
who are not registry identification cardholders [or], designated primary caregivers or holders of
medical marijuana patient cards issued by other states.

SECTION 48. ORS 475B.759, as amended by section 10, chapter 2, Oregon Laws 2021 (Ballot
Measure 110 (2020)), is amended to read:

“475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from
the General Fund.

“(2) The account shall consist of moneys transferred to the account under ORS 475B.760.

“(3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the
Oregon Marijuana Account.

“(b) Before making the transfer of moneys required by paragraph (c) of this subsection,
the department shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon Marijuana Account in excess of $11,250,000.

“(b) Subject to subsection (4) of this section, and after making the transfer of moneys required by [subsection (7) of this section] paragraph (b) of this subsection, the department shall transfer quarterly 20 percent of the moneys in the Oregon Marijuana Account as follows:

“(A) Ten percent of the moneys in the account must be transferred to the cities of this state in the following shares:

“(i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the population of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a) of this section compared to the population of all cities of this state that are not exempt from this paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

“(ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each city compared to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state located in cities; and

“(B) Ten percent of the moneys in the account must be transferred to counties in the following shares:

“(i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer for all premises located in each county compared to the total commercially available area of all grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the last business day of that calendar quarter for all premises in this state; and

“(ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the calendar quarter preceding the date of the transfer for premises located in each county compared to the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of that calendar quarter for all premises in this state.

“(c) After making the transfer of moneys required by subsection (7) of this section, eighty percent of the remaining moneys in the Oregon Marijuana Account must be used as follows:

“(A) Thirty-nine percent of the moneys in the account must be used solely for purposes for which moneys in the State School Fund established under ORS 327.008 may be used;

“(B) Nineteen percent of the moneys in the account must be used solely for mental health treatment or for alcohol and drug abuse prevention, early intervention and treatment;

“(C) Fourteen percent of the moneys in the account must be used solely for purposes for which moneys in the State Police Account established under ORS 181A.020 may be used; [and]

“(D) Four percent of the moneys in the account must be used solely for purposes related to alcohol and drug abuse prevention, early intervention and treatment services.; and

“(E) Four percent of the moneys in the account must be used solely for the purposes of administering ORS 475B.785 to 475B.949.

“(4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys under subsection [(3)(b)(A)] (3)(c)(A) of this section.
“(b) A county that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under subsection [(3)(b)(B)(i)] (3)(c)(B)(i) of this section.

“(c) A county that has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys under subsection [(3)(b)(B)(ii)] (3)(c)(B)(ii) of this section.

“(5)(a) A city or county that is ineligible under subsection (4) of this section to receive a transfer of moneys from the Oregon Marijuana Account during a given quarter but has received a transfer of moneys for that quarter shall return the amount transferred to the Department of Revenue, with interest as described under paragraph (f) of this subsection. An ineligible city or county may voluntarily transfer the moneys to the Department of Revenue immediately upon receipt of the ineligible transfer.

“(b) If the Director of the Oregon Department of Administrative Services determines that a city or county received a transfer of moneys under subsection [(3)(b)] (3)(c) of this section but was ineligible to receive that transfer under subsection (4) of this section, the director shall provide notice to the ineligible city or county and order the city or county to return the amount received to the Department of Revenue, with interest as described under paragraph (f) of this subsection. A city or county may appeal the order within 30 days of the date of the order under the procedures for a contested case under ORS chapter 183.

“(c) As soon as the order under paragraph (b) of this subsection becomes final, the director shall notify the Department of Revenue and the ineligible city or county. Upon notification, the Department of Revenue immediately shall proceed to collect the amount stated in the notice.

“(d) The Department of Revenue shall have the benefit of all laws of the state pertaining to the collection of income and excise taxes and may proceed to collect the amounts described in the notice under paragraph (c) of this subsection. An assessment of tax is not necessary and the collection described in this subsection is not precluded by any statute of limitations.

“(e) If a city or county is subject to an order to return moneys from an ineligible transfer, the city or county shall be denied any further relief in connection with the ineligible transfer on or after the date that the order becomes final.

“(f) Interest under this section shall accrue at the rate established in ORS 305.220 beginning on the date the ineligible transfer was made.

“(g) Both the moneys and the interest collected from or returned by an ineligible city or county shall be redistributed to the cities or counties that were eligible to receive a transfer under subsection [(3)(b)] (3)(c) of this section on the date the ineligible transfer was made.

“(6)(a) Not later than July 1 of each year, each city and county in this state shall certify with the Oregon Department of Administrative Services whether the city or county has an ordinance prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of Administrative Services.

“(b) If a city fails to comply with this subsection, the city is not eligible to receive transfers of moneys under subsection [(3)(b)(A)] (3)(c)(A) of this section. If a county fails to comply with this subsection, the county is not eligible to receive transfers of moneys under subsection [(3)(b)(B)] (3)(c)(B) of this section.

“(c) A city or county that repeals an ordinance as provided in ORS 475B.496 shall file an up-
dated certification with the Oregon Department of Administrative Services in a form and manner
prescribed by the department, noting the effective date of the change. A city or county that repeals
an ordinance as provided in ORS 475B.496 is eligible to receive quarterly transfers of moneys under
this section for quarters where the repeal is effective for the entire quarter and the updated certi-
fication was filed at least 30 days before the date of transfer.

“[(7) Before making the transfer of moneys required by subsection (3) of this section, the department
shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon
Marijuana Account in excess of $11,250,000.]”

SECTION 49. Section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended
to read:

“Sec. 5. (1) The Drug Treatment and Recovery Services Fund is established in the State
Treasury, separate and distinct from the General Fund. Interest earned by the Drug Treatment
and Recovery Services Fund shall be credited to the fund.

“(2) The Drug Treatment and Recovery Services Fund shall consist of:

“(a) Moneys deposited into the fund pursuant to section 6, chapter 2, Oregon Laws 2021
(Ballot Measure 110 (2020));

“(b) Moneys appropriated or otherwise transferred to the fund by the Legislative Assembly;

“(c) Moneys allocated from the Oregon Marijuana Account, pursuant to ORS 475B.759 [(7)]
(3)(b); and[,]

“(d) All other moneys deposited [in] into the fund from any source.

“(3) Moneys in the fund shall be continuously appropriated to the Oregon Health Authority for
the purposes set forth in section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).

“[(4) Unexpended moneys in the fund may not lapse and shall be carried forward and may be used
without regard to fiscal year or biennium.]”

“[(5)(a) (4)(a) Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall ap-
propriate or transfer to the fund an amount sufficient to fully fund the grants program required by
section 2, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)).

“(b) The total amount deposited and transferred into the fund shall not be less than $57 million
for the first year [this Act] chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), is in effect.

“(c) In each subsequent year, [that] the minimum transfer amount set forth in paragraph (b)
of this subsection [(5)(b) of this section] shall be increased by not less than the sum of:

“[(i) (A) $57 million multiplied by the percentage [(if any), if any, by which the monthly av-
eraged U.S. City Average Consumer Price Index for the 12 consecutive months ending [December]
August 31 of the prior calendar year exceeds the monthly index for the fourth quarter of the cal-
endar year 2020; and[,]

“[(ii) (B) An amount not less than the increase] The annual increase, if any, in moneys dis-
tributed pursuant to ORS 475B.759 [(7)] (3)(b).

“SECTION 50. (1) The amendments to ORS 475B.020, 475B.220, 475B.531, 475B.570,
475B.630, 475B.707 and 475B.759 and section 5, chapter 2, Oregon Laws 2021 (Ballot Measure
110 (2020)), by sections 42 to 49 of this 2021 Act become operative on January 1, 2022.

“(2) The Department of Revenue and the Oregon Liquor Control Commission may take
any action before the operative date specified in subsection (1) of this section that is neces-
sary to enable the department and commission to exercise, on and after the operative date
specified in subsection (1) of this section, all of the duties, functions and powers conferred
on the department and the commission by the amendments to ORS 475B.020, 475B.220,
475B.531, 475B.570, 475B.630, 475B.707 and 475B.759 and section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)), by sections 42 to 49 of this 2021 Act.

"CAPTIONS"

"SECTION 51. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

"EFFECTIVE DATE"

"SECTION 52. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.".