

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3112**

1 On page 8 of the printed bill, delete lines 44 and 45 and delete pages 9
2 through 11 and insert:

3 **“SECTION 22. (1) The consumption and sale of marijuana items at**
4 **a cannabis on-premises consumption site is subject to regulation by**
5 **the Oregon Liquor Control Commission.**

6 **“(2)(a) An applicant for a cannabis on-premises consumption license**
7 **under this section must:**

8 **“(A) Apply for the license in the manner described in ORS 475B.040;**

9 **“(B) Provide proof that the applicant is 21 years of age or older; and**

10 **“(C) Meet the requirements of section 16 (1)(b) of this 2021 Act.**

11 **“(b) The premises at which an applicant intends to operate a**
12 **cannabis on-premises consumption site may not be located:**

13 **“(A) In an area that is zoned exclusively for residential use; or**

14 **“(B) Within 1,000 feet of:**

15 **“(i) A public elementary or secondary school for which attendance**
16 **is compulsory under ORS 339.020; or**

17 **“(ii) A private or parochial elementary or secondary school, teach-**
18 **ing children as described in ORS 339.030 (1)(a).**

19 **“(c) An applicant for a cannabis on-premises consumption license**
20 **under this section and the premises at which the cannabis on-premises**
21 **consumption site is to be located must meet the requirements of any**

1 rule adopted by the commission under subsection (3) of this section.

2 “(3) The commission shall adopt rules that:

3 “(a) Require a person that holds a license issued under this section
4 to renew the license annually;

5 “(b) Establish application, licensure and renewal of licensure fees
6 for a license issued under this section;

7 “(c) Allow the colocation of a cannabis on-premises consumption
8 site operated by a person that holds a license under this section and:

9 “(i) A marijuana retailer that holds a license under ORS 475B.105
10 at a single premises, as long as the cannabis on-premises consumption
11 site and the marijuana retailer occupy different areas of the premises;

12 “(ii) A shared processing facility that holds a license issued under
13 section 32 of this 2021 Act at a single premises, as long as the cannabis
14 on-premises consumption site and the shared processing facility oc-
15 cupy different areas of the premises;

16 “(iii) A marijuana grow site registered under ORS 475B.810 at a
17 single premises, as long as the cannabis on-premises consumption site
18 and the marijuana grow site occupy different areas of the premises;

19 “(d) Allow consumers to bring into a cannabis on-premises con-
20 sumption site marijuana items purchased from a colocated marijuana
21 retailer;

22 “(e) Allow outdoors, in designated areas of a premises for which a
23 license has been issued under this section and that are not visible to
24 the public without assistance, the consumption of marijuana items
25 intended to be smoked, aerosolized or vaporized and the use of topical
26 cannabinoid products;

27 “(f) Prohibit the consumption of cannabinoid edibles at a premises
28 for which a license has been issued under this section;

29 “(g) Prohibit the consumption and sale of alcoholic beverages on a
30 premises for which a license has been issued under this section; and

1 **“(h) Require a person that holds a license issued under this section**
2 **to obtain a cannabis on-premises consumption site sanitation certifi-**
3 **cate under subsection (4) of this section.**

4 **“(4)(a) The Oregon Health Authority shall adopt rules related to the**
5 **sanitation of a cannabis on-premises consumption site as are reason-**
6 **ably necessary to protect the public health of individuals using the**
7 **cannabis on-premises consumption site.**

8 **“(b) The rules adopted under this subsection may include:**

9 **“(A) The establishment of a cannabis on-premises consumption site**
10 **sanitation certificate program;**

11 **“(B) The establishment of a fee schedule for the certificate pro-**
12 **gram;**

13 **“(C) Inspection criteria;**

14 **“(D) Grounds to suspend, revoke or refuse to issue or renew a cer-**
15 **tificate under this subsection; and**

16 **“(E) Other rules necessary to carry out the provisions of this sub-**
17 **section.**

18 **“(c) The authority shall inspect a cannabis on-premises consump-**
19 **tion site once every six months to ensure compliance with rules**
20 **adopted under this subsection.**

21 **“(d) Fees adopted under this subsection may not exceed the cost of**
22 **administering this subsection and shall be deposited into the Public**
23 **Health Account established under ORS 431.210.**

24 **“(5) The commission shall consult the authority in the adoption of**
25 **rules to allow the colocation of a cannabis on-premises consumption**
26 **site and a marijuana grow site registered under ORS 475B.810, includ-**
27 **ing rules establishing marijuana plant limits for a marijuana grow site**
28 **described in this subsection.**

29 **“(6) Fees adopted under subsection (3)(b) of this section:**

30 **“(a) May not exceed, together with other fees collected under ORS**

1 **475B.010 to 475B.545, the cost of administering ORS 475B.010 to**
2 **475B.545; and**

3 **“(b) Shall be deposited into the Marijuana Control and Regulation**
4 **Fund established under ORS 475B.296.**

5 **“SECTION 22a.** Section 22 of this 2021 Act is amended to read:

6 **“Sec. 22.** (1) The consumption and sale of marijuana items at a cannabis
7 on-premises consumption site is subject to regulation by the Oregon Liquor
8 Control Commission.

9 **“(2)(a)** An applicant for a cannabis on-premises consumption license under
10 this section must:

11 **“(A)** Apply for the license in the manner described in ORS 475B.040; **and**

12 **“(B)** Provide proof that the applicant is 21 years of age or older[; *and*]

13 **“[(C)** *Meet the requirements of section 16 (1)(b) of this 2021 Act*].

14 **“(b)** The premises at which an applicant intends to operate a cannabis
15 on-premises consumption site may not be located:

16 **“(A)** In an area that is zoned exclusively for residential use; or

17 **“(B)** Within 1,000 feet of:

18 **“(i)** A public elementary or secondary school for which attendance is
19 compulsory under ORS 339.020; or

20 **“(ii)** A private or parochial elementary or secondary school, teaching
21 children as described in ORS 339.030 (1)(a).

22 **“(c)** An applicant for a cannabis on-premises consumption license under
23 this section and the premises at which the cannabis on-premises consumption
24 site is to be located must meet the requirements of any rule adopted by the
25 commission under subsection (3) of this section.

26 **“(3)** The commission shall adopt rules that:

27 **“(a)** Require a person that holds a license issued under this section to
28 renew the license annually;

29 **“(b)** Establish application, licensure and renewal of licensure fees for a
30 license issued under this section;

1 “(c) Allow the colocation of a cannabis on-premises consumption site op-
2 erated by a person that holds a license under this section and:

3 “(i) A marijuana retailer that holds a license under ORS 475B.105 at a
4 single premises, as long as the cannabis on-premises consumption site and
5 the marijuana retailer occupy different areas of the premises;

6 “(ii) A shared processing facility that holds a license issued under section
7 32 of this 2021 Act at a single premises, as long as the cannabis on-premises
8 consumption site and the shared processing facility occupy different areas
9 of the premises;

10 “(iii) A marijuana grow site registered under ORS 475B.810 at a single
11 premises, as long as the cannabis on-premises consumption site and the
12 marijuana grow site occupy different areas of the premises;

13 “(d) Allow consumers to bring into a cannabis on-premises consumption
14 site marijuana items purchased from a colocated marijuana retailer;

15 “(e) Allow outdoors, in designated areas of a premises for which a license
16 has been issued under this section and that are not visible to the public
17 without assistance, the consumption of marijuana items intended to be
18 smoked, aerosolized or vaporized and the use of topical cannabinoid products;

19 “(f) Prohibit the consumption of cannabinoid edibles at a premises for
20 which a license has been issued under this section;

21 “(g) Prohibit the consumption and sale of alcoholic beverages on a prem-
22 ises for which a license has been issued under this section; and

23 “(h) Require a person that holds a license issued under this section to
24 obtain a cannabis on-premises consumption site sanitation certificate under
25 subsection (4) of this section.

26 “(4)(a) The Oregon Health Authority shall adopt rules related to the
27 sanitation of a cannabis on-premises consumption site as are reasonably
28 necessary to protect the public health of individuals using the cannabis on-
29 premises consumption site.

30 “(b) The rules adopted under this subsection may include:

1 “(A) The establishment of a cannabis on-premises consumption site sani-
2 tation certificate program;

3 “(B) The establishment of a fee schedule for the certificate program;

4 “(C) Inspection criteria;

5 “(D) Grounds to suspend, revoke or refuse to issue or renew a certificate
6 under this subsection; and

7 “(E) Other rules necessary to carry out the provisions of this subsection.

8 “(c) The authority shall inspect a cannabis on-premises consumption site
9 once every six months to ensure compliance with rules adopted under this
10 subsection.

11 “(d) Fees adopted under this subsection may not exceed the cost of ad-
12 ministering this subsection and shall be deposited into the Public Health
13 Account established under ORS 431.210.

14 “(5) The commission shall consult the authority in the adoption of rules
15 to allow the colocation of a cannabis on-premises consumption site and a
16 marijuana grow site registered under ORS 475B.810, including rules estab-
17 lishing marijuana plant limits for a marijuana grow site described in this
18 subsection.

19 “(6) Fees adopted under subsection (3)(b) of this section:

20 “(a) May not exceed, together with other fees collected under ORS
21 475B.010 to 475B.545, the cost of administering ORS 475B.010 to 475B.545; and

22 “(b) Shall be deposited into the Marijuana Control and Regulation Fund
23 established under ORS 475B.296.”

24 On page 12, delete lines 1 through 16.

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