

Requested by Representative HELM

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

1 On page 1 of the printed A-engrossed bill, line 3, after “475B.216,” insert  
2 “475B.220,” and after “475B.256,” insert “475B.261, 475B.301,”.

3 After line 15, insert:

4 **“SECTION 1a. Sections 1b and 1c of this 2019 Act are added to and**  
5 **made a part of ORS 475B.010 to 475B.545.**

6 **“SECTION 1b. (1) The governing body of a city or county may adopt**  
7 **ordinances that allow the delivery of marijuana items to consumers**  
8 **located within the jurisdiction of the city or county from an adjacent**  
9 **city or county.**

10 **“(2) If the governing body of a city or county adopts an ordinance**  
11 **under this section, the governing body must provide the text of the**  
12 **ordinance to the Oregon Liquor Control Commission.**

13 **“(3) A city or county that adopts an ordinance under this section**  
14 **may not impose a tax or fee on the retail price or delivery cost of**  
15 **marijuana items delivered within the city or county.**

16 **“SECTION 1c. (1) A marijuana retailer that holds a license issued**  
17 **under ORS 475B.105 may make deliveries to a consumer pursuant to**  
18 **the consumer’s bona fide order received by the marijuana retailer. A**  
19 **marijuana retailer may make deliveries of marijuana items to more**  
20 **than one consumer per delivery trip. The delivery of marijuana items**  
21 **under this section may be made to a consumer:**

1       “(a) Within the same city or unincorporated area of the county in  
2 which the marijuana retailer is located; or

3       “(b) In a city or the unincorporated area of a county that is adja-  
4 cent to the city or unincorporated area of the county in which the  
5 marijuana retailer is located provided the adjacent city or county has  
6 adopted an ordinance allowing for the delivery of marijuana items by  
7 a marijuana retailer located in an adjacent city or unincorporated area  
8 of a county.

9       “(2) A marijuana retailer that makes deliveries under this section  
10 shall:

11       “(a) Ensure that deliveries are made in an efficient and timely  
12 manner.

13       “(b) Upon request, provide to the Oregon Liquor Control Commis-  
14 sion information on each vehicle used to make deliveries of marijuana  
15 items under this section, including the make, model, year, color, ve-  
16 hicle identification number and registration plate number.

17       “(c) Maintain an electronic or physical record of each bona fide  
18 order for the delivery of marijuana items that the marijuana retailer  
19 fulfills.

20       “(d) Report to the commission, and as necessary to the appropriate  
21 law enforcement agency, any accidents or losses involving a delivery  
22 vehicle.

23       “(3) An individual who makes deliveries on behalf of a marijuana  
24 retailer under this section:

25       “(a) Shall:

26       “(A) Hold a permit issued under ORS 475B.266 and carry the permit  
27 while making deliveries under this section.

28       “(B) Have a method of secure electronic communication in order  
29 to communicate with the marijuana retailer for which the individual  
30 is making deliveries.

1       **“(C) Maintain an electronic or physical record of a bona fide order**  
2 **for a delivery of a marijuana item.**

3       **“(D) Except in the case of an emergency or unsafe road conditions**  
4 **or as necessary for fuel, vehicle repair or meal periods and rest periods**  
5 **required under ORS 653.261, travel only between the premises of the**  
6 **marijuana retailer and the locations at which the deliveries of**  
7 **marijuana items are made.**

8       **“(E) Be an employee of the marijuana retailer on behalf of which**  
9 **the individual makes deliveries.**

10       **“(b) May not:**

11       **“(A) Leave a delivery vehicle that contains marijuana items unat-**  
12 **tended unless the delivery vehicle is locked and equipped with an ac-**  
13 **tive vehicle alarm system.**

14       **“(B) Carry more than \$5,000 worth of marijuana items in a delivery**  
15 **vehicle at any one time.**

16       **“(C) Consume, or be under the influence of, marijuana while mak-**  
17 **ing deliveries under this section.**

18       **“(4) A delivery vehicle must:**

19       **“(a) While being used for making deliveries, be equipped with an**  
20 **active global positioning system device that tracks the location of the**  
21 **delivery vehicle and enables the marijuana retailer for which the de-**  
22 **liveries are being made to identify the location of the delivery vehicle.**

23       **“(b) Be equipped with a lockable container in a secured cargo area**  
24 **of the delivery vehicle that is of a size appropriate to contain the**  
25 **marijuana items being delivered.**

26       **“(c) Be free of any markings that may indicate that the delivery**  
27 **vehicle is used for the purpose of delivering marijuana items.**

28       **“(5) A marijuana retailer and an individual who makes deliveries**  
29 **on behalf of a marijuana retailer under this section may use an elec-**  
30 **tronic record to track the transfer of marijuana items as required by**

1 **ORS 475B.177. The electronic record shall be considered equivalent to**  
2 **a printed manifest or other record. A marijuana retailer or individual**  
3 **described in this subsection is not required to produce a printed man-**  
4 **ifest or other printed record at the time of the transfer.**

5 **“(6) A delivery of marijuana items may not be made to a consumer**  
6 **who is located on land owned or leased by the federal government.**

7 **“(7) The commission may adopt rules to carry out the purposes of**  
8 **this section.”.**

9 On page 8, after line 26, insert:

10 **“SECTION 11a.** ORS 475B.220 is amended to read:

11 **“475B.220. (1) As used in this section, ‘information that may be used to**  
12 **identify a consumer’ means information that may be acquired through the**  
13 **production of a piece of identification as described in ORS 475B.216, whether**  
14 **the information is contained in a piece of identification described in ORS**  
15 **475B.216 or in a different document or record.**

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

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

19 **“(b) If the consumer is a registry identification cardholder, as defined in**  
20 **ORS 475B.791, a registry identification card, as defined in ORS 475B.791.**

21 **“(3) A marijuana retailer may not record and retain any information that**  
22 **may be used to identify a consumer, except as necessary to make deliveries**  
23 **to consumers pursuant to [ORS 475B.206 (3)] **section 1c of this 2019 Act,****  
24 **as required by any rules adopted under [ORS 475B.206 (3)] **section 1c of this****  
25 **2019 Act.**

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

28 **“(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer**  
29 **may record and retain the name and contact information of a consumer for**  
30 **the purpose of notifying the consumer of services that the marijuana retailer**

1 provides or of discounts, coupons and other marketing information if:

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

4 “(B) The consumer consents to the recording and retention of the infor-  
5 mation.

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

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

11 On page 9, after line 14, insert:

12 “**SECTION 12a.** ORS 475B.261 is amended to read:

13 “475B.261. (1) An individual who performs work for or on behalf of a  
14 licensee must have a valid permit issued by the Oregon Liquor Control  
15 Commission under ORS 475B.266 if the individual participates in:

16 “(a) The **delivery**, possession, production, propagation, processing, secur-  
17 ing or selling of marijuana items at the premises for which the license has  
18 been issued;

19 “(b) The recording of the **delivery**, possession, production, propagation,  
20 processing, securing or selling of marijuana items at the premises for which  
21 the license has been issued; or

22 “(c) The verification of any document described in ORS 475B.216.

23 “(2) A licensee must verify that an individual has a valid permit issued  
24 under ORS 475B.266 before allowing the individual to perform any work de-  
25 scribed in subsection (1) of this section at the premises for which the license  
26 has been issued.

27 “**SECTION 12b.** ORS 475B.301, as amended by section 21, chapter 116,  
28 Oregon Laws 2018, is amended to read:

29 “475B.301. ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045,  
30 475B.050, 475B.055, 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.085,

1 475B.090, 475B.100, 475B.105, 475B.115, 475B.119, 475B.136, 475B.139, 475B.144,  
2 475B.146, 475B.154, 475B.158, 475B.163, 475B.173, 475B.177, 475B.206, 475B.211,  
3 475B.216, 475B.224, 475B.232, 475B.236, 475B.241, 475B.246, 475B.256, 475B.261,  
4 475B.266, 475B.276, 475B.281, 475B.286, 475B.296, 475B.461, 475B.474, 475B.479,  
5 475B.486, 475B.491, 475B.501, 475B.506, 475B.514, 475B.518, 475B.521, 475B.523,  
6 475B.526 and 475B.529 **and sections 1b and 1c of this 2019 Act** do not apply:

7 “(1) To the production or storage of homegrown plants in the genus  
8 Cannabis within the plant family Cannabaceae that are otherwise subject to  
9 ORS 475B.010 to 475B.545 at a household by one or more persons 21 years  
10 of age and older, if the total amount of homegrown plants at the household  
11 does not exceed four plants at any time.

12 “(2) To the possession or storage of usable marijuana items at a household  
13 by one or more persons 21 years of age or older, if the total amount of usable  
14 marijuana at the household does not exceed eight ounces of usable marijuana  
15 at any time.

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

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

24 “(5) To the making, processing, possession or storage of cannabinoid  
25 concentrates at a household by one or more persons 21 years of age or older,  
26 if the total amount of cannabinoid concentrates at the household does not  
27 exceed 16 ounces at any time.

28 “(6) To the possession of cannabinoid extracts at a household by one or  
29 more persons 21 years of age or older, if the cannabinoid extracts were pur-  
30 chased from a marijuana retailer that holds a license under ORS 475B.105,

1 or transferred by a medical marijuana dispensary registered by the Oregon  
2 Health Authority under ORS 475B.858, and the total amount of cannabinoid  
3 extracts at the household does not exceed one ounce at any time.

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

7 “(8) To the delivery of not more than 16 ounces of cannabinoid products  
8 in solid form at a time by a person 21 years of age or older to another person  
9 21 years of age or older for noncommercial purposes.

10 “(9) To the delivery of not more than 72 ounces of cannabinoid products  
11 in liquid form at a time by a person 21 years of age or older to another  
12 person 21 years of age or older for noncommercial purposes.

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

16 On page 11, delete lines 14 through 25 and insert:

17 **“SECTION 20. (1) Sections 1, 1b and 1c of this 2019 Act and the**  
18 **amendments to ORS 475B.015, 475B.025, 475B.045, 475B.074, 475B.096,**  
19 **475B.186, 475B.199, 475B.206, 475B.211, 475B.216, 475B.220, 475B.256,**  
20 **475B.261, 475B.301, 475B.416, 475B.577, 475B.705 and 475B.710 by sections**  
21 **2 to 16 of this 2019 Act become operative on January 1, 2020.**

22 **“(2) The Department of Revenue and the Oregon Liquor Control**  
23 **Commission may take any action before the operative date specified**  
24 **in subsection (1) of this section that is necessary to enable the de-**  
25 **partment and the commission to exercise, on and after the operative**  
26 **date specified in subsection (1) of this section, all of the duties, func-**  
27 **tions and powers conferred on the department and the commission by**  
28 **sections 1, 1b and 1c of this 2019 Act and by the amendments to ORS**  
29 **475B.015, 475B.025, 475B.045, 475B.074, 475B.096, 475B.186, 475B.199,**  
30 **475B.206, 475B.211, 475B.216, 475B.220, 475B.256, 475B.261, 475B.301,**

1 **475B.416, 475B.577, 475B.705 and 475B.710 by sections 2 to 16 of this 2019**  
2 **Act.”.**

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