

**A-Engrossed**  
**House Bill 4094**

Ordered by the House February 11  
Including House Amendments dated February 11

Sponsored by Representatives READ, WILSON, HOYLE, OLSON; Representatives HELM, KENY-GUYER, LININGER (Pre-session filed.)

**SUMMARY**

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

Exempts financial institutions that provide financial services to marijuana related businesses, researchers and laboratories from any criminal law of this state that has element that may be proven by substantiating that person provides financial services to person who lawfully possesses, delivers or manufactures marijuana or marijuana derived products.

Directs Oregon Liquor Control Commission [*and*], Oregon Health Authority **and Department of Revenue** to provide financial institutions with **certain** information related to licensed or registered marijuana related businesses, researchers and laboratories upon request.

Directs Department of Consumer and Business Services to study and report on any legislation or administrative action required to facilitate financing of businesses that engage in production, processing or sale of marijuana and marijuana derived products.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to cannabis; and declaring an emergency.

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

4 **SECTION 1. As used in sections 1 to 6 of this 2016 Act:**

5 (1) **"Deliver" has the meaning given that term in ORS 475.005.**

6 (2) **"Financial institution" means:**

7 (a) **A financial institution as defined in ORS 706.008.**

8 (b) **A money transmission business licensed under ORS 717.200 to 717.320, 717.900 and**  
9 **717.905.**

10 (3) **"Manufacture" has the meaning given that term in ORS 475.005.**

11 (4) **"Marijuana" has the meaning given that term in ORS 475.005.**

12 (5) **"Marijuana derived product" means cannabinoid products, cannabinoid concentrates**  
13 **and cannabinoid extracts, all as defined in ORS 475B.015.**

14 **SECTION 2. A financial institution that provides financial services customarily provided**  
15 **by financial institutions pursuant to powers granted by the Bank Act or by ORS chapter 723**  
16 **to a marijuana processing site registered under ORS 475B.435, a medical marijuana**  
17 **dispensary registered under ORS 475B.450, a marijuana producer that holds a license under**  
18 **ORS 475B.070, a marijuana processor that holds a license under ORS 475B.090, a marijuana**  
19 **wholesaler that holds a license under ORS 475B.100, a marijuana retailer that holds a license**  
20 **under ORS 475B.110, a laboratory that holds a license under ORS 475B.560 or a person to**  
21 **whom a permit has been issued under ORS 475B.218 is exempt from any criminal law of this**  
22 **state an element of which may be proven by substantiating that a person provides financial**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 services customarily provided by financial institutions pursuant to powers granted by the  
2 Bank Act or ORS chapter 723 to a person who possesses, delivers or manufactures marijuana  
3 or marijuana derived products.

4 **SECTION 3.** (1) Notwithstanding any law relating to the exemption of information from  
5 public disclosure under ORS 475B.010 to 475B.395 or 475B.550 to 475B.590, upon the request  
6 of a financial institution, the Oregon Liquor Control Commission shall provide to the finan-  
7 cial institution the following information:

8 (a) Whether a person with whom the financial institution is doing business holds a li-  
9 cense under ORS 475B.070, 475B.090, 475B.100, 475B.110 or 475B.560;

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

11 (c) A copy of the application for licensure submitted by the person;

12 (d) Data relating to sales and the volume of product sold by the person;

13 (e) Whether the person is currently compliant with the provisions of ORS 475B.010 to  
14 475B.395 and rules adopted under ORS 475B.010 to 475B.395;

15 (f) Any past or pending violation by the person of a provision of ORS 475B.010 to 475B.395  
16 or a rule adopted under ORS 475B.010 to 475B.395; and

17 (g) Any penalty imposed upon the person for violating a provision of ORS 475B.010 to  
18 475B.395 or a rule adopted under ORS 475B.010 to 475B.395.

19 (2) Upon receiving a request under subsection (1) of this section, the commission shall  
20 provide the requesting financial institution with the requested information.

21 (3) The commission may charge a financial institution a reasonable fee to cover the ad-  
22 ministrative costs of providing information under this section.

23 **SECTION 4.** (1) Notwithstanding any law relating to the exemption of information from  
24 public disclosure under ORS 475B.400 to 475B.525, upon the request of a financial institution,  
25 the Oregon Health Authority shall provide to the financial institution the following infor-  
26 mation:

27 (a) Whether a person with whom the financial institution is doing business is registered  
28 under ORS 475B.435 or 475B.450;

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

30 (c) A copy of the application for registration submitted by the person;

31 (d) Data relating to the volume of product transferred by the person;

32 (e) Whether the person is currently compliant with the provisions of ORS 475B.400 to  
33 475B.525 and rules adopted under ORS 475B.400 to 475B.525;

34 (f) Any past or pending violation by the person of a provision of ORS 475B.400 to 475B.525  
35 or a rule adopted under ORS 475B.400 to 475B.525; and

36 (g) Any penalty imposed upon the person for violating a provision of ORS 475B.400 to  
37 475B.525 or a rule adopted under ORS 475B.400 to 475B.525.

38 (2) Upon receiving a request under subsection (1) of this section, the authority shall  
39 provide the requesting financial institution with the requested information.

40 (3) The authority may charge a financial institution a reasonable fee to cover the ad-  
41 ministrative costs of providing information under this section.

42 **SECTION 5.** (1) Notwithstanding any law relating to the exemption of information from  
43 public disclosure under ORS 475B.700 to 475B.760, upon the request of a financial institution,  
44 the Department of Revenue shall provide to the financial institution the following infor-  
45 mation:

1 (a) Whether a person with whom the financial institution is doing business is licensed  
2 under ORS 475B.110;

3 (b) Whether the person is currently compliant with the provisions of ORS 475B.700 to  
4 475B.760 and rules adopted under ORS 475B.700 to 475B.760;

5 (c) Any past or pending violation by the person of a provision of ORS 475B.700 to 475B.760  
6 or a rule adopted under ORS 475B.700 to 475B.760; and

7 (d) Any penalty imposed upon the person for violating a provision of ORS 475B.700 to  
8 475B.760 or a rule adopted under ORS 475B.700 to 475B.760.

9 (2) Upon receiving a request under subsection (1) of this section, the department shall  
10 provide the requesting financial institution with the requested information.

11 (3) The department may charge a financial institution a reasonable fee to cover the ad-  
12 ministrative costs of providing information under this section.

13 **SECTION 6.** Information received by a financial institution under section 3, 4 or 5 of this  
14 2016 Act is confidential for purposes of the Bank Act and ORS chapter 723. Except as oth-  
15 erwise required or permitted by the provisions of ORS 192.583 to 192.607 or the Bank Act or  
16 ORS chapter 723, or by federal law or regulation, a financial institution may not make the  
17 information available to any person other than:

18 (1) The customer to whom the information applies;

19 (2) A trustee, conservator, guardian, personal representative or agent of the customer  
20 to whom the information applies;

21 (3) Affiliates of the financial institution; and

22 (4) Employees and agents of the financial institution.

23 **SECTION 7.** (1) The Department of Consumer and Business Services shall conduct a  
24 study on:

25 (a) The laws of this state related to businesses that engage in the lawful production,  
26 processing or sale of marijuana and marijuana derived products; and

27 (b) Federal laws, regulations and administrative acts related to:

28 (A) Financing businesses that engage in the production, processing or sale of marijuana  
29 and marijuana derived products; and

30 (B) Other financial activities of businesses that engage in the production, processing or  
31 sale of marijuana and marijuana derived products.

32 (2) As part of the study, the Department of Consumer and Business Services shall eval-  
33 uate the BSA Expectations Regarding Marijuana-Related Businesses memorandum published  
34 by the federal Department of the Treasury on February 14, 2014.

35 (3) As part of the study, the Department of Consumer and Business Services may eval-  
36 uate methods of financing businesses that engage in the production, processing or sale of  
37 marijuana and marijuana derived products that do not involve financial institutions.

38 (4) The Department of Consumer and Business Services shall make a report on the study  
39 that the department conducts under this section. As part of that report, the department  
40 shall identify any legislation or administrative action required to facilitate the financing of  
41 businesses that engage in the production, processing or sale of marijuana and marijuana  
42 derived products.

43 (5) On or before January 1, 2017, the Department of Consumer and Business Services  
44 shall provide the report required by subsection (4) of this section to the interim legislative  
45 committees related to business and any interim legislative committee specifically related to

1 **businesses that engage in the production, processing or sale of marijuana and marijuana**  
2 **derived products. The report shall be provided in the manner described in ORS 192.245.**

3 **SECTION 8. Section 7 of this 2016 Act is repealed on January 1, 2018.**

4 **SECTION 9. This 2016 Act being necessary for the immediate preservation of the public**  
5 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**  
6 **on its passage.**

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