

DRAFT

AN ACT

1
2 Relating to marijuana; creating new provisions; and amending ORS 97.972,
3 433.850, 475B.015, 475B.025, 475B.109, 475B.115, 475B.119, 475B.206,
4 475B.220, 475B.227, 475B.301, 475B.381, 475B.486, 475B.575, 475B.635,
5 475B.645, 475B.760, 475B.766, 475B.769, 475B.791, 475B.797, 475B.913,
6 475B.916, 475B.952, 475B.968 and 659A.315.

7 **Be It Enacted by the People of the State of Oregon:**

ANATOMICAL GIFTS

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11 **SECTION 1.** ORS 97.972 is amended to read:

12 97.972. (1) When a hospital refers an individual at or near death to a
13 procurement organization, the organization shall make a reasonable search
14 of the records of the Department of Transportation and any donor registry
15 that it knows exists for the geographical area in which the individual resides
16 to ascertain whether the individual has made an anatomical gift.

17 (2) A procurement organization must be allowed reasonable access to in-
18 formation in the records of the Department of Transportation to ascertain
19 whether an individual at or near death is a donor.

20 (3) When a hospital refers an individual at or near death to a procure-
21 ment organization, the organization may conduct any reasonable examination
22 necessary to ensure the medical suitability of a body part that is or could
23 be the subject of an anatomical gift for transplantation, therapy, research
24 or education from a donor or a prospective donor. During the examination
25 period, measures necessary to ensure the medical suitability of the body part

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 may not be withdrawn unless the hospital or procurement organization
2 knows that the individual expressed a contrary intent.

3 (4)(a) Unless otherwise prohibited by law, at any time after a donor's
4 death, the person to whom a body part passes under ORS 97.969 may conduct
5 any reasonable examination necessary to ensure the medical suitability of
6 the body or body part for its intended purpose.

7 (b) A transplant hospital may not deny a recipient from receiving an an-
8 atomical gift exclusively on the basis that the recipient is a registry iden-
9 tification cardholder as defined in ORS 475B.791.

10 **(c) A transplant hospital or a licensed health care practitioner in-**
11 **involved in the care of a recipient may not recommend that the recipient**
12 **be removed from the list of potential recipients of anatomical gifts**
13 **that is managed by the United Network for Organ Sharing, or its**
14 **successor organization, exclusively on the basis that the recipient is**
15 **a registry identification cardholder, as defined in ORS 475B.791, and**
16 **receives a positive result of a drug test for marijuana use.**

17 (5) Unless otherwise prohibited by law, an examination under subsection
18 (3) or (4)(a) of this section may include an examination of all medical and
19 dental records of the donor or prospective donor.

20 (6) Upon the death of a minor who was a donor or had signed a refusal,
21 unless a procurement organization knows the minor is emancipated, the
22 procurement organization shall conduct a reasonable search for the parents
23 of the minor and provide the parents with an opportunity to revoke or amend
24 the anatomical gift or revoke the refusal.

25 (7) Upon referral by a hospital under subsection (1) of this section, a
26 procurement organization shall make a reasonable search for any person
27 listed in ORS 97.965 having priority to make an anatomical gift on behalf
28 of a prospective donor. If a procurement organization receives information
29 that an anatomical gift to any other person was made, amended or revoked,
30 it shall promptly advise the other person of all relevant information.

31 (8) Subject to ORS 97.969 (9) and 97.980, the rights of the person to whom

1 a body part passes under ORS 97.969 are superior to the rights of all others
2 with respect to the body part. The person may accept or reject an anatomical
3 gift in whole or in part. Subject to the terms of the document of gift and
4 ORS 97.951 to 97.982, a person who accepts an anatomical gift of an entire
5 body may allow embalming, burial or cremation and use of remains in a fu-
6 neral service. If the gift is of a body part, the person to whom the body part
7 passes under ORS 97.969, upon the death of the donor and before embalming,
8 burial or cremation, shall cause the body part to be removed without un-
9 necessary mutilation.

10 (9) Neither the physician who attends the decedent at death nor the
11 physician who determines the time of the decedent's death may participate
12 in the procedures for removing or transplanting a body part from the
13 decedent.

14 (10) A physician or technician may remove from the body of a donor a
15 donated body part that the physician or technician is qualified to remove.

16 **SECTION 2. The amendments to ORS 97.972 by section 1 of this 2020**
17 **Act apply to a drug test administered to a registry identification**
18 **cardholder, as defined in ORS 475B.791, before, on or after the effective**
19 **date of this 2020 Act.**

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21

ATTENDING PROVIDERS

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23 **SECTION 3.** ORS 475B.791 is amended to read:

24 475B.791. As used in ORS 475B.785 to 475B.949:

25 (1) "Attending [*physician*] **provider**" means **any of the following li-**
26 **censed health care providers who has primary responsibility for the**
27 **care and treatment of a person diagnosed with a debilitating medical**
28 **condition:**

29 (a) A physician licensed under ORS chapter 677 [*who has primary re-*
30 *sponsibility for the care and treatment of a person diagnosed with a debili-*
31 *tating medical condition.*];

1 (b) A physician assistant licensed under ORS 677.505 to 677.525;

2 (c) A naturopathic physician licensed under ORS chapter 685; or

3 (d) A nurse practitioner licensed under ORS 678.375 to 678.390.

4 (2) "Cannabinoid" means any of the chemical compounds that are the ac-
5 tive constituents of marijuana.

6 (3) "Cannabinoid concentrate" means a substance obtained by separating
7 cannabinoids from marijuana by:

8 (a) A mechanical extraction process;

9 (b) A chemical extraction process using a nonhydrocarbon-based solvent,
10 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or
11 ethanol;

12 (c) A chemical extraction process using the hydrocarbon-based solvent
13 carbon dioxide, provided that the process does not involve the use of high
14 heat or pressure; or

15 (d) Any other process identified by the Oregon Health Authority, in con-
16 sultation with the Oregon Liquor Control Commission, by rule.

17 (4) "Cannabinoid edible" means food or potable liquid into which a
18 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
19 marijuana have been incorporated.

20 (5) "Cannabinoid extract" means a substance obtained by separating
21 cannabinoids from marijuana by:

22 (a) A chemical extraction process using a hydrocarbon-based solvent, such
23 as butane, hexane or propane;

24 (b) A chemical extraction process using the hydrocarbon-based solvent
25 carbon dioxide, if the process uses high heat or pressure; or

26 (c) Any other process identified by the Oregon Health Authority, in con-
27 sultation with the Oregon Liquor Control Commission, by rule.

28 (6) "Debilitating medical condition" means:

29 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition,
30 positive status for human immunodeficiency virus or acquired immune defi-
31 ciency syndrome, or a side effect related to the treatment of those medical

1 conditions;

2 (b) A medical condition or treatment for a medical condition that
3 produces, for a specific patient, one or more of the following:

4 (A) Cachexia;

5 (B) Severe pain;

6 (C) Severe nausea;

7 (D) Seizures, including seizures caused by epilepsy; or

8 (E) Persistent muscle spasms, including spasms caused by multiple
9 sclerosis;

10 (c) Post-traumatic stress disorder; or

11 (d) Any other medical condition or side effect related to the treatment of
12 a medical condition adopted by the Oregon Health Authority by rule or ap-
13 proved by the authority pursuant to a petition filed under ORS 475B.946.

14 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.

15 (b) “Delivery” does not include transfer of marijuana by a registry iden-
16 tification cardholder to another registry identification cardholder if no con-
17 sideration is paid for the transfer.

18 (8)(a) “Designated primary caregiver” means an individual:

19 (A) Who is 18 years of age or older;

20 (B) Who has significant responsibility for managing the well-being of a
21 person who has been diagnosed with a debilitating medical condition; and

22 (C) Who is designated as the person responsible for managing the well-
23 being of a person who has been diagnosed with a debilitating medical con-
24 dition on that person’s application for a registry identification card or in
25 other written notification submitted to the authority.

26 (b) “Designated primary caregiver” does not include a person’s attending
27 [*physician*] **provider**.

28 (9) “High heat” means a temperature exceeding 180 degrees.

29 (10) “Immature marijuana plant” means a marijuana plant that is not
30 flowering.

31 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any

1 part of the plant Cannabis family Cannabaceae and the seeds of the plant
2 Cannabis family Cannabaceae.

3 (b) "Marijuana" does not include industrial hemp, as defined in ORS
4 571.300.

5 (12) "Marijuana grow site" means a location registered under ORS
6 475B.810 where marijuana is produced for use by a registry identification
7 cardholder.

8 (13) "Marijuana processing site" means a marijuana processing site reg-
9 istered under ORS 475B.840 or a site for which an applicant has submitted
10 an application for registration under ORS 475B.840.

11 (14) "Mature marijuana plant" means a marijuana plant that is not an
12 immature marijuana plant.

13 (15)(a) "Medical cannabinoid product" means a cannabinoid edible and
14 any other product intended for human consumption or use, including a
15 product intended to be applied to a person's skin or hair, that contains
16 cannabinoids or dried leaves or flowers of marijuana.

17 (b) "Medical cannabinoid product" does not include:

18 (A) Usable marijuana by itself;

19 (B) A cannabinoid concentrate by itself;

20 (C) A cannabinoid extract by itself; or

21 (D) Industrial hemp, as defined in ORS 571.300.

22 (16) "Medical marijuana dispensary" means a medical marijuana
23 dispensary registered under ORS 475B.858 or a site for which an applicant
24 has submitted an application for registration under ORS 475B.858.

25 (17) "Medical use of marijuana" means the production, processing, pos-
26 session, delivery or administration of marijuana, or use of paraphernalia
27 used to administer marijuana, to mitigate the symptoms or effects of a de-
28 bilitating medical condition.

29 (18) "Person designated to produce marijuana by a registry identification
30 cardholder" means a person designated to produce marijuana by a registry
31 identification cardholder under ORS 475B.810 who produces marijuana for a

1 registry identification cardholder at an address other than the address where
2 the registry identification cardholder resides or at an address where more
3 than 12 mature marijuana plants are produced.

4 (19) "Process" means the compounding or conversion of marijuana into
5 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
6 tracts.

7 (20) "Production" means:

8 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

9 (b) Drying marijuana leaves or flowers.

10 (21) "Registry identification card" means a document issued by the
11 Oregon Health Authority under ORS 475B.797 that identifies a person au-
12 thorized to engage in the medical use of marijuana and, if the person has a
13 designated primary caregiver under ORS 475B.804, the person's designated
14 primary caregiver.

15 (22) "Registry identification cardholder" means a person to whom a reg-
16 istry identification card has been issued under ORS 475B.797.

17 (23)(a) "Usable marijuana" means the dried leaves and flowers of
18 marijuana.

19 (b) "Usable marijuana" does not include:

20 (A) The seeds, stalks and roots of marijuana; or

21 (B) Waste material that is a by-product of producing marijuana.

22 (24) "Written documentation" means a statement signed by the attending
23 [*physician*] **provider** of a person diagnosed with a debilitating medical con-
24 dition or copies of the person's relevant medical records.

25 **SECTION 4.** ORS 475B.797 is amended to read:

26 475B.797. (1) The Oregon Health Authority shall establish a program for
27 the issuance of registry identification cards to applicants who meet the re-
28 quirements of this section.

29 (2) The authority shall issue a registry identification card to an applicant
30 who is 18 years of age or older if the applicant pays a fee in an amount es-
31 tablished by the authority by rule and submits to the authority an applica-

1 tion containing the following information:

2 (a) Written documentation from the applicant's attending [*physician*]
3 **provider** stating that the attending [*physician*] **provider** has diagnosed the
4 applicant as having a debilitating medical condition and that the medical
5 use of marijuana may mitigate the symptoms or effects of the applicant's
6 debilitating medical condition;

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

8 (c) The name, address and telephone number of the applicant's attending
9 [*physician*] **provider**;

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

12 (e) The name and address of the applicant's designated primary caregiver,
13 if the applicant is designating a primary caregiver under ORS 475B.804; and

14 (f) The information described in ORS 475B.810 (2), if the applicant is ap-
15 plying to produce marijuana or designate another person under ORS 475B.810
16 to produce marijuana.

17 (3)(a) The authority shall issue a registry identification card to an appli-
18 cant who is under 18 years of age if:

19 (A) The applicant pays the fee and submits the application described in
20 subsection (2) of this section; and

21 (B) The custodial parent or legal guardian who is responsible for the
22 health care decisions of the applicant signs and submits to the authority a
23 written statement that:

24 (i) The applicant's attending [*physician*] **provider** has explained to the
25 applicant and to the custodial parent or legal guardian the possible risks and
26 benefits of the medical use of marijuana;

27 (ii) The custodial parent or legal guardian consents to the medical use
28 of marijuana by the applicant;

29 (iii) The custodial parent or legal guardian agrees to serve as the
30 applicant's designated primary caregiver; and

31 (iv) The custodial parent or legal guardian agrees to control the acquisi-

1 tion, dosage and frequency of the medical use of marijuana by the applicant.

2 (b) An applicant who is under 18 years of age may not apply to produce
3 marijuana under subsection (2)(f) of this section.

4 (4) The authority shall:

5 (a) On the date on which the authority receives an application described
6 in subsection (2) of this section, issue a receipt to the applicant verifying
7 that the authority received an application under subsection (2) or (3) of this
8 section; and

9 (b) Approve or deny an application received under subsection (2) or (3)
10 of this section within 30 days after receiving the application.

11 (5)(a) If the authority approves an application, the authority shall issue
12 a serially numbered registry identification card to the applicant within five
13 days after approving the application. The registry identification card must
14 include the following information:

15 (A) The registry identification cardholder's name, address and date of
16 birth;

17 (B) The issuance date and expiration date of the registry identification
18 card;

19 (C) If the registry identification cardholder designated a primary
20 caregiver under ORS 475B.804, the name and address of the registry iden-
21 tification cardholder's designated primary caregiver; and

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

23 (b) If the registry identification cardholder designated a primary caregiver
24 under ORS 475B.804, the authority shall issue an identification card to the
25 designated primary caregiver. The identification card must contain the in-
26 formation required by paragraph (a) of this subsection.

27 (6) A registry identification cardholder shall:

28 (a) In a form and manner prescribed by the authority, notify the authority
29 of any change concerning the registry identification cardholder's:

30 (A) Name, address or attending [*physician*] **provider**;

31 (B) Designated primary caregiver, including the designation of a primary

1 caregiver made at a time other than at the time of applying for or renewing
2 a registry identification card; or

3 (C) Person responsible for a marijuana grow site, including the desig-
4 nation of a person responsible for a marijuana grow site made at a time
5 other than at the time of applying for or renewing a registry identification
6 card.

7 (b) **Except as provided in section 11 of this 2020 Act**, annually renew
8 the registry identification card by paying a fee in an amount established by
9 the authority by rule and submitting to the authority an application that
10 contains the following information:

11 (A) Updated written documentation from the registry identification
12 cardholder's attending [*physician*] **provider** stating that the registry iden-
13 tification cardholder still has a debilitating medical condition and that the
14 medical use of marijuana may mitigate the symptoms or effects of the regis-
15 try identification cardholder's debilitating medical condition;

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

18 (C) If the registry identification cardholder is under 18 years of age, a
19 statement signed by the custodial parent or legal guardian of the registry
20 identification cardholder that meets the requirements of subsection (3) of this
21 section.

22 (7) The authority shall:

23 (a) On the date on which the authority receives an application described
24 in subsection (2) of this section, issue a receipt to the applicant verifying
25 that the authority received an application under subsection (6)(b) of this
26 section; and

27 (b) Approve or deny an application received under subsection (6)(b) of this
28 section within 30 days after receiving the application.

29 (8)(a) If the registry identification cardholder's attending [*physician*]
30 **provider** determines that the registry identification cardholder no longer has
31 a debilitating medical condition, or determines that the medical use of

1 marijuana is contraindicated for the registry identification cardholder's de-
2 bilitating medical condition, the registry identification cardholder shall re-
3 turn the registry identification card to the authority within 30 calendar days
4 after receiving notice of the determination.

5 (b) If, because of circumstances beyond the control of the registry iden-
6 tification cardholder, a registry identification cardholder is unable to obtain
7 a second medical opinion about the registry identification cardholder's con-
8 tinuing eligibility for the medical use of marijuana before having to return
9 the registry identification card to the authority, the authority may grant the
10 registry identification cardholder additional time to obtain a second medical
11 opinion.

12 (9)(a) The authority may deny an application for a registry identification
13 card or an application to renew a registry identification card, or may sus-
14 pend or revoke a registry identification card, if:

15 (A) The applicant or registry identification cardholder does not provide
16 the information required by this section;

17 (B) The authority determines that the applicant or registry identification
18 cardholder provided false information; or

19 (C) The authority determines that the applicant or registry identification
20 cardholder violated a provision of ORS 475B.785 to 475B.949 or a rule
21 adopted under ORS 475B.785 to 475B.949.

22 (b) If a registry identification card is revoked, any associated identifica-
23 tion card issued under subsection (5)(b) of this section, or marijuana grow
24 site registration card issued under ORS 475B.810 (6), shall also be revoked.

25 (c) A person whose application is denied, or whose registry identification
26 card is revoked, under this subsection may not reapply for a registry iden-
27 tification card for six months from the date of the denial or revocation un-
28 less otherwise authorized by the authority.

29 (10)(a) The authority may deny a designation of a primary caregiver made
30 under ORS 475B.804, or suspend or revoke an associated identification card
31 issued under subsection (5)(b) of this section, if the authority determines that

1 the designee or the registry identification cardholder violated a provision of
 2 ORS 475B.785 to 475B.949 or a rule adopted under ORS 475B.785 to 475B.949.

3 (b) A person whose designation has been denied, or whose identification
 4 card has been revoked, under this subsection may not be designated as a
 5 primary caregiver under ORS 475B.804 for six months from the date of the
 6 denial or revocation unless otherwise authorized by the authority.

7 (11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an ap-
 8 plicant for a registry identification card, or a registry identification
 9 cardholder applying for renewal of a registry identification card, submits to
 10 the authority proof of having served in the Armed Forces of the United
 11 States, the authority may not impose a fee that is greater than \$20 for the
 12 issuance or renewal of the registry identification card.

13 (b) Notwithstanding subsection (6)(b)(A) of this section, the requirement
 14 that a registry identification cardholder include in the application to renew
 15 a registry identification card updated written documentation from the
 16 cardholder's attending [*physician*] **provider** regarding the cardholder's con-
 17 tinuing debilitating medical condition does not apply to a service-disabled
 18 veteran who:

19 (A) Has been assigned a total and permanent disability rating for com-
 20 pensation that rates the veteran as unable to secure or follow a substantially
 21 gainful occupation as a result of service-connected disabilities as described
 22 in 38 C.F.R. 4.16; or

23 (B) Has a United States Department of Veterans Affairs total disability
 24 rating of 100 percent as a result of an injury or illness that the veteran in-
 25 curred, or that was aggravated, during active military service and who re-
 26 ceived a discharge or release under other than dishonorable conditions.

27 (12) For any purpose described in ORS 475B.785 to 475B.949, including
 28 exemption from criminal liability under ORS 475B.907, a receipt issued by the
 29 authority verifying that an application has been submitted to the authority
 30 under subsection (2), (3) or (6)(b) of this section has the same legal effect as
 31 a registry identification card for 30 days following the date on which the

1 receipt was issued to the applicant.

2 **SECTION 5.** ORS 475B.913 is amended to read:

3 475B.913. (1) Except as provided in ORS 475B.910, a person has an affir-
4 mative defense to a criminal charge of possession, delivery or manufacture
5 of marijuana, or any other criminal offense in which possession, delivery or
6 manufacture of marijuana is an element, if the person charged with the of-
7 fense:

8 (a) Was diagnosed with a debilitating medical condition within 12 months
9 of the date on which the person was arrested and was advised by the person's
10 attending [*physician*] **provider** that the medical use of marijuana may miti-
11 gate the symptoms or effects of that debilitating medical condition;

12 (b) Is engaged in the medical use of marijuana; and

13 (c) Possesses, delivers or manufactures marijuana only in quantities per-
14 mitted under ORS 475B.831.

15 (2) A person does not need to lawfully possess a registry identification
16 card to assert the affirmative defense established in this section.

17 (3) A person engaged in the medical use of marijuana who claims that
18 marijuana provides medically necessary benefits and who is charged with a
19 crime pertaining to the use of marijuana is not precluded from presenting a
20 defense of choice of evils, as set forth in ORS 161.200, or from presenting
21 evidence supporting the necessity of marijuana for treatment of a specific
22 disease or medical condition, provided that:

23 (a) The person possesses, delivers or manufactures marijuana only as
24 permitted under ORS 475B.831 (1); and

25 (b) The person has taken a substantial step toward complying with the
26 provisions of ORS 475B.785 to 475B.949.

27 (4) A defendant proposing to use the affirmative defense established in
28 this section in a criminal action shall, not less than five days before the trial
29 of the cause, file and serve upon the district attorney a written notice of the
30 intention to assert the affirmative defense. The notice must specifically state
31 the reasons why the defendant is entitled to assert the affirmative defense

1 and the factual basis for the affirmative defense. If the defendant fails to file
2 and serve the notice, the defendant is not permitted to assert the affirmative
3 defense at the trial of the cause unless the court orders, for good cause,
4 otherwise.

5 **SECTION 6.** ORS 475B.916 is amended to read:

6 475B.916. The **Oregon Board of Naturopathic Medicine, the Oregon**
7 **Medical Board and the Oregon State Board of Nursing** may not impose
8 a civil penalty or take other disciplinary action against an attending [*phy-*
9 *sician*] **provider over whom a board has regulatory authority** for:

10 (1) Advising a person diagnosed as having a debilitating medical condition
11 by the attending [*physician or*] **provider or** another physician licensed under
12 ORS chapter 677, **another physician assistant licensed under ORS 677.505**
13 **to 677.525, another naturopathic physician licensed under ORS chapter**
14 **685 or another nurse practitioner licensed under ORS 678.375 to 678.390**
15 about the risks and benefits associated with the medical use of marijuana
16 or that the medical use of marijuana may mitigate the symptoms or effects
17 of the person's debilitating medical condition, provided that the advice is
18 based on the attending [*physician's*] **provider's** personal assessment of the
19 person's medical history and current medical condition; or

20 (2) Providing the written documentation necessary for issuance or re-
21 newal of a registry identification card under ORS 475B.797, provided that the
22 written documentation is based on the attending [*physician's*] **provider's**
23 personal assessment of the person's medical history and current medical
24 condition and the attending [*physician*] **provider** has discussed with the
25 person the potential risks and benefits associated with the medical use of
26 marijuana.

27 **SECTION 7.** ORS 475B.952 is amended to read:

28 475B.952. (1) The Oregon Cannabis Commission is established within the
29 Oregon Health Authority. The commission consists of:

- 30 (a) The Public Health Officer or the Public Health Officer's designee; and
31 (b) Eight members appointed by the Governor as follows:

1 (A) A registry identification cardholder, as defined in ORS 475B.791;

2 (B) A person designated to produce marijuana by a registry identification
3 cardholder, as defined in ORS 475B.791;

4 (C) An attending [*physician*] **provider**, as defined in ORS 475B.791;

5 (D) A person representing the Oregon Health Authority;

6 (E) A person representing the Oregon Liquor Control Commission;

7 (F) A local health officer, as described in ORS 431.418;

8 (G) A law enforcement officer; and

9 (H) A person knowledgeable about research proposal grant protocols.

10 (2) The term of office of each member of the commission is four years, but
11 a member serves at the pleasure of the Governor. Before the expiration of
12 the term of a member, the Governor shall appoint a successor whose term
13 begins on January 1 of the following year. A member is eligible for reap-
14 pointment. If there is a vacancy for any cause, the Governor shall make an
15 appointment to become immediately effective for the unexpired term.

16 (3) The appointment of each member of the commission is subject to
17 confirmation by the Senate in the manner prescribed in ORS 171.562 and
18 171.565.

19 (4) Members of the commission are not entitled to compensation, but may
20 be reimbursed for actual and necessary travel and other expenses incurred
21 by them in the performance of their official duties in the manner and
22 amounts provided for in ORS 292.495.

23 **SECTION 8. The amendments to ORS 475B.913 and 475B.916 by**
24 **sections 5 and 6 of this 2020 Act apply to conduct occurring on or after**
25 **the operative date specified in section 9 of this 2020 Act.**

26 **SECTION 9. (1) The amendments to ORS 475B.791, 475B.797,**
27 **475B.913, 475B.916 and 475B.952 by sections 3 to 7 of this 2020 Act be-**
28 **come operative on July 1, 2021.**

29 **(2) The Oregon Health Authority, the Oregon Board of Naturopathic**
30 **Medicine, the Oregon Medical Board and the Oregon State Board of**
31 **Nursing may take any action before the operative date specified in**

1 subsection (1) of this section that is necessary to enable the authority
2 and the boards to exercise, on and after the operative date specified
3 in subsection (1) of this section, the duties, functions and powers
4 conferred on the authority and the boards by the amendments to ORS
5 475B.791, 475B.797, 475B.913, 475B.916 and 475B.952 by sections 3 to 7 of
6 this 2020 Act.

7
8 **REGISTRY IDENTIFICATION CARDHOLDERS**
9

10 **SECTION 10.** Section 11 of this 2020 Act is added to and made a part
11 of ORS 475B.785 to 475B.949.

12 **SECTION 11.** (1) The Oregon Health Authority shall issue a perma-
13 nent registry identification card to a registry identification cardholder
14 on the date on which the registry identification cardholder is first re-
15 quired to renew the registry identification card under ORS 475B.797 if
16 the registry identification cardholder:

17 (a) Has a debilitating medical condition that the registry identifi-
18 cation cardholder's attending provider has determined is permanent
19 or unlikely to improve; and

20 (b) Submits to the authority the information described under ORS
21 475B.797 (6)(b).

22 (2) The authority may:

23 (a) Require a registry identification cardholder described in this
24 section to submit to the authority annually, commencing one year
25 after the date described in subsection (1) of this section, written doc-
26 umentation from the registry identification cardholder's attending
27 provider that the registry identification cardholder's debilitating med-
28 ical condition remains unchanged.

29 (b) Adopt rules to carry out this section.

30 **SECTION 12.** (1) Section 11 of this 2020 Act becomes operative on
31 July 1, 2021.

1 **(2) The Oregon Health Authority may take any action before the**
2 **operative date specified in subsection (1) of this section that is neces-**
3 **sary to enable the authority to exercise, on and after the operative**
4 **date specified in subsection (1) of this section, all of the duties, func-**
5 **tions and powers conferred on the authority by section 11 of this 2020**
6 **Act.**

7 **SECTION 13. Section 14 of this 2020 Act is added to and made a part**
8 **of ORS 475B.785 to 475B.949.**

9 **SECTION 14. (1) A registry identification cardholder may designate**
10 **as the registry identification cardholder's designated primary**
11 **caregiver a marijuana producer, as defined in ORS 475B.015, who is li-**
12 **censed under ORS 475B.070, or a person responsible for a marijuana**
13 **grow site if:**

14 **(a) The registry identification cardholder submits to the Oregon**
15 **Health Authority, in a form and manner prescribed by the authority,**
16 **the information described in ORS 475B.804 regarding the marijuana**
17 **producer or the person responsible for a marijuana grow site; and**

18 **(b) The marijuana producer or person responsible for a marijuana**
19 **grow site meets any other requirement established by the authority.**

20 **(2) A person designated as a primary caregiver under this section**
21 **may transfer marijuana grown or produced by the person directly to**
22 **the registry identification cardholder.**

23 **(3)(a) The authority shall subsidize the cost of marijuana trans-**
24 **ferred to a qualifying registry identification cardholder by a person**
25 **designated as a primary caregiver under this section.**

26 **(b) A person designated as a primary caregiver under this section**
27 **who transfers marijuana to a qualifying registry identification**
28 **cardholder shall transfer the marijuana to the registry identification**
29 **cardholder free of charge.**

30 **(c) The person who transfers marijuana to a qualifying registry**
31 **identification cardholder described in this subsection shall submit to**

1 the authority information required by the authority for reimburse-
2 ment of the cost of marijuana transferred under this subsection.

3 (d) A registry identification cardholder is qualified to receive
4 marijuana under this subsection if the registry identification
5 cardholder has an annual adjusted gross income of not more than
6 \$40,000.

7 (4) The authority shall adopt rules to carry out this section.

8

9

DISTRIBUTION OF MARIJUANA TAX REVENUE

10

11 **SECTION 15.** ORS 475B.760 is amended to read:

12 475B.760. (1) All moneys received by the Department of Revenue under
13 ORS 475B.700 to 475B.760 shall be deposited in the State Treasury and cred-
14 ited to a suspense account established under ORS 293.445. The department
15 may pay expenses for the administration and enforcement of ORS 475B.700
16 to 475B.760 out of moneys received from the tax imposed under ORS 475B.705.
17 Amounts necessary to pay administrative and enforcement expenses are
18 continuously appropriated to the department from the suspense account.

19 (2) After the payment of administrative and enforcement expenses and
20 refunds or credits arising from erroneous overpayments, the department shall
21 **distribute the remaining moneys received by the department under**
22 **ORS 475B.700 to 475B.760 as follows:**

23 (a) **Twenty-five percent to the Community Development Fund es-**
24 **tablished under section 18 of this 2020 Act;**

25 (b) **Twenty-five percent to the Medical Marijuana Support Fund**
26 **established under section 21 of this 2020 Act; and**

27 (c) [*Credit*] The balance [*of the moneys received by the department under*
28 *this section*] to the Oregon Marijuana Account established under ORS
29 475B.759.

30 **SECTION 16.** Sections 17 and 18 of this 2020 Act are added to and
31 **made a part of ORS 475B.010 to 475B.545.**

1 **SECTION 17.** (1) The Oregon Liquor Control Commission shall, in
2 cooperation with the Oregon Business Development Department, sup-
3 port community development and microlending initiatives to promote
4 small businesses in underserved communities in this state, partic-
5 ularly communities disproportionately impacted by laws and policies
6 related to drug enforcement.

7 (2) The commission may adopt rules to carry out this section.

8 **SECTION 18.** The Community Development Fund is established in
9 the State Treasury, separate and distinct from the General Fund. In-
10 terest earned by the Community Development Fund shall be credited
11 to the fund. Moneys in the fund are continuously appropriated to the
12 Oregon Liquor Control Commission for the purposes described in sec-
13 tion 17 of this 2020 Act.

14 **SECTION 19.** Sections 20 and 21 of this 2020 Act are added to and
15 made a part of ORS 475B.785 to 475B.949.

16 **SECTION 20.** (1) The Oregon Health Authority shall subsidize the
17 cost of marijuana transferred to registry identification cardholders
18 who have an annual adjusted gross income of not more than \$40,000
19 who:

20 (a) Receive marijuana from a primary caregiver designated under
21 section 14 of this 2020 Act; or

22 (b) Have a designated primary caregiver who is not also the person
23 designated to produce marijuana by the registry identification
24 cardholder.

25 (2) The authority may adopt rules to carry out this section.

26 **SECTION 21.** The Medical Marijuana Support Fund is established
27 in the State Treasury, separate and distinct from the General Fund.
28 Interest earned by the Medical Marijuana Support Fund shall be
29 credited to the fund. Moneys in the fund are continuously appropriated
30 to the Oregon Health Authority for the purposes described in section
31 20 of this 2020 Act.

UNLAWFUL EMPLOYMENT PRACTICES

SECTION 22. ORS 659A.315 is amended to read:

659A.315. (1) It is an unlawful employment practice for any employer to require, as a condition of employment, that any employee or prospective employee refrain from using *[lawful tobacco products]* **a substance that is lawful to use under the laws of this state** during nonworking hours, except when the restriction relates to:

(a) A bona fide occupational *[requirement.]* **qualification that relates to health and safety; or**

(b) **The performance of work while impaired.**

[(2) Subsection (1) of this section does not apply if an applicable collective bargaining agreement prohibits off-duty use of tobacco products.]

(2) Subsection (1) of this section does not apply:

(a) **If an applicable collective bargaining agreement prohibits off-duty use of the substance;**

(b) **To federal contractors or employers that receive federal grants that are subject to the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 et seq.);**

(c) **If the employer is required by federal law or regulation to test employees or prospective employees for alcohol or drug use;**

(d) **To public safety personnel, as defined in ORS 181A.355, and other providers of emergency services, as defined in ORS 401.025;**

(e) **To a licensed health care professional, as defined in ORS 137.476;**

(f) **To an operator of a public transit vehicle, as defined in ORS 166.116, or a taxi, while the operator is in control of or operating the vehicle or taxi; or**

(g) **To employees who perform job functions that may involve a risk of injury to others, including, but not limited to, construction work, the operation of heavy machinery or equipment or the operation of a commercial vehicle, as defined in ORS 801.210, or a commercial motor**

1 vehicle, as defined in ORS 801.208.

2

3

TEMPORARY EVENT LICENSES

4

5 **SECTION 23.** Sections 24 to 27 of this 2020 Act are added to and
6 made a part of ORS 475B.010 to 475B.545.

7 **SECTION 24.** (1) The consumption and sale of marijuana items at
8 a temporary event is subject to regulation by the Oregon Liquor Con-
9 trol Commission.

10 (2)(a) A person conducting a temporary event for the consumption
11 of marijuana items must hold a temporary event license issued by the
12 commission for the premises at which the temporary event is con-
13 ducted.

14 (b) An applicant for a temporary event license under this section
15 must:

16 (A) Apply for the license in the manner described in ORS 475B.040;

17 (B) Provide proof that the applicant is 21 years of age or older; and

18 (C) Submit a plan to the commission, in a form and manner pre-
19 scribed by the commission, detailing how persons under 21 years of age
20 will be prevented from gaining access to the premises at which the
21 temporary event is to be conducted.

22 (c) The premises at which an applicant intends to conduct a tem-
23 porary event may not be located:

24 (A) In an area that is zoned exclusively for residential use; or

25 (B) Within 1,000 feet of:

26 (i) A public elementary or secondary school for which attendance
27 is compulsory under ORS 339.020; or

28 (ii) A private or parochial elementary or secondary school, teaching
29 children as described in ORS 339.030 (1)(a).

30 (d) An applicant for a temporary event license under this section
31 and the premises at which the temporary event is to be conducted

1 must meet the requirements of any rule adopted by the commission
2 under subsection (3) of this section.

3 (3) The commission shall adopt rules that:

4 (a) Establish application and licensure fees for a license issued un-
5 der this section;

6 (b) Establish the maximum term of a license issued under this
7 section;

8 (c) Prohibit licenses issued under this section from being contin-
9 uously issued for a single location;

10 (d) Require marijuana items sold on a premises for which a license
11 has been issued under this section to be sold by a marijuana retailer
12 that holds a license issued under ORS 475B.105;

13 (e) Allow the consumption of marijuana items in designated areas
14 of a premises for which a license has been issued under this section;

15 (f) Require each enclosed portion of a premises for which a license
16 has been issued under this section where marijuana items are smoked,
17 aerosolized or vaporized to have a ventilation system that:

18 (A) Exhausts smoke, aerosols and vapors from that portion of the
19 premises; and

20 (B) Is designed and terminated in accordance with state building
21 code standards for the applicable occupancy classification; and

22 (g) Require a premises for which a license has been issued under
23 this section to meet any public health and safety standards and in-
24 dustry best practices established by the commission by rule.

25 (4) The commission may not adopt rules that:

26 (a) Prohibit a person that holds a license issued under this section
27 from adopting policies that allow persons attending the temporary
28 event to bring marijuana items into the temporary event; or

29 (b) Impose public health or safety standards on temporary events
30 if those standards serve no purpose other than deterring the con-
31 sumption of marijuana items at a temporary event.

1 (5) Fees adopted under subsection (3)(a) of this section:

2 (a) May not exceed, together with other fees collected under ORS
3 475B.010 to 475B.545, the cost of administering ORS 475B.010 to
4 475B.545; and

5 (b) Shall be deposited in the Marijuana Control and Regulation
6 Fund established under ORS 475B.296.

7
8 **CANNABIS LOUNGES**
9

10 **SECTION 25.** (1) The consumption of marijuana items at a cannabis
11 lounge is subject to regulation by the Oregon Liquor Control Com-
12 mission.

13 (2)(a) A person providing for the communal consumption of
14 marijuana items at a public place must hold a cannabis lounge license
15 issued by the commission for the premises at which the consumption
16 occurs.

17 (b) An applicant for a cannabis lounge license under this section
18 must:

19 (A) Apply for the license in the manner described in ORS 475B.040;
20 and

21 (B) Provide proof that the applicant is 21 years of age or older.

22 (c) The premises at which an applicant intends to operate a
23 cannabis lounge may not be located:

24 (A) In an area that is zoned exclusively for residential use; or

25 (B) Within 1,000 feet of:

26 (i) A public elementary or secondary school for which attendance
27 is compulsory under ORS 339.020; or

28 (ii) A private or parochial elementary or secondary school, teaching
29 children as described in ORS 339.030 (1)(a).

30 (d) An applicant for a cannabis lounge license under this section
31 and the premises at which the cannabis lounge is to be located must

1 meet the requirements of any rule adopted by the commission under
2 subsection (3) of this section.

3 (3) The commission shall adopt rules that:

4 (a) Require a person that holds a license issued under this section
5 to renew the license annually;

6 (b) Establish application, licensure and renewal of licensure fees for
7 a license issued under this section;

8 (c) Restrict the consumption of marijuana items to designated en-
9 closed areas of a premises for which a license has been issued under
10 this section;

11 (d) Prohibit the production, propagation and processing of
12 marijuana items on a premises for which a license has been issued
13 under this section;

14 (e) Require marijuana items sold on a premises for which a license
15 has been issued under this section to be sold by a marijuana retailer
16 that holds a license issued under ORS 475B.105;

17 (f) Require each portion of a premises for which a license has been
18 issued under this section where marijuana items are smoked,
19 aerosolized or vaporized to have a ventilation system that:

20 (A) Exhausts smoke, aerosols and vapors from that portion of the
21 premises; and

22 (B) Is designed and terminated in accordance with state building
23 code standards for the applicable occupancy classification;

24 (g) Require a premises for which a license has been issued under
25 this section to meet any public health and safety standards and in-
26 dustry best practices established by the commission by rule; and

27 (h) Allow the colocation of a cannabis lounge and a marijuana
28 retailer that holds a license issued under ORS 475B.105.

29 (4) The commission may not adopt rules that:

30 (a) Prohibit a person that holds a license issued under this section
31 from adopting policies that allow patrons to bring marijuana items for

1 their own consumption into a cannabis lounge operated by the person;
2 or

3 (b) Impose public health or safety standards on a cannabis lounge
4 if those standards serve no purpose other than deterring the con-
5 sumption of marijuana items at the cannabis lounge.

6 (5) Fees adopted under subsection (3)(b) of this section:

7 (a) May not exceed, together with other fees collected under ORS
8 475B.010 to 475B.545, the cost of administering ORS 475B.010 to
9 475B.545; and

10 (b) Shall be deposited in the Marijuana Control and Regulation
11 Fund established under ORS 475B.296.

12
13 **TEMPORARY LOCAL OPTION**

14
15 **SECTION 26.** (1) The Oregon Liquor Control Commission may not
16 issue a license under:

17 (a) Section 24 of this 2020 Act to an applicant applying for a license
18 for a premises that is located within a city or unincorporated area of
19 a county in which the governing body has not adopted an ordinance
20 allowing the establishment of a temporary event under section 24 of
21 this 2020 Act.

22 (b) Section 25 of this 2020 Act to an applicant applying for a license
23 for a premises that is located within a city or unincorporated area of
24 a county in which the governing body has not adopted an ordinance
25 allowing the establishment of a cannabis lounge under section 25 of
26 this 2020 Act.

27 (2) If the governing body of a city or county adopts an ordinance
28 described in this section, the governing body must provide the text of
29 the ordinance to the commission in a manner established by the
30 commission.

TOURS

SECTION 27. (1) A marijuana producer that holds a license issued under ORS 475B.070 or a marijuana processor that holds a license issued under ORS 475B.090 may offer tours to the public of the premises for which the license has been issued.

(2) A tour may be offered only to persons who are 21 years of age or older.

(3) A marijuana producer that holds a license issued under ORS 475B.070 or a marijuana processor that holds a license issued under ORS 475B.090 that offers tours under this section may enter into a contract with a marijuana retailer that holds a license issued under ORS 475B.105 to allow the marijuana retailer to sell marijuana items during the tour on the premises of the marijuana producer or the marijuana processor offering the tour.

(4) The Oregon Liquor Control Commission may:

(a) Require a marijuana producer that holds a license issued under ORS 475B.070 or a marijuana processor that holds a license issued under ORS 475B.090 to submit to the commission, in a form and manner prescribed by the commission, a plan that details how the marijuana producer or marijuana processor will:

(A) Prevent persons who are under 21 years of age from entering the premises of the marijuana producer or marijuana processor during a tour; and

(B) Ensure the health and safety of persons taking a tour.

(b) Adopt rules as necessary to carry out the provisions of this section.

EXCEPTIONS TO PUBLIC USE RESTRICTIONS

SECTION 28. ORS 475B.381 is amended to read:

1 475B.381. (1)(a) **Except as provided in paragraph (b) of this sub-**
2 **section**, it is unlawful for any person to engage in the use of marijuana
3 items in a public place.

4 **(b) A person 21 years of age or older may engage in the use of**
5 **marijuana items in designated areas of a premises for which a license**
6 **has been issued under section 24 or 25 of this 2020 Act.**

7 (2) A violation of subsection (1)(a) of this section is a Class B violation.

8 **SECTION 29.** ORS 433.850 is amended to read:

9 433.850. (1) An employer:

10 (a) Shall provide for employees a place of employment that is free of all
11 smoke, aerosols and vapors containing inhalants; and

12 (b) May not allow employees to smoke, aerosolize or vaporize inhalants
13 at the place of employment.

14 (2) Notwithstanding subsection (1) of this section:

15 (a) The owner or person in charge of a hotel or motel may designate up
16 to 25 percent of the sleeping rooms of the hotel or motel as rooms in which
17 the smoking, aerosolizing or vaporizing of inhalants is permitted.

18 (b) Smoking of noncommercial tobacco products for ceremonial purposes
19 is permitted in spaces designated for traditional ceremonies in accordance
20 with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

21 (c) The smoking of tobacco products is permitted in a smoke shop.

22 (d) The smoking of cigars is permitted in a cigar bar that generated on-
23 site retail sales of cigars of at least \$5,000 for the calendar year ending De-
24 cember 31, 2006.

25 (e) A performer may smoke or carry a lighted smoking instrument that
26 does not contain tobacco or cannabis, and may aerosolize or vaporize a sub-
27 stance that does not contain nicotine or a cannabinoid, while performing in
28 a scripted stage, motion picture or television production if:

29 (A) The production is produced by an organization whose primary purpose
30 is producing scripted productions; and

31 (B) The act of smoking, aerosolizing or vaporizing is an integral part of

1 the production.

2 (f) The medical use of marijuana is permitted in the place of employment
3 of a licensee of a professional licensing board as described in ORS 475B.919.

4 **(g) The smoking of marijuana and the aerosolizing or vaporizing**
5 **of a substance that contains cannabinoids is allowed in designated**
6 **areas of a premises for which a license has been issued under section**
7 **24 or 25 of this 2020 Act.**

8 (3) An employer, except in those places described in subsection (2) of this
9 section, shall post signs that provide notice of the provisions of ORS 433.835
10 to 433.875.

11

12

DELIVERY OF MARIJUANA ITEMS

13

14 **SECTION 30.** ORS 475B.206 is amended to read:

15 475B.206. (1) Except as provided in ORS 475B.136 and 475B.873, a
16 marijuana producer that holds a license issued under ORS 475B.070,
17 marijuana processor that holds a license issued under ORS 475B.090 or
18 marijuana wholesaler that holds a license issued under ORS 475B.100 may
19 deliver marijuana items only to or on a premises for which a license has been
20 issued under ORS 475B.070, 475B.090, 475B.100 or 475B.105 **or section 24 or**
21 **25 of this 2020 Act**, or to a registry identification cardholder or designated
22 primary caregiver as allowed under ORS 475B.010 to 475B.545.

23 (2) A licensee to which marijuana items may be delivered under sub-
24 section (1) of this section may receive marijuana items only from:

25 (a) A marijuana producer that holds a license issued under ORS 475B.070,
26 marijuana processor that holds a license issued under ORS 475B.090,
27 marijuana wholesaler that holds a license issued under ORS 475B.100 or
28 marijuana retailer that holds a license issued under ORS 475B.105;

29 (b) A researcher of cannabis that holds a certificate issued under ORS
30 475B.286 and that transfers limited amounts of marijuana, usable marijuana,
31 cannabinoid products, cannabinoid concentrates and cannabinoid extracts in

1 accordance with procedures adopted under ORS 475B.286 (3)(d) and (e); or

2 (c) A marijuana grow site registered under ORS 475B.810, marijuana pro-
3 cessing site registered under ORS 475B.840, or a medical marijuana
4 dispensary registered under ORS 475B.858, acting in accordance with proce-
5 dures adopted by the Oregon Liquor Control Commission under ORS
6 475B.167.

7 **(3)(a) Except as provided in sections 24, 25 and 27 of this 2020 Act,**
8 the sale of marijuana items by a marijuana retailer that holds a license is-
9 sued under ORS 475B.105 must be restricted to the premises for which the
10 license has been issued, but deliveries may be made by a marijuana retailer
11 to consumers pursuant to a bona fide order received at the premises prior
12 to delivery.

13 **(b) A delivery of marijuana items under this subsection may be**
14 **made to a residence, hotel, inn or other dwelling unit that is made**
15 **available for short-term or transient occupancy. The premises to**
16 **which the delivery is made may be located in an area subject to the**
17 **jurisdiction of a city or county that prohibits the establishment of one**
18 **or more entities described in ORS 475B.968.**

19 **(c) A delivery may not be made to a dormitory or similar residence**
20 **that is located on the campus of a private or public institution of**
21 **higher education.**

22 (4) The commission may by order waive the requirements of subsections
23 (1) and (2) of this section to ensure compliance with ORS 475B.010 to
24 475B.545 or a rule adopted under ORS 475B.010 to 475B.545. An order issued
25 under this subsection does not constitute a waiver of any other requirement
26 of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010
27 to 475B.545.

28

29

CONFORMING AMENDMENTS

30

31 **SECTION 31.** ORS 475B.015 is amended to read:

1 475B.015. As used in ORS 475B.010 to 475B.545:

2 (1) "Cannabinoid" means any of the chemical compounds that are the ac-
3 tive constituents of marijuana.

4 (2) "Cannabinoid concentrate" means a substance obtained by separating
5 cannabinoids from marijuana by:

6 (a) A mechanical extraction process;

7 (b) A chemical extraction process using a nonhydrocarbon-based solvent,
8 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
9 cohohol or ethanol;

10 (c) A chemical extraction process using carbon dioxide, provided that the
11 process does not involve the use of high heat or pressure; or

12 (d) Any other process identified by the Oregon Liquor Control Commis-
13 sion, in consultation with the Oregon Health Authority, by rule.

14 (3) "Cannabinoid edible" means food or potable liquid into which a
15 cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or
16 flowers have been incorporated.

17 (4) "Cannabinoid extract" means a substance obtained by separating
18 cannabinoids from marijuana by:

19 (a) A chemical extraction process using a hydrocarbon-based solvent, such
20 as butane, hexane or propane;

21 (b) A chemical extraction process using carbon dioxide, if the process uses
22 high heat or pressure; or

23 (c) Any other process identified by the commission, in consultation with
24 the authority, by rule.

25 (5)(a) "Cannabinoid product" means a cannabinoid edible and any other
26 product intended for human consumption or use, including a product in-
27 tended to be applied to the skin or hair, that contains cannabinoids or dried
28 marijuana leaves or flowers.

29 (b) "Cannabinoid product" does not include:

30 (A) Usable marijuana by itself;

31 (B) A cannabinoid concentrate by itself;

1 (C) A cannabinoid extract by itself; or

2 (D) Industrial hemp, as defined in ORS 571.300.

3 (6) “Consumer” means a person who purchases, acquires, owns, holds or
4 uses marijuana items other than for the purpose of resale.

5 (7) “Deliver” means the actual, constructive or attempted transfer from
6 one person to another of a marijuana item, whether or not there is an agency
7 relationship.

8 (8) “Designated primary caregiver” has the meaning given that term in
9 ORS 475B.791.

10 (9)(a) “Financial consideration” means value that is given or received ei-
11 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
12 contributions or donations.

13 (b) “Financial consideration” does not include marijuana, cannabinoid
14 products or cannabinoid concentrates that are delivered within the scope of
15 and in compliance with ORS 475B.301.

16 (10) “Homegrown” means grown by a person 21 years of age or older for
17 noncommercial purposes.

18 (11) “Household” means a housing unit and any place in or around a
19 housing unit at which the occupants of the housing unit are producing,
20 processing, possessing or storing homegrown marijuana, cannabinoid pro-
21 ducts, cannabinoid concentrates or cannabinoid extracts.

22 (12) “Housing unit” means a house, an apartment or a mobile home, or a
23 group of rooms or a single room that is occupied as separate living quarters,
24 in which the occupants live and eat separately from any other persons in the
25 building and that has direct access from the outside of the building or
26 through a common hall.

27 (13) “Immature marijuana plant” means a marijuana plant that is not
28 flowering.

29 (14) “Licensee” means a person that holds a license issued under ORS
30 475B.070, 475B.090, 475B.100 or 475B.105 **or section 24 or 25 of this 2020**
31 **Act.**

1 (15) "Licensee representative" means an owner, director, officer, manager,
2 employee, agent or other representative of a licensee, to the extent that the
3 person acts in a representative capacity.

4 (16)(a) "Manufacture" means producing, propagating, preparing, com-
5 pounding, converting or processing a marijuana item, either directly or in-
6 directly, by extracting from substances of natural origin.

7 (b) "Manufacture" includes any packaging or repackaging of a marijuana
8 item or the labeling or relabeling of a container containing a marijuana
9 item.

10 (17)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any
11 part of the plant Cannabis family Cannabaceae and marijuana seeds.

12 (b) "Marijuana" does not include industrial hemp, as defined in ORS
13 571.300.

14 (18) "Marijuana flowers" means the flowers of the plant genus Cannabis
15 within the plant family Cannabaceae.

16 (19) "Marijuana items" means marijuana, cannabinoid products,
17 cannabinoid concentrates and cannabinoid extracts.

18 (20) "Marijuana leaves" means the leaves of the plant genus Cannabis
19 within the plant family Cannabaceae.

20 (21) "Marijuana processor" means a person that processes marijuana
21 items in this state.

22 (22) "Marijuana producer" means a person that produces marijuana in
23 this state.

24 (23) "Marijuana retailer" means a person that sells marijuana items to a
25 consumer in this state.

26 (24)(a) "Marijuana seeds" means the seeds of the plant Cannabis family
27 Cannabaceae.

28 (b) "Marijuana seeds" does not include the seeds of industrial hemp, as
29 defined in ORS 571.300.

30 (25) "Marijuana wholesaler" means a person that purchases marijuana
31 items in this state for resale to a person other than a consumer.

1 (26) "Mature marijuana plant" means a marijuana plant that is not an
2 immature marijuana plant.

3 (27) "Medical grade cannabinoid product, cannabinoid concentrate or
4 cannabinoid extract" means a cannabinoid product, cannabinoid concentrate
5 or cannabinoid extract that has a concentration of tetrahydrocannabinol that
6 is permitted under ORS 475B.625 in a single serving of the cannabinoid
7 product, cannabinoid concentrate or cannabinoid extract for consumers who
8 hold a valid registry identification card issued under ORS 475B.797.

9 (28) "Medical purpose" means a purpose related to using usable
10 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid
11 extracts to mitigate the symptoms or effects of a debilitating medical condi-
12 tion, as defined in ORS 475B.791.

13 (29) "Noncommercial" means not dependent or conditioned upon the pro-
14 vision or receipt of financial consideration.

15 (30)(a) "Premises" includes the following areas of a location licensed un-
16 der ORS 475B.010 to 475B.545:

17 (A) All public and private enclosed areas at the location that are used in
18 the business operated at the location, including offices, kitchens, rest rooms
19 and storerooms;

20 (B) All areas outside a building that the commission has specifically li-
21 censed for the processing, wholesale sale or retail sale of marijuana items;
22 and

23 (C) For a location that the commission has specifically licensed for the
24 production of marijuana outside a building, that portion of the location used
25 to produce marijuana.

26 (b) "Premises" does not include a primary residence.

27 (31)(a) "Processes" means the processing, compounding or conversion of
28 marijuana into cannabinoid products, cannabinoid concentrates or
29 cannabinoid extracts.

30 (b) "Processes" does not include packaging or labeling.

31 (32)(a) "Produces" means the manufacture, planting, cultivation, growing

1 or harvesting of marijuana.

2 (b) "Produces" does not include:

3 (A) The drying of marijuana by a marijuana processor, if the marijuana
4 processor is not otherwise producing marijuana; or

5 (B) The cultivation and growing of an immature marijuana plant by a
6 marijuana processor, marijuana wholesaler or marijuana retailer if the
7 marijuana processor, marijuana wholesaler or marijuana retailer purchased
8 or otherwise received the plant from a licensed marijuana producer.

9 (33) "Propagate" means to grow immature marijuana plants or to breed
10 or produce marijuana seeds.

11 (34) "Public place" means a place to which the general public has access
12 and includes, but is not limited to, hallways, lobbies and other parts of
13 apartment houses and hotels not constituting rooms or apartments designed
14 for actual residence, and highways, streets, schools, places of amusement,
15 parks, playgrounds and areas used in connection with public passenger
16 transportation.

17 (35) "Registry identification cardholder" has the meaning given that term
18 in ORS 475B.791.

19 (36)(a) "Usable marijuana" means the dried leaves and flowers of
20 marijuana.

21 (b) "Usable marijuana" does not include:

22 (A) Marijuana seeds;

23 (B) The stalks and roots of marijuana; or

24 (C) Waste material that is a by-product of producing or processing
25 marijuana.

26 **SECTION 32.** ORS 475B.025 is amended to read:

27 475B.025. (1) The Oregon Liquor Control Commission has the duties,
28 functions and powers specified in ORS 475B.010 to 475B.545 and the powers
29 necessary or proper to enable the commission to carry out the commission's
30 duties, functions and powers under ORS 475B.010 to 475B.545. The jurisdic-
31 tion, supervision, duties, functions and powers of the commission extend to

1 any person that produces, processes, transports, delivers, sells or purchases
2 a marijuana item in this state. The commission may sue and be sued.

3 (2) The duties, functions and powers of the commission specified in ORS
4 475B.010 to 475B.545 include the following:

5 (a) To regulate the production, processing, transportation, delivery, sale
6 and purchase of marijuana items in accordance with the provisions of ORS
7 475B.010 to 475B.545.

8 (b) To issue, renew, suspend, revoke or refuse to issue or renew licenses
9 for the production, processing or sale of marijuana items, or other licenses
10 related to the consumption of marijuana items, and to permit, in the
11 commission's discretion, the transfer of a license between persons.

12 (c) To adopt, amend or repeal rules as necessary to carry out the intent
13 and provisions of ORS 475B.010 to 475B.545, including rules that the com-
14 mission considers necessary to protect the public health and safety.

15 (d) To exercise all powers incidental, convenient or necessary to enable
16 the commission to administer or carry out the provisions of ORS 475B.010
17 to 475B.545 or any other law of this state that charges the commission with
18 a duty, function or power related to marijuana. Powers described in this
19 paragraph include, but are not limited to:

20 (A) Issuing subpoenas;

21 (B) Compelling the attendance of witnesses;

22 (C) Administering oaths;

23 (D) Certifying official acts;

24 (E) Taking depositions as provided by law;

25 (F) Compelling the production of books, payrolls, accounts, papers, re-
26 cords, documents and testimony; and

27 (G) Establishing fees in addition to the application, licensing and renewal
28 fees described in ORS 475B.070, 475B.090, 475B.100 and 475B.105 **and**
29 **sections 24 and 25 of this 2020 Act**, provided that any fee established by
30 the commission is reasonably calculated not to exceed the cost of the activity
31 for which the fee is charged.

1 (e) To adopt rules regulating and prohibiting advertising marijuana items
2 in a manner:

3 (A) That is appealing to minors;

4 (B) That promotes excessive use;

5 (C) That promotes illegal activity; or

6 (D) That otherwise presents a significant risk to public health and safety.

7 (f) To regulate the use of marijuana items for other purposes as deemed
8 necessary or appropriate by the commission.

9 (3) Fees collected pursuant to subsection (2)(d)(G) of this section shall be
10 deposited in the Marijuana Control and Regulation Fund established under
11 ORS 475B.296.

12 **SECTION 33.** ORS 475B.109, as amended by section 11, chapter 103,
13 Oregon Laws 2018, is amended to read:

14 475B.109. Notwithstanding ORS 475B.105 (2)(d) **or section 24 or 25 of this**
15 **2020 Act**, a marijuana retailer, **a temporary event licensed under section**
16 **24 of this 2020 Act or a cannabis lounge licensed under section 25 of**
17 **this 2020 Act** may be located within 1,000 feet of a school if:

18 (1)(a) The marijuana retailer, **temporary event or cannabis lounge** is
19 not located within 500 feet of:

20 (A) A public elementary or secondary school for which attendance is
21 compulsory under ORS 339.020; or

22 (B) A private or parochial elementary or secondary school, teaching
23 children as described in ORS 339.030 (1)(a); and

24 (b) The Oregon Liquor Control Commission determines that there is a
25 physical or geographic barrier capable of preventing children from traversing
26 to the premises of the marijuana retailer, **temporary event or cannabis**
27 **lounge**; or

28 (2) The marijuana retailer was established before August 1, 2017, in ac-
29 cordance with a city or county ordinance adopted under section 29b, chapter
30 83, Oregon Laws 2016.

31 **SECTION 34.** ORS 475B.115 is amended to read:

1 475B.115. If a school described in ORS 475B.105 (2)(d) **or section 24 or**
2 **25 of this 2020 Act** that has not previously been attended by children is es-
3 tablished within 1,000 feet of a premises for which a license has been issued
4 under ORS 475B.105 **or section 24 or 25 of this 2020 Act**, the marijuana
5 retailer, **temporary event or cannabis lounge** located at that premises
6 may remain at that location unless the Oregon Liquor Control Commission
7 revokes the license of the marijuana retailer, **temporary event or cannabis**
8 **lounge** under ORS 475B.256.

9 **SECTION 35.** ORS 475B.119 is amended to read:

10 475B.119. (1) The Oregon Liquor Control Commission may adopt rules
11 establishing the circumstances under which the commission may require a
12 [*marijuana retailer that holds a license issued under ORS 475B.105*] **licensee**
13 to use an age verification scanner or any other equipment used to verify a
14 person's age for the purpose of ensuring that the [*marijuana retailer*]
15 **licensee** does not:

16 (a) Sell marijuana items to a person under 21 years of age;

17 (b) **Allow a person under 21 years of age to use marijuana items on**
18 **the premises for which the licensee holds a license; or**

19 (c) **Allow a person under 21 years of age to enter the premises for**
20 **which the licensee holds a license.**

21 (2) Information obtained under this section may not be retained after
22 verifying a person's age and may not be used for any purpose other than
23 verifying a person's age.

24 **SECTION 36.** ORS 475B.227, as amended by section 21, chapter 103,
25 Oregon Laws 2018, is amended to read:

26 475B.227. (1) For purposes of this section:

27 (a) "Export" includes placing a marijuana item in any mode of transpor-
28 tation for hire, such as luggage, mail or parcel delivery, even if the trans-
29 portation of the marijuana item is intercepted prior to the marijuana item
30 leaving this state.

31 (b) "Marijuana item" includes industrial hemp products and commodities

1 that contain more than 0.3 percent tetrahydrocannabinol.

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

4 (3) Except as provided in subsection (4) of this section, a violation of this
5 section is a Class B violation.

6 (4) A violation of this section is a:

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

8 (A) Is not for consideration and the person [*holds a license issued under*
9 *ORS 475B.070, 475B.090, 475B.100 or 475B.105*] **is a licensee**; or

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

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

13 (A) Is for consideration and the person [*holds a license issued under ORS*
14 *475B.070, 475B.090, 475B.100 or 475B.105*] **is a licensee**;

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

17 (C) Concerns a cannabinoid extract that was not purchased from a
18 marijuana retailer that holds a license issued under ORS 475B.105.

19 **SECTION 37.** ORS 475B.301, as amended by section 21, chapter 116,
20 Oregon Laws 2018, is amended to read:

21 475B.301. ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045,
22 475B.050, 475B.055, 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.085,
23 475B.090, 475B.100, 475B.105, 475B.115, 475B.119, 475B.136, 475B.139, 475B.144,
24 475B.146, 475B.154, 475B.158, 475B.163, 475B.173, 475B.177, 475B.206, 475B.211,
25 475B.216, 475B.224, 475B.232, 475B.236, 475B.241, 475B.246, 475B.256, 475B.261,
26 475B.266, 475B.276, 475B.281, 475B.286, 475B.296, 475B.461, 475B.474, 475B.479,
27 475B.486, 475B.491, 475B.501, 475B.506, 475B.514, 475B.518, 475B.521, 475B.523,
28 475B.526 and 475B.529 **and sections 24 and 25 of this 2020 Act** do not apply:

29 (1) To the production or storage of homegrown plants in the genus
30 Cannabis within the plant family Cannabaceae that are otherwise subject to
31 ORS 475B.010 to 475B.545 at a household by one or more persons 21 years

1 of age and older, if the total amount of homegrown plants at the household
2 does not exceed four plants at any time.

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

7 (3) To the making, processing, possession or storage of cannabinoid pro-
8 ducts at a household by one or more persons 21 years of age and older, if the
9 total amount of cannabinoid products at the household does not exceed 16
10 ounces in solid form at any time.

11 (4) To the making, processing, possession or storage of cannabinoid pro-
12 ducts at a household by one or more persons 21 years of age and older, if the
13 total amount of cannabinoid products at the household does not exceed 72
14 ounces in liquid form at any time.

15 (5) To the making, processing, possession or storage of cannabinoid con-
16 centrates at a household by one or more persons 21 years of age or older, if
17 the total amount of cannabinoid concentrates at the household does not ex-
18 ceed 16 ounces at any time.

19 (6) To the possession of cannabinoid extracts at a household by one or
20 more persons 21 years of age or older, if the cannabinoid extracts were pur-
21 chased from a marijuana retailer that holds a license under ORS 475B.105,
22 or transferred by a medical marijuana dispensary registered by the Oregon
23 Health Authority under ORS 475B.858, and the total amount of cannabinoid
24 extracts at the household does not exceed one ounce at any time.

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

28 (8) To the delivery of not more than 16 ounces of cannabinoid products
29 in solid form at a time by a person 21 years of age or older to another person
30 21 years of age or older for noncommercial purposes.

31 (9) To the delivery of not more than 72 ounces of cannabinoid products

1 in liquid form at a time by a person 21 years of age or older to another
2 person 21 years of age or older for noncommercial purposes.

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

6 **SECTION 38.** ORS 475B.486 is amended to read:

7 475B.486. (1) For purposes of this section, “reasonable regulations” in-
8 cludes:

9 (a) Reasonable conditions on the manner in which a marijuana producer
10 that holds a license issued under ORS 475B.070 may produce marijuana or
11 in which a researcher of cannabis that holds a certificate issued under ORS
12 475B.286 may produce marijuana or propagate immature marijuana plants;

13 (b) Reasonable conditions on the manner in which a marijuana processor
14 that holds a license issued under ORS 475B.090 may process marijuana or in
15 which a researcher of cannabis that holds a certificate issued under ORS
16 475B.286 may process marijuana;

17 (c) Reasonable conditions on the manner in which a marijuana wholesaler
18 that holds a license issued under ORS 475B.100 may sell marijuana at
19 wholesale;

20 (d) Reasonable conditions on the manner in which a marijuana retailer
21 that holds a license issued under ORS 475B.105 may sell marijuana items;

22 **(e) Reasonable conditions on the manner in which a person that**
23 **holds a license issued under section 24 or 25 of this 2020 Act may op-**
24 **erate;**

25 [(e)] (f) Reasonable limitations on the hours during which a premises for
26 which a license has been issued under ORS 475B.010 to 475B.545 may operate;

27 [(f)] (g) Reasonable requirements related to the public’s access to a
28 premises for which a license or certificate has been issued under ORS
29 475B.010 to 475B.545; and

30 [(g)] (h) Reasonable limitations on where a premises for which a license
31 or certificate may be issued under ORS 475B.010 to 475B.545 may be located.

1 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body
2 of a city or county may adopt ordinances that impose reasonable regulations
3 on the operation of businesses located at premises for which a license or
4 certificate has been issued under ORS 475B.010 to 475B.545 if the premises
5 are located in the area subject to the jurisdiction of the city or county, ex-
6 cept that the governing body of a city or county may not:

7 (a) Adopt an ordinance that prohibits a premises for which a license has
8 been issued under ORS 475B.105 **or section 24 or 25 of this 2020 Act** from
9 being located within a distance that is greater than 1,000 feet of another
10 premises for which a license has been issued under ORS 475B.105 **or section**
11 **24 or 25 of this 2020 Act.**

12 (b) **Impose a fee in excess of \$500 for any process in which the**
13 **governing body authorizes the establishment of a temporary event for**
14 **which a license is required under section 24 of this 2020 Act.**

15 (c) **Impose a fee in excess of \$1,000 for any process in which the**
16 **governing body authorizes the establishment of a cannabis lounge for**
17 **which a license is required under section 25 of this 2020 Act.**

18 [(b)] (d) Adopt an ordinance that imposes a setback requirement for an
19 agricultural building used to produce marijuana located on a premises for
20 which a license has been issued under ORS 475B.070 if the agricultural
21 building:

22 (A) Was constructed on or before July 1, 2015, in compliance with all
23 applicable land use and building code requirements at the time of con-
24 struction;

25 (B) Is located at an address where a marijuana grow site first registered
26 with the Oregon Health Authority under ORS 475B.810 on or before January
27 1, 2015;

28 (C) Was used to produce marijuana pursuant to the provisions of ORS
29 475B.785 to 475B.949 on or before January 1, 2015; and

30 (D) Has four opaque walls and a roof.

31 **SECTION 39.** ORS 475B.575 is amended to read:

1 475B.575. Subject to the applicable provisions of ORS chapter 183, if an
2 applicant or licensee violates a provision of ORS 475B.550 to 475B.590 or a
3 rule adopted under a provision of ORS 475B.550 to 475B.590, the Oregon Li-
4 quor Control Commission may refuse to issue or renew, or may suspend or
5 revoke, a license issued under ORS 475B.070, 475B.090, 475B.100 or 475B.105
6 **or section 24 or 25 of this 2020 Act.**

7 **SECTION 40.** ORS 475B.635 is amended to read:

8 475B.635. To ensure compliance with ORS 475B.600 to 475B.655 and any
9 rule adopted under ORS 475B.600 to 475B.655, the Oregon Liquor Control
10 Commission may inspect the premises of a person that holds a license under
11 ORS 475B.070, 475B.090, 475B.100 or 475B.105 **or section 24 or 25 of this**
12 **2020 Act.**

13 **SECTION 41.** ORS 475B.645 is amended to read:

14 475B.645. Subject to the applicable provisions of ORS chapter 183, if the
15 applicant or licensee violates a provision of ORS 475B.600 to 475B.655 or a
16 rule adopted under a provision of ORS 475B.600 to 475B.655, the Oregon Li-
17 quor Control Commission may refuse to issue or renew, or may suspend or
18 revoke, a license issued under ORS 475B.070, 475B.090, 475B.100 or 475B.105
19 **or section 24 or 25 of this 2020 Act.**

20 **SECTION 42.** ORS 475B.766 is amended to read:

21 475B.766. A financial institution that provides financial services custom-
22 arily provided by financial institutions pursuant to powers granted by ORS
23 717.200 to 717.320, 717.900 and 717.905, the Bank Act or [by] ORS chapter 723
24 to **the following** [*a marijuana processing site registered under ORS 475B.840,*
25 *a medical marijuana dispensary registered under ORS 475B.858, a marijuana*
26 *producer that holds a license under ORS 475B.070, a marijuana processor that*
27 *holds a license under ORS 475B.090, a marijuana wholesaler that holds a li-*
28 *cence under ORS 475B.100, a marijuana retailer that holds a license under*
29 *ORS 475B.105, a laboratory that holds a license under ORS 475B.560 or a*
30 *person to whom a permit has been issued under ORS 475B.266] is exempt from
31 any criminal law of this state an element of which may be proven by sub-*

1 stantiating that a person provides financial services customarily provided by
2 financial institutions pursuant to powers granted by ORS 717.200 to 717.320,
3 717.900 and 717.905, the Bank Act or ORS chapter 723 to a person who pos-
4 sses, delivers or manufactures marijuana or marijuana derived products:

5 **(1) A marijuana processing site registered under ORS 475B.840;**

6 **(2) A medical marijuana dispensary registered under ORS 475B.858;**

7 **(3) A marijuana producer that holds a license issued under ORS**
8 **475B.070;**

9 **(4) A marijuana processor that holds a license issued under ORS**
10 **475B.090;**

11 **(5) A marijuana wholesaler that holds a license issued under ORS**
12 **475B.100;**

13 **(6) A marijuana retailer that holds a license issued under ORS**
14 **475B.105;**

15 **(7) A laboratory that holds a license under ORS 475B.560;**

16 **(8) A person to whom a permit has been issued under ORS 475B.266;**

17 **(9) A person that holds a temporary event license issued under**
18 **section 24 of this 2020 Act; or**

19 **(10) A person that holds a cannabis lounge license issued under**
20 **section 25 of this 2020 Act.**

21 **SECTION 43.** ORS 475B.769 is amended to read:

22 475B.769. (1) Notwithstanding any law relating to the exemption of in-
23 formation from public disclosure under ORS 475B.010 to 475B.545 or 475B.550
24 to 475B.590, upon the request of a financial institution, the Oregon Liquor
25 Control Commission shall provide to the financial institution the following
26 information:

27 (a) Whether a person with whom the financial institution is doing busi-
28 ness holds a license under ORS 475B.070, 475B.090, 475B.100, 475B.105 or
29 475B.560 **or section 24 or 25 of this 2020 Act** or a permit under ORS
30 475B.266;

31 (b) The name of any other business or individual affiliated with the per-

1 son;

2 (c) A copy of the application, and any supporting documentation submit-
3 ted with the application, for a license or a permit submitted by the person;

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

6 (e) Whether the person is currently compliant with the provisions of ORS
7 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules
8 adopted under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600
9 to 475B.655;

10 (f) Any past or pending violation by the person of a provision of ORS
11 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 or a rule
12 adopted under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to
13 475B.655; and

14 (g) Any penalty imposed upon the person for violating a provision of ORS
15 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to 475B.655 or a rule
16 adopted under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 or 475B.600 to
17 475B.655.

18 (2) Upon receiving a request under subsection (1) of this section, the
19 commission shall provide the requesting financial institution with the re-
20 quested information.

21 (3) The commission may charge a financial institution a reasonable fee
22 to cover the administrative costs of providing information under this section.

23 **SECTION 44.** ORS 475B.968 is amended to read:

24 475B.968. (1) The governing body of a city or county may adopt ordinances
25 to be referred to the electors of the city or county as described in subsection

26 (2) of this section that prohibit or allow the establishment of any one or
27 more of the following in the area subject to the jurisdiction of the city or
28 in the unincorporated area subject to the jurisdiction of the county:

29 (a) Marijuana processing sites registered under ORS 475B.840;

30 (b) Medical marijuana dispensaries registered under ORS 475B.858;

31 (c) Marijuana producers that hold a license issued under ORS 475B.070;

1 (d) Marijuana processors that hold a license issued under ORS 475B.090;

2 (e) Marijuana wholesalers that hold a license issued under ORS 475B.100;

3 (f) Marijuana retailers that hold a license issued under ORS 475B.105;

4 (g) Marijuana producers that hold a license issued under ORS 475B.070

5 and that the Oregon Liquor Control Commission has designated as an ex-
6 clusively medical licensee under ORS 475B.122;

7 (h) Marijuana processors that hold a license issued under ORS 475B.090

8 and that the commission has designated as an exclusively medical licensee
9 under ORS 475B.127;

10 (i) Marijuana wholesalers that hold a license issued under ORS 475B.100

11 and that the commission has designated as an exclusively medical licensee
12 under ORS 475B.129;

13 (j) Marijuana retailers that hold a license issued under ORS 475B.105 and

14 that the commission has designated as an exclusively medical licensee under
15 ORS 475B.131; [or]

16 **(k) Persons that hold a license issued under section 24 of this 2020**
17 **Act;**

18 **(L) Persons that hold a license issued under section 25 of this 2020**
19 **Act; or**

20 [(k)] **(m)** Any combination of the entities described in this subsection.

21 (2) If the governing body of a city or county adopts an ordinance under
22 this section, the governing body shall submit the measure of the ordinance
23 to the electors of the city or county for approval at the next statewide gen-
24 eral election.

25 (3) If the governing body of a city or county adopts an ordinance under
26 this section, the governing body must provide the text of the ordinance:

27 (a) To the Oregon Health Authority, in a form and manner prescribed by
28 the authority, if the ordinance concerns a medical marijuana dispensary
29 registered under ORS 475B.858 or a marijuana processing site registered un-
30 der ORS 475B.840; or

31 (b) To the commission, if the ordinance concerns a premises for which a

1 license has been issued under ORS 475B.010 to 475B.545.

2 (4)(a) Upon receiving notice of a prohibition under subsection (3) of this
3 section, the authority shall discontinue registering those entities to which
4 the prohibition applies until the date of the next statewide general election.

5 (b) Upon receiving notice of a prohibition under subsection (3) of this
6 section, the commission shall discontinue licensing those premises to which
7 the prohibition applies until the date of the next statewide general election.

8 (5)(a) If an allowance is approved at the next statewide general election
9 under subsection (2) of this section, and the allowance concerns an entity
10 described in subsection (1)(a) or (b) of this section, the authority shall begin
11 registering the entity to which the allowance applies on the first business
12 day of the January immediately following the date of the statewide general
13 election.

14 (b) If an allowance is approved at the next statewide general election
15 under subsection (2) of this section, and the allowance concerns an entity
16 described in subsection (1)(c) to [(j)] (L) of this section, the commission shall
17 begin licensing the premises to which the allowance applies on the first
18 business day of the January immediately following the date of the next
19 statewide general election.

20 (6) If the electors of a city or county approve an ordinance prohibiting
21 or allowing an establishment described in subsection (1)(a), (b) or (g) to
22 [(j)] (L) of this section, the governing body of the city or county may amend
23 the ordinance, without referring the amendment to the electors of the city
24 or county, to prohibit or allow any other establishment described in sub-
25 section (1)(a), (b) or (g) to [(j)] (L) of this section.

26 (7) Notwithstanding any other provisions of law, a city or county that
27 adopts an ordinance under this section that prohibits the establishment of
28 an entity described in subsection (1) of this section may not impose a tax
29 or fee on the production, processing or sale of marijuana or any product into
30 which marijuana has been incorporated.

31 (8) Notwithstanding subsection (1) of this section, a medical marijuana

1 dispensary is not subject to an ordinance adopted under this section if the
2 medical marijuana dispensary:

3 (a) Is registered under ORS 475B.858 on or before the date on which the
4 governing body adopts the ordinance; and

5 (b) Has successfully completed a city or county land use application pro-
6 cess.

7 (9) Notwithstanding subsection (1) of this section, a marijuana processing
8 site is not subject to an ordinance adopted under this section if the
9 marijuana processing site:

10 (a) Is registered under ORS 475B.840 on or before the date on which the
11 governing body adopts the ordinance; and

12 (b) Has successfully completed a city or county land use application pro-
13 cess.

14 **SECTION 45.** ORS 475B.220 is amended to read:

15 475B.220. (1) As used in this section, “information that may be used to
16 identify a consumer” means information that may be acquired through the
17 production of a piece of identification as described in ORS 475B.216, whether
18 the information is contained in a piece of identification described in ORS
19 475B.216 or in a different document or record.

20 (2) A consumer may not be required to procure for the purpose of ac-
21 quiring or purchasing a marijuana item a piece of identification other than:

22 (a) A piece of identification described in ORS 475B.216; and

23 (b) If the consumer is a registry identification cardholder, as defined in
24 ORS 475B.791, a registry identification card, as defined in ORS 475B.791.

25 (3) A marijuana retailer may not record and retain any information that
26 may be used to identify a consumer, except as necessary to make deliveries
27 to consumers pursuant to ORS 475B.206 (3)[, *as required by any rules adopted*
28 *under ORS 475B.206 (3)*].

29 (4) A marijuana retailer may not transfer any information that may be
30 used to identify a consumer to any other person.

31 (5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer

1 may record and retain the name and contact information of a consumer for
2 the purpose of notifying the consumer of services that the marijuana retailer
3 provides or of discounts, coupons and other marketing information if:

4 (A) The marijuana retailer asks the consumer whether the marijuana
5 retailer may record and retain the information; and

6 (B) The consumer consents to the recording and retention of the infor-
7 mation.

8 (b) This subsection does not authorize a marijuana retailer to transfer
9 information that may be used to identify a consumer.

10 (6) This section does not apply to deidentified information the documen-
11 tation and transfer of which is required by the Department of Revenue for
12 purposes of ORS 475B.707.

13

14

OPERATIVE DATE

15

16 **SECTION 46.** (1) Sections 24 to 27 of this 2020 Act and the amend-
17 ments to ORS 433.850, 475B.015, 475B.025, 475B.109, 475B.115, 475B.119,
18 475B.206, 475B.220, 475B.227, 475B.301, 475B.381, 475B.486, 475B.575,
19 475B.635, 475B.645, 475B.766, 475B.769 and 475B.968 by sections 28 to 45
20 of this 2020 Act become operative on July 1, 2021.

21 (2) The Oregon Liquor Control Commission may take any action
22 before the operative date specified in subsection (1) of this section that
23 is necessary to enable the commission to exercise, on and after the
24 operative date specified in subsection (1) of this section, all of the du-
25 ties, functions and powers conferred on the commission by sections
26 24 to 27 of this 2020 Act and the amendments to ORS 433.850, 475B.015,
27 475B.025, 475B.109, 475B.115, 475B.119, 475B.206, 475B.220, 475B.227,
28 475B.301, 475B.381, 475B.486, 475B.575, 475B.635, 475B.645, 475B.766,
29 475B.769 and 475B.968 by sections 28 to 45 of this 2020 Act.

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CAPTIONS

1 **SECTION 47.** The unit captions used in this 2020 Act are provided
2 only for the convenience of the reader and do not become part of the
3 statutory law of this state or express any legislative intent in the
4 enactment of this 2020 Act.

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