

HB 2515-2
(LC 2637)
3/9/23 (SCT/ps)

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2515**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “475C.049, 475C.085, 475C.141, 475C.217,
3 475C.229, 475C.337, 475C.341, 475C.345 and 475C.349; and prescribing an ef-
4 fective date.”.

5 Delete lines 5 through 29 and delete page 2 and insert:

6 **“SECTION 1. Sections 2 to 5 of this 2023 Act are added to and made**
7 **a part of ORS 475C.005 to 475C.525.**

8 **“SECTION 2. (1) A licensee may use at the premises for which a**
9 **license is issued under ORS 475C.065, 475C.085, 475C.093 or 475C.097 a**
10 **motion detection camera system that:**

11 **“(a) Uses video analytics for monitoring purposes;**

12 **“(b) Is capable of storing video recorded, via video analytics,**
13 **through the system; and**

14 **“(c) Allows for searching and auditing of the video required by the**
15 **Oregon Liquor and Cannabis Commission by rule to be stored through**
16 **the system and searching and auditing of the system’s log, including**
17 **for changes to the motion detection sensitivity settings and camera**
18 **activity.**

19 **“(2) A licensee may not be required to continuously record video**
20 **or to store all data recorded through the motion detection camera**
21 **system described in subsection (1) of this section.**

1 **“(3) The commission may adopt rules to carry out this section.**

2 **“SECTION 3. (1) As used in this section, ‘greenhouse’ means a**
3 **structure intended to shelter mature marijuana plants and that does**
4 **not use supplemental lights or heating or cooling systems.**

5 **“(2) The Oregon Liquor and Cannabis Commission shall issue a**
6 **greenhouse endorsement to a marijuana producer that holds a license**
7 **issued under ORS 475C.065 and meets any requirements established by**
8 **the commission by rule.**

9 **“(3) The commission may not require a marijuana producer de-**
10 **scribed in this section that holds an active license issued under ORS**
11 **475C.065 to apply for a new license to produce marijuana in order to**
12 **obtain the greenhouse endorsement under this section.**

13 **“(4) The commission may adopt rules to carry out this section.**

14 **“SECTION 4. (1) An individual under 21 years of age may enter a**
15 **premises licensed under ORS 475C.065, 475C.085 or 475C.093 only if:**

16 **“(a) The individual is the immediately family member of an owner,**
17 **licensee or employee of the premises; and**

18 **“(b) The individual is accompanied at all times by another individ-**
19 **ual who is:**

20 **“(A) At least 21 years of age; and**

21 **“(B) Is an owner, licensee or employee of the premises.**

22 **“(2) The Oregon Liquor and Cannabis Commission may adopt rules**
23 **to carry out this section.**

24 **“SECTION 5. (1) The Oregon Liquor and Cannabis Commission may**
25 **not accept an application for a new license under ORS 475C.065,**
26 **475C.085, 475C.093 or 475C.097 unless:**

27 **“(a) For a production license under ORS 475C.065, there is not more**
28 **than one active license per 7,500 residents in this state who are 21**
29 **years of age or older.**

30 **“(b) For a processor license under ORS 475C.085, there is not more**

1 **than one active license per 12,500 residents in this state who are 21**
2 **years of age or older.**

3 **“(c) For a wholesaler license under ORS 475C.093, there is not more**
4 **than one active license per 12,500 residents in this state who are 21**
5 **years of age or older.**

6 **“(d) For a retailer license under ORS 475C.097, there is not more**
7 **than one active license per 7,500 residents in this state who are 21**
8 **years of age or older.**

9 **“(2) Subsection (1) of this section does not apply to:**

10 **“(a) An application for renewal of a license described in subsection**
11 **(1) of this section;**

12 **“(b) An application for reissuance of a license described in sub-**
13 **section (1) of this section necessitated by a change in the location or**
14 **ownership of a production, processing, wholesale or retail facility or**
15 **premises;**

16 **“(c) An application for a change in size of a mature marijuana plant**
17 **grow canopy; or**

18 **“(d) The sale or purchase of a license described in subsection (1) of**
19 **this section issued prior to the operative date specified in section 16**
20 **of this 2023 Act.**

21 **“(3) The commission may adopt rules to carry out this section.**

22 **“SECTION 6. Section 5 of this 2023 Act does not apply to applica-**
23 **tions received on or before January 1, 2022.**

24 **“SECTION 7. ORS 475C.049 is amended to read:**

25 **“475C.049. (1) Subject to section 5 of this 2023 Act, the Oregon Liquor**
26 **and Cannabis Commission shall approve or deny an application to be li-**
27 **censed under ORS 475C.005 to 475C.525. Except as provided in subsection (2)**
28 **of this section, upon receiving an application under ORS 475C.033, the com-**
29 **mission may not delay processing, approving or denying the application or,**
30 **if the application is approved, issuing the license.**

1 “(2) The commission may delay processing, approving or denying an ap-
2 plication described in subsection (1) of this section only if:

3 “(a) The applicant, or a person named on the application, holds a license
4 issued under ORS 475C.005 to 475C.525 and the commission has issued a no-
5 tice proposing revocation of the license for one or more violations of ORS
6 475C.005 to 475C.525 that are administrative in nature, as determined by the
7 commission, or a notice proposing suspension of the license pursuant to ORS
8 305.385;

9 “(b) The applicant is applying for a license at a premises where the ap-
10 plicant seeks to assume ownership of an existing business for which a license
11 has been issued under ORS 475C.005 to 475C.525 and the commission has is-
12 sued a notice proposing revocation of the license for the existing business
13 or a notice proposing suspension of the license for the existing business
14 pursuant to ORS 305.385; or

15 “(c) The commission has received information from law enforcement that
16 the applicant or a person named on the application is engaging, or has en-
17 gaged, in the unregulated commerce of marijuana items or unlawful manu-
18 facture or delivery of controlled substances.

19 “(3) The licenses described in ORS 475C.005 to 475C.525 must be issued
20 by the commission, subject to the provisions of ORS 475C.005 to 475C.525 and
21 rules adopted under ORS 475C.005 to 475C.525.

22 “(4) The commission may not license a premises that does not have de-
23 fined boundaries. A premises does not need to be enclosed by a wall, fence
24 or other structure, but the commission may require a premises to be enclosed
25 as a condition of issuing or renewing a license. The commission may not li-
26 cense a mobile premises.

27 **“SECTION 8.** ORS 475C.085 is amended to read:

28 “475C.085. (1) The processing of marijuana items is subject to regulation
29 by the Oregon Liquor and Cannabis Commission.

30 “(2) A marijuana processor must have a processor license issued by the

1 commission for the premises at which marijuana items are processed. To hold
2 a processor license under this section, a marijuana processor:

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

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

5 “(c) If the marijuana processor processes marijuana extracts or industrial
6 hemp extracts, as defined in ORS 571.269, may not be located in an area
7 zoned exclusively for residential use; and

8 “(d) Must meet the requirements of any rule adopted by the commission
9 under subsection (3) of this section.

10 “(3) The commission shall adopt rules that:

11 “(a) Require a marijuana processor to annually renew a license issued
12 under this section;

13 “(b) Establish application, licensure and renewal of licensure fees for
14 marijuana processors;

15 “(c) Require marijuana processed by a marijuana processor to be tested
16 in accordance with ORS 475C.544;

17 “(d) Require industrial hemp commodities and products processed by a
18 marijuana processor to meet any requirements for industrial hemp commod-
19 ities or products established under ORS 571.260 to 571.348 or rules adopted
20 under ORS 571.260 to 571.348;

21 “(e) Allow a marijuana processor registered under ORS 475C.141 to pro-
22 cess marijuana and usable marijuana into medical grade cannabinoid pro-
23 ducts, cannabinoid concentrates and cannabinoid extracts in the same
24 manner that rules adopted under ORS 475C.005 to 475C.525 allow a
25 marijuana processor to process marijuana and usable marijuana into general
26 use cannabinoid products, cannabinoid concentrates and cannabinoid ex-
27 tracts, [*excepting those circumstances where*] **except when** differentiating
28 between the processing of medical grade cannabinoid products, cannabinoid
29 concentrates and cannabinoid extracts and the processing of general use
30 cannabinoid products, cannabinoid concentrates and cannabinoid extracts is

1 necessary to protect the public health and safety; [*and*]

2 **“(f) Allow a marijuana processor registered under ORS 475C.141 to**
3 **provide, subject to ORS 475C.141, usable marijuana and medical grade**
4 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**
5 **tracts to a registry identification cardholder and the designated pri-**
6 **mary caregiver of a registry identification cardholder;**

7 “[*f*] (g) Require a marijuana processor to meet any public health and
8 safety standards and industry best practices established by the commission
9 by rule related to:

10 “(A) Cannabinoid edibles;

11 “(B) Cannabinoid concentrates;

12 “(C) Cannabinoid extracts; and

13 “(D) Any other type of cannabinoid product or industrial hemp commodity
14 or product identified by the commission by rule[.]; **and**

15 **“(h) Allow a marijuana processor to use a facility located on a**
16 **premises for which a license is issued under this section for the pur-**
17 **pose of making products that do not contain cannabinoids.**

18 “(4) Fees adopted under subsection (3)(b) of this section:

19 “(a) May not exceed, together with other fees collected under ORS
20 475C.005 to 475C.525, the cost of administering ORS 475C.005 to 475C.525; and

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

23 **“SECTION 9.** ORS 475C.141 is amended to read:

24 “475C.141. (1) To process marijuana for medical purposes, a marijuana
25 processor that holds a license issued under ORS 475C.085 must register with
26 the Oregon Liquor and Cannabis Commission under this section.

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

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

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

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

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

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

5 “(a) Process marijuana and usable marijuana into medical grade
6 cannabinoid products, cannabinoid concentrates and cannabinoid extracts;
7 [*and*]

8 “(b) Notwithstanding ORS 475C.205, receive marijuana and usable
9 marijuana from, and for a fee process that marijuana and usable marijuana
10 into cannabinoid products, cannabinoid concentrates and cannabinoid ex-
11 tracts for, a registry identification cardholder or the designated primary
12 caregiver of a registry identification cardholder, provided that the
13 cannabinoid products, cannabinoid concentrates and cannabinoid extracts
14 meet the requirements of ORS 475C.540 to 475C.586 and the concentration
15 standards adopted under ORS 475C.620[.]; **and**

16 **“(c) Provide, for no consideration, usable marijuana and medical**
17 **grade cannabinoid products, cannabinoid concentrates and**
18 **cannabinoid extracts to a registry identification cardholder and the**
19 **designated primary caregiver of a registry identification cardholder.**

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

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

26 **“SECTION 10.** ORS 475C.217 is amended to read:

27 **“475C.217. (1) Subject to subsection [(2)] (3) of this section and except**
28 **as provided pursuant to subsection (2) of this section,** a licensee or
29 licensee representative, before selling or providing a marijuana item to an-
30 other person, must require the person to produce one of the following pieces

1 of identification:

2 “(a) The person’s passport, issued by the United States or a foreign gov-
3 ernment.

4 “(b) The person’s driver license, issued by the State of Oregon or another
5 state of the United States.

6 “(c) An identification card issued under ORS 807.400.

7 “(d) A United States military identification card.

8 “(e) An identification card issued by a federally recognized Indian tribe.

9 “(f) Any other identification card issued by a state or territory of the
10 United States that bears a picture of the person, the name of the person, the
11 person’s date of birth and a physical description of the person.

12 “(g) The person’s proof of participation in the United States Customs and
13 Border Protection Secure Electronic Network for Travelers Rapid Inspection
14 program or NEXUS program, or successor programs.

15 **“(2)(a) The Oregon Liquor and Cannabis Commission may adopt**
16 **rules to allow a licensee or licensee representative to use an age ver-**
17 **ification scanner, software, digital identification technology, valid and**
18 **verified digital identification or other electronic technology instead of**
19 **performing a visual inspection of a piece of identification described in**
20 **subsection (1) of this section to verify the age of a person before sell-**
21 **ing or providing a marijuana item to the person.**

22 **“(b) Information obtained under this subsection may be used and**
23 **retained, pursuant to rules adopted by the commission, for the pur-**
24 **poses of verifying a person’s age and as needed by the commission to**
25 **ensure the licensee’s compliance with the provisions of ORS 475C.005**
26 **to 475C.525 and rules adopted pursuant to ORS 475C.005 to 475C.525.**

27 “[2] (3) The [*Oregon Liquor and Cannabis*] commission may adopt rules
28 exempting a licensee or licensee representative from this section.

29 **“SECTION 11. ORS 475C.229 is amended to read:**

30 **“475C.229. (1) For purposes of this section:**

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

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

7 “(A) A concentration of 0.3 percent total delta-9-tetrahydrocannabinol; or

8 “(B) The concentration of total delta-9-tetrahydrocannabinol allowed un-
9 der federal law.

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

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

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

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

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

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

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

20 “(B) Concerns an amount of marijuana items that exceeds the applicable
21 maximum amount specified in ORS 475C.337 (1)(a) to [(f)] (g).

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

23 “(A) Is for consideration and the person holds a license issued under ORS
24 475C.065, 475C.085, 475C.093 or 475C.097;

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

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

29 **“SECTION 12.** ORS 475C.337 is amended to read:

30 “475C.337. (1) Except for licensees and licensee representatives acting in

1 accordance with ORS 475C.005 to 475C.525 and any rule adopted under ORS
2 475C.005 to 475C.525, it is unlawful for any person 21 years of age or older
3 to possess, knowingly or intentionally:

4 “(a) An amount of plants in the genus *Cannabis* within the plant family
5 Cannabaceae in excess of the amount allowed under ORS 475C.305 (1).

6 “(b) More than two ounces of usable marijuana in a public place.

7 “(c) More than eight ounces of usable marijuana.

8 “(d) More than 16 ounces of cannabinoid products in solid form or
9 cannabinoid concentrates.

10 “(e) More than 72 ounces of cannabinoid products in liquid form.

11 “(f) More than one ounce of cannabinoid extracts.

12 “**(g) Notwithstanding paragraphs (d) and (e) of this subsection,**
13 **cannabinoid edibles that contain more than 10 grams of adult use**
14 **cannabinoid.**

15 “[*(g)*] **(h)** A cannabinoid extract that was not purchased from a marijuana
16 retailer that holds a license issued under ORS 475C.097.

17 “(2) Except as provided in subsection (3) of this section, unlawful pos-
18 session of a marijuana item is a Class A misdemeanor.

19 “(3) Unlawful possession of a marijuana item is:

20 “(a) A Class B violation, if the amount possessed is not more than two
21 times the applicable maximum amount specified in subsection (1)(a) to [*(f)*]
22 **(g)** of this section.

23 “(b) A Class B misdemeanor, if the amount possessed is more than two
24 times, but not more than four times, the applicable maximum amount speci-
25 fied in subsection (1)(a) to [*(f)*] **(g)** of this section.

26 “(c) A Class C felony, if the amount possessed is:

27 “(A) More than 16 times the applicable maximum amount specified in
28 subsection (1)(a), (c), (d), (e) [*or*], (f) **or (g)** of this section;

29 “(B) More than eight pounds of usable marijuana in a public place; or

30 “(C) More than one-quarter ounce of cannabinoid extract that was not

1 purchased from a marijuana retailer that holds a license issued under ORS
2 475C.097.

3 **“SECTION 13.** ORS 475C.341 is amended to read:

4 “475C.341. (1) Except for licensees and licensee representatives acting in
5 accordance with ORS 475C.005 to 475C.525 and any rule adopted under ORS
6 475C.005 to 475C.525, it is unlawful for any person under 21 years of age to
7 possess, knowingly or intentionally:

8 “(a) An amount of plants in the genus Cannabis within the plant family
9 Cannabaceae in excess of the amount allowed under ORS 475C.305 (1).

10 “(b) More than two ounces of usable marijuana in a public place.

11 “(c) More than eight ounces of usable marijuana.

12 “(d) More than 16 ounces of cannabinoid products in solid form or
13 cannabinoid concentrates.

14 “(e) More than 72 ounces of cannabinoid products in liquid form.

15 “(f) More than one ounce of cannabinoid extracts.

16 **“(g) Notwithstanding paragraphs (d) and (e) of this subsection,
17 cannabinoid edibles that contain more than 10 grams of adult use
18 cannabinoid.**

19 “[g] **(h)** A cannabinoid extract that was not purchased from a marijuana
20 retailer that holds a license under ORS 475C.097.

21 “(2) Except as provided in subsection (3) of this section, unlawful pos-
22 session of a marijuana item by a person under 21 years of age is a Class A
23 misdemeanor.

24 “(3) Unlawful possession of a marijuana item by a person under 21 years
25 of age is a Class C felony, if the amount possessed is:

26 “(a) More than 16 times the applicable maximum amount specified in
27 subsection (1)(a), (c), (d), (e) [or], (f) **or (g)** of this section;

28 “(b) More than eight pounds of usable marijuana in a public place; or

29 “(c) More than one-quarter ounce of cannabinoid extract that was not
30 purchased from a marijuana retailer that holds a license issued under ORS

1 475C.097.

2 **“SECTION 14.** ORS 475C.345 is amended to read:

3 “475C.345. (1) Except for licensees and licensee representatives acting in
4 accordance with ORS 475C.005 to 475C.525 and any rule adopted under ORS
5 475C.005 to 475C.525, and except for a person acting within the scope of and
6 in compliance with ORS 475C.305, it is unlawful for any person to deliver a
7 marijuana item.

8 “(2) Except as provided in subsection (3) of this section, unlawful delivery
9 of a marijuana item is a Class A misdemeanor.

10 “(3) Unlawful delivery of a marijuana item is:

11 “(a) A Class B misdemeanor, if a person 21 years of age or older unlaw-
12 fully delivers usable marijuana, for no consideration, to a person 21 years
13 of age or older, and the total amount of usable marijuana delivered is not
14 more than twice the amount described in ORS 475C.305 (7).

15 “(b) A Class C felony, if:

16 “(A) The delivery involves:

17 “(i) More than 16 times the applicable maximum amount specified in ORS
18 475C.337 (1)(a), (c), (d), (e) [*or*], (f) **or** (g);

19 “(ii) More than eight pounds of usable marijuana in a public place; or

20 “(iii) More than one-quarter ounce of cannabinoid extract that was not
21 purchased from a marijuana retailer that holds a license issued under ORS
22 475C.097.

23 “(B) The marijuana item is delivered to a person under 21 years of age,
24 unless the person delivering the marijuana item is under 24 years of age at
25 the time of the delivery and delivers not more than one ounce of usable
26 marijuana, for no consideration, to a person who is 16 years of age or older.

27 **“SECTION 15.** ORS 475C.349 is amended to read:

28 “475C.349. (1) Except for licensees and licensee representatives acting in
29 accordance with ORS 475C.005 to 475C.525 and any rule adopted under ORS
30 475C.005 to 475C.525, and except for a person acting within the scope of and

1 in compliance with ORS 475C.305, it is unlawful for any person to manufac-
2 ture a marijuana item.

3 “(2) Except as provided in subsection (3) of this section, unlawful manu-
4 facture of a marijuana item is a Class A misdemeanor.

5 “(3) Unlawful manufacture of a marijuana item is:

6 “(a) A Class B misdemeanor, if a person 21 years of age or older unlaw-
7 fully manufactures homegrown marijuana at a household and the total
8 number of homegrown plants in the genus Cannabis within the plant family
9 Cannabaceae at the household exceeds four plants but does not exceed eight
10 plants.

11 “(b) A Class C felony, if:

12 “(A) A person unlawfully manufactures marijuana and the total number
13 of plants in the genus Cannabis within the plant family Cannabaceae exceeds
14 12 plants; or

15 “(B) A person unlawfully manufactures a cannabinoid product or a
16 cannabinoid concentrate and the total amount of cannabinoid products or the
17 total amount of cannabinoid concentrates exceeds twice the applicable max-
18 imum amount specified in ORS 475C.337 (1)(d), (e) [*or*], (f) **or** (g).

19 “(c) A Class B felony, if a person unlawfully manufactures a cannabinoid
20 extract.

21 **“SECTION 16. (1) Sections 2 to 5 of this 2023 Act and the amend-**
22 **ments to ORS 475C.049, 475C.085, 475C.141, 475C.217, 475C.229, 475C.337,**
23 **475C.341, 475C.345 and 475C.349 by sections 7 to 15 of this 2023 Act be-**
24 **come operative on January 1, 2024.**

25 **“(2) The Oregon Liquor and Cannabis Commission may take any**
26 **action before the operative date specified in subsection (1) of this sec-**
27 **tion that is necessary to enable the commission to exercise, on and**
28 **after the operative date specified in subsection (1) of this section, all**
29 **of the duties, functions and powers conferred on the commission by**
30 **sections 2 to 5 of this 2023 Act and the amendments to ORS 475C.049,**

1 475C.085, 475C.141, 475C.217, 475C.229, 475C.337, 475C.341, 475C.345 and
2 475C.349 by sections 7 to 15 of this 2023 Act.

3 **SECTION 17. This 2023 Act takes effect on the 91st day after the**
4 **date on which the 2023 regular session of the Eighty-second Legislative**
5 **Assembly adjourns sine die.”.**

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