

Requested by SENATE COMMITTEE ON BUSINESS AND GENERAL GOVERNMENT

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2098**

1 On page 6 of the printed A-engrossed bill, delete lines 14 through 27 and
2 insert:

3 **“SECTION 5.** ORS 475B.074 is amended to read:

4 “475B.074. (1) The requirement under ORS 475B.063 to obtain a land use
5 compatibility statement as a condition of receiving a license under ORS
6 475B.070 does not apply to an applicant if:

7 “[1] (a) The applicant is applying for a license at an address where a
8 marijuana grow site registered under ORS 475B.810 is located;

9 “[2] (b) The address is outside of city limits;

10 “[3] (c) At least one person responsible for a marijuana grow site lo-
11 cated at the address first registered with the Oregon Health Authority under
12 ORS 475B.810 before January 1, 2015, **and is registered with the authority**
13 **under ORS 475B.810 on the date on which the applicant submitted the**
14 **application for a license under ORS 475B.070;**

15 “[4] (d) Each person responsible for a marijuana grow site located at the
16 address first registered with the [*Oregon Health*] authority under ORS
17 475B.810 before February 1, 2016, **and is registered with the authority**
18 **under ORS 475B.810 on the date on which the applicant submitted the**
19 **application for a license under ORS 475B.070;** and

20 “[5] (e) The applicant is applying for a mature marijuana plant grow
21 canopy of:

1 “[a] (A) 5,000 square feet or less, if the marijuana is produced outdoors;
2 or

3 “[b] (B) 1,250 square feet or less, if the marijuana is produced indoors.

4 **“(2) For purposes of this section, an applicant for a license under
5 ORS 475B.070 is not required to demonstrate that:**

6 **“(a) At least one person responsible for a marijuana grow site lo-
7 cated at the address for which the applicant is applying for a license
8 has been continuously registered with the authority under ORS
9 475B.810 between January 1, 2015, and the date on which the applicant
10 applies for a license under ORS 475B.070; or**

11 **“(b) Each person responsible for a marijuana grow site located at
12 the address for which the applicant is applying for a license has been
13 continuously registered with the authority under ORS 475B.810 be-
14 tween February 1, 2016, and the date on which the applicant applies for
15 a license under ORS 475B.070.”.**

16 On page 7, delete lines 3 through 11 and insert:

17 **SECTION 7. ORS 475B.186 is amended to read:**

18 **“475B.186. (1) The Legislative Assembly finds and declares that the un-
19 regulated commerce of marijuana items constitutes a serious danger to public
20 health and safety.**

21 **“(2)(a) A person may not produce, process, transport, deliver or sell
22 a marijuana item unless the person holds a valid license issued under
23 ORS 475B.010 to 475B.545 or a registration issued under ORS 475B.785
24 to 475B.949 or is exempted under ORS 475B.301.**

25 **“(b) A licensee is engaged in the unregulated commerce of
26 marijuana items if the licensee allows a person who does not hold a
27 license issued under ORS 475B.010 to 475B.545 or 475B.560 to engage in
28 an activity that requires a license issued under ORS 475B.010 to
29 475B.545 or 475B.560.**

30 **“[(2)] (3) In addition to any other disciplinary action available to the**

1 Oregon Liquor Control Commission under ORS 475B.010 to 475B.545 **or**
2 **475B.550 to 475B.590**, the commission may immediately:

3 **“(a) Restrict, suspend or refuse to renew a license issued under ORS**
4 **475B.010 to 475B.545 or 475B.560** if circumstances create probable cause for
5 the commission to conclude that a licensee has:

6 **“(A) Purchased or received a marijuana item from an unlicensed source**
7 **[or that a licensee has]; or**

8 **“(B) Sold, stored or transferred a marijuana item in a manner that is not**
9 **permitted by the licensee’s license[.];**

10 **“(b) Restrict, suspend or refuse to renew a license issued under ORS**
11 **475B.010 to 475B.545 or 475B.560** if circumstances create probable cause
12 **for the commission to believe that a person who does not hold a li-**
13 **cence issued under ORS 475B.010 to 475B.545 or 475B.560 for the licensed**
14 **premises engaged, or is engaging, in an activity that requires a license**
15 **under ORS 475B.010 to 475B.545 or 475B.560; or**

16 **“(c) Seize marijuana items from a licensee if circumstances create**
17 **probable cause for the commission to conclude that the licensee has:**

18 **“(A) Engaged, or is engaging, in the unlawful diversion of**
19 **marijuana items; or**

20 **“(B) Allowed, or is allowing, a person who does not hold a license**
21 **issued under ORS 475B.010 to 475B.545 or 475B.560 to engage in an ac-**
22 **tivity that requires a license issued under ORS 475B.010 to 475B.545 or**
23 **475B.560 at the premises for which a license is issued.”.**

24 On page 8, after line 24, insert:

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

28 On page 11, line 9, delete “January 1, 2020” and insert “the effective date
29 of this 2019 Act”.

30 In line 15, delete “475B.074,”.

- 1 In line 16, delete “2 to 16” and insert “2 to 4 and 6 to 16”.
- 2 In line 23, delete “475B.074,”.
- 3 In line 24, delete “2 to 16” and insert “2 to 4 and 6 to 16”.
- 4 _____