

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3400**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and lines 3 through 5 and insert “181.534, 181.537, 475.300, 475.302,  
3 475.303, 475.304, 475.306, 475.309, 475.312, 475.314, 475.316, 475.319, 475.320,  
4 475.323, 475.326, 475.328, 475.331, 475.334, 475.338, 475.340 and 475.342 and  
5 section 2, chapter 79, Oregon Laws 2014; repealing ORS 475.324; and declar-  
6 ing an emergency.”.

7 Delete lines 7 through 27 and delete pages 2 through 33 and insert:

8

9 **“OREGON MEDICAL MARIJUANA ACT**  
10 **(Definitions)**

11

12 **“SECTION 1.** ORS 475.302 is amended to read:

13 “475.302. As used in ORS 475.300 to 475.346:

14 “(1) ‘Attending physician’ means a physician licensed under ORS chapter  
15 677 who has primary responsibility for the care and treatment of a person  
16 diagnosed with a debilitating medical condition.

17 “[*(2) ‘Authority’ means the Oregon Health Authority.*]

18 **“(2) ‘Cannabinoid’ means any of the chemical compounds that are**  
19 **the active constituents of marijuana.**

20 **“(3) ‘Cannabinoid concentrate’ means a substance obtained by sep-**  
21 **arating cannabinoids from marijuana by:**

22 **“(a) A mechanical extraction process;**

1       **“(b) A chemical extraction process using a nonhydrocarbon-based**  
2 **solvent, such as vegetable glycerin, vegetable oils, animal fats,**  
3 **isopropyl alcohol or ethanol;**

4       **“(c) A chemical extraction process using the hydrocarbon-based**  
5 **solvent carbon dioxide, provided that the process does not involve the**  
6 **use of high heat or pressure; or**

7       **“(d) Any other process identified by the Oregon Health Authority,**  
8 **in consultation with the Oregon Liquor Control Commission, by rule.**

9       **“(4) ‘Cannabinoid edible’ means food or potable liquid into which a**  
10 **cannabinoid concentrate, cannabinoid extract or dried leaves or flow-**  
11 **ers of marijuana have been incorporated.**

12       **“(5) ‘Cannabinoid extract’ means a substance obtained by separat-**  
13 **ing cannabinoids from marijuana by:**

14       **“(a) A chemical extraction process using a hydrocarbon-based sol-**  
15 **vent, such as butane, hexane or propane;**

16       **“(b) A chemical extraction process using the hydrocarbon-based**  
17 **solvent carbon dioxide, if the process uses high heat or pressure; or**

18       **“(c) Any other process identified by the Oregon Health Authority,**  
19 **in consultation with the Oregon Liquor Control Commission, by rule.**

20       **“[(3)] (6) ‘Debilitating medical condition’ means:**

21       **“(a) Cancer, glaucoma, agitation incident to Alzheimer’s disease, positive**  
22 **status for human immunodeficiency virus or acquired immune deficiency**  
23 **syndrome, or a side effect related to the treatment of [these] those medical**  
24 **conditions;**

25       **“(b) A medical condition or treatment for a medical condition that**  
26 **produces, for a specific patient, one or more of the following:**

27       **“(A) Cachexia;**

28       **“(B) Severe pain;**

29       **“(C) Severe nausea;**

30       **“(D) Seizures, including seizures caused by epilepsy; or**

1 “(E) Persistent muscle spasms, including spasms caused by multiple  
2 sclerosis;

3 “(c) Post-traumatic stress disorder; or

4 “(d) Any other medical condition or side effect related to the treatment  
5 of a medical condition adopted by the **Oregon Health** Authority by rule or  
6 approved by the authority pursuant to a petition [*submitted*] **filed** under ORS  
7 475.334.

8 “[~~(4)(a)~~] **(7)(a)** ‘Delivery’ has the meaning given that term in ORS 475.005.

9 “(b) ‘Delivery’ does not include transfer of[.]

10 “[~~(A)~~] marijuana by a registry identification cardholder to another regis-  
11 try identification cardholder if no consideration is paid for the transfer[;].

12 “[~~(B)~~ *Usable marijuana or immature marijuana plants from a registry*  
13 *identification cardholder, the designated primary caregiver of a registry iden-*  
14 *tification cardholder or a marijuana grow site to a medical marijuana facility*  
15 *registered under ORS 475.314; or]*

16 “[~~(C)~~ *Usable marijuana or immature marijuana plants from a medical*  
17 *marijuana facility registered under ORS 475.314 to a registry identification*  
18 *cardholder or the designated primary caregiver of a registry identification*  
19 *cardholder.]*

20 “[~~(5)~~] **(8)(a)** ‘Designated primary caregiver’ means an individual:

21 “**(A) Who is** 18 years of age or older;

22 “**(B)** Who has significant responsibility for managing the well-being of a  
23 person who has been diagnosed with a debilitating medical condition; and

24 “**(C)** Who is designated as [*such on that*] **the person responsible for**  
25 **managing the well-being of a person who has been diagnosed with a**  
26 **debilitating medical condition on that** person’s application for a registry  
27 identification card or in other written notification **submitted** to the au-  
28 thority.

29 “**(b)** ‘Designated primary caregiver’ does not include [*the*] **a** person’s at-  
30 tending physician.

1        “[~~(6)~~ *‘Marijuana’* has the meaning given that term in ORS 475.005.]

2        **“(9) ‘High heat’ means a temperature exceeding 180 degrees.**

3        **“(10) ‘Immature marijuana plant’ means a marijuana plant that is**  
4 **not flowering.**

5        **“(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae,**  
6 **any part of the plant Cannabis family Cannabaceae and the seeds of**  
7 **the plant Cannabis family Cannabaceae.**

8        **“(b) ‘Marijuana’ does not include industrial hemp, as defined in**  
9 **ORS 571.300.**

10        “[~~(7)~~] **(12) ‘Marijuana grow site’ means a location registered under ORS**  
11 **475.304 where marijuana is produced for use by a registry identification**  
12 **cardholder.**

13        **“(13) ‘Marijuana processing site’ means a marijuana processing site**  
14 **registered under section 10 of this 2015 Act or a site for which an ap-**  
15 **plicant has submitted an application for registration under section 10**  
16 **of this 2015 Act.**

17        **“(14) ‘Mature marijuana plant’ means a marijuana plant that is not**  
18 **an immature marijuana plant.**

19        **“(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible**  
20 **and any other product intended for human consumption or use, in-**  
21 **cluding a product intended to be applied to a person’s skin or hair,**  
22 **that contains cannabinoids or dried leaves or flowers of marijuana.**

23        **“(b) ‘Medical cannabinoid product’ does not include:**

24        **“(A) Usable marijuana by itself;**

25        **“(B) A cannabinoid concentrate by itself;**

26        **“(C) A cannabinoid extract by itself; or**

27        **“(D) Industrial hemp, as defined in ORS 571.300.**

28        **“(16) ‘Medical marijuana dispensary’ means a medical marijuana**  
29 **dispensary registered under ORS 475.314 or a site for which an appli-**  
30 **cant has submitted an application for registration under ORS 475.314.**

1        “[8] (17) ‘Medical use of marijuana’ means the production, **processing**,  
2 possession, delivery[, *distribution*] or administration of marijuana, or **use of**  
3 paraphernalia used to administer marijuana, [*as necessary for the exclusive*  
4 *benefit of a person*] to mitigate the symptoms or effects of [*the person’s*] a  
5 debilitating medical condition.

6        “[9] ‘Production’ has the meaning given that term in ORS 475.005.]

7        “(18) ‘**Person designated to produce marijuana by a registry iden-**  
8 **tification cardholder**’ means a person designated to produce marijuana  
9 **by a registry identification cardholder under ORS 475.304 who produces**  
10 **marijuana for a registry identification cardholder at an address other**  
11 **than the address where the registry identification cardholder resides**  
12 **or at an address where more than 12 mature marijuana plants are**  
13 **produced.**

14        “(19) ‘**Process**’ means the **compounding or conversion of marijuana**  
15 **into medical cannabinoid products, cannabinoid concentrates or**  
16 **cannabinoid extracts.**

17        “(20) ‘**Production**’ means:

18        “(a) **Planting, cultivating, growing, trimming or harvesting**  
19 **marijuana; or**

20        “(b) **Drying marijuana leaves or flowers.**

21        “[10] (20) ‘Registry identification card’ means a document issued by the  
22 **Oregon Health Authority under ORS 475.309** that identifies a person au-  
23 thorized to engage in the medical use of marijuana and, if the person has a  
24 designated primary caregiver under ORS 475.312, the person’s designated  
25 primary caregiver.

26        “(21) ‘**Registry identification cardholder**’ means a person to whom  
27 **a registry identification card has been issued under ORS 475.309.**

28        “[11] (21)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
29 [*the plant Cannabis family Moraceae, and any mixture or preparation thereof,*  
30 *that are appropriate for medical use as allowed in ORS 475.300 to 475.346*]

1 **marijuana.**

2 “(b) ‘Usable marijuana’ does not include:

3 “(A) The seeds, stalks and roots of [*the plant.*] **marijuana; or**

4 “(B) **Waste material that is a by-product of producing marijuana.**

5 “[*(12)*] **(22)** ‘Written documentation’ means a statement signed by the at-  
6 tending physician of a person diagnosed with a debilitating medical condition  
7 or copies of the person’s relevant medical records.

8

9 “(Registry Identification Cardholders  
10 and Designated Primary Caregivers)

11

12 “**SECTION 2.** ORS 475.309 is amended to read:

13 “475.309. [*(1) Except as provided in ORS 475.316, 475.320 and 475.342, a*  
14 *person engaged in or assisting in the medical use of marijuana is excepted*  
15 *from the criminal laws of the state for possession, delivery or production of*  
16 *marijuana, aiding and abetting another in the possession, delivery or pro-*  
17 *duction of marijuana or any other criminal offense in which possession, de-*  
18 *livery or production of marijuana is an element if the following conditions*  
19 *have been satisfied:]*

20 “[*(a)(A) The person holds a registry identification card issued pursuant to*  
21 *this section, has applied for a registry identification card pursuant to sub-*  
22 *section (9) of this section, is the designated primary caregiver of the cardholder*  
23 *or applicant, or is the person responsible for a marijuana grow site that is*  
24 *producing marijuana for the cardholder and is registered under ORS 475.304;*  
25 *and]*

26 “[*(B) The person who has a debilitating medical condition, the person’s*  
27 *primary caregiver and the person responsible for a marijuana grow site that*  
28 *is producing marijuana for the cardholder and is registered under ORS*  
29 *475.304 are collectively in possession of, delivering or producing marijuana for*  
30 *medical use in amounts allowed under ORS 475.320; or]*

1       “(b) *The person is responsible for or employed by a medical marijuana*  
2 *facility registered under ORS 475.314 and does not commit any of the acts*  
3 *described in this subsection anywhere other than at the medical marijuana*  
4 *facility.*]

5       “(2) *The Oregon Health Authority shall establish and maintain a program*  
6 *for the issuance of registry identification cards to persons who meet the re-*  
7 *quirements of this section. Except as provided in subsection (3) of this section,*  
8 *the authority shall issue a registry identification card to any person who pays*  
9 *a fee in the amount established by the authority and provides the following:]*

10       “(a) *Valid, written documentation from the person’s attending physician*  
11 *stating that the person has been diagnosed with a debilitating medical condi-*  
12 *tion and that the medical use of marijuana may mitigate the symptoms or ef-*  
13 *fects of the person’s debilitating medical condition;]*

14       “(b) *The name, address and date of birth of the person;]*

15       “(c) *The name, address and telephone number of the person’s attending*  
16 *physician;]*

17       “(d) *The name and address of the person’s designated primary caregiver,*  
18 *if the person has designated a primary caregiver at the time of application;*  
19 *and]*

20       “(e) *A written statement that indicates whether the marijuana used by the*  
21 *cardholder will be produced at a location where the cardholder or designated*  
22 *primary caregiver is present or at another location.]*

23       “(3) *The authority shall issue a registry identification card to a person*  
24 *who is under 18 years of age if the person submits the materials required un-*  
25 *der subsection (2) of this section, and the custodial parent or legal guardian*  
26 *with responsibility for health care decisions for the person under 18 years of*  
27 *age signs a written statement that:]*

28       “(a) *The attending physician of the person under 18 years of age has ex-*  
29 *plained to that person and to the custodial parent or legal guardian with re-*  
30 *sponsibility for health care decisions for the person under 18 years of age the*

1 *possible risks and benefits of the medical use of marijuana;]*

2 *“[(b) The custodial parent or legal guardian with responsibility for health*  
3 *care decisions for the person under 18 years of age consents to the use of*  
4 *marijuana by the person under 18 years of age for medical purposes;]*

5 *“[(c) The custodial parent or legal guardian with responsibility for health*  
6 *care decisions for the person under 18 years of age agrees to serve as the des-*  
7 *ignated primary caregiver for the person under 18 years of age; and]*

8 *“[(d) The custodial parent or legal guardian with responsibility for health*  
9 *care decisions for the person under 18 years of age agrees to control the ac-*  
10 *quisition of marijuana and the dosage and frequency of use by the person un-*  
11 *der 18 years of age.]*

12 *“[(4) A person applying for a registry identification card pursuant to this*  
13 *section may submit the information required in this section to a county health*  
14 *department for transmittal to the authority. A county health department that*  
15 *receives the information pursuant to this subsection shall transmit the infor-*  
16 *mation to the authority within five days of receipt of the information. Infor-*  
17 *mation received by a county health department pursuant to this subsection*  
18 *shall be confidential and not subject to disclosure, except as required to*  
19 *transmit the information to the authority.]*

20 *“[(5)(a) The authority shall verify the information contained in an applica-*  
21 *tion submitted pursuant to this section and shall approve or deny an applica-*  
22 *tion within thirty days of receipt of the application.]*

23 *“[(b) In addition to the authority granted to the authority under ORS*  
24 *475.316 to deny an application, the authority may deny an application for the*  
25 *following reasons:]*

26 *“[(A) The applicant did not provide the information required pursuant to*  
27 *this section to establish the applicant’s debilitating medical condition and to*  
28 *document the applicant’s consultation with an attending physician regarding*  
29 *the medical use of marijuana in connection with such condition, as provided*  
30 *in subsections (2) and (3) of this section;]*



1       *“(B) The authority determines that the information provided was falsified;*  
2 *or]*

3       *“(C) The applicant has been prohibited by a court order from obtaining a*  
4 *registry identification card.]*

5       *“(c) Denial of a registry identification card shall be considered a final*  
6 *authority action, subject to judicial review. Only the person whose application*  
7 *has been denied, or, in the case of a person under the age of 18 years of age*  
8 *whose application has been denied, the person’s parent or legal guardian, shall*  
9 *have standing to contest the authority’s action.]*

10       *“(d) Any person whose application has been denied may not reapply for*  
11 *six months from the date of the denial, unless so authorized by the authority*  
12 *or a court of competent jurisdiction.]*

13       *“(6)(a) If the authority has verified the information submitted pursuant to*  
14 *subsections (2) and (3) of this section and none of the reasons for denial listed*  
15 *in subsection (5)(b) of this section is applicable, the authority shall issue a*  
16 *serially numbered registry identification card within five days of verification*  
17 *of the information. The registry identification card shall state:]*

18       *“(A) The cardholder’s name, address and date of birth;]*

19       *“(B) The date of issuance and expiration date of the registry identification*  
20 *card;]*

21       *“(C) The name and address of the person’s designated primary caregiver,*  
22 *if any;]*

23       *“(D) Whether the marijuana used by the cardholder will be produced at*  
24 *a location where the cardholder or designated primary caregiver is present or*  
25 *at another location; and]*

26       *“(E) Any other information that the authority may specify by rule.]*

27       *“(b) When the person to whom the authority has issued a registry iden-*  
28 *tification card pursuant to this section has specified a designated primary*  
29 *caregiver, the authority shall issue an identification card to the designated*  
30 *primary caregiver. The primary caregiver’s registry identification card shall*

1 *contain the information provided in paragraph (a) of this subsection.]*

2 *“[(7)(a) A person who possesses a registry identification card shall:]*

3 *“[(A) Notify the authority of any change in the person’s name, address, at-*  
4 *tending physician or designated primary caregiver.]*

5 *“[(B) If applicable, notify the designated primary caregiver of the*  
6 *cardholder, the person responsible for the marijuana grow site that produces*  
7 *marijuana for the cardholder and any person responsible for a medical*  
8 *marijuana facility that transfers usable marijuana or immature marijuana*  
9 *plants to the cardholder under ORS 475.314 of any change in status including,*  
10 *but not limited to:]*

11 *“[(i) The assignment of another individual as the designated primary*  
12 *caregiver of the cardholder;]*

13 *“[(ii) The assignment of another individual as the person responsible for a*  
14 *marijuana grow site producing marijuana for the cardholder; or]*

15 *“[(iii) The end of the eligibility of the cardholder to hold a valid registry*  
16 *identification card.]*

17 *“[(C) Annually submit to the authority:]*

18 *“[(i) Updated written documentation from the cardholder’s attending phy-*  
19 *sician of the person’s debilitating medical condition and that the medical use*  
20 *of marijuana may mitigate the symptoms or effects of the person’s debilitating*  
21 *medical condition; and]*

22 *“[(ii) The name of the person’s designated primary caregiver if a primary*  
23 *caregiver has been designated for the upcoming year.]*

24 *“[(b) If a person who possesses a registry identification card fails to comply*  
25 *with this subsection, the card shall be deemed expired. If a registry identifi-*  
26 *cation card expires, the identification card of any designated primary caregiver*  
27 *of the cardholder shall also expire.]*

28 *“[(8)(a) A person who possesses a registry identification card pursuant to*  
29 *this section and who has been diagnosed by the person’s attending physician*  
30 *as no longer having a debilitating medical condition or whose attending phy-*

1 *sician has determined that the medical use of marijuana is contraindicated for*  
2 *the person's debilitating medical condition shall return the registry identifi-*  
3 *cation card and any other associated Oregon Medical Marijuana Program*  
4 *cards to the authority within 30 calendar days of notification of the diagnosis*  
5 *or notification of the contraindication.]*

6 *“(b) If, due to circumstances beyond the control of the registry identifica-*  
7 *tion cardholder, a cardholder is unable to obtain a second medical opinion*  
8 *about the cardholder's continuing eligibility to use medical marijuana before*  
9 *the 30-day period specified in paragraph (a) of this subsection has expired, the*  
10 *authority may grant the cardholder additional time to obtain a second opinion*  
11 *before requiring the cardholder to return the registry identification card and*  
12 *any associated cards.]*

13 *“(9) A person who has applied for a registry identification card pursuant*  
14 *to this section but whose application has not yet been approved or denied, and*  
15 *who is contacted by any law enforcement officer in connection with the person's*  
16 *administration, possession, delivery or production of marijuana for medical use*  
17 *may provide to the law enforcement officer a copy of the written documentation*  
18 *submitted to the authority pursuant to subsection (2) or (3) of this section and*  
19 *proof of the date of mailing or other transmission of the documentation to the*  
20 *authority. This documentation shall have the same legal effect as a registry*  
21 *identification card until such time as the person receives notification that the*  
22 *application has been approved or denied.]*

23 *“(10)(a) A registry identification cardholder has the primary responsibility*  
24 *of notifying the designated primary caregiver, the person responsible for the*  
25 *marijuana grow site that produces marijuana for the cardholder and any per-*  
26 *son responsible for a medical marijuana facility that transfers usable*  
27 *marijuana or immature marijuana plants to the cardholder under ORS 475.314*  
28 *of any change in status of the cardholder.]*

29 *“(b) If the authority is notified by the cardholder that a primary caregiver*  
30 *or person responsible for a marijuana grow site has changed, the authority*

1 shall notify the primary caregiver or the person responsible for the marijuana  
2 grow site by mail at the address of record confirming the change in status and  
3 informing the caregiver or person responsible for the marijuana grow site that  
4 their card is no longer valid and must be returned to the authority.]

5 “[11) The authority shall revoke the registry identification card of a  
6 cardholder if a court has issued an order that prohibits the cardholder from  
7 participating in the medical use of marijuana or otherwise participating in the  
8 Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The  
9 cardholder shall return the registry identification card to the authority within  
10 seven calendar days of notification of the revocation. If the cardholder is a  
11 patient, the patient shall return the patient’s card and all other associated  
12 Oregon Medical Marijuana Program cards.]

13 “[12) The authority shall revoke the registration of a medical marijuana  
14 facility registered under ORS 475.314 if a court has issued an order that pro-  
15 hibits the person responsible for the medical marijuana facility from partic-  
16 ipating in the Oregon Medical Marijuana Program under ORS 475.300 to  
17 475.346.]

18 “[13) The authority and employees and agents of the authority acting  
19 within the course and scope of their employment are immune from any civil  
20 liability that might be incurred or imposed for the performance of or failure  
21 to perform duties required by this section.]

22 **“(1) The Oregon Health Authority shall establish a program for the**  
23 **issuance of registry identification cards to applicants who meet the**  
24 **requirements of this section.**

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

29 **“(a) Written documentation from the applicant’s attending physi-**  
30 **cian stating that the attending physician has diagnosed the applicant**

1 as having a debilitating medical condition and that the medical use  
2 of marijuana may mitigate the symptoms or effects of the applicant's  
3 debilitating medical condition;

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

5 “(c) The name, address and telephone number of the applicant's  
6 attending physician;

7 “(d) Proof of residency, as required by the authority by rule;

8 “(e) The name and address of the applicant's designated primary  
9 caregiver, if the applicant is designating a primary caregiver under  
10 ORS 475.312; and

11 “(f) The information described in ORS 475.304 (2), if the applicant  
12 is applying to produce marijuana or designate another person under  
13 ORS 475.304 to produce marijuana.

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

16 “(A) The applicant pays the fee and submits the application de-  
17 scribed in subsection (2) of this section; and

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

21 “(i) The applicant's attending physician has explained to the appli-  
22 cant and to the custodial parent or legal guardian the possible risks  
23 and benefits of the medical use of marijuana;

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

26 “(iii) The custodial parent or legal guardian agrees to serve as the  
27 applicant's designated primary caregiver; and

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

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

3       **“(4) The authority shall approve or deny an application within 30**  
4 **days after receiving the application.**

5       **“(5)(a) If the authority approves an application, the authority shall**  
6 **issue a serially numbered registry identification card to the applicant**  
7 **within five days after approving the application. The registry identifi-**  
8 **cation card must include the following information:**

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

11       **“(B) The issuance date and expiration date of the registry identifi-**  
12 **cation card;**

13       **“(C) If the registry identification cardholder designated a primary**  
14 **caregiver under ORS 475.312, the name and address of the registry**  
15 **identification cardholder’s designated primary caregiver; and**

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

17       **“(b) If the registry identification cardholder designated a primary**  
18 **caregiver under ORS 475.312, the authority shall issue an identification**  
19 **card to the designated primary caregiver. The identification card must**  
20 **contain the information required by paragraph (a) of this subsection.**

21       **“(6) A registry identification cardholder shall:**

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

25       **“(A) Name, address or attending physician;**

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

29       **“(C) Person responsible for a marijuana grow site, including the**  
30 **designation of a person responsible for a marijuana grow site made at**

1 a time other than at the time of applying for or renewing a registry  
2 identification card.

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

6 “(A) Updated written documentation from the registry identifica-  
7 tion cardholder’s attending physician stating that the registry iden-  
8 tification cardholder still has a debilitating medical condition and that  
9 the medical use of marijuana may mitigate the symptoms or effects  
10 of the registry identification cardholder’s debilitating medical condi-  
11 tion;

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

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

18 “(7)(a) If the registry identification cardholder’s attending physician  
19 determines that the registry identification cardholder no longer has a  
20 debilitating medical condition or determines that the medical use of  
21 marijuana is contraindicated for the registry identification  
22 cardholder’s debilitating medical condition, the registry identification  
23 cardholder shall return the registry identification card to the author-  
24 ity within 30 calendar days after receiving notice of the determination.

25 “(b) If, because of circumstances beyond the control of the registry  
26 identification cardholder, a registry identification cardholder is unable  
27 to obtain a second medical opinion about the registry identification  
28 cardholder’s continuing eligibility for the medical use of marijuana  
29 before having to return the registry identification card to the author-  
30 ity, the authority may grant the registry identification cardholder ad-

1 **ditional time to obtain a second medical opinion.**

2 **“(8)(a) The authority may deny an application for a registry iden-**  
3 **tification card or an application to renew a registry identification card,**  
4 **or may suspend or revoke a registry identification card, if:**

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

7 **“(B) The authority determines that the applicant or registry iden-**  
8 **tification cardholder provided false information; or**

9 **“(C) The authority determines that the applicant or registry iden-**  
10 **tification cardholder violated a provision of ORS 475.300 to 475.346 or**  
11 **a rule adopted under ORS 475.300 to 475.346.**

12 **“(b) If a registry identification card is revoked, any associated**  
13 **identification card issued under subsection (5)(b) of this section, or**  
14 **marijuana grow site registration card issued under ORS 475.304 (6),**  
15 **shall also be revoked.**

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

20 **“(9)(a) The authority may deny a designation of a primary caregiver**  
21 **made under ORS 475.312, or suspend or revoke an associated identifi-**  
22 **cation card issued under subsection (5)(b) of this section, if the au-**  
23 **thority determines that the designee or the registry identification**  
24 **cardholder violated a provision of ORS 475.300 to 475.346 or a rule**  
25 **adopted under ORS 475.300 to 475.346.**

26 **“(b) A person whose designation has been denied, or whose iden-**  
27 **tification card has been revoked, under this subsection may not be**  
28 **designated as a primary caregiver under ORS 475.312 for six months**  
29 **from the date of the denial or revocation unless otherwise authorized**  
30 **by the authority.**



1       “(10) Notwithstanding subsection (2) or (6)(b) of this section, if an  
2 applicant for a registry identification card, or a registry identification  
3 cardholder applying for renewal of a registry identification card, sub-  
4 mits to the authority proof of having served in the Armed Forces of  
5 the United States and of having been diagnosed with post-traumatic  
6 stress disorder, the authority may not impose a fee that is greater  
7 than \$20 for the issuance or renewal of the registry identification card.

8       “SECTION 3. ORS 475.312 is amended to read:

9       “475.312. (1) If a person who [*possesses a registry identification card issued*  
10 *pursuant to ORS 475.309*] **is applying for a registry identification card**  
11 **under ORS 475.309, or who is a registry identification cardholder,**  
12 chooses to [*have a designated*] **designate, or to change the designation**  
13 **of, a primary caregiver, the person must [*designate the primary caregiver by***  
14 ***including*] include the primary caregiver’s name and address:**

15       “(a) On the person’s application for a registry identification card;

16       “[*(b) In the annual updated information required under ORS 475.309; or*]

17       “(b) **On the person’s application to renew a registry identification**  
18 **card; or**

19       “(c) In a [*written,*] **form and manner prescribed by the authority, in**  
20 **a signed statement [*submitted to*] notifying the Oregon Health Authority**  
21 **of the designation.**

22       “(2) A [*person described in this section*] **registry identification**  
23 **cardholder** may have only one designated primary caregiver at any given  
24 time.

25       “(3) **If a registry identification cardholder who previously designated**  
26 **a primary caregiver chooses to designate a different primary caregiver,**  
27 **the authority shall notify the previous designee of the new designation**  
28 **and issue an identification card to the newly designated primary**  
29 **caregiver.**

30       “SECTION 4. The amendments to ORS 475.309 and 475.312 by

1 sections 2 and 3 of this 2015 Act apply to:

2 “(1) Applications received by the Oregon Health Authority for a  
3 registry identification card on or after the operative date specified in  
4 section 48 of this 2015 Act;

5 “(2) Applications received by the authority to renew a registry  
6 identification card on or after the operative date specified in section  
7 48 of this 2015 Act; and

8 “(3) Registry identification cards updated by the authority on or  
9 after the operative date specified in section 48 of this 2015 Act.

10

11 “(Medical Marijuana Producers)

12

13 “**SECTION 5.** ORS 475.304 is amended to read:

14 “475.304. *[(1) The Oregon Health Authority shall establish by rule a*  
15 *marijuana grow site registration system to authorize production of marijuana*  
16 *by a registry identification cardholder, a designated primary caregiver who*  
17 *grows marijuana for the cardholder or a person who is responsible for a*  
18 *marijuana grow site. The marijuana grow site registration system adopted*  
19 *must require a registry identification cardholder to submit an application to*  
20 *the authority that includes:]*

21 “*[(a) The name of the person responsible for the marijuana grow site;]*

22 “*[(b) The address of the marijuana grow site;]*

23 “*[(c) The registry identification card number of the registry cardholder for*  
24 *whom the marijuana is being produced; and]*

25 “*[(d) Any other information the authority considers necessary.]*

26 “*[(2) The authority shall issue a marijuana grow site registration card to*  
27 *a registry identification cardholder who has met the requirements of subsection*  
28 *(1) of this section.]*

29 “*[(3) A person who has been issued a marijuana grow site registration card*  
30 *under this section must display the registration card at the marijuana grow*

1 *site at all times when marijuana is being produced.]*

2 *“(4) A marijuana grow site registration card must be obtained and posted*  
3 *for each registry identification cardholder for whom marijuana is being*  
4 *produced at a marijuana grow site.]*

5 *“(5) All usable marijuana, plants, seedlings and seeds associated with the*  
6 *production of marijuana for a registry identification cardholder by a person*  
7 *responsible for a marijuana grow site are the property of the registry identifi-*  
8 *cation cardholder and must be provided to the registry identification*  
9 *cardholder, or, if the marijuana is usable marijuana or an immature*  
10 *marijuana plant, transferred to a medical marijuana facility registered under*  
11 *ORS 475.314, upon request.]*

12 *“(6)(a) The authority shall conduct a criminal records check under ORS*  
13 *181.534 of any person whose name is submitted as a person responsible for a*  
14 *marijuana grow site.]*

15 *“(b) A person convicted of a Class A or Class B felony under ORS 475.752*  
16 *to 475.920 for the manufacture or delivery of a controlled substance in Schedule*  
17 *I or Schedule II may not be issued a marijuana grow site registration card*  
18 *or produce marijuana for a registry identification cardholder for five years*  
19 *from the date of conviction.]*

20 *“(c) A person convicted more than once of a Class A or Class B felony*  
21 *under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled*  
22 *substance in Schedule I or Schedule II may not be issued a marijuana grow*  
23 *site registration card or produce marijuana for a registry identification*  
24 *cardholder.]*

25 *“(7) A registry identification cardholder or the designated primary*  
26 *caregiver of the cardholder may reimburse the person responsible for a*  
27 *marijuana grow site for the costs of supplies and utilities associated with the*  
28 *production of marijuana for the registry identification cardholder. No other*  
29 *costs associated with the production of marijuana for the registry identification*  
30 *cardholder, including the cost of labor, may be reimbursed.]*

1        “[8] *The authority may adopt rules imposing a fee in an amount estab-*  
2 *lished by the authority for registration of a marijuana grow site under this*  
3 *section.*]

4        **“(1)(a) The Oregon Health Authority shall establish by rule a**  
5 **marijuana grow site registration system to track and regulate the**  
6 **production of marijuana by a registry identification cardholder or a**  
7 **person designated by the registry identification cardholder to produce**  
8 **marijuana for the registry identification cardholder.**

9        **“(b) Except as provided in paragraph (c) of this subsection, a person**  
10 **may not produce marijuana unless the person is registered under this**  
11 **section.**

12        **“(c) Paragraph (b) of this subsection does not apply to a the pro-**  
13 **duction of marijuana as provided in sections 3 to 70, chapter 1, Oregon**  
14 **Laws 2015, or as otherwise provided for by the statutory laws of this**  
15 **state.**

16        **“(2) Rules adopted under this section must require an applicant for**  
17 **a registry identification card, or a registry identification cardholder**  
18 **who produces marijuana or who designates another person to produce**  
19 **marijuana, to submit an application to the authority containing the**  
20 **following information at the time of making an application under ORS**  
21 **475.309 (2), renewing a registry identification card under ORS 475.309**  
22 **(6)(b), or notifying the authority of a change under ORS 475.309 (6)(a):**

23        **“(a) The name of the person responsible for the marijuana grow**  
24 **site;**

25        **“(b) Proof that the person responsible for the marijuana grow site**  
26 **has been a resident of this state for two or more years and is 21 years**  
27 **of age or older;**

28        **“(c) The address of the marijuana grow site; and**

29        **“(d) Any other information that the authority considers necessary**  
30 **to track the production of marijuana under ORS 475.300 to 475.346.**

1       **“(3)(a) The authority shall conduct a criminal records check under**  
2 **ORS 181.534 of any person whose name is submitted under this section**  
3 **as the person responsible for a marijuana grow site.**

4       **“(b) A person convicted of a Class A or Class B felony under ORS**  
5 **475.752 to 475.920 for the manufacture or delivery of a controlled sub-**  
6 **stance in Schedule I or Schedule II may not act as or be designated a**  
7 **person responsible for a marijuana grow site for five years from the**  
8 **date of conviction.**

9       **“(c) A person convicted more than once of a Class A or Class B**  
10 **felony under ORS 475.752 to 475.920 for the manufacture or delivery of**  
11 **a controlled substance in Schedule I or Schedule II may not act as or**  
12 **be designated a person responsible for a marijuana grow site.**

13       **“(4) Subject to subsection (11) of this section, the authority shall**  
14 **issue a marijuana grow site registration card if the requirements of**  
15 **subsections (2) and (3) of this section are met.**

16       **“(5) A person who holds a marijuana grow site registration card**  
17 **under this section must display the card at the marijuana grow site**  
18 **at all times.**

19       **“(6) A marijuana grow site registration card must be obtained and**  
20 **posted for each registry identification cardholder for whom marijuana**  
21 **is being produced at a marijuana grow site.**

22       **“(7)(a) All seeds, immature marijuana plants, mature marijuana**  
23 **plants and usable marijuana associated with the production of**  
24 **marijuana for a registry identification cardholder by a person respon-**  
25 **sible for a marijuana grow site are the property of the registry iden-**  
26 **tification cardholder.**

27       **“(b) All seeds, immature marijuana plants, mature marijuana**  
28 **plants and usable marijuana associated with the production of**  
29 **marijuana for a registry identification cardholder by a person respon-**  
30 **sible for a marijuana grow site must be transferred to the registry**

1 **identification cardholder upon the request of the registry identification**  
2 **cardholder.**

3 **“(c) All usable marijuana associated with the production of**  
4 **marijuana for a registry identification cardholder by a person respon-**  
5 **sible for a marijuana grow site must be transferred to a marijuana**  
6 **processing site upon the request of the registry identification**  
7 **cardholder. For purposes of this paragraph, a request to transfer usa-**  
8 **ble marijuana constitutes an assignment of the right to possess the**  
9 **usable marijuana.**

10 **“(d) All seeds, immature marijuana plants and usable marijuana**  
11 **associated with the production of marijuana for a registry identifica-**  
12 **tion cardholder by a person responsible for a marijuana grow site must**  
13 **be transferred to a medical marijuana dispensary upon request of the**  
14 **registry identification cardholder. For purposes of this paragraph, a**  
15 **request to transfer seeds, immature marijuana plants or usable**  
16 **marijuana constitutes an assignment of the right to possess the seeds,**  
17 **immature marijuana plants or usable marijuana.**

18 **“(e) Information related to transfers made under this subsection**  
19 **must be submitted to the authority in the manner required by section**  
20 **6 of this 2015 Act.**

21 **“(8) A registry identification cardholder, or the designated caregiver**  
22 **of a registry identification cardholder, may reimburse a person re-**  
23 **sponsible for a marijuana grow site for all costs associated with the**  
24 **production of marijuana for the registry identification cardholder.**

25 **“(9) The authority may inspect:**

26 **“(a) The marijuana grow site of a person designated to produce**  
27 **marijuana by a registry identification cardholder to ensure compliance**  
28 **with this section and section 6 of this 2015 Act and ORS 475.320 and**  
29 **any rule adopted under this section and section 6 of this 2015 Act and**  
30 **ORS 475.320; and**

1       **“(b) The records of the marijuana grow site of a person designated**  
2 **to produce marijuana by a registry identification cardholder to ensure**  
3 **compliance with this section and section 6 of this 2015 Act and any rule**  
4 **adopted under this section and section 6 of this 2015 Act.**

5       **“(10) The authority may refuse to register a registry identification**  
6 **cardholder or a designee under this section or may suspend or revoke**  
7 **the registration of a person responsible for a marijuana grow site if**  
8 **the authority determines that the applicant or the person responsible**  
9 **for a marijuana grow site violated a provision of ORS 475.300 to 475.346,**  
10 **a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted**  
11 **pursuant to section 2, chapter 79, Oregon Laws 2014.**

12       **“(11) The authority may require a person responsible for a**  
13 **marijuana grow site, prior to issuing a marijuana grow site registra-**  
14 **tion card under subsection (4) of this section, to pay a fee reasonably**  
15 **calculated to pay costs incurred under this section and sections 6 and**  
16 **14 of this 2015 Act.**

17       **“SECTION 6. (1) A person designated to produce marijuana by a**  
18 **registry identification cardholder must submit to the Oregon Health**  
19 **Authority, in a form and manner established by the authority by rule,**  
20 **the following information related to the production of marijuana:**

21       **“(a) The number of mature marijuana plants and immature**  
22 **marijuana plants, the amount of marijuana leaves and flowers being**  
23 **dried, and the amount of usable marijuana, in the person’s possession;**

24       **“(b) The number of mature marijuana plants and immature**  
25 **marijuana plants, and the amount of usable marijuana, that the per-**  
26 **son transfers to each registry identification cardholder for whom the**  
27 **person produces marijuana;**

28       **“(c) The amount of usable marijuana that the person transfers to**  
29 **each marijuana processing site; and**

30       **“(d) The number of immature marijuana plants, and the amount**

1 of usable marijuana, that the person transfers to each medical  
2 marijuana dispensary.

3 “(2) The authority shall by rule require a person designated to  
4 produce marijuana by a registry identification cardholder to submit  
5 the information described in subsection (1) of this section once each  
6 month. The authority may not employ any method other than that  
7 described in this section to obtain information related to the pro-  
8 duction of marijuana from a person designated to produce marijuana  
9 by a registry identification cardholder.

10 “(3) In addition to submitting the information as required by sub-  
11 section (1) of this section, a person designated to produce marijuana  
12 by a registry identification cardholder must keep a record of the in-  
13 formation described in subsection (1) of this section for two years after  
14 the date on which the person submits the information to the author-  
15 ity.

16 “SECTION 6a. (1) Except as provided in subsection (2) of this sec-  
17 tion, section 6 of this 2015 Act and the amendments to ORS 475.304 by  
18 section 5 of this 2015 Act apply to persons who have registered with  
19 the Oregon Health Authority under ORS 475.304 before, on or after the  
20 operative date specified in section 48 of this 2015 Act.

21 “(2) The amendments to ORS 475.304 by section 5 of this 2015 Act  
22 pertaining to the submission of information necessary to register a  
23 person as a person responsible for a marijuana grow site apply to ap-  
24 plications for registry identification cards, applications to renew reg-  
25 istry identification cards, and designations made under ORS 475.304,  
26 on or after the operative date specified in section 48 of this 2015 Act.

27

28 “(Grow Site Possession Limits)

29

30 “SECTION 7. ORS 475.320 is amended to read:



1       “475.320. [(1)(a) A registry identification cardholder or the designated pri-  
2       mary caregiver of the cardholder may possess up to six mature marijuana  
3       plants and 24 ounces of usable marijuana.]

4       “[(b) Notwithstanding paragraph (a) of this subsection, if a registry iden-  
5       tification cardholder has been convicted of a Class A or Class B felony under  
6       ORS 475.752 to 475.920 for the manufacture or delivery of a controlled sub-  
7       stance in Schedule I or Schedule II, the registry identification cardholder or  
8       the designated primary caregiver of the cardholder may possess one ounce of  
9       usable marijuana at any given time for a period of five years from the date  
10      of the conviction.]

11      “[(2) A person authorized under ORS 475.304 to produce marijuana at a  
12      marijuana grow site:]

13      “[(a) May produce marijuana for and provide marijuana:]

14      “[(A) To a registry identification cardholder or a cardholder’s designated  
15      primary caregiver as authorized under this section; or]

16      “[(B) If the marijuana is usable marijuana or an immature marijuana plant  
17      and the registry identification cardholder authorizes the person responsible for  
18      the marijuana grow site to transfer the usable marijuana or immature  
19      marijuana plant to a medical marijuana facility registered under ORS 475.314,  
20      to the medical marijuana facility.]

21      “[(b) May possess up to six mature plants and up to 24 ounces of usable  
22      marijuana for each cardholder or caregiver for whom marijuana is being  
23      produced.]

24      “[(c) May produce marijuana for no more than four registry identification  
25      cardholders or designated primary caregivers concurrently.]

26      “[(d) Must obtain and display a marijuana grow site registration card is-  
27      sued under ORS 475.304 for each registry identification cardholder or desig-  
28      nated primary caregiver for whom marijuana is being produced.]

29      “[(e) Must provide all marijuana produced for a registry identification  
30      cardholder or designated primary caregiver to the cardholder or caregiver at

1 *the time the person responsible for a marijuana grow site ceases producing*  
2 *marijuana for the cardholder or caregiver.]*

3 *“(f) Must return the marijuana grow site registration card to the registry*  
4 *identification cardholder to whom the card was issued when requested to do*  
5 *so by the cardholder or when the person responsible for a marijuana grow site*  
6 *ceases producing marijuana for the cardholder or caregiver.]*

7 *“(3) Except as provided in subsections (1) and (2) of this section, a registry*  
8 *identification cardholder, the designated primary caregiver of the cardholder*  
9 *and the person responsible for a marijuana grow site producing marijuana for*  
10 *the registry identification cardholder may possess a combined total of up to six*  
11 *mature plants and 24 ounces of usable marijuana for that registry identifica-*  
12 *tion cardholder.]*

13 *“(4)(a) A registry identification cardholder and the designated primary*  
14 *caregiver of the cardholder may possess a combined total of up to 18 marijuana*  
15 *seedlings or starts as defined by rule of the Oregon Health Authority.]*

16 *“(b) A person responsible for a marijuana grow site may possess up to 18*  
17 *marijuana seedlings or starts as defined by rule of the authority for each*  
18 *registry identification cardholder for whom the person responsible for the*  
19 *marijuana grow site is producing marijuana.]*

20 **“(1) Subject to subsection (2) of this section, a registry identifica-**  
21 **tion cardholder and the designated primary caregiver of the registry**  
22 **identification cardholder may jointly possess six or fewer mature**  
23 **marijuana plants.**

24 **“(2)(a) A person may be designated to produce marijuana under**  
25 **ORS 475.304 by no more than four registry identification cardholders.**

26 **“(b) A person who is designated to produce marijuana by a registry**  
27 **identification cardholder may produce no more than six mature**  
28 **marijuana plants per registry identification cardholder.**

29 **“(3) If the address of a person responsible for a marijuana grow site**  
30 **under ORS 475.304 is located within city limits in an area zoned for**

1 residential use:

2 “(a) Except as provided in paragraph (b) of this subsection, no more  
3 than 12 mature marijuana plants may be produced at the address; or

4 “(b) Subject to subsection (5) of this section, if each person re-  
5 sponsible for a marijuana grow site located at the address first regis-  
6 tered with the Oregon Health Authority under ORS 475.304 before  
7 January 1, 2015, no more than the amount of mature marijuana plants  
8 located at that address on December 31, 2014, in excess of 12 mature  
9 marijuana plants, not to exceed 24 mature marijuana plants, may be  
10 produced at the address.

11 “(4) If the address of a person responsible for a marijuana grow site  
12 under ORS 475.304 is located in an area other than an area described  
13 in subsection (3) of this section:

14 “(a) Except as provided in paragraph (b) of this subsection, no more  
15 than 48 mature marijuana plants may be produced at the address; or

16 “(b) Subject to subsections (5) and (6) of this section, if each person  
17 responsible for a marijuana grow site located at the address first reg-  
18 istered with the authority under ORS 475.304 before January 1, 2015,  
19 no more than the amount of mature marijuana plants located at that  
20 address on December 31, 2014, in excess of 48 mature marijuana plants,  
21 not to exceed 96 mature marijuana plants, may be produced at the  
22 address.

23 “(5) If the authority suspends or revokes the registration of a per-  
24 son responsible for a marijuana grow site that is located at an address  
25 described in subsection (3)(b) or (4)(b) of this section:

26 “(a) No more than 12 mature marijuana plants may be subsequently  
27 produced at any address described in subsection (3) of this section at  
28 which the person responsible for that marijuana grow site produces  
29 marijuana.

30 “(b) No more than 48 mature marijuana plants may be subsequently

1 produced at any address described in subsection (4) of this section at  
2 which the person responsible for that marijuana grow site produces  
3 marijuana.

4 “(6) If a registry identification cardholder who designated a person  
5 to produce marijuana for the registry identification cardholder pursu-  
6 ant to ORS 475.304 terminates the designation, the person responsible  
7 for the marijuana grow site whose designation has been terminated  
8 may not be designated to produce marijuana by another registry  
9 identification cardholder, except that the person may be designated  
10 by another registry identification cardholder if no more than 48 ma-  
11 ture marijuana plants are produced at the address for the marijuana  
12 grow site at which the person produces marijuana.

13 “(7) If a law enforcement officer determines that a registry iden-  
14 tification cardholder, the designated primary caregiver of a registry  
15 identification cardholder, or a person responsible for a marijuana grow  
16 site under ORS 475.304 who grows marijuana for a registry identifica-  
17 tion cardholder, possesses a number of mature marijuana plants in  
18 excess of the quantities specified in this section, the law enforcement  
19 officer may confiscate only the excess number of mature marijuana  
20 plants.

21 **“SECTION 7a. (1) Except as provided in subsection (2) of this sec-**  
22 **tion, a registry identification cardholder and the designated primary**  
23 **caregiver of the registry identification cardholder may jointly possess**  
24 **no more than 24 ounces of usable marijuana.**

25 “(2) Subject to subsection (3) of this section, a person designated  
26 to produce marijuana by a registry identification cardholder may pos-  
27 sess the amount of usable marijuana that the person harvests from  
28 the person’s mature marijuana plants, provided that the person may  
29 not possess usable marijuana in excess of the amount of usable  
30 marijuana in the person’s possession as reported to the Oregon Health

1 Authority under section 6 of this 2015 Act.

2 “(3) A person designated to produce marijuana by a registry iden-  
3 tification cardholder may not possess usable marijuana in excess of:

4 “(a) For a marijuana growsite located outdoors, 12 pounds of usable  
5 marijuana per mature marijuana plant; or

6 “(b) For a marijuana growsite located indoors, six pounds of usable  
7 marijuana per mature marijuana plant.

8 “SECTION 8. The amendments to ORS 475.320 by section 7 of this  
9 2015 Act apply to persons who registered with the Oregon Health Au-  
10 thority under ORS 475.304 before, on or after the operative date speci-  
11 fied in section 48 of this 2015 Act.

12

13 “(Personal Agreements)

14

15 “SECTION 9. Notwithstanding ORS 475.304 (7), a person responsible  
16 for a marijuana grow site may enter into an agreement with a registry  
17 identification cardholder under which the registry identification  
18 cardholder assigns, to the person responsible for the marijuana grow  
19 site, a portion of the right to possess the seeds, immature marijuana  
20 plants and usable marijuana that are the property of the registry  
21 identification cardholder.

22

23 “(Proof of Issuance)

24

25 “SECTION 9a. ORS 475.306 is amended to read:

26 “475.306. [(1) A person who possesses a registry identification card issued  
27 pursuant to ORS 475.309 may engage in, and a designated primary caregiver  
28 of such a person may assist in, the medical use of marijuana only as justified  
29 to mitigate the symptoms or effects of the person’s debilitating medical condi-  
30 tion.]

1       “[(2) A person who is a registry identification cardholder must possess the  
2 registry identification card when using or transporting marijuana in a location  
3 other than the residence of the cardholder.]

4       “[(3) The Oregon Health Authority shall define by rule when a marijuana  
5 plant is mature and when it is immature. The rule shall provide that a plant  
6 that has no flowers and that is less than 12 inches in height and less than 12  
7 inches in diameter is a seedling or a start and is not a mature plant.]

8       **“A person to whom a registry identification card has been issued  
9 under ORS 475.309 (5)(a), an identification card has been issued under  
10 ORS 475.309 (5)(b), or a marijuana grow site registration card has been  
11 issued under ORS 475.304, may not possess marijuana, usable  
12 marijuana, medical cannabinoid products, cannabinoid concentrates  
13 or cannabinoid extracts in a location other than the address on file  
14 with the Oregon Health Authority unless the person is carrying the  
15 card.**

16

17                               **“(Medical Marijuana Processors)**

18

19       **“SECTION 10. (1)(a) The Oregon Health Authority shall establish  
20 by rule a marijuana processing site registration system to track and  
21 regulate the processing of marijuana by a person responsible for a  
22 marijuana processing site.**

23       **“(b) Except as provided in paragraph (c) of this subsection, a person  
24 may not process marijuana unless the person is registered under this  
25 section.**

26       **“(c) Paragraph (b) of this section does not apply to the processing  
27 of marijuana as provided in sections 3 to 70, chapter 1, Oregon Laws  
28 2015, or as otherwise provided for by the statutory laws of this state.**

29       **“(2) The registration system established under subsection (1) of this  
30 section must require an applicant for a marijuana processing site to**

1 **submit an application to the authority that includes:**

2 **“(a) The name of the individual who owns the marijuana processing**  
3 **site or, if a business entity owns the marijuana processing site, the**  
4 **name of each individual who has a financial interest in the marijuana**  
5 **processing site;**

6 **“(b) The name of the individual or individuals responsible for the**  
7 **marijuana processing site, if different from the name of the individual**  
8 **who owns the marijuana processing site;**

9 **“(c) The address of the marijuana processing site;**

10 **“(d) Proof that each individual responsible for the marijuana pro-**  
11 **cessing site has been a resident of this state for two or more years and**  
12 **is 21 years of age or older;**

13 **“(e) Documentation, as required by the authority by rule, that**  
14 **demonstrates the marijuana processing site meets the requirements**  
15 **of subsection (3) of this section; and**

16 **“(f) Any other information that the authority considers necessary.**

17 **“(3) To qualify for registration under this section, a marijuana**  
18 **processing site:**

19 **“(a) May not be located in an area that is zoned for residential use**  
20 **if the marijuana processing site processes cannabinoid extracts;**

21 **“(b) Must be registered as a business, or have filed an application**  
22 **to register as a business, with the office of the Secretary of State; and**

23 **“(c) Must meet the requirements of any rule adopted by the au-**  
24 **thority under subsection (10) of this section.**

25 **“(4)(a) The authority shall conduct a criminal records check under**  
26 **ORS 181.534 for each individual named in an application under sub-**  
27 **section (2) of this section.**

28 **“(b) An individual convicted for the manufacture or delivery of a**  
29 **controlled substance in Schedule I or Schedule II may not own or be**  
30 **responsible for a marijuana processing site for five years from the date**

1 the individual is convicted.

2 “(c) An individual convicted more than once for the manufacture  
3 or delivery of a controlled substance in Schedule I or Schedule II may  
4 not own or be responsible for a marijuana processing site.

5 “(5) If a person submits the application required under subsection  
6 (2) of this section, if the marijuana processing site identified in the  
7 application meets the requirements of this section and any rules  
8 adopted under this section and if each individual named in the appli-  
9 cation passes the criminal records check required under subsection (4)  
10 of this section, the authority shall register the marijuana processing  
11 site and issue proof of registration. Proof of registration must be dis-  
12 played on the premises of the marijuana processing site at all times.

13 “(6) A marijuana processing site that is registered under this sec-  
14 tion is not required to register with the State Board of Pharmacy un-  
15 der ORS 475.125.

16 “(7) The individual or individuals responsible for a marijuana pro-  
17 cessing site shall maintain documentation of each transfer of usable  
18 marijuana, medical cannabinoid products, cannabinoid concentrates  
19 and cannabinoid extracts.

20 “(8) The authority may inspect:

21 “(a) The premises of a proposed marijuana processing site or a  
22 registered marijuana processing site to ensure compliance with this  
23 section and sections 11 and 12 of this 2015 Act and any rules adopted  
24 under this section and sections 11 and 12 of this 2015 Act; and

25 “(b) The records of a registered marijuana processing site to ensure  
26 compliance with subsection (7) of this section.

27 “(9) Subject to the provisions of ORS chapter 183, the authority may  
28 refuse to register an applicant under this section or may suspend or  
29 revoke the registration of a marijuana processing site if the authority  
30 determines that the applicant, the owner of the marijuana processing



1 site, a person responsible for the marijuana processing site, or an  
2 employee of the marijuana processing site, violated a provision of ORS  
3 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an  
4 ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

5 “(10) The authority shall adopt rules to implement this section, in-  
6 cluding rules that:

7 “(a) Require a registered marijuana processing site to annually re-  
8 new the registration for that site;

9 “(b) Establish fees for registering, and renewing the registration of,  
10 a marijuana processing site;

11 “(c) Require that medical cannabinoid products, cannabinoid con-  
12 centrates and cannabinoid extracts transferred by a marijuana pro-  
13 cessing site be tested to ensure the public health and safety; and

14 “(d) Impose any other standard on the operation of a marijuana  
15 processing site to ensure the public health and safety.

16 “SECTION 11. (1) A marijuana processing site must meet any public  
17 health and safety standards established by the Oregon Health Au-  
18 thority by rule related to:

19 “(a) Cannabinoid edibles, if the marijuana processing site processes  
20 marijuana into cannabinoid edibles;

21 “(b) Cannabinoid concentrates, if the marijuana processing site  
22 processes marijuana into cannabinoid concentrates;

23 “(c) Cannabinoid extracts, if the marijuana processing site pro-  
24 cesses marijuana into cannabinoid extracts; or

25 “(d) Any other type of medical cannabinoid product identified by  
26 the authority by rule, if the marijuana processing site processes  
27 marijuana into that type of medical cannabinoid product.

28 “(2) The authority shall adopt rules to implement this section.

29 “SECTION 12. (1) The Oregon Health Authority shall require by rule  
30 a marijuana processing site to submit to the authority for inclusion

1 in the database developed and maintained pursuant to section 15 of  
2 this 2015 Act the following information:

3 “(a) The amount of usable marijuana transferred to the marijuana  
4 processing site;

5 “(b) The amount and type of medical cannabinoid products trans-  
6 ferred by the marijuana processing site;

7 “(c) The amount and type of cannabinoid concentrates transferred  
8 by the marijuana processing site; and

9 “(d) The amount and type of cannabinoid extracts transferred by  
10 the marijuana processing site.

11 “(2) The authority by rule may require a marijuana processing site  
12 to submit to the authority for inclusion in the database developed and  
13 maintained pursuant to section 15 of this 2015 Act information that is  
14 in addition to the information described in subsection (1) of this sec-  
15 tion as the authority considers necessary to fulfill the authority’s du-  
16 ties under section 10 (1) of this 2015 Act. The authority may not employ  
17 any method other than that described in this section to obtain infor-  
18 mation from a marijuana processing site.

19 **“SECTION 13. (1) A marijuana processing site may not transfer**  
20 **medical cannabinoid products, cannabinoid concentrates or**  
21 **cannabinoid extracts to a person other than a registry identification**  
22 **cardholder, a designated primary caregiver or a medical marijuana**  
23 **dispensary.**

24 “(2) A person other than a marijuana processing site may not  
25 transfer medical cannabinoid products, cannabinoid concentrates or  
26 cannabinoid extracts to a medical marijuana dispensary.

27 **“SECTION 14. Section 10 of this 2015 Act does not apply to a regis-**  
28 **try identification cardholder or a person who has been designated as**  
29 **a primary caregiver under ORS 475.312 who processes a medical**  
30 **cannabinoid product or a cannabinoid concentrate for a registry iden-**

1 **tification cardholder.**

2  
3 **“(Database)”**

4  
5 **“SECTION 15. (1) The Oregon Health Authority shall develop and**  
6 **maintain a database of information related to the production of**  
7 **marijuana by persons designated to produce marijuana by a registry**  
8 **identification cardholder, the processing of marijuana by a marijuana**  
9 **processing site under section 10 of this 2015 Act and the transfer of**  
10 **usable marijuana, medical cannabinoid products, cannabinoid concen-**  
11 **trates and cannabinoid extracts by medical marijuana dispensaries**  
12 **under ORS 475.314. At a minimum, the database must include the in-**  
13 **formation submitted to the authority under sections 6, 12 and 18 of**  
14 **this 2015 Act.**

15 **“(2)(a) Subject to paragraph (c) of this subsection, the authority**  
16 **may provide information that is stored in the database developed and**  
17 **maintained under this section to a law enforcement agency.**

18 **“(b) Subject to paragraph (c) of this subsection, the authority may**  
19 **provide information that is stored in the database developed and**  
20 **maintaining under this section to the regulatory agencies of a city or**  
21 **county.**

22 **“(c) The authority may not disclose:**

23 **“(A) Any personally identifiable information related to a registry**  
24 **identification cardholder or a designated primary caregiver that is**  
25 **stored in the database developed and maintained under this section.**

26 **“(B) Any information related to the amount and type of usable**  
27 **marijuana, medical cannabinoid products, cannabinoid concentrates**  
28 **and cannabinoid extracts transferred to or by persons designated to**  
29 **produce marijuana by a registry identification cardholder, marijuana**  
30 **processing sites or medical marijuana dispensaries.**

1       **“(3) Nothing in this section prevents a law enforcement agency**  
2 **from lawfully obtaining information that is stored in the database de-**  
3 **veloped and maintained under this section by subpoena.**

4  
5                               **“(Medical Marijuana Dispensaries)**  
6

7       **“SECTION 16.** ORS 475.314, as amended by section 5, chapter 79, Oregon  
8 Laws 2014, is amended to read:

9       **“475.314. [(1) The Oregon Health Authority shall establish by rule a med-**  
10 **ical marijuana facility registration system to authorize the transfer of usable**  
11 **marijuana and immature marijuana plants from:]**

12       **“[(a) A registry identification cardholder, the designated primary caregiver**  
13 **of a registry identification cardholder, or a person responsible for a marijuana**  
14 **grow site to the medical marijuana facility; or]**

15       **“[(b) A medical marijuana facility to a registry identification cardholder**  
16 **or the designated primary caregiver of a registry identification cardholder.]**

17       **“(1)(a) The Oregon Health Authority shall establish by rule a med-**  
18 **ical marijuana dispensary registration system for the purpose of**  
19 **tracking and regulating the transfer of:**

20       **“(A) Usable marijuana, immature marijuana plants and seeds from**  
21 **registry identification cardholders, designated primary caregivers and**  
22 **persons responsible for marijuana grow sites to medical marijuana**  
23 **dispensaries;**

24       **“(B) Medical cannabinoid products, cannabinoid concentrates and**  
25 **cannabinoid extracts from persons responsible for marijuana process-**  
26 **ing sites to medical marijuana dispensaries; and**

27       **“(C) Usable marijuana, immature marijuana plants, seeds, medical**  
28 **cannabinoid products, cannabinoid concentrates and cannabinoid ex-**  
29 **tracts from medical marijuana dispensaries to registry identification**  
30 **cardholders and designated primary caregivers.**

1       **“(b) A person may not operate an establishment for the purpose of**  
2 **providing the services described in paragraph (a) of this subsection**  
3 **unless the person is registered under this section.**

4       “(2) The registration system established under subsection (1) of this sec-  
5 tion must require **an applicant for** a medical marijuana [*facility*]  
6 **dispensary** to submit an application to the authority that includes:

7       **“(a) The name of the individual who owns the medical marijuana**  
8 **dispensary or, if a business entity owns the medical marijuana**  
9 **dispensary, the name of each individual who has a financial interest**  
10 **in the medical marijuana dispensary;**

11       “[(a)] **(b) The name of the [*person*] individual or individuals** responsible  
12 for the medical marijuana [*facility*] **dispensary, if different from the name**  
13 **of the individual who owns the medical marijuana dispensary;**

14       “[(b)] **(c) The address of the medical marijuana [*facility*] dispensary;**

15       “[(c)] **(d) Proof that [*the person*] each individual** responsible for the  
16 medical marijuana [*facility is a resident of Oregon*] **dispensary has been a**  
17 **resident of this state for two or more years and is 21 years of age or**  
18 **older;**

19       “[(d)] **(e) Documentation, as required by the authority by rule, that dem-**  
20 **onstrates the medical marijuana [*facility*] dispensary meets the [*qualifica-***  
21 **tions for a medical marijuana facility as described in] requirements of**  
22 **subsection (3) of this section; and**

23       “[(e)] **(f) Any other information that the authority considers necessary.**

24       “(3) To qualify for registration under this section, a medical marijuana  
25 [*facility*] **dispensary:**

26       “[(a) *Must be located in an area that is zoned for commercial, industrial*

27 *or mixed use or as agricultural land;*]

28       **“(a) May not be located in an area that is zoned for residential use;**

29       **“(b) May not be located at the same address as a marijuana grow site;**

30       **“(c) Must be registered as a business, or have filed [*a pending*] an appli-**

1 cation to register as a business, with the office of the Secretary of State;

2 “[*d*] *Must not be located within 1,000 feet of the real property comprising*  
3 *a public or private elementary, secondary or career school attended primarily*  
4 *by minors;*]

5 “**(d) May not be located within 1,000 feet of:**

6 “**(A) A public elementary or secondary school for which attendance**  
7 **is compulsory under ORS 339.020; or**

8 “**(B) A private or parochial elementary or secondary school, teach-**  
9 **ing children as described in ORS 339.030 (1)(a);**

10 “(e) *Must not be located within 1,000 feet of another medical marijuana*  
11 *[facility] dispensary; and*

12 “[*f*] *Must comport with rules adopted by the authority related to:*]

13 “[*A*] *Installing a minimum security system, including a video surveillance*  
14 *system, alarm system and safe; and]*

15 “[*B*] *Testing for pesticides, mold and mildew and the processes by which*  
16 *usable marijuana and immature marijuana plants that test positive for pesti-*  
17 *cides, mold or mildew must be returned to the registry identification*  
18 *cardholder, the cardholder’s designated primary caregiver or the cardholder’s*  
19 *registered grower.]*

20 “**(f) Must meet the requirements of any rule adopted by the au-**  
21 **thority under subsection (10) of this section.**

22 “(4)(a) The authority shall conduct a criminal records check under ORS  
23 181.534 [*of a person whose name is submitted as the person responsible for a*  
24 *medical marijuana facility]* **for each individual named in an application**  
25 **submitted** under subsection (2) of this section.

26 “(b) [*A person*] **An individual** convicted for the manufacture or delivery  
27 of a controlled substance in Schedule I or Schedule II may not [*be the*  
28 *person*] **own or be** responsible for a medical marijuana [*facility*] **dispensary**  
29 for five years from the date the [*person*] **individual** is convicted.

30 “(c) [*A person*] **An individual** convicted more than once for the manu-

1    facture or delivery of a controlled substance in Schedule I or Schedule II  
2    may not *[be the person]* **own or be** responsible for a medical marijuana *[fa-*  
3    *cility]* **dispensary**.

4       “(5) If a person submits the application required under subsection (2) of  
5    this section, **if** the medical marijuana *[facility]* **dispensary** identified in the  
6    application meets the *[qualifications for a medical marijuana facility de-*  
7    *scribed in subsection (3) of this section and the person responsible for the*  
8    *medical marijuana facility]* **requirements of this section and any rules**  
9    **adopted under this section and if each individual named in the appli-**  
10   **cation** passes the criminal records check required under subsection (4) of  
11   this section, the authority shall register the medical marijuana *[facility]*  
12   **dispensary** and issue *[the person responsible for the medical marijuana fa-*  
13   *cility]* proof of registration. *[The person responsible for the medical marijuana*  
14   *facility shall display the]* Proof of registration **must be displayed** on the  
15   premises of the medical marijuana *[facility at all times when usable*  
16   *marijuana or immature marijuana plants are being transferred as described*  
17   *in subsection (1) of this section]* **dispensary at all times.**

18       “(6) **A medical marijuana dispensary that is registered under this**  
19   **section is not required to register with the State Board of Pharmacy**  
20   **under ORS 475.125.**

21       “*[(6)(a) A registered medical marijuana facility may receive usable*  
22    *marijuana or immature marijuana plants only from a registry identification*  
23    *cardholder, designated primary caregiver or person responsible for a*  
24    *marijuana grow site if the registered medical marijuana facility obtains au-*  
25    *thorization, on a form prescribed by the authority by rule and signed by a*  
26    *registry identification cardholder, to receive the usable marijuana or immature*  
27    *marijuana plants.]*

28       “*[(b) A registered medical marijuana facility shall maintain:]*

29       “*[(A) A copy of each authorization form described in paragraph (a) of this*  
30    *subsection; and]*

1       “[(B) Documentation of each transfer of usable marijuana or immature  
2 marijuana plants.]

3       “(7) **The individual or individuals responsible for a medical  
4 marijuana dispensary shall maintain documentation of each transfer  
5 of usable marijuana, medical cannabinoid products, cannabinoid con-  
6 centrates, cannabinoid extracts, immature marijuana plants and  
7 seeds.**

8       “[(7) A medical marijuana facility registered under this section may possess  
9 usable marijuana and immature marijuana plants in excess of the limits im-  
10 posed on registry identification cardholders and designated primary caregivers  
11 under ORS 475.320.]

12       “[(8)(a) A registered medical marijuana facility may not transfer any  
13 tetrahydrocannabinol-infused product that is meant to be swallowed or  
14 inhaled, unless the product is packaged in child-resistant safety packaging that  
15 meets standards established by the authority by rule.]

16       “[(b) A registered medical marijuana facility may not transfer any  
17 tetrahydrocannabinol-infused product that is manufactured or packaged in a  
18 manner that is attractive to minors, as determined by the authority by rule.]

19       “[(9)] **(8)** The authority may inspect:

20       “[(a) The premises of an applicant for a medical marijuana facility or a  
21 registered medical marijuana facility to ensure compliance with the qualifica-  
22 tions for a medical marijuana facility described in subsection (3) of this sec-  
23 tion; and]

24       “(a) **The premises of a proposed medical marijuana dispensary or a  
25 registered medical marijuana dispensary to ensure compliance with  
26 this section and section 18 of this 2015 Act and any rules adopted under  
27 this section or section 18 of this 2015 Act; and**

28       “(b) The records of a registered medical marijuana [facility] **dispensary**  
29 to ensure compliance with subsection [(6)(b)] **(7)** of this section.

30       “[(10)(a) A registry identification cardholder or the designated primary



1 caregiver of a registry identification cardholder may reimburse a medical  
2 marijuana facility registered under this section for the normal and customary  
3 costs of doing business, including costs related to transferring, handling, se-  
4 curing, insuring, testing, packaging and processing usable marijuana and im-  
5 mature marijuana plants and the cost of supplies, utilities and rent or  
6 mortgage.]

7 “[b) A medical marijuana facility may reimburse a person responsible for  
8 a marijuana grow site under this section for the normal and customary costs  
9 of doing business, including costs related to transferring, handling, securing,  
10 insuring, testing, packaging and processing usable marijuana and immature  
11 marijuana plants and the cost of supplies, utilities and rent or mortgage.]

12 “[11) the authority may revoke the registration of a medical marijuana fa-  
13 cility registered under this section for failure to comply with ORS 475.300 to  
14 475.346, rules adopted under ORS 475.300 to 475.346 or ordinances adopted  
15 pursuant to section 2, chapter 79, Oregon Laws 2014. The authority may release  
16 to the public a final order revoking a medical marijuana facility  
17 registration.]

18 **“(9) Subject to the provisions of ORS chapter 183, the authority may**  
19 **refuse to register an applicant under this section or may suspend or**  
20 **revoke the registration of a medical marijuana dispensary if the au-**  
21 **thority determines that the applicant, the owner of the medical**  
22 **marijuana dispensary, a person responsible for the medical marijuana**  
23 **dispensary, or an employee of the medical marijuana dispensary, vio-**  
24 **lated a provision of ORS 475.300 to 475.346, a rule adopted under ORS**  
25 **475.300 to 475.346 or an ordinance adopted pursuant to section 2, chap-**  
26 **ter 79, Oregon Laws 2014.**

27 “[12)] (10) The authority shall adopt rules to implement this section, in-  
28 cluding rules that:

29 “(a) Require a **registered** medical marijuana [*facility registered under this*  
30 *section*] **dispensary** to annually renew [*that registration; and*] **the registra-**

1 **tion for that dispensary;**

2 “(b) Establish fees for registering, and renewing **the** registration [*for*] **of,**  
3 a medical marijuana [*facility under this section.*] **dispensary;**

4 “(c) **Require that each medical marijuana dispensary install and**  
5 **maintain a minimum security system that includes video surveillance,**  
6 **an alarm system and a safe;**

7 “(d) **Require that usable marijuana, medical cannabinoid products,**  
8 **cannabinoid concentrates, cannabinoid extracts and immature**  
9 **marijuana plants transferred by a medical marijuana dispensary be**  
10 **tested to ensure the public health and safety; and**

11 “(e) **Impose any other standard on the operation of a medical**  
12 **marijuana dispensary to ensure the public health and safety.**

13 “**SECTION 17. If a school described in ORS 475.314 (3)(d) that has**  
14 **not previously been attended by children is established within 1,000**  
15 **feet of a medical marijuana dispensary, the medical marijuana**  
16 **dispensary may remain at its current location unless the Oregon**  
17 **Health Authority revokes the registration of the medical marijuana**  
18 **dispensary.**

19 “**SECTION 18. (1) The Oregon Health Authority shall require by rule**  
20 **a medical marijuana dispensary to submit to the authority for inclu-**  
21 **sion in the database developed and maintained pursuant to section 15**  
22 **of this 2015 Act the following information:**

23 “(a) **The amount of usable marijuana transferred to and by the**  
24 **medical marijuana dispensary;**

25 “(b) **The amount and type of medical cannabinoid products trans-**  
26 **ferred to and by the medical marijuana dispensary;**

27 “(c) **The amount and type of cannabinoid concentrates transferred**  
28 **to and by the medical marijuana dispensary;**

29 “(d) **The amount and type of cannabinoid extracts transferred to**  
30 **and by the medical marijuana dispensary; and**

1       “(e) The quantity of immature marijuana plants transferred to and  
2 by the medical marijuana dispensary.

3       “(2) The authority by rule may require a medical marijuana  
4 dispensary to submit to the authority for inclusion in the database  
5 developed and maintained pursuant to section 15 of this 2015 Act in-  
6 formation that is in addition to the information described in sub-  
7 section (1) of this section as the authority considers necessary to fulfill  
8 the authority’s duties under ORS 475.314 (1). The authority may not  
9 employ any method other than that described in this section to obtain  
10 information from a medical marijuana dispensary.

11  
12                   “(Designation, Assignment and Foreclosure)  
13

14       “SECTION 19. (1) A person responsible for a marijuana processing  
15 site, or a person responsible for a medical marijuana dispensary, may  
16 designate that responsibility to another person.

17       “(2) If a designation is made under this section, the designee must  
18 submit to the Oregon Health Authority proof that the designee meets  
19 the requirements and restrictions set forth in:

20       “(a) For marijuana processing sites, section 10 (2)(d) and (4) of this  
21 2015 Act; or

22       “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

23       “(3) The authority may prescribe the form and manner of submit-  
24 ting proof under subsection (2) of this section.

25       “SECTION 20. (1) A person responsible for a marijuana processing  
26 site, or a person responsible for a medical marijuana dispensary, may  
27 assign that responsibility to another person.

28       “(2) If an assignment is made under this section, the assignee must  
29 submit to the Oregon Health Authority proof that the assignee meets  
30 the requirements and restrictions set forth in:

1       “(a) For marijuana processing sites, section 10 (2)(d) and (4) of this  
2 2015 Act; or

3       “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

4       “(3) The authority may prescribe the form and manner of submit-  
5 ting proof under subsection (2) of this section.

6       “SECTION 21. (1) In the event that a marijuana processing site or  
7 a medical marijuana dispensary is foreclosed or otherwise ceases op-  
8 erations as described in ORS chapter 79, a secured party, as defined in  
9 ORS 79.0102, may continue operations at the marijuana processing site  
10 or medical marijuana dispensary upon submitting to the Oregon  
11 Health Authority proof that the secured party or, if the secured party  
12 is a business entity, any individual who has a financial interest in the  
13 secured party, meets the requirements and restrictions set forth in:

14       “(a) For marijuana processing sites, section 10 (2)(d) and (4) of this  
15 2015 Act; or

16       “(b) For medical marijuana dispensaries, ORS 475.314 (2)(d) and (4).

17       “(2) The authority may prescribe the form and manner of submit-  
18 ting proof under subsection (1) of this section.

19

20                               “(Exemptions from Criminal Liability  
21   and Affirmative Defense)

22

23       “SECTION 22. Except as provided in ORS 475.316, a person engaged  
24 in or assisting in the medical use of marijuana is exempt from the  
25 criminal laws of this state for possession, delivery or manufacture of  
26 marijuana, aiding and abetting another in the possession, delivery or  
27 manufacture of marijuana, or any other criminal offense in which  
28 possession, delivery or manufacture of marijuana is an element if:

29       “(1) The person holds a registry identification card.

30       “(2) The person has applied for a registry identification card under

1 **ORS 475.309 and the person has proof of written documentation de-**  
2 **scribed in ORS 475.309 (2)(a) and proof of the date on which the person**  
3 **submitted the application to the Oregon Health Authority. An ex-**  
4 **emption under this subsection applies only until the authority ap-**  
5 **proves or denies the application.**

6 **“(3) The person is designated as a primary caregiver under ORS**  
7 **475.312.**

8 **“(4) The person is responsible for or is employed by a marijuana**  
9 **grow site registered under ORS 475.304.**

10 **“(5) The person owns, is responsible for, or is employed by, a**  
11 **marijuana processing site.**

12 **“(6) The person owns, is responsible for, or is employed by, a med-**  
13 **ical marijuana dispensary.**

14 **“SECTION 23.** ORS 475.319 is amended to read:

15 **“475.319. (1) Except as provided in ORS 475.316 [and 475.342, it is], a**  
16 **person has** an affirmative defense to a criminal charge of possession [*or*  
17 *production*], **delivery or manufacture** of marijuana, or any other criminal  
18 offense in which possession [*or production*], **delivery or manufacture** of  
19 marijuana is an element, [*that*] **if** the person charged with the offense [*is a*  
20 *person who*]:

21 **“(a) [Has been] Was** diagnosed with a debilitating medical condition  
22 within 12 months [*prior to arrest and been*] **of the date on which the per-**  
23 **son was arrested and was** advised by the person’s attending physician that  
24 the medical use of marijuana may mitigate the symptoms or effects of that  
25 debilitating medical condition;

26 **“(b) Is engaged in the medical use of marijuana; and**

27 **“(c) Possesses [or produces], delivers or manufactures** marijuana only  
28 in [*amounts*] **quantities** permitted under ORS 475.320.

29 **“(2) [It is not necessary for a person asserting an affirmative defense pur-**  
30 **suant to this section to have received] A person does not need to lawfully**

1 **possess** a registry identification card [*in order*] to assert the affirmative  
2 defense established in this section.

3 “(3) [*No*] **A** person engaged in the medical use of marijuana who claims  
4 that marijuana provides medically necessary benefits and who is charged  
5 with a crime pertaining to [*such*] **the** use of marijuana [*shall be*] **is not**  
6 precluded from presenting a defense of choice of evils, as set forth in ORS  
7 161.200, or from presenting evidence supporting the necessity of marijuana  
8 for treatment of a specific disease or medical condition, provided that [*the*  
9 *amount of marijuana at issue is no greater than permitted under ORS 475.320*  
10 *and the patient*]:

11 “**(a) The person possesses, delivers or manufactures marijuana only**  
12 **as permitted under ORS 475.320 (1); and**

13 “**(b) The person** has taken a substantial step [*to comply*] **toward com-**  
14 **plying** with the provisions of ORS 475.300 to 475.346.

15 “(4) [*Any*] **A** defendant proposing to use the affirmative defense [*provided*  
16 *for by*] **established in** this section in a criminal action shall, not less than  
17 five days before the trial of the cause, file and serve upon the district at-  
18 torney a written notice of the intention to [*offer such a*] **assert the affir-**  
19 **mative** defense [*that*]. **The notice must** specifically [*states*] **state** the  
20 reasons why the defendant is entitled to assert **the affirmative defense** and  
21 the factual basis for [*such*] **the** affirmative defense. If the defendant fails  
22 to file and serve [*such*] **the** notice, the defendant is not permitted to assert  
23 the affirmative defense at the trial of the cause unless the court [*for good*  
24 *cause*] orders, **for good cause**, otherwise.

25 “**SECTION 24.** ORS 475.316 is amended to read:

26 “475.316. [*(1) No person authorized to possess, deliver or produce marijuana*  
27 *for medical use pursuant to ORS 475.300 to 475.346 shall be excepted from the*  
28 *criminal laws of this state or shall be deemed to have established an affirma-*  
29 *tive defense to criminal charges of which possession, delivery or production of*  
30 *marijuana is an element if the person, in connection with the facts giving rise*

1 *to such charges:] A person is not exempt from the criminal laws of this*  
2 **state for possession, delivery or manufacture of marijuana, aiding and**  
3 **abetting another in the possession, delivery or manufacture of**  
4 **marijuana, or any other criminal offense in which possession, delivery**  
5 **or manufacture of marijuana is an element, and the person may not**  
6 **assert the affirmative defense established in ORS 475.319, if the person,**  
7 **in connection with conduct constituting an element of the offense:**

8 “*[(a)] (1) Drives under the influence of marijuana as provided in ORS*  
9 *813.010;*

10 “*[(b)] (2) Engages in the medical use of marijuana in a public place, as*  
11 *[that term is] defined in ORS 161.015, [or] in public view or in a correctional*  
12 *facility, as defined in ORS 162.135 (2), or a youth correction facility, as de-*  
13 *fin ed in ORS 162.135 (6); or*

14 “*[(c)] (3) Delivers marijuana to any individual who the person knows is*  
15 *not in possession of a registry identification card[;]* **or to any individual**  
16 **or entity that the person knows has not been designated to receive**  
17 **marijuana or assigned a possessory interest in marijuana by an indi-**  
18 **vidual in possession of a registry identification card.**

19 “*[(d) Delivers marijuana for consideration to any individual, even if the*  
20 *individual is in possession of a registry identification card;]*

21 “*[(e) Manufactures or produces marijuana at a place other than a*  
22 *marijuana grow site authorized under ORS 475.304; or]*

23 “*[(f) Manufactures or produces marijuana at more than one address.]*

24 “*[(2) In addition to any other penalty allowed by law, a person who the*  
25 *Oregon Health Authority finds has willfully violated the provisions of ORS*  
26 *475.300 to 475.346, or rules adopted under ORS 475.300 to 475.346, may be*  
27 *precluded from obtaining or using a registry identification card for the medical*  
28 *use of marijuana for a period of up to six months, at the discretion of the*  
29 *authority.]*

30





1 of Agriculture and the Oregon Liquor Control Commission, and the  
2 officers, employees and agents of the authority, department and com-  
3 mission, are immune from any cause of action for the performance  
4 of, or the failure to perform, duties required by ORS 475.300 to 475.346.

5  
6 (Confidentiality)

7  
8 **“SECTION 29. (1) Any personally identifiable information, as de-**  
9 **defined in ORS 432.005, other than a name of an individual or an address**  
10 **submitted with an application under ORS 475.314 or section 10 of this**  
11 **2015 Act, that the Oregon Health Authority collects and maintains for**  
12 **purposes of registering a marijuana grow site under ORS 475.304, a**  
13 **marijuana processing site under section 10 of this 2015 Act, or a med-**  
14 **ical marijuana dispensary under ORS 475.314, is confidential and not**  
15 **subject to public disclosure under ORS 192.410 to 192.505, except that**  
16 **the authority may provide personally identifiable information to a**  
17 **person registered under ORS 475.300 to 475.346 if the registrant re-**  
18 **quests the information and the information is related to a designation**  
19 **made under ORS 475.300 to 475.346.**

20 **“(2) Any personally identifiable information, as defined in ORS**  
21 **432.005, submitted to the authority under section 6, 12 or 18 of this 2015**  
22 **Act or pursuant to section 15 of this 2015 Act is confidential and not**  
23 **subject to public disclosure under ORS 192.410 to 192.505.**

24 **“(3) Any record that the authority keeps or maintains for purposes**  
25 **related to the installation or maintenance of a security system by a**  
26 **medical marijuana dispensary pursuant to rules adopted under ORS**  
27 **475.314 (10) is confidential and not subject to public disclosure under**  
28 **ORS 192.410 to 192.505.**

29 **“SECTION 30. Notwithstanding section 29 of this 2015 Act, if the**  
30 **Oregon Health Authority suspends or revokes the registration of the**

1 marijuana grow site of a person designated to produce marijuana by  
2 a registry identification cardholder, a marijuana processing site or a  
3 medical marijuana dispensary, or otherwise takes disciplinary action  
4 against the marijuana grow site of a person designated to produce  
5 marijuana by a registry identification cardholder, a marijuana pro-  
6 cessing site or a medical marijuana dispensary, the authority shall  
7 provide that information to a law enforcement agency.

8

9

“(Seeds)”

10

11 **“SECTION 31. (1) For purposes of ORS 475.300 to 475.346, seeds of**  
12 **the plant Cannabis family Cannabaceae are a propagant of nursery**  
13 **stock as defined in ORS 571.005.**

14 **“(2) Notwithstanding subsection (1) of this section, the production**  
15 **and processing of seeds under ORS 475.300 to 475.346 is not subject to**  
16 **the labeling or other requirements of ORS 576.715 to 576.744 or 633.511**  
17 **to 633.750.**

18

19

“(Ordinances)”

20

21 **“SECTION 31a.** Section 2, chapter 79, Oregon Laws 2014, is amended to  
22 read:

23 **“Sec. 2.** *[Notwithstanding ORS 633.738, the governing body of a city or*  
24 *county may adopt ordinances that impose reasonable regulations on the oper-*  
25 *ation of medical marijuana facilities registered, or applying for registration,*  
26 *under ORS 475.314 that are located in the area subject to the jurisdiction of*  
27 *the city or county. For purposes of this section, ‘reasonable regulations’ in-*  
28 *cludes reasonable limitations on the hours during which a medical marijuana*  
29 *facility may be operated, reasonable limitations on where a medical marijuana*  
30 *facility may be located within a zone described in ORS 475.314 (3)(a) and*

1 *reasonable conditions on the manner in which a medical marijuana facility*  
2 *may dispense medical marijuana.]*

3 **“(1) For purposes of this section, ‘reasonable regulations’ includes:**

4 **“(a) Reasonable limitations on the hours during which the**  
5 **marijuana grow site of a person designated to produce marijuana by**  
6 **a registry identification cardholder, a marijuana processing site or a**  
7 **medical marijuana dispensary may operate;**

8 **“(b) Reasonable conditions on the manner in which a marijuana**  
9 **processing site or medical marijuana dispensary may transfer usable**  
10 **marijuana, medical cannabinoid products, cannabinoid concentrates,**  
11 **cannabinoid extracts, immature marijuana plants and seeds;**

12 **“(c) Reasonable requirements related to the public’s access to the**  
13 **marijuana grow site of a person designated to produce marijuana by**  
14 **a registry identification cardholder, a marijuana processing site or a**  
15 **medical marijuana dispensary; and**

16 **“(d) Reasonable limitations on where the marijuana grow site of a**  
17 **person designated to produce marijuana by a registry identification**  
18 **cardholder, a marijuana processing site or a medical marijuana**  
19 **dispensary may be located.**

20 **“(2) Notwithstanding ORS 633.738, the governing body of a city or**  
21 **county may adopt ordinances that impose reasonable regulations on**  
22 **the operation of marijuana grow sites of persons designated to produce**  
23 **marijuana by registry identification cardholders, marijuana processing**  
24 **sites and medical marijuana dispensaries that are located in the area**  
25 **subject to the jurisdiction of the city or county.**

26

27 **“(Other Amendments)**

28

29 **“SECTION 32. ORS 475.300 is amended to read:**

30 **“475.300. The people of the State of Oregon [*hereby*] find that:**

1 “(1) Patients and doctors have found marijuana to be an effective treat-  
2 ment for suffering caused by debilitating medical conditions[,] and, therefore,  
3 marijuana [*should*] **must** be treated like other medicines;

4 “(2) Oregonians suffering from debilitating medical conditions should be  
5 allowed to use [*small amounts of*] marijuana without fear of civil or criminal  
6 penalties when [*their doctors advise that such use*] **a doctor advises that**  
7 **using marijuana** may provide a medical benefit [*to them*] and when other  
8 reasonable restrictions are met regarding that use;

9 “(3) ORS 475.300 to 475.346 are intended to allow Oregonians with debili-  
10 tating medical conditions who may benefit from the medical use of marijuana  
11 to be able to [*discuss freely with their*] **freely discuss with** doctors the pos-  
12 sible risks and benefits [*of*] **associated with the medical use of** marijuana  
13 [*use*] and to have the benefit of [*their doctor’s*] professional **medical** advice;  
14 and

15 “(4) ORS 475.300 to 475.346 are intended [*to make only those changes to*  
16 *existing Oregon laws that are necessary*] to protect patients and [*their*] doc-  
17 tors from criminal and civil penalties[,] and are not intended to change cur-  
18 rent civil and criminal laws governing the use of marijuana for nonmedical  
19 purposes.

20 **“SECTION 33.** ORS 475.303 is amended to read:

21 “475.303. (1) There is [*created*] **established within the Oregon Health**  
22 **Authority** the Advisory Committee on Medical Marijuana [*in the Oregon*  
23 *Health Authority*], consisting of 11 members appointed by the Director of the  
24 Oregon Health Authority.

25 “(2) The director shall appoint members of the committee from [*persons*  
26 *who possess registry identification cards, designated primary caregivers of*  
27 *persons who possess registry identification cards and advocates of the Oregon*  
28 *Medical Marijuana Act.*] **persons who are knowledgeable about**  
29 **marijuana or who are registered with the authority under ORS 475.300**  
30 **to 475.346 and who are advocates for the medical use of marijuana,**

1 **provided that a majority of the members of the committee are regis-**  
2 **tered with the authority under ORS 475.300 to 475.346 and are advocates**  
3 **for the medical use of marijuana.**

4 “(3) The committee shall advise the director on the administrative aspects  
5 of [*the Oregon Medical Marijuana Program, review current and proposed ad-*  
6 *ministrative rules of the program and provide annual input on the fee structure*  
7 *of the program.*] **ORS 475.300 to 475.346, including rules and fees adopted,**  
8 **and proposed for adoption, under ORS 475.300 to 475.346.**

9 “(4) The committee shall meet at least four times per year, at times and  
10 places specified by the director.

11 “(5) The authority shall provide staff support to the committee.

12 “(6) All agencies of state government, as defined in ORS 174.111, are di-  
13 rected to assist the committee in the performance of its duties and, to the  
14 extent permitted by laws relating to confidentiality, to furnish information  
15 and advice that the members of the committee consider necessary to perform  
16 their duties.

17 **“SECTION 34.** ORS 475.323 is amended to read:

18 “475.323. (1) [*Possession of a registry identification card, designated pri-*  
19 *mary caregiver identification card pursuant to ORS 475.309 or proof of regis-*  
20 *tration as a medical marijuana facility under ORS 475.314] **Registration**  
21 **under ORS 475.300 to 475.346 or possession of proof of registration un-**  
22 **der ORS 475.300 to 475.346** does not [*alone*] constitute probable cause to  
23 search the person or property of the [*cardholder*] **registrant** or otherwise  
24 subject the person or property of the [*cardholder*] **registrant** to inspection  
25 by [*any governmental*] **a government** agency. However, the Oregon Health  
26 Authority may inspect a [*medical marijuana facility registered under ORS*  
27 *475.314*] **marijuana grow site registered under ORS 475.304, a marijuana**  
28 **processing site registered under section 10 of this 2015 Act, or a med-**  
29 **ical marijuana dispensary registered under ORS 475.314, at any reason-**  
30 **able time to determine whether [*the facility*] the person responsible for the***

1 **marijuana grow site, the person responsible for the marijuana pro-**  
2 **cessing site, or the person responsible for the medical marijuana**  
3 **dispensary, is in compliance with ORS 475.300 to 475.346 and rules adopted**  
4 **under ORS 475.300 to 475.346.**

5 “(2) Any property interest possessed, owned or used in connection with  
6 the medical use of marijuana or acts incidental to the medical use of  
7 marijuana that has been seized by state or local law enforcement officers  
8 may not be harmed, neglected, injured or destroyed while in the possession  
9 of [*any*] a law enforcement agency[.], **except that** a law enforcement agency  
10 has no responsibility to maintain live marijuana plants lawfully seized.  
11 [*No*] Such property interest may **not** be forfeited under any provision of law  
12 providing for the forfeiture of property [*other than as*], **except pursuant to**  
13 a sentence imposed after conviction of a criminal offense. [*Usable*] Marijuana  
14 and **equipment or** paraphernalia used to **produce, process or** administer  
15 marijuana that was seized by [*any*] a law enforcement [*office*] **officer** shall  
16 be returned immediately [*upon a determination by*] **if** the district attorney in  
17 whose county the property was seized, or the district attorney’s designee,  
18 **determines** that the person from whom the marijuana, **equipment** or par-  
19 aphernalia [*used to administer marijuana*] was seized is entitled to the pro-  
20 tections [*contained in*] **provided by** ORS 475.300 to 475.346. The  
21 determination may be evidenced[, *for example,*] by a decision not to prose-  
22 cute, the dismissal of charges or acquittal.

23 **“SECTION 35.** ORS 475.326 is amended to read:

24 “475.326. [*No attending physician may be subjected to civil penalty or dis-*  
25 *cipline by the Oregon Medical Board for:*] **The Oregon Medical Board may**  
26 **not impose a civil penalty or take other disciplinary action against an**  
27 **attending physician for:**

28 “(1) Advising a person [*whom the attending physician has*] diagnosed as  
29 having a debilitating medical condition[, *or a person who the attending phy-*  
30 *sician knows has been so diagnosed*] by **the attending physician or** another

1 physician licensed under ORS chapter 677[,] about the risks and benefits  
2 [of] **associated with the** medical use of marijuana or that the medical use  
3 of marijuana may mitigate the symptoms or effects of the person’s debilitat-  
4 ing medical condition, provided **that** the advice is based on the attending  
5 physician’s personal assessment of the person’s medical history and current  
6 medical condition; or

7 “(2) Providing the written documentation necessary for issuance **or re-**  
8 **newal** of a registry identification card under ORS 475.309, [if] **provided that**  
9 the **written** documentation is based on the attending physician’s personal  
10 assessment of the [applicant’s] **person’s** medical history and current medical  
11 condition and the attending physician has discussed **with the person** the  
12 potential [medical] risks and benefits [of] **associated with** the medical use  
13 of marijuana [with the applicant].

14 **“SECTION 36.** ORS 475.328 is amended to read:

15 “475.328. (1) [No] **A** professional licensing board may **not** impose a civil  
16 penalty or take other disciplinary action against a licensee based on the  
17 licensee’s medical use of marijuana [in accordance with] **under** the provisions  
18 of ORS 475.300 to 475.346 or actions taken by the licensee [that are necessary  
19 to carry out the licensee’s role as a designated primary caregiver to a person  
20 who possesses a lawful registry identification card] **pursuant to the**  
21 **licensee’s designation as a primary caregiver under ORS 475.312.**

22 “(2)(a) A licensed health care professional may administer medical  
23 marijuana to a person who possesses a registry identification card and re-  
24 sides in a licensed health care facility if the administration of pharmaceu-  
25 ticals is within the scope of practice of the licensed health care professional.  
26 Administration of medical marijuana under this subsection may not take  
27 place in a public place as defined in ORS 161.015 or in the presence of a  
28 person under 18 years of age. If the medical marijuana administered under  
29 this subsection is smoked, adequate ventilation must be provided.

30 “(b) Nothing in this subsection requires:

1 “(A) A licensed health care professional to administer medical marijuana;  
2 or

3 “(B) A licensed health care facility to make accommodations for the ad-  
4 ministration of medical marijuana.

5 **“SECTION 37.** ORS 475.331 is amended to read:

6 “475.331. (1)(a) The Oregon Health Authority shall [*create*] **establish** and  
7 maintain a list of [*the persons to whom the authority has issued registry*  
8 *identification cards, the names of any designated primary caregivers, the*  
9 *names of persons responsible for a medical marijuana facility registered under*  
10 *ORS 475.314, the addresses of authorized marijuana grow sites and the ad-*  
11 *resses of registered medical marijuana facilities.*]:

12 **“(A) The names of persons to whom a registry identification card**  
13 **has been issued under ORS 475.309;**

14 **“(B) The names of persons designated as primary caregivers under**  
15 **ORS 475.312; and**

16 **“(C) The addresses of marijuana grow sites registered under ORS**  
17 **475.304.**

18 **“(b) Except as provided in subsection (2) of this section, the list [*shall***  
19 ***be*] is confidential and not subject to public disclosure **under ORS 192.410****  
20 **to 192.505.**

21 **“[(b)] (c) The authority shall develop a system by which authorized em-**  
22 **ployees of state and local law enforcement agencies may verify [*at all***  
23 ***times*] that:**

24 **“(A) A person [*is a lawful possessor of*] **lawfully possesses** a registry**  
25 **identification card;**

26 **“(B) A person is the designated primary caregiver of a lawful possessor**  
27 **of a registry identification card; **or****

28 **“(C) A location is [*an authorized*] **a registered** marijuana grow site[;].**

29 **“[(D) A location is a registered medical marijuana facility; or]**

30 **“[(E) A person is the person listed as the person responsible for a registered**



1 *medical marijuana facility.*]

2 “(2) Names, **addresses** and other identifying information from the list  
3 established **and maintained** pursuant to subsection (1) of this section may  
4 be released to:

5 “(a) Authorized employees of the authority as necessary to perform offi-  
6 cial duties of the authority.

7 “(b) Authorized employees of state or local law enforcement agencies[,]  
8 who provide to the authority adequate identification, [*such as a badge num-  
9 ber or similar authentication of authority,*] **but** only as necessary to verify  
10 that:

11 “(A) A person [*is a lawful possessor of*] **lawfully possesses** a registry  
12 identification card;

13 “(B) A person is the designated primary caregiver of a lawful possessor  
14 of a registry identification card; **or**

15 “(C) A location is [*an authorized*] **a registered** marijuana grow site[;].

16 “[*D*] A location is a registered medical marijuana facility; or]

17 “[*E*] A person is the person listed as the person responsible for a registered  
18 medical marijuana facility.]

19 “(3) Authorized employees of state or local law enforcement agencies  
20 [*that*] **who** obtain identifying information [*from the list*] as authorized  
21 [*under*] **by** this section may not release or use the information for any pur-  
22 pose other than [*verification*] **to verify** that:

23 “(a) A person [*is a lawful possessor of*] **lawfully possesses** a registry  
24 identification card;

25 “(b) A person is the designated primary caregiver of a lawful possessor  
26 of a registry identification card; **or**

27 “(c) A location is [*an authorized*] **a registered** marijuana grow site[;].

28 “[*d*] A location is a registered medical marijuana facility; or]

29 “[*e*] A person is the person listed as the person responsible for a registered  
30 medical marijuana facility.]

1 “(4) In addition to releasing information to authorized employees  
2 of state or local law enforcement agencies for purposes of verifying  
3 information under subsection (2)(b) of this section, the authority may  
4 release to authorized employees of state or local law enforcement  
5 agencies the minimum amount of information necessary to enable an  
6 employee to determine whether an individual or location is in compli-  
7 ance with a provision of ORS 475.300 to 475.346 or a rule adopted under  
8 ORS 475.300 to 475.346.

9 “(5) If the authority determines, after conducting an investigation  
10 or receiving a complaint of an alleged violation of a provision of ORS  
11 475.300 to 475.346 or a rule adopted under ORS 475.300 to 475.346, that  
12 a violation of a provision of ORS 475.300 to 475.346 or a rule adopted  
13 under ORS 475.300 to 475.346 has occurred, the authority may provide  
14 information obtained by the authority, except for information related  
15 to a registry identification cardholder’s debilitating condition, to au-  
16 thorized employees of state or local law enforcement agencies, or to  
17 another state or local government agency with jurisdiction over the  
18 matter.

19 “SECTION 38. ORS 475.334 is amended to read:

20 “475.334. Any person may [*submit a petition to*] **petition** the Oregon  
21 Health Authority [*requesting*] **to request** that a [*particular*] disease or con-  
22 dition be included among the diseases and conditions that qualify as debili-  
23 tating medical conditions under ORS [*475.302*] **475.300 to 475.346**. The  
24 authority shall adopt rules establishing [*the manner in which the authority*  
25 *will evaluate petitions submitted under this section*] **the procedure for filing**  
26 **a petition under this section and the manner by which the authority**  
27 **evaluates a request made under this section.** [*Any*] Rules adopted [*pur-*  
28 *suant to*] **under** this section [*shall*] **must** require the authority to approve  
29 or deny a petition within 180 days of [*receipt of*] **receiving** the petition [*by*  
30 *the authority*]. Denial of a petition [*shall be considered*] **is** a final

1 [authority] **agency** action subject to judicial review.

2 **“SECTION 39.** ORS 475.338 is amended to read:

3 “475.338. (1) The Oregon Health Authority shall adopt [all] rules neces-  
4 sary for the implementation, [and] administration **and enforcement** of ORS  
5 475.300 to 475.346.

6 **“(2) The authority may adopt rules as the authority considers nec-  
7 essary to protect the public health and safety.**

8 **“SECTION 40.** ORS 475.340 is amended to read:

9 “475.340. Nothing in ORS 475.300 to 475.346 [shall be construed to  
10 require] **requires:**

11 “(1) A government medical assistance program or private health insurer  
12 to reimburse a person for costs associated with the medical use of marijuana;  
13 or

14 “(2) An employer to accommodate the medical use of marijuana in [any]  
15 **the** workplace.

16 **“SECTION 41.** ORS 475.342 is amended to read:

17 “475.342. [Nothing in] **The provisions of** ORS 475.300 to 475.346 [shall  
18 protect] **do not protect** a person from a criminal cause of action based on  
19 possession, [production, or] delivery **or manufacture** of marijuana that is  
20 not [authorized by] **described in** ORS 475.300 to 475.346.

21

22 **“CONFORMING AMENDMENTS**

23

24 **“SECTION 42.** ORS 181.534 is amended to read:

25 “181.534. (1) As used in this section:

26 “(a) ‘Authorized agency’ means state government as defined in ORS  
27 174.111 and the Oregon State Bar. ‘Authorized agency’ does not include:

28 “(A) The Oregon State Lottery Commission or the Oregon State Lottery;  
29 or

30 “(B) A criminal justice agency, as defined in ORS 181.010, that is au-

1 thorized by federal law to receive fingerprint-based criminal records checks  
2 from the Federal Bureau of Investigation.

3 “(b) ‘Subject individual’ means a person from whom an authorized agency  
4 may require fingerprints pursuant to statute for the purpose of enabling the  
5 authorized agency to request a state or nationwide criminal records check.

6 “(2) An authorized agency may request that the Department of State Po-  
7 lice conduct a criminal records check on a subject individual for non-  
8 criminal justice purposes. If a nationwide criminal records check of a subject  
9 individual is necessary, the authorized agency may request that the Depart-  
10 ment of State Police conduct the check, including fingerprint identification,  
11 through the Federal Bureau of Investigation.

12 “(3) The Department of State Police shall provide the results of a criminal  
13 records check conducted pursuant to subsection (2) of this section to the  
14 authorized agency requesting the check.

15 “(4) The Federal Bureau of Investigation shall return or destroy the fin-  
16 gerprint cards used to conduct the criminal records check and may not keep  
17 any record of the fingerprints. If the federal bureau policy authorizing return  
18 or destruction of the fingerprint cards is changed, the Department of State  
19 Police shall cease to send the cards to the federal bureau but shall continue  
20 to process the information through other available resources.

21 “(5) If the Federal Bureau of Investigation returns the fingerprint cards  
22 to the Department of State Police, the department shall destroy the finger-  
23 print cards and shall retain no facsimiles or other material from which a  
24 fingerprint can be reproduced.

25 “(6) If only a state criminal records check is conducted, the Department  
26 of State Police shall destroy the fingerprint cards after the criminal records  
27 check is completed and the results of the criminal records check provided to  
28 the authorized agency and shall retain no facsimiles or other material from  
29 which a fingerprint can be reproduced.

30 “(7) An authorized agency may conduct criminal records checks on sub-

1   ject individuals through the Law Enforcement Data System maintained by  
2   the Department of State Police in accordance with rules adopted, and pro-  
3   cedures established, by the Department of State Police.

4       “(8) An authorized agency and the Department of State Police shall per-  
5   mit a subject individual for whom a fingerprint-based criminal records check  
6   was conducted to inspect the individual’s own state and national criminal  
7   offender records and, if requested by the subject individual, provide the in-  
8   dividual with a copy of the individual’s own state and national criminal  
9   offender records.

10       “(9) Each authorized agency, in consultation with the Department of State  
11   Police, shall adopt rules to implement this section and other statutes relating  
12   to criminal offender information obtained through fingerprint-based criminal  
13   records checks. The rules shall include but need not be limited to:

14       “(a) Identifying applicable categories of subject individuals as specified  
15   by the Oregon Department of Administrative Services under ORS 181.547 who  
16   are subject to criminal records checks by the authorized agency.

17       “(b) Identifying applicable information that may be required from a sub-  
18   ject individual to permit a criminal records check as specified by the Oregon  
19   Department of Administrative Services under ORS 181.547.

20       “(c) Specifying which programs or services are subject to this section.

21       “(d) If the authorized agency uses criminal records checks for agency  
22   employment purposes:

23       “(A) Determining when and under what conditions a subject individual  
24   may be hired on a preliminary basis pending a criminal records check; and

25       “(B) Defining the conditions under which a subject individual may par-  
26   ticipate in training, orientation and work activities pending completion of  
27   a criminal records check.

28       “(e) Establishing fees in an amount not to exceed the actual cost of ac-  
29   quiring and furnishing criminal offender information.

30       “(10) The Department of State Police shall verify that an authorized

1 agency has adopted the rules required by subsection (9) of this section.

2 “(11)(a) Except as otherwise provided in ORS 181.612, 342.143, 342.223,  
3 443.735 and [~~475.304~~] ~~475.300 to 475.346~~ and paragraph (b) of this subsection,  
4 an authorized agency, using the rules adopted by the authorized agency un-  
5 der subsection (9) of this section and the rules adopted by the Oregon De-  
6 partment of Administrative Services under ORS 181.547, shall determine  
7 whether a subject individual is fit to hold a position, provide services, be  
8 employed or be granted a license, certification, registration or permit, based  
9 on the criminal records check obtained pursuant to this section, on any false  
10 statements made by the individual regarding the criminal history of the in-  
11 dividual and on any refusal to submit or consent to a criminal records check  
12 including fingerprint identification. If a subject individual is determined to  
13 be unfit, then the individual may not hold the position, provide services, be  
14 employed or be granted a license, certification, registration or permit.

15 “(b) An individual prohibited from receiving public funds for employment  
16 under ORS 443.004 (3) is not entitled to a determination of fitness as a sub-  
17 ject individual under paragraph (a) of this subsection.

18 “(c)(A) Subject to subparagraph (B) of this paragraph, an authorized  
19 agency making a fitness determination of an individual under this subsection  
20 may request results of a previously made fitness determination from an au-  
21 thorized agency that has already made a fitness determination for the indi-  
22 vidual. An authorized agency that receives a request under this paragraph  
23 shall provide the requested information.

24 “(B) An authorized agency may make a request under this paragraph only  
25 for individuals:

26 “(i) Who are applying to hold a position, provide services, be employed  
27 or be granted a license, certification, registration or permit;

28 “(ii) Who are in a category of individuals as specified by the Oregon De-  
29 partment of Administrative Services under ORS 181.547; and

30 “(iii) For whom a fitness determination has already been made.

1       “(12) Except as otherwise provided in ORS 181.612, in making the fitness  
2 determination under subsection (11) of this section, the authorized agency  
3 shall consider:

4       “(a) The nature of the crime;

5       “(b) The facts that support the conviction or pending indictment or that  
6 indicate the making of the false statement;

7       “(c) The relevancy, if any, of the crime or the false statement to the spe-  
8 cific requirements of the subject individual’s present or proposed position,  
9 services, employment, license, certification or registration; and

10       “(d) Intervening circumstances relevant to the responsibilities and cir-  
11 cumstances of the position, services, employment, license, certification, reg-  
12 istration or permit. Intervening circumstances include but are not limited  
13 to:

14       “(A) The passage of time since the commission of the crime;

15       “(B) The age of the subject individual at the time of the crime;

16       “(C) The likelihood of a repetition of offenses or of the commission of  
17 another crime;

18       “(D) The subsequent commission of another relevant crime;

19       “(E) Whether the conviction was set aside and the legal effect of setting  
20 aside the conviction; and

21       “(F) A recommendation of an employer.

22       “(13) An authorized agency and an employee of an authorized agency  
23 acting within the course and scope of employment are immune from any civil  
24 liability that might otherwise be incurred or imposed for determining, pur-  
25 suant to subsection (11) of this section, that a subject individual is fit or not  
26 fit to hold a position, provide services, be employed or be granted a license,  
27 certification, registration or permit. An authorized agency and an employee  
28 of an authorized agency acting within the course and scope of employment  
29 who in good faith comply with this section are not liable for employment-  
30 related decisions based on determinations made under subsection (11) of this

1 section. An authorized agency or an employee of an authorized agency acting  
2 within the course and scope of employment is not liable for defamation or  
3 invasion of privacy in connection with the lawful dissemination of informa-  
4 tion lawfully obtained under this section.

5 “(14)(a) Each authorized agency shall establish by rule a contested case  
6 process by which a subject individual may appeal the determination that the  
7 individual is fit or not fit to hold a position, provide services, be employed  
8 or be granted a license, certification, registration or permit on the basis of  
9 information obtained as the result of a criminal records check conducted  
10 pursuant to this section. Challenges to the accuracy or completeness of in-  
11 formation provided by the Department of State Police, the Federal Bureau  
12 of Investigation and agencies reporting information to the Department of  
13 State Police or Federal Bureau of Investigation must be made through the  
14 Department of State Police, Federal Bureau of Investigation or reporting  
15 agency and not through the contested case process required by this para-  
16 graph.

17 “(b) A subject individual who is employed by an authorized agency and  
18 who is determined not to be fit for a position on the basis of information  
19 obtained as the result of a criminal records check conducted pursuant to this  
20 section may appeal the determination through the contested case process  
21 adopted under this subsection or applicable personnel rules, policies and  
22 collective bargaining provisions. An individual’s decision to appeal a deter-  
23 mination through personnel rules, policies and collective bargaining pro-  
24 visions is an election of remedies as to the rights of the individual with  
25 respect to the fitness determination and is a waiver of the contested case  
26 process.

27 “(c) An individual prohibited from receiving public funds for employment  
28 under ORS 443.004 (3) is not entitled to appeal a determination under para-  
29 graph (a) or (b) of this subsection.

30 “(15) Criminal offender information is confidential. Authorized agencies



1 and the Department of State Police shall adopt rules to restrict dissem-  
2 ination of information received under this section to persons with a demon-  
3 strated and legitimate need to know the information.

4 “(16) If a subject individual refuses to consent to the criminal records  
5 check or refuses to be fingerprinted, the authorized agency shall deny the  
6 employment of the individual, or revoke or deny any applicable position,  
7 authority to provide services, license, certification, registration or permit.

8 “(17) If an authorized agency requires a criminal records check of em-  
9 ployees, prospective employees, contractors, vendors or volunteers or appli-  
10 cants for a license, certification, registration or permit, the application forms  
11 of the authorized agency must contain a notice that the person is subject to  
12 fingerprinting and a criminal records check.

13 **“SECTION 43.** ORS 181.537 is amended to read:

14 “181.537. (1) As used in this section:

15 “(a) ‘Care’ means the provision of care, treatment, education, training,  
16 instruction, supervision, placement services, recreation or support to chil-  
17 dren, the elderly or persons with disabilities.

18 “(b) ‘Native American tribe’ has the meaning given that term in ORS  
19 181.538 (4).

20 “(c) ‘Qualified entity’ means a community mental health program, a com-  
21 munity developmental disabilities program, a local health department, the  
22 government of a Native American tribe or an agency of a Native American  
23 tribe responsible for child welfare or an individual or business or organiza-  
24 tion, whether public, private, for-profit, nonprofit or voluntary, that provides  
25 care, including a business or organization that licenses, certifies or registers  
26 others to provide care.

27 “(2) For the purpose of requesting a state or nationwide criminal records  
28 check under ORS 181.534, the Department of Human Services, the Oregon  
29 Health Authority and the Employment Department may require the finger-  
30 prints of a person:

1       “(a) Who is employed by or is applying for employment with either de-  
2       partment or the authority;

3       “(b) Who provides or seeks to provide services to either department or the  
4       authority as a contractor, subcontractor, vendor or volunteer who:

5       “(A) May have contact with recipients of care;

6       “(B) Has access to personal information about employees of either de-  
7       partment or the authority, recipients of care from either department or the  
8       authority or members of the public, including Social Security numbers, dates  
9       of birth, driver license numbers, medical information, personal financial in-  
10      formation or criminal background information;

11      “(C) Has access to information the disclosure of which is prohibited by  
12      state or federal laws, rules or regulations, or information that is defined as  
13      confidential under state or federal laws, rules or regulations;

14      “(D) Has access to property held in trust or to private property in the  
15      temporary custody of the state;

16      “(E) Has payroll or fiscal functions or responsibility for:

17      “(i) Receiving, receipting or depositing money or negotiable instruments;

18      “(ii) Billing, collections, setting up financial accounts or other financial  
19      transactions; or

20      “(iii) Purchasing or selling property;

21      “(F) Provides security, design or construction services for government  
22      buildings, grounds or facilities;

23      “(G) Has access to critical infrastructure or secure facilities information;

24      or

25      “(H) Is providing information technology services and has control over  
26      or access to information technology systems;

27      “(c) For the purposes of licensing, certifying, registering or otherwise  
28      regulating or administering programs, persons or qualified entities that pro-  
29      vide care;

30      “(d) For the purposes of employment decisions by or for qualified entities

1 that are regulated or otherwise subject to oversight by the Department of  
2 Human Services or the Oregon Health Authority and that provide care;

3 “(e) For the purposes of employment decisions made by a mass transit  
4 district or transportation district for qualified entities that, under contracts  
5 with the district or the Oregon Health Authority, employ persons to operate  
6 motor vehicles for the transportation of medical assistance program clients;  
7 or

8 “(f) For the purposes of licensure, certification or registration of foster  
9 homes by the government of a Native American tribe or an agency of a Na-  
10 tive American tribe responsible for child welfare.

11 “(3) The Department of Human Services and the Oregon Health Authority  
12 may conduct criminal records checks on a person through the Law Enforce-  
13 ment Data System maintained by the Department of State Police, if deemed  
14 necessary by the Department of Human Services or the Oregon Health Au-  
15 thority to protect children, elderly persons, persons with disabilities or other  
16 vulnerable persons.

17 “(4) The Department of Human Services and the Oregon Health Authority  
18 may furnish to qualified entities, in accordance with the rules of the De-  
19 partment of Human Services or the Oregon Health Authority and the rules  
20 of the Department of State Police, information received from the Law  
21 Enforcement Data System. However, any criminal offender records and in-  
22 formation furnished to the Department of Human Services or the Oregon  
23 Health Authority by the Federal Bureau of Investigation through the De-  
24 partment of State Police may not be disseminated to qualified entities.

25 “(5)(a) Except as otherwise provided in ORS 443.735 and ~~[475.304]~~ **475.300**  
26 **to 475.346**, a qualified entity, using rules adopted by the Department of Hu-  
27 man Services or the Oregon Health Authority under ORS 181.534 (9) and  
28 rules adopted by the Oregon Department of Administrative Services under  
29 ORS 181.547, shall determine under this section whether a person is fit to  
30 hold a position, provide services, be employed or, if the qualified entity has

1 authority to make such a determination, be licensed, certified or registered,  
2 based on the criminal records check obtained pursuant to ORS 181.534, any  
3 false statements made by the person regarding the criminal history of the  
4 person and any refusal to submit or consent to a criminal records check in-  
5 cluding fingerprint identification. If a person is determined to be unfit, then  
6 that person may not hold the position, provide services or be employed, li-  
7 censed, certified or registered.

8 “(b) A person prohibited from receiving public funds for employment un-  
9 der ORS 443.004 (3) is not entitled to a determination of fitness under para-  
10 graph (a) of this subsection.

11 “(6) In making the fitness determination under subsection (5) of this sec-  
12 tion, the qualified entity shall consider:

13 “(a) The nature of the crime;

14 “(b) The facts that support the conviction or pending indictment or indi-  
15 cate the making of the false statement;

16 “(c) The relevancy, if any, of the crime or the false statement to the spe-  
17 cific requirements of the person’s present or proposed position, services, em-  
18 ployment, license, certification or registration; and

19 “(d) Intervening circumstances relevant to the responsibilities and cir-  
20 cumstances of the position, services, employment, license, certification or  
21 registration. Intervening circumstances include but are not limited to the  
22 passage of time since the commission of the crime, the age of the person at  
23 the time of the crime, the likelihood of a repetition of offenses, the subse-  
24 quent commission of another relevant crime and a recommendation of an  
25 employer.

26 “(7) The Department of Human Services, the Oregon Health Authority  
27 and the Employment Department may make fitness determinations based on  
28 criminal offender records and information furnished by the Federal Bureau  
29 of Investigation through the Department of State Police only as described in  
30 ORS 181.534.

1 “(8) A qualified entity and an employee of a qualified entity acting within  
2 the course and scope of employment are immune from any civil liability that  
3 might otherwise be incurred or imposed for determining pursuant to sub-  
4 section (5) of this section that a person is fit or not fit to hold a position,  
5 provide services or be employed, licensed, certified or registered. A qualified  
6 entity, employee of a qualified entity acting within the course and scope of  
7 employment and an employer or employer’s agent who in good faith comply  
8 with this section and the decision of the qualified entity or employee of the  
9 qualified entity acting within the course and scope of employment are not  
10 liable for the failure to hire a prospective employee or the decision to dis-  
11 charge an employee on the basis of the qualified entity’s decision. An em-  
12 ployee of the state acting within the course and scope of employment is not  
13 liable for defamation or invasion of privacy in connection with the lawful  
14 dissemination of information lawfully obtained under this section.

15 “(9) The Department of Human Services and the Oregon Health Author-  
16 ity, subject to rules adopted by the Oregon Department of Administrative  
17 Services under ORS 181.547, shall develop systems that maintain information  
18 regarding criminal records checks in order to minimize the administrative  
19 burden imposed by this section and ORS 181.534. Records maintained under  
20 this subsection are confidential and may not be disseminated except for the  
21 purposes of this section and in accordance with the rules of the Department  
22 of Human Services, the Oregon Health Authority and the Department of  
23 State Police. Nothing in this subsection permits the Department of Human  
24 Services to retain fingerprint cards obtained pursuant to this section.

25 “(10) In addition to the rules required by ORS 181.534, the Department  
26 of Human Services and the Oregon Health Authority, in consultation with  
27 the Department of State Police, shall adopt rules:

28 “(a) Specifying which qualified entities are subject to this section;

29 “(b) Specifying which qualified entities may request criminal offender in-  
30 formation;

1 “(c) Specifying which qualified entities are responsible for deciding, sub-  
2 ject to rules adopted by the Oregon Department of Administrative Services  
3 under ORS 181.547, whether a subject individual is not fit for a position,  
4 service, license, certification, registration or employment; and

5 “(d) Specifying when a qualified entity, in lieu of conducting a completely  
6 new criminal records check, may proceed to make a fitness determination  
7 under subsection (5) of this section using the information maintained by the  
8 Department of Human Services and the Oregon Health Authority pursuant  
9 to subsection (9) of this section.

10 “(11) If a person refuses to consent to the criminal records check or re-  
11 fuses to be fingerprinted, the qualified entity shall deny or terminate the  
12 employment of the person, or revoke or deny any applicable position, au-  
13 thority to provide services, employment, license, certification or registration.

14 “(12) If the qualified entity requires a criminal records check of employees  
15 or other persons, the application forms of the qualified entity must contain  
16 a notice that employment is subject to fingerprinting and a criminal records  
17 check.

18

19

**“TEMPORARY PROVISIONS  
EFFECTIVE UPON PASSAGE**

20

21

22 **“SECTION 44. (1) The Oregon Health Authority, in addition to the**  
23 **information required under ORS 475.304 for registering as a marijuana**  
24 **grow site or renewing a marijuana grow site registration, and in ad-**  
25 **dition to information required under ORS 475.314 for registering as a**  
26 **medical marijuana dispensary or renewing a medical marijuana**  
27 **dispensary registration, shall require all applications for registering**  
28 **or renewing registration under ORS 475.304 and 475.314 to contain proof**  
29 **that any person whose name is included in the application has been a**  
30 **resident of this state for:**



1 2019.

2

3

**“OPERATIVE DATE**

4

5 **“SECTION 48. (1) Sections 6, 7a, 9, 10 to 15, 18 to 22 and 25 to 31 of**  
6 **this 2015 Act and the amendments to statutes and session law by**  
7 **sections 1 to 3, 5, 7, 9a, 16, 23, 24 and 31a to 43 of this 2015 Act and the**  
8 **repeal of ORS 475.324 by section 46 of this 2015 Act become operative**  
9 **on March 1, 2016.**

10 **“(2) The Oregon Health Authority, the Oregon Liquor Control**  
11 **Commission and the State Department of Agriculture may take any**  
12 **action before the operative date specified in subsection (1) of this sec-**  
13 **tion that is necessary to enable the authority, commission and de-**  
14 **partment to exercise, on and after the operative date specified in**  
15 **subsection (1) of this section, all the duties, powers and functions**  
16 **conferred on the authority, commission and department by sections**  
17 **6, 7a, 9, 10 to 15, 18 to 22 and 25 to 31 of this 2015 Act and the amend-**  
18 **ments to statutes and session law by sections 1 to 3, 5, 7, 9a, 16, 23,**  
19 **24 and 31a to 43 of this 2015 Act.**

20

21

**“UNIT CAPTIONS**

22

23 **“SECTION 49. The unit captions used in this 2015 Act are provided**  
24 **only for the convenience of the reader and do not become part of the**  
25 **statutory law of this state or express any legislative intent in the**  
26 **enactment of this 2015 Act.**

27

28

**“EMERGENCY CLAUSE**

29

30 **“SECTION 50. This 2015 Act being necessary for the immediate**



1 **preservation of the public peace, health and safety, an emergency is**  
2 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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