

# Senate Bill 1587

Sponsored by Senator HANSELL, Representative MORGAN; Senators ANDERSON, FINDLEY, KENNEMER, THATCHER, Representatives NOBLE, SCHARF, SMITH DB, SMITH G, WILDE (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Subjects building or premises used for unlawful growing or handling of industrial hemp to lien and allows building or premises to be sold to pay all fines and costs. Allows immediate enforcement of lien by civil action.

Authorizes Oregon Liquor and Cannabis Commission to allow certain licensed marijuana retailers to relocate to other premises without obtaining new license. Requires marijuana testing laboratory employee to obtain worker permit from commission. Specifies that building or premises used for unlawful marijuana production, processing, sale or use may be sold to pay all fines and costs. Allows immediate enforcement of lien by civil action.

Becomes operative January 1, 2023.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to cannabis; creating new provisions; amending ORS 475C.105, 475C.269, 475C.409 and  
3 475C.608; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 571.260 to**  
6 **571.348.**

7 **SECTION 2. If the owner of a building or premises knowingly has used the building or**  
8 **premises for, or allowed the building or premises to be occupied for, the growing or handling**  
9 **of industrial hemp contrary to ORS 571.260 to 571.348 or provisions of any other state law**  
10 **or local ordinance regulating the growing and handling of industrial hemp, the building or**  
11 **premises is subject to a lien for, and may be sold to pay all fines and costs, including but not**  
12 **limited to any costs of cleanup and removal of industrial hemp, assessed against the occu-**  
13 **pants of the building or premises for, any violation of ORS 571.260 to 571.348 or any other**  
14 **state law or local ordinance regulating the growing or handling of industrial hemp. The lien**  
15 **may be enforced immediately by civil action in a court that has jurisdiction over the area in**  
16 **which the building or premises is located, by the district attorney of the county in which the**  
17 **building or premises is located.**

18 **SECTION 3. ORS 475C.105 is amended to read:**

19 475C.105. (1) If a school described in ORS 475C.097 (2)(d) that has not previously been attended  
20 by children is established within 1,000 feet of a premises for which a license has been issued under  
21 ORS 475C.097, the marijuana retailer located at that premises may remain at that location unless  
22 the Oregon Liquor and Cannabis Commission revokes the license of the marijuana retailer under  
23 ORS 475C.265.

24 **(2)(a) If the commission issues a license for a premises under ORS 475C.097 and, after**  
25 **issuance, the commission becomes aware that a school is located within 1,000 feet of the**  
26 **premises, the commission may allow the marijuana retailer to relocate to a premises that**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **is not within 1,000 feet of the school without applying for and being issued a new license**  
 2 **under ORS 475C.097.**

3 **(b) The commission may adopt rules to carry out this subsection.**

4 **SECTION 4.** ORS 475C.269 is amended to read:

5 475C.269. (1) An individual who performs work for or on behalf of a licensee must have a valid  
 6 permit issued by the Oregon Liquor and Cannabis Commission under ORS 475C.273 if the individual  
 7 participates in:

8 (a) The delivery, possession, production, propagation, processing, **sampling**, securing [or], selling  
 9 **or testing** of marijuana items at the premises for which the license has been issued;

10 (b) The recording of the delivery, possession, production, propagation, processing, **sampling**,  
 11 securing [or], selling **or testing** of marijuana items at the premises for which the license has been  
 12 issued; or

13 (c) The verification of any document described in ORS 475C.217.

14 (2) A licensee must verify that an individual has a valid permit issued under ORS 475C.273 be-  
 15 fore allowing the individual to perform, **or continue to perform**, any work described in subsection  
 16 (1) of this section at the premises for which the license has been issued.

17 **SECTION 5.** ORS 475C.409 is amended to read:

18 475C.409. If the owner of a building or premises knowingly has used the building or premises for,  
 19 or allowed the building or premises to be occupied for, the production, processing, sale or use of  
 20 marijuana items contrary to the provisions of ORS 475C.005 to 475C.525, 475C.540 to 475C.586,  
 21 475C.600 to 475C.648 or 475C.770 to 475C.919, or contrary to the provisions of any other state law  
 22 or local ordinance regulating the production, processing, sale or use of marijuana items, the building  
 23 or premises is subject to a lien for, and may be sold to pay all fines and costs, **including but not**  
 24 **limited to any costs of cleanup and removal of marijuana**, assessed against the occupants of the  
 25 building or premises for, any violation of ORS 475C.005 to 475C.525, 475C.540 to 475C.586, 475C.600  
 26 to 475C.648 or 475C.770 to 475C.919, or any other state law or local ordinance regulating the pro-  
 27 duction, processing, sale or use of marijuana items. The lien [must] **may** be enforced immediately  
 28 by civil action in a court that has jurisdiction over the area in which the building or premises is  
 29 located, by the district attorney of the county in which the building or premises is located.

30 **SECTION 6.** ORS 475C.608 is amended to read:

31 475C.608. (1) As used in this section:

32 (a) "Licensee" has the meaning given that term in ORS 475C.009.

33 (b) "Registrant" means a person registered under ORS 475C.770 to 475C.919.

34 (2) The Oregon Liquor and Cannabis Commission may by rule require a licensee or person re-  
 35 sponsible for the labeling of an inhalant delivery system that contains an industrial hemp-derived  
 36 vapor item, and the Oregon Health Authority may by rule require a registrant, to submit a label  
 37 intended for use on a marijuana item or an inhalant delivery system that contains an industrial  
 38 hemp-derived vapor item for preapproval by the commission before the licensee, **person** or regis-  
 39 trant may sell or transfer a marijuana item or an inhalant delivery system that contains an indus-  
 40 trial hemp-derived vapor item bearing the label. The commission shall determine whether a label  
 41 submitted under this section complies with ORS 475C.604 and any rule adopted under ORS 475C.604.

42 (3) The commission may impose a fee for submitting a label for preapproval under this section  
 43 that is reasonably calculated to not exceed the cost of administering this section.

44 **SECTION 7. (1) Section 2 of this 2022 Act and the amendments to ORS 475C.105, 475C.269,**  
 45 **475C.409 and 475C.608 by sections 3 to 6 of this 2022 Act become operative on January 1, 2023.**

1       **(2) The Oregon Liquor and Cannabis Commission may take any action before the opera-**  
2 **tive date specified in subsection (1) of this section that is necessary to enable the commission**  
3 **to exercise, on and after the operative date specified in subsection (1) of this section, all of**  
4 **the duties, functions and powers conferred on the commission by section 2 of this 2022 Act**  
5 **and the amendments to ORS 475C.105, 475C.269, 475C.409 and 475C.608 by sections 3 to 6 of**  
6 **this 2022 Act.**

7       **SECTION 8. This 2022 Act being necessary for the immediate preservation of the public**  
8 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**  
9 **on its passage.**

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