

# Enrolled Senate Bill 863

Sponsored by Senator PROZANSKI, Representative LININGER; Senators BEYER, BURDICK,  
FERRIOLI, KRUSE, Representatives FAHEY, HELM, OLSON, WILSON

CHAPTER .....

AN ACT

Relating to cannabis; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2017 Act is added to and made a part of ORS 475B.010 to 475B.395.

**SECTION 2.** (1) As used in this section, “information that may be used to identify a consumer” means information that may be acquired through the production of a piece of identification as described in ORS 475B.170, whether the information is contained in a piece of identification described in ORS 475B.170 or in a different document or record.

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

(a) A piece of identification described in ORS 475B.170; and

(b) If the consumer is a registry identification cardholder, as defined in ORS 475B.410, a registry identification card, as defined in ORS 475B.410.

(3) A marijuana retailer may not record and retain any information that may be used to identify a consumer.

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

(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and retain the name and contact information of a consumer for the purpose of notifying the consumer of services that the marijuana retailer provides or of discounts, coupons and other marketing information if:

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

(B) The consumer consents to the recording and retention of the information.

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

(6) This section does not apply to deidentified information the documentation and transfer of which is required by the Department of Revenue for purposes of section 2, chapter 91, Oregon Laws 2016.

**SECTION 3.** (1) Not later than 30 days after the effective date of this 2017 Act, a marijuana retailer must destroy any information described in section 2 (1) of this 2017 Act in the marijuana retailer’s possession on the effective date of this 2017 Act.

(2) A marijuana retailer may not transfer any information described in section 2 (1) of this 2017 Act in the marijuana retailer's possession on or after the effective date of this 2017 Act to any other person.

**SECTION 4.** This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

**Passed by Senate March 21, 2017**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House April 10, 2017**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

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Dennis Richardson, Secretary of State