

**A-Engrossed**  
**House Bill 2516**

Ordered by the House April 18  
Including House Amendments dated April 18

Sponsored by Representative LIVELY (Pre-session filed.)

**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.

*[Directs Oregon Liquor and Cannabis Commission to adopt rules to allow certain marijuana producers to sell marijuana items directly to consumer.]* **Allows marijuana producer to operate cannabis tourism center at licensed premises. Defines "cannabis tourism center." Allows cannabis tourism center to conduct tours of premises and provide samples of usable marijuana directly to patrons. Subjects samples to Oregon Liquor and Cannabis Commission tracking. Provides local government with land use jurisdiction to ensure cannabis tourism center premises meet certain requirements. Allows local government to impose reasonable regulations on operation of cannabis tourism center.** Requires that commission rules related to delivery of marijuana items by marijuana retailer to consumer allow delivery to consumer at hotel or inn. Allows marijuana wholesaler to wholesale or transfer marijuana items to marijuana retailer at trade show or similar event.

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to cannabis market growth; creating new provisions; amending ORS 215.213, 215.283,  
3 475C.117, 475C.177, 475C.205, 475C.449, 475C.489, 475C.513 and 475C.674; and prescribing an ef-  
4 fective date.

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

6 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 215.203 to**  
7 **215.311.**

8 **SECTION 2. (1) As used in this section:**

9 (a) "Cannabis tourism center" means an entity established under this section at a  
10 premises licensed under ORS 475C.065.

11 (b) "Marijuana" has the meaning given that term in ORS 475C.009.

12 (c) "Marijuana producer" means a marijuana producer that holds a license issued under  
13 ORS 475C.065.

14 (d) "Usable marijuana" has the meaning given that term in ORS 475C.009.

15 (2) A marijuana producer, at a premises licensed under ORS 475C.065 and where  
16 marijuana is produced outdoors, or both indoors and outdoors, may operate a cannabis  
17 tourism center as a conditional use on land zoned for exclusive farm use under ORS 215.213  
18 (1)(cc) and 215.283 (1)(aa) or on land zoned for other purposes, subject to any approval re-  
19 quired by the local government with land use jurisdiction over the site of the cannabis  
20 tourism center. The following activities may be conducted at a cannabis tourism center:

21 (a) Tours of the licensed premises, including of any greenhouses or other facilities used  
22 for marijuana production;

**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 (b) Subject to subsection (4) of this section, providing samples of usable marijuana di-  
2 rectly to patrons if:

3 (A) The total amount provided does not exceed 3.5 grams of usable marijuana per patron  
4 per day; and

5 (B) The usable marijuana provided directly to patrons is produced by the marijuana pro-  
6 ducer;

7 (c) Educational activities directly related to marijuana production; and

8 (d) The marketing and sale of items related to the promotion of marijuana produced by  
9 the marijuana producer or marijuana items processed using marijuana produced by the  
10 marijuana producer.

11 (3) A marijuana producer shall, prior to allowing a patron to enter the licensed premises,  
12 verify that the patron is at least 21 years of age.

13 (4)(a) The marijuana producer shall track, using the system developed and maintained  
14 under ORS 475C.177, a usable marijuana sample offered under subsection (2) of this section.

15 (b) A patron may consume a usable marijuana sample offered under subsection (2) of this  
16 section at the cannabis tourism center provided that the consumption does not violate ORS  
17 433.835 to 433.875.

18 (5) A cannabis tourism center operating under this section shall provide parking for all  
19 activities or uses of the lot, parcel or tract on which the cannabis tourism center is estab-  
20 lished.

21 (6) A local government with land use jurisdiction over the site of a cannabis tourism  
22 center shall ensure that the premises complies with:

23 (a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway,  
24 solar access and airport safety;

25 (b) Regulations of general applicability for the public health and safety; and

26 (c) Regulations for resource protection acknowledged to comply with any statewide goal  
27 respecting open spaces, scenic and historic areas and natural resources.

28 (7)(a) For the purpose of limiting demonstrated conflicts with accepted farm and forest  
29 practices on adjacent lands, a local government with land use jurisdiction over the site of a  
30 cannabis tourism center shall:

31 (A) Except as provided in paragraph (b) of this subsection, establish a setback of at least  
32 20 feet from all property lines for the cannabis tourism center and all public gathering  
33 places; and

34 (B) Require cannabis tourism centers to provide direct road access and internal circu-  
35 lation for the cannabis tourism center and all public gathering places.

36 (b) A local government may allow a setback of less than 20 feet by granting a cannabis  
37 tourism center an adjustment or variance to the requirement described in paragraph (a)(A)  
38 of this subsection.

39 (8) A local government with land use jurisdiction over the site of a cannabis tourism  
40 center may, pursuant to ORS 475C.449, adopt ordinances that impose reasonable regulations,  
41 as defined in ORS 475C.449, on the operation of a cannabis tourism center, including but not  
42 limited to reasonable regulations on the hours during which a cannabis tourism center may  
43 offer tours.

44 **SECTION 3.** ORS 215.213 is amended to read:

45 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991

1 Edition), the following uses may be established in any area zoned for exclusive farm use:

2 (a) Churches and cemeteries in conjunction with churches.

3 (b) The propagation or harvesting of a forest product.

4 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
5 not including commercial facilities for the purpose of generating electrical power for public use by  
6 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
7 may be established as provided in:

8 (A) ORS 215.275; or

9 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
10 469.300.

11 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
12 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
13 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
14 operator does or will require the assistance of the relative in the management of the farm use and  
15 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
16 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
17 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
18 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
19 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
20 shall operate as a partition of the homesite to create a new parcel.

21 (e) Nonresidential buildings customarily provided in conjunction with farm use.

22 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
23 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as  
24 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
25 lot size acknowledged under ORS 197.251.

26 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
27 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
28 compressors, separators and other customary production equipment for an individual well adjacent  
29 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
30 an exception under ORS 197.732 (2)(a) or (b).

31 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
32 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
33 (2)(a) or (b).

34 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
35 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
36 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
37 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
38 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
39 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
40 view of the hardship claimed under this paragraph. A temporary residence approved under this  
41 paragraph is not eligible for replacement under paragraph (q) of this subsection.

42 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

43 (k) Reconstruction or modification of public roads and highways, including the placement of  
44 utility facilities overhead and in the subsurface of public roads and highways along the public right  
45 of way, but not including the addition of travel lanes, where no removal or displacement of buildings

1 would occur, or no new land parcels result.

2 (L) Temporary public road and highway detours that will be abandoned and restored to original  
3 condition or use at such time as no longer needed.

4 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
5 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
6 public-owned property utilized to support the operation and maintenance of public roads and high-  
7 ways.

8 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
9 been listed in a county inventory as historic property as defined in ORS 358.480.

10 (o) Creation, restoration or enhancement of wetlands.

11 (p) A winery, as described in ORS 215.452 or 215.453.

12 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
13 215.291.

14 (r) Farm stands if:

15 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
16 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
17 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
18 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
19 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
20 and

21 (B) The farm stand does not include structures designed for occupancy as a residence or for  
22 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
23 public gatherings or public entertainment.

24 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
25 For purposes of this paragraph, "armed forces reserve center" includes an armory or National  
26 Guard support facility.

27 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
28 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
29 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
30 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
31 the surface preexisted the use approved under this paragraph. An owner of property used for the  
32 purpose authorized in this paragraph may charge a person operating the use on the property rent  
33 for the property. An operator may charge users of the property a fee that does not exceed the  
34 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
35 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
36 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
37 ground.

38 (u) A facility for the processing of farm products as described in ORS 215.255.

39 (v) Fire service facilities providing rural fire protection services.

40 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
41 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
42 trict as defined in ORS 540.505.

43 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
44 cilities or structures that end at the point where the utility service is received by the customer and  
45 that are located on one or more of the following:

1 (A) A public right of way;

2 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
3 jacent property owners has been obtained; or

4 (C) The property to be served by the utility.

5 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
6 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
7 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
8 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
9 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
10 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
11 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
12 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
13 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
14 application of biosolids is authorized under the license, permit or other approval.

15 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings  
16 in existence on January 1, 2019, when:

17 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
18 the number of training classes to be held on-site does not exceed six per day; and

19 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
20 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

21 (aa) A cider business, as described in ORS 215.451.

22 (bb) A farm brewery, as described in ORS 215.449.

23 **(cc) A cannabis tourism center, as described in section 2 of this 2023 Act.**

24 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
25 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
26 215.296:

27 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
28 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-  
29 eration or woodlot:

30 (A) Consists of 20 or more acres; and

31 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in  
32 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
33 or woodlot.

34 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
35 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-  
36 quired under paragraph (a) of this subsection, if the lot or parcel:

37 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
38 years out of the three calendar years before the year in which the application for the dwelling was  
39 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
40 in annual gross farm income; or

41 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-  
42 nual income.

43 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
44 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

45 (d) Operations conducted for:

1 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
2 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

3 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
4 sources subject to ORS 215.298;

5 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

6 (D) Processing of other mineral resources and other subsurface resources.

7 (e) Community centers owned by a governmental agency or a nonprofit community organization  
8 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
9 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
10 county governing body or its designee, a private campground may provide yurts for overnight  
11 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
12 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.  
13 Upon request of a county governing body, the Land Conservation and Development Commission may  
14 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
15 campgrounds in a county if the commission determines that the increase will comply with the stan-  
16 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
17 under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or  
18 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
19 ance.

20 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

21 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
22 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
23 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
24 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

25 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
26 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
27 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
28 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
29 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
30 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
31 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
32 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
33 ject to any applicable rules of the Oregon Department of Aviation.

34 (i) A facility for the primary processing of forest products, provided that such facility is found  
35 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
36 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
37 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
38 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
39 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
40 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
41 contiguous land where the primary processing facility is located.

42 (j) A site for the disposal of solid waste approved by the governing body of a city or county or  
43 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
44 mental Quality together with equipment, facilities or buildings necessary for its operation.

45 (k)(A) Commercial dog boarding kennels; or

1 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
2 this section.

3 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

4 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
5 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
6 shall not include any species under quarantine by the State Department of Agriculture or the United  
7 States Department of Agriculture. The county shall provide notice of all applications under this  
8 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
9 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
10 tive decision or initial public hearing on the application.

11 (n) Home occupations as provided in ORS 215.448.

12 (o) Transmission towers over 200 feet in height.

13 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
14 but not resulting in the creation of new land parcels.

15 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
16 placement of buildings but not resulting in the creation of new land parcels.

17 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
18 stations and rest areas, where additional property or right of way is required but not resulting in  
19 the creation of new land parcels.

20 (s) A destination resort that is approved consistent with the requirements of any statewide  
21 planning goal relating to the siting of a destination resort.

22 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
23 dences.

24 (u) A living history museum related to resource based activities owned and operated by a gov-  
25 ernmental agency or a local historical society, together with limited commercial activities and fa-  
26 cilities that are directly related to the use and enjoyment of the museum and located within  
27 authentic buildings of the depicted historic period or the museum administration building, if areas  
28 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
29 the museum administration buildings and parking lot are located within one quarter mile of the  
30 metropolitan urban growth boundary. As used in this paragraph:

31 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
32 culture of some specific historic period using authentic buildings, tools, equipment and people to  
33 simulate past activities and events; and

34 (B) "Local historical society" means the local historical society, recognized as such by the  
35 county governing body and organized under ORS chapter 65.

36 (v) Operations for the extraction and bottling of water.

37 (w) An aerial fireworks display business that has been in continuous operation at its current  
38 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
39 permit to sell or provide fireworks.

40 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
41 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
42 with the growing and marketing of nursery stock on the land that constitutes farm use.

43 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
44 to the operation of a school, primarily for residents of the rural area in which the school is located.

45 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

1 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
2 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
3 to the farm use on the tract; and

4 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
5 scope of any licenses required by the state.

6 (aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

7 (A) Authorized under ORS 329A.250 to 329A.450;

8 (B) Primarily for the children of residents and workers of the rural area in which the facility  
9 or program is located; and

10 (C) Colocated with a community center or a public or private school allowed under this sub-  
11 section.

12 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
13 a single-family residential dwelling not provided in conjunction with farm use may be established  
14 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
15 the Agricultural Capability Classification System in use by the United States Department of Agri-  
16 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
17 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
18 showing all of the following:

19 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
20 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

21 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
22 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
23 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
24 or location if it can reasonably be put to farm use in conjunction with other land.

25 (c) Complies with such other conditions as the governing body or its designee considers neces-  
26 sary.

27 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
28 one single-family dwelling, not provided in conjunction with farm use, may be established in any  
29 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
30 is not larger than three acres upon written findings showing:

31 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
32 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

33 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
34 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
35 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
36 applicable; and

37 (c) The dwelling complies with other conditions considered necessary by the governing body or  
38 its designee.

39 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing  
40 body shall notify:

41 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-  
42 tablished; and

43 (b) Persons who have requested notice of such applications and who have paid a reasonable fee  
44 imposed by the county to cover the cost of such notice.

45 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days



1 following the date of postmark of the notice to file a written objection on the grounds only that the  
2 dwelling or activities associated with it would force a significant change in or significantly increase  
3 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
4 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
5 jection is received, the governing body shall set the matter for hearing in the manner prescribed in  
6 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required  
7 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
8 this section.

9 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
10 1948, and July 1, 1983. For the purposes of this section:

11 (a) Only one lot or parcel exists if:

12 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-  
13 scribed in this section; and

14 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels  
15 or lots and parcels by the same person, spouses or a single partnership or business entity, separately  
16 or in tenancy in common.

17 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including  
18 but not limited to, lots, parcels or lots and parcels separated only by a public road.

19 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may  
20 retain a life estate in a dwelling on that property and in a tract of land under and around the  
21 dwelling.

22 (9) No final approval of a nonfarm use under this section shall be given unless any additional  
23 taxes imposed upon the change in use have been paid.

24 (10) Roads, highways and other transportation facilities and improvements not allowed under  
25 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
26 body or its designee, in areas zoned for exclusive farm use subject to:

27 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
28 goal with which the facility or improvement does not comply; or

29 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
30 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

31 (11) The following agri-tourism and other commercial events or activities that are related to and  
32 supportive of agriculture may be established in any area zoned for exclusive farm use:

33 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
34 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
35 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
36 or activity meets any local standards that apply and:

37 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
38 isting farm use on the tract;

39 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
40 consecutive hours;

41 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
42 exceed 500 people;

43 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
44 commercial event or activity does not exceed 250 vehicles;

45 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

1 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
2 structures, or in existing permitted structures, subject to health and fire and life safety require-  
3 ments; and

4 (G) The agri-tourism or other commercial event or activity complies with conditions established  
5 for:

6 (i) Planned hours of operation;

7 (ii) Access, egress and parking;

8 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
9 ipated use of public roads; and

10 (iv) Sanitation and solid waste.

11 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
12 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
13 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
14 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
15 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
16 To approve an expedited, single-event license, the governing body of a county or its designee must  
17 determine that the proposed agri-tourism or other commercial event or activity meets any local  
18 standards that apply, and the agri-tourism or other commercial event or activity:

19 (A) Must be incidental and subordinate to existing farm use on the tract;

20 (B) May not begin before 6 a.m. or end after 10 p.m.;

21 (C) May not involve more than 100 attendees or 50 vehicles;

22 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

23 (E) May not require or involve the construction or use of a new permanent structure in con-  
24 nection with the agri-tourism or other commercial event or activity;

25 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
26 properties consent, in writing, to the location; and

27 (G) Must comply with applicable health and fire and life safety requirements.

28 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
29 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
30 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
31 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
32 local standards that apply, and the agri-tourism or other commercial events or activities:

33 (A) Must be incidental and subordinate to existing farm use on the tract;

34 (B) May not, individually, exceed a duration of 72 consecutive hours;

35 (C) May not require that a new permanent structure be built, used or occupied in connection  
36 with the agri-tourism or other commercial events or activities;

37 (D) Must comply with ORS 215.296;

38 (E) May not, in combination with other agri-tourism or other commercial events or activities  
39 authorized in the area, materially alter the stability of the land use pattern in the area; and

40 (F) Must comply with conditions established for:

41 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
42 each calendar year, including the number and duration of the agri-tourism or other commercial  
43 events and activities, the anticipated daily attendance and the hours of operation;

44 (ii) The location of existing structures and the location of proposed temporary structures to be  
45 used in connection with the agri-tourism or other commercial events or activities;

1 (iii) The location of access and egress and parking facilities to be used in connection with the  
2 agri-tourism or other commercial events or activities;

3 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
4 public roads; and

5 (v) Sanitation and solid waste.

6 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
7 or other commercial events or activities that occur more frequently or for a longer period or that  
8 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
9 commercial events or activities comply with any local standards that apply and the agri-tourism or  
10 other commercial events or activities:

11 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
12 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

13 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

14 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
15 and

16 (D) Do not exceed 18 events or activities in a calendar year.

17 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
18 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
19 shall:

20 (a) Provide public notice and an opportunity for public comment as part of the review process;  
21 and

22 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
23 tions of approval required by the permit and the standards established by subsection (11)(d) of this  
24 section.

25 (13) For the purposes of subsection (11) of this section:

26 (a) A county may authorize the use of temporary structures established in connection with the  
27 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
28 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
29 event or activity. The county may not approve an alteration to the land in connection with an  
30 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
31 including, but not limited to, grading, filling or paving.

32 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
33 for two calendar years. When considering an application for renewal, the county shall ensure com-  
34 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
35 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
36 authorized by the permit.

37 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
38 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
39 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
40 events and activities.

41 **SECTION 4.** ORS 215.283 is amended to read:

42 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

43 (a) Churches and cemeteries in conjunction with churches.

44 (b) The propagation or harvesting of a forest product.

45 (c) Utility facilities necessary for public service, including wetland waste treatment systems but

1 not including commercial facilities for the purpose of generating electrical power for public use by  
2 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
3 may be established as provided in:

4 (A) ORS 215.275; or

5 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
6 469.300.

7 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
8 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
9 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
10 operator does or will require the assistance of the relative in the management of the farm use and  
11 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
12 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
13 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
14 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
15 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
16 shall operate as a partition of the homesite to create a new parcel.

17 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily  
18 provided in conjunction with farm use.

19 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
20 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
21 compressors, separators and other customary production equipment for an individual well adjacent  
22 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
23 an exception under ORS 197.732 (2)(a) or (b).

24 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
25 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
26 (2)(a) or (b).

27 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

28 (i) Reconstruction or modification of public roads and highways, including the placement of  
29 utility facilities overhead and in the subsurface of public roads and highways along the public right  
30 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
31 would occur, or no new land parcels result.

32 (j) Temporary public road and highway detours that will be abandoned and restored to original  
33 condition or use at such time as no longer needed.

34 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
35 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
36 public-owned property utilized to support the operation and maintenance of public roads and high-  
37 ways.

38 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
39 been listed in a county inventory as historic property as defined in ORS 358.480.

40 (m) Creation, restoration or enhancement of wetlands.

41 (n) A winery, as described in ORS 215.452 or 215.453.

42 (o) Farm stands if:

43 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
44 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
45 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm

1 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
2 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
3 and

4 (B) The farm stand does not include structures designed for occupancy as a residence or for  
5 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
6 public gatherings or public entertainment.

7 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
8 215.291.

9 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
10 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
11 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
12 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
13 the surface preexisted the use approved under this paragraph. An owner of property used for the  
14 purpose authorized in this paragraph may charge a person operating the use on the property rent  
15 for the property. An operator may charge users of the property a fee that does not exceed the  
16 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
17 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
18 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
19 ground.

20 (r) A facility for the processing of farm products as described in ORS 215.255.

21 (s) Fire service facilities providing rural fire protection services.

22 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
23 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
24 trict as defined in ORS 540.505.

25 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
26 cilities or structures that end at the point where the utility service is received by the customer and  
27 that are located on one or more of the following:

28 (A) A public right of way;

29 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
30 jacent property owners has been obtained; or

31 (C) The property to be served by the utility.

32 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
33 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
34 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
35 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
36 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
37 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
38 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
39 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
40 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
41 application of biosolids is authorized under the license, permit or other approval.

42 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to  
43 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
44 supervision, but not including a correctional facility as defined under ORS 162.135.

45 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting

1 farm buildings, when:

2 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
3 the number of training classes to be held on-site does not exceed six per day; and

4 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
5 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

6 (y) A cider business, as described in ORS 215.451.

7 (z) A farm brewery, as described in ORS 215.449.

8 **(aa) A cannabis tourism center, as described in section 2 of this 2023 Act.**

9 (2) The following nonfarm uses may be established, subject to the approval of the governing body  
10 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

11 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
12 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

13 (b) Operations conducted for:

14 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
15 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

16 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
17 sources subject to ORS 215.298;

18 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

19 (D) Processing of other mineral resources and other subsurface resources.

20 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
21 approval of the county governing body or its designee, a private campground may provide yurts for  
22 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
23 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
24 foundation. Upon request of a county governing body, the Land Conservation and Development  
25 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
26 of the campgrounds in a county if the commission determines that the increase will comply with the  
27 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed  
28 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
29 internal cooking appliance.

30 (d) Parks and playgrounds. A public park may be established consistent with the provisions of  
31 ORS 195.120.

32 (e) Community centers owned by a governmental agency or a nonprofit community organization  
33 and operated primarily by and for residents of the local rural community. A community center au-  
34 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
35 gency and transitional shelter, preparation and service of meals, vocational and educational  
36 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
37 income replacement and substance abuse services, only in a facility that is in existence on January  
38 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
39 replacement or substance abuse services.

40 (f) Golf courses on land:

41 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

42 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

43 (i) Is not otherwise described in ORS 195.300 (10);

44 (ii) Is surrounded on all sides by an approved golf course; and

45 (iii) Is west of U.S. Highway 101.

1 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
2 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
3 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
4 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

5 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
6 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-  
7 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
8 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
9 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
10 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
11 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
12 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
13 ject to any applicable rules of the Oregon Department of Aviation.

14 (i) Home occupations as provided in ORS 215.448.

15 (j) A facility for the primary processing of forest products, provided that such facility is found  
16 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
17 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
18 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
19 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
20 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
21 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
22 contiguous land where the primary processing facility is located.

23 (k) A site for the disposal of solid waste approved by the governing body of a city or county or  
24 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
25 mental Quality together with equipment, facilities or buildings necessary for its operation.

26 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
27 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
28 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
29 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
30 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
31 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
32 view of the hardship claimed under this paragraph. A temporary residence approved under this  
33 paragraph is not eligible for replacement under subsection (1)(p) of this section.

34 (m) Transmission towers over 200 feet in height.

35 (n)(A) Commercial dog boarding kennels; or

36 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of  
37 this section.

38 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

39 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
40 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
41 shall not include any species under quarantine by the State Department of Agriculture or the United  
42 States Department of Agriculture. The county shall provide notice of all applications under this  
43 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
44 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
45 tive decision or initial public hearing on the application.

1 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way  
2 but not resulting in the creation of new land parcels.

3 (r) Reconstruction or modification of public roads and highways involving the removal or dis-  
4 placement of buildings but not resulting in the creation of new land parcels.

5 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh  
6 stations and rest areas, where additional property or right of way is required but not resulting in  
7 the creation of new land parcels.

8 (t) A destination resort that is approved consistent with the requirements of any statewide  
9 planning goal relating to the siting of a destination resort.

10 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
11 dences.

12 (v) Operations for the extraction and bottling of water.

13 (w) Expansion of existing county fairgrounds and activities directly relating to county  
14 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

15 (x) A living history museum related to resource based activities owned and operated by a gov-  
16 ernmental agency or a local historical society, together with limited commercial activities and fa-  
17 cilities that are directly related to the use and enjoyment of the museum and located within  
18 authentic buildings of the depicted historic period or the museum administration building, if areas  
19 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
20 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
21 ban growth boundary. As used in this paragraph:

22 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
23 culture of some specific historic period using authentic buildings, tools, equipment and people to  
24 simulate past activities and events; and

25 (B) "Local historical society" means the local historical society recognized by the county gov-  
26 erning body and organized under ORS chapter 65.

27 (y) An aerial fireworks display business that has been in continuous operation at its current  
28 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
29 permit to sell or provide fireworks.

30 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
31 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
32 with the growing and marketing of nursery stock on the land that constitutes farm use.

33 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential  
34 to the operation of a school, primarily for residents of the rural area in which the school is located.

35 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

36 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
37 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
38 to the farm use on the tract; and

39 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
40 scope of any licenses required by the state.

41 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

42 (dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

43 (A) Authorized under ORS 329A.250 to 329A.450;

44 (B) Primarily for the children of residents and workers of the rural area in which the facility  
45 or program is located; and



1 (C) Colocated with a community center or a public or private school allowed under this sub-  
2 section.

3 (3) Roads, highways and other transportation facilities and improvements not allowed under  
4 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
5 body or its designee, in areas zoned for exclusive farm use subject to:

6 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
7 goal with which the facility or improvement does not comply; or

8 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
9 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

10 (4) The following agri-tourism and other commercial events or activities that are related to and  
11 supportive of agriculture may be established in any area zoned for exclusive farm use:

12 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
13 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
14 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
15 or activity meets any local standards that apply and:

16 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
17 isting farm use on the tract;

18 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
19 consecutive hours;

20 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
21 exceed 500 people;

22 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
23 commercial event or activity does not exceed 250 vehicles;

24 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

25 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
26 structures, or in existing permitted structures, subject to health and fire and life safety require-  
27 ments; and

28 (G) The agri-tourism or other commercial event or activity complies with conditions established  
29 for:

30 (i) Planned hours of operation;

31 (ii) Access, egress and parking;

32 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
33 ipated use of public roads; and

34 (iv) Sanitation and solid waste.

35 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
36 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
37 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
38 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
39 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
40 To approve an expedited, single-event license, the governing body of a county or its designee must  
41 determine that the proposed agri-tourism or other commercial event or activity meets any local  
42 standards that apply, and the agri-tourism or other commercial event or activity:

43 (A) Must be incidental and subordinate to existing farm use on the tract;

44 (B) May not begin before 6 a.m. or end after 10 p.m.;

45 (C) May not involve more than 100 attendees or 50 vehicles;

- 1 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
- 2 (E) May not require or involve the construction or use of a new permanent structure in con-
- 3 nection with the agri-tourism or other commercial event or activity;
- 4 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining
- 5 properties consent, in writing, to the location; and
- 6 (G) Must comply with applicable health and fire and life safety requirements.
- 7 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to
- 8 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited
- 9 use permit that is personal to the applicant and is not transferred by, or transferable with, a
- 10 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any
- 11 local standards that apply, and the agri-tourism or other commercial events or activities:
- 12 (A) Must be incidental and subordinate to existing farm use on the tract;
- 13 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 14 (C) May not require that a new permanent structure be built, used or occupied in connection
- 15 with the agri-tourism or other commercial events or activities;
- 16 (D) Must comply with ORS 215.296;
- 17 (E) May not, in combination with other agri-tourism or other commercial events or activities
- 18 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 19 (F) Must comply with conditions established for:
- 20 (i) The types of agri-tourism or other commercial events or activities that are authorized during
- 21 each calendar year, including the number and duration of the agri-tourism or other commercial
- 22 events and activities, the anticipated daily attendance and the hours of operation;
- 23 (ii) The location of existing structures and the location of proposed temporary structures to be
- 24 used in connection with the agri-tourism or other commercial events or activities;
- 25 (iii) The location of access and egress and parking facilities to be used in connection with the
- 26 agri-tourism or other commercial events or activities;
- 27 (iv) Traffic management, including the projected number of vehicles and any anticipated use of
- 28 public roads; and
- 29 (v) Sanitation and solid waste.
- 30 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism
- 31 or other commercial events or activities that occur more frequently or for a longer period or that
- 32 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other
- 33 commercial events or activities comply with any local standards that apply and the agri-tourism or
- 34 other commercial events or activities:
- 35 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-
- 36 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 37 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 38 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;
- 39 and
- 40 (D) Do not exceed 18 events or activities in a calendar year.
- 41 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-
- 42 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county
- 43 shall:
- 44 (a) Provide public notice and an opportunity for public comment as part of the review process;
- 45 and

1 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
2 tions of approval required by the permit and the standards established by subsection (4)(d) of this  
3 section.

4 (6) For the purposes of subsection (4) of this section:

5 (a) A county may authorize the use of temporary structures established in connection with the  
6 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
7 However, the temporary structures must be removed at the end of the agri-tourism or other event  
8 or activity. The county may not approve an alteration to the land in connection with an agri-tourism  
9 or other commercial event or activity authorized under subsection (4) of this section, including, but  
10 not limited to, grading, filling or paving.

11 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section  
12 for two calendar years. When considering an application for renewal, the county shall ensure com-  
13 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and  
14 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
15 authorized by the permit.

16 (c) The authorizations provided by subsection (4) of this section are in addition to other au-  
17 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
18 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
19 events and activities.

20 **SECTION 5.** ORS 475C.177 is amended to read:

21 475C.177. (1) The Oregon Liquor and Cannabis Commission shall develop and maintain a system  
22 for tracking the transfer of marijuana items between premises for which licenses have been issued  
23 under ORS 475C.005 to 475C.525.

24 (2) The purposes of the system developed and maintained under this section include, but are not  
25 limited to:

26 (a) Preventing the diversion of marijuana items to criminal enterprises, gangs, cartels and other  
27 states;

28 (b) Preventing persons from substituting or tampering with marijuana items;

29 (c) Ensuring an accurate accounting of the production, processing and sale of marijuana items;

30 (d) Ensuring that laboratory testing results are accurately reported; and

31 (e) Ensuring compliance with ORS 475C.005 to 475C.525, rules adopted under ORS 475C.005 to  
32 475C.525 and any other law of this state that charges the commission with a duty, function or power  
33 related to marijuana.

34 (3) The system developed and maintained under this section must be capable of tracking, at a  
35 minimum:

36 (a) The propagation of immature marijuana plants and the production of marijuana by a  
37 marijuana producer;

38 (b) The processing of marijuana by a marijuana processor;

39 (c) The receiving, storing and delivering of marijuana items by a marijuana wholesaler;

40 (d) The sale of marijuana items by a marijuana retailer to a consumer;

41 (e) The sale and purchase of marijuana items between licensees, as permitted by ORS 475C.005  
42 to 475C.525;

43 (f) The transfer of marijuana items between premises for which licenses have been issued under  
44 ORS 475C.005 to 475C.525; [and]

45 (g) **The sampling of usable marijuana, as described in section 2 of this 2023 Act; and**

1 (h) Any other information that the commission determines is reasonably necessary to accom-  
2 plish the duties, functions and powers of the commission under ORS 475C.005 to 475C.525.

3 **SECTION 6.** ORS 475C.489 is amended to read:

4 475C.489. (1) Marijuana is:

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

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

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

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

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

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

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

14 (c) **Except for a cannabis tourism center described in section 2 of this 2023 Act**, a com-  
15 mercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with  
16 a marijuana crop.

17 (3) A county may allow the production of marijuana as a farm use on land zoned for farm or  
18 forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones  
19 under this section and ORS 215.213, 215.283 and 475C.053.

20 (4) This section applies to:

21 (a) Marijuana producers that hold a license issued under ORS 475C.065;

22 (b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or more  
23 persons who hold valid registry identification cards issued under ORS 475C.783; and

24 (c) For the purpose of producing marijuana or propagating immature marijuana plants, re-  
25 searchers of cannabis that hold a certificate issued under ORS 475C.289.

26 **SECTION 7. Sections 8 and 9 of this 2023 Act are added to and made a part of ORS**  
27 **475C.005 to 475C.525.**

28 **SECTION 8. All agencies of state government, as defined in ORS 174.111, shall provide**  
29 **the same services to businesses licensed or registered under ORS 475C.005 to 475C.525,**  
30 **475C.548, 475C.770 to 475C.919 or 571.260 to 571.348 as to all other businesses.**

31 **SECTION 9. (1) At a trade show or similar event:**

32 (a) **A marijuana producer that holds a license issued under ORS 475C.065 and a marijuana**  
33 **processor that holds a license issued under ORS 475C.085 may:**

34 (A) **Transfer marijuana items to a marijuana retailer that holds a license issued under**  
35 **ORS 475C.097; and**

36 (B) **Provide to a licensee or holder of a permit issued under ORS 475C.273 samples of**  
37 **marijuana items.**

38 (b) **A marijuana wholesaler that holds a license issued under ORS 475C.093 may:**

39 (A) **Sell at wholesale or transfer marijuana items to a marijuana retailer that holds a li-**  
40 **cence issued under ORS 475C.097; and**

41 (B) **Provide to a licensee or holder of a permit issued under ORS 475C.273 samples of**  
42 **marijuana items.**

43 (c) **A marijuana retailer that holds a license issued under ORS 475C.097 may receive from**  
44 **a marijuana producer that holds a license issued under ORS 475C.065, a marijuana processor**  
45 **that holds a license issued under ORS 475C.085 or a marijuana wholesaler that holds a license**

1 issued under ORS 475C.093 marijuana items sold or transferred as described in this sub-  
2 section.

3 (d) A licensee or holder of a permit issued under ORS 475C.273 may receive from a  
4 marijuana producer that holds a license issued under ORS 475C.065, a marijuana processor  
5 that holds a license issued under ORS 475C.085 or a marijuana wholesaler that holds a license  
6 issued under ORS 475C.093 samples of marijuana items provided as described in this sub-  
7 section.

8 (2) The Oregon Liquor and Cannabis Commission may adopt rules to carry out this sec-  
9 tion.

10 **SECTION 10.** ORS 475C.117 is amended to read:

11 475C.117. (1) A marijuana retailer that holds a license issued under ORS 475C.097 may make  
12 deliveries to a consumer pursuant to the consumer's bona fide order received by the marijuana  
13 retailer. The delivery of marijuana items under this section may be made to a consumer:

14 (a) Within the same city or unincorporated area of the county in which the marijuana retailer  
15 is located; or

16 (b) In a city or the unincorporated area of a county that is adjacent to the city or  
17 unincorporated area of the county in which the marijuana retailer is located, provided the adjacent  
18 city or county has adopted an ordinance allowing for the delivery of marijuana items by a marijuana  
19 retailer located in an adjacent city or unincorporated area of a county.

20 (2) A marijuana retailer that makes deliveries under this section shall:

21 (a) Ensure that deliveries are made in an efficient and timely manner.

22 (b) Upon request, provide to the Oregon Liquor and Cannabis Commission information on each  
23 vehicle used to make deliveries of marijuana items under this section, including the make, model,  
24 year, color, vehicle identification number and registration plate number.

25 (c) Maintain an electronic or physical record of each bona fide order for the delivery of  
26 marijuana items that the marijuana retailer fulfills.

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

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

30 (a) Shall:

31 (A) Hold a permit issued under ORS 475C.273 and carry the permit while making deliveries un-  
32 der this section.

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

35 (C) Maintain an electronic or physical record of a bona fide order for a delivery of a marijuana  
36 item.

37 (D) Present to the consumer a printed or electronic delivery manifest and obtain on the manifest  
38 the consumer's written or electronic signature verifying completion of the delivery of marijuana  
39 items.

40 (E) Except in the case of an emergency or unsafe road conditions or as necessary for fuel, rest  
41 or vehicle repair, travel only between the premises of the marijuana retailer and the locations at  
42 which the deliveries of marijuana items are made.

43 (b) May not:

44 (A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery ve-  
45 hicle is locked and equipped with an active vehicle alarm system.

1 (B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one time.

2 (C) Consume, or be under the influence of, marijuana while making deliveries under this section.

3 (4) A delivery vehicle must:

4 (a) While being used for making deliveries, be equipped with an active global positioning system  
5 device that tracks the location of the delivery vehicle and enables the marijuana retailer for which  
6 the deliveries are being made to identify the location of the delivery vehicle.

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

9 (c) Be free of any markings that may indicate that the delivery vehicle is used for the purpose  
10 of delivering marijuana items.

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

13 (6) The commission may adopt rules to carry out the purposes of this section. **Rules adopted**  
14 **under this subsection must allow the delivery of marijuana items under this section to a**  
15 **consumer at a hotel or inn, as defined in ORS 699.005.**

16 **SECTION 11.** ORS 475C.205 is amended to read:

17 475C.205. (1) Except as provided in ORS 475C.137 and 475C.850 **and sections 2 and 9 of this**  
18 **2023 Act** and rules adopted pursuant to ORS 475C.065, a marijuana producer that holds a license  
19 issued under ORS 475C.065, marijuana processor that holds a license issued under ORS 475C.085 or  
20 marijuana wholesaler that holds a license issued under ORS 475C.093 may deliver marijuana items  
21 only to or on a premises for which a license has been issued under ORS 475C.065, 475C.085, 475C.093  
22 or 475C.097, or to a registry identification cardholder or designated primary caregiver as allowed  
23 under ORS 475C.005 to 475C.525.

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

26 (a) A marijuana producer that holds a license issued under ORS 475C.065, marijuana processor  
27 that holds a license issued under ORS 475C.085, marijuana wholesaler that holds a license issued  
28 under ORS 475C.093, marijuana retailer that holds a license issued under ORS 475C.097 or a labo-  
29 ratory licensed under ORS 475C.548;

30 (b) A researcher of cannabis that holds a certificate issued under ORS 475C.289 and that  
31 transfers limited amounts of marijuana, usable marijuana, cannabinoid products, cannabinoid con-  
32 centrates and cannabinoid extracts in accordance with procedures adopted under ORS 475C.289  
33 (3)(d) and (e);

34 (c) A marijuana grow site registered under ORS 475C.792, marijuana processing site registered  
35 under ORS 475C.815, or a medical marijuana dispensary registered under ORS 475C.833, acting in  
36 accordance with procedures adopted by the Oregon Liquor and Cannabis Commission under ORS  
37 475C.169; or

38 (d) A marijuana grow site registered under ORS 475C.792, acting in accordance with ORS  
39 475C.800 and any procedures adopted by rule by the commission.

40 (3) Except as provided in ORS 475C.117, the sale of marijuana items by a marijuana retailer that  
41 holds a license issued under ORS 475C.097 must be restricted to the premises for which the license  
42 has been issued.

43 (4) The commission may by order waive the requirements of subsections (1) and (2) of this sec-  
44 tion to ensure compliance with ORS 475C.005 to 475C.525 or a rule adopted under ORS 475C.005 to  
45 475C.525. An order issued under this subsection does not constitute a waiver of any other require-

1 ment of ORS 475C.005 to 475C.525 or any other rule adopted under ORS 475C.005 to 475C.525.

2 **SECTION 12.** ORS 475C.449 is amended to read:

3 475C.449. (1) For purposes of this section, “reasonable regulations” includes:

4 (a)(A) Reasonable conditions on the manner in which a marijuana producer that holds a license  
5 issued under ORS 475C.065 may produce marijuana or in which a researcher of cannabis that holds  
6 a certificate issued under ORS 475C.289 may produce marijuana or propagate immature marijuana  
7 plants; **and**

8 **(B) Reasonable conditions on the manner in which a marijuana producer that holds a li-**  
9 **cence issued under ORS 475C.065 and that operates a cannabis tourism center, as described**  
10 **in section 2 of this 2023 Act, at the licensed premises may operate;**

11 (b) Reasonable conditions on the manner in which a marijuana processor that holds a license  
12 issued under ORS 475C.085 may process marijuana or in which a researcher of cannabis that holds  
13 a certificate issued under ORS 475C.289 may process marijuana;

14 (c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license  
15 issued under ORS 475C.093 may sell marijuana at wholesale;

16 (d) Reasonable conditions on the manner in which a marijuana retailer that holds a license is-  
17 sued under ORS 475C.097 may sell marijuana items;

18 (e) Reasonable limitations on the hours during which a premises for which a license has been  
19 issued under ORS 475C.005 to 475C.525 may operate;

20 (f) Reasonable requirements related to the public’s access to a premises for which a license or  
21 certificate has been issued under ORS 475C.005 to 475C.525; and

22 (g) Reasonable limitations on where a premises for which a license or certificate may be issued  
23 under ORS 475C.005 to 475C.525 may be located.

24 (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county  
25 may adopt ordinances that impose reasonable regulations on the operation of businesses located at  
26 premises for which a license or certificate has been issued under ORS 475C.005 to 475C.525 if the  
27 premises are located in the area subject to the jurisdiction of the city or county, except that the  
28 governing body of a city or county may not:

29 (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS  
30 475C.097 from being located within a distance that is greater than 1,000 feet of another premises for  
31 which a license has been issued under ORS 475C.097.

32 (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to  
33 produce marijuana located on a premises for which a license has been issued under ORS 475C.065  
34 if the agricultural building:

35 (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and  
36 building code requirements at the time of construction;

37 (B) Is located at an address where a marijuana grow site first registered with the Oregon Health  
38 Authority under ORS 475C.792 on or before January 1, 2015;

39 (C) Was used to produce marijuana pursuant to the provisions of ORS 475C.770 to 475C.919 on  
40 or before January 1, 2015; and

41 (D) Has four opaque walls and a roof.

42 **SECTION 13.** ORS 475C.513 is amended to read:

43 475C.513. (1) Notwithstanding ORS 475C.205 or any other provision prohibiting the transporta-  
44 tion of marijuana items to or from a location for which a license has not been issued under ORS  
45 475C.005 to 475C.525 or prohibiting the possession of marijuana items at a location for which a li-

1 cense has not been issued under ORS 475C.005 to 475C.525, a licensee may transport marijuana  
2 items to and exhibit marijuana items at a trade show, the Oregon State Fair or a similar event if:

3 (a) The marijuana items are tracked using the system developed and maintained under ORS  
4 475C.177;

5 (b) **Except for any marijuana items sold at wholesale or transferred pursuant to section**  
6 **9 of this 2023 Act**, all of the marijuana items are returned to a premises for which a license has  
7 been issued under ORS 475C.005 to 475C.525 immediately after the conclusion of the event; and

8 (c) The licensee complies with any other requirement imposed by the Oregon Liquor and  
9 Cannabis Commission by rule or order for the purpose of ensuring the security of the marijuana  
10 items, for the purpose of preventing minors from having access to the marijuana items or for any  
11 other purpose deemed relevant by the commission.

12 (2) The commission shall adopt rules to implement this section.

13 **SECTION 14.** ORS 475C.674 is amended to read:

14 475C.674. (1) A tax is hereby imposed upon the retail sale of marijuana items in this state. The  
15 tax imposed by this section is a direct tax on the consumer, for which payment upon retail sale is  
16 required. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer  
17 at the time at which the retail sale occurs.

18 (2) The tax imposed under this section shall be imposed at the rate of:

19 (a) 17 percent of the retail sales price of usable marijuana;

20 (b) 17 percent of the retail sales price of immature marijuana plants;

21 (c) 17 percent of the retail sales price of a cannabinoid edible;

22 (d) 17 percent of the retail sales price of a cannabinoid concentrate;

23 (e) 17 percent of the retail sales price of a cannabinoid extract;

24 (f) 17 percent of the retail sales price of a cannabinoid product that is intended to be used by  
25 applying the cannabinoid product to the skin or hair; and

26 (g) 17 percent of the retail sales price of cannabinoid products other than those described in  
27 paragraph (f) of this subsection.

28 (3) If the tax imposed under this section does not equal an amount calculable to a whole cent,  
29 the tax shall be equal to the next higher whole cent.

30 (4) Except as otherwise provided by the Department of Revenue by rule, the amount of the tax  
31 shall be separately stated on an invoice, receipt or other similar document that the marijuana  
32 retailer provides to the consumer at the time at which the retail sale occurs.

33 (5) A person may not knowingly sell, purchase, install, transfer or possess electronic devices or  
34 software programs for the purposes of:

35 (a) Hiding or removing records of retail sales of marijuana items; or

36 (b) Falsifying records of retail sales of marijuana items.

37 (6)(a) A marijuana retailer may not *[discount a marijuana item or offer a marijuana item for free*  
38 *if the retail sale of the marijuana item is made in conjunction with the retail sale of any other item]*  
39 **offer for free or a discount a marijuana item if the offer is contingent on the simultaneous**  
40 **retail sale of an item that is not a marijuana item.**

41 (b) Paragraph (a) of this subsection does not affect any provision of ORS 475C.005 to 475C.525  
42 or any rule adopted by the Oregon Liquor and Cannabis Commission pursuant to ORS 475C.005 to  
43 475C.525 that is related to the retail sale of marijuana items.

44 **SECTION 15.** (1) **Sections 2, 8 and 9 of this 2023 Act and the amendments to ORS 215.213,**  
45 **215.283, 475C.117, 475C.177, 475C.205, 475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to**



1 **6 and 10 to 14 of this 2023 Act become operative on January 1, 2024.**

2 **(2) The Department of Land Conservation and Development and the Oregon Liquor and**  
3 **Cannabis Commission may take any action before the operative date specified in subsection**  
4 **(1) of this section necessary to enable the commission and the department to exercise, on**  
5 **and after the operative date specified in subsection (1) of this section, all of the duties,**  
6 **functions and powers conferred on the commission and the department by sections 2, 8 and**  
7 **9 of this 2023 Act and the amendments to ORS 215.213, 215.283, 475C.117, 475C.177, 475C.205,**  
8 **475C.449, 475C.489, 475C.513 and 475C.674 by sections 3 to 6 and 10 to 14 of this 2023 Act.**

9 **SECTION 16. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
10 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

11