

## SENATE AMENDMENTS TO SENATE BILL 408

By COMMITTEE ON LABOR AND BUSINESS

April 16

1 In line 2 of the printed bill, after “marijuana” insert “; creating new provisions; amending ORS  
2 475B.060, 475B.070, 475B.105, 475B.206, 475B.256, 475B.337, 475B.341, 475B.615 and 475B.625; and  
3 declaring an emergency”.

4 Delete lines 4 through 30 and insert:

### “ENFORCEMENT REFORM

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6  
7  
8 “**SECTION 1.** ORS 475B.060 is amended to read:

9 “475B.060. (1) The Oregon Liquor Control Commission shall approve or deny an application to  
10 be licensed under ORS 475B.010 to 475B.545. **Except as provided in subsection (2) of this section,**  
11 upon receiving an application under ORS 475B.040, the commission may not [*unreasonably*] delay  
12 processing, approving or denying the application or, if the application is approved, issuing the li-  
13 cense.

14 “(2) **The commission may delay processing, approving or denying an application described  
15 in subsection (1) of this section only if:**

16 “(a) **The applicant, or a person named on the application, holds a license issued under  
17 ORS 475B.010 to 475B.545 and the commission has issued a notice proposing revocation of the  
18 license for one or more violations of ORS 475B.010 to 475B.545 that are administrative in  
19 nature, as determined by the commission, or a notice proposing suspension of the license  
20 pursuant to ORS 305.385;**

21 “(b) **The applicant is applying for a license at a premises where the applicant seeks to  
22 assume ownership of an existing business for which a license has been issued under ORS  
23 475B.010 to 475B.545 and the commission has issued a notice proposing revocation of the li-  
24 cense for the existing business or a notice proposing suspension of the license for the exist-  
25 ing business pursuant to ORS 305.385; or**

26 “(c) **The commission has received information from law enforcement that the applicant  
27 or a person named on the application is engaging, or has engaged, in the unregulated com-  
28 merce of marijuana items or unlawful manufacture or delivery of controlled substances.**

29 “[2] (3) The licenses described in ORS 475B.010 to 475B.545 must be issued by the commission,  
30 subject to the provisions of ORS 475B.010 to 475B.545 and rules adopted under ORS 475B.010 to  
31 475B.545.

32 “[3] (4) The commission may not license a premises that does not have defined boundaries. A  
33 premises does not need to be enclosed by a wall, fence or other structure, but the commission may  
34 require a premises to be enclosed as a condition of issuing or renewing a license. The commission  
35 may not license a mobile premises.

1       “**SECTION 2.** The amendments to ORS 475B.060 by section 1 of this 2021 Act apply to  
2 applications received by the Oregon Liquor Control Commission on or after the effective date  
3 of this 2021 Act.

4       “**SECTION 3.** ORS 475B.256 is amended to read:

5       “475B.256. (1) **Subject to subsection (3) of this section**, the Oregon Liquor Control Commis-  
6 sion may revoke, suspend or restrict a license issued under ORS 475B.010 to 475B.545 or require a  
7 licensee or licensee representative to undergo training if the commission finds or has reasonable  
8 ground to believe [*any of the following to be true:*]

9       “[(a)] that the licensee or licensee representative:

10       “[(A)] (a) Has violated a provision of ORS 475B.010 to 475B.545 or a rule adopted under ORS  
11 475B.010 to 475B.545.

12       “**(b) Has diverted marijuana to the interstate market or an illicit market or has diverted**  
13 **resources to a criminal enterprise.**

14       “**(c) Has introduced into the marijuana industry regulated under ORS 475B.010 to**  
15 **475B.545 cannabinoids or marijuana not produced or processed by a licensee and not tracked**  
16 **in the system developed and maintained under ORS 475B.177.**

17       “[(B)] (d) Has made any false representation or statement to the commission **regarding com-**  
18 **pliance with a provision of ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010**  
19 **to 475B.545** in order to induce or prevent action by the commission.

20       “[(C)] *Is insolvent or incompetent or physically unable to carry on the management of the estab-*  
21 *lishment of the licensee.*]

22       “[(D)] (e) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana or controlled  
23 substances to excess.

24       “[(E)] (f) Has misrepresented to a customer or the public any marijuana items sold by the  
25 licensee or licensee representative.

26       “[(F)] (g) Since the issuance of the license, has been convicted of a felony, of violating any of  
27 the marijuana laws of this state, general or local, or of any misdemeanor or violation of any mu-  
28 nicipal ordinance committed on the premises for which the license has been issued.

29       “**(h) Has sold a marijuana item to a person under 21 years of age.**

30       “[(b)] *That there is any other reason that, in the opinion of the commission, based on public con-*  
31 *venience or necessity, warrants revoking, suspending or restricting the license.*]

32       “**(2) In addition to the grounds listed in subsection (1) of this section, the commission**  
33 **may take an action described in subsection (1) of this section if there is a history of a lack**  
34 **of institutional control involving the premises for which a license has been issued under ORS**  
35 **475B.010 to 475B.545.**

36       “**(3)(a) The commission may revoke a license under subsection (1)(a) of this section only**  
37 **when the conduct poses a significant risk to public health or safety.**

38       “**(b) The commission shall consider as mitigating factors to the conduct described in**  
39 **subsection (1) of this section the following:**

40       “**(A) Self-reporting by a licensee or applicant;**

41       “**(B) A demonstration that, to the satisfaction of the commission, the conduct of the**  
42 **licensee or applicant is not persistent or serious; and**

43       “**(C) A demonstration that, to the satisfaction of the commission, the licensee’s willing-**  
44 **ness and ability to adequately control the premises for which a license has been issued under**  
45 **ORS 475B.010 to 475B.545 and any inventory stored at the premises.**

1       “(4) The commission may suspend or restrict a license issued under ORS 475B.010 to  
2 475B.545 or require a licensee or licensee representative to undergo training if the commis-  
3 sion finds or has reasonable grounds to believe that the licensee or licensee representative  
4 has violated a provision of ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010  
5 to 475B.545.

6       “(5) The commission may suspend or revoke a permit issued under ORS 475B.266 to an  
7 individual rather than suspend or revoke a license issued under ORS 475B.010 to 475B.545 if  
8 the commission determines that permit suspension or revocation is more appropriate.

9       “[(2)(a)] (6)(a) The commission shall revoke a marijuana retailer license issued under ORS  
10 475B.105 if the licensee fails to:

11       “(A) Pay the tax as required under ORS 475B.710 twice in any four consecutive quarters and  
12 the Department of Revenue has issued to the licensee a distraint warrant under ORS 475B.715 for  
13 the nonpayment of tax; or

14       “(B) File a return as required under ORS 475B.710 twice in any four consecutive quarters and  
15 the department has issued to the licensee a notice of determination and assessment under ORS  
16 475B.715 for failure to file a return.

17       “(b) The department’s written notice to the commission that a licensee described under this  
18 subsection has failed to pay a tax or file a return twice in any four consecutive quarters, and that  
19 the department has issued a distraint warrant or notice of determination and assessment, shall  
20 constitute prima facie evidence of the licensee’s failure to pay the tax or file a return.

21       “**SECTION 4. Section 5 of this 2021 Act is added to and made a part of ORS 475B.010 to**  
22 **475B.545.**

23       “**SECTION 5. The Oregon Liquor Control Commission shall establish by rule a schedule**  
24 **outlining the numbers and types of violations described in ORS 475B.256 that, if committed**  
25 **within a two-year period by an applicant for a license issued under ORS 475B.010 to 475B.545**  
26 **or a licensee indicate a disregard for the law or a failure to control the premises for which**  
27 **a license has been issued under ORS 475B.010 to 475B.545. The schedule adopted under this**  
28 **section must include a definition of the categories of violations, elements of the violations**  
29 **and a method by which to apply any aggravating or mitigating circumstances to the vio-**  
30 **lations.**

31       “**SECTION 6. (1) Not later than December 31, 2021, the Oregon Liquor Control Commis-**  
32 **sion shall submit a report, in the manner provided under ORS 192.245, to an interim com-**  
33 **mittee of the Legislative Assembly related to the judiciary. The report must summarize the**  
34 **commission’s rulemaking activities under section 5 of this 2021 Act between the effective**  
35 **date of this 2021 Act and December 31, 2021, including but not limited to rulemaking focused**  
36 **on the commission’s mission to support businesses, public safety and community livability**  
37 **through public education and the enforcement of marijuana laws.**

38       “(2) Not later than December 31, 2022, the commission shall submit a report, in the  
39 manner provided under ORS 192.245, to an interim committee of the Legislative Assembly  
40 related to the judiciary, that summarizes the commission’s rulemaking activities under sec-  
41 tion 5 of this 2021 Act between January 1, 2022 and December 31, 2022. The report must in-  
42 clude a summary of at least the following:

43       “(a) Rulemaking focused on the commission’s mission to support businesses, public  
44 safety and community livability through public education and the enforcement of marijuana  
45 laws; and



1 “(b) Must provide proof that the applicant is 21 years of age or older;  
2 “(c) May not be located in an area that is zoned exclusively for residential use;  
3 “(d) Except as provided in ORS 475B.109, may not be located within 1,000 feet of:  
4 “(A) A public elementary or secondary school for which attendance is compulsory under ORS  
5 339.020; or  
6 “(B) A private or parochial elementary or secondary school, teaching children as described in  
7 ORS 339.030 (1)(a); and  
8 “(e) Must meet the requirements of any rule adopted by the commission under subsection (3) of  
9 this section.  
10 “(3) The commission shall adopt rules that:  
11 “(a) Require a marijuana retailer to annually renew a license issued under this section;  
12 “(b) Establish application, licensure and renewal of licensure fees for marijuana retailers;  
13 “(c) Require marijuana items sold by a marijuana retailer to be tested in accordance with ORS  
14 475B.555;  
15 “(d) Notwithstanding ORS 475B.206, allow a marijuana retailer to deliver marijuana items to  
16 another marijuana retailer that *[is owned by the same or substantially the same persons]* **has on the**  
17 **marijuana retailer’s license application a person that has an interest in or authority over the**  
18 **management of the other marijuana retailer;**  
19 “(e) Subject to the limitations and privileges described in ORS 475B.146 (3), allow a marijuana  
20 retailer registered under ORS 475B.146 to sell medical grade cannabinoid products, cannabinoid  
21 concentrates and cannabinoid extracts at retail in the same manner that rules adopted under ORS  
22 475B.010 to 475B.545 allow a marijuana retailer to sell general use cannabinoid products,  
23 cannabinoid concentrates and cannabinoid extracts at retail, excepting those circumstances where  
24 differentiating between the sale of medical grade cannabinoid products, cannabinoid concentrates  
25 and cannabinoid extracts and the sale of general use cannabinoid products, cannabinoid concen-  
26 trates and cannabinoid extracts is necessary to protect the public health and safety; and  
27 “(f) Require a marijuana retailer to meet any public health and safety standards and industry  
28 best practices established by the commission by rule.  
29 “(4) Fees adopted under subsection (3)(b) of this section:  
30 “(a) May not exceed, together with other fees collected under ORS 475B.010 to 475B.545, the  
31 cost of administering ORS 475B.010 to 475B.545; and  
32 “(b) Shall be deposited in the Marijuana Control and Regulation Fund established under ORS  
33 475B.296.

34  
35 **“MARIJUANA PLANT DIVERSITY**

36  
37 **“SECTION 12.** ORS 475B.070 is amended to read:  
38 **“475B.070. (1)** The production of marijuana is subject to regulation by the Oregon Liquor Con-  
39 trol Commission.  
40 **“(2)** A marijuana producer must have a production license issued by the commission for the  
41 premises at which the marijuana is produced. To hold a production license issued under this section,  
42 a marijuana producer:  
43 “(a) Must apply for a license in the manner described in ORS 475B.040;  
44 “(b) Must provide proof that the applicant is 21 years of age or older; and  
45 “(c) Must meet the requirements of any rule adopted by the commission under subsections (3)

1 and (4) of this section.

2 “(3)(a) If the applicant is not the owner of the premises at which the marijuana is to be  
3 produced, the applicant shall submit to the commission signed informed consent from the owner of  
4 the premises to produce marijuana at the premises.

5 “(b) The commission may adopt rules regarding the informed consent described in this sub-  
6 section.

7 “(4) The commission shall adopt rules that:

8 “(a) Require a marijuana producer to annually renew a license issued under this section;

9 “(b) Establish application, licensure and renewal of licensure fees for marijuana producers;

10 “(c) Require marijuana produced by marijuana producers to be tested in accordance with ORS  
11 475B.555;

12 “(d) Assist the viability of marijuana producers that are independently owned and operated and  
13 that are limited in size and revenue with respect to other marijuana producers, by minimizing bar-  
14 riers to entry into the regulated system and by expanding, to the extent practicable, transportation  
15 options that will support their access to the retail market;

16 “(e) Allow a marijuana producer registered under ORS 475B.136 to produce marijuana for med-  
17 ical purposes in the same manner that rules adopted under ORS 475B.010 to 475B.545 allow a  
18 marijuana producer to produce marijuana for nonmedical purposes, excepting those circumstances  
19 where differentiating between the production of marijuana for medical purposes and the production  
20 of marijuana for nonmedical purposes is necessary to protect the public health and safety;

21 “(f) Require marijuana producers to submit, at the time of applying for or renewing a license  
22 under ORS 475B.040, a report describing the applicant’s or licensee’s electrical or water usage;  
23 [and]

24 “(g) Require a marijuana producer to meet any public health and safety standards and industry  
25 best practices established by the commission by rule related to the production of marijuana or the  
26 propagation of immature marijuana plants and marijuana seeds; **and**

27 “**(h) Support marijuana plant diversity by allowing a qualified marijuana producer to re-  
28 ceive marijuana seeds from any source in this state.**

29 “(5) Fees adopted under subsection (4)(b) of this section:

30 “(a) May not exceed, together with other fees collected under ORS 475B.010 to 475B.545, the  
31 cost of administering ORS 475B.010 to 475B.545;

32 “(b) Shall be in the form of a schedule that imposes a greater fee for premises with more square  
33 footage or on which more marijuana plants are grown; and

34 “(c) Shall be deposited in the Marijuana Control and Regulation Fund established under ORS  
35 475B.296.

36 “**SECTION 13.** ORS 475B.206 is amended to read:

37 “475B.206. (1) Except as provided in ORS 475B.136 and 475B.873 **and rules adopted pursuant**  
38 **to ORS 475B.070**, a marijuana producer that holds a license issued under ORS 475B.070, marijuana  
39 processor that holds a license issued under ORS 475B.090 or marijuana wholesaler that holds a li-  
40 cense issued under ORS 475B.100 may deliver marijuana items only to or on a premises for which  
41 a license has been issued under ORS 475B.070, 475B.090, 475B.100 or 475B.105, or to a registry  
42 identification cardholder or designated primary caregiver as allowed under ORS 475B.010 to  
43 475B.545.

44 “(2) A licensee to which marijuana items may be delivered under subsection (1) of this section  
45 may receive marijuana items only from:

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

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

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

13 “(d) A marijuana grow site registered under ORS 475B.810, acting in accordance with ORS  
14 475B.825 and any procedures adopted by rule by the commission.

15 “(3) The sale of marijuana items by a marijuana retailer that holds a license issued under ORS  
16 475B.105 must be restricted to the premises for which the license has been issued, but deliveries  
17 may be made by a marijuana retailer to consumers pursuant to a bona fide order received at the  
18 premises prior to delivery.

19 “(4) The commission may by order waive the requirements of subsections (1) and (2) of this  
20 section to ensure compliance with ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010  
21 to 475B.545. An order issued under this subsection does not constitute a waiver of any other re-  
22 quirement of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010 to 475B.545.

## 23 “POSSESSION AND CONCENTRATION LIMITS

24  
25  
26 “**SECTION 14.** ORS 475B.337 is amended to read:

27 “475B.337. (1) Except for licensees and licensee representatives acting in accordance with ORS  
28 475B.010 to 475B.545 and any rule adopted under ORS 475B.010 to 475B.545, it is unlawful for any  
29 person 21 years of age or older to possess, knowingly or intentionally:

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

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

33 “(c) More than eight ounces of usable marijuana.

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

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

36 “(f) More than one ounce of cannabinoid extracts.

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

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

41 “(3) Unlawful possession of a marijuana item is:

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

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

1 “(c) A Class C felony, if the amount possessed is:  
2 “(A) More than 16 times the applicable maximum amount specified in subsection (1)(a), (c), (d),  
3 (e) or (f) of this subsection;  
4 “(B) More than eight pounds of usable marijuana in a public place; or  
5 “(C) More than one-quarter ounce of cannabinoid extract that was not purchased from a  
6 marijuana retailer that holds a license issued under ORS 475B.105.  
7 “**SECTION 15.** ORS 475B.341 is amended to read:  
8 “475B.341. (1) Except for licensees and licensee representatives acting in accordance with ORS  
9 475B.010 to 475B.545 and any rule adopted under ORS 475B.010 to 475B.545, it is unlawful for any  
10 person under 21 years of age to possess, knowingly or intentionally:  
11 “(a) An amount of plants in the genus Cannabis within the plant family Cannabaceae in excess  
12 of the amount allowed under ORS 475B.301 (1).  
13 “(b) More than [one ounce] **two ounces** of usable marijuana in a public place.  
14 “(c) More than eight ounces of usable marijuana.  
15 “(d) More than 16 ounces of cannabinoid products in solid form or cannabinoid concentrates.  
16 “(e) More than 72 ounces of cannabinoid products in liquid form.  
17 “(f) More than one ounce of cannabinoid extracts.  
18 “(g) A cannabinoid extract that was not purchased from a marijuana retailer that holds a license  
19 under ORS 475B.105.  
20 “(2) Except as provided in subsection (3) of this section, unlawful possession of a marijuana item  
21 by a person under 21 years of age is a Class A misdemeanor.  
22 “(3) Unlawful possession of a marijuana item by a person under 21 years of age is a Class C  
23 felony, if the amount possessed is:  
24 “(a) More than 16 times the applicable maximum amount specified in subsection (1)(a), (c), (d),  
25 (e) or (f) of this subsection;  
26 “(b) More than eight pounds of usable marijuana in a public place; or  
27 “(c) More than one-quarter ounce of cannabinoid extract that was not purchased from a  
28 marijuana retailer that holds a license issued under ORS 475B.105.  
29 “**SECTION 16.** ORS 475B.625 is amended to read:  
30 “475B.625. (1) The [Oregon Health Authority] **Oregon Liquor Control Commission** shall adopt  
31 rules establishing:  
32 “(a) The maximum concentration of tetrahydrocannabinol that is permitted in a single serving  
33 of a cannabinoid product or cannabinoid concentrate or extract; and  
34 “(b) The number of servings that are permitted in a **package of** cannabinoid product or  
35 cannabinoid concentrate or extract [package].  
36 “(2)(a) In adopting rules under subsection (1)(a) of this section, the [authority] **commission** shall  
37 prescribe the different levels of concentration of tetrahydrocannabinol that is permitted in a single  
38 serving of a cannabinoid product or cannabinoid concentrate or extract for:  
39 “(A) Consumers who hold a valid registry identification card issued under ORS 475B.797; and  
40 “(B) Consumers who do not hold a valid registry identification card issued under ORS 475B.797.  
41 “(b) In prescribing the levels of concentration of tetrahydrocannabinol that is permitted in a  
42 single serving of a cannabinoid product or cannabinoid concentrate or extract for consumers who  
43 hold a valid registry identification card issued under ORS 475B.797, the [authority] **commission**  
44 shall consider the appropriate level of concentration necessary to mitigate the symptoms or effects  
45 of a debilitating medical condition, as defined in ORS 475B.791.



1 “(3) In adopting rules under ORS 475B.785 to 475B.949, the **Oregon Health** Authority shall  
2 **adopt by rule requirements established by the commission by rule** to require all usable  
3 marijuana, cannabinoid products and cannabinoid concentrates and extracts transferred by a med-  
4 ical marijuana dispensary registered under ORS 475B.858 to meet the concentration standards and  
5 [packaging] **servings per package** standards adopted by rule pursuant to this section.

6 “(4)(a) In adopting rules under ORS 475B.010 to 475B.545, the [Oregon Liquor Control] commis-  
7 sion shall require all usable marijuana, cannabinoid products and cannabinoid concentrates and ex-  
8 tracts sold or transferred by a marijuana retailer that holds a license under ORS 475B.105 to meet  
9 the concentration standards and [packaging] **servings per package** standards adopted by rule pur-  
10 suant to this section.

11 “(b) **The rules adopted by the commission under this subsection must allow for a con-**  
12 **centration of up to 100 milligrams of tetrahydrocannabinol per package of cannabinoid**  
13 **edibles.**

#### 14 “PACKAGING REQUIREMENTS

15 “**SECTION 17.** ORS 475B.615 is amended to read:

16  
17 “475B.615. (1) As is necessary to protect the public health and safety, and in consultation with  
18 the Oregon Health Authority and the State Department of Agriculture, the Oregon Liquor Control  
19 Commission shall adopt rules establishing standards for the packaging of marijuana items, including  
20 but not limited to:

21  
22 “(a) Ensuring that [usable marijuana,] cannabinoid concentrates and extracts, cannabinoid  
23 edibles and other cannabinoid products are:

24 “(A) Packaged in child-resistant safety packaging; and

25 “(B) Not marketed in a manner that:

26 “(i) Is untruthful or misleading;

27 “(ii) Is attractive to minors; or

28 “(iii) Otherwise creates a significant risk of harm to public health and safety; [and]

29 “(b) **Ensuring that usable marijuana, including usable marijuana that is pre-rolled, is not**  
30 **marketed in a manner that:**

31 “(A) **Is untruthful and misleading;**

32 “(B) **Is attractive to minors; or**

33 “(C) **Otherwise creates a significant risk of harm to public health and safety; and**

34 “[b)] (c) Ensuring that cannabinoid edibles and other cannabinoid products are not packaged  
35 in a manner that is attractive to minors.

36 “(2) In adopting rules under ORS 475B.785 to 475B.949, the authority shall require all usable  
37 marijuana, cannabinoid products and cannabinoid concentrates and extracts transferred by a med-  
38 ical marijuana dispensary registered under ORS 475B.858 to be packaged in accordance with sub-  
39 section (1) of this section and rules adopted under subsection (1) of this section.

40 “(3) In adopting rules under ORS 475B.010 to 475B.545, the commission shall require all usable  
41 marijuana, cannabinoid products and cannabinoid concentrates and extracts sold or transferred by  
42 a marijuana retailer that holds a license under ORS 475B.105 to be packaged in accordance with  
43 subsection (1) of this section and rules adopted under subsection (1) of this section.

44 “(4) In adopting rules under subsection (1) of this section, the commission:

45 “(a) May establish different packaging standards for different varieties of usable marijuana and

1 for different types of cannabinoid products and cannabinoid concentrates and extracts;

2 “(b) May establish different minimum packaging standards for persons registered under ORS  
3 475B.785 to 475B.949 and persons licensed under ORS 475B.010 to 475B.545;

4 “(c) May consider the effect on the environment of requiring certain packaging;

5 “(d) Shall consider the cost of a potential requirement and how that cost will affect the cost to  
6 the ultimate consumer of the marijuana item; and

7 “(e) May not adopt rules that are more restrictive than is reasonably necessary to protect the  
8 public health and safety.

9 **“SECTION 18. The Oregon Liquor Control Commission shall study the laws of this state  
10 and the commission rules related to recreational marijuana and identify any changes to laws  
11 or rules that would further reduce the use of plastics by the recreational marijuana industry.  
12 Not later than December 31, 2022, the commission shall report its findings and recommen-  
13 dations for legislation and rule changes to an interim committee of the Legislative Assembly  
14 related to the environment.**

15 **“SECTION 19. Section 18 of this 2021 Act is repealed on January 2, 2023.**

16  
17 **“CAPTIONS**

18  
19 **“SECTION 20. The unit captions used in this 2021 Act are provided only for the conven-  
20 ience of the reader and do not become part of the statutory law of this state or express any  
21 legislative intent in the enactment of this 2021 Act.**

22  
23 **“OPERATIVE AND EFFECTIVE DATES**

24  
25 **“SECTION 21. (1) Sections 9 and 10 of this 2021 Act and the amendments to ORS 475B.070,  
26 475B.105, 475B.206, 475B.256, 475B.337, 475B.341, 475B.615 and 475B.625 by sections 3 and 11 to  
27 17 of this 2021 Act become operative on January 1, 2022.**

28 **“(2) The Oregon Liquor Control Commission and the Oregon Health Authority may take  
29 any action before the operative date specified in subsection (1) of this section that is neces-  
30 sary to enable the commission and the authority to exercise, on and after the operative date  
31 specified in subsection (1) of this section, all of the duties, functions and powers conferred  
32 on the commission and the authority by sections 9 and 10 of this 2021 Act and the amend-  
33 ments to ORS 475B.070, 475B.105, 475B.206, 475B.256, 475B.337, 475B.341, 475B.615 and 475B.625  
34 by sections 3 and 11 to 17 of this 2021 Act.**

35 **“SECTION 22. This 2021 Act being necessary for the immediate preservation of the public  
36 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
37 on its passage.”.**