

Monday, March 27, 2023

**Written Testimony of Rob Bovett
before the
Senate Judiciary Committee
Relating to Senate Bill 353 and Proposed Amendments**

Dear Chair Prozanski, Vice-Chair Thatcher, and Senators Gelser Blouin, Linthicum, and Manning,

For the record I'm Rob Bovett. I won't repeat my background in drug policy, which I already covered in testimony related to [Senate Bill 326](#), [Senate Bill 766](#), and [House Bill 3049](#). Those bills, as well as Senate Bill 954 and House Bills 2931, are the five bills that derive from the recommendations from the Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Production, better known simply as the [HB 3000 / SB 1564](#) Task Force.

A natural consequence of those recommendations and the hearings on those bills was the development of a list of related issues that cannot properly be added to any of those bills, as those are outside the specific recommendations of the Task Force. As a result, at the request of Chair Prozanski, I gathered up those issues and worked with various stakeholders to see if we could achieve at consensus on some and generate an omnibus bill for you to consider. Senate Bill 353 is the placeholder bill selected for that purpose.

Attached to this written testimony is the status of my work on this omnibus bill. I filtered as many issues as I could for significance, but also avoiding controversy or significant fiscal impact. Here is a section-by-section summary of what is attached and **up for your consideration for possible inclusion in this bill:**

<u>Item</u>	<u>§§</u>	<u>Summary</u>
1	1	Clarifies the regulatory authority, pathway, and requirements for the retail sale of non-intoxicating cannabinoid products.
2	2	Removes restriction on export or import of cannabis seeds if such importation or exportation complies with federal law related to hemp.
3	3-4	Authorizes OLCC to issue temporary worker permits under certain circumstances.
4	5	Modernizes the commercial marijuana offense statute.
5	6-10	Authorizes OLCC to permit interstate commerce in cannabis products as permitted by federal law related to hemp, and applies an excise tax in lieu of the retail tax.
6	11-12	Changes primary agency oversight of cannabis research businesses from OLCC to OHA.
7	13	Increases possession limits for OMMP patients.
8	14	Reduces OMMP patient fee for those on SSD, and waives them for minors.
9	15-16	Allows medical grower that is tracked in METRC to use OLCC licensed processor for processing medical marijuana.
10	17	With permission of OMMP patient that owns the cannabis, allows medical grower that is tracked in METRC to transfer certain excess cannabis to another OMMP patient.

I'm more than happy to answer any questions you might have. I also anticipate other witnesses will speak to you about various items listed above.

Sincerely,

Rob Bovett

rbovett@lclark.edu

DRAFT 4
Discussion Draft
NOT PRODUCED BY
LEGISLATIVE COUNSEL

SB 353-_____
(LC 2457)
03/27/23 (REB)

Requested by . . .

PROPOSED AMENDMENTS TO
SENATE BILL 353

1 On page 1 of the printed bill, in line 2, before the period insert a semicolon and “creating
2 new provisions; amending ORS 475C.229, ORS 475C.269, ORS 465C.273, 475C.289, 475C,783,
3 475C.798, 475C.809, and 571.309; and declaring an emergency.”

4 Delete lines 4 through 8 and insert:

5 **“RETAIL SALE OF NON-INTOXICATING CANNABINOID PRODUCTS**

6 **“SECTION 1.**

7 “ORS 571.309 is amended to read:

8 “571.309. **(1)** The Oregon Liquor and Cannabis Commission, in consultation with the State
9 Department of Agriculture, shall adopt rules to establish:

10 “*[(1)]* **(a)** The maximum concentration of tetrahydrocannabinol permitted in a single
11 serving of an industrial hemp product;

12 “*[(2)]* **(b)** The maximum concentration of any other cannabinoid, adult use cannabinoid or
13 artificially derived cannabinoid that is permitted in a single serving of an industrial hemp product;
14 and

15 “*[(3)]* **(c)** The number of servings that are permitted in a package of industrial hemp
16 products.

17 **“(2) The commission shall adopt rules establishing standards for approving industrial**
18 **hemp products that contain artificially derived cannabinoids to be sold at retail. These**
19 **standards may include that the artificially derived cannabinoid:**

20 **“(a) Not be impairing as determined by the commission;**

21 **“(b) Not be intended for human inhalation;**

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 “(2) A licensee must verify that an individual has a valid permit issued under ORS
2 475C.273 before allowing the individual to perform any work described in subsection (1) of this
3 section at the premises for which the license has been issued.

4 “**SECTION 4.** ORS 475C.273 is amended to read:

5 “475C.273. (1) The Oregon Liquor and Cannabis Commission shall issue permits to
6 qualified applicants to perform work described in ORS 475C.269. The commission shall adopt
7 rules establishing:

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

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

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

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

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

16 “(A) Checking identification;

17 “(B) Detecting intoxication;

18 “(C) Handling marijuana items;

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

20 “(E) If applicable, processing marijuana;

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

23 “(G) Any matter deemed necessary by the commission to protect the public health and
24 safety.

25 “(b) The commission or other provider of a course may charge a reasonable fee for the
26 course.

27 “(c) The commission may not require an individual to successfully complete a course more
28 than once, except that:

29 “(A) As part of a final order suspending a permit issued under this section, the commission
30 may require a permit holder to successfully complete the course as a condition of lifting the
31 suspension; and

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

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

5 “(4) Subject to the applicable provisions of ORS chapter 183, the commission may
6 suspend, revoke or refuse to issue or renew a permit if the individual who is applying for or who
7 holds the permit:

8 “(a) Is convicted of a felony or is convicted of an offense under ORS 475C.005 to
9 475C.525, except that the commission may not consider a conviction for an offense under ORS
10 475C.005 to 475C.525 if the date of the conviction is two or more years before the date of the
11 application or renewal;

12 “(b) Violates any provision of ORS 475C.005 to 475C.525 or any rule adopted under ORS
13 475C.005 to 475C.525; or

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

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

17 “(6) **The Commission may establish by rule conditions and a process to issue a**
18 **temporary marijuana worker permits to individuals who have applied for a marijuana**
19 **worker permit under this section.**

20 “COMMERCIAL MARIJUANA OFFENSES

21 “**SECTION 5.** ORS 475C.353 is amended to read:

22 “475C.353. (1) Except as provided in subsection (3) of this section, a felony under ORS 475C.337
23 or 475C.341 shall be classified as crime category 1 of the sentencing guidelines grid of the Oregon Criminal
24 Justice Commission.

25 “(2) Except as provided in subsection (3) of this section, a felony under ORS 475C.345 or 475C.349
26 shall be classified as crime category 4 of the sentencing guidelines grid of the Oregon Criminal Justice
27 Commission.

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

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

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

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

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

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

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

12 “[(g)] (f) The offender was in possession of manufacturing paraphernalia specifically designed for
13 producing marijuana **or marijuana items**, such as [*recipes, precursor chemicals, laboratory equipment,*]
14 lighting equipment, **extraction equipment**, ventilating equipment or power generation equipment;

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

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

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

20 “(4) To prove that a violation is a commercial marijuana offense for purposes of subsection (3) of
21 this section, the state must plead in the accusatory instrument at least three of the factors described in
22 subsection (3) of this section. The state has the burden of proving each factor beyond a reasonable doubt.

23 “**SECTION 6.** *(Conforming amendment to 2023 Senate Bill 326, Section 10.*

24 “**INTERSTATE COMMERCE IN CANNABINOID PRODUCTS**

25 “**SECTION 7.** Sections 8 to 10 of this 2023 Act are added to and made a part of ORS
26 475C.005 to 475C.525.

27 “**SECTION 8.** (1) As used in this section, “**qualifying cannabinoid products and usable**
28 **marijuana**” means **cannabinoid products, cannabinoid concentrates, cannabinoid extracts,**
29 **and usable marijuana that:**

30 “(a) **Qualify as hemp under 7 USC 1639o(1);**

31 “(b) **For exports, meet all legal and regulatory requirements of the receiving state**
32 **related to products derived from the plant species Cannabis sativa L.; and**

1 “(3) Subject to subsection (4) of this section, the *[commission]* **authority** shall adopt by
2 rule or order:

3 (a) Qualifications for certification under this section;

4 “(b) The term of a certificate issued under this section;

5 “(c) Processes for applying for, receiving and renewing a certificate under this section;

6 “(d) Procedures for tracking marijuana, usable marijuana, cannabinoid products,
7 cannabinoid concentrates and cannabinoid extracts received by and disposed or otherwise made
8 use of by a person that holds a certificate issued under this section; and

9 “(e) Procedures for disposing or otherwise making use of marijuana, usable marijuana,
10 cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

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

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

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

16 “(c) Legal barriers to conducting the proposed research or legal risks associated with
17 conducting the proposed research.

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

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

1 475C.833 and owned by a nonprofit corporation organized under ORS chapter 65 for purposes
2 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, cannabinoid
5 concentrates and cannabinoid extracts from a licensee or a registrant under ORS 475C.770 to
6 475C.919; and

7 “(b) May not sell or otherwise transfer marijuana, usable marijuana, cannabinoid products,
8 cannabinoid concentrates or cannabinoid extracts to any other person, except as provided in this
9 section and rules adopted by the commission under this section.

10 “(8) Except as otherwise provided by the *[commission]* **authority** by rule, rules adopted
11 under ORS 475C.005 to 475C.525 with respect to licensees and licensee representatives apply to
12 persons that hold a certificate issued under this section and persons employed by or who otherwise
13 perform work for persons that hold a certificate issued under this section.

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

20 “**SECTION 12.** *(Requirement to continue compliance with ORS 475C.177 tracking;*
21 *plus transition provisions for licenses).*

22 “**OREGON MEDICAL MARIJUANA ACT**

23 “**SECTION 13.** ORS 475C.809 is amended to read:

24 “475C.809. (1) Except as provided in subsection (2) of this section, a registry identification
25 cardholder and the designated primary caregiver of the registry identification cardholder may
26 jointly possess no more than *[24 ounces]* **3 pounds** of usable marijuana **and possession of**
27 **cannabinoid products in amounts up to three times the limits prescribed by ORS 475C.305(3)**
28 **to (5).**

29 “(2) Subject to subsection (3) of this section, a person designated to produce marijuana by
30 a registry identification cardholder may possess the amount of usable marijuana that the person
31 harvests from the person’s mature marijuana plants, provided that the person may not possess

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New sections are in **boldfaced** type.

1 usable marijuana in excess of the amount of usable marijuana in the person’s possession as
2 reported to the Oregon Health Authority under ORS 475C.795.

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

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

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

9 **“SECTION 14.** ORS 475C.783 is amended to read:

10 “475C.783. (1) The Oregon Health Authority shall establish a program for the issuance of
11 registry identification cards to applicants who meet the requirements of this section.

12 “(2) The authority shall issue a registry identification card to an applicant who is 18 years
13 of age or older if the applicant pays a fee in an amount established by the authority by rule and
14 submits to the authority an application containing the following information:

15 “(a) Written documentation from the applicant’s attending provider stating that the
16 attending provider has diagnosed the applicant as having a debilitating medical condition and that
17 the medical use of marijuana may mitigate the symptoms or effects of the applicant’s debilitating
18 medical condition;

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

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

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

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

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

26 “(3)(a) The authority shall issue a registry identification card to an applicant who is under
27 18 years of age if:

28 “(A) The applicant pays the fee and submits the application described in subsection (2) of
29 this section; and

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

1 “(i) The applicant’s attending provider has explained to the applicant and to the custodial
2 parent or legal guardian the possible risks and benefits of the medical use of marijuana;

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

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

7 “(iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and
8 frequency of the medical use of marijuana by the applicant.

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

11 “(4) The authority shall:

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

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

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

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

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

22 “(C) If the registry identification cardholder designated a primary caregiver under ORS
23 475C.789, the name and address of the registry identification cardholder’s designated primary
24 caregiver; and

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

26 “(b) If the registry identification cardholder designated a primary caregiver under ORS
27 475C.789, the authority shall issue an identification card to the designated primary caregiver. The
28 identification card must contain the information required by paragraph (a) of this subsection.

29 “(6) A registry identification cardholder shall:

30 “(a) In a form and manner prescribed by the authority, notify the authority of any change
31 concerning the registry identification cardholder’s:

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

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

4 “(C) Person responsible for a marijuana grow site, including the designation of a person
5 responsible for a marijuana grow site made at a time other than at the time of applying for or
6 renewing a registry identification card.

7 “(b) Annually renew the registry identification card by paying a fee in an amount
8 established by the authority by rule and submitting to the authority an application that contains the
9 following information:

10 “(A) Updated written documentation from the registry identification cardholder’s attending
11 provider stating that the registry identification cardholder still has a debilitating medical condition
12 and that the medical use of marijuana may mitigate the symptoms or effects of the registry
13 identification cardholder’s debilitating medical condition;

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

15 “(C) If the registry identification cardholder is under 18 years of age, a statement signed
16 by the custodial parent or legal guardian of the registry identification cardholder that meets the
17 requirements of subsection (3) of this section.

18 “(7) The authority shall:

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

22 “(b) Approve or deny an application received under subsection (6)(b) of this section within
23 30 days after receiving the application.

24 “(8)(a) If the registry identification cardholder’s attending provider determines that the
25 registry identification cardholder no longer has a debilitating medical condition, or determines that
26 the medical use of marijuana is contraindicated for the registry identification cardholder’s
27 debilitating medical condition, the registry identification cardholder shall return the registry
28 identification card to the authority within 30 calendar days after receiving notice of the
29 determination.

30 “(b) If, because of circumstances beyond the control of the registry identification
31 cardholder, a registry identification cardholder is unable to obtain a second medical opinion about

1 the registry identification cardholder’s continuing eligibility for the medical use of marijuana
2 before having to return the registry identification card to the authority, the authority may grant the
3 registry identification cardholder additional time to obtain a second medical opinion.

4 “(9)(a) The authority may deny an application for a registry identification card or an
5 application to renew a registry identification card, or may suspend or revoke a registry
6 identification card, if:

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

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

11 “(C) The authority determines that the applicant or registry identification cardholder
12 violated a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to
13 475C.919.

14 “(b) If a registry identification card is revoked, any associated identification card issued
15 under subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS
16 475C.792 (6), shall also be revoked.

17 “(c) A person whose application is denied, or whose registry identification card is revoked,
18 under this subsection may not reapply for a registry identification card for six months from the
19 date of the denial or revocation unless otherwise authorized by the authority.

20 “(10)(a) The authority may deny a designation of a primary caregiver made under ORS
21 475C.789, or suspend or revoke an associated identification card issued under subsection (5)(b) of
22 this section, if the authority determines that the designee or the registry identification cardholder
23 violated a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to
24 475C.919.

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

29 “(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a
30 registry identification card, or a registry identification cardholder applying for renewal of a registry

1 identification card, submits to the authority proof of having served in the Armed Forces of the
2 United States, the authority:

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

5 “(B) Must waive the fee for the issuance or renewal of the registry identification card if the
6 applicant submits proof of having a United States Department of Veterans Affairs total disability
7 rating of at least 50 percent as a result of an injury or illness that the veteran incurred, or that was
8 aggravated, during active military service and who received a discharge or release under other than
9 dishonorable conditions.

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

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

17 “(B) Has a United States Department of Veterans Affairs total disability rating of 100
18 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during
19 active military service and who received a discharge or release under other than dishonorable
20 conditions.

21 **“(12) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a**
22 **registry identification card, or a registry identification cardholder applying for renewal of a**
23 **registry identification card, submits to the authority proof of receiving Social Security**
24 **Disability under federal law, the authority may not impose a fee that is greater than \$20 for**
25 **the issuance or renewal of the registry identification card.**

26 **“(13) Notwithstanding subsection (2) or (6)(b) of this section, the authority must waive**
27 **the fee for the issuance or renewal of the registry identification card if the issuance or renewal**
28 **is under subsection (3) of this section.**

29 *“[(12)]* **(14)** For any purpose described in ORS 475C.770 to 475C.919, including
30 exemption from criminal liability under ORS 475C.883, a receipt issued by the authority verifying
31 that an application has been submitted to the authority under subsection (2), (3) or (6)(b) of this

1 section has the same legal effect as a registry identification card for 30 days following the date on
2 which the receipt was issued to the applicant.

3 **“SECTION 15. Section 15 of this 2023 Act is added to and made a part of ORS**
4 **475C.770 to 475C.919.**

5 **“SECTION 16. (1) A marijuana grow site may transfer usable marijuana to a**
6 **processor licensed under ORS 475C.085, provided that:**

7 **“(a) The transfer is tracked using the system developed and maintained under ORS**
8 **475C.177;**

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

10 **“(c) The usable marijuana has been assigned to the person responsible for the**
11 **marijuana grow site pursuant to ORS 475C.798, and is returned to that person after**
12 **processing.**

13 **“(2) Transactions under this section are not confidential.**

14 **“SECTION 17. ORS 475C.798 is amended to read:**

15 **“475C.798. (1) Notwithstanding ORS 475C.792 (7), a person responsible for a marijuana**
16 **grow site may enter into an agreement with a registry identification cardholder under which the**
17 **registry identification cardholder assigns, to the person responsible for the marijuana grow site, a**
18 **portion of the right to possess the seeds, immature marijuana plants and usable marijuana that are**
19 **the property of the registry identification cardholder.**

20 **“(2) A person responsible for a marijuana grow site may transfer to any registry**
21 **identification cardholder or designated primary caregiver any of the seeds, immature**
22 **marijuana plants or usable marijuana assigned to the person by a registry identification**
23 **cardholder under subsection (1) of this section, provided that:**

24 **“(a) The transfer is tracked using the system developed and maintained under ORS**
25 **475C.177; and**

26 **“(b) More than 12 mature marijuana plants are produced at the marijuana grow site.**

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

