

HB 2263-5
(LC 2420)
3/30/21 (SCT/ps)

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2263**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “creating new provisions; amending ORS 475B.177, 475B.539 and
3 475B.825; and prescribing an effective date.”.

4 Delete lines 4 through 11 and insert:

5 **“SECTION 1. Sections 2 and 3 of this 2021 Act are added to and
6 made a part of ORS 475B.010 to 475B.545.**

7 **“SECTION 2. (1)(a) The Oregon Liquor Control Commission may
8 allow a marijuana producer that holds a license issued under ORS
9 475B.070 and a marijuana processor that holds a license issued under
10 ORS 475B.090 to establish an internal inventory tracking system to
11 track the propagation of immature marijuana plants and the pro-
12 duction of marijuana by the marijuana producer and the processing
13 of marijuana by the marijuana processor.**

14 **“(b) An internal tracking system established under this subsection
15 may provide for tracking by batch, as defined by the commission by
16 rule.**

17 **“(2) The commission may audit and review an internal tracking
18 system established under subsection (1) of this section and continue
19 to allow a marijuana producer or marijuana processor to use an
20 internal tracking system in lieu of the system developed and main-
21 tained under ORS 475B.177 if the commission determines that the**

1 **internal tracking system achieves the purposes described in ORS**
2 **475B.177 (2).**

3 **“SECTION 3. (1) Except as provided in subsection (2) of this section,**
4 **the Oregon Liquor Control Commission may not require the use of**
5 **individual plant tags for purposes of tracking under ORS 475B.177 or**
6 **section 2 of this 2021 Act.**

7 **“(2) The commission may require the use of individual plant tags**
8 **for the purposes described in subsection (1) of this section if no alter-**
9 **native system of tracking that meets the requirements of ORS 475B.177**
10 **is available at a reasonable cost.**

11 **“SECTION 4. ORS 475B.177 is amended to read:**

12 **“475B.177. (1) The Oregon Liquor Control Commission shall develop and**
13 **maintain a system for tracking the transfer of marijuana items between**
14 **premises for which licenses have been issued under ORS 475B.010 to**
15 **475B.545.**

16 **“(2) The purposes of the system developed and maintained under this**
17 **section include, but are not limited to:**

18 **“(a) Preventing the diversion of marijuana items to criminal enterprises,**
19 **gangs, cartels and other states;**

20 **“(b) Preventing persons from substituting or tampering with marijuana**
21 **items;**

22 **“(c) Ensuring an accurate accounting of the [*production,*] processing and**
23 **sale of marijuana items;**

24 **“(d) Ensuring that laboratory testing results are accurately reported; and**

25 **“(e) Ensuring compliance with ORS 475B.010 to 475B.545, rules adopted**
26 **under ORS 475B.010 to 475B.545 and any other law of this state that charges**
27 **the commission with a duty, function or power related to marijuana.**

28 **“(3) The commission shall track, through the system developed and**
29 **maintained under this section [*must be capable of tracking, at a minimum*]:**

30 **“(a) Except as provided in section 2 of this 2021 Act, the propagation**

1 of immature marijuana plants and the production of marijuana by a
2 marijuana producer;

3 “(b) **Except as provided in section 2 of this 2021 Act**, the processing
4 of marijuana by a marijuana processor;

5 “(c) The receiving, storing and delivering of marijuana items by a
6 marijuana wholesaler;

7 “(d) The sale of marijuana items by a marijuana retailer to a consumer;

8 “(e) The sale and purchase of marijuana items between licensees, as per-
9 mitted by ORS 475B.010 to 475B.545;

10 “(f) The transfer of marijuana items between premises for which licenses
11 have been issued under ORS 475B.010 to 475B.545; and

12 “(g) Any other information that the commission determines is reasonably
13 necessary to accomplish the duties, functions and powers of the commission
14 under ORS 475B.010 to 475B.545.

15 “**SECTION 5.** ORS 475B.539 is amended to read:

16 “475B.539. (1) Notwithstanding ORS 475B.206 or any other provision pro-
17 hibiting the transportation of marijuana items to or from a location for
18 which a license has not been issued under ORS 475B.010 to 475B.545 or pro-
19 hibiting the possession of marijuana items at a location for which a license
20 has not been issued under ORS 475B.010 to 475B.545, a licensee may trans-
21 port marijuana items to and exhibit marijuana items at a trade show, the
22 Oregon State Fair or a similar event if:

23 “(a) The marijuana items are tracked using the system developed and
24 maintained under ORS 475B.177 **or established under section 2 of this 2021**
25 **Act**;

26 “(b) All of the marijuana items are returned to a premises for which a
27 license has been issued under ORS 475B.010 to 475B.545 immediately after the
28 conclusion of the event; and

29 “(c) The licensee complies with any other requirement imposed by the
30 Oregon Liquor Control Commission by rule or order for the purpose of en-

1 suring the security of the marijuana items, for the purpose of preventing
2 minors from having access to the marijuana items or for any other purpose
3 deemed relevant by the commission.

4 “(2) The commission shall adopt rules to implement this section.

5 **“SECTION 6.** ORS 475B.825 is amended to read:

6 “475B.825. (1) Subject to subsection (2) of this section, a marijuana grow
7 site may transfer up to 20 pounds of usable marijuana per year to a person
8 that holds a license issued under ORS 475B.090 or 475B.100, provided that:

9 “(a) The transfer is tracked using the system developed and maintained
10 under ORS 475B.177 **or established under section 2 of this 2021 Act;**

11 “(b) More than 12 mature marijuana plants are produced at the marijuana
12 grow site;

13 “(c) The usable marijuana has been assigned to the person responsible for
14 the marijuana grow site pursuant to ORS 475B.822;

15 “(d) The usable marijuana has been tested in accordance with the pro-
16 visions of ORS 475B.550 to 475B.590; and

17 “(e) The marijuana grow site first registered with the Oregon Health
18 Authority under ORS 475B.810 on or before August 2, 2017.

19 “(2) If the Oregon Liquor Control Commission determines that the supply
20 of marijuana items offered for sale by marijuana retailers that hold a license
21 issued under ORS 475B.105 is exceeding consumer demand for the marijuana
22 items, and if the commission determines that the market for marijuana items
23 in this state will not self-correct for the excess, the commission may issue
24 an order that temporarily reduces the amount of usable marijuana that may
25 be transferred pursuant to this section or that temporarily suspends the
26 ability to transfer usable marijuana pursuant to this section.

27 **“SECTION 7. (1) Section 2 of this 2021 Act and the amendments to**
28 **ORS 475B.177, 475B.539 and 475B.825 by sections 4 to 6 of this 2021 Act**
29 **become operative on January 1, 2022.**

30 **“(2) Section 3 of this 2021 Act becomes operative on July 1, 2023.**

1 **“(3) The Oregon Liquor Control Commission may take any action**
2 **before the operative date specified in subsection (1) of this section that**
3 **is necessary to enable the commission to exercise, on and after the**
4 **operative date specified in subsection (1) of this section, all of the du-**
5 **ties, functions and powers conferred on the commission by section 2**
6 **of this 2021 Act and the amendments to ORS 475B.177, 475B.539 and**
7 **475B.825 by sections 4 to 6 of this 2021 Act.**

8 **“SECTION 8. This 2021 Act takes effect on the 91st day after the**
9 **date on which the 2021 regular session of the Eighty-first Legislative**
10 **Assembly adjourns sine die.”.**

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