

## SENATE AMENDMENTS TO SENATE BILL 758

By COMMITTEE ON HEALTH CARE

April 23

1 On page 1 of the printed bill, line 2, after “475B.020,” delete the rest of the line and delete lines  
2 3 through 6 and insert “475B.220, 475B.431, 475B.570, 475B.630, 475B.707, 475B.759, 475B.788,  
3 475B.791, 475B.797, 475B.801, 475B.810, 475B.822, 475B.831, 475B.834, 475B.837, 475B.840, 475B.858,  
4 475B.879, 475B.885, 475B.895, 475B.898, 475B.901, 475B.904, 475B.913, 475B.916, 475B.952 and  
5 475B.961 and section 5, chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020)); repealing ORS  
6 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861; and prescribing an effective date.”.

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

### 9 “OREGON MEDICAL AND THERAPEUTIC CANNABIS ACT

10  
11 “SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS  
12 475B.785 to 475B.949.

13 “SECTION 2. (1)(a) A person designated to produce marijuana by a registry identification  
14 cardholder may transfer, pursuant to an agreement entered into with the registry identifi-  
15 cation cardholder and subject to the limits established in ORS 475B.825, 475B.831 and  
16 475B.834, all or part of the seeds, immature marijuana plants and usable marijuana associ-  
17 ated with the production of marijuana described in this subsection to another registry iden-  
18 tification cardholder or the other registry identification cardholder’s designated primary  
19 caregiver.

20 “(b) A person may enter into an agreement under this section in addition to an agree-  
21 ment described in ORS 475B.822.

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

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

24 “SECTION 3. The Oregon Health Authority shall include on a website dedicated to the  
25 authority and on a website dedicated to the program administered under ORS 475B.785 to  
26 475B.949 a statement declaring that cannabis is to be treated as a medicine for Oregonians  
27 of all ages, the program administered under ORS 475B.785 to 475B.949 is a public health  
28 program and the authority is dedicated to ensuring equitable access to the program for all  
29 Oregonians. The authority shall adopt and abide by internal policies that focus on ensuring  
30 equitable access to the program for all Oregonians.

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

33 “(1) Ensure the highest level of protection and privacy for information submitted and  
34 maintained in the databases established under ORS 475B.879 and 475B.882, the electronic  
35 system established under ORS 475B.892 and the tracking system established under ORS

1 **475B.177;**

2 **“(2) Continually revise information handling and submission processes to reduce multiple**  
3 **submissions of personally identifiable information in the databases established under ORS**  
4 **475B.879 and 475B.882, the electronic system established under ORS 475B.892 and the tracking**  
5 **system established under ORS 475B.177; and**

6 **“(3) Ensure any third party vendors with which the authority or the commission con-**  
7 **tracts for the management of the databases established under ORS 475B.879 and 475B.882,**  
8 **the electronic system established under ORS 475B.892 and the tracking system established**  
9 **under ORS 475B.177 prevent cybersecurity breaches.**

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

11 **“475B.788.** ORS 475B.785 to 475B.949 shall be known as the Oregon Medical [*Marijuana*] **and**  
12 **Therapeutic Cannabis Act.**

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

14 **“475B.791.** As used in ORS 475B.785 to 475B.949:

15 **“(1) ‘Attending [*physician*] provider’ means [*a physician licensed under ORS chapter 677 who has***  
16 ***primary responsibility for the care and treatment of a person diagnosed with a debilitating medical***  
17 ***condition*] a licensed health care provider who has within the provider’s scope of practice and**  
18 **licensure the authority to prescribe prescription drugs, as that term is defined in ORS**  
19 **689.005.**

20 **“(2) ‘Cannabinoid’ means any of the chemical compounds that are the active constituents of**  
21 **marijuana.**

22 **“(3) ‘Cannabinoid concentrate’ means a substance obtained by separating cannabinoids from**  
23 **marijuana by:**

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

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

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

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

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

33 **“(5) ‘Cannabinoid extract’ means a substance obtained by separating cannabinoids from**  
34 **marijuana by:**

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

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

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

41 **“(6) ‘Debilitating medical condition’ means:**

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

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

1     tient, one or more of the following:

2         “(A) Cachexia;

3         “(B) Severe pain;

4         “(C) Severe nausea;

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

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

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

10         **“(A) Chronic anxiety; and**

11         **“(B) Chronic depression; or**

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

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

17         “(b) ‘Delivery’ does not include transfer of marijuana by a registry identification cardholder to  
18 another registry identification cardholder if no consideration is paid for the transfer.

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

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

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

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

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

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

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

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

31         “(b) ‘Marijuana’ does not include:

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

33             “(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one  
34 or more cannabinoids, that are approved by the United States Food and Drug Administration and  
35 dispensed by a pharmacy, as defined in ORS 689.005.

36         “(12) ‘Marijuana grow site’ means a location registered under ORS 475B.810 where marijuana  
37 is produced for use by a registry identification cardholder.

38         “(13) ‘Marijuana processing site’ means a marijuana processing site registered under ORS  
39 475B.840 or a site for which an applicant has submitted an application for registration under ORS  
40 475B.840.

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

43         “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and any other product in-  
44 tended for human consumption or use, including a product intended to be applied to a person’s skin  
45 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

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

2 “(A) Usable marijuana by itself;

3 “(B) A cannabinoid concentrate by itself;

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

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

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

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

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

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

19 “(20) ‘Production’ means:

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

21 “(b) Drying marijuana leaves or flowers.

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

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

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

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

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

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

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

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

36 “475B.797. (1) The Oregon Health Authority shall establish a program for the issuance of regis-  
37 try identification cards to applicants who meet the requirements of this section.

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

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

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

1 “(c) The name, address and telephone number of the applicant’s attending [*physician*] **provider**;  
2 “[(d) *Proof of residency, submitted in a form required by the authority by rule;*]  
3 “[(e)] (d) The name and address of the applicant’s designated primary caregiver, if the applicant  
4 is designating a primary caregiver under ORS 475B.804; and  
5 “[(f)] (e) The information described in ORS 475B.810 (2), if the applicant is applying to produce  
6 marijuana or designate another person under ORS 475B.810 to produce marijuana.  
7 “(3)(a) The authority shall issue a registry identification card to an applicant who is under 18  
8 years of age if:  
9 “(A) The applicant pays the fee and submits the application described in subsection (2) of this  
10 section; and  
11 “(B) The custodial parent or legal guardian who is responsible for the health care decisions of  
12 the applicant signs and submits to the authority a written statement that:  
13 “(i) The applicant’s attending [*physician*] **provider** has explained to the applicant and to the  
14 custodial parent or legal guardian the possible risks and benefits of the medical use of marijuana;  
15 “(ii) The custodial parent or legal guardian consents to the medical use of marijuana by the  
16 applicant;  
17 “(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated pri-  
18 mary caregiver; and  
19 “(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-  
20 quency of the medical use of marijuana by the applicant.  
21 “(b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-  
22 section [(2)(f)] (2)(e) of this section.  
23 “(4) The authority shall:  
24 “(a) On the date on which the authority receives an application described in subsection (2) of  
25 this section, issue a receipt to the applicant verifying that the authority received an application  
26 under subsection (2) or (3) of this section; and  
27 “(b) Approve or deny an application received under subsection (2) or (3) of this section within  
28 30 days after receiving the application.  
29 “(5)(a) If the authority approves an application, the authority shall issue a serially numbered  
30 registry identification card to the applicant within five days after approving the application. The  
31 registry identification card must include the following information:  
32 “(A) The registry identification cardholder’s name, address and date of birth;  
33 “(B) The issuance date and expiration date of the registry identification card;  
34 “(C) If the registry identification cardholder designated a primary caregiver under ORS  
35 475B.804, the name and address of the registry identification cardholder’s designated primary  
36 caregiver; and  
37 “(D) Any other information required by the authority by rule.  
38 “(b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,  
39 the authority shall issue an identification card to the designated primary caregiver. The identifica-  
40 tion card must contain the information required by paragraph (a) of this subsection.  
41 “(6) A registry identification cardholder shall:  
42 “(a) In a form and manner prescribed by the authority, notify the authority of any change con-  
43 cerning the registry identification cardholder’s:  
44 “(A) Name, address or attending [*physician*] **provider**;  
45 “(B) Designated primary caregiver, including the designation of a primary caregiver made at a

1 time other than at the time of applying for or renewing a registry identification card; or

2 “(C) Person responsible for a marijuana grow site, including the designation of a person re-  
3 sponsible for a marijuana grow site made at a time other than at the time of applying for or re-  
4 newing a registry identification card.

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

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

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

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

16 “(7) The authority shall:

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

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

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

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

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

34 “(A) The applicant or registry identification cardholder does not provide the information re-  
35 quired by this section;

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

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

40 “(b) If a registry identification card is revoked, any associated identification card issued under  
41 subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475B.810  
42 [(6)] (**5**), shall also be revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 “475B.797. (1) The Oregon Health Authority shall establish a program for the issuance of regis-  
37 try identification cards to applicants who meet the requirements of this section.

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

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

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

1 “(c) The name, address and telephone number of the applicant’s attending provider;

2 “(d) The name and address of the applicant’s designated primary caregiver, if the applicant is

3 designating a primary caregiver under ORS 475B.804; and

4 “(e) The information described in ORS 475B.810 (2), if the applicant is applying to produce

5 marijuana or designate another person under ORS 475B.810 to produce marijuana.

6 “(3)(a) The authority shall issue a registry identification card to an applicant who is under 18

7 years of age if:

8 “(A) The applicant pays the fee and submits the application described in subsection (2) of this

9 section; and

10 “(B) The custodial parent or legal guardian who is responsible for the health care decisions of

11 the applicant signs and submits to the authority a written statement that:

12 “(i) The applicant’s attending provider has explained to the applicant and to the custodial parent

13 or legal guardian the possible risks and benefits of the medical use of marijuana;

14 “(ii) The custodial parent or legal guardian consents to the medical use of marijuana by the

15 applicant;

16 “(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated pri-

17 mary caregiver; and

18 “(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-

19 quency of the medical use of marijuana by the applicant.

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

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

22 “(4) The authority shall:

23 “(a) On the date on which the authority receives an application described in subsection (2) of

24 this section, issue a receipt to the applicant verifying that the authority received an application

25 under subsection (2) or (3) of this section; and

26 “(b) Approve or deny an application received under subsection (2) or (3) of this section within

27 30 days after receiving the application.

28 “(5)(a) If the authority approves an application, the authority shall issue a serially numbered

29 registry identification card to the applicant within five days after approving the application. The

30 registry identification card must include the following information:

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

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

33 “(C) If the registry identification cardholder designated a primary caregiver under ORS

34 475B.804, the name and address of the registry identification cardholder’s designated primary

35 caregiver; and

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

37 “(b) If the registry identification cardholder designated a primary caregiver under ORS 475B.804,

38 the authority shall issue an identification card to the designated primary caregiver. The identifica-

39 tion card must contain the information required by paragraph (a) of this subsection.

40 “(c) **If an applicant under subsection (2) of this section provides written documentation**

41 **from the applicant’s attending provider that the attending provider has diagnosed the appli-**

42 **cant as having a debilitating medical condition of which the applicant cannot be cured and**

43 **the authority approves the applicant’s application, the authority shall issue to the applicant**

44 **a permanent registry identification card that contains the information described in para-**

45 **graph (a)(A), (C) and (D) of this subsection and that is not subject to the renewal require-**



1 **ments under subsection (6)(b) of this section.**

2 “(6) A registry identification cardholder shall:

3 “(a) In a form and manner prescribed by the authority, notify the authority of any change con-  
4 cerning the registry identification cardholder’s:

5 “(A) Name, address or attending provider;

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

8 “(C) Person responsible for a marijuana grow site, including the designation of a person re-  
9 sponsible for a marijuana grow site made at a time other than at the time of applying for or re-  
10 newing a registry identification card.

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

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

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

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

22 “(7) The authority shall:

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

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

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

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

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

40 “(A) The applicant or registry identification cardholder does not provide the information re-  
41 quired by this section;

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

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

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

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

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

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

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

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

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

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

29 “(c) The following are acceptable documentation for the purposes of paragraph (a) of this sub-  
30 section:

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

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

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

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

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

40 “475B.801. A designated primary caregiver may assist the designating registry identification  
41 cardholder with any matter related to the medical use of marijuana, including:

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

44 “(2) The processing of marijuana into cannabinoid concentrates or medical cannabinoid pro-  
45 ducts.

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

2       “475B.810. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site  
3 registration system to track and regulate the production of marijuana by a registry identification  
4 cardholder or a person designated by the registry identification cardholder to produce marijuana for  
5 the registry identification cardholder.

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

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

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

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

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

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

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

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

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

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

31       “[(c) *A person convicted more than once of a Class A or Class B felony under ORS 475.752 to*  
32 *475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not*  
33 *act as or be designated a person responsible for a marijuana grow site.*]

34       “[(4)] **(3)** Subject to subsection [(11)] **(10)** of this section, the authority shall issue a marijuana  
35 grow site registration card if the requirements of [subsections (2) and (3)] **subsection (2)** of this  
36 section are met.

37       “[(5)] **(4)** A person who holds a marijuana grow site registration card under this section must  
38 display the card at the marijuana grow site at all times.

39       “[(6)] **(5)** A marijuana grow site registration card must be obtained and posted for each registry  
40 identification cardholder for whom marijuana is being produced at a marijuana grow site.

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

45       “(b) **Except as provided in section 2 of this 2021 Act,** all seeds, immature marijuana plants,

1 mature marijuana plants and usable marijuana associated with the production of marijuana for a  
2 registry identification cardholder by a person responsible for a marijuana grow site must be trans-  
3 ferred to the registry identification cardholder upon the request of the registry identification  
4 cardholder.

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

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

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

18 “[8] (7) A registry identification cardholder, or the designated caregiver of a registry identifi-  
19 cation cardholder, may reimburse a person responsible for a marijuana grow site for all costs asso-  
20 ciated with the production of marijuana for the registry identification cardholder.

21 “[9] (8) The authority may inspect[:]

22 “[a) the marijuana grow site of a person designated to produce marijuana by a registry iden-  
23 tification cardholder to ensure compliance with this section and ORS [475B.816 and] 475B.831 and  
24 any rule adopted under this section and ORS [475B.816 and] 475B.831[: and]

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

28 “[10] (9) The authority may refuse to register a registry identification cardholder or a designee  
29 under this section or may suspend or revoke the registration of a person responsible for a marijuana  
30 grow site if the authority determines that the applicant or the person responsible for a marijuana  
31 grow site violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to  
32 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

33 “[11] (10) The authority may require a person responsible for a marijuana grow site, prior to  
34 issuing a marijuana grow site registration card under subsection [(4)] (3) of this section, to pay a  
35 fee reasonably calculated to pay costs incurred under this section and ORS [475B.816 and] 475B.879.

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

37 “475B.822. Notwithstanding ORS 475B.810 [(7)] (6), a person responsible for a marijuana grow  
38 site may enter into an agreement with a registry identification cardholder under which the registry  
39 identification cardholder assigns, to the person responsible for the marijuana grow site, a portion  
40 of the right to possess the seeds, immature marijuana plants and usable marijuana that are the  
41 property of the registry identification cardholder.

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

43 “475B.831. (1)(a) A registry identification cardholder and the designated primary caregiver of the  
44 registry identification cardholder may jointly possess:

45 “(A) Six or fewer mature marijuana plants; and

1 “(B) Twelve or fewer immature marijuana plants.

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

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

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

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

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

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

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

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

23 “(A) Six mature marijuana plants;

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

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

27 “(3) If the address of a person responsible for a marijuana grow site registered under ORS  
28 475B.810 is located within city limits in an area zoned for residential use:

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

31 “(A) 12 mature marijuana plants;

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

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

35 “(b) Subject to subsection (5) of this section, if each person responsible for a marijuana grow  
36 site located at the address first registered with the authority under ORS 475B.810 before January  
37 1, 2015, no more than the following [amounts] **numbers** of marijuana plants may be produced at the  
38 address:

39 “(A) The [amount] **number** of mature marijuana plants located at that address on December 31,  
40 2014, in excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants;

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

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

44 “(4) If the address of a person responsible for a marijuana grow site registered under ORS  
45 475B.810 is located in an area other than an area described in subsection (3) of this section:

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

3 “(A) 48 mature marijuana plants;

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

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

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

11 “(A) The [amount] **number** of mature marijuana plants located at that address on December 31,  
12 2014, in excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants;

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

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

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

21 “(A) 12 mature marijuana plants;

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

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

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

30 “(A) 48 mature marijuana plants;

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

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

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

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

1 cardholders who designate the persons to produce marijuana.

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

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

7 “475B.834. (1) Except as provided in subsection (2) of this section, a registry identification  
8 cardholder and the designated primary caregiver of the registry identification cardholder may jointly  
9 possess no more than 24 ounces of usable marijuana.

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

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

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

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

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

22 “475B.837. A person to whom a registry identification card has been issued under ORS 475B.797  
23 (5)(a) **or** (c), an identification card has been issued under ORS 475B.797 (5)(b), or a marijuana grow  
24 site registration card has been issued under ORS 475B.810, may not possess marijuana, usable  
25 marijuana, medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts in a  
26 location other than the address on file with the Oregon Health Authority unless the person is car-  
27 rying the card.

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

29 “475B.840. (1)(a) The Oregon Health Authority shall establish by rule a marijuana processing  
30 site registration system to track and regulate the processing of marijuana by a person responsible  
31 for a marijuana processing site.

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

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

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

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

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

43 “(c) The address of the marijuana processing site;

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

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

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

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

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

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

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

11 “[4](a) *The authority shall conduct a criminal records check under ORS 181A.195 for each indi-*  
12 *vidual named in an application under subsection (2) of this section.*]

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

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

18 “[5] **(4)** If a person submits the application required under subsection (2) of this section, if the  
19 marijuana processing site identified in the application meets the requirements of this section and  
20 any rules adopted under this section [*and if each individual named in the application passes the*  
21 *criminal records check required under subsection (4) of this section*], the authority shall register the  
22 marijuana processing site and issue proof of registration. Proof of registration must be displayed on  
23 the premises of the marijuana processing site at all times.

24 “[6] **(5)** A marijuana processing site that is registered under this section is not required to  
25 register with the State Board of Pharmacy under ORS 475.125.

26 “[7] **(6)** The individual or individuals responsible for a marijuana processing site shall maintain  
27 documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid  
28 concentrates and cannabinoid extracts.

29 “[8] **(7)** The authority may inspect:

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

33 “(b) The records of a registered marijuana processing site to ensure compliance with subsection  
34 [(7)] **(6)** of this section.

35 “[9] **(8)** Subject to the provisions of ORS chapter 183, the authority may refuse to register an  
36 applicant under this section or may suspend or revoke the registration of a marijuana processing  
37 site if the authority determines that the applicant, the owner of the marijuana processing site, a  
38 person responsible for the marijuana processing site, or an employee of the marijuana processing  
39 site, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to  
40 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

41 “[10] **(9)** The authority shall adopt rules to implement this section, including rules that:

42 “(a) Require a registered marijuana processing site to annually renew the registration for that  
43 site;

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

45 “(c) Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid ex-



1 tracts transferred by a marijuana processing site be tested to ensure the public health and safety;  
2 and

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

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

6 “475B.858. (1)(a) The Oregon Health Authority shall establish by rule a medical marijuana  
7 dispensary registration system for the purpose of tracking and regulating the transfer of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 “(A) A public elementary or secondary school for which attendance is compulsory under ORS  
38 339.020; or

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

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

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

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

1           “(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule  
2 I or Schedule II may not own or be responsible for a medical marijuana dispensary for two years from  
3 the date the individual is convicted.]

4           “(c) An individual convicted more than once for the manufacture or delivery of a controlled sub-  
5 stance in Schedule I or Schedule II may not own or be responsible for a medical marijuana  
6 dispensary.]

7           “[(5)] (4) If a person submits the application required under subsection (2) of this section, if the  
8 medical marijuana dispensary identified in the application meets the requirements of this section and  
9 any rules adopted under this section [and if each individual named in the application passes the  
10 criminal records check required under subsection (4) of this section], the authority shall register the  
11 medical marijuana dispensary and issue proof of registration. Proof of registration must be displayed  
12 on the premises of the medical marijuana dispensary at all times.

13           “[(6)] (5) A medical marijuana dispensary that is registered under this section is not required  
14 to register with the State Board of Pharmacy under ORS 475.125.

15           “[(7)] (6) The individual or individuals responsible for a medical marijuana dispensary shall  
16 maintain documentation of each transfer of usable marijuana, medical cannabinoid products,  
17 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds.

18           “[(8)] (7) The authority may inspect:

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

22           “(b) The records of a registered medical marijuana dispensary to ensure compliance with sub-  
23 section [(7)] (6) of this section.

24           “[(9)] (8) Subject to the provisions of ORS chapter 183, the authority may refuse to register an  
25 applicant under this section or may suspend or revoke the registration of a medical marijuana  
26 dispensary if the authority determines that the applicant, the owner of the medical marijuana  
27 dispensary, a person responsible for the medical marijuana dispensary, or an employee of the med-  
28 ical marijuana dispensary, violated a provision of ORS 475B.785 to 475B.949, a rule adopted under  
29 ORS 475B.785 to 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

30           “[(10)] (9) The authority shall adopt rules to implement this section, including rules that:

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

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

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

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

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

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

43           “475B.879. (1) The Oregon Health Authority shall develop and maintain a database of informa-  
44 tion related to the production of marijuana by persons designated to produce marijuana by a regis-  
45 try identification cardholder, the processing of marijuana by a marijuana processing site under ORS

1 475B.840 and the transfer of usable marijuana, medical cannabinoid products, cannabinoid concen-  
2 trates and cannabinoid extracts by medical marijuana dispensaries under ORS 475B.858. At a mini-  
3 mum, the database must include the information submitted to the authority under ORS [475B.816,]  
4 475B.846 and 475B.867.

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

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

10 “(c) The authority may not disclose:

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

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

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

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

21 “475B.885. (1) Any personally identifiable information, as defined in ORS 432.005, other than a  
22 name of an individual or an address submitted with an application under ORS 475B.840 or 475B.858,  
23 that the Oregon Health Authority collects and maintains for purposes of registering a marijuana  
24 grow site under ORS 475B.810, a marijuana processing site under ORS 475B.840, or a medical  
25 marijuana dispensary under ORS 475B.858, is confidential and not subject to public disclosure under  
26 ORS 192.311 to 192.478, except that the authority may provide personally identifiable information to  
27 a person registered under ORS 475B.785 to 475B.949 if the registrant requests the information and  
28 the information is related to a designation made under ORS 475B.785 to 475B.949.

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

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

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

37 “475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-  
38 quor Control Commission under which the commission shall use the system developed and main-  
39 tained under ORS 475B.177 to track:

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

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

44 “(c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products,  
45 cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana

1 dispensary to a registry identification cardholder or the designated primary caregiver of a registry  
2 identification cardholder; and

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

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

8 “[3] *On and after the date on which a marijuana grow site becomes subject to tracking under this*  
9 *section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS*  
10 *475B.810 that relate to ORS 475B.816.]*

11 “[4] (3) On and after the date on which a marijuana processing site becomes subject to track-  
12 ing under this section, the marijuana processing site is exempt from the requirements of ORS  
13 475B.846 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

14 “[5] (4) On and after the date on which a medical marijuana dispensary becomes subject to  
15 tracking under this section, the medical marijuana dispensary is exempt from the requirements of  
16 ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

17 “[6] (5) The commission may conduct inspections and investigations of alleged violations of  
18 ORS 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing  
19 the commission’s duties under this section. Notwithstanding ORS 475B.299, the commission may use  
20 regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-  
21 cluding inspections and investigations of marijuana grow sites located at a primary residence.

22 “[7] (6) When imposing a fee on a person responsible for a marijuana grow site, marijuana  
23 processing site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the au-  
24 thority shall impose a fee that is reasonably calculated to pay costs incurred under this section. As  
25 part of the agreement entered into under subsection (1) of this section, the authority shall transfer  
26 fee moneys collected pursuant to this subsection to the commission for deposit in the Marijuana  
27 Control and Regulation Fund established under ORS 475B.296. Moneys collected pursuant to this  
28 subsection and deposited in the Marijuana Control and Regulation Fund are continuously appropri-  
29 ated to the commission for purposes of this section.

30 “[8] (7) The authority and the commission may adopt rules as necessary to administer this  
31 section.

32 “[9] (8) This section does not apply to a marijuana grow site located at an address where:

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

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

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

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

40 “475B.895. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Li-  
41 quor Control Commission under which the commission shall use the system developed and main-  
42 tained under ORS 475B.177 to track:

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

45 “(b) The processing of marijuana into medical cannabinoid products, cannabinoid concentrates

1 and cannabinoid extracts that are transferred to a medical marijuana dispensary;

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

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

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

11 “[3] *On and after the date on which a marijuana grow site becomes subject to tracking under this*  
12 *section, the person is exempt from the requirements of ORS 475B.816 and the provisions of ORS*  
13 *475B.810 that relate to ORS 475B.816.]*

14 “[4] **(3)** On and after the date on which a marijuana processing site becomes subject to track-  
15 ing under this section, the marijuana processing site is exempt from the requirements of ORS  
16 475B.846 and the provisions of ORS 475B.840 that relate to ORS 475B.846.

17 “[5] **(4)** On and after the date on which a medical marijuana dispensary becomes subject to  
18 tracking under this section, the medical marijuana dispensary is exempt from the requirements of  
19 ORS 475B.867 and the provisions of ORS 475B.858 that relate to ORS 475B.867.

20 “[6] **(5)** The commission may conduct inspections and investigations of alleged violations of  
21 ORS 475B.785 to 475B.949 about which the commission obtains knowledge as a result of performing  
22 the commission’s duties under this section. Notwithstanding ORS 475B.299, the commission may use  
23 regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, in-  
24 cluding inspections and investigations of marijuana grow sites located at a primary residence.

25 “[7] **(6)** Notwithstanding ORS 475B.759, before making any other distribution from the Oregon  
26 Marijuana Account established under ORS 475B.759, the Department of Revenue shall first distrib-  
27 ute moneys quarterly from the account to the commission for deposit in the Marijuana Control and  
28 Regulation Fund established under ORS 475B.296 for purposes of paying administrative, inspection  
29 and investigatory costs incurred by the commission under this section, provided that the amount of  
30 distributed moneys does not exceed \$1.25 million per quarter. For purposes of estimating the amount  
31 of moneys necessary to pay costs incurred under this section, the commission shall establish a  
32 formulary based on expected costs for each marijuana grow site, marijuana processing site or med-  
33 ical marijuana dispensary that is tracked under this section. The commission shall provide to the  
34 Department of Revenue and the Legislative Fiscal Officer before each quarter the estimated amount  
35 of moneys necessary to pay costs expected to be incurred under this section and the formulary.

36 “[8] **(7)** When imposing a fee on a person responsible for a marijuana grow site, marijuana  
37 processing site or medical marijuana dispensary under ORS 475B.810, 475B.840 or 475B.858, the au-  
38 thority shall impose an additional fee that is reasonably calculated to pay costs incurred under this  
39 section other than costs paid pursuant to subsection [(7)] **(6)** of this section. As part of the agree-  
40 ment entered into under subsection (1) of this section, the authority shall transfer fee moneys col-  
41 lected pursuant to this subsection to the commission for deposit in the Marijuana Control and  
42 Regulation Fund established under ORS 475B.296. Moneys collected pursuant to this subsection and  
43 deposited in the Marijuana Control and Regulation Fund are continuously appropriated to the com-  
44 mission for purposes of this section.

45 “[9] **(8)** The authority and the commission may adopt rules as necessary to administer this

1 section.

2 “[(10)] (9) This section does not apply to a marijuana grow site located at an address where:

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

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

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

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

9 “475B.898. (1) A person responsible for a marijuana processing site, or a person responsible for  
10 a medical marijuana dispensary, may designate that responsibility to another person.

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

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

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

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

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

18 “475B.901. (1) A person responsible for a marijuana processing site, or a person responsible for  
19 a medical marijuana dispensary, may assign that responsibility to another person.

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

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

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

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

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

27 “475B.904. (1) In the event that a marijuana processing site or a medical marijuana dispensary  
28 is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as  
29 defined in ORS 79.0102, may continue operations at the marijuana processing site or medical  
30 marijuana dispensary upon submitting to the Oregon Health Authority proof that the secured party  
31 or, if the secured party is a business entity, any individual who has a financial interest in the se-  
32 cured party, meets the requirements and restrictions set forth in:

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

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

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

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

38 “475B.913. (1) Except as provided in ORS 475B.910, a person has an affirmative defense to a  
39 criminal charge of possession, delivery or manufacture of marijuana, or any other criminal offense  
40 in which possession, delivery or manufacture of marijuana is an element, if the person charged with  
41 the offense:

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

1 “(b) Is engaged in the medical use of marijuana; and  
2 “(c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS  
3 475B.831.

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

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

11 “(a) The person possesses, delivers or manufactures marijuana only as permitted under ORS  
12 475B.831 (1); and  
13 “(b) The person has taken a substantial step toward complying with the provisions of ORS  
14 475B.785 to 475B.949.

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

22 “**SECTION 25.** ORS 475B.916 is amended to read:  
23 “475B.916. [*The Oregon Medical Board*] **A health professional regulatory board that licenses**  
24 **an attending provider** may not impose a civil penalty or take other disciplinary action against an  
25 attending [*physician*] **provider** for:

26 “(1) Advising a person diagnosed as having a debilitating medical condition by the attending  
27 [*physician*] **provider** or another [*physician licensed under ORS chapter 677*] **licensed health care**  
28 **provider authorized to make diagnoses** about the risks and benefits associated with the medical  
29 use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the  
30 person’s debilitating medical condition, provided that the advice is based on the attending  
31 [*physician’s*] **provider’s** personal assessment of the person’s medical history and current medical  
32 condition; [*or*]

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

38 “(3) **Recommending to or discussing with a person described in subsection (1) of this**  
39 **section, or educating a person described in subsection (1) of this section about, the medical**  
40 **use of marijuana.**

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

43 “(a) **A method for the commission to provide to the authority information related to the**  
44 **transfer of marijuana items from marijuana retailers, as defined in ORS 475B.015 and li-**  
45 **censed under ORS 475B.105, to registry identification cardholders, as defined in ORS**

1 475B.791; and

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

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

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

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

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

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

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

20 “(e) Align the renewal timeline for registry identification cards issued under ORS  
21 475B.797 and marijuana grow site registration cards issued under ORS 475B.810;

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

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

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

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

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

36 “**SECTION 30.** (1) Section 2 of this 2021 Act, the amendments to ORS 475B.788, 475B.791,  
37 475B.797, 475B.801, 475B.810, 475B.822, 475B.831, 475B.834, 475B.840, 475B.858, 475B.879,  
38 475B.885, 475B.895, 475B.898, 475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 7, 9 to  
39 13 and 15 to 25 of this 2021 Act and the repeal of ORS 475B.794, 475B.816, 475B.819, 475B.843  
40 and 475B.861 by section 29 of this 2021 Act become operative on January 1, 2022.

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

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

44 “(4) A health professional regulatory board described in ORS 475B.916, the Oregon Health  
45 Authority and the Oregon Liquor Control Commission may take any action before the oper-



1 active dates specified in subsections (1) to (3) of this section that is necessary to enable the  
2 authority, the commission and the boards to exercise, on and after the operative dates  
3 specified in subsections (1) to (3) of this section, all of the duties, functions and powers  
4 conferred on the authority, the commission and the boards by sections 2 to 4 of this 2021  
5 Act, the amendments to ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.822,  
6 475B.831, 475B.834, 475B.837, 475B.840, 475B.858, 475B.879, 475B.885, 475B.895, 475B.898,  
7 475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 25 of this 2021 Act and the repeal  
8 of ORS 475B.794, 475B.816, 475B.819, 475B.843 and 475B.861 by section 29 of this 2021 Act.

9  
10 **“TESTING RESULTS**

11  
12 **“SECTION 31.** Section 32 of this 2021 Act is added to and made a part of ORS 475B.550  
13 to 475B.590.

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

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

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

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

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

29  
30 **“OREGON LIQUOR CONTROL COMMISSION LICENSEES**

31  
32 **“SECTION 34.** Sections 35 and 37 of this 2021 Act are added to and made a part of ORS  
33 475B.010 to 475B.545.

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

41 **“(a)** Minimum standards for availability and quality of marijuana items;

42 **“(b)** Expanded registry identification cardholder services;

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



- 1 “(D) A person representing the Oregon Health Authority;
- 2 “(E) A person representing the Oregon Liquor Control Commission;
- 3 “(F) A local health officer, as described in ORS 431.418;
- 4 “(G) A law enforcement officer; and
- 5 “(H) A person knowledgeable about research proposal grant protocols.

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

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

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

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

17 “475B.961. (1) In addition to any other duty prescribed by law, the Oregon Cannabis Commission  
18 shall:

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

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

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

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

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

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

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

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

31 “[1] (b) [Provide advice to] **Collaborate with** the Oregon Health Authority [with respect to] **in**  
32 the administration of ORS 475B.785 to 475B.949;

33 “[2] (c) [Provide advice to] **Collaborate with** the Oregon Liquor Control Commission [with re-  
34 spect to] **in** the administration of ORS 475B.010 to 475B.545, insofar as those statutes pertain to  
35 registry identification cardholders and designated primary caregivers, as those terms are defined in  
36 ORS 475B.791;

37 “[3] (d) Develop a long-term strategic plan for ensuring that cannabis will remain a therapeutic  
38 option for persons with debilitating medical conditions as defined in ORS 475B.791;

39 “[4] (e) Develop a long-term strategic plan for ensuring that cannabis will remain affordable  
40 for persons with debilitating medical conditions as defined in ORS 475B.791; and

41 “[5] (f) Monitor and study federal laws, regulations and policies regarding marijuana.

42 “(2) **On or before September 2 of each odd-numbered year, the Oregon Cannabis Com-**  
43 **mission shall submit a report about the possible framework determined under subsection**  
44 **(1)(a) of this section and the long-term strategic plans described in subsection (1)(d) and (e)**  
45 **of this section, in the manner prescribed in ORS 192.245, to the interim committees of the**

1 Legislative Assembly related to health and the judiciary. The Oregon Cannabis Commission  
2 may include with the submission described in this subsection any recommendations for leg-  
3 islation. The commission may request the interim committees described in this subsection  
4 to direct the Legislative Counsel to prepare legislative concepts for the commission's con-  
5 sideration.

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

8 **“(2) The Oregon Cannabis Commission may take any action before the operative date**  
9 **specified in subsection (1) of this section that is necessary to enable the commission to ex-**  
10 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**  
11 **duties, functions and powers conferred on the commission by the amendments to ORS**  
12 **475B.952 and 475B.961 by sections 39 and 40 of this 2021 Act.**

13  
14 **“OTHER AMENDMENTS**

15  
16 **“SECTION 42.** ORS 475B.020 is amended to read:

17 **“475B.020.** ORS 475B.010 to 475B.545 may not be construed:

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

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

20 **“(3) To prohibit a recipient of a federal grant or an applicant for a federal grant from prohibit-**  
21 **ing the manufacture, delivery, possession or use of marijuana to the extent necessary to satisfy**  
22 **federal requirements for the grant;**

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

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

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

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

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

31 **“475B.220.** (1) As used in this section, ‘information that may be used to identify a consumer’  
32 means information that may be acquired through the production of a piece of identification as de-  
33 scribed in ORS 475B.216, whether the information is contained in a piece of identification described  
34 in ORS 475B.216 or in a different document or record.

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

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

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

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

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

45 **“(4) A marijuana retailer may not transfer any information that may be used to identify a con-**

1 sumer to any other person.

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

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

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

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

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

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

14 “475B.531. Except for ORS 475B.526 and 475B.529, ORS 475B.010 to 475B.545:

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

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

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

20 “475B.570. ORS 475B.550 to 475B.590 do not apply to:

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

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

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

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

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

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

37 “475B.630. (1) ORS 475B.600 to 475B.655 do not apply to:

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

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

43 “(B) A person who has been designated as the primary caregiver under ORS 475B.804 of a per-  
44 son who holds a registry identification card under ORS 475B.797, and who designated the person  
45 responsible for the marijuana grow site to grow marijuana for the person who holds a registry

1 identification card; [or]

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

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

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

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

15 “475B.707. (1) As used in this section, ‘designated primary caregiver,’ ‘registry identification  
16 card’ and ‘registry identification cardholder’ have the meanings given those terms in ORS 475B.791.

17 “(2) Notwithstanding ORS 475B.705:

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

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

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

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

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

29 “(3) The Department of Revenue:

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

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

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

40 “475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from  
41 the General Fund.

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

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

45 **“(b) Before making the transfer of moneys required by paragraph (c) of this subsection,**

1 **the department shall transfer quarterly to the Drug Treatment and Recovery Services Fund**  
2 **all moneys in the Oregon Marijuana Account in excess of \$11,250,000.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 “(6)(a) Not later than July 1 of each year, each city and county in this state shall certify with  
36 the Oregon Department of Administrative Services whether the city or county has an ordinance  
37 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,  
38 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the  
39 certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of  
40 Administrative Services.

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

45 “(c) A city or county that repeals an ordinance as provided in ORS 475B.496 shall file an up-



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

6 “[*7*] Before making the transfer of moneys required by subsection (3) of this section, the department  
7 shall transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon  
8 Marijuana Account in excess of \$11,250,000.]

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

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

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

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

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

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

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

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

23 “[*4*] Unexpended moneys in the fund may not lapse and shall be carried forward and may be used  
24 without regard to fiscal year or biennium.]

25 “[*5*)(a)] **(4)(a)** Pursuant to subsection (2)(b) of this section, the Legislative Assembly shall ap-  
26 propriate or transfer to the fund an amount sufficient to fully fund the grants program required by  
27 section 2, **chapter 2, Oregon Laws 2021 (Ballot Measure 110 (2020))**.

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

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

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

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

38 “**SECTION 50.** (1) **The amendments to ORS 475B.020, 475B.220, 475B.531, 475B.570,**  
39 **475B.630, 475B.707 and 475B.759 and section 5, chapter 2, Oregon Laws 2021 (Ballot Measure**  
40 **110 (2020))**, by sections 42 to 49 of this 2021 Act become operative on January 1, 2022.

41 “(2) **The Department of Revenue and the Oregon Liquor Control Commission may take**  
42 **any action before the operative date specified in subsection (1) of this section that is neces-**  
43 **sary to enable the department and commission to exercise, on and after the operative date**  
44 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**  
45 **on the department and the commission by the amendments to ORS 475B.020, 475B.220,**

1 475B.531, 475B.570, 475B.630, 475B.707 and 475B.759 and section 5, chapter 2, Oregon Laws 2021  
2 (Ballot Measure 110 (2020)), by sections 42 to 49 of this 2021 Act.

3  
4 "CAPTIONS

5  
6 "SECTION 51. The unit captions used in this 2021 Act are provided only for the conven-  
7 ience of the reader and do not become part of the statutory law of this state or express any  
8 legislative intent in the enactment of this 2021 Act.

9  
10 "EFFECTIVE DATE

11  
12 "SECTION 52. This 2021 Act takes effect on the 91st day after the date on which the 2021  
13 regular session of the Eighty-first Legislative Assembly adjourns sine die."  
14

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