

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 758**

1 On page 1 of the printed bill, line 2, delete “475B.139,”.

2 In line 4, delete “475B.807,”.

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

4

5 **“OREGON MEDICAL AND THERAPEUTIC CANNABIS ACT**

6

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

9 **“SECTION 2. (1)(a) A person designated to produce marijuana by a**
10 **registry identification cardholder may transfer, pursuant to an agree-**
11 **ment entered into with the registry identification cardholder and sub-**
12 **ject to the limits established in ORS 475B.825, 475B.831 and 475B.834,**
13 **all or part of the seeds, immature marijuana plants and usable**
14 **marijuana associated with the production of marijuana described in**
15 **this subsection to another registry identification cardholder or the**
16 **other registry identification cardholder’s designated primary**
17 **caregiver.**

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

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

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

3 “SECTION 3. The Oregon Health Authority shall include on a
4 website dedicated to the authority and on a website dedicated to the
5 program administered under ORS 475B.785 to 475B.949 a statement de-
6 claring that cannabis is to be treated as a medicine for Oregonians of
7 all ages, the program administered under ORS 475B.785 to 475B.949 is
8 a public health program and the authority is dedicated to ensuring
9 equitable access to the program for all Oregonians. The authority shall
10 adopt and abide by internal policies that focus on ensuring equitable
11 access to the program for all Oregonians.

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

15 “(1) Ensure the highest level of protection and privacy for infor-
16 mation submitted and maintained in the databases established under
17 ORS 475B.879 and 475B.882, the electronic system established under
18 ORS 475B.892 and the tracking system established under ORS 475B.177;

19 “(2) Continually revise information handling and submission pro-
20 cesses to reduce multiple submissions of personally identifiable infor-
21 mation in the databases established under ORS 475B.879 and 475B.882,
22 the electronic system established under ORS 475B.892 and the tracking
23 system established under ORS 475B.177; and

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

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

30 “475B.788. ORS 475B.785 to 475B.949 shall be known as the Oregon Med-

1 ical [*Marijuana*] and **Therapeutic Cannabis Act.**

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

3 “475B.791. As used in ORS 475B.785 to 475B.949:

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

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

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

14 “(a) A mechanical extraction process;

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

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

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

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

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

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

30 “(b) A chemical extraction process using the hydrocarbon-based solvent

1 carbon dioxide, if the process uses high heat or pressure; or

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

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

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

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

11 “(A) Cachexia;

12 “(B) Severe pain;

13 “(C) Severe nausea;

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

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

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

20 “(A) **Chronic anxiety; and**

21 “(B) **Chronic depression; or**

22 “(d) Any other medical condition or side effect related to the treatment
23 of a medical condition adopted by the Oregon Health Authority by rule
24 [or], approved by the authority pursuant to a petition filed under ORS
25 475B.946 **or as determined by an attending provider in the professional**
26 **judgment and ongoing medical oversight of the attending provider.**

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

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

1 “(8)(a) ‘Designated primary caregiver’ means an individual:
2 “(A) Who is 18 years of age or older;
3 “(B) Who has significant responsibility for managing the well-being of a
4 person who has been diagnosed with a debilitating medical condition; and
5 “(C) Who is designated as the person responsible for managing the well-
6 being of a person who has been diagnosed with a debilitating medical con-
7 dition on that person’s application for a registry identification card or in
8 other written notification submitted to the authority.
9 “(b) ‘Designated primary caregiver’ does not include a person’s attending
10 [*physician*] **provider**.
11 “(9) ‘High heat’ means a temperature exceeding 180 degrees.
12 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not
13 flowering.
14 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
15 part of the plant Cannabis family Cannabaceae and the seeds of the plant
16 Cannabis family Cannabaceae.
17 “(b) ‘Marijuana’ does not include:
18 “(A) Industrial hemp, as defined in ORS 571.269; or
19 “(B) Prescription drugs, as that term is defined in ORS 689.005, including
20 those containing one or more cannabinoids, that are approved by the United
21 States Food and Drug Administration and dispensed by a pharmacy, as de-
22 fined in ORS 689.005.
23 “(12) ‘Marijuana grow site’ means a location registered under ORS
24 475B.810 where marijuana is produced for use by a registry identification
25 cardholder.
26 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-
27 istered under ORS 475B.840 or a site for which an applicant has submitted
28 an application for registration under ORS 475B.840.
29 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an
30 immature marijuana plant.

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

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

6 “(A) Usable marijuana by itself;

7 “(B) A cannabinoid concentrate by itself;

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

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

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

13 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
14 session, delivery or administration of marijuana, or use of paraphernalia
15 used to administer marijuana, to mitigate the symptoms or effects of a de-
16 bilitating medical condition.

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

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

26 “(20) ‘Production’ means:

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

28 “(b) Drying marijuana leaves or flowers.

29 “(21) ‘Registry identification card’ means a document issued by the
30 Oregon Health Authority under ORS 475B.797 that identifies a person au-

1 thORIZED to engage in the medical use of marijuana and, if the person has a
2 designated primary caregiver under ORS 475B.804, the person’s designated
3 primary caregiver.

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

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

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

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

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

11 “(24) ‘Written documentation’ means a statement signed by the attending
12 [*physician*] **provider** of a person diagnosed with a debilitating medical con-
13 dition or copies of the person’s relevant medical records.

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

15 “475B.797. (1) The Oregon Health Authority shall establish a program for
16 the issuance of registry identification cards to applicants who meet the re-
17 quirements of this section.

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

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

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

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

30 “[*d*] *Proof of residency, submitted in a form required by the authority by*

1 *rule;*]

2 “[*(e)*] **(d)** The name and address of the applicant’s designated primary
3 caregiver, if the applicant is designating a primary caregiver under ORS
4 475B.804; and

5 “[*(f)*] **(e)** The information described in ORS 475B.810 (2), if the applicant
6 is applying to produce marijuana or designate another person under ORS
7 475B.810 to produce marijuana.

8 “(3)(a) The authority shall issue a registry identification card to an ap-
9 plicant who is under 18 years of age if:

10 “(A) The applicant pays the fee and submits the application described in
11 subsection (2) of this section; and

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

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

18 “(ii) The custodial parent or legal guardian consents to the medical use
19 of marijuana by the applicant;

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

22 “(iv) The custodial parent or legal guardian agrees to control the acqui-
23 sition, dosage and frequency of the medical use of marijuana by the appli-
24 cant.

25 “(b) An applicant who is under 18 years of age may not apply to produce
26 marijuana under subsection [*(2)(f)*] **(2)(e)** of this section.

27 “(4) The authority shall:

28 “(a) On the date on which the authority receives an application described
29 in subsection (2) of this section, issue a receipt to the applicant verifying
30 that the authority received an application under subsection (2) or (3) of this

1 section; and

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

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

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

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

12 “(C) If the registry identification cardholder designated a primary
13 caregiver under ORS 475B.804, the name and address of the registry iden-
14 tification cardholder’s designated primary caregiver; and

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

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

20 **“(c) If an applicant under subsection (2) of this section provides**
21 **written documentation from the applicant’s attending provider that**
22 **the attending provider has diagnosed the applicant as having a debili-**
23 **tating medical condition of which the applicant cannot be cured and**
24 **the authority approves the applicant’s application, the authority shall**
25 **issue to the applicant a permanent registry identification card that**
26 **contains the information described in paragraph (a)(A), (C) and (D)**
27 **of this subsection and that is not subject to the renewal requirements**
28 **under subsection (6)(b) of this section.**

29 “(6) A registry identification cardholder shall:

30 “(a) In a form and manner prescribed by the authority, notify the au-

1 thority of any change concerning the registry identification cardholder's:

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

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

6 “(C) Person responsible for a marijuana grow site, including the desig-
7 nation of a person responsible for a marijuana grow site made at a time
8 other than at the time of applying for or renewing a registry identification
9 card.

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

14 “(A) Updated written documentation from the registry identification
15 cardholder's attending [*physician*] **provider** stating that the registry iden-
16 tification cardholder still has a debilitating medical condition and that the
17 medical use of marijuana may mitigate the symptoms or effects of the regis-
18 try identification cardholder's debilitating medical condition;

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

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

25 “(7) The authority shall:

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

30 “(b) Approve or deny an application received under subsection (6)(b) of

1 this section within 30 days after receiving the application.

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

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

16 “(9)(a) The authority may deny an application for a registry identification
17 card or an application to renew a registry identification card, or may sus-
18 pend or revoke a registry identification card, if:

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

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

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

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

30 “(c) A person whose application is denied, or whose registry identification

1 card is revoked, under this subsection may not reapply for a registry iden-
2 tification card for six months from the date of the denial or revocation un-
3 less otherwise authorized by the authority.

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

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

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

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

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

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

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

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

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

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

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

17 “**SECTION 8.** ORS 475B.801 is amended to read:

18 “475B.801. A designated primary caregiver may assist the designating
19 registry identification cardholder with any matter related to the medical use
20 of marijuana, including:

21 “(1) The production of marijuana at the address provided by the registry
22 identification cardholder to the Oregon Health Authority pursuant to ORS
23 475B.797 [(2)(f)] **(2)(e)**; and

24 “(2) The processing of marijuana into cannabinoid concentrates or med-
25 ical cannabinoid products.

26 “**SECTION 9.** ORS 475B.810 is amended to read:

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

1 try identification cardholder.

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

4 “(c) Paragraph (b) of this subsection does not apply to the production of
5 marijuana as provided in ORS 475B.010 to 475B.545 or as otherwise provided
6 for by the statutory laws of this state **or the production of marijuana for
7 medical use by a registry identification cardholder who produces
8 marijuana only for the use of the registry identification cardholder.**

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

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

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

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

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

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

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

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

1 *marijuana grow site for two years from the date of conviction.]*

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

6 “[4] (3) Subject to subsection [(11)] (10) of this section, the authority
7 shall issue a marijuana grow site registration card if the requirements of
8 [subsections (2) and (3)] **subsection (2)** of this section are met.

9 “[5] (4) A person who holds a marijuana grow site registration card
10 under this section must display the card at the marijuana grow site at all
11 times.

12 “[6] (5) A marijuana grow site registration card must be obtained and
13 posted for each registry identification cardholder for whom marijuana is be-
14 ing produced at a marijuana grow site.

15 “[7(a)] (6)(a) **Except as provided in section 2 of this 2021 Act**, all
16 seeds, immature marijuana plants, mature marijuana plants and usable
17 marijuana associated with the production of marijuana for a registry iden-
18 tification cardholder by a person responsible for a marijuana grow site are
19 the property of the registry identification cardholder.

20 “(b) **Except as provided in section 2 of this 2021 Act**, all seeds, imma-
21 ture marijuana plants, mature marijuana plants and usable marijuana asso-
22 ciated with the production of marijuana for a registry identification
23 cardholder by a person responsible for a marijuana grow site must be trans-
24 ferred to the registry identification cardholder upon the request of the reg-
25 istry identification cardholder.

26 “(c) **Except as provided in section 2 of this 2021 Act**, all usable
27 marijuana associated with the production of marijuana for a registry iden-
28 tification cardholder by a person responsible for a marijuana grow site must
29 be transferred to a marijuana processing site upon the request of the registry
30 identification cardholder. For purposes of this paragraph, a request to

1 transfer usable marijuana constitutes an assignment of the right to possess
2 the usable marijuana.

3 “(d) **Except as provided in section 2 of this 2021 Act**, all seeds, imma-
4 ture marijuana plants and usable marijuana associated with the production
5 of marijuana for a registry identification cardholder by a person responsible
6 for a marijuana grow site must be transferred to a medical marijuana
7 dispensary upon request of the registry identification cardholder. For pur-
8 poses of this paragraph, a request to transfer seeds, immature marijuana
9 plants or usable marijuana constitutes an assignment of the right to possess
10 the seeds, immature marijuana plants or usable marijuana.

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

13 “[8] (7) A registry identification cardholder, or the designated caregiver
14 of a registry identification cardholder, may reimburse a person responsible
15 for a marijuana grow site for all costs associated with the production of
16 marijuana for the registry identification cardholder.

17 “[9] (8) The authority may inspect:

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

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

26 “[10] (9) The authority may refuse to register a registry identification
27 cardholder or a designee under this section or may suspend or revoke the
28 registration of a person responsible for a marijuana grow site if the author-
29 ity determines that the applicant or the person responsible for a marijuana
30 grow site violated a provision of ORS 475B.785 to 475B.949, a rule adopted

1 under ORS 475B.785 to 475B.949 or an ordinance adopted pursuant to ORS
2 475B.928.

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

7 **“SECTION 10.** ORS 475B.816 is amended to read:

8 “475B.816. (1) A person designated to produce marijuana by a registry
9 identification cardholder must submit to the Oregon Health Authority, in a
10 form and manner established by the authority by rule, the following infor-
11 mation related to the production of marijuana:

12 “(a) The number of mature marijuana plants and immature marijuana
13 plants, the amount of marijuana leaves and flowers being dried, and the
14 amount of usable marijuana, in the person’s possession;

15 “(b) The number of mature marijuana plants and immature marijuana
16 plants, and the amount of usable marijuana, that the person transfers to each
17 registry identification cardholder for whom the person produces marijuana;

18 “(c) The amount of usable marijuana that the person transfers to each
19 marijuana processing site; and

20 “(d) The number of immature marijuana plants, and the amount of usable
21 marijuana, that the person transfers to each medical marijuana dispensary.

22 “(2) The authority shall by rule require a person designated to produce
23 marijuana by a registry identification cardholder to submit the information
24 described in subsection (1) of this section once each month. The authority
25 may not employ any method other than that described in this section to ob-
26 tain information related to the production of marijuana from a person des-
27 ignated to produce marijuana by a registry identification cardholder.

28 “(3) In addition to submitting the information as required by subsection
29 (1) of this section, a person designated to produce marijuana by a registry
30 identification cardholder must keep a record of the information described in

1 subsection (1) of this section for two years after the date on which the person
2 submits the information to the authority.

3 **“(4) A person designated to produce marijuana by a registry iden-**
4 **tification cardholder is not subject to this section if the person desig-**
5 **nated to produce marijuana possesses 12 or fewer mature marijuana**
6 **plants.**

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

8 “475B.822. Notwithstanding ORS 475B.810 [(7)] (6), a person responsible
9 for a marijuana grow site may enter into an agreement with a registry
10 identification cardholder under which the registry identification cardholder
11 assigns, to the person responsible for the marijuana grow site, a portion of
12 the right to possess the seeds, immature marijuana plants and usable
13 marijuana that are the property of the registry identification cardholder.

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

15 “475B.831. (1)(a) A registry identification cardholder and the designated
16 primary caregiver of the registry identification cardholder may jointly pos-
17 sess:

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

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

20 “(b)(A) Unless an address is the marijuana grow site of a person desig-
21 nated to produce marijuana by a registry identification cardholder, the ad-
22 dress where a registry identification cardholder or the primary caregiver of
23 a registry identification cardholder produces marijuana may be used to
24 produce not more than:

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

27 “(ii) Twelve or fewer immature marijuana plants per registry identifica-
28 tion cardholder, up to 24 immature marijuana plants.

29 “(B) Except as provided in subparagraph (C) of this paragraph, an address
30 that is subject to this paragraph may not be used to produce plants in the

1 genus Cannabis within the plant family Cannabaceae pursuant to ORS
2 475B.301.

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

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

11 “(2)(a) A person may be designated to produce marijuana under ORS
12 475B.810 by no more than eight registry identification cardholders.

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

16 “(A) Six mature marijuana plants;

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

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

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

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

27 “(A) 12 mature marijuana plants;

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

30 “(C) The [*amount*] **number**, established by the authority by rule, of im-

1 mature marijuana plants that are less than 24 inches in height; or

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

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

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

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

14 “(4) If the address of a person responsible for a marijuana grow site reg-
15 istered under ORS 475B.810 is located in an area other than an area de-
16 scribed in subsection (3) of this section:

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

20 “(A) 48 mature marijuana plants;

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

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

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

30 “(A) The [*amount*] **number** of mature marijuana plants located at that

1 address on December 31, 2014, in excess of 48 mature marijuana plants, not
2 to exceed 96 mature marijuana plants;

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

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

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

13 “(A) 12 mature marijuana plants;

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

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

18 “(b) If the authority suspends or revokes the registration of a person re-
19 sponsible for a marijuana grow site that is located at an address described
20 in subsection (4)(b) of this section, no more than the following [*amounts*]
21 **numbers** of marijuana plants may subsequently be produced at any address
22 described in subsection (4) of this section at which the person responsible for
23 the marijuana grow site produces marijuana:

24 “(A) 48 mature marijuana plants;

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

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

29 “(6) If a registry identification cardholder who designated a person to
30 produce marijuana for the registry identification cardholder pursuant to ORS

1 475B.810 terminates the designation, the person responsible for the marijuana
2 grow site whose designation has been terminated may not be designated to
3 produce marijuana by another registry identification cardholder, except that
4 the person may be designated by another registry identification cardholder
5 if no more than 48 mature marijuana plants and no more than 96 immature
6 marijuana plants that are 24 or more inches in height are produced at the
7 address for the marijuana grow site at which the person produces marijuana.

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

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

20 **“(9) This section does not apply to a marijuana grow site that:**

21 **“(a) Is located at an address within city limits, or within an urban**
22 **growth boundary, where a marijuana grow site may be restricted in**
23 **size;**

24 **“(b) Does not exceed 250 square feet in total area;**

25 **“(c) Cannot be seen by normal unaided vision from a public place**
26 **at ground level; and**

27 **“(d) Is not used to produce marijuana for more than two registry**
28 **identification cardholders.**

29 **“SECTION 13.** ORS 475B.837 is amended to read:

30 “475B.837. A person to whom a registry identification card has been is-

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

7 **“SECTION 14.** ORS 475B.840 is amended to read:

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

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

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

16 “(2) The registration system established under subsection (1) of this sec-
17 tion must require an applicant for a marijuana processing site to submit an
18 application to the authority that includes:

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

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

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

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

28 “(e) Documentation, as required by the authority by rule, that demon-
29 strates the marijuana processing site meets the requirements of subsection
30 (3) of this section; and

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

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

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

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

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

10 “[4(a) *The authority shall conduct a criminal records check under ORS*
11 *181A.195 for each individual named in an application under subsection (2) of*
12 *this section.*]

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

17 “[c) *An individual convicted more than once for the manufacture or deliv-*
18 *ery of a controlled substance in Schedule I or Schedule II may not own or be*
19 *responsible for a marijuana processing site.*]

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

28 “[6] (5) A marijuana processing site that is registered under this section
29 is not required to register with the State Board of Pharmacy under ORS
30 475.125.

1 “[7] (6) The individual or individuals responsible for a marijuana pro-
2 cessing site shall maintain documentation of each transfer of usable
3 marijuana, medical cannabinoid products, cannabinoid concentrates and
4 cannabinoid extracts.

5 “[8] (7) The authority may inspect:

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

10 “(b) The records of a registered marijuana processing site to ensure com-
11 pliance with subsection [(7)] (6) of this section.

12 “[9] (8) Subject to the provisions of ORS chapter 183, the authority may
13 refuse to register an applicant under this section or may suspend or revoke
14 the registration of a marijuana processing site if the authority determines
15 that the applicant, the owner of the marijuana processing site, a person re-
16 sponsible for the marijuana processing site, or an employee of the marijuana
17 processing site, violated a provision of ORS 475B.785 to 475B.949, a rule
18 adopted under ORS 475B.785 to 475B.949 or an ordinance adopted pursuant
19 to ORS 475B.928.

20 “[10] (9) The authority shall adopt rules to implement this section, in-
21 cluding rules that:

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

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

26 “(c) Require that medical cannabinoid products, cannabinoid concentrates
27 and cannabinoid extracts transferred by a marijuana processing site be tested
28 to ensure the public health and safety; and

29 “(d) Impose any other standard on the operation of a marijuana process-
30 ing site to ensure the public health and safety.

1 **“SECTION 15.** ORS 475B.858 is amended to read:

2 “475B.858. (1)(a) The Oregon Health Authority shall establish by rule a
3 medical marijuana dispensary registration system for the purpose of tracking
4 and regulating the transfer of:

5 “(A) Usable marijuana, immature marijuana plants and seeds from regis-
6 try identification cardholders, designated primary caregivers and persons
7 responsible for marijuana grow sites to medical marijuana dispensaries;

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

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

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

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

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

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

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

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

1 “(e) Documentation, as required by the authority by rule, that demon-
2 strates the medical marijuana dispensary meets the requirements of sub-
3 section (3) of this section; and

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

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

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

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

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

11 “(d) Except as provided under ORS 475B.864, may not be located within
12 1,000 feet of:

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

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

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

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

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

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

28 “[c) *An individual convicted more than once for the manufacture or deliv-*
29 *ery of a controlled substance in Schedule I or Schedule II may not own or be*
30 *responsible for a medical marijuana dispensary.*]

1 “[5] (4) If a person submits the application required under subsection (2)
2 of this section, if the medical marijuana dispensary identified in the appli-
3 cation meets the requirements of this section and any rules adopted under
4 this section [*and if each individual named in the application passes the*
5 *criminal records check required under subsection (4) of this section*], the au-
6 thority shall register the medical marijuana dispensary and issue proof of
7 registration. Proof of registration must be displayed on the premises of the
8 medical marijuana dispensary at all times.

9 “[6] (5) A medical marijuana dispensary that is registered under this
10 section is not required to register with the State Board of Pharmacy under
11 ORS 475.125.

12 “[7] (6) The individual or individuals responsible for a medical
13 marijuana dispensary shall maintain documentation of each transfer of usa-
14 ble marijuana, medical cannabinoid products, cannabinoid concentrates,
15 cannabinoid extracts, immature marijuana plants and seeds.

16 “[8] (7) The authority may inspect:

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

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

23 “[9] (8) Subject to the provisions of ORS chapter 183, the authority may
24 refuse to register an applicant under this section or may suspend or revoke
25 the registration of a medical marijuana dispensary if the authority deter-
26 mines that the applicant, the owner of the medical marijuana dispensary, a
27 person responsible for the medical marijuana dispensary, or an employee of
28 the medical marijuana dispensary, violated a provision of ORS 475B.785 to
29 475B.949, a rule adopted under ORS 475B.785 to 475B.949 or an ordinance
30 adopted pursuant to ORS 475B.928.

1 “[(10)] (9) The authority shall adopt rules to implement this section, in-
2 cluding rules that:

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

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

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

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

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

16 “**SECTION 16.** ORS 475B.885 is amended to read:

17 “475B.885. (1) Any personally identifiable information, as defined in ORS
18 432.005, other than a name of an individual or an address submitted with an
19 application under ORS 475B.840 or 475B.858, that the Oregon Health Au-
20 thority collects and maintains for purposes of registering a marijuana grow
21 site under ORS 475B.810, a marijuana processing site under ORS 475B.840,
22 or a medical marijuana dispensary under ORS 475B.858, is confidential and
23 not subject to public disclosure under ORS 192.311 to 192.478, except that the
24 authority may provide personally identifiable information to a person regis-
25 tered under ORS 475B.785 to 475B.949 if the registrant requests the infor-
26 mation and the information is related to a designation made under ORS
27 475B.785 to 475B.949.

28 “(2) Any personally identifiable information, as defined in ORS 432.005,
29 submitted to the authority under ORS 475B.816, 475B.846 or 475B.867 or
30 pursuant to ORS 475B.879 is confidential and not subject to public disclosure

1 under ORS 192.311 to 192.478.

2 “(3) Any record that the authority keeps or maintains for purposes related
3 to the installation or maintenance of a security system by a medical
4 marijuana dispensary pursuant to rules adopted under ORS 475B.858 [(10)]
5 **(9)** is confidential and not subject to public disclosure under ORS 192.311 to
6 192.478.

7 **“SECTION 17.** ORS 475B.898 is amended to read:

8 “475B.898. (1) A person responsible for a marijuana processing site, or a
9 person responsible for a medical marijuana dispensary, may designate that
10 responsibility to another person.

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

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

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

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

18 **“SECTION 18.** ORS 475B.901 is amended to read:

19 “475B.901. (1) A person responsible for a marijuana processing site, or a
20 person responsible for a medical marijuana dispensary, may assign that re-
21 sponsibility to another person.

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

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

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

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

29 **“SECTION 19.** ORS 475B.904 is amended to read:

30 “475B.904. (1) In the event that a marijuana processing site or a medical

1 marijuana dispensary is foreclosed or otherwise ceases operations as de-
2 scribed in ORS chapter 79, a secured party, as defined in ORS 79.0102, may
3 continue operations at the marijuana processing site or medical marijuana
4 dispensary upon submitting to the Oregon Health Authority proof that the
5 secured party or, if the secured party is a business entity, any individual
6 who has a financial interest in the secured party, meets the requirements and
7 restrictions set forth in:

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

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

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

12 **“SECTION 20.** ORS 475B.913 is amended to read:

13 “475B.913. (1) Except as provided in ORS 475B.910, a person has an affir-
14 mative defense to a criminal charge of possession, delivery or manufacture
15 of marijuana, or any other criminal offense in which possession, delivery or
16 manufacture of marijuana is an element, if the person charged with the of-
17 fense:

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

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

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

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

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

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

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

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

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

16 “**SECTION 21.** ORS 475B.916 is amended to read:

17 “475B.916. [*The Oregon Medical Board*] **A health professional regula-**
18 **tory board that licenses an attending provider** may not impose a civil
19 penalty or take other disciplinary action against an attending [*physician*]
20 **provider** for:

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

29 “(2) Providing the written documentation necessary for issuance or re-
30 newal of a registry identification card under ORS 475B.797, provided that the

1 written documentation is based on the attending [*physician's*] **provider's**
2 personal assessment of the person's medical history and current medical
3 condition and the attending [*physician*] **provider** has discussed with the
4 person the potential risks and benefits associated with the medical use of
5 marijuana[.]; or

6 **“(3) Recommending to or discussing with a person described in**
7 **subsection (1) of this section, or educating a person described in sub-**
8 **section (1) of this section about, the medical use of marijuana.**

9 **“SECTION 22. (1) The Oregon Health Authority and the Oregon Li-**
10 **quor Control Commission shall, in collaboration, study and determine:**

11 **“(a) A method for the commission to provide to the authority in-**
12 **formation related to the transfer of marijuana items from marijuana**
13 **retailers, as defined in ORS 475B.015 and licensed under ORS 475B.105,**
14 **to registry identification cardholders, as defined in ORS 475B.791; and**

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

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

24 **“SECTION 23. (1) The Oregon Health Authority and the Oregon**
25 **Cannabis Commission shall, in collaboration, identify necessary mod-**
26 **ifications in order to:**

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

30 **“(b) Issue registry identification cards under ORS 475B.797 that are**

1 valid for at least four years;

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

4 “(d) Discontinue the requirement that a registry identification
5 cardholder who produces marijuana for use only by the registry iden-
6 tification cardholder obtain a marijuana grow site registration card
7 under ORS 475B.810;

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

12 “(f) Align the renewal timeline for registry identification cards is-
13 sued under ORS 475B.797 and marijuana grow site registration cards
14 issued under ORS 475B.810;

15 “(g) Eliminate the marijuana plant production limit and any re-
16 quirement for marijuana grow site consent forms for a marijuana
17 grow site at which marijuana for medical use is produced only a by a
18 registry identification cardholder for use by only the registry identifi-
19 cation cardholder; and

20 “(h) Eliminate the requirement that a marijuana grow site obtain
21 and post a marijuana grow site registration card under ORS 475B.810
22 for each registry identification cardholder for whom marijuana is be-
23 ing produced at the marijuana grow site.

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

30 “SECTION 24. Sections 22 and 23 of this 2021 Act are repealed on

1 **January 2, 2023.**

2 **“SECTION 25. ORS 475B.794, 475B.843 and 475B.861 are repealed.**

3 **“SECTION 26. (1) Sections 2 to 4 of this 2021 Act, the amendments**
4 **to ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.816,**
5 **475B.822, 475B.831, 475B.837, 475B.840, 475B.858, 475B.885, 475B.898,**
6 **475B.901, 475B.904, 475B.913 and 475B.916 by sections 5 to 21 of this 2021**
7 **Act and the repeal of ORS 475B.794, 475B.843 and 475B.861 by section**
8 **25 of this 2021 Act become operative on January 1, 2022.**

9 **“(2) A health professional regulatory board described in ORS**
10 **475B.816, the Oregon Health Authority and the Oregon Liquor Control**
11 **Commission may take any action before the operative date specified**
12 **in subsection (1) of this section that is necessary to enable the au-**
13 **thority, the commission and the boards to exercise, on and after the**
14 **operative date specified in subsection (1) of this section, all of the du-**
15 **ties, functions and powers conferred on the authority, the commission**
16 **and the boards by sections 2 to 4 of this 2021 Act, the amendments to**
17 **ORS 475B.788, 475B.791, 475B.797, 475B.801, 475B.810, 475B.816, 475B.822,**
18 **475B.831, 475B.837, 475B.840, 475B.858, 475B.885, 475B.898, 475B.901,**
19 **475B.904, 475B.913 and 475B.916 by sections 5 to 21 of this 2021 Act and**
20 **the repeal of ORS 475B.794, 475B.843 and 475B.861 by section 25 of this**
21 **2021 Act.**

22

23

“TESTING RESULTS

24

25 **“SECTION 27. Section 28 of this 2021 Act is added to and made a**
26 **part of ORS 475B.550 to 475B.590.**

27 **“SECTION 28. (1) A marijuana retailer licensed under ORS 475B.105**
28 **and a medical marijuana dispensary, as defined in ORS 475B.791, shall**
29 **publish on a website operated by or on behalf of the marijuana retailer**
30 **or medical marijuana dispensary the results of testing required under**

1 **ORS 475B.555 for each marijuana item sold by the marijuana retailer**
2 **or medical marijuana dispensary if the testing included a complete**
3 **terpene profile.**

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

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

8 **“SECTION 29. (1) Section 28 of this 2021 Act becomes operative on**
9 **January 1, 2022.**

10 **“(2) The Oregon Health Authority and the Oregon Liquor Control**
11 **Commission may take any action before the operative date specified**
12 **in subsection (1) of this section that is necessary to enable the au-**
13 **thority and the commission to exercise, on and after the operative**
14 **date specified in subsection (1) of this section, all of the duties, func-**
15 **tions and powers conferred on the authority and the commission by**
16 **section 28 of this 2021 Act.**

17

18 **“OREGON LIQUOR CONTROL COMMISSION LICENSEES**

19

20 **“SECTION 30. Sections 31 and 33 of this 2021 Act are added to and**
21 **made a part of ORS 475B.010 to 475B.545.**

22 **“SECTION 31. (1) The Oregon Liquor Control Commission shall**
23 **collaborate with the Oregon Health Authority and the Oregon**
24 **Cannabis Commission to establish a registry identification cardholder**
25 **care and accommodation program to ensure that registry identifica-**
26 **tion cardholders, including registry identification cardholders residing**
27 **in a residential facility as defined in ORS 443.400, have long-term ac-**
28 **cess to marijuana for medical use from marijuana retailers licensed**
29 **under ORS 475B.105. The program established under this section must**
30 **include, but is not limited to, the following:**

1 “(a) Minimum standards for availability and quality of marijuana
2 items;

3 “(b) Expanded registry identification cardholder services;

4 “(c) Compensation for licensees;

5 “(d) Access for registry identification cardholders to marijuana
6 items at no cost and to package doses of marijuana items; and

7 “(e) For individuals who hold permits issued under ORS 475B.266,
8 training related to access to and use of marijuana for medical use.

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

14 “SECTION 32. Section 31 of this 2021 Act applies to applications for
15 licenses or renewal of licenses under ORS 475B.070, 475B.090, 475B.100
16 or 475B.105 submitted on or after the operative date specified in section
17 34 of this 2021 Act.

18 “SECTION 33. (1) A marijuana retailer licensed under ORS 475B.105
19 may transfer marijuana items to an individual who provides to the
20 marijuana retailer proof that the individual is the holder of a medical
21 marijuana patient card issued by another state.

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

23 “(a) Post in an area visible to the public a notice that an individual
24 described in subsection (1) of this section is not exempt from ORS
25 475B.227 or 475B.831; and

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

29 “(3) The Oregon Liquor Control Commission:

30 “(a) May adopt rules regarding the validity of medical marijuana

1 patient cards described under subsection (1) of this section; and
2 “(b) Shall adopt rules to establish requirements for the notice de-
3 scribed under subsection (2) of this section.

4 “SECTION 34. (1) Sections 31 and 33 of this 2021 Act become opera-
5 tive on January 1, 2022.

6 “(2) The Oregon Liquor Control Commission, the Oregon Health
7 Authority and the Oregon Cannabis Commission may take any action
8 before the operative date specified in subsection (1) of this section that
9 is necessary to enable the commissions and the authority to exercise,
10 on and after the operative date specified in subsection (1) of this sec-
11 tion, all of the duties, functions and powers conferred on the com-
12 missions and the authority by sections 31 and 33 of this 2021 Act.

13

14 “OREGON CANNABIS COMMISSION

15

16 “SECTION 35. ORS 475B.952 is amended to read:

17 “475B.952. (1) The Oregon Cannabis Commission is established within the
18 Oregon Health Authority. The commission consists of:

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

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

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

23 “(B) A person designated to produce marijuana by a registry identifica-
24 tion cardholder, as defined in ORS 475B.791;

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

26 “(D) A person representing the Oregon Health Authority;

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

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

29 “(G) A law enforcement officer; and

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

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

7 “(3) The appointment of each member of the commission is subject to
8 confirmation by the Senate in the manner prescribed in ORS 171.562 and
9 171.565.

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

14 **“SECTION 36.** ORS 475B.961 is amended to read:

15 “475B.961. (1) In addition to any other duty prescribed by law, the Oregon
16 Cannabis Commission shall:

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

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

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

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

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

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

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

28 **“(C) The future role of the Oregon Cannabis Commission with re-
29 spect to the possible framework;**

30 **“[(1)] (b) [Provide advice to] Collaborate with the Oregon Health Au-**

1 thority [*with respect to*] **in** the administration of ORS 475B.785 to 475B.949;
2 “[2] (c) [*Provide advice to*] **Collaborate with** the Oregon Liquor Control
3 Commission [*with respect to*] **in** the administration of ORS 475B.010 to
4 475B.545, insofar as those statutes pertain to registry identification
5 cardholders and designated primary caregivers, as those terms are defined in
6 ORS 475B.791;

7 “[3] (d) Develop a long-term strategic plan for ensuring that cannabis
8 will remain a therapeutic option for persons with debilitating medical con-
9 ditions as defined in ORS 475B.791;

10 “[4] (e) Develop a long-term strategic plan for ensuring that cannabis
11 will remain affordable for persons with debilitating medical conditions as
12 defined in ORS 475B.791; and

13 “[5] (f) Monitor and study federal laws, regulations and policies re-
14 garding marijuana.

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

26 **“SECTION 37. (1) The amendments to ORS 475B.952 and 475B.961 by**
27 **sections 35 and 36 of this 2021 Act become operative on January 1, 2022.**

28 **“(2) The Oregon Cannabis Commission may take any action before**
29 **the operative date specified in subsection (1) of this section that is**
30 **necessary to enable the commission to exercise, on and after the op-**

1 **erative date specified in subsection (1) of this section, all of the duties,**
2 **functions and powers conferred on the commission by the amendments**
3 **to ORS 475B.952 and 475B.961 by sections 35 and 36 of this 2021 Act.**

4
5 **“OTHER AMENDMENTS**

6
7 **“SECTION 38.** ORS 475B.020 is amended to read:

8 “475B.020. ORS 475B.010 to 475B.545 may not be construed:

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

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

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

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

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

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

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

27 **“SECTION 39.** ORS 475B.220 is amended to read:

28 “475B.220. (1) As used in this section, ‘information that may be used to
29 identify a consumer’ means information that may be acquired through the
30 production of a piece of identification as described in ORS 475B.216, whether

1 the information is contained in a piece of identification described in ORS
2 475B.216 or in a different document or record.

3 “(2) A consumer may not be required to procure for the purpose of ac-
4 quiring or purchasing a marijuana item a piece of identification other than:

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

6 “(b)(A) If the consumer is a registry identification cardholder, as defined
7 in ORS 475B.791, a registry identification card, as defined in ORS
8 475B.791[.]; or

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

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

15 “(4) A marijuana retailer may not transfer any information that may be
16 used to identify a consumer to any other person.

17 “(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer
18 may record and retain the name and contact information of a consumer for
19 the purpose of notifying the consumer of services that the marijuana retailer
20 provides or of discounts, coupons and other marketing information if:

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

23 “(B) The consumer consents to the recording and retention of the infor-
24 mation.

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

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

30 **“SECTION 40.** ORS 475B.531 is amended to read:

1 “475B.531. Except for ORS 475B.526 and 475B.529, ORS 475B.010 to
2 475B.545:

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

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

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

10 “475B.570. ORS 475B.550 to 475B.590 do not apply to:

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

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

17 “(b) A person who has been designated as the primary caregiver under
18 ORS 475B.804 of a person who holds a registry identification card under ORS
19 475B.797 and who designated the person responsible for the marijuana grow
20 site to grow marijuana for the person who holds a registry identification
21 card; [*or*]

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

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

30 **“SECTION 42.** ORS 475B.630 is amended to read:

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

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

5 “(A) A person who holds a registry identification card under ORS
6 475B.797 and who designated the person responsible for the marijuana grow
7 site to grow marijuana for the person who holds a registry identification
8 card; or

9 “(B) A person who has been designated as the primary caregiver under
10 ORS 475B.804 of a person who holds a registry identification card under ORS
11 475B.797, and who designated the person responsible for the marijuana grow
12 site to grow marijuana for the person who holds a registry identification
13 card; [or]

14 “(b) A person who has been designated as the primary caregiver under
15 ORS 475B.804 of a person who holds a registry identification card under ORS
16 475B.797 if the person is transferring a marijuana item to the person who
17 holds a registry identification card[.]; or

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

22 “(2) The labeling and packaging requirements and standards of ORS
23 475B.600 to 475B.655 do not apply to a marijuana processor registered under
24 ORS 475B.139 when the marijuana processor receives marijuana and usable
25 marijuana from, and for a fee processes that marijuana and usable marijuana
26 into cannabinoid products, cannabinoid concentrates and cannabinoid ex-
27 tracts for, a registry identification cardholder or the designated primary
28 caregiver of a registry identification cardholder.

29 **“SECTION 43.** ORS 475B.707 is amended to read:

30 “475B.707. (1) As used in this section, ‘designated primary caregiver,’

1 ‘registry identification card’ and ‘registry identification cardholder’ have the
2 meanings given those terms in ORS 475B.791.

3 “(2) Notwithstanding ORS 475B.705:

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

9 “(b) A marijuana retailer may not collect the tax imposed under ORS
10 475B.705 from a consumer if, at the time at which the retail sale of the
11 marijuana item occurs, the consumer provides proof to the marijuana retailer
12 that the consumer:

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

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

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

18 “(3) The Department of Revenue:

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

24 “(b) May adopt rules establishing procedures by which the department
25 may verify that a marijuana retailer collects the tax imposed under ORS
26 475B.705 from consumers of marijuana items who are not registry identifi-
27 cation cardholders [*or*], designated primary caregivers **or holders of med-**
28 **ical marijuana patient cards issued by other states.**

29 “**SECTION 44.** ORS 475B.759, as amended by section 10, chapter 2,
30 Oregon Laws 2021 (Ballot Measure 110 (2020)), is amended to read:

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

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

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

7 “(b) Subject to subsection (4) of this section, and after making the trans-
8 fer of moneys required by subsection (7) of this section, the department shall
9 transfer quarterly 20 percent of the moneys in the Oregon Marijuana Ac-
10 count as follows:

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

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

20 “(ii) Twenty-five percent of the 10 percent must be transferred in shares
21 that reflect the number of licenses held pursuant to ORS 475B.070, 475B.090,
22 475B.100 and 475B.105 on the last business day of the calendar quarter pre-
23 ceding the date of the transfer for premises located in each city compared
24 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100
25 and 475B.105 on the last business day of that calendar quarter for all prem-
26 ises in this state located in cities; and

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

29 “(i) Fifty percent of the 10 percent must be transferred in shares that re-
30 flect the total commercially available area of all grow canopies associated

1 with marijuana producer licenses held pursuant to ORS 475B.070 on the last
2 business day of the calendar quarter preceding the date of the transfer for
3 all premises located in each county compared to the total commercially
4 available area of all grow canopies associated with marijuana producer li-
5 censes held pursuant to ORS 475B.070 on the last business day of that cal-
6 endar quarter for all premises located in this state; and

7 “(ii) Fifty percent of the 10 percent must be transferred in shares that
8 reflect the number of licenses held pursuant to ORS 475B.090, 475B.100 and
9 475B.105 on the last business day of the calendar quarter preceding the date
10 of the transfer for premises located in each county compared to the number
11 of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last
12 business day of that calendar quarter for all premises in this state.

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

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

19 “(B) [*Twenty*] **Nineteen** percent of the moneys in the account must be
20 used solely for mental health treatment or for alcohol and drug abuse pre-
21 vention, early intervention and treatment;

22 “(C) [*Fifteen*] **Fourteen** percent of the moneys in the account must be
23 used solely for purposes for which moneys in the State Police Account es-
24 tablished under ORS 181A.020 may be used; [*and*]

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

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

30 “(4)(a) A city that has an ordinance prohibiting the establishment of a

1 premises for which issuance of a license under ORS 475B.070, 475B.090,
2 475B.100 or 475B.105 is required is not eligible to receive transfers of moneys
3 under subsection (3)(b)(A) of this section.

4 “(b) A county that has an ordinance prohibiting the establishment of a
5 premises for which issuance of a license under ORS 475B.070 is required is
6 not eligible to receive transfers of moneys under subsection (3)(b)(B)(i) of
7 this section.

8 “(c) A county that has an ordinance prohibiting the establishment of a
9 premises for which issuance of a license under ORS 475B.090, 475B.100 or
10 475B.105 is required is not eligible to receive transfers of moneys under
11 subsection (3)(b)(B)(ii) of this section.

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

19 “(b) If the Director of the Oregon Department of Administrative Services
20 determines that a city or county received a transfer of moneys under sub-
21 section (3)(b) of this section but was ineligible to receive that transfer under
22 subsection (4) of this section, the director shall provide notice to the ineli-
23 gible city or county and order the city or county to return the amount re-
24 ceived to the Department of Revenue, with interest as described under
25 paragraph (f) of this subsection. A city or county may appeal the order
26 within 30 days of the date of the order under the procedures for a contested
27 case under ORS chapter 183.

28 “(c) As soon as the order under paragraph (b) of this subsection becomes
29 final, the director shall notify the Department of Revenue and the ineligible
30 city or county. Upon notification, the Department of Revenue immediately

1 shall proceed to collect the amount stated in the notice.

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

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

11 “(f) Interest under this section shall accrue at the rate established in ORS
12 305.220 beginning on the date the ineligible transfer was made.

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

17 “(6)(a) Not later than July 1 of each year, each city and county in this
18 state shall certify with the Oregon Department of Administrative Services
19 whether the city or county has an ordinance prohibiting the establishment
20 of a premises for which issuance of a license under ORS 475B.070, 475B.090,
21 475B.100 or 475B.105 is required. The certification shall be made concurrently
22 with the certifications under ORS 221.770, in a form and manner prescribed
23 by the Oregon Department of Administrative Services.

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

28 “(c) A city or county that repeals an ordinance as provided in ORS
29 475B.496 shall file an updated certification with the Oregon Department of
30 Administrative Services in a form and manner prescribed by the department,

1 noting the effective date of the change. A city or county that repeals an or-
2 dinance as provided in ORS 475B.496 is eligible to receive quarterly transfers
3 of moneys under this section for quarters where the repeal is effective for
4 the entire quarter and the updated certification was filed at least 30 days
5 before the date of transfer.

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

10 **“SECTION 45. (1) The amendments to ORS 475B.020, 475B.220,
11 475B.531, 475B.570, 475B.630, 475B.707 and 475B.759 by sections 38 to 44
12 of this 2021 Act become operative on January 1, 2022.**

13 **“(2) The Department of Revenue and the Oregon Liquor Control
14 Commission may take any action before the operative date specified
15 in subsection (1) of this section that is necessary to enable the de-
16 partment and commission to exercise, on and after the operative date
17 specified in subsection (1) of this section, all of the duties, functions
18 and powers conferred on the department and the commission by the
19 amendments to ORS 475B.020, 475B.220, 475B.531, 475B.570, 475B.630,
20 475B.707 and 475B.759 by sections 38 to 44 of this 2021 Act.**

21

22

“CAPTIONS

23

24 **“SECTION 46. The unit captions used in this 2021 Act are provided
25 only for the convenience of the reader and do not become part of the
26 statutory law of this state or express any legislative intent in the
27 enactment of this 2021 Act.**

28

29

“EFFECTIVE DATE

30

