

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 326**

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  
4 or an agent of an owner, of waste from a site in conformance with applicable  
5 law.

6 “(b) ‘Cleanup costs’ means reasonable costs that are associated with or  
7 attributable to cleanup.

8 “(c) ‘Law enforcement agency’ has the meaning given that term in ORS  
9 181A.010.

10 “(d)(A) ‘Owner’ means a person who owns the real property where a site  
11 is located.

12 “(B) ‘Owner’ does not include a person who, without participating in the  
13 management of the site, holds indicia of ownership primarily to protect a  
14 security interest in the real property.

15 “(e) ‘Site’ means the location where the unlawful manufacture of a  
16 marijuana item, as described in ORS 475C.349, or the unlawful production  
17 of marijuana, as described in section 41, chapter 542, Oregon Laws 2021, oc-  
18 curred or is alleged to have occurred.

19 “(f) ‘Waste’ means:

20 “(A) Marijuana flowers, marijuana leaves, marijuana plants and any parts  
21 of marijuana plants;

1 “(B) Any items or materials used for an irrigation system if used to fa-  
2 cilitate the unlawful manufacture of marijuana items or unlawful production  
3 of marijuana, unless:

4 “(i) The site where the items or materials are located was leased to a  
5 third party that was responsible for the unlawful manufacture of marijuana  
6 items or unlawful production of marijuana;

7 “(ii) The items or materials are the property of the owner; and

8 “(iii) The owner elects to retain ownership and properly store the items  
9 or materials;

10 “(C) Greenhouses, hoop houses and other structures used to facilitate the  
11 unlawful manufacture of marijuana items or unlawful production of  
12 marijuana, unless:

13 “(i) The site where the greenhouses, hoop houses or other structures are  
14 located was leased to a third party that was responsible for the unlawful  
15 manufacture of marijuana items or unlawful production of marijuana;

16 “(ii) The greenhouses, hoop houses or other structures are the property  
17 of the owner and are agricultural buildings, as defined in ORS 455.315, that  
18 are allowed on the real property; and

19 “(iii) The owner elects to retain ownership and properly care for the  
20 greenhouses, hoop houses or other structures; and

21 “(D) Any material or substance designated as chemical by the Environ-  
22 mental Quality Commission under ORS 475.425 used to facilitate the unlaw-  
23 ful manufacture of marijuana items or unlawful production of marijuana,  
24 unless:

25 “(i) The site where the material or substance is located was leased to a  
26 third party that was responsible for the unlawful manufacture of marijuana  
27 items or unlawful production of marijuana;

28 “(ii) The material or substance is the property of the owner; and

29 “(iii) The owner elects to retain ownership and properly store the mate-  
30 rial or substance.”.

1 On page 3, delete lines 1 through 9 and insert:

2 **“SECTION 3. (1) At a location described in subsection (2) of this**  
3 **section, a person may not:**

4 **“(a) Use, store or divert any waters under ORS 537.130;**

5 **“(b) Use or attempt to use any ground water under ORS 537.535;**

6 **“(c) Construct or attempt to construct any well or other means of**  
7 **developing and securing ground water under ORS 537.535;**

8 **“(d) Collect or use precipitation water from an artificial impervious**  
9 **surface as described in ORS 537.141; or**

10 **“(e) Use ground water as described in ORS 537.545 (1)(b) or (f).**

11 **“(2) A person may not engage in or undertake an action described**  
12 **in subsection (1) of this section at a location where plants in the plant**  
13 **Cannabis family Cannabaceae are grown, if:**

14 **“(a) The location described in this section is not licensed or regis-**  
15 **tered under ORS 475C.065, 475C.792 or 571.281; and**

16 **“(b) The number of plants described in this section is greater than**  
17 **the number of marijuana plants or industrial hemp plants allowed**  
18 **under ORS 475C.005 to 475C.525, 475C.770 to 475C.919 or 571.260 to**  
19 **571.348.”.**

20

---