On page 1 of the printed bill, line 2, delete “475C.337,” and delete line 3 and insert “475C.037, 475C.065, 475C.337, 475C.341, 475C.349, 475C.353, 475C.792, 536.900 and 537.990 and section 45, chapter 54, Oregon Laws 2021;”.

On page 2, after line 45, insert:

“(9)(a) Notwithstanding subsections (2) to (8) of this section, the lessee of real property where a site is located shall be held responsible for the cleanup of the site if the owner of the real property demonstrates that:

(A) The real property was leased to another party; and

(B) The owner did not know that the real property was used by the lessee for or in connection with the unlawful manufacture of a marijuana item or the unlawful production of marijuana.

(b) The owner of real property described in paragraph (a) of this subsection may not be held responsible for the cleanup of the site.

(c) The city or county that has jurisdiction over the real property described in paragraph (a) of this subsection has the burden of proving that the owner of the real property knew that the real property was being used for or in connection with the unlawful manufacture of a marijuana item or the unlawful production of marijuana.”.

On page 11, after line 16, insert:

“SECTION 15. Section 16 of this 2023 Act is added to and made a part of ORS 475C.005 to 475C.525.

“SECTION 16. (1) The Oregon Liquor and Cannabis Commission may not issue a marijuana production license under ORS 475C.065 unless the applicant submits with the application a statement accurately identifying the legal address and owner of the premises to be licensed and the requirements of subsections (2) and (3) of this section are met.

“(2) The commission shall independently verify the information provided under subsection (1) of this section regarding the ownership of the premises with the county in which the premises to be licensed under ORS 475C.065 is located.

“(3) If the applicant described in subsection (1) of this section is not the owner of the premises to be licensed under ORS 475C.065, and the commission is able to verify ownership of the premises with the information submitted by the applicant, the commission shall send by certified mail a form to the owner of the premises:

(a) Informing the owner that the premises is intended to be licensed under ORS 475C.065;

(b) On which the owner, if the owner wishes to consent to the use of the premises for the purpose of producing marijuana, must provide the owner's written signature, witnessed
by a notary public, confirming ownership of the premises and consenting to the use of the
premises for the purpose of producing marijuana; and
“(c) Directing the owner to return the signed and witnessed form to the commission.
“(4) The commission shall cancel an application for a license under ORS 475C.065 if the
commission:
“(a) Is not able to verify ownership of the premises described in subsection (1) of this
section; or
“(b) Does not receive from the owner the signed and witnessed form described in sub-
section (3) of this section.
“(5) The commission may adopt rules to carry out this section.

SECTION 17. ORS 475C.037 is amended to read:
“475C.037. (1) The Oregon Liquor and Cannabis Commission may not license an applicant under
the provisions of ORS 475C.005 to 475C.525 or 475C.548 if the applicant is under 21 years of age.
“(2) The commission may refuse to issue a license or may issue a restricted license to an ap-
plicant under the provisions of ORS 475C.005 to 475C.525 if the commission makes a finding that the
applicant:
“(a) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana or controlled
substances to excess.
“(b) Has made false statements to the commission.
“(c) Is incompetent or physically unable to carry on the management of the establishment pro-
posed to be licensed.
“(d) Has been convicted of violating a federal law, state law or local ordinance if the conviction
is substantially related to the fitness and ability of the applicant to lawfully carry out activities
under the license.
“(e) Is not of good repute and moral character.
“(f) Does not have a good record of compliance with ORS 475C.005 to 475C.525 or any rule
adopted under ORS 475C.005 to 475C.525.
“(g) Except as provided in section 16 of this 2023 Act, is not the legitimate owner of the
premises proposed to be licensed, or has not disclosed that other persons have ownership interests
in the premises proposed to be licensed.
“(h) Has not demonstrated financial responsibility sufficient to adequately meet the requirements
of the premises proposed to be licensed.
“(i) Is unable to understand the laws of this state relating to marijuana items or the rules
adopted under ORS 475C.005 to 475C.525.
“(3) Notwithstanding subsection (2)(d) of this section, in determining whether to issue a license
or a restricted license to an applicant, the commission may not consider the prior conviction of the
applicant or any owner, director, officer, manager, employee, agent or other representative of the
applicant for:
“(a) The manufacture of marijuana, if:
“(A) The date of the conviction is two or more years before the date of the application; and
“(B) The person has not been convicted more than once for the manufacture or delivery of
marijuana;
“(b) The delivery of marijuana to a person 21 years of age or older, if:
“(A) The date of the conviction is two or more years before the date of the application; and
“(B) The person has not been convicted more than once for the manufacture or delivery of
marijuana; or
“(c) The possession of marijuana.

*SECTION 18. ORS 475C.065 is amended to read:

475C.065. (1) The production of marijuana is subject to regulation by the Oregon Liquor and
Cannabis Commission.

(2) A marijuana producer must have a production license issued by the commission for the
premises at which the marijuana is produced. To hold a production license issued under this section,
a marijuana producer:

(a) Must apply for a license in the manner described in ORS 475C.033;

(b) Must provide proof that the applicant is 21 years of age or older; and

(c) Must meet the requirements of any rule adopted by the commission under subsections (3)
and (4) of this section.

[(3)(a) If the applicant is not the owner of the premises at which the marijuana is to be produced,
the applicant shall submit to the commission signed informed consent from the owner of the premises
to produce marijuana at the premises.]

[(b) The commission may adopt rules regarding the informed consent described in this
subsection.]

(3) The applicant shall, with the application submitted to the commission, provide the
information described under and meet the requirements of section 16 of this 2023 Act.

(4) The commission shall adopt rules that:

(a) Require a marijuana producer to annually renew a license issued under this section;

(b) Establish application, licensure and renewal of licensure fees for marijuana producers;

(c) Require marijuana produced by marijuana producers to be tested in accordance with ORS
475C.544;

(d) Assist the viability of marijuana producers that are independently owned and operated and
that are limited in size and revenue with respect to other marijuana producers, by minimizing bar-
riers to entry into the regulated system and by expanding, to the extent practicable, transportation
options that will support their access to the retail market;

(e) Allow a marijuana producer registered under ORS 475C.137 to produce marijuana for med-
icinal purposes in the same manner that rules adopted under ORS 475C.005 to 475C.525 allow a
marijuana producer to produce marijuana for nonmedical purposes, excepting those circumstances
where differentiating between the production of marijuana for medical purposes and the production
of marijuana for nonmedical purposes is necessary to protect the public health and safety;

(f) Require marijuana producers to submit, at the time of applying for or renewing a license
under ORS 475C.033, a report describing the applicant’s or licensee’s electrical or water usage;

(g) Require a marijuana producer to meet any public health and safety standards and industry
best practices established by the commission by rule related to the production of marijuana or the
propagation of immature marijuana plants and marijuana seeds; and

(h) Support marijuana plant diversity by allowing a qualified marijuana producer to receive
marijuana seeds from any source in this state, but not more than a total of 200 marijuana seeds per
month from all sources combined.

(5) Fees adopted under subsection (4)(b) of this section:

(a) May not exceed, together with other fees collected under ORS 475C.005 to 475C.525, the
cost of administering ORS 475C.005 to 475C.525;

(b) Shall be in the form of a schedule that imposes a greater fee for premises with more square
footage or on which more marijuana plants are grown; and

“(c) Shall be deposited in the Marijuana Control and Regulation Fund established under ORS 475C.297.

SECTION 19. Section 20 of this 2023 Act is added to and made a part of ORS 475C.770 to 475C.919.

SECTION 20. (1) The Oregon Health Authority may not issue a marijuana grow site registration under ORS 475C.792 unless the applicant submits with the application a statement accurately identifying the legal address and owner of the premises to be registered and the requirements of subsections (2) and (3) of this section are met.

“(2) The authority shall independently verify the information provided under subsection (1) of this section regarding the ownership of the premises with the county in which the premises to be registered under ORS 475C.792 is located.

“(3) If the applicant described in subsection (1) of this section is not the owner of the premises to be licensed under ORS 475C.792, and the authority is able to verify ownership of the premises with the information submitted by the applicant, the authority shall send by certified mail a form to the owner of the premises:

“(a) Informing the owner that the premises is intended to be licensed under ORS 475C.792;

“(b) On which the owner, if the owner wishes to consent to the use of the premises for the purpose of a marijuana grow site, must provide the owner's written signature, witnessed by a notary public, confirming ownership of the premises and consenting to the use of the premises for the purpose of a marijuana grow site; and

“(c) Directing the owner to return the signed and witnessed form to the authority.

“(4) The authority shall cancel an application for a registration under ORS 475C.792 if the authority:

“(a) Is not able to verify ownership of the premises described in subsection (1) of this section; or

“(b) Does not receive from the owner the signed and witnessed form described in subsection (3) of this section.

“(5) The authority may adopt rules to carry out this section.

SECTION 21. ORS 475C.792 is amended to read:

“475C.792. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to track and regulate the production of marijuana by a registry identification cardholder or a person designated by the registry identification cardholder to produce marijuana for the registry identification cardholder.

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

“(c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided in ORS 475C.005 to 475C.525 or as otherwise provided for by the statutory laws of this state.

“(2) Rules adopted under this section must require an applicant for a registry identification card, or a registry identification cardholder who produces marijuana or who designates another person to produce marijuana, to submit an application to the authority containing the following information at the time of making an application under ORS 475C.783 (2), renewing a registry identification card under ORS 475C.783 (6)(b), or notifying the authority of a change under ORS 475C.783 (6)(a):

“(a) The name of the person responsible for the marijuana grow site;
“(b) Proof that the person is 21 years of age or older;
“(c) If the registry identification cardholder or the person responsible for the marijuana grow site
is not the owner of the premises of the marijuana grow site, signed informed consent from the owner
of the premises to register the premises as a marijuana grow site;
“(c) The information required under section 20 of this 2023 Act;
“(d) The address of the marijuana grow site; and
“(e) Any other information that the authority considers necessary to track the production of
marijuana under ORS 475C.770 to 475C.919.
“(3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person
whose name is submitted under this section as the person responsible for a marijuana grow site.
“(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or
be designated a person responsible for a marijuana grow site for two years from the date of con-
viction.
“(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
not act as or be designated a person responsible for a marijuana grow site.
“(4) Subject to subsection (11) of this section, the authority shall issue a marijuana grow site
registration card if the requirements of subsections (2) and (3) of this section and section 20 of this
2023 Act are met.
“(5) A person who holds a marijuana grow site registration card under this section must display
the card at the marijuana grow site at all times.
“(6) A marijuana grow site registration card must be obtained and posted for each registry
identification cardholder for whom marijuana is being produced at a marijuana grow site.
“(7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-
associated with the production of marijuana for a registry identification cardholder by a person re-
sponsible for a marijuana grow site are the property of the registry identification cardholder.
“(b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-
associated with the production of marijuana for a registry identification cardholder by a person re-
sponsible for a marijuana grow site must be transferred to the registry identification cardholder
upon the request of the registry identification cardholder.
“(c) All usable marijuana associated with the production of marijuana for a registry identifica-
tion cardholder by a person responsible for a marijuana grow site must be transferred to a
marijuana processing site upon the request of the registry identification cardholder. For purposes
of this paragraph, a request to transfer usable marijuana constitutes an assignment of the right to
possess the usable marijuana.
“(d) All seeds, immature marijuana plants and usable marijuana associated with the production
of marijuana for a registry identification cardholder by a person responsible for a marijuana grow
site must be transferred to a medical marijuana dispensary upon request of the registry identification
cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana
plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature
marijuana plants or usable marijuana.
“(e) Information related to transfers made under this subsection must be submitted to the au-
thority in the manner required by ORS 475C.795.
“(8) A registry identification cardholder, or the designated caregiver of a registry identification
cardholder, may reimburse a person responsible for a marijuana grow site for all costs associated
with the production of marijuana for the registry identification cardholder.

“(9) The authority may inspect:

“(a) The marijuana grow site of a person designated to produce marijuana by a registry iden-
tification cardholder to ensure compliance with this section and ORS 475C.795 and 475C.806 and any
rule adopted under this section and ORS 475C.795 and 475C.806; and

“(b) The records of the marijuana grow site of a person designated to produce marijuana by a
registry identification cardholder to ensure compliance with this section and ORS 475C.795 and any
rule adopted under this section and ORS 475C.795.

“(10) The authority may refuse to register a registry identification cardholder or a designee
under this section or may suspend or revoke the registration of a person responsible for a marijuana
grow site if the authority determines that the applicant or the person responsible for a marijuana
grow site violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to
475C.919 or an ordinance adopted pursuant to ORS 475C.827.

“(11) The authority may require a person responsible for a marijuana grow site, prior to issuing
a marijuana grow site registration card under subsection (4) of this section, to pay a fee reasonably
calculated to pay costs incurred under this section and ORS 475C.795 and 475C.856.

“SECTION 22. (1) Sections 16 and 20 of this 2023 Act and the amendments to ORS
475C.037, 475C.065 and 475C.792 by sections 17, 18 and 21 of this 2023 Act become operative
on January 1, 2024.

“(2) The Oregon Health Authority and the Oregon Liquor and Cannabis Commission may
take any action before the operative date specified in subsection (1) of this section that is
necessary to enable the authority and the commission to exercise, on and after the operative
date specified in subsection (1) of this section, all of the duties, functions and powers con-
ferred on the authority and the commission by sections 16 and 20 of this 2023 Act and the
amendments to ORS 475C.037, 475C.065 and 475C.792 by sections 17, 18 and 21 of this 2023
Act.”.

In line 17, delete “15” and insert “23”.

/s/  Dennis Linthicum
Senator

/s/  Kim Thatcher
Senator