

SENATE AMENDMENTS TO SENATE BILL 326

By COMMITTEE ON JUDICIARY

April 5

- 1 On page 1 of the printed bill, delete lines 9 through 22.
- 2 On page 2, delete lines 1 through 5 and insert:
- 3 “(a) ‘Cleanup’ means the removal, disposal and remediation, by an owner or an agent of an
4 owner, of waste from a site in conformance with applicable law.
- 5 “(b) ‘Cleanup costs’ means reasonable costs that are associated with or attributable to cleanup.
- 6 “(c) ‘Law enforcement agency’ has the meaning given that term in ORS 181A.010.
- 7 “(d)(A) ‘Owner’ means a person who owns the real property where a site is located.
- 8 “(B) ‘Owner’ does not include a person who, without participating in the management of the site,
9 holds indicia of ownership primarily to protect a security interest in the real property.
- 10 “(e) ‘Site’ means the location where the unlawful manufacture of a marijuana item, as described
11 in ORS 475C.349, or the unlawful production of marijuana, as described in section 41, chapter 542,
12 Oregon Laws 2021, occurred or is alleged to have occurred.
- 13 “(f) ‘Waste’ means:
- 14 “(A) Marijuana flowers, marijuana leaves, marijuana plants and any parts of marijuana plants;
- 15 “(B) Any items or materials used for an irrigation system if used to facilitate the unlawful
16 manufacture of marijuana items or unlawful production of marijuana, unless:
- 17 “(i) The site where the items or materials are located was leased to a third party that was re-
18 sponsible for the unlawful manufacture of marijuana items or unlawful production of marijuana;
- 19 “(ii) The items or materials are the property of the owner; and
- 20 “(iii) The owner elects to retain ownership and properly store the items or materials;
- 21 “(C) Greenhouses, hoop houses and other structures used to facilitate the unlawful manufacture
22 of marijuana items or unlawful production of marijuana, unless:
- 23 “(i) The site where the greenhouses, hoop houses or other structures are located was leased to
24 a third party that was responsible for the unlawful manufacture of marijuana items or unlawful
25 production of marijuana;
- 26 “(ii) The greenhouses, hoop houses or other structures are the property of the owner and are
27 agricultural buildings, as defined in ORS 455.315, that are allowed on the real property; and
- 28 “(iii) The owner elects to retain ownership and properly care for the greenhouses, hoop houses
29 or other structures; and
- 30 “(D) Any material or substance designated as chemical by the Environmental Quality Commis-
31 sion under ORS 475.425 used to facilitate the unlawful manufacture of marijuana items or unlawful
32 production of marijuana, unless:
- 33 “(i) The site where the material or substance is located was leased to a third party that was
34 responsible for the unlawful manufacture of marijuana items or unlawful production of marijuana;
- 35 “(ii) The material or substance is the property of the owner; and

1 “(iii) The owner elects to retain ownership and properly store the material or substance.”.
2 On page 3, delete lines 1 through 9 and insert:
3 “**SECTION 3. (1) At a location described in subsection (2) of this section, a person may**
4 **not:**
5 “(a) Use, store or divert any waters under ORS 537.130;
6 “(b) Use or attempt to use any ground water under ORS 537.535;
7 “(c) Construct or attempt to construct any well or other means of developing and se-
8 curing ground water under ORS 537.535;
9 “(d) Collect or use precipitation water from an artificial impervious surface as described
10 in ORS 537.141; or
11 “(e) Use ground water as described in ORS 537.545 (1)(b) or (f).
12 “(2) A person may not engage in or undertake an action described in subsection (1) of
13 this section at a location where plants in the plant Cannabis family Cannabaceae are grown,
14 if:
15 “(a) The location described in this section is not licensed or registered under ORS
16 475C.065, 475C.792 or 571.281; and
17 “(b) The number of plants described in this section is greater than the number of
18 marijuana plants or industrial hemp plants allowed under ORS 475C.005 to 475C.525, 475C.770
19 to 475C.919 or 571.260 to 571.348.”.
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