

# House Bill 2996

Sponsored by Representative WILDE

## 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**.

Directs Oregon Liquor Control Commission to establish by rule process to register medical marijuana grow sites. Defines "medical marijuana grow site." Allows medical marijuana grow sites to apply for registration no later than June 1, 2022. Establishes plant production limits for medical marijuana grow sites registered by commission. Specifies that marijuana grow sites registered by Oregon Health Authority may produce marijuana for no more than two registry identification cardholders.

Becomes operative January 1, 2022.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to medical marijuana grow sites; creating new provisions; amending ORS 475B.206,  
3 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913; and declaring an emergency.

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

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

7 **SECTION 2. As used in sections 3 to 6 of this 2021 Act, "medical marijuana grow site":**

8 (1) **Means a location at which marijuana is produced for use by registry identification**  
9 **cardholders.**

10 (2) **Does not include a marijuana grow site registered under ORS 475B.810.**

11 **SECTION 3. (1) The Oregon Liquor Control Commission shall establish by rule a process**  
12 **to register medical marijuana grow sites. To hold a registration under this section, an ap-**  
13 **plicant shall:**

14 (a) **Apply for a registration in the manner prescribed by the commission by rule;**

15 (b) **Provide to the commission proof that the applicant is 21 years of age or older; and**

16 (c) **Meet any other requirements established by the commission by rule.**

17 (2) **A registration issued under this section is valid for one year and may be renewed**  
18 **pursuant to rules adopted by the commission.**

19 (3)(a) **An applicant for registration under this section must be an individual.**

20 (b) **A registration issued under this section may not be transferred:**

21 (A) **From the individual to whom it is issued to another individual; or**

22 (B) **To any location other than the original location at which the applicant produces**  
23 **marijuana.**

24 (4) **All seeds, immature marijuana plants, mature marijuana plants and usable marijuana**  
25 **produced by the medical marijuana grow site are the property of the medical marijuana grow**  
26 **site.**

27 (5) **A medical marijuana grow site may transfer:**

28 (a) **Subject to the limits established in ORS 475B.825, 475B.831 and 475B.834, the seeds,**

**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 immature marijuana plants and usable marijuana associated with the production of  
2 marijuana to:

3 (A) A registry identification cardholder or designated primary caregiver;

4 (B) A medical marijuana dispensary, as defined in ORS 475B.791; or

5 (C) A marijuana processing site, as defined in ORS 475B.791; and

6 (b) Subject to the limits described in ORS 475B.825 that apply to a marijuana grow site  
7 as defined in ORS 475B.791, usable marijuana to a marijuana processor licensed under ORS  
8 475B.090 or a marijuana wholesaler licensed under ORS 475B.100.

9 (6)(a) The commission shall establish application, registration and renewal fees under this  
10 section.

11 (b) Fees adopted under this section may not exceed, together with other fees collected  
12 under ORS 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545.

13 (c) Moneys from fees collected under this section shall be deposited into the Marijuana  
14 Control and Regulation Fund established under ORS 475B.296.

15 (7)(a) The commission shall consult with the Oregon Health Authority in adopting rules  
16 under this section.

17 (b) The commission may adopt by reference rules adopted by the authority relating to  
18 the regulation of the production of marijuana under ORS 475B.785 to 475B.949.

19 (c) The commission may adopt other rules as necessary to carry out this section.

20 **SECTION 4.** (1) A medical marijuana grow site registered under section 3 of this 2021  
21 Act is subject to the following production limits:

22 (a) Except as provided in paragraph (c) of this subsection, if the medical marijuana grow  
23 site is located within city limits in an area zoned for residential use, no more than:

24 (A) 12 mature marijuana plants;

25 (B) 24 immature marijuana plants that are 24 inches or more in height; and

26 (C) The number established by the Oregon Liquor Control Commission by rule of imma-  
27 ture marijuana plants that are less than 24 inches in height.

28 (b) Except as provided in paragraph (c) of this subsection, if the medical marijuana grow  
29 site is located in an area other than an area described in paragraph (a) of this subsection,  
30 no more than:

31 (A) 48 mature marijuana plants;

32 (B) 96 immature marijuana plants that are 24 inches or more in height; and

33 (C) The number established by the commission by rule of immature marijuana plants  
34 that are less than 24 inches in height.

35 (c) If the medical marijuana grow site, on or before April 1, 2021, is in compliance with  
36 the production limits in ORS 475B.831 (3)(b) or (4)(b) in effect on January 1, 2015, was ap-  
37 proved by the Oregon Health Authority as a grandfathered grow site under rules adopted by  
38 the authority and:

39 (A) Is located within city limits in an area zoned for residential use, no more than:

40 (i) 24 mature marijuana plants;

41 (ii) 48 immature marijuana plants that are 24 inches or more in height; and

42 (iii) The number established by the commission by rule of immature marijuana plants  
43 that are less than 24 inches in height.

44 (B) Is located in an area other than an area described in subparagraph (A) of this para-  
45 graph, no more than:

- 1 (i) 96 mature marijuana plants;  
2 (ii) 192 immature marijuana plants that are 24 inches or more in height; and  
3 (iii) The number established by the commission by rule of immature marijuana plants  
4 that are less than 24 inches in height.

5 (2) In adopting rules under this section, the commission shall consult with the authority  
6 and may adopt by reference rules adopted by the authority relating to plant possession lim-  
7 its.

8 **SECTION 5. (1) The Oregon Liquor Control Commission shall:**

9 (a) Ensure the system developed and maintained under ORS 475B.177 is capable of  
10 tracking the transfer of marijuana items produced at a medical marijuana grow site regis-  
11 tered under section 3 of this 2021 Act.

12 (b) Treat information related to medical marijuana grow sites registered under section  
13 3 of this 2021 Act in the same manner as the information described in ORS 475B.541.

14 (2) The commission may:

15 (a) Suspend, revoke or refuse to issue a registration under section 3 of this 2021 Act.

16 (b) Adopt rules as necessary to carry out this section.

17 **SECTION 6. (1) The Oregon Liquor Control Commission may impose, for each violation**  
18 **of ORS 475B.010 to 475B.545 or of a rule adopted under ORS 475B.010 to 475B.545, by a medical**  
19 **marijuana grow site a civil penalty that does not exceed \$500 for each day that the violation**  
20 **occurs.**

21 (2) The commission shall impose civil penalties under this section in the manner provided  
22 in ORS 183.745.

23 (3) All moneys collected pursuant to this section shall be deposited into the Marijuana  
24 Control and Regulation Fund established under ORS 475B.296.

25 **SECTION 7.** ORS 475B.831 is amended to read:

26 475B.831. *[(1)(a) A registry identification cardholder and the designated primary caregiver of the*  
27 *registry identification cardholder may jointly possess:]*

28 *[(A) Six or fewer mature marijuana plants; and]*

29 *[(B) Twelve or fewer immature marijuana plants.]*

30 *[(b)(A) Unless an address is the marijuana grow site of a person designated to produce marijuana*  
31 *by a registry identification cardholder, the address where a registry identification cardholder or the*  
32 *primary caregiver of a registry identification cardholder produces marijuana may be used to produce*  
33 *not more than:]*

34 *[(i) Six or fewer mature marijuana plants per registry identification cardholder, up to 12 mature*  
35 *marijuana plants; and]*

36 *[(ii) Twelve or fewer immature marijuana plants per registry identification cardholder, up to 24*  
37 *immature marijuana plants.]*

38 *[(B) Except as provided in subparagraph (C) of this paragraph, an address that is subject to this*  
39 *paragraph may not be used to produce plants in the genus Cannabis within the plant family*  
40 *Cannabaceae pursuant to ORS 475B.301.]*

41 *[(C) Subject to subparagraph (D) of this paragraph, an address that is subject to this paragraph*  
42 *may be used to produce plants in the genus Cannabis within the plant family Cannabaceae pursuant*  
43 *to ORS 475B.301 if a person other than a registry identification cardholder who is using the address*  
44 *to produce marijuana plants pursuant to ORS 475B.785 to 475B.949 resides at the address.]*

45 *[(D) An address that is subject to this paragraph may not be used to produce more than 12 total*

1 *mature marijuana plants.]*

2 [(2)(a)] (1) A person may be designated to produce marijuana under ORS 475B.810 by no more  
3 than *[eight]* **two** registry identification cardholders.

4 [(b)] (2) A person responsible for a marijuana grow site may produce for a registry identification  
5 cardholder who designates the person to produce marijuana no more than:

6 [(A)] (a) Six mature marijuana plants;

7 [(B)] (b) 12 immature marijuana plants that are 24 inches or more in height; and

8 [(C)] (c) The *[amount,]* **number** established by the Oregon Health Authority by rule[,] of imma-  
9 ture marijuana plants that are less than 24 inches in height.

10 [(3) *If the address of a person responsible for a marijuana grow site registered under ORS*  
11 *475B.810 is located within city limits in an area zoned for residential use:]*

12 [(a) *Except as provided in paragraph (b) of this subsection, no more than the following amounts*  
13 *of marijuana plants may be produced at the address:]*

14 [(A) *12 mature marijuana plants;]*

15 [(B) *24 immature marijuana plants that are 24 inches or more in height; and]*

16 [(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*  
17 *than 24 inches in height; or]*

18 [(b) *Subject to subsection (5) of this section, if each person responsible for a marijuana grow site*  
19 *located at the address first registered with the authority under ORS 475B.810 before January 1, 2015,*  
20 *no more than the following amounts of marijuana plants may be produced at the address:]*

21 [(A) *The amount of mature marijuana plants located at that address on December 31, 2014, in ex-*  
22 *cess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants;]*

23 [(B) *48 immature marijuana plants that are 24 inches or more in height; and]*

24 [(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*  
25 *than 24 inches in height.]*

26 [(4) *If the address of a person responsible for a marijuana grow site registered under ORS*  
27 *475B.810 is located in an area other than an area described in subsection (3) of this section:]*

28 [(a) *Except as provided in paragraph (b) of this subsection, no more than the following amounts*  
29 *of marijuana plants may be produced at the address:]*

30 [(A) *48 mature marijuana plants;]*

31 [(B) *96 immature marijuana plants that are 24 inches or more in height; and]*

32 [(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*  
33 *than 24 inches in height; or]*

34 [(b) *Subject to subsections (5) and (6) of this section, if each person responsible for a marijuana*  
35 *grow site located at the address first registered with the authority under ORS 475B.810 before January*  
36 *1, 2015, no more than the following amounts of marijuana plants may be produced at the address:]*

37 [(A) *The amount of mature marijuana plants located at that address on December 31, 2014, in ex-*  
38 *cess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants;]*

39 [(B) *192 immature marijuana plants that are 24 inches or more in height; and]*

40 [(C) *The amount, established by the authority by rule, of immature marijuana plants that are less*  
41 *than 24 inches in height.]*

42 [(5)(a) *If the authority suspends or revokes the registration of a person responsible for a marijuana*  
43 *grow site that is located at an address described in subsection (3)(b) of this section, no more than the*  
44 *following amounts of marijuana plants may subsequently be produced at any address described in*  
45 *subsection (3) of this section at which the person responsible for the marijuana grow site produces*

1 *marijuana:]*

2 *[(A) 12 mature marijuana plants;]*

3 *[(B) 24 immature marijuana plants that are 24 inches or more in height; and]*

4 *[(C) The amount, established by the authority by rule, of immature marijuana plants that are less*  
 5 *than 24 inches in height.]*

6 *[(b) If the authority suspends or revokes the registration of a person responsible for a marijuana*  
 7 *grow site that is located at an address described in subsection (4)(b) of this section, no more than the*  
 8 *following amounts of marijuana plants may subsequently be produced at any address described in*  
 9 *subsection (4) of this section at which the person responsible for the marijuana grow site produces*  
 10 *marijuana:]*

11 *[(A) 48 mature marijuana plants;]*

12 *[(B) 96 immature marijuana plants that are 24 inches or more in height; and]*

13 *[(C) The amount, established by the authority by rule, of immature marijuana plants that are less*  
 14 *than 24 inches in height.]*

15 *[(6) If a registry identification cardholder who designated a person to produce marijuana for the*  
 16 *registry identification cardholder pursuant to ORS 475B.810 terminates the designation, the person re-*  
 17 *sponsible for the marijuana grow site whose designation has been terminated may not be designated*  
 18 *to produce marijuana by another registry identification cardholder, except that the person may be des-*  
 19 *ignated by another registry identification cardholder if no more than 48 mature marijuana plants and*  
 20 *no more than 96 immature marijuana plants that are 24 or more inches in height are produced at the*  
 21 *address for the marijuana grow site at which the person produces marijuana.]*

22 *[(7) Subject to the limits described in subsections (2) to (6) of this section, if multiple persons re-*  
 23 *sponsible for a marijuana grow site under ORS 475B.810 are located at the same address, the persons*  
 24 *designated to produce marijuana by registry identification cardholders who are located at that address*  
 25 *may collectively produce marijuana plants for any number of registry identification cardholders who*  
 26 *designate the persons to produce marijuana.]*

27 **(3)(a) Subject to paragraph (b) of this subsection, an address at which a marijuana grow**  
 28 **site is located may be used to produce plants in the genus Cannabis within the plant family**  
 29 **Cannabaceae pursuant to ORS 475B.301.**

30 **(b) An address described in this subsection may not be used to produce more than 12**  
 31 **total mature marijuana plants.**

32 *[(8)] (4) If a law enforcement officer determines that there is a number of marijuana plants at*  
 33 *an address in excess of the quantities specified in this section, or that an address is being used to*  
 34 *produce a number of marijuana plants in excess of the quantities specified in subsection [(1)(b)] (2)*  
 35 **or (3)** *of this section, the law enforcement officer may confiscate only the excess number of*  
 36 *marijuana plants.*

37 **SECTION 8.** ORS 475B.206 is amended to read:

38 475B.206. (1) Except as provided in ORS 475B.136 and 475B.873 **and section 3 of this 2021**  
 39 **Act**, a marijuana producer that holds a license issued under ORS 475B.070, marijuana processor that  
 40 holds a license issued under ORS 475B.090 *[or]*, marijuana wholesaler that holds a license issued  
 41 under ORS 475B.100 **or medical marijuana grow site registered under section 3 of this 2021**  
 42 **Act** may deliver marijuana items only to or on a premises for which a license has been issued under  
 43 ORS 475B.070, 475B.090, 475B.100 or 475B.105, or to a registry identification cardholder or desig-  
 44 nated primary caregiver as allowed under ORS 475B.010 to 475B.545.

45 (2) A licensee to which marijuana items may be delivered under subsection (1) of this section

1 may receive marijuana items only from:

2 (a) A marijuana producer that holds a license issued under ORS 475B.070, marijuana processor  
3 that holds a license issued under ORS 475B.090, marijuana wholesaler that holds a license issued  
4 under ORS 475B.100, marijuana retailer that holds a license issued under ORS 475B.105 or a labo-  
5 ratory licensed under ORS 475B.560;

6 (b) A researcher of cannabis that holds a certificate issued under ORS 475B.286 and that  
7 transfers limited amounts of marijuana, usable marijuana, cannabinoid products, cannabinoid con-  
8 centrates and cannabinoid extracts in accordance with procedures adopted under ORS 475B.286  
9 (3)(d) and (e);

10 (c) A marijuana grow site registered under ORS 475B.810, marijuana processing site registered  
11 under ORS 475B.840, or a medical marijuana dispensary registered under ORS 475B.858, acting in  
12 accordance with procedures adopted by the Oregon Liquor Control Commission under ORS 475B.167;  
13 [or]

14 (d) A marijuana grow site registered under ORS 475B.810[,] acting in accordance with ORS  
15 475B.825 and any procedures adopted by rule by the commission; **or**

16 **(e) A medical marijuana grow site registered under section 3 of this 2021 Act acting in**  
17 **accordance with section 3 of this 2021 Act and any procedures adopted by rule by the com-**  
18 **mission.**

19 (3) The sale of marijuana items by a marijuana retailer that holds a license issued under ORS  
20 475B.105 must be restricted to the premises for which the license has been issued, but deliveries  
21 may be made by a marijuana retailer to consumers pursuant to a bona fide order received at the  
22 premises prior to delivery.

23 (4) The commission may by order waive the requirements of subsections (1) and (2) of this sec-  
24 tion to ensure compliance with ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010 to  
25 475B.545. An order issued under this subsection does not constitute a waiver of any other require-  
26 ment of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010 to 475B.545.

27 **SECTION 9.** ORS 475B.477 is amended to read:

28 475B.477. (1) As used in this section, “designated primary caregiver,” “immature marijuana  
29 plant,” “marijuana,” “medical cannabinoid product” and “registry identification cardholder” have  
30 the meanings given those terms in ORS 475B.791.

31 (2) A city or county may not adopt an ordinance, by referral or otherwise, that prohibits or  
32 otherwise limits:

33 (a) The privileges described in ORS 475B.301; [or]

34 (b) The right of a registry identification cardholder and the designated primary caregiver of a  
35 registry identification cardholder to:

36 (A) Possess the seeds of marijuana, immature marijuana plants or medical cannabinoid products  
37 as described in ORS 475B.785 to 475B.949;**or**

38 *[(B) Jointly possess up to six mature marijuana plants and up to 12 immature marijuana plants*  
39 *under ORS 475B.831 (1); or]*

40 *[(C)] (B) Jointly possess up to 24 ounces of usable marijuana under ORS 475B.834 (1)[.]; **or***

41 **(c) The right of a person designated to produce marijuana under ORS 475B.810 to produce**  
42 **up to the number of marijuana plants described in ORS 475B.831 (2).**

43 **SECTION 10.** ORS 475B.526 is amended to read:

44 475B.526. (1) Marijuana is:

45 (a) A crop for the purposes of “farm use” as defined in ORS 215.203;

1 (b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;

2 (c) A product of farm use as described in ORS 308A.062; and

3 (d) The product of an agricultural activity for purposes of ORS 568.909.

4 (2) Notwithstanding ORS chapters 195, 196, 197, 215 and 227, the following are not permitted  
5 uses on land designated for exclusive farm use:

6 (a) A new dwelling used in conjunction with a marijuana crop;

7 (b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with  
8 a marijuana crop; and

9 (c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in  
10 conjunction with a marijuana crop.

11 (3) A county may allow the production of marijuana as a farm use on land zoned for farm or  
12 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones  
13 under this section and ORS 215.213, 215.283 and 475B.063.

14 (4) This section applies to:

15 (a) Marijuana producers that hold a license issued under ORS 475B.070;

16 (b) Persons registered under ORS 475B.810 and designated to produce marijuana by one or more  
17 persons who hold valid registry identification cards issued under ORS 475B.797; *[and]*

18 (c) For the purpose of producing marijuana or propagating immature marijuana plants, re-  
19 searchers of cannabis that hold a certificate issued under ORS 475B.286; **and**

20 **(d) Medical marijuana grow sites registered under section 3 of this 2021 Act.**

21 **SECTION 11.** ORS 475B.791 is amended to read:

22 475B.791. As used in ORS 475B.785 to 475B.949:

23 (1) “Attending physician” means a physician licensed under ORS chapter 677 who has primary  
24 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

25 (2) “Cannabinoid” means any of the chemical compounds that are the active constituents of  
26 marijuana.

27 (3) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from  
28 marijuana by:

29 (a) A mechanical extraction process;

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

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

34 (d) Any other process identified by the Oregon Health Authority, in consultation with the  
35 Oregon Liquor Control Commission, by rule.

36 (4) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,  
37 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

38 (5) “Cannabinoid extract” means a substance obtained by separating cannabinoids from  
39 marijuana by:

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

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

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

- 1 (6) “Debilitating medical condition” means:
- 2 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
- 3 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
- 4 the treatment of those medical conditions;
- 5 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
- 6 tient, one or more of the following:
- 7 (A) Cachexia;
- 8 (B) Severe pain;
- 9 (C) Severe nausea;
- 10 (D) Seizures, including seizures caused by epilepsy; or
- 11 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
- 12 (c) Post-traumatic stress disorder; or
- 13 (d) Any other medical condition or side effect related to the treatment of a medical condition
- 14 adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition
- 15 filed under ORS 475B.946.
- 16 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.
- 17 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to
- 18 another registry identification cardholder if no consideration is paid for the transfer.
- 19 (8)(a) “Designated primary caregiver” means an individual:
- 20 (A) Who is 18 years of age or older;
- 21 (B) Who has significant responsibility for managing the well-being of a person who has been
- 22 diagnosed with a debilitating medical condition; and
- 23 (C) Who is designated as the person responsible for managing the well-being of a person who
- 24 has been diagnosed with a debilitating medical condition on that person’s application for a registry
- 25 identification card or in other written notification submitted to the authority.
- 26 (b) “Designated primary caregiver” does not include a person’s attending physician.
- 27 (9) “High heat” means a temperature exceeding 180 degrees.
- 28 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.
- 29 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
- 30 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- 31 (b) “Marijuana” does not include:
- 32 (A) Industrial hemp, as defined in ORS 571.269; or
- 33 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
- 34 or more cannabinoids, that are approved by the United States Food and Drug Administration and
- 35 dispensed by a pharmacy, as defined in ORS 689.005.
- 36 (12) “Marijuana grow site” means a location registered under ORS 475B.810 where marijuana
- 37 is produced for use by a registry identification cardholder.
- 38 (13) “Marijuana processing site” means a marijuana processing site registered under ORS
- 39 475B.840 or a site for which an applicant has submitted an application for registration under ORS
- 40 475B.840.
- 41 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana
- 42 plant.
- 43 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-
- 44 tended for human consumption or use, including a product intended to be applied to a person’s skin
- 45 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

(b) “Medical cannabinoid product” does not include:

- (A) Usable marijuana by itself;
- (B) A cannabinoid concentrate by itself;
- (C) A cannabinoid extract by itself; or
- (D) Industrial hemp, as defined in ORS 571.269.

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

(17) “Medical use of marijuana” means the production, processing, possession, delivery or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition.

(18) “Person designated to produce marijuana by a registry identification cardholder” means a person designated to produce marijuana by a registry identification cardholder under ORS 475B.810 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides [*or at an address where more than 12 mature marijuana plants are produced*].

(19) “Process” means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(20) “Production” means:

- (a) Planting, cultivating, growing, trimming or harvesting marijuana; or
- (b) Drying marijuana leaves or flowers.

(21) “Registry identification card” means a document issued by the Oregon Health Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475B.804, the person’s designated primary caregiver.

(22) “Registry identification cardholder” means a person to whom a registry identification card has been issued under ORS 475B.797.

(23)(a) “Usable marijuana” means the dried leaves and flowers of marijuana.

(b) “Usable marijuana” does not include:

- (A) The seeds, stalks and roots of marijuana; or
- (B) Waste material that is a by-product of producing marijuana.

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

**SECTION 12.** ORS 475B.810 is amended to read:

475B.810. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to track and regulate the production of marijuana by a registry identification cardholder or a person designated by the registry identification cardholder to produce marijuana for the registry identification cardholder.

(b) Except as provided in paragraph (c) of this subsection, a person may not produce marijuana unless the person is registered under this section.

(c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided in ORS 475B.010 to 475B.545 or as otherwise provided for by the statutory laws of this state.

(2) Rules adopted under this section must require an applicant for a registry identification card, or a registry identification cardholder who produces marijuana or who designates another person to produce marijuana, to submit an application to the authority containing the following information

1 at the time of making an application under ORS 475B.797 (2), renewing a registry identification card  
2 under ORS 475B.797 (6)(b), or notifying the authority of a change under ORS 475B.797 (6)(a):

3 (a) The name of the person responsible for the marijuana grow site;

4 (b) Proof that the person is 21 years of age or older;

5 (c) If the registry identification cardholder or the person responsible for the marijuana grow site  
6 is not the owner of the premises of the marijuana grow site, signed informed consent from the owner  
7 of the premises to register the premises as a marijuana grow site;

8 (d) The address of the marijuana grow site; and

9 (e) Any other information that the authority considers necessary to track the production of  
10 marijuana under ORS 475B.785 to 475B.949.

11 (3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person  
12 whose name is submitted under this section as the person responsible for a marijuana grow site.

13 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the  
14 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or  
15 be designated a person responsible for a marijuana grow site for two years from the date of con-  
16 viction.

17 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to  
18 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may  
19 not act as or be designated a person responsible for a marijuana grow site.

20 (4) Subject to subsection [(11)] (12) of this section, the authority shall issue a marijuana grow  
21 site registration card if the requirements of subsections (2) and (3) of this section are met.

22 (5) A person who holds a marijuana grow site registration card under this section must display  
23 the card at the marijuana grow site at all times.

24 (6) A marijuana grow site registration card must be obtained and posted for each registry  
25 identification cardholder for whom marijuana is being produced at a marijuana grow site.

26 (7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-  
27 sociated with the production of marijuana for a registry identification cardholder by a person re-  
28 sponsible for a marijuana grow site are the property of the registry identification cardholder.

29 (b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana asso-  
30 ciated with the production of marijuana for a registry identification cardholder by a person re-  
31 sponsible for a marijuana grow site must be transferred to the registry identification cardholder  
32 upon the request of the registry identification cardholder.

33 (c) All usable marijuana associated with the production of marijuana for a registry identification  
34 cardholder by a person responsible for a marijuana grow site must be transferred to a marijuana  
35 processing site upon the request of the registry identification cardholder. For purposes of this par-  
36 agraph, a request to transfer usable marijuana constitutes an assignment of the right to possess the  
37 usable marijuana.

38 (d) All seeds, immature marijuana plants and usable marijuana associated with the production  
39 of marijuana for a registry identification cardholder by a person responsible for a marijuana grow  
40 site must be transferred to a medical marijuana dispensary upon request of the registry identifica-  
41 tion cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana  
42 plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature  
43 marijuana plants or usable marijuana.

44 (e) Information related to transfers made under this subsection must be submitted to the au-  
45 thority in the manner required by ORS 475B.816.

1 (8) A registry identification cardholder, or the designated caregiver of a registry identification  
 2 cardholder, may reimburse a person responsible for a marijuana grow site for all costs associated  
 3 with the production of marijuana for the registry identification cardholder.

4 (9) The authority may inspect:

5 (a) The marijuana grow site of a person designated to produce marijuana by a registry identifi-  
 6 cation cardholder to ensure compliance with this section and ORS 475B.816 and 475B.831 and any  
 7 rule adopted under this section and ORS 475B.816 and 475B.831; and

8 (b) The records of the marijuana grow site of a person designated to produce marijuana by a  
 9 registry identification cardholder to ensure compliance with this section and ORS 475B.816 and any  
 10 rule adopted under this section and ORS 475B.816.

11 (10) The authority may refuse to register a registry identification cardholder or a designee under  
 12 this section or may suspend or revoke the registration of a person responsible for a marijuana grow  
 13 site if the authority determines that the applicant or the person responsible for a marijuana grow  
 14 site violated a provision of ORS 475B.785 to 475B.949, a rule adopted under ORS 475B.785 to  
 15 475B.949 or an ordinance adopted pursuant to ORS 475B.928.

16 **(11) A marijuana grow site registered under this section may not produce marijuana for**  
 17 **more than two registry identification cardholders.**

18 ~~[(11)]~~ (12) The authority may require a person responsible for a marijuana grow site, prior to  
 19 issuing a marijuana grow site registration card under subsection (4) of this section, to pay a fee  
 20 reasonably calculated to pay costs incurred under this section and ORS 475B.816 and 475B.879.

21 **SECTION 13.** ORS 475B.913 is amended to read:

22 475B.913. (1) Except as provided in ORS 475B.910, a person has an affirmative defense to a  
 23 criminal charge of possession, delivery or manufacture of marijuana, or any other criminal offense  
 24 in which possession, delivery or manufacture of marijuana is an element, if the person charged with  
 25 the offense:

26 (a) Was diagnosed with a debilitating medical condition within 12 months of the date on which  
 27 the person was arrested and was advised by the person's attending physician that the medical use  
 28 of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

29 (b) Is engaged in the medical use of marijuana; and

30 (c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS  
 31 475B.831.

32 (2) A person does not need to lawfully possess a registry identification card to assert the affir-  
 33 mative defense established in this section.

34 (3) A person engaged in the medical use of marijuana who claims that marijuana provides med-  
 35 ically necessary benefits and who is charged with a crime pertaining to the use of marijuana is not  
 36 precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from pre-  
 37 senting evidence supporting the necessity of marijuana for treatment of a specific disease or medical  
 38 condition, provided that:

39 (a) The person possesses, delivers or manufactures marijuana only as permitted under ORS  
 40 475B.831 ~~[(1)]~~; and

41 (b) The person has taken a substantial step toward complying with the provisions of ORS  
 42 475B.785 to 475B.949.

43 (4) A defendant proposing to use the affirmative defense established in this section in a criminal  
 44 action shall, not less than five days before the trial of the cause, file and serve upon the district  
 45 attorney a written notice of the intention to assert the affirmative defense. The notice must specif-

1 ically state the reasons why the defendant is entitled to assert the affirmative defense and the fac-  
 2 tual basis for the affirmative defense. If the defendant fails to file and serve the notice, the defendant  
 3 is not permitted to assert the affirmative defense at the trial of the cause unless the court orders,  
 4 for good cause, otherwise.

5 **SECTION 14.** (1) Sections 2 to 6 of this 2021 Act and the amendments to ORS 475B.206,  
 6 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913 by sections 7 to 13 of this 2021  
 7 Act become operative on January 1, 2022.

8 (2) The Oregon Health Authority and the Oregon Liquor Control Commission may take  
 9 any action before the operative date specified in subsection (1) of this section that is neces-  
 10 sary to enable the authority or the commission to exercise, on or after the operative date  
 11 specified in subsection (1) of this section, all of the duties, functions and powers conferred  
 12 on the authority and the commission by sections 2 to 6 of this 2021 Act and the amendments  
 13 to ORS 475B.206, 475B.477, 475B.526, 475B.791, 475B.810, 475B.831 and 475B.913 by sections 7  
 14 to 13 of this 2021 Act.

15 **SECTION 15.** (1) Until June 1, 2022, the Oregon Health Authority may renew a registra-  
 16 tion issued under ORS 475B.810 if the initial registration was issued before September 1, 2021.

17 (2) On or after September 1, 2021, the authority may not:

18 (a) Register a marijuana grow site under ORS 475B.810 that produces marijuana for more  
 19 than two registry identification cardholders, regardless of the number of persons designated  
 20 to produce marijuana by registry identification cardholders at the marijuana grow site; or

21 (b) Collect fees for the issuance of initial registration of marijuana grow sites described  
 22 in paragraph (a) of this subsection.

23 **SECTION 16.** (1) Not later than June 1, 2022, a medical marijuana grow site may apply  
 24 to the Oregon Liquor Control Commission for registration under section 3 of this 2021 Act  
 25 if:

26 (a) The medical marijuana grow site is a marijuana grow site registered with the Oregon  
 27 Health Authority under ORS 475B.810 on or before February 1, 2021;

28 (b) Before September 1, 2021, the medical marijuana grow site is designated to produce  
 29 marijuana for three or more registry identification cardholders or is a marijuana grow site  
 30 at which marijuana is produced by three or more persons designated to produce marijuana;  
 31 and

32 (c) Before September 1, 2021, the medical marijuana grow site is subject to tracking un-  
 33 der ORS 475B.177.

34 (2)(a) Notwithstanding section 3 (4) of this 2021 Act, not later than June 1, 2022, a regis-  
 35 try identification cardholder who designated a person to produce marijuana under ORS  
 36 475B.810 may request that the person designated to produce marijuana transfer to the reg-  
 37 istry identification cardholder all seeds, immature marijuana plants, mature marijuana  
 38 plants and usable marijuana produced for the registry identification cardholder if the person  
 39 designated to produce marijuana applies for a medical marijuana grow site registration under  
 40 section 3 of this 2021 Act.

41 (b) A person to whom a request described in paragraph (a) of this subsection is made  
 42 shall transfer the requested objects to the registry identification cardholder as soon as pos-  
 43 sible after the request is made.

44 (3) The registration under ORS 475B.810 of a marijuana grow site at which marijuana is  
 45 produced for three or more registry identification cardholders, or by three or more persons

1 **designated to produce marijuana for registry identification cardholders, and that does not**  
2 **apply for registration under section 3 of this 2021 Act by June 1, 2022, expires on June 1, 2022.**  
3 **The expiration of a registration under this subsection may not be appealed. A marijuana**  
4 **grow site described in this subsection may not produce marijuana after September 1, 2022.**

5 **SECTION 17. This 2021 Act being necessary for the immediate preservation of the public**  
6 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
7 **on its passage.**

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