

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1544**

1 On page 1 of the printed bill, line 2, after “marijuana;” delete the rest of
2 the line and line 3 and insert “amending ORS 475B.015 and 475B.791.”

3 Delete lines 5 through 29 and delete pages 2 through 5 and insert:

4 **“SECTION 1.** ORS 475B.015 is amended to read:

5 “475B.015. As used in ORS 475B.010 to 475B.545:

6 “(1) ‘Cannabinoid’ means any of the chemical compounds that are the
7 active constituents of marijuana.

8 “(2) ‘Cannabinoid concentrate’ means a substance obtained by separating
9 cannabinoids from marijuana by:

10 “(a) A mechanical extraction process;

11 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
12 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
13 cohol or ethanol;

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

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

18 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a
19 cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or
20 flowers have been incorporated.

21 “(4) ‘Cannabinoid extract’ means a substance obtained by separating

1 cannabinoids from marijuana by:

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

4 “(b) A chemical extraction process using carbon dioxide, if the process
5 uses high heat or pressure; or

6 “(c) Any other process identified by the commission, in consultation with
7 the authority, by rule.

8 “(5)(a) ‘Cannabinoid product’ means a cannabinoid edible and any other
9 product intended for human consumption or use, including a product in-
10 tended to be applied to the skin or hair, that contains cannabinoids or dried
11 marijuana leaves or flowers.

12 “(b) ‘Cannabinoid product’ does not include:

13 “(A) Usable marijuana by itself;

14 “(B) A cannabinoid concentrate by itself;

15 “(C) A cannabinoid extract by itself; or

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

17 “(6) ‘Consumer’ means a person who purchases, acquires, owns, holds or
18 uses marijuana items other than for the purpose of resale.

19 “(7) ‘Deliver’ means the actual, constructive or attempted transfer from
20 one person to another of a marijuana item, whether or not there is an agency
21 relationship.

22 “(8) ‘Designated primary caregiver’ has the meaning given that term in
23 ORS 475B.791.

24 “(9)(a) ‘Financial consideration’ means value that is given or received ei-
25 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
26 contributions or donations.

27 “(b) ‘Financial consideration’ does not include marijuana, cannabinoid
28 products or cannabinoid concentrates that are delivered within the scope of
29 and in compliance with ORS 475B.301.

30 “(10) ‘Homegrown’ means grown by a person 21 years of age or older for

1 noncommercial purposes.

2 “(11) ‘Household’ means a housing unit and any place in or around a
3 housing unit at which the occupants of the housing unit are producing,
4 processing, possessing or storing homegrown marijuana, cannabinoid pro-
5 ducts, cannabinoid concentrates or cannabinoid extracts.

6 “(12) ‘Housing unit’ means a house, an apartment or a mobile home, or
7 a group of rooms or a single room that is occupied as separate living quar-
8 ters, in which the occupants live and eat separately from any other persons
9 in the building and that has direct access from the outside of the building
10 or through a common hall.

11 “(13) ‘Immature marijuana plant’ means:

12 “(a) A marijuana plant that is not flowering[.]; or

13 **“(b) A marijuana plant cutting, germinating marijuana seeds, or a**
14 **marijuana scion, that is intended to propagate marijuana.**

15 “(14) ‘Licensee’ means a person that holds a license issued under ORS
16 475B.070, 475B.090, 475B.100 or 475B.105.

17 “(15) ‘Licensee representative’ means an owner, director, officer, manager,
18 employee, agent or other representative of a licensee, to the extent that the
19 person acts in a representative capacity.

20 “(16)(a) ‘Manufacture’ means producing, propagating, preparing, com-
21 pounding, converting or processing a marijuana item, either directly or in-
22 directly, by extracting from substances of natural origin.

23 “(b) ‘Manufacture’ includes any packaging or repackaging of a marijuana
24 item or the labeling or relabeling of a container containing a marijuana
25 item.

26 “(17)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
27 part of the plant Cannabis family Cannabaceae and marijuana seeds.

28 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
29 571.300.

30 “(18) ‘Marijuana flowers’ means the flowers of the plant genus Cannabis

1 within the plant family Cannabaceae.

2 “(19) ‘Marijuana items’ means marijuana, cannabinoid products,
3 cannabinoid concentrates and cannabinoid extracts.

4 “(20) ‘Marijuana leaves’ means the leaves of the plant genus Cannabis
5 within the plant family Cannabaceae.

6 “(21) ‘Marijuana processor’ means a person that processes marijuana
7 items in this state.

8 “(22) ‘Marijuana producer’ means a person that produces marijuana in
9 this state.

10 “(23) ‘Marijuana retailer’ means a person that sells marijuana items to a
11 consumer in this state.

12 “(24)(a) ‘Marijuana seeds’ means the seeds of the plant Cannabis family
13 Cannabaceae.

14 “(b) ‘Marijuana seeds’ does not include the seeds of industrial hemp, as
15 defined in ORS 571.300.

16 “(25) ‘Marijuana wholesaler’ means a person that purchases marijuana
17 items in this state for resale to a person other than a consumer.

18 “(26) ‘Mature marijuana plant’ means a marijuana plant that is not an
19 immature marijuana plant.

20 “(27) ‘Medical grade cannabinoid product, cannabinoid concentrate or
21 cannabinoid extract’ means a cannabinoid product, cannabinoid concentrate
22 or cannabinoid extract that has a concentration of tetrahydrocannabinol that
23 is permitted under ORS 475B.625 in a single serving of the cannabinoid
24 product, cannabinoid concentrate or cannabinoid extract for consumers who
25 hold a valid registry identification card issued under ORS 475B.797.

26 “(28) ‘Medical purpose’ means a purpose related to using usable
27 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid
28 extracts to mitigate the symptoms or effects of a debilitating medical condi-
29 tion, as defined in ORS 475B.791.

30 “(29) ‘Noncommercial’ means not dependent or conditioned upon the pro-

1 vision or receipt of financial consideration.

2 “(30)(a) ‘Premises’ includes the following areas of a location licensed un-
3 der ORS 475B.010 to 475B.545:

4 “(A) All public and private enclosed areas at the location that are used
5 in the business operated at the location, including offices, kitchens, rest
6 rooms and storerooms;

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

10 “(C) For a location that the commission has specifically licensed for the
11 production of marijuana outside a building, that portion of the location used
12 to produce marijuana.

13 “(b) ‘Premises’ does not include a primary residence.

14 “(31)(a) ‘Processes’ means the processing, compounding or conversion of
15 marijuana into cannabinoid products, cannabinoid concentrates or
16 cannabinoid extracts.

17 “(b) ‘Processes’ does not include packaging or labeling.

18 “(32)(a) ‘Produces’ means the manufacture, planting, cultivation, growing
19 or harvesting of marijuana.

20 “(b) ‘Produces’ does not include:

21 “(A) The drying of marijuana by a marijuana processor, if the marijuana
22 processor is not otherwise producing marijuana; or

23 “(B) The cultivation and growing of an immature marijuana plant by a
24 marijuana processor, marijuana wholesaler or marijuana retailer if the
25 marijuana processor, marijuana wholesaler or marijuana retailer purchased
26 or otherwise received the plant from a licensed marijuana producer.

27 “(33) ‘Propagate’ means to grow immature marijuana plants or to breed
28 or produce marijuana seeds.

29 “(34) ‘Public place’ means a place to which the general public has access
30 and includes, but is not limited to, hallways, lobbies and other parts of

1 apartment houses and hotels not constituting rooms or apartments designed
2 for actual residence, and highways, streets, schools, places of amusement,
3 parks, playgrounds and areas used in connection with public passenger
4 transportation.

5 “(35) ‘Registry identification cardholder’ has the meaning given that term
6 in ORS 475B.791.

7 “(36)(a) ‘Usable marijuana’ means the dried leaves and flowers of
8 marijuana.

9 “(b) ‘Usable marijuana’ does not include:

10 “(A) Marijuana seeds;

11 “(B) The stalks and roots of marijuana; or

12 “(C) Waste material that is a by-product of producing or processing
13 marijuana.

14 **“SECTION 2.** ORS 475B.791 is amended to read:

15 “475B.791. As used in ORS 475B.785 to 475B.949:

16 “(1) ‘Attending physician’ means a physician licensed under ORS chapter
17 677 who has primary responsibility for the care and treatment of a person
18 diagnosed with a debilitating medical condition.

19 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the
20 active constituents of marijuana.

21 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating
22 cannabinoids from marijuana by:

23 “(a) A mechanical extraction process;

24 “(b) A chemical extraction process using a nonhydrocarbon-based solvent,
25 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or
26 ethanol;

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

30 “(d) Any other process identified by the Oregon Health Authority, in

1 consultation with the Oregon Liquor Control Commission, by rule.

2 “(4) ‘Cannabinoid edible’ means food or potable liquid into which a
3 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
4 marijuana have been incorporated.

5 “(5) ‘Cannabinoid extract’ means a substance obtained by separating
6 cannabinoids from marijuana by:

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

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

11 “(c) Any other process identified by the Oregon Health Authority, in
12 consultation with the Oregon Liquor Control Commission, by rule.

13 “(6) ‘Debilitating medical condition’ means:

14 “(a) Cancer, glaucoma, a degenerative or pervasive neurological condi-
15 tion, positive status for human immunodeficiency virus or acquired immune
16 deficiency syndrome, or a side effect related to the treatment of those med-
17 ical conditions;

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

20 “(A) Cachexia;

21 “(B) Severe pain;

22 “(C) Severe nausea;

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

24 “(E) Persistent muscle spasms, including spasms caused by multiple
25 sclerosis;

26 “(c) Post-traumatic stress disorder; or

27 “(d) Any other medical condition or side effect related to the treatment
28 of a medical condition adopted by the Oregon Health Authority by rule or
29 approved by the authority pursuant to a petition filed under ORS 475B.946.

30 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.

1 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
2 tification cardholder to another registry identification cardholder if no con-
3 sideration is paid for the transfer.

4 “(8)(a) ‘Designated primary caregiver’ means an individual:

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

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

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

12 “(b) ‘Designated primary caregiver’ does not include a person’s attending
13 physician.

14 “(9) ‘High heat’ means a temperature exceeding 180 degrees.

15 “(10) ‘Immature marijuana plant’ means:

16 “(a) A marijuana plant that is not flowering[.]; or

17 “(b) **A marijuana plant cutting, germinating marijuana seeds, or a**
18 **marijuana scion, that is intended to propagate marijuana.**

19 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
20 part of the plant Cannabis family Cannabaceae and the seeds of the plant
21 Cannabis family Cannabaceae.

22 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
23 571.300.

24 “(12) ‘Marijuana grow site’ means a location registered under ORS
25 475B.810 where marijuana is produced for use by a registry identification
26 cardholder.

27 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-
28 istered under ORS 475B.840 or a site for which an applicant has submitted
29 an application for registration under ORS 475B.840.

30 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an

1 immature marijuana plant.

2 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and
3 any other product intended for human consumption or use, including a
4 product intended to be applied to a person’s skin or hair, that contains
5 cannabinoids or dried leaves or flowers of marijuana.

6 “(b) ‘Medical cannabinoid product’ does not include:

7 “(A) Usable marijuana by itself;

8 “(B) A cannabinoid concentrate by itself;

9 “(C) A cannabinoid extract by itself; or

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

11 “(16) ‘Medical marijuana dispensary’ means a medical marijuana
12 dispensary registered under ORS 475B.858 or a site for which an applicant
13 has submitted an application for registration under ORS 475B.858.

14 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
15 session, delivery or administration of marijuana, or use of paraphernalia
16 used to administer marijuana, to mitigate the symptoms or effects of a de-
17 bilitating medical condition.

18 “(18) ‘Person designated to produce marijuana by a registry identification
19 cardholder’ means a person designated to produce marijuana by a registry
20 identification cardholder under ORS 475B.810 who produces marijuana for a
21 registry identification cardholder at an address other than the address where
22 the registry identification cardholder resides or at an address where more
23 than 12 mature marijuana plants are produced.

24 “(19) ‘Process’ means the compounding or conversion of marijuana into
25 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
26 tracts.

27 “(20) ‘Production’ means:

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

29 “(b) Drying marijuana leaves or flowers.

30 “(21) ‘Registry identification card’ means a document issued by the

1 Oregon Health Authority under ORS 475B.797 that identifies a person au-
2 thorized to engage in the medical use of marijuana and, if the person has a
3 designated primary caregiver under ORS 475B.804, the person’s designated
4 primary caregiver.

5 “(22) ‘Registry identification cardholder’ means a person to whom a reg-
6 istry identification card has been issued under ORS 475B.797.

7 “(23)(a) ‘Usable marijuana’ means the dried leaves and flowers of
8 marijuana.

9 “(b) ‘Usable marijuana’ does not include:

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

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

12 “(24) ‘Written documentation’ means a statement signed by the attending
13 physician of a person diagnosed with a debilitating medical condition or
14 copies of the person’s relevant medical records.”.

15
