

# Senate Bill 542

Sponsored by Senator WINTERS (at the request of League of Oregon Cities)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals sections of Ballot Measure 91 (2014) that prescribe manner in which local governments may regulate production, processing, wholesale sale, retail sale and taxation of marijuana.

Specifies that provisions of Ballot Measure 91 (2014) do not prohibit local governments from adopting ordinances that regulate, restrict, prohibit or impose taxes on production, processing, wholesale sale or retail sale of marijuana.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to local governments' regulation of marijuana; creating new provisions; amending section  
3 6, chapter 1, Oregon Laws 2015; repealing sections 42, 58, 59, 60, 61 and 62, chapter 1, Oregon  
4 Laws 2015; and declaring an emergency.

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

6 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of sections 3 to 70,**  
7 **chapter 1, Oregon Laws 2015.**

8 **SECTION 2. (1) Sections 3 to 70, chapter 1, Oregon Laws 2015, do not prohibit a governing**  
9 **body of a city or county from adopting ordinances that:**

10 (a) **Regulate, restrict or prohibit the operation of a premises licensed under section 19,**  
11 **20, 21 or 22, chapter 1, Oregon Laws 2015; or**

12 (b) **Impose a tax on the production, processing, wholesale sale or retail sale of marijuana**  
13 **in addition to the tax imposed on the production of marijuana under sections 31 to 44,**  
14 **chapter 1, Oregon Laws 2015.**

15 (2) **A city or county that adopts an ordinance under this section must provide the text**  
16 **and effective date of the ordinance to the Oregon Liquor Control Commission in a manner**  
17 **prescribed by the commission.**

18 **SECTION 3. Sections 42, 58, 59, 60, 61 and 62, chapter 1, Oregon Laws 2015, are repealed.**

19 **SECTION 4. Section 6, chapter 1, Oregon Laws 2015, is amended to read:**

20 **Sec. 6. (1) Sections 7 to 44, chapter 1, Oregon Laws 2015, and section 2 of this 2015 Act**  
21 **[and 60 to 62 of this Act] do not apply:**

22 (a) **To the production, processing, keeping[,]** or storage of homegrown marijuana at a household  
23 **by one or more persons 21 years of age [and] or older if the total amount of homegrown marijuana**  
24 **at the household does not exceed four marijuana plants and eight ounces of usable marijuana at a**  
25 **given time.**

26 (b) **To the making, processing, keeping[,]** or storage of homemade marijuana products at a  
27 **household by one or more persons 21 years of age [and] or older if the total amount of homemade**  
28 **marijuana products at the household does not exceed [sixteen] 16 ounces in solid form at a given**  
29 **time.**

**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 (c) To the making, processing, keeping[,] or storage of homemade marijuana products at a  
2 household by one or more persons 21 years of age [and] or older if the total **amount** of homemade  
3 marijuana products at the household does not exceed [seventy-two] **72** ounces in liquid form at a  
4 given time.

5 (d) To the delivery of not more than one ounce of homegrown marijuana at a given time by a  
6 person 21 years of age or older to another person 21 years of age or older for noncommercial pur-  
7 poses.

8 (e) To the delivery of not more than [sixteen] **16** ounces of homemade marijuana products in solid  
9 form at a given time by a person 21 years of age or older to another person 21 years of age or older  
10 for noncommercial purposes.

11 (f) To the delivery of not more than [seventy-two] **72** ounces of homemade marijuana products in  
12 liquid form at a given time by a person 21 years of age or older to another person 21 years of age  
13 or older for noncommercial purposes.

14 (2) Sections 7 to 70, **chapter 1, Oregon Laws 2015** [of this Act]:

15 (a) Do not apply to the extent **that** a person acts within the scope of and in compliance with  
16 the Oregon Medical Marijuana Act; or

17 (b) Do not amend or affect in any way the function, duties[,] and powers of the Oregon Health  
18 Authority under the Oregon Medical Marijuana Act.

19 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**  
20 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
21 **on its passage.**

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