

SENATE AMENDMENTS TO SENATE BILL 353

By COMMITTEE ON JUDICIARY

April 12

1 In line 2 of the printed bill, after “cannabis” insert “; creating new provisions; amending ORS
2 475C.117, 475C.141, 475C.197, 475C.209, 475C.229, 475C.265, 475C.269, 475C.273, 475C.289, 475C.293,
3 475C.301, 475C.305, 475C.353, 475C.449, 475C.473, 475C.485, 475C.742, 475C.746, 475C.783, 475C.800,
4 475C.809, 475C.894, 475C.897 and 571.309; and declaring an emergency”.

5 Delete lines 4 through 8 and insert:
6

“INDUSTRIAL HEMP PRODUCTS

7
8

9 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 571.260 to**
10 **571.348.**

11 **“SECTION 2. (1) As used in this section, ‘cannabinoid’ means any of the chemical com-**
12 **pounds that are the active constituents derived from industrial hemp.**

13 **“(2)(a) The Oregon Liquor and Cannabis Commission shall establish a registration pro-**
14 **gram for industrial hemp products that contain cannabinoids and are intended for human**
15 **or animal consumption or use. Except as provided in subsection (7) of this section, only an**
16 **industrial hemp product described in this paragraph that is in its final form and ready for**
17 **sale, transfer or delivery to a consumer in this state is subject to the requirements of this**
18 **section.**

19 **“(b) A person that is located within or outside this state and that, as determined by the**
20 **commission by rule, is responsible for the manufacture, packaging or distribution of an in-**
21 **dustrial hemp product described in paragraph (a) of this subsection shall, prior to selling,**
22 **transferring or delivering the industrial hemp product directly to a consumer in this state**
23 **or selling, transferring or delivering the industrial hemp product to a retailer in this state**
24 **for the purpose of sale to a consumer in this state:**

25 **“(A) Annually submit the information described in subsection (3) of this section to the**
26 **commission in a manner specified by the commission by rule;**

27 **“(B) Include on the industrial hemp product a label that contains the information de-**
28 **scribed in subsection (4) of this section; and**

29 **“(C) Pay the annual registration fee established by the commission by rule.**

30 **“(3) A person described in subsection (2) of this section shall submit to the commission**
31 **the following information about an industrial hemp product that contains cannabinoids and**
32 **is intended for human or animal consumption or use:**

33 **“(a) The name and type of the product;**

34 **“(b) The name and physical address of the manufacturer of the product;**

35 **“(c) The mailing address of the manufacturer of the product;**

1 “(d) A certificate of analysis for a batch of the product;
2 “(e) A copy of the label for the product;
3 “(f) A statement about whether the product is an adult use cannabis item; and
4 “(g) Any other information required by the commission by rule.
5 “(4) A person described in subsection (2) of this section shall label an industrial hemp
6 product that contains cannabinoids and is intended for human or animal consumption or use
7 with a label that contains the following information:
8 “(a) The name and type of the product;
9 “(b) The name and physical address of the manufacturer of the product;
10 “(c) The ingredients of the product;
11 “(d) The net weight or volume of the product;
12 “(e) The serving size and number of servings contained in a package of the product;
13 “(f) The potency of the product and a list of the cannabinoid contents of the product;
14 “(g) The address of a publicly accessible website that contains the certificate of analysis
15 for the product;
16 “(h) Health and safety warnings required by law or rule;
17 “(i) If the product is an adult use cannabis item, the following language:
18 “(A) ‘For use only by adults 21 and older.’; and
19 “(B) ‘Keep out of reach of children.’;
20 “(j) If the product is a food product, any other information required by law or rule for
21 food products; and
22 “(k) Any other information required by the commission by rule.
23 “(5) If an industrial hemp product is intended only for human consumption or use, the
24 person described in subsection (2) of this section shall comply with the requirements of ORS
25 571.337 and 571.339.
26 “(6) The fee collected under this section may not exceed the cost of administering this
27 section.
28 “(7) If a retailer receives an industrial hemp product that contains cannabinoids and is
29 intended for human or animal consumption or use that:
30 “(a) Differs in form, or contains a label that differs, from the information about the in-
31 dustrial hemp product available from the registration program established under this sec-
32 tion, the retailer shall submit to the commission the information described in subsections (3)
33 and (4) of this section and the fee described in subsection (2) of this section.
34 “(b) Is not registered with the registration program established under this section, the
35 retailer may sell the industrial hemp product to a consumer in this state if the retailer
36 provides to the commission the information described in subsections (3) and (4) of this sec-
37 tion and the fee described in subsection (2) of this section.
38 “(8) This section does not apply to an industrial hemp product that:
39 “(a) Does not contain cannabinoids;
40 “(b) Is intended only for topical use;
41 “(c) Is an industrial hemp grain or fiber product that does not contain added
42 cannabinoids;
43 “(d) Is a commercial feed product for animals registered under ORS 633.006 to 633.089;
44 or
45 “(e) Is transported through this state en route to a final destination in another state.

1 **“SECTION 3.** ORS 571.309 is amended to read:

2 “571.309. (1) The Oregon Liquor and Cannabis Commission, in consultation with the State De-
3 partment of Agriculture, shall adopt rules to establish:

4 “[(1)] (a) The maximum concentration of tetrahydrocannabinol permitted in a single serving of
5 an industrial hemp product;

6 “[(2)] (b) The maximum concentration of any other cannabinoid, adult use cannabinoid or arti-
7 ficially derived cannabinoid that is permitted in a single serving of an industrial hemp product; and

8 “[(3)] (c) The number of servings that are permitted in a package of industrial hemp products.

9 **“(2) The commission shall adopt rules to establish standards for approving for sale at
10 retail industrial hemp products that contain artificially derived cannabinoids. The standards
11 adopted under this subsection may include that:**

12 **“(a) An artificially derived cannabinoid in an industrial hemp product must be determined
13 by the commission, as described in subsection (3) of this section, to be not impairing;**

14 **“(b) The industrial hemp product may not be intended for human inhalation;**

15 **“(c) The industrial hemp product may not contain any controlled substance, as deter-
16 mined by the State Board of Pharmacy by rule pursuant to ORS 475.035;**

17 **“(d) The industrial hemp product must be processed in a facility licensed by the State
18 Department of Agriculture under ORS 616.695 to 616.755 or in a facility in another state or
19 jurisdiction that meets requirements substantially similar to requirements established under
20 ORS 616.695 to 616.755;**

21 **“(e) If the industrial hemp product is intended for human or animal consumption, the
22 industrial hemp product must comply with the requirements of section 2 of this 2023 Act;
23 and**

24 **“(f) The industrial hemp product may contain one or more artificially derived
25 cannabinoids that have been:**

26 **“(A) Reported in at least two peer-reviewed publications as a naturally occurring com-
27 ponent of the plant genus Cannabis within the plant family Cannabaceae; and**

28 **“(B) Determined by the processor of the industrial hemp product to be generally recog-
29 nized as safe pursuant to the process established by the United States Food and Drug Ad-
30 ministration.**

31 **“(3) In determining that an artificially derived cannabinoid is not impairing for purposes
32 of subsection (2) of this section, the commission shall:**

33 **“(a) Review and rely on peer-reviewed publications and acknowledged experts in the field
34 of cannabinoids; and**

35 **“(b) Take into account the industrial hemp product serving size and the total number of
36 servings in the package of the industrial hemp product.**

37 **“SECTION 4. (1) Section 2 of this 2023 Act and the amendments to ORS 571.309 by section
38 3 of this 2023 Act become operative on January 1, 2024.**

39 **“(2) The Oregon Liquor and Cannabis Commission may take any action before the oper-
40 ative date specified in subsection (1) of this section that is necessary to enable the commis-
41 sion to exercise, on and after the operative date specified in subsection (1) of this section,
42 all of the duties, functions and powers conferred on the commission by section 2 of this 2023
43 Act and the amendments to ORS 571.309 by section 3 of this 2023 Act.**

44
45 **“INTERSTATE COMMERCE OF CANNABIS SEEDS**

1 “**SECTION 5.** ORS 475C.229 is amended to read:

2 “475C.229. (1) For purposes of this section:

3 “(a) ‘Export’ includes placing a marijuana item in any mode of transportation for hire, such as
4 luggage, mail or parcel delivery, even if the transportation of the marijuana item is intercepted prior
5 to the marijuana item leaving this state.

6 “(b)(A) ‘Marijuana item’ includes an industrial hemp commodity or product that exceeds the
7 greater of:

8 “[A] (i) A concentration of 0.3 percent total delta-9-tetrahydrocannabinol; or

9 “[B] (ii) The concentration of total delta-9-tetrahydrocannabinol allowed under federal law.

10 “(B) ‘**Marijuana item**’ **does not include marijuana seeds or industrial hemp seeds imported**
11 **or exported in accordance with applicable state and federal law.**

12 “(2) A person may not import marijuana items into this state or export marijuana items from
13 this state.

14 “(3) A violation of this section is a Class B violation, except:

15 “(a) As provided in subsection (4) of this section; or

16 “(b) If the item is industrial hemp and does not exceed a total delta-9-tetrahydrocannabinol
17 concentration of one percent.

18 “(4) A violation of this section is a:

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

20 “(A) Is not for consideration and the person holds a license issued under ORS 475C.065,
21 475C.085, 475C.093 or 475C.097; or

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

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

25 “(A) Is for consideration and the person holds a license issued under ORS 475C.065, 475C.085,
26 475C.093 or 475C.097;

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

29 “(C) Concerns a cannabinoid extract that was not purchased from a marijuana retailer that
30 holds a license issued under ORS 475C.097.

31
32 “**TEMPORARY PERMITS**

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34 “**SECTION 6.** ORS 475C.269, as amended by section 4, chapter 117, Oregon Laws 2022, is
35 amended to read:

36 “475C.269. (1) An individual who performs work for or on behalf of a licensee or a laboratory
37 licensed under ORS 475C.548 must have a valid permit **or temporary permit** issued by the Oregon
38 Liquor and Cannabis Commission under ORS 475C.273 if the individual participates in:

39 “(a) The delivery, possession, production, propagation, processing, sampling, securing, selling or
40 testing of marijuana items at the premises or laboratory for which the license has been issued;

41 “(b) The recording of the delivery, possession, production, propagation, processing, sampling,
42 securing, selling or testing of marijuana items at the premises or laboratory for which the license
43 has been issued; or

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

45 “(2) A licensee or a laboratory licensed under ORS 475C.548 must verify that an individual has

1 a valid permit **or temporary permit** issued under ORS 475C.273 before allowing the individual to
2 perform, or continue to perform, any work described in subsection (1) of this section at the premises
3 or laboratory for which the license has been issued.

4 “**SECTION 7.** ORS 475C.273 is amended to read:

5 “475C.273. (1) The Oregon Liquor and Cannabis Commission shall issue permits to qualified ap-
6 plicants to perform work described in ORS 475C.269. The commission shall adopt rules establishing:

7 “(a) The qualifications for performing work described in ORS 475C.269;

8 “(b) The term of a permit issued under this section;

9 “(c) Procedures for applying for and renewing a permit issued under this section; and

10 “(d) Reasonable application, issuance and renewal fees for a permit issued under this section.

11 “(2)(a) The commission may require an individual applying for a permit under this section to
12 successfully complete a course, made available by or through the commission, through which the
13 individual receives training on:

14 “(A) Checking identification;

15 “(B) Detecting intoxication;

16 “(C) Handling marijuana items;

17 “(D) If applicable, producing and propagating marijuana;

18 “(E) If applicable, processing marijuana;

19 “(F) The content of ORS 475C.005 to 475C.525 and rules adopted under ORS 475C.005 to
20 475C.525; or

21 “(G) Any matter deemed necessary by the commission to protect the public health and safety.

22 “(b) The commission or other provider of a course may charge a reasonable fee for the course.

23 “(c) The commission may not require an individual to successfully complete a course more than
24 once, except that:

25 “(A) As part of a final order suspending a permit issued under this section, the commission may
26 require a permit holder to successfully complete the course as a condition of lifting the suspension;
27 and

28 “(B) As part of a final order revoking a permit issued under this section, the commission shall
29 require an individual to successfully complete the course prior to applying for a new permit.

30 “(3) The commission shall conduct a criminal records check under ORS 181A.195 on an individ-
31 ual applying for a permit under this section.

32 “(4) Subject to the applicable provisions of ORS chapter 183, the commission may suspend, re-
33 voke or refuse to issue or renew a permit if the individual who is applying for or who holds the
34 permit:

35 “(a) Is convicted of a felony or is convicted of an offense under ORS 475C.005 to 475C.525, ex-
36 cept that the commission may not consider a conviction for an offense under ORS 475C.005 to
37 475C.525 if the date of the conviction is two or more years before the date of the application or
38 renewal;

39 “(b) Violates any provision of ORS 475C.005 to 475C.525 or any rule adopted under ORS
40 475C.005 to 475C.525; or

41 “(c) Makes a false statement to the commission.

42 “(5) A permit issued under this section is a personal privilege and permits work described under
43 ORS 475C.269 only for the individual who holds the permit.

44 “**(6) The commission may establish by rule a process and conditions for issuing a tem-
45 porary permit to an individual who has applied to the commission for a permit under this**

1 **section.**

2 **“SECTION 8.** ORS 475C.117 is amended to read:

3 “475C.117. (1) A marijuana retailer that holds a license issued under ORS 475C.097 may make
4 deliveries to a consumer pursuant to the consumer’s bona fide order received by the marijuana
5 retailer. The delivery of marijuana items under this section may be made to a consumer:

6 “(a) Within the same city or unincorporated area of the county in which the marijuana retailer
7 is located; or

8 “(b) In a city or the unincorporated area of a county that is adjacent to the city or
9 unincorporated area of the county in which the marijuana retailer is located, provided the adjacent
10 city or county has adopted an ordinance allowing for the delivery of marijuana items by a marijuana
11 retailer located in an adjacent city or unincorporated area of a county.

12 “(2) A marijuana retailer that makes deliveries under this section shall:

13 “(a) Ensure that deliveries are made in an efficient and timely manner.

14 “(b) Upon request, provide to the Oregon Liquor and Cannabis Commission information on each
15 vehicle used to make deliveries of marijuana items under this section, including the make, model,
16 year, color, vehicle identification number and registration plate number.

17 “(c) Maintain an electronic or physical record of each bona fide order for the delivery of
18 marijuana items that the marijuana retailer fulfills.

19 “(d) Report to the commission, and as necessary to the appropriate law enforcement agency, any
20 accidents or losses involving a delivery vehicle.

21 “(3) An individual who makes deliveries on behalf of a marijuana retailer under this section:

22 “(a) Shall:

23 “(A) Hold a permit **or temporary permit** issued under ORS 475C.273 and carry the permit **or**
24 **temporary permit** while making deliveries under this section.

25 “(B) Have a method of secure electronic communication in order to communicate with the
26 marijuana retailer for which the individual is making deliveries.

27 “(C) Maintain an electronic or physical record of a bona fide order for a delivery of a marijuana
28 item.

29 “(D) Present to the consumer a printed or electronic delivery manifest and obtain on the mani-
30 fest the consumer’s written or electronic signature verifying completion of the delivery of marijuana
31 items.

32 “(E) Except in the case of an emergency or unsafe road conditions or as necessary for fuel, rest
33 or vehicle repair, travel only between the premises of the marijuana retailer and the locations at
34 which the deliveries of marijuana items are made.

35 “(b) May not:

36 “(A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery ve-
37 hicle is locked and equipped with an active vehicle alarm system.

38 “(B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one time.

39 “(C) Consume, or be under the influence of, marijuana while making deliveries under this sec-
40 tion.

41 “(4) A delivery vehicle must:

42 “(a) While being used for making deliveries, be equipped with an active global positioning sys-
43 tem device that tracks the location of the delivery vehicle and enables the marijuana retailer for
44 which the deliveries are being made to identify the location of the delivery vehicle.

45 “(b) Be equipped with a lockable container in a secured cargo area of the delivery vehicle that

1 is of a size appropriate to contain the marijuana items being delivered.

2 “(c) Be free of any markings that may indicate that the delivery vehicle is used for the purpose
3 of delivering marijuana items.

4 “(5) A delivery of marijuana items may not be made to a consumer who is located on land owned
5 or leased by the federal government.

6 “(6) The commission may adopt rules to carry out the purposes of this section.

7 “**SECTION 9.** ORS 475C.197 is amended to read:

8 “475C.197. (1) Notwithstanding the lapse, suspension or revocation of a permit **or temporary**
9 **permit** issued under ORS 475C.273, the Oregon Liquor and Cannabis Commission may:

10 “(a) Proceed with any investigation of, or any action or disciplinary proceeding against, the
11 person who held the permit **or temporary permit**; or

12 “(b) Revise or render void an order suspending or revoking the permit **or temporary permit**.

13 “(2) In cases involving the proposed denial of a permit **or temporary permit** issued under ORS
14 475C.273, the applicant for the permit **or temporary permit** may not withdraw the applicant’s ap-
15 plication.

16 “**SECTION 10.** ORS 475C.209 is amended to read:

17 “475C.209. (1) In order to transport marijuana items, a licensee must create a manifest that
18 contains the following information:

19 “(a) The name of the driver of the transport vehicle;

20 “(b) Identifying information for the driver’s permit **or temporary permit** issued under ORS
21 475C.273;

22 “(c) The license plate number, make and model of the transport vehicle;

23 “(d) The name of the licensee from which the marijuana or marijuana items are being trans-
24 ported;

25 “(e) A detailed inventory of the marijuana and marijuana items being transported;

26 “(f) The location of any overnight stop during transportation, and the estimated time of the
27 overnight stop; and

28 “(g) The destination of the marijuana and marijuana items being transported.

29 “(2) Except as provided in subsection (1)(f) of this section, a manifest created under this section
30 is not required to include transport route information.

31 “(3) The transport driver shall carry in the transport vehicle a copy of the manifest.

32 “**SECTION 11.** ORS 475C.265 is amended to read:

33 “475C.265. (1) Subject to subsection (3) of this section, the Oregon Liquor and Cannabis Com-
34 mission may revoke, suspend or restrict a license issued under ORS 475C.005 to 475C.525 or require
35 a licensee or licensee representative to undergo training if the commission finds or has reasonable
36 ground to believe that the licensee or licensee representative:

37 “(a) Has violated a provision of ORS 475C.005 to 475C.525 or a rule adopted under ORS 475C.005
38 to 475C.525.

39 “(b) Has diverted marijuana to the interstate market or an illicit market or has diverted re-
40 sources to a criminal enterprise.

41 “(c) Has introduced into the marijuana industry regulated under ORS 475C.005 to 475C.525
42 cannabinoids or marijuana not produced or processed by a licensee and not tracked in the system
43 developed and maintained under ORS 475C.177.

44 “(d) Has made any false representation or statement to the commission regarding compliance
45 with a provision of ORS 475C.005 to 475C.525 or a rule adopted under ORS 475C.005 to 475C.525 in

1 order to induce or prevent action by the commission.

2 “(e) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana or controlled sub-
3 stances to excess.

4 “(f) Has misrepresented to a customer or the public any marijuana items sold by the licensee
5 or licensee representative.

6 “(g) Since the issuance of the license, has been convicted of a felony, of violating any of the
7 marijuana laws of this state, general or local, or of any misdemeanor or violation of any municipal
8 ordinance committed on the premises for which the license has been issued.

9 “(h) Has sold a marijuana item to a person under 21 years of age.

10 “(2) In addition to the grounds listed in subsection (1) of this section, the commission may take
11 an action described in subsection (1) of this section if there is a history of a lack of institutional
12 control involving the premises for which a license has been issued under ORS 475C.005 to 475C.525.

13 “(3)(a) The commission may revoke a license under subsection (1)(a) of this section only when
14 the conduct poses a significant risk to public health or safety.

15 “(b) The commission shall consider as mitigating factors to the conduct described in subsection
16 (1) of this section the following:

17 “(A) Self-reporting by a licensee or applicant;

18 “(B) A demonstration that, to the satisfaction of the commission, the conduct of the licensee or
19 applicant is not persistent or serious; and

20 “(C) A demonstration that, to the satisfaction of the commission, the licensee’s willingness and
21 ability to adequately control the premises for which a license has been issued under ORS 475C.005
22 to 475C.525 and any inventory stored at the premises.

23 “(4) The commission may suspend or restrict a license issued under ORS 475C.005 to 475C.525
24 or require a licensee or licensee representative to undergo training if the commission finds or has
25 reasonable grounds to believe that the licensee or licensee representative has violated a provision
26 of ORS 475C.005 to 475C.525 or a rule adopted under ORS 475C.005 to 475C.525.

27 “(5) The commission may suspend or revoke a permit **or temporary permit** issued under ORS
28 475C.273 to an individual rather than suspend or revoke a license issued under ORS 475C.005 to
29 475C.525 if the commission determines that permit suspension or revocation is more appropriate.

30 “(6)(a) The commission may revoke a marijuana retailer license issued under ORS 475C.097 if
31 the licensee fails to:

32 “(A) Pay the tax as required under ORS 475C.682 twice in any four consecutive quarters and
33 the Department of Revenue has issued to the licensee a distraint warrant under ORS 475C.688 for
34 the nonpayment of tax; or

35 “(B) File a return as required under ORS 475C.682 twice in any four consecutive quarters and
36 the department has issued to the licensee a notice of determination and assessment under ORS
37 475C.688 for failure to file a return.

38 “(b) The department’s written notice to the commission that a licensee described under this
39 subsection has failed to pay a tax or file a return twice in any four consecutive quarters, and that
40 the department has issued a distraint warrant or notice of determination and assessment, shall
41 constitute prima facie evidence of the licensee’s failure to pay the tax or file a return.

42 “**SECTION 12.** ORS 475C.742 is amended to read:

43 “475C.742. A financial institution that provides financial services customarily provided by fi-
44 nancial institutions pursuant to powers granted by ORS 717.200 to 717.320, 717.900 and 717.905, the
45 Bank Act or by ORS chapter 723 to a marijuana processing site registered under ORS 475C.815, a

1 medical marijuana dispensary registered under ORS 475C.833, a marijuana producer that holds a li-
2 cense under ORS 475C.065, a marijuana processor that holds a license under ORS 475C.085, a
3 marijuana wholesaler that holds a license under ORS 475C.093, a marijuana retailer that holds a
4 license under ORS 475C.097, a laboratory that holds a license under ORS 475C.548 or a person to
5 whom a permit **or temporary permit** has been issued under ORS 475C.273 is exempt from any
6 criminal law of this state an element of which may be proven by substantiating that a person pro-
7 vides financial services customarily provided by financial institutions pursuant to powers granted
8 by ORS 717.200 to 717.320, 717.900 and 717.905, the Bank Act or ORS chapter 723 to a person who
9 possesses, delivers or manufactures marijuana or marijuana derived products.

10 **“SECTION 13.** ORS 475C.746 is amended to read:

11 “475C.746. (1) Notwithstanding any law relating to the exemption of information from public
12 disclosure under ORS 475C.005 to 475C.525 or 475C.540 to 475C.586, upon the request of a financial
13 institution, the Oregon Liquor and Cannabis Commission shall provide to the financial institution
14 the following information:

15 “(a) Whether a person with whom the financial institution is doing business holds a license un-
16 der ORS 475C.065, 475C.085, 475C.093, 475C.097 or 475C.548 or a permit **or temporary permit** under
17 ORS 475C.273;

18 “(b) The name of any other business or individual affiliated with the person;

19 “(c) A copy of the application, and any supporting documentation submitted with the application,
20 for a license, **a permit** or a **temporary** permit submitted by the person;

21 “(d) If applicable, data relating to sales and the volume of product sold by the person;

22 “(e) Whether the person is currently compliant with the provisions of ORS 475C.005 to 475C.525,
23 475C.540 to 475C.586 and 475C.600 to 475C.648 and rules adopted under ORS 475C.005 to 475C.525,
24 475C.540 to 475C.586 and 475C.600 to 475C.648;

25 “(f) Any past or pending violation by the person of a provision of ORS 475C.005 to 475C.525,
26 475C.540 to 475C.586 or 475C.600 to 475C.648 or a rule adopted under ORS 475C.005 to 475C.525,
27 475C.540 to 475C.586 or 475C.600 to 475C.648; and

28 “(g) Any penalty imposed upon the person for violating a provision of ORS 475C.005 to 475C.525,
29 475C.540 to 475C.586 or 475C.600 to 475C.648 or a rule adopted under ORS 475C.005 to 475C.525,
30 475C.540 to 475C.586 or 475C.600 to 475C.648.

31 “(2) Upon receiving a request under subsection (1) of this section, the commission shall provide
32 the requesting financial institution with the requested information.

33 “(3) The commission may charge a financial institution a reasonable fee to cover the adminis-
34 trative costs of providing information under this section.

35 **“SECTION 14. (1) The amendments to ORS 475C.117, 475C.197, 475C.209, 475C.265,**
36 **475C.269, 475C.273, 475C.742 and 475C.746 by sections 6 to 13 of this 2023 Act become operative**
37 **on January 1, 2024.**

38 **“(2) The Oregon Liquor and Cannabis Commission may take any action before the oper-**
39 **ative date specified in subsection (1) of this section that is necessary to enable the commis-**
40 **sion to exercise, on and after the operative date specified in subsection (1) of this section,**
41 **all of the duties, functions and powers conferred on the commission by the amendments to**
42 **ORS 475C.117, 475C.197, 475C.209, 475C.265, 475C.269, 475C.273, 475C.742 and 475C.746 by**
43 **sections 6 to 13 of this 2023 Act.**

44
45 **“COMMERCIAL MARIJUANA OFFENSES**

1 “**SECTION 15.** ORS 475C.353 is amended to read:
2 “475C.353. (1) Except as provided in subsection (3) of this section, a felony under ORS 475C.337
3 or 475C.341 shall be classified as crime category 1 of the sentencing guidelines grid of the Oregon
4 Criminal Justice Commission.
5 “(2) Except as provided in subsection (3) of this section, a felony under ORS 475C.345 or
6 475C.349 shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon
7 Criminal Justice Commission.
8 “(3) Subject to subsection (4) of this section, a felony under ORS 475C.337, 475C.341, 475C.345
9 or 475C.349 shall be classified as crime category 8 of the sentencing guidelines grid of the Oregon
10 Criminal Justice Commission if the violation is a commercial marijuana offense. A violation is a
11 commercial marijuana offense for purposes of this subsection if the violation was committed in
12 conjunction with at least three of the following factors:
13 “[*a*] *The offender delivered a marijuana item for consideration;*
14 “[*b*] (a) The offender was in possession of [*\$300*] **\$2,500** or more in cash;
15 “[*c*] (b) The offender was unlawfully in possession of a firearm or other weapon as described
16 in ORS 166.270 (2), the offender used, attempted to use or threatened to use a deadly weapon or
17 dangerous weapon, as those terms are defined in ORS 161.015, or the offender was in possession of
18 a firearm or other deadly weapon or dangerous weapon for the purpose of using the deadly weapon
19 or dangerous weapon;
20 “[*d*] (c) The offender was in possession of materials being used for the packaging of marijuana
21 items, such as scales, wrapping or foil, other than a material used to contain the marijuana item that
22 is the subject of the violation;
23 “[*e*] (d) The offender was in possession of marijuana item transaction records or customer lists;
24 “[*f*] (e) The offender was in possession of stolen property;
25 “[*g*] (f) The offender was in possession of manufacturing paraphernalia specifically designed for
26 producing marijuana **or producing or processing marijuana items**, such as [*recipes, precursor*
27 *chemicals, laboratory equipment,*] lighting equipment, ventilating equipment [*or*], power generation
28 equipment **or extraction equipment**;
29 “[*h*] (g) The offender modified structures by painting, wiring, plumbing or lighting the struc-
30 tures to facilitate the offense;
31 “[*i*] (h) The offender used public lands to manufacture the marijuana item; or
32 “[*j*] (i) The offender constructed fortifications or took security measures that had the potential
33 to injure persons.
34 “(4) To prove that a violation is a commercial marijuana offense for purposes of subsection (3)
35 of this section, the state must plead in the accusatory instrument at least three of the factors de-
36 scribed in subsection (3) of this section. The state has the burden of proving each factor beyond a
37 reasonable doubt.
38 “**SECTION 16. The amendments to ORS 475C.353 by section 15 of this 2023 Act apply to**
39 **conduct occurring on or after the effective date of this 2023 Act.**
40
41 “**CANNABIS RESEARCH**
42
43 “**SECTION 17. ORS 475C.289 and 475C.293 are added to and made a part of ORS 475C.770**
44 **to 475C.919.**
45 “**SECTION 18.** ORS 475C.289 is amended to read:

1 “475C.289. (1) The [*Oregon Liquor and Cannabis Commission, in consultation with the*] Oregon
2 Health Authority [*and*], **in consultation with** the State Department of Agriculture **and the Oregon**
3 **Liquor and Cannabis Commission**, shall establish a program for the purpose of identifying and
4 certifying private and public researchers of cannabis.

5 “(2)(a) The authority shall [*assist the commission in identifying*] **identify** candidates for certi-
6 fication under this section with respect to potential medical research.

7 “(b) The department shall assist the [*commission*] **authority** in identifying candidates for certi-
8 fication under this section with respect to potential agricultural research.

9 “(3) Subject to subsection (4) of this section, the [*commission*] **authority** shall adopt by rule or
10 order:

11 “(a) Qualifications for certification under this section;

12 “(b) The term of a certificate issued under this section;

13 “(c) Processes for applying for, receiving and renewing a certificate under this section;

14 “(d) Procedures for tracking marijuana, usable marijuana, **cannabinoid products, medical**
15 **cannabinoid products, cannabinoid concentrates and cannabinoid extracts** received by and disposed
16 or otherwise made use of by a person that holds a certificate issued under this section; and

17 “(e) Procedures for disposing or otherwise making use of marijuana, usable marijuana,
18 **cannabinoid products, medical** cannabinoid products, cannabinoid concentrates and cannabinoid
19 extracts.

20 “(4) In establishing qualifications under subsection (3) of this section, the [*commission*] **author-**
21 **ity** shall consider the following:

22 “(a) A research applicant’s access to funding and the overall cost of the proposed research;

23 “(b) The overall benefit of an applicant’s proposed research to this state’s cannabis industry or
24 to public health and safety; and

25 “(c) Legal barriers to conducting the proposed research or legal risks associated with conduct-
26 ing the proposed research.

27 “(5) In adopting procedures under subsection (3)(d) and (e) of this section with respect to making
28 use of marijuana, usable marijuana, cannabinoid products, **medical cannabinoid products,**
29 **cannabinoid concentrates and cannabinoid extracts,** the [*commission*] **authority** shall also adopt
30 procedures by which a person that holds a certificate issued under this section may transfer limited
31 amounts of marijuana, usable marijuana, cannabinoid products, **medical cannabinoid products,**
32 **cannabinoid concentrates and cannabinoid extracts** to another person that holds a certificate issued
33 under this section or to a premises for which a license has been issued under ORS 475C.065,
34 475C.085, 475C.093 or 475C.097.

35 “(6) In adopting procedures under subsection (3)(d) and (e) of this section with respect to making
36 use of marijuana, usable marijuana, cannabinoid products, **medical cannabinoid products,**
37 **cannabinoid concentrates and cannabinoid extracts,** the [*commission*] **authority** shall also adopt
38 procedures by which a person that holds a certificate issued under this section may give, devise or
39 bequest usable marijuana, immature marijuana plants, marijuana seeds **as defined in ORS**
40 **475C.009,** cannabinoid products, **medical cannabinoid products,** cannabinoid concentrates and
41 cannabinoid extracts to a medical marijuana dispensary [*registered with the authority under ORS*
42 *475C.833 and*] owned by a nonprofit corporation organized under ORS chapter 65 for purposes de-
43 scribed in ORS 475C.850.

44 “(7) A person that holds a certificate issued under this section:

45 “(a) May receive marijuana, usable marijuana, cannabinoid products, **medical cannabinoid**

1 **products**, cannabinoid concentrates and cannabinoid extracts from a [*licensee*] **person that holds**
2 **a license issued under ORS 475C.065, 475C.085, 475C.093 or 475C.097** or a [*registrant*] **person**
3 **registered** under ORS 475C.770 to 475C.919; and

4 “(b) May not sell or otherwise transfer marijuana, usable marijuana, cannabinoid products,
5 **medical cannabinoid products**, cannabinoid concentrates or cannabinoid extracts to any other
6 person, except as provided in this section and rules adopted by the [*commission*] **authority** under
7 this section.

8 “[*(8) Except as otherwise provided by the commission by rule, rules adopted under ORS 475C.005*
9 *to 475C.525 with respect to licensees and licensee representatives apply to persons that hold a certificate*
10 *issued under this section and persons employed by or who otherwise perform work for persons that*
11 *hold a certificate issued under this section.*]

12 “[*(9)*] **(8)** A person that holds a certificate issued under this section, and an employee of or other
13 person who performs work for a person that holds a certificate issued under this section, is exempt
14 from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and
15 abetting another in the possession, delivery and manufacture of marijuana, or any other criminal
16 offense in which possession, delivery or manufacture of marijuana is an element, while performing
17 activities related to conducting research as described in this section.

18 “**(9) As used in this section, ‘cannabinoid product’ has the meaning given that term in**
19 **ORS 475C.009.**

20 “**SECTION 19.** ORS 475C.293 is amended to read:

21 “475C.293. For the purpose of requesting a state or nationwide criminal records check under
22 ORS 181A.195, the [*Oregon Liquor and Cannabis Commission*] **Oregon Health Authority** may re-
23 quire the fingerprints of any individual listed on an application submitted under ORS 475C.289. The
24 powers conferred on the [*commission*] **authority** under this section include the power to require the
25 fingerprints of:

26 “(1) If the applicant is a limited partnership, each partner of the limited partnership;

27 “(2) If the applicant is a limited liability company, each member of the limited liability company;

28 “(3) If the applicant is a corporation, each director and officer of the corporation;

29 “(4) Any individual who holds a financial interest of 10 percent or more in the person applying
30 for the certificate; and

31 “(5) Any individual who is a partner, member, director or officer of a legal entity with a finan-
32 cial interest in the person applying for the certificate.

33 “**SECTION 20.** ORS 475C.301 is amended to read:

34 “475C.301. (1) In addition to the duties, functions and powers described in ORS 471.775, and
35 subject to subsection (2) of this section, a regulatory specialist, as defined in ORS 471.001, has the
36 authority as provided in ORS 133.005 to 133.400, 133.450, 133.525 to 133.703, 133.721 to 133.739,
37 161.233, 161.245, 475C.005 to 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648, and chapter
38 743, Oregon Laws 1971, to conduct inspections and investigations, make seizures, aid in prosecutions
39 of and issue citations to licensees and persons who hold a [*certificate or*] permit under ORS 475C.005
40 to 475C.525 for violations of and offenses related to, and otherwise enforce, ORS 475C.005 to
41 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648, any rule adopted under ORS 475C.005 to
42 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648 and any other law of this state that charges
43 the Oregon Liquor and Cannabis Commission with a duty, function or power related to a marijuana
44 item, including enforcing any law or rule related to individuals who use false identification for
45 purposes of purchasing or possessing a marijuana item or who engage in illegal activity on or near

1 a premises.

2 “(2) A regulatory specialist may not:

3 “(a) Be sworn in as a federal law enforcement official and act in that capacity while performing
4 an activity authorized by this section.

5 “(b) Carry a firearm.

6 “(c) Conduct inspections and investigations of a primary residence.

7 “(d) For purposes of ensuring compliance with ORS 475C.770 to 475C.919, conduct inspections
8 and investigations of registry identification cardholders or designated primary caregivers, the resi-
9 dences of registry identification cardholders or designated primary caregivers, or the locations
10 where registry identification cardholders or designated primary caregivers produce marijuana.

11 **“SECTION 21.** ORS 475C.305 is amended to read:

12 “475C.305. ORS 475C.017, 475C.021, 475C.025, 475C.029, 475C.033, 475C.037, 475C.041, 475C.045,
13 475C.049, 475C.053, 475C.057, 475C.061, 475C.065, 475C.077, 475C.085, 475C.093, 475C.097, 475C.105,
14 475C.109, 475C.113, 475C.117, 475C.137, 475C.141, 475C.145, 475C.149, 475C.157, 475C.161, 475C.165,
15 475C.173, 475C.177, 475C.205, 475C.213, 475C.217, 475C.225, 475C.233, 475C.237, 475C.241, 475C.245,
16 475C.265, 475C.269, 475C.273, 475C.281, 475C.285, [475C.289,] 475C.297, 475C.433, 475C.437, 475C.445,
17 475C.449, 475C.453, 475C.461, 475C.465, 475C.473, 475C.477, 475C.481, 475C.485, 475C.489 and
18 475C.493 do not apply:

19 “(1) To the production or storage of homegrown plants in the genus Cannabis within the plant
20 family Cannabaceae that are otherwise subject to ORS 475C.005 to 475C.525 at a household by one
21 or more persons 21 years of age and older, if the total amount of homegrown plants at the household
22 does not exceed four plants at any time.

23 “(2) To the possession or storage of usable marijuana items at a household by one or more
24 persons 21 years of age or older, if the total amount of usable marijuana at the household does not
25 exceed eight ounces of usable marijuana at any time.

26 “(3) To the making, processing, possession or storage of cannabinoid products at a household
27 by one or more persons 21 years of age and older, if the total amount of cannabinoid products at
28 the household does not exceed 16 ounces in solid form at any time.

29 “(4) To the making, processing, possession or storage of cannabinoid products at a household
30 by one or more persons 21 years of age and older, if the total amount of cannabinoid products at
31 the household does not exceed 72 ounces in liquid form at any time.

32 “(5) To the making, processing, possession or storage of cannabinoid concentrates at a house-
33 hold by one or more persons 21 years of age or older, if the total amount of cannabinoid concen-
34 trates at the household does not exceed 16 ounces at any time.

35 “(6) To the possession of cannabinoid extracts at a household by one or more persons 21 years
36 of age or older, if the cannabinoid extracts were purchased from a marijuana retailer that holds a
37 license under ORS 475C.097, or transferred by a medical marijuana dispensary registered by the
38 Oregon Health Authority under ORS 475C.833, and the total amount of cannabinoid extracts at the
39 household does not exceed one ounce at any time.

40 “(7) To the delivery of not more than one ounce of usable marijuana at a time by a person 21
41 years of age or older to another person 21 years of age or older for noncommercial purposes.

42 “(8) To the delivery of not more than 16 ounces of cannabinoid products in solid form at a time
43 by a person 21 years of age or older to another person 21 years of age or older for noncommercial
44 purposes.

45 “(9) To the delivery of not more than 72 ounces of cannabinoid products in liquid form at a time

1 by a person 21 years of age or older to another person 21 years of age or older for noncommercial
2 purposes.

3 “(10) To the delivery of not more than 16 ounces of cannabinoid concentrates at a time by a
4 person 21 years of age or older to another person 21 years of age or older for noncommercial pur-
5 poses.

6 “**SECTION 22.** ORS 475C.449 is amended to read:

7 “475C.449. (1) For purposes of this section, ‘reasonable regulations’ includes:

8 “(a) Reasonable conditions on the manner in which a marijuana producer that holds a license
9 issued under ORS 475C.065 may produce marijuana [*or in which a researcher of cannabis that holds*
10 *a certificate issued under ORS 475C.289 may produce marijuana or propagate immature marijuana*
11 *plants*];

12 “(b) Reasonable conditions on the manner in which a marijuana processor that holds a license
13 issued under ORS 475C.085 may process marijuana [*or in which a researcher of cannabis that holds*
14 *a certificate issued under ORS 475C.289 may process marijuana*];

15 “(c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license
16 issued under ORS 475C.093 may sell marijuana at wholesale;

17 “(d) Reasonable conditions on the manner in which a marijuana retailer that holds a license is-
18 sued under ORS 475C.097 may sell marijuana items;

19 “(e) Reasonable limitations on the hours during which a premises for which a license has been
20 issued under ORS 475C.005 to 475C.525 may operate;

21 “(f) Reasonable requirements related to the public’s access to a premises for which a license
22 [*or certificate*] has been issued under ORS 475C.005 to 475C.525; and

23 “(g) Reasonable limitations on where a premises for which a license [*or certificate*] may be issued
24 under ORS 475C.005 to 475C.525 may be located.

25 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county
26 may adopt ordinances that impose reasonable regulations on the operation of businesses located at
27 premises for which a license [*or certificate*] has been issued under ORS 475C.005 to 475C.525 if the
28 premises are located in the area subject to the jurisdiction of the city or county, except that the
29 governing body of a city or county may not:

30 “(a) Adopt an ordinance that prohibits a premises for which a license has been issued under
31 ORS 475C.097 from being located within a distance that is greater than 1,000 feet of another prem-
32 ises for which a license has been issued under ORS 475C.097.

33 “(b) Adopt an ordinance that imposes a setback requirement for an agricultural building used
34 to produce marijuana located on a premises for which a license has been issued under ORS 475C.065
35 if the agricultural building:

36 “(A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and
37 building code requirements at the time of construction;

38 “(B) Is located at an address where a marijuana grow site first registered with the Oregon
39 Health Authority under ORS 475C.792 on or before January 1, 2015;

40 “(C) Was used to produce marijuana pursuant to the provisions of ORS 475C.770 to 475C.919 on
41 or before January 1, 2015; and

42 “(D) Has four opaque walls and a roof.

43 “**SECTION 23.** ORS 475C.473 is amended to read:

44 “475C.473. (1) The Oregon Liquor and Cannabis Commission, the State Department of Agricul-
45 ture and the Oregon Health Authority may not refuse to perform any duty under ORS 475C.005 to

1 475C.525 on the basis that manufacturing, distributing, dispensing, possessing or using marijuana is
2 prohibited by federal law.

3 “(2) The commission may not revoke or refuse to issue or renew a license[*certificate*] or permit
4 under ORS 475C.005 to 475C.525 on the basis that manufacturing, distributing, dispensing, possessing
5 or using marijuana is prohibited by federal law.

6 “**SECTION 24.** ORS 475C.485 is amended to read:

7 “475C.485. In case of invasion, disaster, insurrection or riot, or imminent danger of invasion,
8 disaster, insurrection or riot, the Governor may, for the duration of the invasion, disaster,
9 insurrection or riot, or imminent danger, immediately and without notice suspend, in the area in-
10 volved, any license[*certificate*] or permit issued under ORS 475C.005 to 475C.525.

11 “**SECTION 25.** ORS 475C.894 is amended to read:

12 “475C.894. (1) Registration **or certification** under ORS 475C.770 to 475C.919 or possession of
13 proof of registration **or certification** under ORS 475C.770 to 475C.919 does not constitute probable
14 cause to search the person or property of the registrant **or certificate holder** or otherwise subject
15 the person or property of the registrant **or certificate holder** to inspection by a government
16 agency. However, the Oregon Health Authority may inspect the marijuana grow site of a person
17 designated to produce marijuana by a registry identification cardholder, a marijuana processing site
18 registered under ORS 475C.815, [or] a medical marijuana dispensary registered under ORS 475C.833
19 **or a premises for which a certificate has been issued under ORS 475C.289[.]** at any reasonable
20 time to determine whether the person responsible for the marijuana grow site, the person responsi-
21 ble for the marijuana processing site, [or] the person responsible for the medical marijuana
22 dispensary[.] **or the person responsible for the premises for which a certificate has been issued**
23 **under ORS 475C.289** is in compliance with ORS 475C.770 to 475C.919 and rules adopted under ORS
24 475C.770 to 475C.919.

25 “(2) Any property interest possessed, owned or used in connection with the medical use of
26 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
27 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
28 of a law enforcement agency, except that a law enforcement agency has no responsibility to main-
29 tain live marijuana plants lawfully seized. Such property interest may not be forfeited under any
30 provision of law providing for the forfeiture of property, except pursuant to a sentence imposed after
31 conviction of a criminal offense. Marijuana and equipment or paraphernalia used to produce, process
32 or administer marijuana that was seized by a law enforcement officer shall be returned immediately
33 if the district attorney in whose county the property was seized, or the district attorney’s designee,
34 determines that the person from whom the marijuana, equipment or paraphernalia was seized is
35 entitled to the protections provided by ORS 475C.770 to 475C.919. The determination may be evi-
36 denced by a decision not to prosecute, the dismissal of charges or acquittal.

37 “**SECTION 26.** ORS 475C.897 is amended to read:

38 “475C.897. (1) For purposes of this section, ‘reasonable regulations’ includes:

39 “(a) Reasonable limitations on the hours during which the marijuana grow site of a person des-
40 ignated to produce marijuana by a registry identification cardholder, a marijuana processing site
41 or a medical marijuana dispensary may operate;

42 “(b) Reasonable conditions on the manner in which the marijuana grow site of a person desig-
43 nated to produce marijuana by a registry identification cardholder, a marijuana processing site or
44 a medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products,
45 cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

1 “(c) Reasonable requirements related to the public’s access to the marijuana grow site of a
2 person designated to produce marijuana by a registry identification cardholder, a marijuana pro-
3 cessing site or a medical marijuana dispensary; [and]

4 “(d) Reasonable limitations on where the marijuana grow site of a person designated to produce
5 marijuana by a registry identification cardholder, a marijuana processing site or a medical
6 marijuana dispensary may be located[.]; and

7 “(e) Reasonable conditions on the manner in which a researcher of cannabis that holds
8 a certificate issued under ORS 475C.289 may produce marijuana, propagate immature
9 marijuana plants or process marijuana.

10 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county
11 may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites
12 of persons designated to produce marijuana by registry identification cardholders, marijuana pro-
13 cessing sites [and], medical marijuana dispensaries and premises for which a certificate has been
14 issued under ORS 475C.289 that are located in the area subject to the jurisdiction of the city or
15 county.

16 “**SECTION 27.** The amendments to ORS 475C.289 and 475C.293 by sections 18 and 19 of
17 this 2023 Act apply to certificates issued or renewed on and after the operative date specified
18 in section 28 of this 2023 Act. Until the date of renewal, the holder of a certificate issued
19 under ORS 475C.289 before the operative date specified in section 28 of this 2023 Act is sub-
20 ject to any tracking requirements established by the Oregon Liquor and Cannabis Commis-
21 sion pursuant to ORS 475C.289 before the operative date specified in section 28 of this 2023
22 Act.

23 “**SECTION 28.** (1) The amendments to ORS 475C.289, 475C.293, 475C.301, 475C.305,
24 475C.449, 475C.473, 475C.485, 475C.894 and 475C.897 by sections 18 to 26 of this 2023 Act become
25 operative on January 1, 2024.

26 “(2) The Oregon Health Authority and the Oregon Liquor and Cannabis Commission may
27 take any action before the operative date specified in subsection (1) of this section that is
28 necessary to enable the authority and the commission to exercise all of the duties, functions
29 and powers conferred on the authority and the commission by the amendments to ORS
30 475C.289, 475C.293, 475C.301, 475C.305, 475C.449, 475C.473, 475C.485, 475C.894 and 475C.897 by
31 sections 18 to 26 of this 2023 Act.

32
33 “CANNABIS FOR MEDICAL USE
34

35 “**SECTION 29.** ORS 475C.783 is amended to read:

36 “475C.783. (1) The Oregon Health Authority shall establish a program for the issuance of regis-
37 try identification cards to applicants who meet the requirements of this section.

38 “(2) The authority shall issue a registry identification card to an applicant who is 18 years of
39 age or older if the applicant pays a fee in an amount established by the authority by rule and sub-
40 mits to the authority an application containing the following information:

41 “(a) Written documentation from the applicant’s attending provider stating that the attending
42 provider has diagnosed the applicant as having a debilitating medical condition and that the medical
43 use of marijuana may mitigate the symptoms or effects of the applicant’s debilitating medical con-
44 dition;

45 “(b) The name, address and date of birth of the applicant;

1 “(c) The name, address and telephone number of the applicant’s attending provider;

2 “(d) Proof of residency, submitted in a form required by the authority by rule;

3 “(e) The name and address of the applicant’s designated primary caregiver, if the applicant is

4 designating a primary caregiver under ORS 475C.789; and

5 “(f) The information described in ORS 475C.792 (2), if the applicant is applying to produce

6 marijuana or designate another person under ORS 475C.792 to produce marijuana.

7 “(3)(a) The authority shall issue a registry identification card to an applicant who is under 18

8 years of age if:

9 “(A) The applicant [*pays the fee and*] submits the application described in subsection (2) of this

10 section; and

11 “(B) The custodial parent or legal guardian who is responsible for the health care decisions of

12 the applicant signs and submits to the authority a written statement that:

13 “(i) The applicant’s attending provider has explained to the applicant and to the custodial parent

14 or legal guardian the possible risks and benefits of the medical use of marijuana;

15 “(ii) The custodial parent or legal guardian consents to the medical use of marijuana by the

16 applicant;

17 “(iii) The custodial parent or legal guardian agrees to serve as the applicant’s designated pri-

18 mary caregiver; and

19 “(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-

20 quency of the medical use of marijuana by the applicant.

21 “(b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-

22 section (2)(f) of this section.

23 **“(c) The authority may not impose an application or renewal fee on an applicant who is**

24 **under 18 years of age.**

25 “(4) The authority shall:

26 “(a) On the date on which the authority receives an application described in subsection (2) of

27 this section, issue a receipt to the applicant verifying that the authority received an application

28 under subsection (2) or (3) of this section; and

29 “(b) Approve or deny an application received under subsection (2) or (3) of this section within

30 30 days after receiving the application.

31 “(5)(a) If the authority approves an application, the authority shall issue a serially numbered

32 registry identification card to the applicant within five days after approving the application. The

33 registry identification card must include the following information:

34 “(A) The registry identification cardholder’s name, address and date of birth;

35 “(B) The issuance date and expiration date of the registry identification card;

36 “(C) If the registry identification cardholder designated a primary caregiver under ORS

37 475C.789, the name and address of the registry identification cardholder’s designated primary

38 caregiver; and

39 “(D) Any other information required by the authority by rule.

40 “(b) If the registry identification cardholder designated a primary caregiver under ORS 475C.789,

41 the authority shall issue an identification card to the designated primary caregiver. The identifica-

42 tion card must contain the information required by paragraph (a) of this subsection.

43 “(6) A registry identification cardholder shall:

44 “(a) In a form and manner prescribed by the authority, notify the authority of any change con-

45 cerning the registry identification cardholder’s:

1 “(A) Name, address or attending provider;

2 “(B) Designated primary caregiver, including the designation of a primary caregiver made at a

3 time other than at the time of applying for or renewing a registry identification card; or

4 “(C) Person responsible for a marijuana grow site, including the designation of a person re-

5 sponsible for a marijuana grow site made at a time other than at the time of applying for or re-

6 newing a registry identification card.

7 “(b) Annually renew the registry identification card by paying a fee in an amount established

8 by the authority by rule, **unless the registry identification cardholder is under 18 years of age,**

9 and submitting to the authority an application that contains the following information:

10 “(A) Updated written documentation from the registry identification cardholder’s attending pro-

11 vider stating that the registry identification cardholder still has a debilitating medical condition and

12 that the medical use of marijuana may mitigate the symptoms or effects of the registry identification

13 cardholder’s debilitating medical condition;

14 “(B) The information described in subsection (2)(b) to (f) of this section; and

15 “(C) If the registry identification cardholder is under 18 years of age, a statement signed by the

16 custodial parent or legal guardian of the registry identification cardholder that meets the require-

17 ments of subsection (3) of this section.

18 “(7) The authority shall:

19 “(a) On the date on which the authority receives an application described in subsection (2) of

20 this section, issue a receipt to the applicant verifying that the authority received an application

21 under subsection (6)(b) of this section; and

22 “(b) Approve or deny an application received under subsection (6)(b) of this section within 30

23 days after receiving the application.

24 “(8)(a) If the registry identification cardholder’s attending provider determines that the registry

25 identification cardholder no longer has a debilitating medical condition, or determines that the

26 medical use of marijuana is contraindicated for the registry identification cardholder’s debilitating

27 medical condition, the registry identification cardholder shall return the registry identification card

28 to the authority within 30 calendar days after receiving notice of the determination.

29 “(b) If, because of circumstances beyond the control of the registry identification cardholder, a

30 registry identification cardholder is unable to obtain a second medical opinion about the registry

31 identification cardholder’s continuing eligibility for the medical use of marijuana before having to

32 return the registry identification card to the authority, the authority may grant the registry iden-

33 tification cardholder additional time to obtain a second medical opinion.

34 “(9)(a) The authority may deny an application for a registry identification card or an application

35 to renew a registry identification card, or may suspend or revoke a registry identification card, if:

36 “(A) The applicant or registry identification cardholder does not provide the information re-

37 quired by this section;

38 “(B) The authority determines that the applicant or registry identification cardholder provided

39 false information; or

40 “(C) The authority determines that the applicant or registry identification cardholder violated

41 a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

42 “(b) If a registry identification card is revoked, any associated identification card issued under

43 subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475C.792

44 (6), shall also be revoked.

45 “(c) A person whose application is denied, or whose registry identification card is revoked, un-

1 der this subsection may not reapply for a registry identification card for six months from the date
2 of the denial or revocation unless otherwise authorized by the authority.

3 “(10)(a) The authority may deny a designation of a primary caregiver made under ORS 475C.789,
4 or suspend or revoke an associated identification card issued under subsection (5)(b) of this section,
5 if the authority determines that the designee or the registry identification cardholder violated a
6 provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

7 “(b) A person whose designation has been denied, or whose identification card has been revoked,
8 under this subsection may not be designated as a primary caregiver under ORS 475C.789 for six
9 months from the date of the denial or revocation unless otherwise authorized by the authority.

10 “(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry
11 identification card, or a registry identification cardholder applying for renewal of a registry iden-
12 tification card, submits to the authority [*proof of having served in the Armed Forces of the United*
13 *States*] **applicable documentation listed in paragraph (c) of this subsection**, the authority:

14 “(A) May not impose a fee that is greater than \$20 for the issuance or renewal of the registry
15 identification card; and

16 “(B) Must waive the fee for the issuance or renewal of the registry identification card if the
17 applicant submits proof of having a United States Department of Veterans Affairs total disability
18 rating of at least 50 percent as a result of an injury or illness that the veteran incurred, or that
19 was aggravated, during active military service and who received a discharge or release under other
20 than dishonorable conditions.

21 “(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry iden-
22 tification cardholder include in the application to renew a registry identification card updated
23 written documentation from the cardholder’s attending provider regarding the cardholder’s continu-
24 ing debilitating medical condition does not apply to a service-disabled veteran who:

25 “(A) Has been assigned a total and permanent disability rating for compensation that rates the
26 veteran as unable to secure or follow a substantially gainful occupation as a result of service-
27 connected disabilities as described in 38 C.F.R. 4.16; or

28 “(B) Has a United States Department of Veterans Affairs total disability rating of 100 percent
29 as a result of an injury or illness that the veteran incurred, or that was aggravated, during active
30 military service and who received a discharge or release under other than dishonorable conditions.

31 “(c) **The following are acceptable documentation for the purposes of paragraph (a) of this**
32 **subsection:**

33 “(A) **Proof of having served in the Armed Forces of the United States; or**

34 “(B) **Proof of receiving Social Security Disability Insurance benefits.**

35 “(12) For any purpose described in ORS 475C.770 to 475C.919, including exemption from criminal
36 liability under ORS 475C.883, a receipt issued by the authority verifying that an application has
37 been submitted to the authority under subsection (2), (3) or (6)(b) of this section has the same legal
38 effect as a registry identification card for 30 days following the date on which the receipt was issued
39 to the applicant.

40 “**SECTION 30.** ORS 475C.800 is amended to read:

41 “475C.800. (1) Subject to subsection (2) of this section, a marijuana grow site may transfer [*up*
42 *to 20 pounds of*] usable marijuana [*per year*] to a person that holds a license issued under ORS
43 475C.085 or 475C.093, provided that:

44 “(a) The transfer is tracked using the system developed and maintained under ORS 475C.177;

45 “(b) More than 12 mature marijuana plants are produced at the marijuana grow site;

1 “(c) The usable marijuana has been assigned to the person responsible for the marijuana grow
2 site pursuant to ORS 475C.798;

3 “(d) The usable marijuana has been tested in accordance with the provisions of ORS 475C.540
4 to 475C.586; and

5 “(e) The marijuana grow site first registered with the Oregon Health Authority under ORS
6 475C.792 on or before August 2, 2017.

7 “(2) If the Oregon Liquor and Cannabis Commission determines that the supply of marijuana
8 items offered for sale by marijuana retailers that hold a license issued under ORS 475C.097 is ex-
9 ceeding consumer demand for the marijuana items, and if the commission determines that the market
10 for marijuana items in this state will not self-correct for the excess, the commission may issue an
11 order that temporarily reduces the amount of usable marijuana that may be transferred pursuant to
12 this section or that temporarily suspends the ability to transfer usable marijuana pursuant to this
13 section.

14 “(3) **A transfer of usable marijuana from a marijuana grow site under this section to a**
15 **person that holds a license issued under ORS 475C.085 is not confidential.**

16 “(4) **A marijuana grow site designated to produce marijuana for at least three registry**
17 **identification cardholders may, in addition to transferring usable marijuana to the registry**
18 **identification cardholders or to the designated primary caregivers of the registry identifica-**
19 **tion cardholders described in this subsection, transfer usable marijuana to any other registry**
20 **identification cardholder or designated primary caregiver of a registry identification**
21 **cardholder.**

22 “**SECTION 31.** ORS 475C.809 is amended to read:

23 “475C.809. (1) Except as provided in subsection (2) of this section, a registry identification
24 cardholder and the designated primary caregiver of the registry identification cardholder may jointly
25 possess no more than [24 ounces]:

26 “(a) **Three pounds** of usable marijuana.

27 “(b) **Three pounds of medical cannabinoid products in solid form or cannabinoid concen-**
28 **trates.**

29 “(c) **216 ounces of medical cannabinoid products in liquid form.**

30 “(d) **Three ounces of cannabinoid extracts.**

31 “(2) Subject to subsection (3) of this section, a person designated to produce marijuana by a
32 registry identification cardholder may possess the amount of usable marijuana that the person har-
33 vests from the person’s mature marijuana plants, provided that the person may not possess usable
34 marijuana in excess of the amount of usable marijuana in the person’s possession as reported to the
35 Oregon Health Authority under ORS 475C.795.

36 “(3) A person designated to produce marijuana by a registry identification cardholder may not
37 possess usable marijuana in excess of:

38 “(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature
39 marijuana plant; or

40 “(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature
41 marijuana plant.

42 “**SECTION 32.** ORS 475C.141 is amended to read:

43 “475C.141. (1) To process marijuana for medical purposes, a marijuana processor that holds a
44 license issued under ORS 475C.085 must register with the Oregon Liquor and Cannabis Commission
45 under this section.

1 “(2) The commission shall register a marijuana processor for the purpose of processing
2 marijuana for medical purposes if the marijuana processor:

3 “(a) Holds a license issued under ORS 475C.085;

4 “(b) Meets any qualifications adopted by the commission by rule;

5 “(c) Applies to the commission in a form and manner prescribed by the commission; and

6 “(d) Pays any fee adopted by the commission by rule.

7 “(3) A marijuana processor registered under this section may:

8 “(a) Process marijuana and usable marijuana into medical grade cannabinoid products,
9 cannabinoid concentrates and cannabinoid extracts; and

10 “(b) Notwithstanding ORS 475C.205[.];

11 “(A) Receive marijuana and usable marijuana from, and for a fee process that marijuana and
12 usable marijuana into cannabinoid products, cannabinoid concentrates and cannabinoid extracts for,
13 a registry identification cardholder or the designated primary caregiver of a registry identification
14 cardholder, provided that the cannabinoid products, cannabinoid concentrates and cannabinoid ex-
15 tracts meet the requirements of ORS 475C.540 to 475C.586 and the concentration standards adopted
16 under ORS 475C.620[.]; and

17 “(B) Receive usable marijuana from a marijuana grow site registered under ORS
18 475C.792.

19 “(4)(a) The commission shall adopt rules necessary to administer this section.

20 “(b) The rules must provide that any fee adopted by the commission under subsection (2)(d) of
21 this section be in an amount reasonably calculated to not exceed, together with other fees collected
22 under ORS 475C.005 to 475C.525, the cost of administering ORS 475C.005 to 475C.525.

23 “**SECTION 33. The amendments to ORS 475C.783 by section 29 of this 2023 Act apply to**
24 **applications for issuance or renewal of a registry identification card received by the Oregon**
25 **Health Authority on or after the operative date specified in section 34 of this 2023 Act.**

26 “**SECTION 34. (1) The amendments to ORS 475C.141, 475C.783, 475C.800 and 475C.809 by**
27 **sections 29 to 32 of this 2023 Act become operative on January 1, 2024.**

28 “(2) The Oregon Health Authority and the Oregon Liquor and Cannabis Commission may
29 take any action before the operative date specified in subsection (1) of this section that is
30 necessary to enable the authority and the commission to exercise, on and after the operative
31 date specified in subsection (1) of this section, all of the duties, functions and powers con-
32 ferred on the authority and the commission by the amendments to ORS 475C.141, 475C.783,
33 475C.800 and 475C.809 by sections 29 to 32 of this 2023 Act.

34
35 “CAPTIONS

36
37 “**SECTION 35. The unit captions used in this 2023 Act are provided only for the conven-**
38 **ience of the reader and do not become part of the statutory law of this state or express any**
39 **legislative intent in the enactment of this 2023 Act.**

40
41 “EFFECTIVE DATE

42
43 “**SECTION 36. This 2023 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
45 **on its passage.”.**

