

SB 353-2  
(LC 2457)  
4/3/23 (SCT/ps)

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO  
SENATE BILL 353**

1 In line 2 of the printed bill, after “cannabis” insert “; creating new pro-  
2 visions; amending ORS 475C.117, 475C.141, 475C.197, 475C.209, 475C.229,  
3 475C.265, 475C.269, 475C.273, 475C.289, 475C.293, 475C.301, 475C.305, 475C.353,  
4 475C.449, 475C.473, 475C.485, 475C.742, 475C.746, 475C.783, 475C.800, 475C.809,  
5 475C.894, 475C.897 and 571.309; and declaring an emergency”.

6 Delete lines 4 through 8 and insert:  
7

8 **“INDUSTRIAL HEMP PRODUCTS**

9  
10 **“SECTION 1. (1) As used in this section, ‘adult use cannabis item,’**  
11 **‘cannabinoid’ and ‘industrial hemp’ have the meanings given those**  
12 **terms in ORS 475C.009.**

13 **“(2) The Oregon Liquor and Cannabis Commission shall establish a**  
14 **registration program for industrial hemp commodities and products**  
15 **that contain cannabinoids and are intended for human or animal**  
16 **consumption. Prior to selling, transferring or delivering an industrial**  
17 **hemp commodity or product that contains cannabinoids and is in-**  
18 **tended for human or animal consumption, a person shall:**

19 **“(a) Annually submit the information described in subsection (3)**  
20 **of this section to the commission in a manner specified by the com-**  
21 **mission by rule;**

1       “(b) Include on the industrial hemp commodity or product a label  
2 that contains the information described in subsection (4) of this sec-  
3 tion; and

4       “(c) Pay the annual registration fee established by the commission  
5 by rule.

6       “(3) A person described in subsection (2) of this section shall submit  
7 to the commission the following information about an industrial hemp  
8 commodity or product that contains cannabinoids and is intended for  
9 human or animal consumption:

10       “(a) The name and type of the commodity or product;

11       “(b) The name and physical address of the manufacturer of the  
12 commodity or product;

13       “(c) The mailing address of the manufacturer of the commodity or  
14 product;

15       “(d) A certificate of analysis for the batch in which the commodity  
16 or product was manufactured;

17       “(e) A copy of the label for the commodity or product;

18       “(f) A statement about whether the commodity or product is an  
19 adult use cannabis item; and

20       “(g) Any other information required by the commission by rule.

21       “(4) A person described in subsection (2) of this section shall label  
22 an industrial hemp commodity or product that contains cannabinoids  
23 and is intended for human or animal consumption with a label that  
24 contains the following information:

25       “(a) The name and type of the commodity or product;

26       “(b) The name and physical address of the manufacturer of the  
27 commodity or product;

28       “(c) The ingredients of the commodity or product;

29       “(d) The net weight or volume of the commodity or product;

30       “(e) The serving size and number of servings contained in the

1 **package of the commodity or product;**  
2 **“(f) The potency of the commodity or product and a list of the**  
3 **cannabinoid contents of the commodity or product;**  
4 **“(g) The address of a publicly accessible website that contains the**  
5 **certificate of analysis for the commodity or product;**  
6 **“(h) Health and safety warnings required by law or rule;**  
7 **“(i) If the commodity or product is an adult use cannabis item, a**  
8 **warning that the commodity or product is ‘Not for Children’ or ‘For**  
9 **Ages 21 and Over’;**  
10 **“(j) If the commodity or product is a food product, any other in-**  
11 **formation required by law or rule for food products; and**  
12 **“(k) Any other information required by the commission by rule.**  
13 **“(5) If an industrial hemp commodity or product is intended only**  
14 **for human consumption, the person described in subsection (2) of this**  
15 **section shall comply with the requirements of ORS 571.337 and 571.339.**  
16 **“(6) The fee collected under this section may not exceed the cost**  
17 **of administering this section.**  
18 **“(7) This section does not apply to an industrial hemp commodity**  
19 **or product that does not contain cannabinoids and is intended for**  
20 **topical use, or is a grain or fiber commodity or product.**  
21 **“SECTION 2. ORS 571.309 is amended to read:**  
22 **“571.309. (1) The Oregon Liquor and Cannabis Commission, in consulta-**  
23 **tion with the State Department of Agriculture, shall adopt rules to establish:**  
24 **“[(1)] (a) The maximum concentration of tetrahydrocannabinol permitted**  
25 **in a single serving of an industrial hemp product;**  
26 **“[(2)] (b) The maximum concentration of any other cannabinoid, adult use**  
27 **cannabinoid or artificially derived cannabinoid that is permitted in a single**  
28 **serving of an industrial hemp product; and**  
29 **“[(3)] (c) The number of servings that are permitted in a package of in-**  
30 **dustrial hemp products.**

1       **“(2) The commission shall adopt rules to establish standards for**  
2 **approving for sale at retail industrial hemp products that contain ar-**  
3 **tificially derived cannabinoids. The standards adopted under this sub-**  
4 **section may include that:**

5       **“(a) An artificially derived cannabinoid in an industrial hemp**  
6 **product must be determined by the commission, as described in sub-**  
7 **section (3) of this section, to be not impairing;**

8       **“(b) The industrial hemp product may not be intended for human**  
9 **inhalation;**

10       **“(c) The industrial hemp product may not contain any controlled**  
11 **substance, as determined by the State Board of Pharmacy by rule**  
12 **pursuant to ORS 475.035;**

13       **“(d) The industrial hemp product must be processed in a facility**  
14 **licensed by the State Department of Agriculture under ORS 616.695 to**  
15 **616.755 or in a facility in another state or jurisdiction that meets re-**  
16 **quirements substantially similar to requirements established under**  
17 **ORS 616.695 to 616.755;**

18       **“(e) If the industrial hemp product is intended for human or animal**  
19 **consumption, the industrial hemp product must comply with the re-**  
20 **quirements of section 1 of this 2023 Act; and**

21       **“(f) The industrial hemp product may contain one or more arti-**  
22 **ficially derived cannabinoids that have been:**

23       **“(A) Reported in at least two peer-reviewed publications as a na-**  
24 **turally occurring component of the plant genus Cannabis within the**  
25 **plant family Cannabaceae; and**

26       **“(B) Determined by the processor of the industrial hemp product**  
27 **to be generally recognized as safe pursuant to the process established**  
28 **by the United States Food and Drug Administration.**

29       **“(3) In determining that an artificially derived cannabinoid is not**  
30 **impairing for purposes of subsection (2) of this section, the commis-**

1 **sion shall:**

2 **“(a) Review and rely on peer-reviewed publications and acknowl-**  
3 **edged experts in the field of cannabinoids; and**

4 **“(b) Take into account the industrial hemp product serving size and**  
5 **the total number of servings in the package of the industrial hemp**  
6 **product.**

7 **“SECTION 3. (1) Section 1 of this 2023 Act and the amendments to**  
8 **ORS 571.309 by section 2 of this 2023 Act become operative on January**  
9 **1, 2024.**

10 **“(2) The Oregon Liquor and Cannabis Commission may take any**  
11 **action before the operative date specified in subsection (1) of this sec-**  
12 **tion that is necessary to enable the commission to exercise, on and**  
13 **after the operative date specified in subsection (1) of this section, all**  
14 **of the duties, functions and powers conferred on the commission by**  
15 **section 1 of this 2023 Act and the amendments to ORS 571.309 by sec-**  
16 **tion 2 of this 2023 Act.**

17

18 **“INTERSTATE COMMERCE OF CANNABIS SEEDS**

19

20 **“SECTION 4. ORS 475C.229 is amended to read:**

21 **“475C.229. (1) For purposes of this section:**

22 **“(a) ‘Export’ includes placing a marijuana item in any mode of transpor-**  
23 **tation for hire, such as luggage, mail or parcel delivery, even if the trans-**  
24 **portation of the marijuana item is intercepted prior to the marijuana item**  
25 **leaving this state.**

26 **“(b)(A) ‘Marijuana item’ includes an industrial hemp commodity or prod-**  
27 **uct that exceeds the greater of:**

28 **“[(A)] (i) A concentration of 0.3 percent total**  
29 **delta-9-tetrahydrocannabinol; or**

30 **“[(B)] (ii) The concentration of total delta-9-tetrahydrocannabinol allowed**

1 under federal law.

2 “(b) ‘Marijuana item’ does not include marijuana seeds or industrial  
3 hemp seeds imported or exported in accordance with applicable state  
4 and federal law.

5 “(2) A person may not import marijuana items into this state or export  
6 marijuana items from this state.

7 “(3) A violation of this section is a Class B violation, except:

8 “(a) As provided in subsection (4) of this section; or

9 “(b) If the item is industrial hemp and does not exceed a total  
10 delta-9-tetrahydrocannabinol concentration of one percent.

11 “(4) A violation of this section is a:

12 “(a) Class A misdemeanor, if the importation or exportation:

13 “(A) Is not for consideration and the person holds a license issued under  
14 ORS 475C.065, 475C.085, 475C.093 or 475C.097; or

15 “(B) Concerns an amount of marijuana items that exceeds the applicable  
16 maximum amount specified in ORS 475C.337 (1)(a) to (f).

17 “(b) Class C felony, if the importation or exportation:

18 “(A) Is for consideration and the person holds a license issued under ORS  
19 475C.065, 475C.085, 475C.093 or 475C.097;

20 “(B) Concerns an amount of marijuana items that exceeds 16 times the  
21 applicable maximum amount specified in ORS 475C.337 (1)(a) to (f); or

22 “(C) Concerns a cannabinoid extract that was not purchased from a  
23 marijuana retailer that holds a license issued under ORS 475C.097.

24

25 **“TEMPORARY PERMITS**

26

27 **“SECTION 5.** ORS 475C.269, as amended by section 4, chapter 117,  
28 Oregon Laws 2022, is amended to read:

29 “475C.269. (1) An individual who performs work for or on behalf of a  
30 licensee or a laboratory licensed under ORS 475C.548 must have a valid

1 permit **or temporary permit** issued by the Oregon Liquor and Cannabis  
2 Commission under ORS 475C.273 if the individual participates in:

3 “(a) The delivery, possession, production, propagation, processing, sampl-  
4 ing, securing, selling or testing of marijuana items at the premises or labo-  
5 ratory for which the license has been issued;

6 “(b) The recording of the delivery, possession, production, propagation,  
7 processing, sampling, securing, selling or testing of marijuana items at the  
8 premises or laboratory for which the license has been issued; or

9 “(c) The verification of any document described in ORS 475C.217.

10 “(2) A licensee or a laboratory licensed under ORS 475C.548 must verify  
11 that an individual has a valid permit **or temporary permit** issued under  
12 ORS 475C.273 before allowing the individual to perform, or continue to per-  
13 form, any work described in subsection (1) of this section at the premises or  
14 laboratory for which the license has been issued.

15 **“SECTION 6.** ORS 475C.273 is amended to read:

16 “475C.273. (1) The Oregon Liquor and Cannabis Commission shall issue  
17 permits to qualified applicants to perform work described in ORS 475C.269.  
18 The commission shall adopt rules establishing:

19 “(a) The qualifications for performing work described in ORS 475C.269;

20 “(b) The term of a permit issued under this section;

21 “(c) Procedures for applying for and renewing a permit issued under this  
22 section; and

23 “(d) Reasonable application, issuance and renewal fees for a permit issued  
24 under this section.

25 “(2)(a) The commission may require an individual applying for a permit  
26 under this section to successfully complete a course, made available by or  
27 through the commission, through which the individual receives training on:

28 “(A) Checking identification;

29 “(B) Detecting intoxication;

30 “(C) Handling marijuana items;

1 “(D) If applicable, producing and propagating marijuana;

2 “(E) If applicable, processing marijuana;

3 “(F) The content of ORS 475C.005 to 475C.525 and rules adopted under  
4 ORS 475C.005 to 475C.525; or

5 “(G) Any matter deemed necessary by the commission to protect the pub-  
6 lic health and safety.

7 “(b) The commission or other provider of a course may charge a reason-  
8 able fee for the course.

9 “(c) The commission may not require an individual to successfully com-  
10 plete a course more than once, except that:

11 “(A) As part of a final order suspending a permit issued under this sec-  
12 tion, the commission may require a permit holder to successfully complete  
13 the course as a condition of lifting the suspension; and

14 “(B) As part of a final order revoking a permit issued under this section,  
15 the commission shall require an individual to successfully complete the  
16 course prior to applying for a new permit.

17 “(3) The commission shall conduct a criminal records check under ORS  
18 181A.195 on an individual applying for a permit under this section.

19 “(4) Subject to the applicable provisions of ORS chapter 183, the com-  
20 mission may suspend, revoke or refuse to issue or renew a permit if the in-  
21 dividual who is applying for or who holds the permit:

22 “(a) Is convicted of a felony or is convicted of an offense under ORS  
23 475C.005 to 475C.525, except that the commission may not consider a con-  
24 viction for an offense under ORS 475C.005 to 475C.525 if the date of the  
25 conviction is two or more years before the date of the application or renewal;

26 “(b) Violates any provision of ORS 475C.005 to 475C.525 or any rule  
27 adopted under ORS 475C.005 to 475C.525; or

28 “(c) Makes a false statement to the commission.

29 “(5) A permit issued under this section is a personal privilege and permits  
30 work described under ORS 475C.269 only for the individual who holds the



1 permit.

2 “(6) The commission may establish by rule a process and conditions  
3 for issuing a temporary permit to an individual who has applied to the  
4 commission for a permit under this section.

5 “**SECTION 7.** ORS 475C.117 is amended to read:

6 “475C.117. (1) A marijuana retailer that holds a license issued under ORS  
7 475C.097 may make deliveries to a consumer pursuant to the consumer’s bona  
8 fide order received by the marijuana retailer. The delivery of marijuana  
9 items under this section may be made to a consumer:

10 “(a) Within the same city or unincorporated area of the county in which  
11 the marijuana retailer is located; or

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

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

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

19 “(b) Upon request, provide to the Oregon Liquor and Cannabis Commis-  
20 sion information on each vehicle used to make deliveries of marijuana items  
21 under this section, including the make, model, year, color, vehicle identifi-  
22 cation number and registration plate number.

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

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

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

29 “(a) Shall:

30 “(A) Hold a permit **or temporary permit** issued under ORS 475C.273 and

1 carry the permit **or temporary permit** while making deliveries under this  
2 section.

3 “(B) Have a method of secure electronic communication in order to com-  
4 municate with the marijuana retailer for which the individual is making  
5 deliveries.

6 “(C) Maintain an electronic or physical record of a bona fide order for a  
7 delivery of a marijuana item.

8 “(D) Present to the consumer a printed or electronic delivery manifest and  
9 obtain on the manifest the consumer’s written or electronic signature veri-  
10 fying completion of the delivery of marijuana items.

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

15 “(b) May not:

16 “(A) Leave a delivery vehicle that contains marijuana items unattended  
17 unless the delivery vehicle is locked and equipped with an active vehicle  
18 alarm system.

19 “(B) Carry more than \$10,000 worth of marijuana items in a delivery ve-  
20 hicle at any one time.

21 “(C) Consume, or be under the influence of, marijuana while making de-  
22 liveries under this section.

23 “(4) A delivery vehicle must:

24 “(a) While being used for making deliveries, be equipped with an active  
25 global positioning system device that tracks the location of the delivery ve-  
26 hicle and enables the marijuana retailer for which the deliveries are being  
27 made to identify the location of the delivery vehicle.

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

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

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

5 “(6) The commission may adopt rules to carry out the purposes of this  
6 section.

7 **“SECTION 8.** ORS 475C.197 is amended to read:

8 “475C.197. (1) Notwithstanding the lapse, suspension or revocation of a  
9 permit **or temporary permit** issued under ORS 475C.273, the Oregon Liquor  
10 and Cannabis Commission may:

11 “(a) Proceed with any investigation of, or any action or disciplinary pro-  
12 ceeding against, the person who held the permit **or temporary permit**; or

13 “(b) Revise or render void an order suspending or revoking the permit  
14 **or temporary permit**.

15 “(2) In cases involving the proposed denial of a permit **or temporary**  
16 **permit** issued under ORS 475C.273, the applicant for the permit **or tempo-**  
17 **rary permit** may not withdraw the applicant’s application.

18 **“SECTION 9.** ORS 475C.209 is amended to read:

19 “475C.209. (1) In order to transport marijuana items, a licensee must cre-  
20 ate a manifest that contains the following information:

21 “(a) The name of the driver of the transport vehicle;

22 “(b) Identifying information for the driver’s permit **or temporary permit**  
23 issued under ORS 475C.273;

24 “(c) The license plate number, make and model of the transport vehicle;

25 “(d) The name of the licensee from which the marijuana or marijuana  
26 items are being transported;

27 “(e) A detailed inventory of the marijuana and marijuana items being  
28 transported;

29 “(f) The location of any overnight stop during transportation, and the  
30 estimated time of the overnight stop; and

1 “(g) The destination of the marijuana and marijuana items being trans-  
2 ported.

3 “(2) Except as provided in subsection (1)(f) of this section, a manifest  
4 created under this section is not required to include transport route infor-  
5 mation.

6 “(3) The transport driver shall carry in the transport vehicle a copy of  
7 the manifest.

8 **“SECTION 10.** ORS 475C.265 is amended to read:

9 “475C.265. (1) Subject to subsection (3) of this section, the Oregon Liquor  
10 and Cannabis Commission may revoke, suspend or restrict a license issued  
11 under ORS 475C.005 to 475C.525 or require a licensee or licensee represen-  
12 tative to undergo training if the commission finds or has reasonable ground  
13 to believe that the licensee or licensee representative:

14 “(a) Has violated a provision of ORS 475C.005 to 475C.525 or a rule  
15 adopted under ORS 475C.005 to 475C.525.

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

18 “(c) Has introduced into the marijuana industry regulated under ORS  
19 475C.005 to 475C.525 cannabinoids or marijuana not produced or processed  
20 by a licensee and not tracked in the system developed and maintained under  
21 ORS 475C.177.

22 “(d) Has made any false representation or statement to the commission  
23 regarding compliance with a provision of ORS 475C.005 to 475C.525 or a rule  
24 adopted under ORS 475C.005 to 475C.525 in order to induce or prevent action  
25 by the commission.

26 “(e) Is in the habit of using alcoholic liquor, habit-forming drugs,  
27 marijuana or controlled substances to excess.

28 “(f) Has misrepresented to a customer or the public any marijuana items  
29 sold by the licensee or licensee representative.

30 “(g) Since the issuance of the license, has been convicted of a felony, of

1 violating any of the marijuana laws of this state, general or local, or of any  
2 misdemeanor or violation of any municipal ordinance committed on the  
3 premises for which the license has been issued.

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

5 “(2) In addition to the grounds listed in subsection (1) of this section, the  
6 commission may take an action described in subsection (1) of this section if  
7 there is a history of a lack of institutional control involving the premises  
8 for which a license has been issued under ORS 475C.005 to 475C.525.

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

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

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

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

17 “(C) A demonstration that, to the satisfaction of the commission, the  
18 licensee’s willingness and ability to adequately control the premises for  
19 which a license has been issued under ORS 475C.005 to 475C.525 and any  
20 inventory stored at the premises.

21 “(4) The commission may suspend or restrict a license issued under ORS  
22 475C.005 to 475C.525 or require a licensee or licensee representative to un-  
23 dergo training if the commission finds or has reasonable grounds to believe  
24 that the licensee or licensee representative has violated a provision of ORS  
25 475C.005 to 475C.525 or a rule adopted under ORS 475C.005 to 475C.525.

26 “(5) The commission may suspend or revoke a permit **or temporary**  
27 **permit** issued under ORS 475C.273 to an individual rather than suspend or  
28 revoke a license issued under ORS 475C.005 to 475C.525 if the commission  
29 determines that permit suspension or revocation is more appropriate.

30 “(6)(a) The commission may revoke a marijuana retailer license issued

1 under ORS 475C.097 if the licensee fails to:

2 “(A) Pay the tax as required under ORS 475C.682 twice in any four con-  
3 secutive quarters and the Department of Revenue has issued to the licensee  
4 a distraint warrant under ORS 475C.688 for the nonpayment of tax; or

5 “(B) File a return as required under ORS 475C.682 twice in any four  
6 consecutive quarters and the department has issued to the licensee a notice  
7 of determination and assessment under ORS 475C.688 for failure to file a  
8 return.

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

14 “**SECTION 11.** ORS 475C.742 is amended to read:

15 “475C.742. A financial institution that provides financial services cus-  
16 tomarily provided by financial institutions pursuant to powers granted by  
17 ORS 717.200 to 717.320, 717.900 and 717.905, the Bank Act or by ORS chapter  
18 723 to a marijuana processing site registered under ORS 475C.815, a medical  
19 marijuana dispensary registered under ORS 475C.833, a marijuana producer  
20 that holds a license under ORS 475C.065, a marijuana processor that holds  
21 a license under ORS 475C.085, a marijuana wholesaler that holds a license  
22 under ORS 475C.093, a marijuana retailer that holds a license under ORS  
23 475C.097, a laboratory that holds a license under ORS 475C.548 or a person  
24 to whom a permit **or temporary permit** has been issued under ORS 475C.273  
25 is exempt from any criminal law of this state an element of which may be  
26 proven by substantiating that a person provides financial services custom-  
27 arily provided by financial institutions pursuant to powers granted by ORS  
28 717.200 to 717.320, 717.900 and 717.905, the Bank Act or ORS chapter 723 to  
29 a person who possesses, delivers or manufactures marijuana or marijuana  
30 derived products.

1       **“SECTION 12.** ORS 475C.746 is amended to read:

2       “475C.746. (1) Notwithstanding any law relating to the exemption of in-  
3 formation from public disclosure under ORS 475C.005 to 475C.525 or 475C.540  
4 to 475C.586, upon the request of a financial institution, the Oregon Liquor  
5 and Cannabis Commission shall provide to the financial institution the fol-  
6 lowing information:

7       “(a) Whether a person with whom the financial institution is doing busi-  
8 ness holds a license under ORS 475C.065, 475C.085, 475C.093, 475C.097 or  
9 475C.548 or a permit **or temporary permit** under ORS 475C.273;

10       “(b) The name of any other business or individual affiliated with the  
11 person;

12       “(c) A copy of the application, and any supporting documentation sub-  
13 mitted with the application, for a license, **a permit** or a **temporary** permit  
14 submitted by the person;

15       “(d) If applicable, data relating to sales and the volume of product sold  
16 by the person;

17       “(e) Whether the person is currently compliant with the provisions of  
18 ORS 475C.005 to 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648 and  
19 rules adopted under ORS 475C.005 to 475C.525, 475C.540 to 475C.586 and  
20 475C.600 to 475C.648;

21       “(f) Any past or pending violation by the person of a provision of ORS  
22 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.600 to 475C.648 or a rule  
23 adopted under ORS 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.600 to  
24 475C.648; and

25       “(g) Any penalty imposed upon the person for violating a provision of  
26 ORS 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.600 to 475C.648 or a  
27 rule adopted under ORS 475C.005 to 475C.525, 475C.540 to 475C.586 or  
28 475C.600 to 475C.648.

29       “(2) Upon receiving a request under subsection (1) of this section, the  
30 commission shall provide the requesting financial institution with the re-

1 requested information.

2 “(3) The commission may charge a financial institution a reasonable fee  
3 to cover the administrative costs of providing information under this section.

4 **“SECTION 13. (1) The amendments to ORS 475C.117, 475C.197,  
5 475C.209, 475C.265, 475C.269, 475C.273, 475C.742 and 475C.746 by sections  
6 5 to 12 of this 2023 Act become operative on January 1, 2024.**

7 **“(2) The Oregon Liquor and Cannabis Commission may take any  
8 action before the operative date specified in subsection (1) of this sec-  
9 tion that is necessary to enable the commission to exercise, on and  
10 after the operative date specified in subsection (1) of this section, all  
11 of the duties, functions and powers conferred on the commission by  
12 the amendments to ORS 475C.117, 475C.197, 475C.209, 475C.265, 475C.269,  
13 475C.273, 475C.742 and 475C.746 by sections 5 to 12 of this 2023 Act.**

14

15 **“COMMERCIAL MARIJUANA OFFENSES**

16

17 **“SECTION 14. ORS 475C.353 is amended to read:**

18 “475C.353. (1) Except as provided in subsection (3) of this section, a felony  
19 under ORS 475C.337 or 475C.341 shall be classified as crime category 1 of the  
20 sentencing guidelines grid of the Oregon Criminal Justice Commission.

21 “(2) Except as provided in subsection (3) of this section, a felony under  
22 ORS 475C.345 or 475C.349 shall be classified as crime category 4 of the sen-  
23 tencing guidelines grid of the Oregon Criminal Justice Commission.

24 “(3) Subject to subsection (4) of this section, a felony under ORS 475C.337,  
25 475C.341, 475C.345 or 475C.349 shall be classified as crime category 8 of the  
26 sentencing guidelines grid of the Oregon Criminal Justice Commission if the  
27 violation is a commercial marijuana offense. A violation is a commercial  
28 marijuana offense for purposes of this subsection if the violation was com-  
29 mitted in conjunction with at least three of the following factors:

30 “[*a*) *The offender delivered a marijuana item for consideration;*]



1       “[(b)] (a) The offender was in possession of [\$300] **\$2,500** or more in cash;

2       “[(c)] (b) The offender was unlawfully in possession of a firearm or other  
3 weapon as described in ORS 166.270 (2), the offender used, attempted to use  
4 or threatened to use a deadly weapon or dangerous weapon, as those terms  
5 are defined in ORS 161.015, or the offender was in possession of a firearm  
6 or other deadly weapon or dangerous weapon for the purpose of using the  
7 deadly weapon or dangerous weapon;

8       “[(d)] (c) The offender was in possession of materials being used for the  
9 packaging of marijuana items, such as scales, wrapping or foil, other than  
10 a material used to contain the marijuana item that is the subject of the vi-  
11 olation;

12       “[(e)] (d) The offender was in possession of marijuana item transaction  
13 records or customer lists;

14       “[(f)] (e) The offender was in possession of stolen property;

15       “[(g)] (f) The offender was in possession of manufacturing paraphernalia  
16 specifically designed for producing marijuana **or producing or processing**  
17 **marijuana items**, such as [*recipes, precursor chemicals, laboratory equip-*  
18 *ment,*] lighting equipment, ventilating equipment [*or*], power generation  
19 equipment **or extraction equipment**;

20       “[(h)] (g) The offender modified structures by painting, wiring, plumbing  
21 or lighting the structures to facilitate the offense;

22       “[(i)] (h) The offender used public lands to manufacture the marijuana  
23 item; or

24       “[(j)] (i) The offender constructed fortifications or took security measures  
25 that had the potential to injure persons.

26       “(4) To prove that a violation is a commercial marijuana offense for pur-  
27 poses of subsection (3) of this section, the state must plead in the accusatory  
28 instrument at least three of the factors described in subsection (3) of this  
29 section. The state has the burden of proving each factor beyond a reasonable  
30 doubt.



1 “(e) Procedures for disposing or otherwise making use of marijuana, usa-  
2 ble marijuana, **cannabinoid products, medical** cannabinoid products,  
3 cannabinoid concentrates and cannabinoid extracts.

4 “(4) In establishing qualifications under subsection (3) of this section, the  
5 [*commission*] **authority** shall consider the following:

6 “(a) A research applicant’s access to funding and the overall cost of the  
7 proposed research;

8 “(b) The overall benefit of an applicant’s proposed research to this state’s  
9 cannabis industry or to public health and safety; and

10 “(c) Legal barriers to conducting the proposed research or legal risks as-  
11 sociated with conducting the proposed research.

12 “(5) In adopting procedures under subsection (3)(d) and (e) of this section  
13 with respect to making use of marijuana, usable marijuana, cannabinoid  
14 products, **medical cannabinoid products**, cannabinoid concentrates and  
15 cannabinoid extracts, the [*commission*] **authority** shall also adopt procedures  
16 by which a person that holds a certificate issued under this section may  
17 transfer limited amounts of marijuana, usable marijuana, cannabinoid pro-  
18 ducts, **medical cannabinoid products**, cannabinoid concentrates and  
19 cannabinoid extracts to another person that holds a certificate issued under  
20 this section or to a premises for which a license has been issued under ORS  
21 475C.065, 475C.085, 475C.093 or 475C.097.

22 “(6) In adopting procedures under subsection (3)(d) and (e) of this section  
23 with respect to making use of marijuana, usable marijuana, cannabinoid  
24 products, **medical cannabinoid products**, cannabinoid concentrates and  
25 cannabinoid extracts, the [*commission*] **authority** shall also adopt procedures  
26 by which a person that holds a certificate issued under this section may give,  
27 devise or bequest usable marijuana, immature marijuana plants, marijuana  
28 seeds **as defined in ORS 475C.009**, cannabinoid products, **medical**  
29 **cannabinoid products**, cannabinoid concentrates and cannabinoid extracts  
30 to a medical marijuana dispensary [*registered with the authority under ORS*

1 475C.833 and] owned by a nonprofit corporation organized under ORS chap-  
2 ter 65 for purposes described in ORS 475C.850.

3 “(7) A person that holds a certificate issued under this section:

4 “(a) May receive marijuana, usable marijuana, cannabinoid products,  
5 **medical cannabinoid products**, cannabinoid concentrates and cannabinoid  
6 extracts from a [*licensee*] **person that holds a license issued under ORS**  
7 **475C.065, 475C.085, 475C.093 or 475C.097** or a [*registrant*] **person registered**  
8 under ORS 475C.770 to 475C.919; and

9 “(b) May not sell or otherwise transfer marijuana, usable marijuana,  
10 cannabinoid products, **medical cannabinoid products**, cannabinoid concen-  
11 trates or cannabinoid extracts to any other person, except as provided in this  
12 section and rules adopted by the [*commission*] **authority** under this section.

13 “[*(8) Except as otherwise provided by the commission by rule, rules adopted*  
14 *under ORS 475C.005 to 475C.525 with respect to licensees and licensee repre-*  
15 *sentatives apply to persons that hold a certificate issued under this section and*  
16 *persons employed by or who otherwise perform work for persons that hold a*  
17 *certificate issued under this section.*]

18 “[*(9)*] **(8)** A person that holds a certificate issued under this section, and  
19 an employee of or other person who performs work for a person that holds  
20 a certificate issued under this section, is exempt from the criminal laws of  
21 this state for possession, delivery or manufacture of marijuana, aiding and  
22 abetting another in the possession, delivery and manufacture of marijuana,  
23 or any other criminal offense in which possession, delivery or manufacture  
24 of marijuana is an element, while performing activities related to conducting  
25 research as described in this section.

26 “**(9) As used in this section, ‘cannabinoid product’ has the meaning**  
27 **given that term in ORS 475C.009.**

28 “**SECTION 18.** ORS 475C.293 is amended to read:

29 “475C.293. For the purpose of requesting a state or nationwide criminal  
30 records check under ORS 181A.195, the [*Oregon Liquor and Cannabis Com-*

1 *mission*] **Oregon Health Authority** may require the fingerprints of any in-  
2 dividual listed on an application submitted under ORS 475C.289. The powers  
3 conferred on the [*commission*] **authority** under this section include the  
4 power to require the fingerprints of:

5 “(1) If the applicant is a limited partnership, each partner of the limited  
6 partnership;

7 “(2) If the applicant is a limited liability company, each member of the  
8 limited liability company;

9 “(3) If the applicant is a corporation, each director and officer of the  
10 corporation;

11 “(4) Any individual who holds a financial interest of 10 percent or more  
12 in the person applying for the certificate; and

13 “(5) Any individual who is a partner, member, director or officer of a legal  
14 entity with a financial interest in the person applying for the certificate.

15 **“SECTION 19.** ORS 475C.301 is amended to read:

16 “475C.301. (1) In addition to the duties, functions and powers described  
17 in ORS 471.775, and subject to subsection (2) of this section, a regulatory  
18 specialist, as defined in ORS 471.001, has the authority as provided in ORS  
19 133.005 to 133.400, 133.450, 133.525 to 133.703, 133.721 to 133.739, 161.233,  
20 161.245, 475C.005 to 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648,  
21 and chapter 743, Oregon Laws 1971, to conduct inspections and investi-  
22 gations, make seizures, aid in prosecutions of and issue citations to licensees  
23 and persons who hold a [*certificate or*] permit under ORS 475C.005 to 475C.525  
24 for violations of and offenses related to, and otherwise enforce, ORS 475C.005  
25 to 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.648, any rule adopted  
26 under ORS 475C.005 to 475C.525, 475C.540 to 475C.586 and 475C.600 to  
27 475C.648 and any other law of this state that charges the Oregon Liquor and  
28 Cannabis Commission with a duty, function or power related to a marijuana  
29 item, including enforcing any law or rule related to individuals who use false  
30 identification for purposes of purchasing or possessing a marijuana item or

1 who engage in illegal activity on or near a premises.

2 “(2) A regulatory specialist may not:

3 “(a) Be sworn in as a federal law enforcement official and act in that  
4 capacity while performing an activity authorized by this section.

5 “(b) Carry a firearm.

6 “(c) Conduct inspections and investigations of a primary residence.

7 “(d) For purposes of ensuring compliance with ORS 475C.770 to 475C.919,  
8 conduct inspections and investigations of registry identification cardholders  
9 or designated primary caregivers, the residences of registry identification  
10 cardholders or designated primary caregivers, or the locations where registry  
11 identification cardholders or designated primary caregivers produce  
12 marijuana.

13 **“SECTION 20.** ORS 475C.305 is amended to read:

14 “475C.305. ORS 475C.017, 475C.021, 475C.025, 475C.029, 475C.033, 475C.037,  
15 475C.041, 475C.045, 475C.049, 475C.053, 475C.057, 475C.061, 475C.065, 475C.077,  
16 475C.085, 475C.093, 475C.097, 475C.105, 475C.109, 475C.113, 475C.117, 475C.137,  
17 475C.141, 475C.145, 475C.149, 475C.157, 475C.161, 475C.165, 475C.173, 475C.177,  
18 475C.205, 475C.213, 475C.217, 475C.225, 475C.233, 475C.237, 475C.241, 475C.245,  
19 475C.265, 475C.269, 475C.273, 475C.281, 475C.285, [475C.289,] 475C.297,  
20 475C.433, 475C.437, 475C.445, 475C.449, 475C.453, 475C.461, 475C.465, 475C.473,  
21 475C.477, 475C.481, 475C.485, 475C.489 and 475C.493 do not apply:

22 “(1) To the production or storage of homegrown plants in the genus  
23 Cannabis within the plant family Cannabaceae that are otherwise subject to  
24 ORS 475C.005 to 475C.525 at a household by one or more persons 21 years  
25 of age and older, if the total amount of homegrown plants at the household  
26 does not exceed four plants at any time.

27 “(2) To the possession or storage of usable marijuana items at a household  
28 by one or more persons 21 years of age or older, if the total amount of usable  
29 marijuana at the household does not exceed eight ounces of usable marijuana  
30 at any time.

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

5       “(4) To the making, processing, possession or storage of cannabinoid pro-  
6 ducts at a household by one or more persons 21 years of age and older, if the  
7 total amount of cannabinoid products at the household does not exceed 72  
8 ounces in liquid form at any time.

9       “(5) To the making, processing, possession or storage of cannabinoid  
10 concentrates at a household by one or more persons 21 years of age or older,  
11 if the total amount of cannabinoid concentrates at the household does not  
12 exceed 16 ounces at any time.

13       “(6) To the possession of cannabinoid extracts at a household by one or  
14 more persons 21 years of age or older, if the cannabinoid extracts were pur-  
15 chased from a marijuana retailer that holds a license under ORS 475C.097,  
16 or transferred by a medical marijuana dispensary registered by the Oregon  
17 Health Authority under ORS 475C.833, and the total amount of cannabinoid  
18 extracts at the household does not exceed one ounce at any time.

19       “(7) To the delivery of not more than one ounce of usable marijuana at  
20 a time by a person 21 years of age or older to another person 21 years of age  
21 or older for noncommercial purposes.

22       “(8) To the delivery of not more than 16 ounces of cannabinoid products  
23 in solid form at a time by a person 21 years of age or older to another person  
24 21 years of age or older for noncommercial purposes.

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

28       “(10) To the delivery of not more than 16 ounces of cannabinoid concen-  
29 trates at a time by a person 21 years of age or older to another person 21  
30 years of age or older for noncommercial purposes.

1       **“SECTION 21.** ORS 475C.449 is amended to read:

2       “475C.449. (1) For purposes of this section, ‘reasonable regulations’ in-  
3 cludes:

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

8       “(b) Reasonable conditions on the manner in which a marijuana processor  
9 that holds a license issued under ORS 475C.085 may process marijuana [*or*  
10 *in which a researcher of cannabis that holds a certificate issued under ORS*  
11 *475C.289 may process marijuana*];

12       “(c) Reasonable conditions on the manner in which a marijuana whole-  
13 saler that holds a license issued under ORS 475C.093 may sell marijuana at  
14 wholesale;

15       “(d) Reasonable conditions on the manner in which a marijuana retailer  
16 that holds a license issued under ORS 475C.097 may sell marijuana items;

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

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

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

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

30       “(a) Adopt an ordinance that prohibits a premises for which a license has



1 been issued under ORS 475C.097 from being located within a distance that  
2 is greater than 1,000 feet of another premises for which a license has been  
3 issued under ORS 475C.097.

4 “(b) Adopt an ordinance that imposes a setback requirement for an agri-  
5 cultural building used to produce marijuana located on a premises for which  
6 a license has been issued under ORS 475C.065 if the agricultural building:

7 “(A) Was constructed on or before July 1, 2015, in compliance with all  
8 applicable land use and building code requirements at the time of con-  
9 struction;

10 “(B) Is located at an address where a marijuana grow site first registered  
11 with the Oregon Health Authority under ORS 475C.792 on or before January  
12 1, 2015;

13 “(C) Was used to produce marijuana pursuant to the provisions of ORS  
14 475C.770 to 475C.919 on or before January 1, 2015; and

15 “(D) Has four opaque walls and a roof.

16 “**SECTION 22.** ORS 475C.473 is amended to read:

17 “475C.473. (1) The Oregon Liquor and Cannabis Commission, the State  
18 Department of Agriculture and the Oregon Health Authority may not refuse  
19 to perform any duty under ORS 475C.005 to 475C.525 on the basis that man-  
20 ufacturing, distributing, dispensing, possessing or using marijuana is pro-  
21 hibited by federal law.

22 “(2) The commission may not revoke or refuse to issue or renew a  
23 license[, *certificate*] or permit under ORS 475C.005 to 475C.525 on the basis  
24 that manufacturing, distributing, dispensing, possessing or using marijuana  
25 is prohibited by federal law.

26 “**SECTION 23.** ORS 475C.485 is amended to read:

27 “475C.485. In case of invasion, disaster, insurrection or riot, or imminent  
28 danger of invasion, disaster, insurrection or riot, the Governor may, for the  
29 duration of the invasion, disaster, insurrection or riot, or imminent danger,  
30 immediately and without notice suspend, in the area involved, any license[,

1 *certificate*] or permit issued under ORS 475C.005 to 475C.525.

2 **“SECTION 24.** ORS 475C.894 is amended to read:

3 “475C.894. (1) Registration **or certification** under ORS 475C.770 to  
4 475C.919 or possession of proof of registration **or certification** under ORS  
5 475C.770 to 475C.919 does not constitute probable cause to search the person  
6 or property of the registrant **or certificate holder** or otherwise subject the  
7 person or property of the registrant **or certificate holder** to inspection by  
8 a government agency. However, the Oregon Health Authority may inspect  
9 the marijuana grow site of a person designated to produce marijuana by a  
10 registry identification cardholder, a marijuana processing site registered  
11 under ORS 475C.815, [*or*] a medical marijuana dispensary registered under  
12 ORS 475C.833 **or a premises for which a certificate has been issued un-**  
13 **der ORS 475C.289**[,] at any reasonable time to determine whether the person  
14 responsible for the marijuana grow site, the person responsible for the  
15 marijuana processing site, [*or*] the person responsible for the medical  
16 marijuana dispensary[,] **or the person responsible for the premises for**  
17 **which a certificate has been issued under ORS 475C.289** is in compliance  
18 with ORS 475C.770 to 475C.919 and rules adopted under ORS 475C.770 to  
19 475C.919.

20 “(2) Any property interest possessed, owned or used in connection with  
21 the medical use of marijuana or acts incidental to the medical use of  
22 marijuana that has been seized by state or local law enforcement officers  
23 may not be harmed, neglected, injured or destroyed while in the possession  
24 of a law enforcement agency, except that a law enforcement agency has no  
25 responsibility to maintain live marijuana plants lawfully seized. Such prop-  
26 erty interest may not be forfeited under any provision of law providing for  
27 the forfeiture of property, except pursuant to a sentence imposed after con-  
28 viction of a criminal offense. Marijuana and equipment or paraphernalia  
29 used to produce, process or administer marijuana that was seized by a law  
30 enforcement officer shall be returned immediately if the district attorney in

1 whose county the property was seized, or the district attorney’s designee,  
2 determines that the person from whom the marijuana, equipment or par-  
3 aphernalia was seized is entitled to the protections provided by ORS 475C.770  
4 to 475C.919. The determination may be evidenced by a decision not to pros-  
5 ecute, the dismissal of charges or acquittal.

6 **“SECTION 25.** ORS 475C.897 is amended to read:

7 “475C.897. (1) For purposes of this section, ‘reasonable regulations’ in-  
8 cludes:

9 “(a) Reasonable limitations on the hours during which the marijuana  
10 grow site of a person designated to produce marijuana by a registry iden-  
11 tification cardholder, a marijuana processing site or a medical marijuana  
12 dispensary may operate;

13 “(b) Reasonable conditions on the manner in which the marijuana grow  
14 site of a person designated to produce marijuana by a registry identification  
15 cardholder, a marijuana processing site or a medical marijuana dispensary  
16 may transfer usable marijuana, medical cannabinoid products, cannabinoid  
17 concentrates, cannabinoid extracts, immature marijuana plants and seeds;

18 “(c) Reasonable requirements related to the public’s access to the  
19 marijuana grow site of a person designated to produce marijuana by a reg-  
20 istry identification cardholder, a marijuana processing site or a medical  
21 marijuana dispensary; [and]

22 “(d) Reasonable limitations on where the marijuana grow site of a person  
23 designated to produce marijuana by a registry identification cardholder, a  
24 marijuana processing site or a medical marijuana dispensary may be  
25 located[.]; **and**

26 **“(e) Reasonable conditions on the manner in which a researcher of**  
27 **cannabis that holds a certificate issued under ORS 475C.289 may**  
28 **produce marijuana, propagate immature marijuana plants or process**  
29 **marijuana.**

30 “(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing

1 body of a city or county may adopt ordinances that impose reasonable regu-  
2 lations on the operation of marijuana grow sites of persons designated to  
3 produce marijuana by registry identification cardholders, marijuana pro-  
4 cessing sites [*and*], medical marijuana dispensaries **and premises for which**  
5 **a certificate has been issued under ORS 475C.289** that are located in the  
6 area subject to the jurisdiction of the city or county.

7 **“SECTION 26. The amendments to ORS 475C.289 and 475C.293 by**  
8 **sections 17 and 18 of this 2023 Act apply to certificates issued or re-**  
9 **newed on and after the operative date specified in section 27 of this**  
10 **2023 Act. Until the date of renewal, the holder of a certificate issued**  
11 **under ORS 475C.289 before the operative date specified in section 27**  
12 **of this 2023 Act is subject to any tracking requirements established by**  
13 **the Oregon Liquor and Cannabis Commission pursuant to ORS 475C.289**  
14 **before the operative date specified in section 27 of this 2023 Act.**

15 **“SECTION 27. (1) The amendments to ORS 475C.289, 475C.293,**  
16 **475C.301, 475C.305, 475C.449, 475C.473, 475C.485, 475C.894 and 475C.897 by**  
17 **sections 17 to 25 of this 2023 Act become operative on January 1, 2024.**

18 **“(2) The Oregon Health Authority and the Oregon Liquor and**  
19 **Cannabis Commission may take any action before the operative date**  
20 **specified in subsection (1) of this section that is necessary to enable**  
21 **the authority and the commission to exercise all of the duties, func-**  
22 **tions and powers conferred on the authority and the commission by**  
23 **the amendments to ORS 475C.289, 475C.293, 475C.301, 475C.305, 475C.449,**  
24 **475C.473, 475C.485, 475C.894 and 475C.897 by sections 17 to 25 of this 2023**  
25 **Act.**

26  
27 **“CANNABIS FOR MEDICAL USE**  
28

29 **“SECTION 28. ORS 475C.783 is amended to read:**

30 **“475C.783. (1) The Oregon Health Authority shall establish a program for**

1 the issuance of registry identification cards to applicants who meet the re-  
2 quirements of this section.

3 “(2) The authority shall issue a registry identification card to an appli-  
4 cant who is 18 years of age or older if the applicant pays a fee in an amount  
5 established by the authority by rule and submits to the authority an appli-  
6 cation containing the following information:

7 “(a) Written documentation from the applicant’s attending provider stat-  
8 ing that the attending provider has diagnosed the applicant as having a de-  
9 bilitating medical condition and that the medical use of marijuana may  
10 mitigate the symptoms or effects of the applicant’s debilitating medical con-  
11 dition;

12 “(b) The name, address and date of birth of the applicant;

13 “(c) The name, address and telephone number of the applicant’s attending  
14 provider;

15 “(d) Proof of residency, submitted in a form required by the authority by  
16 rule;

17 “(e) The name and address of the applicant’s designated primary  
18 caregiver, if the applicant is designating a primary caregiver under ORS  
19 475C.789; and

20 “(f) The information described in ORS 475C.792 (2), if the applicant is  
21 applying to produce marijuana or designate another person under ORS  
22 475C.792 to produce marijuana.

23 “(3)(a) The authority shall issue a registry identification card to an ap-  
24 plicant who is under 18 years of age if:

25 “(A) The applicant [*pays the fee and*] submits the application described in  
26 subsection (2) of this section; and

27 “(B) The custodial parent or legal guardian who is responsible for the  
28 health care decisions of the applicant signs and submits to the authority a  
29 written statement that:

30 “(i) The applicant’s attending provider has explained to the applicant and

1 to the custodial parent or legal guardian the possible risks and benefits of  
2 the medical use of marijuana;

3 “(ii) The custodial parent or legal guardian consents to the medical use  
4 of marijuana by the applicant;

5 “(iii) The custodial parent or legal guardian agrees to serve as the  
6 applicant’s designated primary caregiver; and

7 “(iv) The custodial parent or legal guardian agrees to control the acqui-  
8 sition, dosage and frequency of the medical use of marijuana by the appli-  
9 cant.

10 “(b) An applicant who is under 18 years of age may not apply to produce  
11 marijuana under subsection (2)(f) of this section.

12 “(c) **The authority may not impose an application or renewal fee**  
13 **on an applicant who is under 18 years of age.**

14 “(4) The authority shall:

15 “(a) On the date on which the authority receives an application described  
16 in subsection (2) of this section, issue a receipt to the applicant verifying  
17 that the authority received an application under subsection (2) or (3) of this  
18 section; and

19 “(b) Approve or deny an application received under subsection (2) or (3)  
20 of this section within 30 days after receiving the application.

21 “(5)(a) If the authority approves an application, the authority shall issue  
22 a serially numbered registry identification card to the applicant within five  
23 days after approving the application. The registry identification card must  
24 include the following information:

25 “(A) The registry identification cardholder’s name, address and date of  
26 birth;

27 “(B) The issuance date and expiration date of the registry identification  
28 card;

29 “(C) If the registry identification cardholder designated a primary  
30 caregiver under ORS 475C.789, the name and address of the registry iden-

1 tification cardholder’s designated primary caregiver; and

2 “(D) Any other information required by the authority by rule.

3 “(b) If the registry identification cardholder designated a primary  
4 caregiver under ORS 475C.789, the authority shall issue an identification  
5 card to the designated primary caregiver. The identification card must con-  
6 tain the information required by paragraph (a) of this subsection.

7 “(6) A registry identification cardholder shall:

8 “(a) In a form and manner prescribed by the authority, notify the au-  
9 thority of any change concerning the registry identification cardholder’s:

10 “(A) Name, address or attending provider;

11 “(B) Designated primary caregiver, including the designation of a primary  
12 caregiver made at a time other than at the time of applying for or renewing  
13 a registry identification card; or

14 “(C) Person responsible for a marijuana grow site, including the desig-  
15 nation of a person responsible for a marijuana grow site made at a time  
16 other than at the time of applying for or renewing a registry identification  
17 card.

18 “(b) Annually renew the registry identification card by paying a fee in  
19 an amount established by the authority by rule, **unless the registry iden-**  
20 **tification cardholder is under 18 years of age**, and submitting to the au-  
21 thority an application that contains the following information:

22 “(A) Updated written documentation from the registry identification  
23 cardholder’s attending provider stating that the registry identification  
24 cardholder still has a debilitating medical condition and that the medical use  
25 of marijuana may mitigate the symptoms or effects of the registry identifi-  
26 cation cardholder’s debilitating medical condition;

27 “(B) The information described in subsection (2)(b) to (f) of this section;  
28 and

29 “(C) If the registry identification cardholder is under 18 years of age, a  
30 statement signed by the custodial parent or legal guardian of the registry

1 identification cardholder that meets the requirements of subsection (3) of this  
2 section.

3 “(7) The authority shall:

4 “(a) On the date on which the authority receives an application described  
5 in subsection (2) of this section, issue a receipt to the applicant verifying  
6 that the authority received an application under subsection (6)(b) of this  
7 section; and

8 “(b) Approve or deny an application received under subsection (6)(b) of  
9 this section within 30 days after receiving the application.

10 “(8)(a) If the registry identification cardholder’s attending provider de-  
11 termines that the registry identification cardholder no longer has a debili-  
12 tating medical condition, or determines that the medical use of marijuana is  
13 contraindicated for the registry identification cardholder’s debilitating med-  
14 ical condition, the registry identification cardholder shall return the registry  
15 identification card to the authority within 30 calendar days after receiving  
16 notice of the determination.

17 “(b) If, because of circumstances beyond the control of the registry iden-  
18 tification cardholder, a registry identification cardholder is unable to obtain  
19 a second medical opinion about the registry identification cardholder’s con-  
20 tinuing eligibility for the medical use of marijuana before having to return  
21 the registry identification card to the authority, the authority may grant the  
22 registry identification cardholder additional time to obtain a second medical  
23 opinion.

24 “(9)(a) The authority may deny an application for a registry identification  
25 card or an application to renew a registry identification card, or may sus-  
26 pend or revoke a registry identification card, if:

27 “(A) The applicant or registry identification cardholder does not provide  
28 the information required by this section;

29 “(B) The authority determines that the applicant or registry identification  
30 cardholder provided false information; or



1 “(C) The authority determines that the applicant or registry identification  
2 cardholder violated a provision of ORS 475C.770 to 475C.919 or a rule  
3 adopted under ORS 475C.770 to 475C.919.

4 “(b) If a registry identification card is revoked, any associated identifi-  
5 cation card issued under subsection (5)(b) of this section, or marijuana grow  
6 site registration card issued under ORS 475C.792 (6), shall also be revoked.

7 “(c) A person whose application is denied, or whose registry identification  
8 card is revoked, under this subsection may not reapply for a registry iden-  
9 tification card for six months from the date of the denial or revocation un-  
10 less otherwise authorized by the authority.

11 “(10)(a) The authority may deny a designation of a primary caregiver  
12 made under ORS 475C.789, or suspend or revoke an associated identification  
13 card issued under subsection (5)(b) of this section, if the authority determines  
14 that the designee or the registry identification cardholder violated a pro-  
15 vision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to  
16 475C.919.

17 “(b) A person whose designation has been denied, or whose identification  
18 card has been revoked, under this subsection may not be designated as a  
19 primary caregiver under ORS 475C.789 for six months from the date of the  
20 denial or revocation unless otherwise authorized by the authority.

21 “(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an ap-  
22 plicant for a registry identification card, or a registry identification  
23 cardholder applying for renewal of a registry identification card, submits to  
24 the authority [*proof of having served in the Armed Forces of the United*  
25 *States*] **applicable documentation listed in paragraph (c) of this sub-**  
26 **section**, the authority:

27 “(A) May not impose a fee that is greater than \$20 for the issuance or  
28 renewal of the registry identification card; and

29 “(B) Must waive the fee for the issuance or renewal of the registry iden-  
30 tification card if the applicant submits proof of having a United States De-

1 partment of Veterans Affairs total disability rating of at least 50 percent as  
2 a result of an injury or illness that the veteran incurred, or that was ag-  
3 gravated, during active military service and who received a discharge or re-  
4 lease under other than dishonorable conditions.

5 “(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement  
6 that a registry identification cardholder include in the application to renew  
7 a registry identification card updated written documentation from the  
8 cardholder’s attending provider regarding the cardholder’s continuing debil-  
9 itating medical condition does not apply to a service-disabled veteran who:

10 “(A) Has been assigned a total and permanent disability rating for com-  
11 pensation that rates the veteran as unable to secure or follow a substantially  
12 gainful occupation as a result of service-connected disabilities as described  
13 in 38 C.F.R. 4.16; or

14 “(B) Has a United States Department of Veterans Affairs total disability  
15 rating of 100 percent as a result of an injury or illness that the veteran in-  
16 curred, or that was aggravated, during active military service and who re-  
17 ceived a discharge or release under other than dishonorable conditions.

18 **“(c) The following are acceptable documentation for the purposes**  
19 **of paragraph (a) of this subsection:**

20 **“(A) Proof of having served in the Armed Forces of the United**  
21 **States; or**

22 **“(B) Proof of receiving Social Security Disability Insurance bene-**  
23 **fits.**

24 “(12) For any purpose described in ORS 475C.770 to 475C.919, including  
25 exemption from criminal liability under ORS 475C.883, a receipt issued by the  
26 authority verifying that an application has been submitted to the authority  
27 under subsection (2), (3) or (6)(b) of this section has the same legal effect as  
28 a registry identification card for 30 days following the date on which the  
29 receipt was issued to the applicant.

30 **“SECTION 29.** ORS 475C.800 is amended to read:

1 “475C.800. (1) Subject to subsection (2) of this section, a marijuana grow  
2 site may transfer [*up to 20 pounds of*] usable marijuana [*per year*] to a person  
3 that holds a license issued under ORS 475C.085 or 475C.093, provided that:

4 “(a) The transfer is tracked using the system developed and maintained  
5 under ORS 475C.177;

6 “(b) More than 12 mature marijuana plants are produced at the marijuana  
7 grow site;

8 “(c) The usable marijuana has been assigned to the person responsible for  
9 the marijuana grow site pursuant to ORS 475C.798;

10 “(d) The usable marijuana has been tested in accordance with the pro-  
11 visions of ORS 475C.540 to 475C.586; and

12 “(e) The marijuana grow site first registered with the Oregon Health  
13 Authority under ORS 475C.792 on or before August 2, 2017.

14 “(2) If the Oregon Liquor and Cannabis Commission determines that the  
15 supply of marijuana items offered for sale by marijuana retailers that hold  
16 a license issued under ORS 475C.097 is exceeding consumer demand for the  
17 marijuana items, and if the commission determines that the market for  
18 marijuana items in this state will not self-correct for the excess, the com-  
19 mission may issue an order that temporarily reduces the amount of usable  
20 marijuana that may be transferred pursuant to this section or that tempo-  
21 rarily suspends the ability to transfer usable marijuana pursuant to this  
22 section.

23 “(3) **A transfer of usable marijuana from a marijuana grow site**  
24 **under this section to a person that holds a license issued under ORS**  
25 **475C.085 is not confidential.**

26 “(4) **A marijuana grow site designated to produce marijuana for at**  
27 **least three registry identification cardholders may, in addition to**  
28 **transferring usable marijuana to the registry identification**  
29 **cardholders or to the designated primary caregivers of the registry**  
30 **identification cardholders described in this subsection, transfer usable**

1 **marijuana to any other registry identification cardholder or designated**  
2 **primary caregiver of a registry identification cardholder.**

3 **“SECTION 30.** ORS 475C.809 is amended to read:

4 “475C.809. (1) Except as provided in subsection (2) of this section, a reg-  
5 istry identification cardholder and the designated primary caregiver of the  
6 registry identification cardholder may jointly possess no more than [24  
7 ounces]:

8 **“(a) Three pounds** of usable marijuana.

9 **“(b) Three pounds of medical cannabinoid products in solid form or**  
10 **cannabinoid concentrates.**

11 **“(c) 216 ounces of medical cannabinoid products in liquid form.**

12 **“(d) Three ounces of cannabinoid extracts.**

13 “(2) Subject to subsection (3) of this section, a person designated to  
14 produce marijuana by a registry identification cardholder may possess the  
15 amount of usable marijuana that the person harvests from the person’s ma-  
16 ture marijuana plants, provided that the person may not possess usable  
17 marijuana in excess of the amount of usable marijuana in the person’s pos-  
18 session as reported to the Oregon Health Authority under ORS 475C.795.

19 “(3) A person designated to produce marijuana by a registry identification  
20 cardholder may not possess usable marijuana in excess of:

21 “(a) For a marijuana grow site located outdoors, 12 pounds of usable  
22 marijuana per mature marijuana plant; or

23 “(b) For a marijuana grow site located indoors, six pounds of usable  
24 marijuana per mature marijuana plant.

25 **“SECTION 31.** ORS 475C.141 is amended to read:

26 “475C.141. (1) To process marijuana for medical purposes, a marijuana  
27 processor that holds a license issued under ORS 475C.085 must register with  
28 the Oregon Liquor and Cannabis Commission under this section.

29 “(2) The commission shall register a marijuana processor for the purpose  
30 of processing marijuana for medical purposes if the marijuana processor:

1       “(a) Holds a license issued under ORS 475C.085;  
2       “(b) Meets any qualifications adopted by the commission by rule;  
3       “(c) Applies to the commission in a form and manner prescribed by the  
4 commission; and

5       “(d) Pays any fee adopted by the commission by rule.

6       “(3) A marijuana processor registered under this section may:

7       “(a) Process marijuana and usable marijuana into medical grade  
8 cannabinoid products, cannabinoid concentrates and cannabinoid extracts;  
9 and

10       “(b) Notwithstanding ORS 475C.205[,]:

11       “(A) Receive marijuana and usable marijuana from, and for a fee process  
12 that marijuana and usable marijuana into cannabinoid products, cannabinoid  
13 concentrates and cannabinoid extracts for, a registry identification  
14 cardholder or the designated primary caregiver of a registry identification  
15 cardholder, provided that the cannabinoid products, cannabinoid concen-  
16 trates and cannabinoid extracts meet the requirements of ORS 475C.540 to  
17 475C.586 and the concentration standards adopted under ORS 475C.620[.];  
18 **and**

19       “(B) **Receive usable marijuana from a marijuana grow site regis-**  
20 **tered under ORS 475C.792.**

21       “(4)(a) The commission shall adopt rules necessary to administer this  
22 section.

23       “(b) The rules must provide that any fee adopted by the commission under  
24 subsection (2)(d) of this section be in an amount reasonably calculated to not  
25 exceed, together with other fees collected under ORS 475C.005 to 475C.525,  
26 the cost of administering ORS 475C.005 to 475C.525.

27       “**SECTION 32. The amendments to ORS 475C.783 by section 28 of**  
28 **this 2023 Act apply to applications for issuance or renewal of a registry**  
29 **identification card received by the Oregon Health Authority on or af-**  
30 **ter the operative date specified in section 33 of this 2023 Act.**

1        **SECTION 33.** (1) The amendments to ORS 475C.141, 475C.783,  
2        475C.800 and 475C.809 by sections 28 to 31 of this 2023 Act become op-  
3        erative on January 1, 2024.

4        **"(2) The Oregon Health Authority and the Oregon Liquor and**  
5        **Cannabis Commission may take any action before the operative date**  
6        **specified in subsection (1) of this section that is necessary to enable**  
7        **the authority and the commission to exercise, on and after the oper-**  
8        **ative date specified in subsection (1) of this section, all of the duties,**  
9        **functions and powers conferred on the authority and the commission**  
10       **by the amendments to ORS 475C.141, 475C.783, 475C.800 and 475C.809 by**  
11       **sections 28 to 31 of this 2023 Act.**

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**"CAPTIONS**

15        **SECTION 34.** The unit captions used in this 2023 Act are provided  
16        only for the convenience of the reader and do not become part of the  
17        statutory law of this state or express any legislative intent in the  
18        enactment of this 2023 Act.

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**"EFFECTIVE DATE**

22        **SECTION 35.** This 2023 Act being necessary for the immediate  
23        preservation of the public peace, health and safety, an emergency is  
24        declared to exist, and this 2023 Act takes effect on its passage." .

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