

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 2281**

1 On page 1 of the printed bill, line 4, delete “571.336,”.

2 In line 5, after “ORS” delete the rest of the line and insert “571.336 and
3 571.341; and declaring an emergency.”.

4 Delete lines 7 through 28 and delete pages 2 through 19 and insert:

5

6 **“OREGON HEMP STATE PROGRAM**

7

8 **“SECTION 1. Sections 2, 3, 5 and 6 of this 2021 Act are added to and
9 made a part of ORS 571.260 to 571.348.**

10 **“SECTION 2. (1) The State Department of Agriculture shall conduct
11 a criminal records check under ORS 181A.195 on an individual who
12 submits an application for a grower license under ORS 571.281.**

13 **“(2) For the purpose of requesting a state or nationwide criminal
14 records check, the department may require fingerprints of any indi-
15 vidual listed on an application submitted under ORS 571.260 to 571.348,
16 including:**

17 **“(a) If the applicant is a limited partnership, each partner of the
18 limited partnership;**

19 **“(b) If the applicant is a limited liability company, each member
20 of the limited liability company;**

21 **“(c) If the applicant is a corporation, each director and officer of**

1 the corporation;

2 “(d) Any individual who is a partner, member, director or officer
3 of an entity with a financial interest in the applicant; and

4 “(e) Other key participants with the applicant, as identified by the
5 department by rule.

6 “(3) ORS 181A.195 (10) does not apply to the department for purposes
7 of conducting a criminal records check under this section.

8 **“SECTION 3. (1) Except as provided in subsection (2) of this section:**

9 “(a) If a person has been convicted of a felony related to a con-
10 trolled substance under state or federal law, the person is ineligible for
11 a license under ORS 571.281 to grow hemp issued by the State Depart-
12 ment of Agriculture for 10 years following the date of the person’s
13 conviction.

14 “(b) If a licensee or an applicant, or a person related to the appli-
15 cant as described in section 2 (2)(e) of this 2021 Act, is convicted of a
16 felony related to a controlled substance under state or federal law, the
17 department may deny, revoke or refuse to renew a grower license un-
18 der ORS 571.281 during the 10 years following the date of conviction.

19 “(2) This section does not apply to a person who was registered to
20 grow hemp with the department before December 20, 2018.

21 **“SECTION 4. Section 3 of this 2021 Act applies to convictions before,
22 on and after December 20, 2018.**

23 **“SECTION 5. The Legislative Assembly finds and declares that the
24 development and administration of the Oregon Hemp State Program
25 described in ORS 571.263 will move the State of Oregon and its resi-
26 dents to the forefront of the hemp industry.**

27 **“SECTION 6. (1) A person licensed under ORS 571.281 may, within
28 the boundaries of this state, transport to or receive from:**

29 **“(a) A person licensed under ORS 571.281 or a laboratory licensed
30 under ORS 475B.560 hemp or a hemp commodity that contains no more**

1 tetrahydrocannabinol than allowed by the State Department of Agri-
2 culture by rule if the hemp or hemp used in the hemp commodity
3 originated from a crop inspected under ORS 571.281 (7) that was found
4 to not contain an average tetrahydrocannabinol concentration ex-
5 ceeding the concentration specified by the department by rule.

6 “(b) A person licensed under ORS 475B.090, 475B.100 or 475B.105
7 hemp or a hemp commodity or product that contains no more
8 tetrahydrocannabinol than allowed by the Oregon Liquor Control
9 Commission by rule if the hemp or hemp used in the hemp commodity
10 originated from a crop inspected under ORS 571.281 (7) that was found
11 to not contain an average tetrahydrocannabinol concentration ex-
12 ceeding the concentration specified by the department by rule.

13 “(2) Hemp or a hemp commodity transported or received as de-
14 scribed in this section may not be considered a ‘marijuana item.’

15 “SECTION 7. ORS 571.260 is amended to read:

16 “571.260. ORS 571.260 to 571.348 shall be known and may be cited as the
17 [*Oregon Industrial Hemp Agricultural Pilot Program and Research Act*]
18 **Oregon Hemp Act.**

19 “SECTION 8. ORS 571.263 is amended to read:

20 “571.263. The State Department of Agriculture shall administer an Oregon
21 [*Industrial Hemp Agricultural Pilot Program for the purpose of studying the*
22 *growth, cultivation and marketing of industrial hemp in this state. In carrying*
23 *out the program, the department:*] **Hemp State Program for the pro-**
24 **duction, processing and sale of hemp in this state. In carrying out the**
25 **program, the department:**

26 “(1) Shall administer ORS 571.260 to 571.348[;].

27 “(2)(a) Shall adopt rules to implement a state plan for the pro-
28 duction of hemp in accordance with the Agriculture Improvement Act
29 of 2018 (P.L. 115-334) and subsequent federal law. The rules adopted
30 under this subsection must conform to, and not be more restrictive

1 **than, the rules related to hemp promulgated by the United States De-**
2 **partment of Agriculture.**

3 **“(b) In adopting rules under this subsection, the State Department**
4 **of Agriculture shall include public input.**

5 **“(c) The rules adopted under this subsection may include the**
6 **adoption by reference of any federal laws, rules, regulations or guide-**
7 **lines, or standards, practices or requirements related to the production**
8 **of hemp.**

9 “[2] (3) Shall adopt by rule any record keeping and reporting require-
10 ments necessary to administer the program[;].

11 “[3] (4) May purchase, possess, seize or dispose of [*industrial*] hemp
12 products or commodities as the [*department*] **State Department of Agri-**
13 **culture** deems necessary to enforce and ensure compliance with ORS 571.260
14 to 571.348 or department rules relating to ORS 571.260 to 571.348[; *and*].

15 “[4] (5) May exercise any other power or perform any other function
16 necessary to administer the program.

17 **“SECTION 9.** ORS 571.269 is amended to read:

18 “571.269. As used in ORS 571.260 to 571.348:

19 “(1) ‘Agricultural hemp seed’ means Cannabis seed:

20 “(a) That is sold to or intended to be sold to [*registered*] **licensed** growers
21 for planting; or

22 “(b) That remains in an unprocessed or partially processed condition that
23 is capable of germination.

24 “(2) ‘Crop’ means [*industrial*] hemp grown under a single [*registration*]
25 **license.**

26 “(3) ‘Grower’ means a person, joint venture or cooperative that produces
27 [*industrial*] hemp.

28 “(4) ‘Handler’ means a person, joint venture or cooperative that receives
29 [*industrial*] hemp for processing into commodities, products or agricultural
30 hemp seed **and any other activities identified by the State Department**

1 **of Agriculture by rule.**

2 “[5) *Industrial hemp*:]

3 “[*(a) Except as provided in this paragraph, means all nonseed parts and*
4 *varieties of the Cannabis plant, whether growing or not, that contain an av-*
5 *erage tetrahydrocannabinol concentration that does not exceed 0.3 percent on*
6 *a dry weight basis. The State Department of Agriculture, by rule, may adopt*
7 *any higher average tetrahydrocannabinol concentration limit established in*
8 *federal law.*]

9 “[*(b) Means any Cannabis seed:*]

10 “[*(A) That is part of a crop;*]

11 “[*(B) That is retained by a grower for future planting;*]

12 “[*(C) That is agricultural hemp seed;*]

13 “[*(D) That is for processing into or for use as agricultural hemp seed; or*]

14 “[*(E) That has been processed in a manner or to an extent that the*
15 *Cannabis seed is incapable of germination.*]

16 “[*(c) Does not mean industrial hemp commodities or products.*]

17 **“(5) ‘Hemp’ means the plant species Cannabis sativa that:**

18 **“(a) Has a tetrahydrocannabinol concentration that complies with**
19 **the concentration specified by the department by rule; and**

20 **“(b) Has the meaning as defined by the department by rule.**

21 **“(6) ‘[Industrial] Hemp concentrate’ means [an industrial] a hemp product**
22 **obtained by separating cannabinoids from [industrial] hemp by:**

23 **“(a) A mechanical process;**

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

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

29 **“(d) Any other process identified by the department by rule.**

30 **“(7) ‘[Industrial] Hemp extract’ means [an industrial] a hemp product ob-**

1 tained by separating cannabinoids from [*industrial*] hemp by:

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

4 “(b) A chemical extraction process using carbon dioxide, if the process
5 uses high heat or pressure; or

6 “(c) Any other process identified by the department by rule.

7 “(8) ‘Licensee’ means a grower, handler, agricultural hemp seed
8 producer or other person licensed under ORS 571.281.

9 “**SECTION 10.** ORS 571.272 is amended to read:

10 “571.272. (1) [*Industrial*] Hemp is an agricultural product that is subject
11 to regulation by the State Department of Agriculture.

12 “(2) For purposes of ORS chapter 616, the department may not consider
13 [*industrial*] hemp or [*industrial*] hemp commodities or products to be an
14 adulterant.

15 “**SECTION 11.** ORS 571.275 is amended to read:

16 “571.275. (1) The Oregon Liquor Control Commission may purchase, pos-
17 sess, seize or dispose of [*industrial*] hemp products or commodities located
18 on a premises licensed under ORS 475B.070, 475B.090, 475B.100, 475B.105 or
19 475B.560 or other area under the control of the premises licensee as the
20 commission deems necessary to enforce and ensure compliance with:

21 “(a) ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to
22 475B.655 or rules adopted by the commission relating to ORS 475B.010 to
23 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655; or

24 “(b) Any provision in ORS 571.260 to 571.348 or in rules adopted by the
25 commission or State Department of Agriculture under ORS 571.260 to 571.348
26 that makes a requirement, restriction or other provision of ORS 475B.010 to
27 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 applicable to [*indus-*
28 *trial*] hemp.

29 “(2) If the commission purchases, possesses, seizes or disposes of [*indus-*
30 *trial*] hemp products or commodities under this section to enforce or ensure

1 compliance with a provision of ORS 571.260 to 571.348 or rule adopted by the
2 department under ORS 571.260 to 571.348 that makes a requirement, re-
3 striction or other provision of ORS 475B.010 to 475B.545, 475B.550 to 475B.590
4 or 475B.600 to 475B.655 applicable to [*industrial*] hemp, the commission shall
5 notify the department of the commission action as soon as practicable.

6 **“SECTION 12.** ORS 571.278 is amended to read:

7 “571.278. There is established in the State Treasury, separate and distinct
8 from the General Fund, the [*Industrial*] Hemp Fund. Interest earned by the
9 fund shall be credited to the fund. The fund shall consist of all moneys
10 credited to or deposited in the fund. Moneys in the fund are continuously
11 appropriated to the State Department of Agriculture for the purposes of im-
12 plementing, administering and enforcing ORS 571.260 to 571.348.

13 **“SECTION 13.** ORS 571.281 is amended to read:

14 “571.281. (1)(a) To grow or handle [*industrial*] hemp, a person must be
15 [*registered with*] **licensed by** the State Department of Agriculture as a
16 grower or handler.

17 **“(b) The department may identify by rule activities related to**
18 **growing or handling hemp in addition to those described in ORS**
19 **571.269, including but not limited to research activities, and may re-**
20 **quire licensure to engage in those activities. The department may is-**
21 **sue, renew, suspend, revoke or refuse to issue or renew a license**
22 **required pursuant to this subsection.**

23 “(2)(a) Only a grower or handler [*registered*] **licensed** under this section
24 may produce agricultural hemp seed. For a grower or handler to produce
25 agricultural hemp seed, the grower or handler must be [*registered with*] **li-**
26 **censed by** the department as an agricultural hemp seed producer.

27 “(b) Notwithstanding paragraph (a) of this subsection:

28 “(A) A grower [*registered*] **licensed** under this section that retains agri-
29 cultural hemp seed for the purpose of personally propagating [*industrial*]
30 hemp in a subsequent year is not required to [*register with*] **be licensed by**

1 the department as an agricultural hemp seed producer; and

2 “(B) A grower or handler [*registered*] **licensed** under this section that
3 produces Cannabis seeds that are incapable of germination, or a handler
4 [*registered*] **licensed** under this section that processes Cannabis seeds that
5 are incapable of germination into commodities or products, is not required
6 to [*register with*] **be licensed by** the department as an agricultural hemp
7 seed producer.

8 “(3) An applicant for [*registration*] **a license** under this section must
9 submit to the department, in a form and manner prescribed by the depart-
10 ment, the following information:

11 “(a) The name and address of the applicant;

12 “(b) The name and address of the [*industrial*] hemp operation of the ap-
13 plicant; and

14 “(c) Any other information required by the department by rule.

15 “(4) [*Registration under this section is valid for a one-year term, beginning*
16 *on January 1.*] **The department shall adopt rules specifying the period**
17 **of time for which a license issued under this section is valid.** A [*grower,*
18 *handler or agricultural hemp seed producer may renew a registration*]
19 **licensee may renew a license** under this section in a form and manner
20 prescribed by the department.

21 “(5) A [*registration*] **license** under this section is a personal privilege and
22 is not transferable.

23 “(6) A grower or handler [*registered*] **licensed** under this section must
24 keep records as required by the department by rule. Upon not less than
25 three days’ notice, the department may subject the records to inspection or
26 audit during normal business hours. The department may make an in-
27 spection or audit for the purpose of ensuring compliance with:

28 “(a) A provision of ORS 571.260 to 571.348;

29 “(b) A rule adopted under a provision of ORS 571.260 to 571.348; or

30 “(c) An order issued by the department pursuant to a provision of ORS

1 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
2 571.348.

3 “(7) In addition to any inspection conducted pursuant to ORS 561.275, the
4 department may inspect any crop during the crop’s growth phase and take
5 a representative composite sample for field analysis. If a crop contains an
6 average tetrahydrocannabinol concentration exceeding [0.3 percent on a dry
7 weight basis or a tetrahydrocannabinol concentration exceeding the concen-
8 tration allowed under federal law, whichever is greater, the department may
9 detain, seize or embargo the crop as] **the concentration specified by the**
10 **department by rule, the department may detain, seize or embargo the**
11 **crop as** provided under ORS 561.605 to 561.620, subject to any process es-
12 tablished under ORS 571.345.

13 “(8)(a) The department may charge [*growers, handlers and agricultural*
14 *hemp seed producers*] **licensees the following fees in amounts reasonably**
15 **calculated by the department to pay the cost of administering ORS**
16 **571.260 to 571.348:**

17 “(A) Application fees[, *registration and renewal of registration fees,*];

18 “(B) **License and license renewal fees;**

19 “(C) Administrative change fees; and

20 “(D) Fees for other services [*in amounts reasonably calculated by the de-*
21 *partment to pay the cost of administering ORS 571.260 to 571.348*].

22 “(b) Moneys from fees charged under this subsection shall be deposited
23 in the [*Industrial*] Hemp Fund established under ORS 571.278.

24 “(9) The department may adopt rules establishing public health and safety
25 standards and industry best practices for [*growers and handlers registered*
26 *under this section.*] **licensees.**

27 “**SECTION 14.** ORS 571.285 is amended to read:

28 “571.285. (1) Subject to the provisions of ORS chapter 183, the State De-
29 partment of Agriculture may revoke [*the registration of a grower, handler or*
30 *agricultural hemp seed producer*] **a licensee’s license** or refuse to [*register*]

1 **license** or renew the [*registration*] **license** if a [*grower, handler or agricul-*
2 *tural hemp seed producer*] **licensee** violates:

3 “(a) A provision of ORS 571.260 to 571.348;

4 “(b) A rule adopted under a provision of ORS 571.260 to 571.348;

5 “(c) An order issued by the department pursuant to a provision of ORS
6 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
7 571.348; or

8 “(d) Any statutory law or department rule related to agricultural activ-
9 ities other than [*industrial*] hemp operations.

10 “[*(2) The department may not discipline a grower, handler or agricultural*
11 *hemp seed producer under this section on the basis that possessing, delivering*
12 *and manufacturing industrial hemp are prohibited by federal law.*]

13 “**(2) The department may adopt rules to prohibit a licensee from**
14 **reapplying for a license under ORS 571.281 for a period of time specified**
15 **by rule by the department if the licensee violates:**

16 “(a) A provision of ORS 571.260 to 571.348;

17 “(b) A rule adopted pursuant to ORS 571.260 to 571.348; or

18 “(c) An order issued by the department pursuant to ORS 571.260 to
19 571.348 or a rule adopted pursuant to ORS 571.260 to 571.348.

20 “**SECTION 15.** ORS 571.288 is amended to read:

21 “571.288. A grower [*registered*] **licensed** under ORS 571.281 may use any
22 propagation method, including planting seeds or starts or the use of clones
23 or cuttings, to produce [*industrial*] hemp.

24 “**SECTION 16.** ORS 571.294 is amended to read:

25 “571.294. The State Department of Agriculture may charge [*growers and*
26 *handlers registered*] **a person licensed** under ORS 571.281 fees reasonably
27 calculated by the department to pay the cost of sampling or testing [*indus-*
28 *trial*] hemp or [*industrial*] hemp commodities or products under ORS 571.330
29 and 571.333. Moneys from fees charged under this section shall be deposited
30 in the [*Industrial*] Hemp Fund established under ORS 571.278.

1 **“SECTION 17.** ORS 571.302 is amended to read:

2 “571.302. (1) For purposes of ORS 633.511 to 633.750, agricultural hemp
3 seed is an agricultural seed or a flower seed, as those terms are defined in
4 ORS 633.511.

5 “(2) The Director of Agriculture, or the director’s agent, and the Dean
6 of the College of Agricultural Sciences of Oregon State University, or the
7 dean’s agent, shall establish a program for the labeling and certification of
8 agricultural hemp seed. For purposes of the program:

9 “(a) The director and the dean shall perform their respective duties under
10 ORS 633.511 to 633.750 with respect to agricultural hemp seed in the same
11 manner that the director and dean perform their respective duties under ORS
12 633.511 to 633.750 with respect to other agricultural seed or flower seed, in-
13 cluding but not limited to those duties related to labeling, testing and cer-
14 tifying seeds; and

15 “(b) The director and the dean shall exercise their respective functions
16 and powers under ORS 633.511 to 633.750 with respect to agricultural hemp
17 seed in the same manner that the director and dean exercise their respective
18 functions and powers under ORS 633.511 to 633.750 with respect to other
19 agricultural seed or flower seed, including but not limited to inspecting and
20 sampling seeds and making rules and regulations under ORS 633.680.

21 “(3) Notwithstanding subsections (1) and (2) of this section, if the director
22 in consultation with the dean determines that a specific provision of ORS
23 633.511 to 633.750, or a specific rule or regulation made under ORS 633.511
24 to 633.750, that applies to other agricultural seed or flower seed is inade-
25 quate or not suitable for the regulation of agricultural hemp seed, the di-
26 rector may by rule exempt agricultural hemp seed from the provision, rule
27 or regulation and make rules providing more adequate or suitable regulation
28 of agricultural hemp seed.

29 “(4)(a) The director and the dean shall collaborate with growers [*regis-*
30 *tered*] **licensed** under ORS 571.281 in performing their respective duties and

1 exercising their respective functions and powers under ORS 633.511 to
2 633.750 with respect to agricultural hemp seed.

3 “(b) The director and the dean may collaborate with growers [*registered*]
4 **licensed** under ORS 571.281 and other stakeholders to develop a heritage
5 agricultural hemp seed for this state.

6 “(5) The director and the dean may collaborate with entities authorized
7 to certify seeds under the laws of other states in performing their respective
8 duties and exercising their respective functions and powers under ORS
9 633.511 to 633.750 with respect to agricultural hemp seed.

10 “(6) A grower [*registered*] **licensed** under ORS 571.281 is not required, for
11 purposes related to growing [*industrial*] hemp, to use an agricultural hemp
12 seed variety certified under the program described in this section.

13 “(7) The State Department of Agriculture may establish by rule waivers
14 to, or exemptions from, tests that would otherwise be conducted to determine
15 a crop’s average tetrahydrocannabinol concentration for crops planted with
16 agricultural hemp seed varieties certified pursuant to the program described
17 in this section.

18 “**SECTION 18.** ORS 571.327 is amended to read:

19 “571.327. (1) An agricultural hemp seed producer [*registered*] **licensed**
20 under ORS 571.281:

21 “(a) Must sell agricultural hemp seed in a manner that complies with any
22 standard established by the Director of Agriculture under ORS 633.511 to
23 633.750; and

24 “(b) May sell agricultural hemp seed only if the agricultural hemp seed
25 meets any packaging or labeling requirement, or any quality standard,
26 adopted by the director under subsection (2) of this section.

27 “(2) The director may adopt rules establishing packaging requirements,
28 labeling requirements and quality standards for agricultural hemp seed.

29 “(3) The State Department of Agriculture shall make available to growers
30 [*registered*] **licensed** under ORS 571.281 information that identifies agricul-

1 tural hemp seed producers [*registered*] **licensed** under ORS 571.281 from
2 whom the growers may purchase agricultural hemp seed.

3 **“SECTION 19.** ORS 571.330 is amended to read:

4 “571.330. (1) For purposes of this section, ‘consumption’ means **ingestion**
5 **or inhalation** [*to ingest, inhale or topically apply to the skin or hair*].

6 “(2)(a) A laboratory licensed by the Oregon Liquor Control Commission
7 under ORS 475B.560 and accredited by the Oregon Health Authority pursuant
8 to ORS 475B.565 may test [*industrial*] hemp and [*industrial*] hemp commod-
9 ities and products [*produced or processed by a grower, handler or agricultural*
10 *hemp seed producer registered under ORS 571.281*].

11 “(b) An accredited independent testing laboratory that has been approved
12 by the authority or the State Department of Agriculture may test
13 [*industrial*] hemp and [*industrial*] hemp commodities and products [*produced*
14 *or processed by a grower, handler or agricultural hemp seed producer regis-*
15 *tered under ORS 571.281*].

16 “(3) A [*grower or handler*] **person licensed under ORS 571.281** may not
17 sell or transfer [*an industrial*] a hemp commodity or product that is intended
18 for human consumption unless the commodity or product is tested by a lab-
19 oratory described in subsection (2) of this section to ensure that the com-
20 modity or product meets the requirements adopted by the [*Oregon Health*
21 *Authority under ORS 475B.555 (1)(a) and (b) and (2) for testing marijuana*
22 *items.*] **department by rule. The department may consult or enter into**
23 **an agreement with the authority for the purpose of developing re-**
24 **quirements under this subsection.**

25 “(4) **A person may not sell or transfer to a consumer:**

26 “(a) **Hemp or a hemp commodity or product if the hemp, hemp**
27 **commodity or product is intended for human consumption by**
28 **ingestion unless the hemp or hemp commodity or product is processed**
29 **in a facility licensed by the department under ORS 616.695 to 616.755**
30 **or in a facility in another state or jurisdiction that meets require-**

1 **ments substantially similar to requirements established under ORS**
2 **616.695 to 616.755.**

3 **“(b) Hemp, hemp concentrate, hemp extract or a hemp commodity**
4 **or product unless the hemp, hemp concentrate, hemp extract or hemp**
5 **commodity or product is tested for potency pursuant to rules adopted**
6 **by the department under this section.**

7 “[4] (5) For purposes of this section, the department shall adopt rules:

8 “(a) Establishing protocols for the testing of [*industrial*] hemp commod-
9 ities and products; and

10 “(b) Establishing procedures for determining batch sizes and for sampling
11 [*industrial*] hemp commodities and products.

12 “[5] (6) This section does not apply to **parts of hemp or any hemp**
13 **commodities or products that the department exempts by rule.[:]**

14 “[*(a) Agricultural hemp seed;*]

15 “[*(b) Seeds of the plant genus Cannabis within the plant family*
16 *Cannabaceae that are incapable of germination;*]

17 “[*(c) Products derived from seeds described in paragraph (b) of this sub-*
18 *section; or*]

19 “[*(d) Other parts of industrial hemp that the department identifies by rule*
20 *as exempt.*]

21 **“SECTION 20.** ORS 571.333 is amended to read:

22 “571.333. (1) The State Department of Agriculture may enter into an
23 agreement with the Oregon Health Authority for the purpose of developing
24 standards for investigating and testing [*an industrial*] **a** hemp crop to deter-
25 mine the average tetrahydrocannabinol concentration of the crop.

26 “(2) In accordance with standards developed under subsection (1) of this
27 section, a laboratory described in ORS 571.330 may test [*an industrial*] **a**
28 hemp crop for the purpose of determining the average tetrahydrocannabinol
29 concentration of the crop. The laboratory must provide the test results to the
30 department in a form and manner prescribed by the department.

1 **“SECTION 21.** ORS 571.337 is amended to read:

2 “571.337. (1) As used in this section:

3 “(a) ‘Consumption’ [*has the meaning given that term in ORS 571.330*]
4 **means to ingest, inhale or to apply topically to the skin or hair.**

5 “(b) ‘Licensee’ **has the meaning given that term in ORS 475B.015.**

6 “(c) ‘Marijuana item’ **has the meaning given that term in ORS**
7 **475B.015.**

8 “[*b*] (d) ‘Processor’ means a person licensed under ORS 475B.090.

9 “[*c*] (e) ‘Retailer’ means a person licensed under ORS 475B.105.

10 “[*d*] (f) ‘Wholesaler’ means a person licensed under ORS 475B.100.

11 “(2) [*Except as provided in ORS 571.341,*] A processor, retailer or whole-
12 saler may purchase, receive, transfer, sell or transport [*industrial*] hemp, or
13 [*an industrial*] a hemp commodity or product that contains cannabinoids and
14 is intended for human consumption, only if:

15 “(a) The processor, retailer or wholesaler received the hemp, commodity
16 or product from a [*grower or handler registered*] **person licensed** under ORS
17 571.281 [*or a processor*];

18 “(b) The [*grower, handler or processor under*] **person licensed under ORS**
19 **571.281 described in** paragraph (a) of this subsection is registered by the
20 Oregon Liquor Control Commission [*as provided under ORS 571.336; and*] **in**
21 **a form and manner prescribed by the commission;**

22 “(c) **The processor, retailer or wholesaler is provided with the re-**
23 **sults of any test conducted on the hemp, commodity or product pur-**
24 **suant to ORS 571.330 as a condition of the processor, retailer or**
25 **wholesaler receiving the hemp, commodity or product;**

26 “(d) **The processor, retailer or wholesaler keeps the test results re-**
27 **ceived under paragraph (c) of this subsection as required by the com-**
28 **mission;**

29 “(e) **The person licensed under ORS 571.281 and the processor,**
30 **retailer or wholesaler meet any other requirements established by the**

1 **commission by rule for registration or endorsement under this section;**
2 **and**

3 “[*(c)*] **(f)** The hemp, commodity or product meets the requirements for
4 marijuana items under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 and
5 475B.600 to 475B.655 and rules adopted by the commission.

6 “(3) A [*grower, handler*] **person licensed under ORS 571.281** or processor
7 registered as described under [*ORS 571.336 (2)(a)*] **subsection (2) of this**
8 **section** shall enter hemp, commodity or product that contains cannabinoids,
9 is intended for human consumption and is intended for transfer, sale or
10 transport to a processor, retailer or wholesaler licensed under ORS 475B.010
11 to 475B.545 into the tracking system described in ORS 475B.177 before the
12 hemp, commodity or product is transferred to a laboratory described in ORS
13 571.330 (2) for testing of a type described under ORS 475B.555. The commis-
14 sion shall continue to track the hemp, commodity or product entered into the
15 system under this subsection when the hemp, commodity or product is
16 transferred, sold or transported to a premises licensed under ORS 475B.010
17 to 475B.545, or to other areas under the control of the premises licensee.

18 “(4) **Hemp, or a hemp commodity or product that contains**
19 **cannabinoids, may be processed by a processor into a commodity or**
20 **product, or used by a processor to supplement the processing of a**
21 **marijuana item.**

22 “(5) **A hemp commodity or product that contains cannabinoids and**
23 **is intended for human consumption, or a marijuana item processed**
24 **with hemp or a hemp commodity or product pursuant to subsection**
25 **(4) of this section, may be delivered to a licensee in the manner de-**
26 **scribed in ORS 475B.206 if the hemp, commodity or product or the**
27 **marijuana item meets any applicable requirements for marijuana**
28 **items established pursuant to ORS 475B.010 to 475B.545, 475B.550 to**
29 **475B.590 or 475B.600 to 475B.655 or rules adopted under ORS 475B.010**
30 **to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655.**

1 “[4] (6) The State Department of Agriculture shall adopt rules regarding
2 the activities of growers and handlers under this section.

3 “[5] (7) The commission shall adopt rules regarding the activities of
4 processors, retailers, wholesalers and laboratories under this section.

5 **“(8) The commission may impose on persons licensed under ORS
6 571.281 and registered under this section, and on processors, retailers
7 and wholesalers endorsed under this section, an annual fee reasonably
8 calculated to not exceed the cost of administering this section. Fees
9 collected under this section shall be deposited in the Marijuana Con-
10 trol and Regulation Fund established under ORS 475B.296. Moneys de-
11 posited in the fund pursuant to this subsection are continuously
12 appropriated to the commission for the purpose of administering this
13 section.**

14 **“SECTION 22.** ORS 571.339 is amended to read:

15 “571.339. A person may not make a retail sale of [*industrial*] hemp com-
16 modities or products in this state unless the [*industrial*] hemp commodities
17 or products and the [*industrial*] hemp used to process the [*industrial*] hemp
18 commodities or products meet the requirements for processing [*industrial*]
19 hemp commodities or products or growing [*industrial*] hemp set forth in ORS
20 571.260 to 571.348 and rules adopted under ORS 571.260 to 571.348. This sec-
21 tion does not apply to the retail sale of [*industrial*] hemp commodities or
22 products by a marijuana retailer, as defined in ORS 475B.015, that holds a
23 license issued under ORS 475B.105.

24 **“SECTION 23.** ORS 571.345 is amended to read:

25 “571.345. The State Department of Agriculture may by rule or order es-
26 tablish a process providing for the remediation of a violation of ORS 571.330
27 or 571.333 that is committed by a [*grower or handler registered*] **person li-**
28 **censed** under ORS 571.281 and is not committed intentionally.

29 **“SECTION 24.** ORS 571.348 is amended to read:

30 “571.348. (1) Subject to the provisions of ORS chapter 183, the State De-

1 department of Agriculture may impose a civil penalty not to exceed \$2,500 on
2 a person for violating:

3 “(a) A provision of ORS 571.260 to 571.348;

4 “(b) A rule adopted under a provision of ORS 571.260 to 571.348; or

5 “(c) An order issued by the department pursuant to a provision of ORS
6 571.260 to 571.348 or a rule adopted under a provision of ORS 571.260 to
7 571.348.

8 “[~~(2)~~] *The department may not discipline a person under this section on the*
9 *basis that possessing, delivering and manufacturing industrial hemp are pro-*
10 *hibited by federal law.*]

11 “[~~(3)~~] **(2)** All moneys collected by the department under this section shall
12 be deposited in the General Fund in the State Treasury to the credit of the
13 [*Industrial*] Hemp Fund established under ORS 571.278.

14 **“SECTION 25. The State Department of Agriculture shall issue a**
15 **license to grow or handle hemp under ORS 571.281 on the date the**
16 **previous registration is due for renewal to a grower or handler who:**

17 **“(1) Registered under ORS 571.281 before the effective date of this**
18 **2021 Act; and**

19 **“(2) Meets the requirements for registration renewal.**

20 **“SECTION 26. ORS 571.336 and 571.341 are repealed.**

21

22 **“CONFORMING AMENDMENTS**

23

24 **“SECTION 27. ORS 475B.015 is amended to read:**

25 **“475B.015. As used in ORS 475B.010 to 475B.545:**

26 **“(1) ‘Cannabinoid’ means any of the chemical compounds that are the**
27 **active constituents derived from marijuana.**

28 **“(2) ‘Cannabinoid concentrate’ means a substance obtained by separating**
29 **cannabinoids from marijuana by:**

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

1 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
2 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
3 cohol or ethanol;

4 “(c) A chemical extraction process using carbon dioxide, provided that the
5 process does not involve the use of high heat or pressure; or

6 “(d) Any other process identified by the Oregon Liquor Control Commis-
7 sion, in consultation with the Oregon Health Authority, by rule.

8 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
9 cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or
10 flowers have been incorporated.

11 “(4) ‘Cannabinoid extract’ means a substance obtained by separating
12 cannabinoids from marijuana by:

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

15 “(b) A chemical extraction process using carbon dioxide, if the process
16 uses high heat or pressure; or

17 “(c) Any other process identified by the commission, in consultation with
18 the authority, by rule.

19 “(5)(a) ‘Cannabinoid product’ means a cannabinoid edible and any other
20 product intended for human consumption or use, including a product in-
21 tended to be applied to the skin or hair, that contains cannabinoids or dried
22 marijuana leaves or flowers.

23 “(b) ‘Cannabinoid product’ does not include:

24 “(A) Usable marijuana by itself;

25 “(B) A cannabinoid concentrate by itself;

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

27 “(D) [*Industrial*] Hemp, as defined in ORS 571.269.

28 “(6) ‘Consumer’ means a person who purchases, acquires, owns, holds or
29 uses marijuana items other than for the purpose of resale.

30 “(7) ‘Deliver’ means the actual, constructive or attempted transfer from

1 one person to another of a marijuana item, whether or not there is an agency
2 relationship.

3 “(8) ‘Designated primary caregiver’ has the meaning given that term in
4 ORS 475B.791.

5 “(9)(a) ‘Financial consideration’ means value that is given or received ei-
6 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
7 contributions or donations.

8 “(b) ‘Financial consideration’ does not include marijuana, cannabinoid
9 products or cannabinoid concentrates that are delivered within the scope of
10 and in compliance with ORS 475B.301.

11 “(10) ‘Homegrown’ means grown by a person 21 years of age or older for
12 noncommercial purposes.

13 “(11) ‘Household’ means a housing unit and any place in or around a
14 housing unit at which the occupants of the housing unit are producing,
15 processing, possessing or storing homegrown marijuana, cannabinoid pro-
16 ducts, cannabinoid concentrates or cannabinoid extracts.

17 “(12) ‘Housing unit’ means a house, an apartment or a mobile home, or
18 a group of rooms or a single room that is occupied as separate living quar-
19 ters, in which the occupants live and eat separately from any other persons
20 in the building and that has direct access from the outside of the building
21 or through a common hall.

22 “(13) ‘Immature marijuana plant’ means a marijuana plant that is not
23 flowering.

24 “(14) ‘Licensee’ means a person that holds a license issued under ORS
25 475B.070, 475B.090, 475B.100 or 475B.105.

26 “(15) ‘Licensee representative’ means an owner, director, officer, manager,
27 employee, agent or other representative of a licensee, to the extent that the
28 person acts in a representative capacity.

29 “(16)(a) ‘Manufacture’ means producing, propagating, preparing, com-
30 pounding, converting or processing a marijuana item, either directly or in-

1 directly, by extracting from substances of natural origin.

2 “(b) ‘Manufacture’ includes any packaging or repackaging of a marijuana
3 item or the labeling or relabeling of a container containing a marijuana
4 item.

5 “(17)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
6 part of the plant Cannabis family Cannabaceae and marijuana seeds.

7 “(b) ‘Marijuana’ does not include:

8 “(A) [*Industrial*] Hemp, as defined in ORS 571.269; or

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

13 “(18) ‘Marijuana flowers’ means the flowers of the plant genus Cannabis
14 within the plant family Cannabaceae.

15 “(19) ‘Marijuana items’ means marijuana, cannabinoid products,
16 cannabinoid concentrates and cannabinoid extracts.

17 “(20) ‘Marijuana leaves’ means the leaves of the plant genus Cannabis
18 within the plant family Cannabaceae.

19 “(21) ‘Marijuana processor’ means a person that processes marijuana
20 items in this state.

21 “(22) ‘Marijuana producer’ means a person that produces marijuana in
22 this state.

23 “(23) ‘Marijuana retailer’ means a person that sells marijuana items to a
24 consumer in this state.

25 “(24)(a) ‘Marijuana seeds’ means the seeds of the plant Cannabis family
26 Cannabaceae.

27 “(b) ‘Marijuana seeds’ does not include the seeds of [*industrial*] hemp, as
28 defined in ORS 571.269.

29 “(25) ‘Marijuana wholesaler’ means a person that purchases marijuana
30 items in this state for resale to a person other than a consumer.

1 “(26) ‘Mature marijuana plant’ means a marijuana plant that is not an
2 immature marijuana plant.

3 “(27) ‘Medical grade cannabinoid product, cannabinoid concentrate or
4 cannabinoid extract’ means a cannabinoid product, cannabinoid concentrate
5 or cannabinoid extract that has a concentration of tetrahydrocannabinol that
6 is permitted under ORS 475B.625 in a single serving of the cannabinoid
7 product, cannabinoid concentrate or cannabinoid extract for consumers who
8 hold a valid registry identification card issued under ORS 475B.797.

9 “(28) ‘Medical purpose’ means a purpose related to using usable
10 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid
11 extracts to mitigate the symptoms or effects of a debilitating medical condi-
12 tion, as defined in ORS 475B.791.

13 “(29) ‘Noncommercial’ means not dependent or conditioned upon the pro-
14 vision or receipt of financial consideration.

15 “(30)(a) ‘Premises’ includes the following areas of a location licensed un-
16 der ORS 475B.010 to 475B.545:

17 “(A) All public and private enclosed areas at the location that are used
18 in the business operated at the location, including offices, kitchens, rest
19 rooms and storerooms;

20 “(B) All areas outside a building that the commission has specifically li-
21 censed for the processing, wholesale sale or retail sale of marijuana items;
22 and

23 “(C) For a location that the commission has specifically licensed for the
24 production of marijuana outside a building, that portion of the location used
25 to produce marijuana.

26 “(b) ‘Premises’ does not include a primary residence.

27 “(31)(a) ‘Processes’ means the processing, compounding or conversion of
28 marijuana into cannabinoid products, cannabinoid concentrates or
29 cannabinoid extracts.

30 “(b) ‘Processes’ does not include packaging or labeling.

1 “(32)(a) ‘Produces’ means the manufacture, planting, cultivation, growing
2 or harvesting of marijuana.

3 “(b) ‘Produces’ does not include:

4 “(A) The drying of marijuana by a marijuana processor, if the marijuana
5 processor is not otherwise producing marijuana; or

6 “(B) The cultivation and growing of an immature marijuana plant by a
7 marijuana processor, marijuana wholesaler or marijuana retailer if the
8 marijuana processor, marijuana wholesaler or marijuana retailer purchased
9 or otherwise received the plant from a licensed marijuana producer.

10 “(33) ‘Propagate’ means to grow immature marijuana plants or to breed
11 or produce marijuana seeds.

12 “(34) ‘Public place’ means a place to which the general public has access
13 and includes, but is not limited to, hallways, lobbies and other parts of
14 apartment houses and hotels not constituting rooms or apartments designed
15 for actual residence, and highways, streets, schools, places of amusement,
16 parks, playgrounds and areas used in connection with public passenger
17 transportation.

18 “(35) ‘Registry identification cardholder’ has the meaning given that term
19 in ORS 475B.791.

20 “(36)(a) ‘Usable marijuana’ means the dried leaves and flowers of
21 marijuana.

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

23 “(A) Marijuana seeds;

24 “(B) The stalks and roots of marijuana; or

25 “(C) Waste material that is a by-product of producing or processing
26 marijuana.

27 “**SECTION 28.** ORS 475B.227 is amended to read:

28 “475B.227. (1) For purposes of this section:

29 “(a) ‘Export’ includes placing a marijuana item in any mode of transpor-
30 tation for hire, such as luggage, mail or parcel delivery, even if the trans-

1 portation of the marijuana item is intercepted prior to the marijuana item
2 leaving this state.

3 “(b) ‘Marijuana item’ includes [*industrial*] hemp products and commodities
4 [*that contain more than 0.3 percent tetrahydrocannabinol*] **except hemp**
5 **commodities or products described in subsection (3) of this section.**

6 “(2) **Except as provided in subsection (3) of this section**, a person may
7 not import marijuana items into this state or export marijuana items from
8 this state.

9 “(3) **This section does not apply to the import or export of hemp**
10 **products or commodities to or from this state that contains less than**
11 **one percent tetrahydrocannabinol and complies with:**

12 “(a) **ORS 571.260 to 571.348 and rules adopted under, or orders issued**
13 **pursuant to, ORS 571.260 to 571.348; or**

14 “(b) **The Agriculture Improvement Act of 2018 (P.L. 115-334).**

15 “[~~(3)~~] (4) Except as provided in subsection [~~(4)~~] (5) of this section, a vio-
16 lation of this section is a Class B violation.

17 “[~~(4)~~] (5) A violation of this section is a:

18 “(a) Class A misdemeanor, if the importation or exportation:

19 “(A) Is not for consideration and the person holds a license issued under
20 ORS 475B.070, 475B.090, 475B.100, [*or*] 475B.105 **or 571.281; or**

21 “(B) Concerns an amount of marijuana items that exceeds the applicable
22 maximum amount specified in ORS 475B.337 (1)[*(a) to (f)*].

23 “(b) Class C felony, if the importation or exportation:

24 “(A) Is for consideration and the person holds a license issued under ORS
25 475B.070, 475B.090, 475B.100, [*or*] 475B.105 **or 571.281; or**

26 “(B) Concerns an amount of marijuana items that exceeds 16 times the
27 applicable maximum amount specified in ORS 475B.337 (1).[*(a) to (f); or*]

28 “[*(C) Concerns a cannabinoid extract that was not purchased from a*
29 *marijuana retailer that holds a license issued under ORS 475B.105.*]

30 “**SECTION 29.** ORS 475B.253 is amended to read:

1 “475B.253. (1) As used in this section, ‘*industrial*’ hemp’ has the meaning
2 given that term in ORS 571.269.

3 “(2) [*An industrial*] **A** hemp product or commodity offered for sale by a
4 marijuana retailer that holds a license issued under ORS 475B.105 must carry
5 a label that clearly identifies whether the product or commodity is derived
6 from hemp or marijuana.

7 “(3) The Oregon Liquor Control Commission may inspect the premises of
8 a marijuana retailer that holds a license issued under ORS 475B.105 to en-
9 sure compliance with this section.

10 **“SECTION 30.** ORS 475B.254 is amended to read:

11 “475B.254. (1) As used in this section:

12 “(a) ‘Consumer’ means a person who purchases, acquires, owns, holds or
13 uses marijuana items other than for the purpose of resale.

14 “(b) ‘Marijuana item’ includes [*industrial*] hemp products and commodities
15 that contain more [*than 0.3 percent tetrahydrocannabinol.*]
16 **tetrahydrocannabinol than allowed by the State Department of Agri-
17 culture by rule.**

18 “(2) A person other than a marijuana retailer that holds a license issued
19 under ORS 475B.105 may not sell marijuana items to a consumer.

20 **“SECTION 31.** ORS 475B.311 is amended to read:

21 “475B.311. (1) A person other than a marijuana processor that holds a li-
22 cense issued under ORS 475B.090, **a handler licensed under ORS 571.281**
23 **to process hemp or another person licensed under ORS 571.281 who has**
24 **been issued a land use compatibility statement** may not process
25 cannabinoid extracts into a cannabinoid product.

26 “(2) A person may not produce, process or store homemade [*industrial*]
27 hemp extracts.

28 “(3) Violation of this section is a Class A misdemeanor.

29 **“SECTION 32.** ORS 475B.550 is amended to read:

30 “475B.550. As used in ORS 475B.550 to 475B.590:

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

3 “(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by
4 separating cannabinoids from marijuana by a mechanical, chemical or other
5 process.

6 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
7 cannabinoid concentrate or extract or the dried leaves or flowers of
8 marijuana have been incorporated.

9 “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other
10 product intended for human consumption or use, including a product in-
11 tended to be applied to a person’s skin or hair, that contains cannabinoids
12 or the dried leaves or flowers of marijuana.

13 “(b) ‘Cannabinoid product’ does not include:

14 “(A) Usable marijuana by itself;

15 “(B) A cannabinoid concentrate or extract by itself; or

16 “(C) [*Industrial*] Hemp, as defined in ORS 571.269.

17 “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
18 part of the plant Cannabis family Cannabaceae and the seeds of the plant
19 Cannabis family Cannabaceae.

20 “(b) ‘Marijuana’ does not include:

21 “(A) [*Industrial*] Hemp, as defined in ORS 571.269; or

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

26 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid
27 product or a cannabinoid concentrate or extract.

28 “(7) ‘Processing’ means the compounding or conversion of marijuana into
29 cannabinoid products or cannabinoid concentrates or extracts.

30 “(8) ‘Producing’ means:

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

2 “(b) Drying marijuana leaves and flowers.

3 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
4 marijuana.

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

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

7 “(B) Waste material that is a by-product of producing or processing
8 marijuana.

9 **“SECTION 33.** ORS 475B.600 is amended to read:

10 “475B.600. As used in ORS 475B.600 to 475B.655:

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

13 “(2) ‘Cannabinoid concentrate or extract’ means a substance obtained by
14 separating cannabinoids from marijuana by a mechanical, chemical or other
15 process.

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

19 “(4)(a) ‘Cannabinoid product’ means a cannabinoid edible or any other
20 product intended for human consumption or use, including a product in-
21 tended to be applied to a person’s skin or hair, that contains cannabinoids
22 or the dried leaves or flowers of marijuana.

23 “(b) ‘Cannabinoid product’ does not include:

24 “(A) Usable marijuana by itself;

25 “(B) A cannabinoid concentrate or extract by itself; or

26 “(C) [*Industrial*] Hemp, as defined in ORS 571.269.

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

30 “(b) ‘Marijuana’ does not include:

1 “(A) [*Industrial*] Hemp, as defined in ORS 571.269; or

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

6 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid
7 product or a cannabinoid concentrate or extract.

8 “(7) ‘Processing’ means the compounding or conversion of marijuana into
9 cannabinoid products or cannabinoid concentrates or extracts.

10 “(8) ‘Producing’ means:

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

12 “(b) Drying marijuana leaves and flowers.

13 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of
14 marijuana.

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

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

17 “(B) Waste material that is a by-product of producing or processing
18 marijuana.

19 **“SECTION 34.** ORS 475B.791 is amended to read:

20 “475B.791. As used in ORS 475B.785 to 475B.949:

21 “(1) ‘Attending physician’ means a physician licensed under ORS chapter
22 677 who has primary responsibility for the care and treatment of a person
23 diagnosed with a debilitating medical condition.

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

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

28 “(a) A mechanical extraction process;

29 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
30 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or

1 ethanol;

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

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

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

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

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

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

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

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

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

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

25 “(A) Cachexia;

26 “(B) Severe pain;

27 “(C) Severe nausea;

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

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

1 “(c) Post-traumatic stress disorder; or
2 “(d) Any other medical condition or side effect related to the treatment
3 of a medical condition adopted by the Oregon Health Authority by rule or
4 approved by the authority pursuant to a petition filed under ORS 475B.946.
5 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.
6 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
7 tification cardholder to another registry identification cardholder if no con-
8 sideration is paid for the transfer.
9 “(8)(a) ‘Designated primary caregiver’ means an individual:
10 “(A) Who is 18 years of age or older;
11 “(B) Who has significant responsibility for managing the well-being of a
12 person who has been diagnosed with a debilitating medical condition; and
13 “(C) Who is designated as the person responsible for managing the well-
14 being of a person who has been diagnosed with a debilitating medical con-
15 dition on that person’s application for a registry identification card or in
16 other written notification submitted to the authority.
17 “(b) ‘Designated primary caregiver’ does not include a person’s attending
18 physician.
19 “(9) ‘High heat’ means a temperature exceeding 180 degrees.
20 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not
21 flowering.
22 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
23 part of the plant Cannabis family Cannabaceae and the seeds of the plant
24 Cannabis family Cannabaceae.
25 “(b) ‘Marijuana’ does not include:
26 “(A) [*Industrial*] Hemp, as defined in ORS 571.269; or
27 “(B) Prescription drugs, as that term is defined in ORS 689.005, including
28 those containing one or more cannabinoids, that are approved by the United
29 States Food and Drug Administration and dispensed by a pharmacy, as de-
30 fined in ORS 689.005.

1 “(12) ‘Marijuana grow site’ means a location registered under ORS
2 475B.810 where marijuana is produced for use by a registry identification
3 cardholder.

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

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

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

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

14 “(A) Usable marijuana by itself;

15 “(B) A cannabinoid concentrate by itself;

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

17 “(D) [*Industrial*] Hemp, as defined in ORS 571.269.

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

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

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

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

4 “(20) ‘Production’ means:

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

6 “(b) Drying marijuana leaves or flowers.

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

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

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

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

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

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

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

22

23 **“COMMERCIAL HEMP SHIPMENTS**

24

25 **“SECTION 35. The State Department of Agriculture shall establish**
26 **by rule requirements for a shipment manifest for commercial hemp**
27 **shipments. In adopting rules under this section, the department may**
28 **define ‘commercial hemp shipment’ and ‘shipment manifest.’**

29

30 **“EXPENDITURE LIMITATION**

1 **“SECTION 36. Notwithstanding any other law limiting expenditures,**
2 **the limitation on expenditures established by section 2 (3), chapter 452,**
3 **Oregon Laws 2019, for the biennium ending June 30, 2021, as the max-**
4 **imum limit for payments of expenses from fees, moneys or other rev-**
5 **enues, including Miscellaneous Receipts, and including federal funds**
6 **for contract services, but excluding lottery funds and federal funds not**
7 **described in section 2, chapter 452, Oregon Laws 2019, collected or re-**
8 **ceived by the State Department of Agriculture, for natural resources,**
9 **is increased by \$_____ for implementation of the Oregon Hemp State**
10 **Program.**

11

12

“UNIT CAPTIONS

13

14 **“SECTION 37. The unit captions used in this 2021 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2021 Act.**

18

19

“EFFECTIVE DATE

20

21 **“SECTION 38. This 2021 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2021 Act takes effect on its passage.”.**

24
