

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3112**

1 On page 12 of the printed bill, delete lines 43 through 45 delete pages 13  
2 and 14 and insert:

3 **“SECTION 26. Sections 27 to 27b of this 2021 Act are added to and**  
4 **made a part of ORS 475B.010 to 475B.545.**

5 **“SECTION 27. (1) The Oregon Liquor Control Commission shall is-**  
6 **sue a cannabis delivery license to an applicant who:**

7 **“(a) Applies for the license in the manner described in ORS**  
8 **475B.040;**

9 **“(b) Provides proof that the applicant is 21 years of age or older;**

10 **“(c)(A) Meets the requirements of section 16 (1)(b) of this 2021 Act;**  
11 **or**

12 **“(B) Is a marijuana retailer licensed under ORS 475B.105 authorized**  
13 **by the commission to make deliveries of marijuana items and, as**  
14 **demonstrated by information recorded in the system described in ORS**  
15 **475B.177, makes at least 60 percent of the marijuana retailer’s sales**  
16 **transactions as delivery transactions;**

17 **“(d) If the applicant is not a marijuana retailer licensed under ORS**  
18 **475B.105, demonstrates to the commission that the applicant has legal**  
19 **access to a premises at which the applicant may store the applicant’s**  
20 **inventory of marijuana items prior to delivery; and**

21 **“(e) Meets any other requirements established by the commission**

1 by rule.

2 “(2) The commission shall begin processing an application for a li-  
3 cense under this section not more than 30 days after the date on which  
4 the application was submitted.

5 “(3)(a) The holder of a cannabis delivery license issued under this  
6 section may deliver marijuana items to a residence or a hotel, inn or  
7 other dwelling unit that is made available for short-term or transient  
8 occupancy. A delivery may be made only to a premises located in an  
9 area that allows the establishment of marijuana retailers under ORS  
10 475B.968.

11 “(b) A delivery may not be made to a dormitory or similar residence  
12 that is located on the campus of a private or public institution of  
13 higher education.

14 “(c) If the holder of a cannabis delivery license is a marijuana  
15 retailer licensed under ORS 475B.105, the cannabis delivery license  
16 holder may deliver marijuana items that are part of the marijuana  
17 retailer’s own inventory or part of the inventory of another marijuana  
18 retailer licensed under ORS 475B.105.

19 “(d) If the holder of a cannabis delivery license is not a marijuana  
20 retailer licensed under ORS 475B.105, the cannabis delivery license  
21 holder may deliver marijuana items that are part of the inventory of  
22 any marijuana retailer licensed under ORS 475B.105 or part of the de-  
23 livery license holder’s own inventory.

24 “(4) The holder of a cannabis delivery license issued under this  
25 section that qualified for licensure under subsection (1)(c)(B) of this  
26 section may not transfer more than 49 percent ownership of the li-  
27 censed entity to an entity that does not qualify for a license under  
28 section 16 of this 2021 Act.

29 “(5)(a) The commission shall adopt rules that:

30 “(A) Require a person that holds a license issued under this section

1 to renew the license annually; and

2 “(B) Establish application, licensure and renewal of licensure fees  
3 for a license issued under this section.

4 “(b) The commission may adopt other rules as necessary to carry  
5 out this section.

6 “(6) In adopting rules under this section, the commission shall  
7 consult the equity liaison of the commission.

8 “(7) Fees adopted under subsection (5)(a)(B) of this section:

9 “(a) May not exceed, together with other fees collected under ORS  
10 475B.010 to 475B.545, the cost of administering ORS 475B.010 to  
11 475B.545; and

12 “(b) Shall be deposited into the Marijuana Control and Regulation  
13 Fund established under ORS 475B.296.

14 “SECTION 27a. (1)(a) A person that holds a delivery license under  
15 section 27 of this 2021 Act may, for the purpose of making deliveries  
16 under section 27 of this 2021 Act, receive marijuana items from:

17 “(A) A marijuana processor that holds a license issued under ORS  
18 475B.090;

19 “(B) A marijuana wholesaler that holds a license issued under ORS  
20 475B.100;

21 “(C) A marijuana retailer that holds a license issued under ORS  
22 475B.105;

23 “(D) A shared processor that holds a license issued under section  
24 32 of this 2021 Act; or

25 “(E) A person that holds a shared processing facility license issued  
26 under section 34 of this 2021.

27 “(2) Marijuana items received under subsection (1) of this section  
28 may be received at a premises described in section 27 (1) of this 2021  
29 Act or at a premises for which a license has been issued under ORS  
30 475B.090, 475B.100 or 475B.105 or section 32 or 34 of this 2021 Act.

1       “(3) A person that holds a delivery license under section 27 of this  
2 2021 Act may, for the purpose of making deliveries under section 27  
3 of this 2021 Act, store at the premises described in section 27 (1) of this  
4 2021 Act marijuana items received from a person described in sub-  
5 section (1) of this section.

6       “(4) Marijuana items received and stored under this section shall  
7 be considered the inventory of the person that holds the delivery li-  
8 cense under section 27 of this 2021 Act.

9       “(5) The Oregon Liquor Control Commission may adopt rules to  
10 carry out this section.

11       “SECTION 27b. (1) The delivery of marijuana items under section  
12 27 of this 2021 Act may be made in an area subject to the jurisdiction  
13 of a city or county that has adopted an ordinance allowing for the  
14 establishment of marijuana retailers that hold a license issued under  
15 ORS 475B.105.

16       “(2) A city or county described in subsection (1) of this section may  
17 not impose a tax or fee on the retail price or delivery cost of  
18 marijuana items delivered within the city or county.

19       “SECTION 28. Section 27 of this 2021 Act is amended to read:

20       “**Sec. 27.** (1) The Oregon Liquor Control Commission shall issue a  
21 cannabis delivery license to an applicant who:

22       “(a) Applies for the license in the manner described in ORS 475B.040;

23       “(b) Provides proof that the applicant is 21 years of age or older;

24       “[(c)(A) Meets the requirements of section 16 (1)(b) of this 2021 Act; or ]

25       “[(B) Is a marijuana retailer licensed under ORS 475B.105 authorized by  
26 the commission to make deliveries of marijuana items and, as demonstrated  
27 by information recorded in the system described in ORS 475B.177, makes at  
28 least 60 percent of the marijuana retailer’s sales transactions as delivery  
29 transactions;]

30       “[(d)] (c) If the applicant is not a marijuana retailer licensed under ORS

1 475B.105, demonstrates to the commission that the applicant has legal access  
2 to a premises at which the applicant may store the applicant's inventory of  
3 marijuana items prior to delivery; and

4 “[*(e)*] **(d)** Meets any other requirements established by the commission by  
5 rule.

6 “[*(2)*] *The commission shall begin processing an application for a license*  
7 *under this section not more than 30 days after the date on which the applica-*  
8 *tion was submitted.*]

9 “[*(3)(a)*] **(2)(a)** The holder of a cannabis delivery license issued under this  
10 section may deliver marijuana items to a residence or a hotel, inn or other  
11 dwelling unit that is made available for short-term or transient occupancy.  
12 A delivery may be made only to a premises located in an area that allows  
13 the establishment of marijuana retailers under ORS 475B.968.

14 “(b) A delivery may not be made to a dormitory or similar residence that  
15 is located on the campus of a private or public institution of higher educa-  
16 tion.

17 “(c) If the holder of a cannabis delivery license is a marijuana retailer  
18 licensed under ORS 475B.105, the cannabis delivery license holder may de-  
19 liver marijuana items that are part of the marijuana retailer's own inventory  
20 or part of the inventory of another marijuana retailer licensed under ORS  
21 475B.105.

22 “(d) If the holder of a cannabis delivery license is not a marijuana retailer  
23 licensed under ORS 475B.105, the cannabis delivery license holder may de-  
24 liver marijuana items that are part of the inventory of any marijuana  
25 retailer licensed under ORS 475B.105 or part of the delivery license holder's  
26 own inventory.

27 “[*(4)*] *The holder of a cannabis delivery license issued under this section*  
28 *that qualified for licensure under subsection (1)(c)(B) of this section may not*  
29 *transfer more than 49 percent ownership of the licensed entity to an entity that*  
30 *does not qualify for a license under section 16 of this 2021 Act.*]

1        “[5)(a)] **(3)(a)** The commission shall adopt rules that:

2        “(A) Require a person that holds a license issued under this section to  
3 renew the license annually; and

4        “(B) Establish application, licensure and renewal of licensure fees for a  
5 license issued under this section.

6        “(b) The commission may adopt other rules as necessary to carry out this  
7 section.

8        “[6)] **(4)** In adopting rules under this section, the commission shall con-  
9 sult the equity liaison of the commission.

10       “[7)] **(5)** Fees adopted under subsection [5)(a)(B)] **(3)(a)(B)** of this sec-  
11 tion:

12       “(a) May not exceed, together with other fees collected under ORS  
13 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545; and

14       “(b) Shall be deposited into the Marijuana Control and Regulation Fund  
15 established under ORS 475B.296.

16       **“SECTION 29.** ORS 475B.206 is amended to read:

17       “475B.206. (1) Except as provided in ORS 475B.136 and 475B.873 **and**  
18 **section 27a of this 2021 Act**, [*a marijuana producer that holds a license is-*  
19 *ssued under ORS 475B.070, marijuana processor that holds a license issued*  
20 *under ORS 475B.090 or marijuana wholesaler that holds a license issued un-*  
21 *der ORS 475B.100] **the following licensees** may deliver marijuana items  
22 only to or on a premises for which a license has been issued under ORS  
23 475B.070, 475B.090, 475B.100 or 475B.105 **or section 22, 32 or 34 of this 2021**  
24 **Act**, or to a registry identification cardholder or designated primary  
25 caregiver as allowed under ORS 475B.010 to 475B.545[.]:*

26       **“(a) A marijuana producer that holds a license issued under ORS**  
27 **475B.070;**

28       **“(b) A marijuana processor that holds a license issued under ORS**  
29 **475B.090;**

30       **“(c) A marijuana wholesaler that holds a license issued under ORS**

1 **475B.100;**

2 **“(d) A person that holds a cannabis on-premises consumption li-**  
3 **cence issued under section 22 of this 2021 Act;**

4 **“(e) A shared processor that holds a license issued under section 32**  
5 **of this 2021 Act; or**

6 **“(f) A person that holds a shared processing facility license issued**  
7 **under section 34 of this 2021 Act.**

8 “(2) A licensee to which marijuana items may be delivered under sub-  
9 section (1) of this section may receive marijuana items only from:

10 “(a)(A) A marijuana producer that holds a license issued under ORS  
11 475B.070[.];

12 “(B) A marijuana processor that holds a license issued under ORS  
13 475B.090[.];

14 “(C) A marijuana wholesaler that holds a license issued under ORS  
15 475B.100[.];

16 “(D) A marijuana retailer that holds a license issued under ORS 475B.105  
17 [*or*];

18 “(E) A laboratory licensed under ORS 475B.560;

19 **“(F) A person that holds a cannabis on-premises consumption li-**  
20 **cence issued under section 22 of this 2021 Act;**

21 **“(G) A shared processor that holds a license issued under section**  
22 **32 of this 2021 Act; or**

23 **“(H) A person that holds a shared processing facility license issued**  
24 **under section 34 of this 2021 Act;**

25 “(b) A researcher of cannabis that holds a certificate issued under ORS  
26 475B.286 and that transfers limited amounts of marijuana, usable marijuana,  
27 cannabinoid products, cannabinoid concentrates and cannabinoid extracts in  
28 accordance with procedures adopted under ORS 475B.286 (3)(d) and (e);

29 “(c) A marijuana grow site registered under ORS 475B.810, marijuana  
30 processing site registered under ORS 475B.840, or a medical marijuana

1 dispensary registered under ORS 475B.858, acting in accordance with proce-  
2 dures adopted by the Oregon Liquor Control Commission under ORS  
3 475B.167; or

4 “(d) A marijuana grow site registered under ORS 475B.810, acting in ac-  
5 cordance with ORS 475B.825 and any procedures adopted by rule by the  
6 commission.

7 “(3) **Except as provided in section 22 of this 2021 Act**, the sale of  
8 marijuana items by a marijuana retailer that holds a license issued under  
9 ORS 475B.105 must be restricted to the premises for which the license has  
10 been issued, but deliveries may be made by a marijuana retailer to consumers  
11 pursuant to a bona fide order received at the premises prior to delivery **if**  
12 **the marijuana retailer holds a delivery license issued under section 27**  
13 **of this 2021 Act or is otherwise authorized by the commission to make**  
14 **deliveries.**

15 “(4) The commission may by order waive the requirements of subsections  
16 (1) and (2) of this section to ensure compliance with ORS 475B.010 to  
17 475B.545 or a rule adopted under ORS 475B.010 to 475B.545. An order issued  
18 under this subsection does not constitute a waiver of any other requirement  
19 of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010  
20 to 475B.545.

21 **“SECTION 30. (1) Sections 27 to 27b of this 2021 Act and the**  
22 **amendments to ORS 475B.206 by section 29 of this 2021 Act become**  
23 **operative on August 22, 2022.**

24 **“(2) The amendments to section 27 of this 2021 Act by section 28 of**  
25 **this 2021 Act become operative on January 1, 2032.**

26 **“(3) The Oregon Liquor Control Commission may take any action**  
27 **before the operative date specified in subsection (1) of this section that**  
28 **is necessary to enable the commission to exercise, on and after the**  
29 **operative date specified in subsection (1) of this section, all of the du-**  
30 **ties, functions and powers conferred on the commission by sections**

1 **27 to 27b of this 2021 Act and the amendments to ORS 475B.206 by**  
2 **section 29 of this 2021 Act.”.**

3 On page 15, delete lines 1 through 30.

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