

HB 2265-2
(LC 2422)
3/19/21 (SCT/ps)

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2265**

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

5 Delete lines 4 through 10 and insert:

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

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

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

12 **“(2) Does not include a marijuana grow site registered under ORS
13 475B.810.**

14 **“SECTION 3. (1) The Oregon Liquor Control Commission shall es-
15 tablish by rule a process to register medical marijuana grow sites. To
16 hold a registration under this section, an applicant shall:**

17 **“(a) Apply for a registration in the manner prescribed by the com-
18 mission by rule;**

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

21 **“(c) Meet any other requirements established by the commission**

1 by rule.

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

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

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

7 “(A) From the individual to whom it is issued to another individual;
8 or

9 “(B) To any location other than the original location at which the
10 applicant produces marijuana.

11 “(4) All seeds, immature marijuana plants, mature marijuana
12 plants and usable marijuana produced by the medical marijuana grow
13 site are the property of the medical marijuana grow site.

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

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

18 “(A) A registry identification cardholder or designated primary
19 caregiver; or

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

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

24 “(c) Subject to the limits established in ORS 475B.831 and 475B.834,
25 marijuana seeds and immature marijuana plants to another medical
26 marijuana grow site or other person as specified by the commission
27 by rule.

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

30 “(a) A medical marijuana grow site;

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

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

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

4 **“(7)(a) The commission shall establish application, registration and**
5 **renewal fees under this section.**

6 **“(b) Fees adopted under this section may not exceed, together with**
7 **other fees collected under ORS 475B.010 to 475B.545, the cost of ad-**
8 **ministering ORS 475B.010 to 475B.545.**

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

12 **“(8)(a) The commission shall consult with the Oregon Health Au-**
13 **thority in adopting rules under this section.**

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

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

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

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

24 **“(A) 12 mature marijuana plants;**

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

27 **“(C) The number established by the Oregon Liquor Control Com-**
28 **mission by rule of immature marijuana plants that are less than 24**
29 **inches in height.**

30 **“(b) Except as provided in paragraph (c) of this subsection, if the**

1 **medical marijuana grow site is located in an area other than an area**
2 **described in paragraph (a) of this subsection, no more than:**

3 **“(A) 48 mature marijuana plants;**

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

6 **“(C) The number established by the commission by rule of imma-**
7 **ture marijuana plants that are less than 24 inches in height.**

8 **“(c) If the medical marijuana grow site, on or before April 1, 2021,**
9 **is in compliance with the production limits in ORS 475B.831 (3)(b) or**
10 **(4)(b) in effect on January 1, 2015, was approved by the Oregon Health**
11 **Authority as a grandfathered grow site under rules adopted by the**
12 **authority and:**

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

15 **“(i) 24 mature marijuana plants;**

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

18 **“(iii) The number established by the commission by rule of imma-**
19 **ture marijuana plants that are less than 24 inches in height.**

20 **“(B) Is located in an area other than an area described in subpara-**
21 **graph (A) of this paragraph, no more than:**

22 **“(i) 96 mature marijuana plants;**

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

25 **“(iii) The number established by the commission by rule of imma-**
26 **ture marijuana plants that are less than 24 inches in height.**

27 **“(2) In adopting rules under this section, the commission shall**
28 **consult with the authority and may adopt by reference rules adopted**
29 **by the authority relating to plant possession limits.**

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

1 “(a) Ensure the system developed and maintained under ORS
2 475B.177 is capable of tracking the transfer of marijuana items
3 produced at a medical marijuana grow site registered under section 3
4 of this 2021 Act.

5 “(b) Treat information related to medical marijuana grow sites
6 registered under section 3 of this 2021 Act in the same manner as the
7 information described in ORS 475B.541.

8 “(2) The commission may suspend, revoke or refuse to issue a reg-
9 istration under section 3 of this 2021 Act or require a registrant or
10 representative of a registrant to complete training specified by the
11 commission if the commission finds, or has reasonable grounds to be-
12 lieve, that the registrant or representative of the registrant:

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

15 “(b) Has made any false representation or statement to the com-
16 mission in order to induce or prevent action by the commission;

17 “(c) Is insolvent or incompetent or physically unable to carry on the
18 management of the medical marijuana grow site;

19 “(d) Is in the habit of using alcoholic liquor, habit-forming drugs,
20 marijuana or controlled substances to excess;

21 “(e) Has misrepresented to a registry identification cardholder,
22 consumer or the public any marijuana items transferred by the regis-
23 trant or representative of the registrant; or

24 “(f) Since the issuance of a registration under section 3 of this 2021
25 Act, has been convicted of a felony, violating any of the marijuana
26 laws of this state or ordinances of a local government in this state or
27 any misdemeanor if the felony, violation or misdemeanor was com-
28 mitted on the premises for which the registration was issued.

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

30 “SECTION 6. (1) In addition to any other penalty provided by law,

1 **the Oregon Liquor Control Commission may impose, for each violation**
2 **of ORS 475B.010 to 475B.545 or of a rule adopted under ORS 475B.010**
3 **to 475B.545, by a medical marijuana grow site a civil penalty that does**
4 **not exceed \$500 for each day that the violation occurs.**

5 **“(2) The commission shall impose civil penalties under this section**
6 **in the manner provided in ORS 183.745.**

7 **“(3) All moneys collected pursuant to this section shall be deposited**
8 **into the Marijuana Control and Regulation Fund established under**
9 **ORS 475B.296.**

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

11 **“475B.136. (1) To produce marijuana for medical purposes, a marijuana**
12 **producer that holds a license issued under ORS 475B.070 must register with**
13 **the Oregon Liquor Control Commission under this section.**

14 **“(2) The commission shall register a marijuana producer for the purpose**
15 **of producing marijuana for medical purposes if the marijuana producer:**

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

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

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

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

21 **“(3) Subject to subsection (4) of this section, a marijuana producer regis-**
22 **tered under this section may produce marijuana plants on a medically des-**
23 **ignated grow canopy in addition to producing marijuana plants on the grow**
24 **canopy allowed under rules adopted under ORS 475B.085. The commission**
25 **shall specify the size of medically designated grow canopies by rule, provided**
26 **that the size of any medically designated grow canopy does not exceed 10**
27 **percent of the total size of both the medically designated grow canopy and**
28 **the grow canopy allowed under rules adopted under ORS 475B.085 at the time**
29 **that the marijuana producer applies for registration under this section.**

30 **“(4) A marijuana producer registered under this section must provide, for**

1 no consideration, at least 75 percent of the annual yield of usable marijuana
2 harvested from the marijuana producer’s medically designated grow canopy
3 to registry identification cardholders and designated primary caregivers.

4 “(5) A marijuana producer registered under this section may not, during
5 a single transaction, provide a registry identification cardholder or the des-
6 ignated primary caregiver of a registry identification cardholder an amount
7 of usable marijuana that exceeds the amount of usable marijuana that a
8 registry identification cardholder and a designated primary caregiver may
9 jointly possess under ORS 475B.834.

10 “(6) A marijuana producer registered under this section may provide im-
11 mature marijuana plants to a person responsible for a marijuana grow site
12 registered under ORS 475B.810, **a medical marijuana grow site**, a registry
13 identification cardholder or a designated primary caregiver of a registry
14 identification cardholder.

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

17 “(b) The rules must establish sanctions for failure to meet the require-
18 ments of this section or a rule adopted under this section, including revoca-
19 tion of permission for the marijuana producer’s medically designated grow
20 canopy.

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

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

26 “475B.206. (1) Except as provided in ORS 475B.136 and 475B.873 **and**
27 **section 3 of this 2021 Act**, a marijuana producer that holds a license issued
28 under ORS 475B.070, marijuana processor that holds a license issued under
29 ORS 475B.090 [*or*], marijuana wholesaler that holds a license issued under
30 ORS 475B.100 **or medical marijuana grow site registered under section**

1 **3 of this 2021 Act** may deliver marijuana items only to or on a premises for
2 which a license has been issued under ORS 475B.070, 475B.090, 475B.100 or
3 475B.105, or to a registry identification cardholder or designated primary
4 caregiver as allowed under ORS 475B.010 to 475B.545.

5 **“(2) Except as provided in section 3 of this 2021 Act for medical**
6 **marijuana grow sites,** a licensee to which marijuana items may be deliv-
7 ered under subsection (1) of this section may receive marijuana items only
8 from:

9 **“(a)** A marijuana producer that holds a license issued under ORS
10 475B.070, marijuana processor that holds a license issued under ORS
11 475B.090, marijuana wholesaler that holds a license issued under ORS
12 475B.100, marijuana retailer that holds a license issued under ORS 475B.105
13 or a laboratory licensed under ORS 475B.560;

14 **“(b)** A researcher of cannabis that holds a certificate issued under ORS
15 475B.286 and that transfers limited amounts of marijuana, usable marijuana,
16 cannabinoid products, cannabinoid concentrates and cannabinoid extracts in
17 accordance with procedures adopted under ORS 475B.286 (3)(d) and (e);

18 **“(c)** A marijuana grow site registered under ORS 475B.810, marijuana
19 processing site registered under ORS 475B.840, or a medical marijuana
20 dispensary registered under ORS 475B.858, acting in accordance with proce-
21 dures adopted by the Oregon Liquor Control Commission under ORS
22 475B.167; [*or*]

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

26 **“(e) A medical marijuana grow site registered under section 3 of**
27 **this 2021 Act acting in accordance with section 3 of this 2021 Act and**
28 **any procedures adopted by rule by the commission.**

29 **“(3)** The sale of marijuana items by a marijuana retailer that holds a li-
30 cense issued under ORS 475B.105 must be restricted to the premises for

1 which the license has been issued, but deliveries may be made by a
2 marijuana retailer to consumers pursuant to a bona fide order received at
3 the premises prior to delivery.

4 “(4) The commission may by order waive the requirements of subsections
5 (1) and (2) of this section to ensure compliance with ORS 475B.010 to
6 475B.545 or a rule adopted under ORS 475B.010 to 475B.545. An order issued
7 under this subsection does not constitute a waiver of any other requirement
8 of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010
9 to 475B.545.

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

11 “475B.477. (1) As used in this section, ‘designated primary caregiver,’
12 ‘immature marijuana plant,’ ‘marijuana,’ ‘medical cannabinoid product’ and
13 ‘registry identification cardholder’ have the meanings given those terms in
14 ORS 475B.791.

15 “(2) A city or county may not adopt an ordinance, by referral or other-
16 wise, that prohibits or otherwise limits:

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

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

20 “(A) Possess the seeds of marijuana, immature marijuana plants or med-
21 ical cannabinoid products as described in ORS 475B.785 to 475B.949; **or**

22 “[*B*] *Jointly possess up to six mature marijuana plants and up to 12 im-*
23 *mature marijuana plants under ORS 475B.831 (1); or]*

24 “[*C*] **(B)** Jointly possess up to 24 ounces of usable marijuana under ORS
25 475B.834 (1)[.]; **or**

26 **“(c) The right of a person designated to produce marijuana under**
27 **ORS 475B.810 to produce up to the number of marijuana plants de-**
28 **scribed in ORS 475B.831 (3).**

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

30 “475B.526. (1) Marijuana is:

1 “(a) A crop for the purposes of ‘farm use’ as defined in ORS 215.203;
2 “(b) A crop for purposes of a ‘farm’ and ‘farming practice,’ both as defined
3 in ORS 30.930;
4 “(c) A product of farm use as described in ORS 308A.062; and
5 “(d) The product of an agricultural activity for purposes of ORS 568.909.
6 “(2) Notwithstanding ORS chapters 195, 196, 197, 215 and 227, the follow-
7 ing are not permitted uses on land designated for exclusive farm use:
8 “(a) A new dwelling used in conjunction with a marijuana crop;
9 “(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used
10 in conjunction with a marijuana crop; and
11 “(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283
12 (2)(a), carried on in conjunction with a marijuana crop.
13 “(3) A county may allow the production of marijuana as a farm use on
14 land zoned for farm or forest use in the same manner as the production of
15 marijuana is allowed in exclusive farm use zones under this section and ORS
16 215.213, 215.283 and 475B.063.
17 “(4) This section applies to:
18 “(a) Marijuana producers that hold a license issued under ORS 475B.070;
19 “(b) Persons registered under ORS 475B.810 and designated to produce
20 marijuana by one or more persons who hold valid registry identification
21 cards issued under ORS 475B.797; [and]
22 “(c) For the purpose of producing marijuana or propagating immature
23 marijuana plants, researchers of cannabis that hold a certificate issued under
24 ORS 475B.286; **and**
25 “(d) **Medical marijuana grow sites registered under section 3 of this**
26 **2021 Act.**
27 “**SECTION 11.** ORS 475B.791 is amended to read:
28 “475B.791. As used in ORS 475B.785 to 475B.949:
29 “(1) ‘Attending physician’ means a physician licensed under ORS chapter
30 677 who has primary responsibility for the care and treatment of a person

1 diagnosed with a debilitating medical condition.

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

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

6 “(a) A mechanical extraction process;

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

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

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

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

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

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

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

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

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

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

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

3 “(A) Cachexia;

4 “(B) Severe pain;

5 “(C) Severe nausea;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 part of the plant Cannabis family Cannabaceae and the seeds of the plant
2 Cannabis family Cannabaceae.

3 “(b) ‘Marijuana’ does not include:

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

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

9 “(12) ‘Marijuana grow site’ means a location registered under ORS
10 475B.810 where marijuana is produced for use by a registry identification
11 cardholder.

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

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

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

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

22 “(A) Usable marijuana by itself;

23 “(B) A cannabinoid concentrate by itself;

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

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

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

29 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
30 session, delivery or administration of marijuana, or use of paraphernalia

1 used to administer marijuana, to mitigate the symptoms or effects of a de-
2 bilitating medical condition.

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

9 “(19) ‘Process’ means the compounding or conversion of marijuana into
10 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
11 tracts.

12 “(20) ‘Production’ means:

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

14 “(b) Drying marijuana leaves or flowers.

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

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

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

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

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

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

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

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

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

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

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

11 “(2) Rules adopted under this section must require an applicant for a
12 registry identification card, or a registry identification cardholder who
13 produces marijuana or who designates another person to produce marijuana,
14 to submit an application to the authority containing the following informa-
15 tion at the time of making an application under ORS 475B.797 (2), renewing
16 a registry identification card under ORS 475B.797 (6)(b), or notifying the
17 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
21 the marijuana grow site is not the owner of the premises of the marijuana
22 grow site, signed informed consent from the owner of the premises to register
23 the premises as a marijuana grow site;

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

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

27 “(3)(a) The authority shall conduct a criminal records check under ORS
28 181A.195 of any person whose name is submitted under this section as the
29 person responsible for a marijuana grow site.

30 “(b) A person convicted of a Class A or Class B felony under ORS 475.752

1 to 475.920 for the manufacture or delivery of a controlled substance in
2 Schedule I or Schedule II may not act as or be designated a person respon-
3 sible for a marijuana grow site for two years from the date of conviction.

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

8 “(4) Subject to subsection [(11)] **(12)** of this section, the authority shall
9 issue a marijuana grow site registration card if the requirements of sub-
10 sections (2) and (3) of this section are met.

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

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

16 “(7)(a) All seeds, immature marijuana plants, mature marijuana plants
17 and usable marijuana associated with the production of marijuana for a
18 registry identification cardholder by a person responsible for a marijuana
19 grow site are the property of the registry identification cardholder.

20 “(b) All seeds, immature marijuana plants, mature marijuana plants and
21 usable marijuana associated with the production of marijuana for a registry
22 identification cardholder by a person responsible for a marijuana grow site
23 must be transferred to the registry identification cardholder upon the request
24 of the registry identification cardholder.

25 “(c) All usable marijuana associated with the production of marijuana for
26 a registry identification cardholder by a person responsible for a marijuana
27 grow site must be transferred to a marijuana processing site upon the re-
28 quest of the registry identification cardholder. For purposes of this para-
29 graph, a request to transfer usable marijuana constitutes an assignment of
30 the right to possess the usable marijuana.

1 “(d) All seeds, immature marijuana plants and usable marijuana associ-
2 ated with the production of marijuana for a registry identification cardholder
3 by a person responsible for a marijuana grow site must be transferred to a
4 medical marijuana dispensary upon request of the registry identification
5 cardholder. For purposes of this paragraph, a request to transfer seeds, im-
6 mature marijuana plants or usable marijuana constitutes an assignment of
7 the right to possess the seeds, immature marijuana plants or usable
8 marijuana.

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

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

15 “(9) The authority may inspect:

16 “(a) The marijuana grow site of a person designated to produce marijuana
17 by a registry identification cardholder to ensure compliance with this section
18 and ORS 475B.816 and 475B.831 and any rule adopted under this section and
19 ORS 475B.816 and 475B.831; and

20 “(b) The records of the marijuana grow site of a person designated to
21 produce marijuana by a registry identification cardholder to ensure compli-
22 ance with this section and ORS 475B.816 and any rule adopted under this
23 section and ORS 475B.816.

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

1 “(11) A marijuana grow site registered under this section may not
2 produce marijuana for more than two registry identification
3 cardholders.

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

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

9 “475B.831. (1)[(a)] A registry identification cardholder and the designated
10 primary caregiver of the registry identification cardholder may jointly pos-
11 sess:

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

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

14 “[(b)(A) *Unless an address is the marijuana grow site of a person desig-*
15 *nated to produce marijuana by a registry identification cardholder, the address*
16 *where a registry identification cardholder or the primary caregiver of a regis-*
17 *try identification cardholder produces marijuana may be used to produce not*
18 *more than:]*

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

21 “[(ii) *Twelve or fewer immature marijuana plants per registry identification*
22 *cardholder, up to 24 immature marijuana plants.]*

23 “[(B) *Except as provided in subparagraph (C) of this paragraph, an address*
24 *that is subject to this paragraph may not be used to produce plants in the*
25 *genus Cannabis within the plant family Cannabaceae pursuant to ORS*
26 *475B.301.]*

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

1 *produce marijuana plants pursuant to ORS 475B.785 to 475B.949 resides at the*
2 *address.]*

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

5 *“(2)(a) (2) A person may be designated to produce marijuana under ORS*
6 *475B.810 by no more than [eight] two registry identification cardholders.*

7 *“(b) (3) A person responsible for a marijuana grow site may produce for*
8 *a registry identification cardholder who designates the person to produce*
9 *marijuana no more than:*

10 *“(A) (a) Six mature marijuana plants;*

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

13 *“(C) (c) The [amount,] number established by the Oregon Health Au-*
14 *thority by rule[,] of immature marijuana plants that are less than 24 inches*
15 *in height.*

16 *“(3) If the address of a person responsible for a marijuana grow site reg-*
17 *istered under ORS 475B.810 is located within city limits in an area zoned for*
18 *residential use:]*

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

21 *“(A) 12 mature marijuana plants;]*

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

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

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

30 *“(A) The amount of mature marijuana plants located at that address on*

1 *December 31, 2014, in excess of 12 mature marijuana plants, not to exceed 24*
2 *mature marijuana plants;]*

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

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

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

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

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

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

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

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

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

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

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

28 *“[(5)(a) If the authority suspends or revokes the registration of a person*
29 *responsible for a marijuana grow site that is located at an address described*
30 *in subsection (3)(b) of this section, no more than the following amounts of*

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

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

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

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

9 “[(b) *If the authority suspends or revokes the registration of a person re-*
10 *sponsible for a marijuana grow site that is located at an address described in*
11 *subsection (4)(b) of this section, no more than the following amounts of*
12 *marijuana plants may subsequently be produced at any address described in*
13 *subsection (4) of this section at which the person responsible for the marijuana*
14 *grow site produces marijuana.]*

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

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

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

20 “[(6) *If a registry identification cardholder who designated a person to*
21 *produce marijuana for the registry identification cardholder pursuant to ORS*
22 *475B.810 terminates the designation, the person responsible for the marijuana*
23 *grow site whose designation has been terminated may not be designated to*
24 *produce marijuana by another registry identification cardholder, except that*
25 *the person may be designated by another registry identification cardholder if*
26 *no more than 48 mature marijuana plants and no more than 96 immature*
27 *marijuana plants that are 24 or more inches in height are produced at the*
28 *address for the marijuana grow site at which the person produces*
29 *marijuana.]*

30 “[(7) *Subject to the limits described in subsections (2) to (6) of this section,*

1 *if multiple persons responsible for a marijuana grow site under ORS 475B.810*
2 *are located at the same address, the persons designated to produce marijuana*
3 *by registry identification cardholders who are located at that address may*
4 *collectively produce marijuana plants for any number of registry identification*
5 *cardholders who designate the persons to produce marijuana.]*

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

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

12 “[8] (5) If a law enforcement officer determines that there is a number
13 of marijuana plants at an address in excess of the quantities specified in this
14 section, or that an address is being used to produce a number of marijuana
15 plants in excess of the quantities specified in subsection [(1)(b)] (3) or (4)
16 of this section, the law enforcement officer may confiscate only the excess
17 number of marijuana plants.

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

19 “475B.913. (1) Except as provided in ORS 475B.910, a person has an affir-
20 mative defense to a criminal charge of possession, delivery or manufacture
21 of marijuana, or any other criminal offense in which possession, delivery or
22 manufacture of marijuana is an element, if the person charged with the of-
23 fense:

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

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

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

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

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

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

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

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

22 **“SECTION 15. (1) Sections 2 to 6 of this 2021 Act and the amend-**
23 **ments to ORS 475B.136, 475B.206, 475B.477, 475B.526, 475B.791, 475B.810,**
24 **475B.831 and 475B.913 by sections 7 to 14 of this 2021 Act become oper-**
25 **ative on January 1, 2022.**

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

1 and powers conferred on the authority and the commission by sections
2 2 to 6 of this 2021 Act and the amendments to ORS 475B.136, 475B.206,
3 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913 by sections
4 7 to 14 of this 2021 Act.

5 **“SECTION 16. (1) Until June 1, 2022, the Oregon Health Authority**
6 **may renew a registration issued under ORS 475B.810 if the initial reg-**
7 **istration was issued before September 1, 2021.**

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

9 **“(a) Register a marijuana grow site under ORS 475B.810 that**
10 **produces marijuana for more than two registry identification**
11 **cardholders, regardless of the number of persons designated to produce**
12 **marijuana by registry identification cardholders at the marijuana grow**
13 **site; or**

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

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

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

22 **“(b) Before September 1, 2021, the medical marijuana grow site is**
23 **designated to produce marijuana for three or more registry identifi-**
24 **cation cardholders or is a marijuana grow site at which marijuana is**
25 **produced by three or more persons designated to produce marijuana;**
26 **and**

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

29 **“(2)(a) Notwithstanding section 3 (4) of this 2021 Act, not later than**
30 **June 1, 2022, a registry identification cardholder who designated a**

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

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

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

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

22
