

House Bill 2973

Sponsored by Representative NOSSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person 21 years of age or older from possessing more than two ounces of usable marijuana in public place. Provides that delivery of not more than two ounces of usable marijuana to person 21 years of age or older is exempt from certain laws regulating marijuana. Directs Oregon Liquor Control Commission to adopt rules in accordance with possession limits.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to marijuana; creating new provisions; amending ORS 475B.301 and 475B.337; and pre-
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 475B.010 to**
6 **475B.545.**

7 **SECTION 2. The Oregon Liquor Control Commission shall adopt rules to establish usable**
8 **marijuana purchase limits in accordance with the possession limits for usable marijuana in**
9 **a public place provided in ORS 475B.337.**

10 **SECTION 3. ORS 475B.301 is amended to read:**

11 475B.301. ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045, 475B.050, 475B.055,
12 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.085, 475B.090, 475B.100, 475B.105, 475B.115,
13 475B.119, 475B.136, 475B.139, 475B.144, 475B.146, 475B.154, 475B.158, 475B.163, 475B.173, 475B.177,
14 475B.206, 475B.211, 475B.216, 475B.224, 475B.232, 475B.236, 475B.241, 475B.246, 475B.256, 475B.261,
15 475B.266, 475B.276, 475B.281, 475B.286, 475B.296, 475B.461, 475B.474, 475B.479, 475B.486, 475B.491,
16 475B.501, 475B.506, 475B.514, 475B.518, 475B.521, 475B.523, 475B.526 and 475B.529 do not apply:

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

21 (2) To the possession or storage of usable marijuana items at a household by one or more per-
22 sons 21 years of age or older, if the total amount of usable marijuana at the household does not
23 exceed eight ounces of usable marijuana at any time.

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

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

30 (5) To the making, processing, possession or storage of cannabinoid concentrates at a household

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 by one or more persons 21 years of age or older, if the total amount of cannabinoid concentrates
 2 at the household does not exceed 16 ounces at any time.

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

8 (7) To the delivery of not more than [one ounce] **two ounces** of usable marijuana at a time by
 9 a person 21 years of age or older to another person 21 years of age or older for noncommercial
 10 purposes.

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

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

17 (10) To the delivery of not more than 16 ounces of cannabinoid concentrates at a time by a
 18 person 21 years of age or older to another person 21 years of age or older for noncommercial pur-
 19 poses.

20 **SECTION 4.** ORS 475B.337 is amended to read:

21 475B.337. (1) Except for licensees and licensee representatives acting in accordance with ORS
 22 475B.010 to 475B.545 and any rule adopted under ORS 475B.010 to 475B.545, it is unlawful for any
 23 person 21 years of age or older to possess, knowingly or intentionally:

24 (a) An amount of plants in the genus Cannabis within the plant family Cannabaceae in excess
 25 of the amount allowed under ORS 475B.301 (1).

26 (b) More than [one ounce] **two ounces** of usable marijuana in a public place.

27 (c) More than eight ounces of usable marijuana.

28 (d) More than 16 ounces of cannabinoid products in solid form or cannabinoid concentrates.

29 (e) More than 72 ounces of cannabinoid products in liquid form.

30 (f) More than one ounce of cannabinoid extracts.

31 (g) A cannabinoid extract that was not purchased from a marijuana retailer that holds a license
 32 issued under ORS 475B.105.

33 (2) Except as provided in subsection (3) of this section, unlawful possession of a marijuana item
 34 is a Class A misdemeanor.

35 (3) Unlawful possession of a marijuana item is:

36 (a) A Class B violation, if the amount possessed is not more than two times the applicable
 37 maximum amount specified in subsection (1)(a) to (f) of this section.

38 (b) A Class B misdemeanor, if the amount possessed is more than two times, but not more than
 39 four times, the applicable maximum amount specified in subsection (1)(a) to (f) of this section.

40 (c) A Class C felony, if the amount possessed is:

41 (A) More than 16 times the applicable maximum amount specified in subsection (1)(a), (c), (d),
 42 (e) or (f) of this subsection;

43 (B) More than eight pounds of usable marijuana in a public place; or

44 (C) More than one-quarter ounce of cannabinoid extract that was not purchased from a
 45 marijuana retailer that holds a license issued under ORS 475B.105.

1 **SECTION 5.** (1) Section 2 of this 2021 Act and the amendments to ORS 475B.301 and
2 475B.337 by sections 3 and 4 of this 2021 Act become operative on January 1, 2022.

3 (2) The Oregon Liquor Control Commission may take any action before the operative date
4 specified in subsection (1) of this section that is necessary to enable the commission to ex-
5 ercise, on and after the operative date specified in subsection (1) of this section, all of the
6 duties, functions and powers conferred on the commission by section 2 of this 2021 Act and
7 the amendments to ORS 475B.301 and 475B.337 by sections 3 and 4 of this 2021 Act.

8 **SECTION 6.** This 2021 Act takes effect on the 91st day after the date on which the 2021
9 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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