

**A-Engrossed**  
**Senate Bill 758**

Ordered by the Senate April 23  
Including Senate Amendments dated April 23

Sponsored by Senator PROZANSKI (at the request of Compassionate Oregon)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Changes "Oregon Medical Marijuana Act" to "Oregon Medical and Therapeutic Cannabis Act." Allows person designated to produce marijuana by registry identification cardholder to enter into agreement with registry identification cardholder to transfer marijuana to another registry identification cardholder or primary caregiver. *[Directs Oregon Health Authority to adopt policies and make public statement regarding equitable access to marijuana for medical use.]* Allows medical marijuana dispensary and recreational marijuana retailer to transfer marijuana to individual who holds valid out-of-state medical marijuana patient card. *[Requires authority to ensure cybersecurity of personally identifiable information in authority databases and electronic systems.]* Exempts out-of-state medical marijuana patient from taxation on retail sale of marijuana items. Specifies health care providers who may recommend medical use of marijuana to registry identification cardholder. Provides that **Oregon Health** Authority may not charge fee greater than \$20 for registry identification card for certain individuals. *[Directs authority to issue permanent registry identification card to individual with lifetime debilitating medical condition. Requires organizations designated as primary caregivers to allow consumption of marijuana for medical use.]* Removes criminal records check requirements for applicants for authority registration. Provides that certain marijuana grow sites are not subject to tracking requirements *[or marijuana plant limits]*.

*[Requires marijuana retailers and medical marijuana dispensaries to make available online terpene testing results.]*

Directs Oregon Liquor Control Commission to establish care and accommodation program to ensure long-term access to marijuana products for registry identification cardholders. *[Allows certain recreational marijuana processors to receive marijuana from medical marijuana grow site for purposes of processing marijuana.]*

Requires distribution of moneys from Oregon Marijuana Account for purposes of administering medical marijuana program.

**Becomes operative January 1, 2022.**

**Directs authority to issue permanent registry identification card to individual with lifetime debilitating medical condition.**

**Requires marijuana retailers and medical marijuana dispensaries to make available online terpene testing results.**

**Becomes operative June 1, 2022.**

**Directs authority to adopt policies and make public statement regarding equitable access to marijuana for medical use. Requires authority to ensure cybersecurity of personally identifiable information in authority databases and electronic systems.**

**Becomes operative September 1, 2022.**

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to medical marijuana; creating new provisions; amending ORS 475B.020, 475B.220, 475B.431,  
3 475B.570, 475B.630, 475B.707, 475B.759, 475B.788, 475B.791, 475B.797, 475B.801, 475B.810,  
4 475B.822, 475B.831, 475B.834, 475B.837, 475B.840, 475B.858, 475B.879, 475B.885, 475B.895,  
5 475B.898, 475B.901, 475B.904, 475B.913, 475B.916, 475B.952 and 475B.961 and section 5, chapter  
6 2, Oregon Laws 2021 (Ballot Measure 110 (2020)); repealing ORS 475B.794, 475B.816, 475B.819,  
7 475B.843 and 475B.861; and prescribing an effective date.

8 **Be It Enacted by the People of the State of Oregon:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 OREGON MEDICAL AND THERAPEUTIC CANNABIS ACT

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

5 **SECTION 2.** (1)(a) A person designated to produce marijuana by a registry identification  
6 cardholder may transfer, pursuant to an agreement entered into with the registry identifi-  
7 cation cardholder and subject to the limits established in ORS 475B.825, 475B.831 and  
8 475B.834, all or part of the seeds, immature marijuana plants and usable marijuana associ-  
9 ated with the production of marijuana described in this subsection to another registry iden-  
10 tification cardholder or the other registry identification cardholder's designated primary  
11 caregiver.

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

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

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

16 **SECTION 3.** The Oregon Health Authority shall include on a website dedicated to the  
17 authority and on a website dedicated to the program administered under ORS 475B.785 to  
18 475B.949 a statement declaring that cannabis is to be treated as a medicine for Oregonians  
19 of all ages, the program administered under ORS 475B.785 to 475B.949 is a public health  
20 program and the authority is dedicated to ensuring equitable access to the program for all  
21 Oregonians. The authority shall adopt and abide by internal policies that focus on ensuring  
22 equitable access to the program for all Oregonians.

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

25 (1) Ensure the highest level of protection and privacy for information submitted and  
26 maintained in the databases established under ORS 475B.879 and 475B.882, the electronic  
27 system established under ORS 475B.892 and the tracking system established under ORS  
28 475B.177;

29 (2) Continually revise information handling and submission processes to reduce multiple  
30 submissions of personally identifiable information in the databases established under ORS  
31 475B.879 and 475B.882, the electronic system established under ORS 475B.892 and the tracking  
32 system established under ORS 475B.177; and

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

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

38 475B.788. ORS 475B.785 to 475B.949 shall be known as the Oregon Medical [*Marijuana*] and  
39 Therapeutic Cannabis Act.

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

41 475B.791. As used in ORS 475B.785 to 475B.949:

42 (1) "Attending [*physician*] **provider**" means [*a physician licensed under ORS chapter 677 who has*  
43 *primary responsibility for the care and treatment of a person diagnosed with a debilitating medical*  
44 *condition*] a licensed health care provider who has within the provider's scope of practice and  
45 licensure the authority to prescribe prescription drugs, as that term is defined in ORS

1 **689.005.**

2 (2) “Cannabinoid” means any of the chemical compounds that are the active constituents of  
3 marijuana.

4 (3) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from  
5 marijuana by:

6 (a) A mechanical extraction process;

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

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

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

13 (4) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,  
14 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

15 (5) “Cannabinoid extract” means a substance obtained by separating cannabinoids from  
16 marijuana by:

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

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

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

23 (6) “Debilitating medical condition” means:

24 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for  
25 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to  
26 the treatment of those medical conditions;

27 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-  
28 tient, one or more of the following:

29 (A) Cachexia;

30 (B) Severe pain;

31 (C) Severe nausea;

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

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

34 (c) Post-traumatic stress disorder, **presumptive post-traumatic stress disorder based on the**  
35 **person’s history of arrest or imprisonment or a medical condition related to post-traumatic**  
36 **stress disorder, including:**

37 (A) **Chronic anxiety; and**

38 (B) **Chronic depression; or**

39 (d) Any other medical condition or side effect related to the treatment of a medical condition  
40 adopted by the Oregon Health Authority by rule [or], approved by the authority pursuant to a pe-  
41 tition filed under ORS 475B.946 **or as determined by an attending provider in the professional**  
42 **judgment and ongoing medical oversight of the attending provider.**

43 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.

44 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to  
45 another registry identification cardholder if no consideration is paid for the transfer.

- 1 (8)(a) “Designated primary caregiver” means an individual:  
2 (A) Who is 18 years of age or older;  
3 (B) Who has significant responsibility for managing the well-being of a person who has been  
4 diagnosed with a debilitating medical condition; and  
5 (C) Who is designated as the person responsible for managing the well-being of a person who  
6 has been diagnosed with a debilitating medical condition on that person’s application for a registry  
7 identification card or in other written notification submitted to the authority.  
8 (b) “Designated primary caregiver” does not include a person’s attending [*physician*] **provider**.  
9 (9) “High heat” means a temperature exceeding 180 degrees.  
10 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.  
11 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant  
12 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.  
13 (b) “Marijuana” does not include:  
14 (A) Industrial hemp, as defined in ORS 571.269; or  
15 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one  
16 or more cannabinoids, that are approved by the United States Food and Drug Administration and  
17 dispensed by a pharmacy, as defined in ORS 689.005.  
18 (12) “Marijuana grow site” means a location registered under ORS 475B.810 where marijuana  
19 is produced for use by a registry identification cardholder.  
20 (13) “Marijuana processing site” means a marijuana processing site registered under ORS  
21 475B.840 or a site for which an applicant has submitted an application for registration under ORS  
22 475B.840.  
23 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana  
24 plant.  
25 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-  
26 tended for human consumption or use, including a product intended to be applied to a person’s skin  
27 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.  
28 (b) “Medical cannabinoid product” does not include:  
29 (A) Usable marijuana by itself;  
30 (B) A cannabinoid concentrate by itself;  
31 (C) A cannabinoid extract by itself; or  
32 (D) Industrial hemp, as defined in ORS 571.269.  
33 (16) “Medical marijuana dispensary” means a medical marijuana dispensary registered under  
34 ORS 475B.858 or a site for which an applicant has submitted an application for registration under  
35 ORS 475B.858.  
36 (17) “Medical use of marijuana” means the production, processing, possession, delivery or ad-  
37 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the  
38 symptoms or effects of a debilitating medical condition.  
39 (18) “Person designated to produce marijuana by a registry identification cardholder” means a  
40 person designated to produce marijuana by a registry identification cardholder under ORS 475B.810  
41 who produces marijuana for a registry identification cardholder at an address other than the address  
42 where the registry identification cardholder resides or at an address where more than 12 mature  
43 marijuana plants are produced.  
44 (19) “Process” means the compounding or conversion of marijuana into medical cannabinoid  
45 products, cannabinoid concentrates or cannabinoid extracts.

1 (20) “Production” means:

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

3 (b) Drying marijuana leaves or flowers.

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

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

10 (23)(a) “Usable marijuana” means the dried leaves and flowers of marijuana.

11 (b) “Usable marijuana” does not include:

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

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

14 (24) “Written documentation” means a statement signed by the attending [*physician*] **provider**  
15 of a person diagnosed with a debilitating medical condition or copies of the person’s relevant med-  
16 ical records.

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

18 475B.797. (1) The Oregon Health Authority shall establish a program for the issuance of registry  
19 identification cards to applicants who meet the requirements of this section.

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

23 (a) Written documentation from the applicant’s attending [*physician*] **provider** stating that the  
24 attending [*physician*] **provider** has diagnosed the applicant as having a debilitating medical condi-  
25 tion and that the medical use of marijuana may mitigate the symptoms or effects of the applicant’s  
26 debilitating medical condition;

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

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

29 [*d*] *Proof of residency, submitted in a form required by the authority by rule;*]

30 [*e*] (d) The name and address of the applicant’s designated primary caregiver, if the applicant  
31 is designating a primary caregiver under ORS 475B.804; and

32 [*f*] (e) The information described in ORS 475B.810 (2), if the applicant is applying to produce  
33 marijuana or designate another person under ORS 475B.810 to produce marijuana.

34 (3)(a) The authority shall issue a registry identification card to an applicant who is under 18  
35 years of age if:

36 (A) The applicant pays the fee and submits the application described in subsection (2) of this  
37 section; and

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

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

42 (ii) The custodial parent or legal guardian consents to the medical use of marijuana by the ap-  
43 plicant;

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

1 (iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-  
2 quency of the medical use of marijuana by the applicant.

3 (b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-  
4 section [(2)(f)] (2)(e) of this section.

5 (4) The authority shall:

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

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

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

14 (A) The registry identification cardholder's name, address and date of birth;

15 (B) The issuance date and expiration date of the registry identification card;

16 (C) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,  
17 the name and address of the registry identification cardholder's designated primary caregiver; and

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

19 (b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,  
20 the authority shall issue an identification card to the designated primary caregiver. The identifica-  
21 tion card must contain the information required by paragraph (a) of this subsection.

22 (6) A registry identification cardholder shall:

23 (a) In a form and manner prescribed by the authority, notify the authority of any change con-  
24 cerning the registry identification cardholder's:

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

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

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

31 (b) Annually renew the registry identification card by paying a fee in an amount established by  
32 the authority by rule and submitting to the authority an application that contains the following in-  
33 formation:

34 (A) Updated written documentation from the registry identification cardholder's attending [*phy-*  
35 *sician*] **provider** stating that the registry identification cardholder still has a debilitating medical  
36 condition and that the medical use of marijuana may mitigate the symptoms or effects of the registry  
37 identification cardholder's debilitating medical condition;

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

39 (C) If the registry identification cardholder is under 18 years of age, a statement signed by the  
40 custodial parent or legal guardian of the registry identification cardholder that meets the require-  
41 ments of subsection (3) of this section.

42 (7) The authority shall:

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

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

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

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

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

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

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

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

21 (b) If a registry identification card is revoked, any associated identification card issued under  
22 subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475B.810  
23 [(6)] **(5)**, shall also be revoked.

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

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

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

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

40 (b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identifi-  
41 cation cardholder include in the application to renew a registry identification card updated written  
42 documentation from the cardholder's attending [*physician*] **provider** regarding the cardholder's con-  
43 tinuing debilitating medical condition does not apply to a service-disabled veteran who:

44 (A) Has been assigned a total and permanent disability rating for compensation that rates the  
45 veteran as unable to secure or follow a substantially gainful occupation as a result of service-

1 connected disabilities as described in 38 C.F.R. 4.16; or

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

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

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

8 (B) **Proof of receiving Supplemental Security Income; or**

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

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

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

16 475B.797. (1) The Oregon Health Authority shall establish a program for the issuance of registry  
17 identification cards to applicants who meet the requirements of this section.

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

21 (a) Written documentation from the applicant's attending provider stating that the attending  
22 provider has diagnosed the applicant as having a debilitating medical condition and that the medical  
23 use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical con-  
24 dition;

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

26 (c) The name, address and telephone number of the applicant's attending provider;

27 (d) The name and address of the applicant's designated primary caregiver, if the applicant is  
28 designating a primary caregiver under ORS 475B.804; and

29 (e) The information described in ORS 475B.810 (2), if the applicant is applying to produce  
30 marijuana or designate another person under ORS 475B.810 to produce marijuana.

31 (3)(a) The authority shall issue a registry identification card to an applicant who is under 18  
32 years of age if:

33 (A) The applicant pays the fee and submits the application described in subsection (2) of this  
34 section; and

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

37 (i) The applicant's attending provider has explained to the applicant and to the custodial parent  
38 or legal guardian the possible risks and benefits of the medical use of marijuana;

39 (ii) The custodial parent or legal guardian consents to the medical use of marijuana by the ap-  
40 plicant;

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

43 (iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-  
44 quency of the medical use of marijuana by the applicant.

45 (b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-



1 section (2)(e) of this section.

2 (4) The authority shall:

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

6 (b) Approve or deny an application received under subsection (2) or (3) of this section within  
7 30 days after receiving the application.

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

11 (A) The registry identification cardholder's name, address and date of birth;

12 (B) The issuance date and expiration date of the registry identification card;

13 (C) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,  
14 the name and address of the registry identification cardholder's designated primary caregiver; and

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

16 (b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,  
17 the authority shall issue an identification card to the designated primary caregiver. The identifica-  
18 tion card must contain the information required by paragraph (a) of this subsection.

19 **(c) If an applicant under subsection (2) of this section provides written documentation**  
20 **from the applicant's attending provider that the attending provider has diagnosed the appli-**  
21 **cant as having a debilitating medical condition of which the applicant cannot be cured and**  
22 **the authority approves the applicant's application, the authority shall issue to the applicant**  
23 **a permanent registry identification card that contains the information described in para-**  
24 **graph (a)(A), (C) and (D) of this subsection and that is not subject to the renewal require-**  
25 **ments under subsection (6)(b) of this section.**

26 (6) A registry identification cardholder shall:

27 (a) In a form and manner prescribed by the authority, notify the authority of any change con-  
28 cerning the registry identification cardholder's:

29 (A) Name, address or attending provider;

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

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

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

38 (A) Updated written documentation from the registry identification cardholder's attending pro-  
39 vider stating that the registry identification cardholder still has a debilitating medical condition and  
40 that the medical use of marijuana may mitigate the symptoms or effects of the registry identification  
41 cardholder's debilitating medical condition;

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

43 (C) If the registry identification cardholder is under 18 years of age, a statement signed by the  
44 custodial parent or legal guardian of the registry identification cardholder that meets the require-  
45 ments of subsection (3) of this section.

1 (7) The authority shall:

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

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

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

12 (b) If, because of circumstances beyond the control of the registry identification cardholder, a  
13 registry identification cardholder is unable to obtain a second medical opinion about the registry  
14 identification cardholder's continuing eligibility for the medical use of marijuana before having to  
15 return the registry identification card to the authority, the authority may grant the registry iden-  
16 tification cardholder additional time to obtain a second medical opinion.

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

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

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

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

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

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

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

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

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

43 (b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identifi-  
44 cation cardholder include in the application to renew a registry identification card updated written  
45 documentation from the cardholder's attending provider regarding the cardholder's continuing de-

1 bilitating medical condition does not apply to a service-disabled veteran who:

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

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

8 (c) The following are acceptable documentation for the purposes of paragraph (a) of this sub-  
9 section:

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

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

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

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

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

19 475B.801. A designated primary caregiver may assist the designating registry identification  
20 cardholder with any matter related to the medical use of marijuana, including:

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

23 (2) The processing of marijuana into cannabinoid concentrates or medical cannabinoid products.

24 **SECTION 10.** ORS 475B.810 is amended to read:

25 475B.810. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site  
26 registration system to track and regulate the production of marijuana by a registry identification  
27 cardholder or a person designated by the registry identification cardholder to produce marijuana for  
28 the registry identification cardholder.

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

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

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

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

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

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

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

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

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

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

9 [(c) *A person convicted more than once of a Class A or Class B felony under ORS 475.752 to*  
10 *475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not*  
11 *act as or be designated a person responsible for a marijuana grow site.*]

12 [(4) (3) Subject to subsection [(11)] (10) of this section, the authority shall issue a marijuana  
13 grow site registration card if the requirements of [subsections (2) and (3)] **subsection (2)** of this  
14 section are met.

15 [(5) (4) A person who holds a marijuana grow site registration card under this section must  
16 display the card at the marijuana grow site at all times.

17 [(6) (5) A marijuana grow site registration card must be obtained and posted for each registry  
18 identification cardholder for whom marijuana is being produced at a marijuana grow site.

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

23 (b) **Except as provided in section 2 of this 2021 Act**, all seeds, immature marijuana plants,  
24 mature marijuana plants and usable marijuana associated with the production of marijuana for a  
25 registry identification cardholder by a person responsible for a marijuana grow site must be trans-  
26 ferred to the registry identification cardholder upon the request of the registry identification  
27 cardholder.

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

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

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

41 [(8) (7) A registry identification cardholder, or the designated caregiver of a registry identifi-  
42 cation cardholder, may reimburse a person responsible for a marijuana grow site for all costs asso-  
43 ciated with the production of marijuana for the registry identification cardholder.

44 [(9) (8) The authority may inspect[:]

45 [(a) the marijuana grow site of a person designated to produce marijuana by a registry iden-

1 tification cardholder to ensure compliance with this section and ORS [475B.816 and] 475B.831 and  
2 any rule adopted under this section and ORS [475B.816 and] 475B.831[; and]

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

6 [(10)] (9) The authority may refuse to register a registry identification cardholder or a designee  
7 under this section or may suspend or revoke the registration of a person responsible for a marijuana  
8 grow site if the authority determines that the applicant or the person responsible for a marijuana  
9 grow site violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to  
10 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

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

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

15 475B.822. Notwithstanding ORS 475B.810 [(7)] (6), a person responsible for a marijuana grow site  
16 may enter into an agreement with a registry identification cardholder under which the registry  
17 identification cardholder assigns, to the person responsible for the marijuana grow site, a portion  
18 of the right to possess the seeds, immature marijuana plants and usable marijuana that are the  
19 property of the registry identification cardholder.

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

21 475B.831. (1)(a) A registry identification cardholder and the designated primary caregiver of the  
22 registry identification cardholder may jointly possess:

23 (A) Six or fewer mature marijuana plants; and

24 (B) Twelve or fewer immature marijuana plants.

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

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

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

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

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

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

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

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

1 (A) Six mature marijuana plants;

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

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

5 (3) If the address of a person responsible for a marijuana grow site registered under ORS  
6 475B.810 is located within city limits in an area zoned for residential use:

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

9 (A) 12 mature marijuana plants;

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

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

13 (b) Subject to subsection (5) of this section, if each person responsible for a marijuana grow site  
14 located at the address first registered with the authority under ORS 475B.810 before January 1,  
15 2015, no more than the following *[amounts]* **numbers** of marijuana plants may be produced at the  
16 address:

17 (A) The *[amount]* **number** of mature marijuana plants located at that address on December 31,  
18 2014, in excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants;

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

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

22 (4) If the address of a person responsible for a marijuana grow site registered under ORS  
23 475B.810 is located in an area other than an area described in subsection (3) of this section:

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

26 (A) 48 mature marijuana plants;

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

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

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

34 (A) The *[amount]* **number** of mature marijuana plants located at that address on December 31,  
35 2014, in excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants;

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

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

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

44 (A) 12 mature marijuana plants;

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

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

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

8 (A) 48 mature marijuana plants;

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

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

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

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

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

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

30 475B.834. (1) Except as provided in subsection (2) of this section, a registry identification  
31 cardholder and the designated primary caregiver of the registry identification cardholder may jointly  
32 possess no more than 24 ounces of usable marijuana.

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

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

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

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

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

45 475B.837. A person to whom a registry identification card has been issued under ORS 475B.797

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

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

7 475B.840. (1)(a) The Oregon Health Authority shall establish by rule a marijuana processing site  
8 registration system to track and regulate the processing of marijuana by a person responsible for  
9 a marijuana processing site.

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

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

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

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

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

21 (c) The address of the marijuana processing site;

22 (d) Proof that each individual responsible for the marijuana processing site is 21 years of age  
23 or older;

24 (e) Documentation, as required by the authority by rule, that demonstrates the marijuana pro-  
25 cessing site meets the requirements of subsection (3) of this section; and

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

27 (3) To qualify for registration under this section, a marijuana processing site:

28 (a) May not be located in an area that is zoned for residential use if the marijuana processing  
29 site processes cannabinoid extracts;

30 (b) Must be registered as a business, or have filed an application to register as a business, with  
31 the office of the Secretary of State; and

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

34 [(4)(a) *The authority shall conduct a criminal records check under ORS 181A.195 for each indi-*  
35 *vidual named in an application under subsection (2) of this section.*]

36 [(b) *An individual convicted for the manufacture or delivery of a controlled substance in Schedule*  
37 *I or Schedule II may not own or be responsible for a marijuana processing site for two years from the*  
38 *date the individual is convicted.*]

39 [(c) *An individual convicted more than once for the manufacture or delivery of a controlled sub-*  
40 *stance in Schedule I or Schedule II may not own or be responsible for a marijuana processing site.*]

41 [(5)] (4) If a person submits the application required under subsection (2) of this section, if the  
42 marijuana processing site identified in the application meets the requirements of this section and  
43 any rules adopted under this section [*and if each individual named in the application passes the*  
44 *criminal records check required under subsection (4) of this section*], the authority shall register the  
45 marijuana processing site and issue proof of registration. Proof of registration must be displayed on



1 the premises of the marijuana processing site at all times.

2 [(6)] (5) A marijuana processing site that is registered under this section is not required to  
3 register with the State Board of Pharmacy under ORS 475.125.

4 [(7)] (6) The individual or individuals responsible for a marijuana processing site shall maintain  
5 documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid  
6 concentrates and cannabinoid extracts.

7 [(8)] (7) The authority may inspect:

8 (a) The premises of a proposed marijuana processing site or a registered marijuana processing  
9 site to ensure compliance with this section and ORS 475B.846 and 475B.849 and any rules adopted  
10 under this section and ORS 475B.846 and 475B.849; and

11 (b) The records of a registered marijuana processing site to ensure compliance with subsection  
12 [(7)] (6) of this section.

13 [(9)] (8) Subject to the provisions of ORS chapter 183, the authority may refuse to register an  
14 applicant under this section or may suspend or revoke the registration of a marijuana processing  
15 site if the authority determines that the applicant, the owner of the marijuana processing site, a  
16 person responsible for the marijuana processing site, or an employee of the marijuana processing  
17 site, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to  
18 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

19 [(10)] (9) The authority shall adopt rules to implement this section, including rules that:

20 (a) Require a registered marijuana processing site to annually renew the registration for that  
21 site;

22 (b) Establish fees for registering, and renewing the registration of, a marijuana processing site;

23 (c) Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid ex-  
24 tracts transferred by a marijuana processing site be tested to ensure the public health and safety;  
25 and

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

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

29 475B.858. (1)(a) The Oregon Health Authority shall establish by rule a medical marijuana  
30 dispensary registration system for the purpose of tracking and regulating the transfer of:

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

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

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

39 (b) A person may not operate an establishment for the purpose of providing the services de-  
40 scribed in paragraph (a) of this subsection unless the person is registered under this section.

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

43 (a) The name of the individual who owns the medical marijuana dispensary or, if a business  
44 entity owns the medical marijuana dispensary, the name of each individual who has a financial in-  
45 terest in the medical marijuana dispensary;

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

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

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

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

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

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

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

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

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

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

15 (A) A public elementary or secondary school for which attendance is compulsory under ORS  
16 339.020; or

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

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

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

22 [(4)(a) *The authority shall conduct a criminal records check under ORS 181A.195 for each indi-*  
23 *vidual named in an application submitted under subsection (2) of this section.*]

24 [(b) *An individual convicted for the manufacture or delivery of a controlled substance in Schedule*  
25 *I or Schedule II may not own or be responsible for a medical marijuana dispensary for two years from*  
26 *the date the individual is convicted.*]

27 [(c) *An individual convicted more than once for the manufacture or delivery of a controlled sub-*  
28 *stance in Schedule I or Schedule II may not own or be responsible for a medical marijuana*  
29 *dispensary.*]

30 [(5)] (4) If a person submits the application required under subsection (2) of this section, if the  
31 medical marijuana dispensary identified in the application meets the requirements of this section and  
32 any rules adopted under this section [*and if each individual named in the application passes the*  
33 *criminal records check required under subsection (4) of this section*], the authority shall register the  
34 medical marijuana dispensary and issue proof of registration. Proof of registration must be displayed  
35 on the premises of the medical marijuana dispensary at all times.

36 [(6)] (5) A medical marijuana dispensary that is registered under this section is not required to  
37 register with the State Board of Pharmacy under ORS 475.125.

38 [(7)] (6) The individual or individuals responsible for a medical marijuana dispensary shall  
39 maintain documentation of each transfer of usable marijuana, medical cannabinoid products,  
40 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds.

41 [(8)] (7) The authority may inspect:

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

45 (b) The records of a registered medical marijuana dispensary to ensure compliance with sub-

1 section [(7)] **(6)** of this section.

2 [(9)] **(8)** Subject to the provisions of ORS chapter 183, the authority may refuse to register an  
3 applicant under this section or may suspend or revoke the registration of a medical marijuana  
4 dispensary if the authority determines that the applicant, the owner of the medical marijuana  
5 dispensary, a person responsible for the medical marijuana dispensary, or an employee of the med-  
6 ical marijuana dispensary, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under  
7 ORS 475B.785 to 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

8 [(10)] **(9)** The authority shall adopt rules to implement this section, including rules that:

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

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

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

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

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

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

21 475B.879. (1) The Oregon Health Authority shall develop and maintain a database of information  
22 related to the production of marijuana by persons designated to produce marijuana by a registry  
23 identification cardholder, the processing of marijuana by a marijuana processing site under ORS  
24 475B.840 and the transfer of usable marijuana, medical cannabinoid products, cannabinoid concen-  
25 trates and cannabinoid extracts by medical marijuana dispensaries under ORS 475B.858. At a mini-  
26 mum, the database must include the information submitted to the authority under ORS [475B.816,  
27 475B.846 and 475B.867.

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

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

33 (c) The authority may not disclose:

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

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

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

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

44 475B.885. (1) Any personally identifiable information, as defined in ORS 432.005, other than a  
45 name of an individual or an address submitted with an application under ORS 475B.840 or 475B.858,

1 that the Oregon Health Authority collects and maintains for purposes of registering a marijuana  
2 grow site under ORS 475B.810, a marijuana processing site under ORS 475B.840, or a medical  
3 marijuana dispensary under ORS 475B.858, is confidential and not subject to public disclosure under  
4 ORS 192.311 to 192.478, except that the authority may provide personally identifiable information to  
5 a person registered under ORS 475B.785 to 475B.949 if the registrant requests the information and  
6 the information is related to a designation made under ORS 475B.785 to 475B.949.

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

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

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

15 475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-  
16 quor Control Commission under which the commission shall use the system developed and main-  
17 tained under ORS 475B.177 to track:

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

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

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

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

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

31 [(3) *On and after the date on which a marijuana grow site becomes subject to tracking under this*  
32 *section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS*  
33 *475B.810 that relate to ORS 475B.816.]*

34 [(4)] (3) On and after the date on which a marijuana processing site becomes subject to tracking  
35 under this section, the marijuana processing site is exempt from the requirements of ORS 475B.846  
36 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

37 [(5)] (4) On and after the date on which a medical marijuana dispensary becomes subject to  
38 tracking under this section, the medical marijuana dispensary is exempt from the requirements of  
39 ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

40 [(6)] (5) The commission may conduct inspections and investigations of alleged violations of ORS  
41 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing the  
42 commission's duties under this section. Notwithstanding ORS 475B.299, the commission may use  
43 regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-  
44 cluding inspections and investigations of marijuana grow sites located at a primary residence.

45 [(7)] (6) When imposing a fee on a person responsible for a marijuana grow site, marijuana

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

8 [(8)] (7) The authority and the commission may adopt rules as necessary to administer this sec-  
9 tion.

10 [(9)] (8) This section does not apply to a marijuana grow site located at an address where:

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

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

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

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

18 475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-  
19 quor Control Commission under which the commission shall use the system developed and main-  
20 tained under ORS 475B.177 to track:

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

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

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

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

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

34 [(3) *On and after the date on which a marijuana grow site becomes subject to tracking under this*  
35 *section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS*  
36 *475B.810 that relate to ORS 475B.816.*]

37 [(4)] (3) On and after the date on which a marijuana processing site becomes subject to tracking  
38 under this section, the marijuana processing site is exempt from the requirements of ORS 475B.846  
39 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

40 [(5)] (4) On and after the date on which a medical marijuana dispensary becomes subject to  
41 tracking under this section, the medical marijuana dispensary is exempt from the requirements of  
42 ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

43 [(6)] (5) The commission may conduct inspections and investigations of alleged violations of ORS  
44 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing the  
45 commission's duties under this section. Notwithstanding ORS 475B.299, the commission may use

1 regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-  
2 cluding inspections and investigations of marijuana grow sites located at a primary residence.

3 [(7)] (6) Notwithstanding ORS 475B.759, before making any other distribution from the Oregon  
4 Marijuana Account established under ORS 475B.759, the Department of Revenue shall first distrib-  
5 ute moneys quarterly from the account to the commission for deposit in the Marijuana Control and  
6 Regulation Fund established under ORS 475B.296 for purposes of paying administrative, inspection  
7 and investigatory costs incurred by the commission under this section, provided that the amount of  
8 distributed moneys does not exceed \$1.25 million per quarter. For purposes of estimating the amount  
9 of moneys necessary to pay costs incurred under this section, the commission shall establish a  
10 formulary based on expected costs for each marijuana grow site, marijuana processing site or med-  
11 ical marijuana dispensary that is tracked under this section. The commission shall provide to the  
12 Department of Revenue and the Legislative Fiscal Officer before each quarter the estimated amount  
13 of moneys necessary to pay costs expected to be incurred under this section and the formulary.

14 [(8)] (7) When imposing a fee on a person responsible for a marijuana grow site, marijuana  
15 processing site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the au-  
16 thority shall impose an additional fee that is reasonably calculated to pay costs incurred under this  
17 section other than costs paid pursuant to subsection [(7)] (6) of this section. As part of the agree-  
18 ment entered into under subsection (1) of this section, the authority shall transfer fee moneys col-  
19 lected pursuant to this subsection to the commission for deposit in the Marijuana Control and  
20 Regulation Fund established under ORS 475B.296. Moneys collected pursuant to this subsection and  
21 deposited in the Marijuana Control and Regulation Fund are continuously appropriated to the com-  
22 mission for purposes of this section.

23 [(9)] (8) The authority and the commission may adopt rules as necessary to administer this sec-  
24 tion.

25 [(10)] (9) This section does not apply to a marijuana grow site located at an address where:

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

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

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

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

32 475B.898. (1) A person responsible for a marijuana processing site, or a person responsible for  
33 a medical marijuana dispensary, may designate that responsibility to another person.

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

36 (a) For marijuana processing sites, ORS 475B.840 (2)(d) [*and (4)*]; or

37 (b) For medical marijuana dispensaries, ORS 475B.858 (2)(d) [*and (4)*].

38 (3) The authority may prescribe the form and manner of submitting proof under subsection (2)  
39 of this section.

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

41 475B.901. (1) A person responsible for a marijuana processing site, or a person responsible for  
42 a medical marijuana dispensary, may assign that responsibility to another person.

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

45 (a) For marijuana processing sites, ORS 475B.840 (2)(d) [*and (4)*]; or

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

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

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

5 475B.904. (1) In the event that a marijuana processing site or a medical marijuana dispensary  
6 is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as  
7 defined in ORS 79.0102, may continue operations at the marijuana processing site or medical  
8 marijuana dispensary upon submitting to the Oregon Health Authority proof that the secured party  
9 or, if the secured party is a business entity, any individual who has a financial interest in the se-  
10 cured party, meets the requirements and restrictions set forth in:

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

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

13 (2) The authority may prescribe the form and manner of submitting proof under subsection (1)  
14 of this section.

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

16 475B.913. (1) Except as provided in ORS 475B.910, a person has an affirmative defense to a  
17 criminal charge of possession, delivery or manufacture of marijuana, or any other criminal offense  
18 in which possession, delivery or manufacture of marijuana is an element, if the person charged with  
19 the offense:

20 (a) Was diagnosed with a debilitating medical condition within 12 months of the date on which  
21 the person was arrested and was advised by the person's attending [physician] **provider** that the  
22 medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condi-  
23 tion;

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

25 (c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS  
26 475B.831.

27 (2) A person does not need to lawfully possess a registry identification card to assert the affir-  
28 mative defense established in this section.

29 (3) A person engaged in the medical use of marijuana who claims that marijuana provides med-  
30 ically necessary benefits and who is charged with a crime pertaining to the use of marijuana is not  
31 precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from pre-  
32 senting evidence supporting the necessity of marijuana for treatment of a specific disease or medical  
33 condition, provided that:

34 (a) The person possesses, delivers or manufactures marijuana only as permitted under ORS  
35 475B.831 (1); and

36 (b) The person has taken a substantial step toward complying with the provisions of ORS  
37 475B.785 to 475B.949.

38 (4) A defendant proposing to use the affirmative defense established in this section in a criminal  
39 action shall, not less than five days before the trial of the cause, file and serve upon the district  
40 attorney a written notice of the intention to assert the affirmative defense. The notice must specif-  
41 ically state the reasons why the defendant is entitled to assert the affirmative defense and the fac-  
42 tual basis for the affirmative defense. If the defendant fails to file and serve the notice, the defendant  
43 is not permitted to assert the affirmative defense at the trial of the cause unless the court orders,  
44 for good cause, otherwise.

45 **SECTION 25.** ORS 475B.916 is amended to read:

1 475B.916. *[The Oregon Medical Board]* **A health professional regulatory board that licenses**  
2 **an attending provider** may not impose a civil penalty or take other disciplinary action against an  
3 attending *[physician]* **provider** for:

4 (1) Advising a person diagnosed as having a debilitating medical condition by the attending  
5 *[physician]* **provider** or another *[physician licensed under ORS chapter 677]* **licensed health care**  
6 **provider authorized to make diagnoses** about the risks and benefits associated with the medical  
7 use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the  
8 person's debilitating medical condition, provided that the advice is based on the attending  
9 *[physician's]* **provider's** personal assessment of the person's medical history and current medical  
10 condition; *[or]*

11 (2) Providing the written documentation necessary for issuance or renewal of a registry iden-  
12 tification card under ORS 475B.797, provided that the written documentation is based on the at-  
13 tending *[physician's]* **provider's** personal assessment of the person's medical history and current  
14 medical condition and the attending *[physician]* **provider** has discussed with the person the potential  
15 risks and benefits associated with the medical use of marijuana[.]; **or**

16 (3) **Recommending to or discussing with a person described in subsection (1) of this sec-**  
17 **tion, or educating a person described in subsection (1) of this section about, the medical use**  
18 **of marijuana.**

19 **SECTION 26.** (1) **The Oregon Health Authority and the Oregon Liquor Control Commis-**  
20 **sion shall, in collaboration, study and determine:**

21 (a) **A method for the commission to provide to the authority information related to the**  
22 **transfer of marijuana items from marijuana retailers, as defined in ORS 475B.015 and li-**  
23 **censed under ORS 475B.105, to registry identification cardholders, as defined in ORS**  
24 **475B.791; and**

25 (b) **How to efficiently anonymize the information described in paragraph (a) of this sub-**  
26 **section and make the anonymized information available for observational research studies.**

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

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

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

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

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

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

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

44 (f) **Eliminate the marijuana plant production limit and any requirement for marijuana**  
45 **grow site consent forms for a marijuana grow site at which marijuana for medical use is**



1 produced only a by a registry identification cardholder for use by only the registry identifi-  
2 cation cardholder; and

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

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

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

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

13 **SECTION 30.** (1) Section 2 of this 2021 Act, the amendments to ORS 475B.788, 475B.791,  
14 475B.797, 475B.801, 475B.810, 475B.822, 475B.831, 475B.834, 475B.840, 475B.858, 475B.879,  
15 475B.885, 475B.895, 475B.898, 475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 7, 9 to  
16 13 and 15 to 25 of this 2021 Act and the repeal of ORS 475B.794, 475B.816, 475B.819, 475B.843  
17 and 475B.861 by section 29 of this 2021 Act become operative on January 1, 2022.

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

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

21 (4) A health professional regulatory board described in ORS 475B.916, the Oregon Health  
22 Authority and the Oregon Liquor Control Commission may take any action before the oper-  
23 ative dates specified in subsections (1) to (3) of this section that is necessary to enable the  
24 authority, the commission and the boards to exercise, on and after the operative dates  
25 specified in subsections (1) to (3) of this section, all of the duties, functions and powers  
26 conferred on the authority, the commission and the boards by sections 2 to 4 of this 2021  
27 Act, the amendments to ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.822,  
28 475B.831, 475B.834, 475B.837, 475B.840, 475B.858, 475B.879, 475B.885, 475B.895, 475B.898,  
29 475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 25 of this 2021 Act and the repeal  
30 of ORS 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861 by section 29 of this 2021 Act.

31  
32 **TESTING RESULTS**

33  
34 **SECTION 31.** Section 32 of this 2021 Act is added to and made a part of ORS 475B.550 to  
35 475B.590.

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

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

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

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

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

6  
7 OREGON LIQUOR CONTROL COMMISSION LICENSEES

8  
9 SECTION 34. Sections 35 and 37 of this 2021 Act are added to and made a part of ORS  
10 475B.010 to 475B.545.

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

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

19 (b) Expanded registry identification cardholder services;

20 (c) Development of the ability for registry identification cardholders to access, at no cost  
21 or a reduced cost, medical cannabinoid products, as defined in ORS 475B.791, and marijuana  
22 items; and

23 (d) For individuals who hold permits issued under ORS 475B.266, training related to  
24 medical cannabinoid products and the exemption from taxation pursuant to ORS 475B.707 for  
25 a registry identification cardholder or a designated primary caregiver of a registry identi-  
26 cation cardholder.

27 (2)(a) An applicant for a license or renewal of a license issued under ORS 475B.070,  
28 475B.090, 475B.100 and 475B.105 shall submit with the application a care and accommodation  
29 plan that meets the program requirements established by rule by the Oregon Liquor Control  
30 Commission.

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

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

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

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

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

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

44 (3) The Oregon Liquor Control Commission:

45 (a) May adopt rules regarding the validity of medical marijuana patient cards described

1 **under subsection (1) of this section; and**

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

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

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

11  
12 **OREGON CANNABIS COMMISSION**

13  
14 **SECTION 39.** ORS 475B.952 is amended to read:

15 475B.952. (1) The Oregon Cannabis Commission is established within the Oregon Health Au-  
16 thority. The commission consists of:

17 (a) The Public Health Officer or the Public Health Officer's designee; and

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

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

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

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

23 (D) A person representing the Oregon Health Authority;

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

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

26 (G) A law enforcement officer; and

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

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

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

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

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

39 475B.961. (1) In addition to any other duty prescribed by law, the Oregon Cannabis Commission  
40 shall:

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

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

44 **(i) Registry identification cardholders and designated primary caregivers, as those terms**  
45 **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 respect 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 Commission 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:

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

1 contract from prohibiting the manufacture, delivery, possession or use of marijuana to the extent  
2 necessary to comply with the terms and conditions of the contract or to satisfy federal requirements  
3 for the contract;

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

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

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

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

8 475B.220. (1) As used in this section, “information that may be used to identify a consumer”  
9 means information that may be acquired through the production of a piece of identification as de-  
10 scribed in ORS 475B.216, whether the information is contained in a piece of identification described  
11 in ORS 475B.216 or in a different document or record.

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

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

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

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

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

22 (4) A marijuana retailer may not transfer any information that may be used to identify a con-  
23 sumer to any other person.

24 (5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and retain  
25 the name and contact information of a consumer for the purpose of notifying the consumer of ser-  
26 vices that the marijuana retailer provides or of discounts, coupons and other marketing information  
27 if:

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

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

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

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

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

36 475B.531. Except for ORS 475B.526 and 475B.529, ORS 475B.010 to 475B.545:

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

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

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

42 475B.570. ORS 475B.550 to 475B.590 do not apply to:

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

45 (a) A person who holds a registry identification card under ORS 475B.797 and who designated

1 the person responsible for the marijuana grow site to grow marijuana for the person who holds a  
2 registry identification card; or

3 (b) A person who has been designated as the primary caregiver under ORS 475B.804 of a person  
4 who holds a registry identification card under ORS 475B.797 and who designated the person re-  
5 sponsible for the marijuana grow site to grow marijuana for the person who holds a registry iden-  
6 tification card; [or]

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

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

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

14 475B.630. (1) ORS 475B.600 to 475B.655 do not apply to:

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

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

20 (B) A person who has been designated as the primary caregiver under ORS 475B.804 of a person  
21 who holds a registry identification card under ORS 475B.797, and who designated the person re-  
22 sponsible for the marijuana grow site to grow marijuana for the person who holds a registry iden-  
23 tification card; [or]

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

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

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

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

37 475B.707. (1) As used in this section, “designated primary caregiver,” “registry identification  
38 card” and “registry identification cardholder” have the meanings given those terms in ORS  
39 475B.791.

40 (2) Notwithstanding ORS 475B.705:

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

45 (b) A marijuana retailer may not collect the tax imposed under ORS 475B.705 from a consumer

1 if, at the time at which the retail sale of the marijuana item occurs, the consumer provides proof  
2 to the marijuana retailer that the consumer:

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

4 (B) Holds a valid identification card under ORS 475B.797 (5)(b) and is purchasing the marijuana  
5 item for a registry identification cardholder[.]; **or**

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

7 (3) The Department of Revenue:

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

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

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

18 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the  
19 General Fund.

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

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

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

26 *[(b)]* (c) Subject to subsection (4) of this section, and after making the transfer of moneys re-  
27 quired by *[subsection (7) of this section]* **paragraph (b) of this subsection**, the department shall  
28 transfer quarterly 20 percent of the moneys in the Oregon Marijuana Account as follows:

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

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

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

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

43 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-  
44 cially available area of all grow canopies associated with marijuana producer licenses held pursuant  
45 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer

1 for all premises located in each county compared to the total commercially available area of all  
 2 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the  
 3 last business day of that calendar quarter for all premises located in this state; and

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

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

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

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

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

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

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

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

24 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-  
 25 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under  
 26 subsection *[(3)(b)(B)(i)]* **(3)(c)(B)(i)** of this section.

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

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

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

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



1 (d) The Department of Revenue shall have the benefit of all laws of the state pertaining to the  
2 collection of income and excise taxes and may proceed to collect the amounts described in the no-  
3 tice under paragraph (c) of this subsection. An assessment of tax is not necessary and the collection  
4 described in this subsection is not precluded by any statute of limitations.

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

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

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

13 (6)(a) Not later than July 1 of each year, each city and county in this state shall certify with  
14 the Oregon Department of Administrative Services whether the city or county has an ordinance  
15 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,  
16 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the  
17 certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of  
18 Administrative Services.

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

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

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

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

34 **Sec. 5.** (1) The Drug Treatment and Recovery Services Fund is established in the State Treas-  
35 ury, separate and distinct from the General Fund. Interest earned by the **Drug Treatment and**  
36 **Recovery Services Fund** shall be credited to the fund.

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

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

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

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

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

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

