

Senate Bill 304

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SUMMARY

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

For purposes of laws regulating cannabis-related businesses, standardizes language with respect to issuing, renewing, suspending, revoking or refusing to issue or renew licenses.

A BILL FOR AN ACT

1
2 Relating to cannabis; amending ORS 475B.025 and 475B.210.

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

4 **SECTION 1.** ORS 475B.025 is amended to read:

5 475B.025. (1) The Oregon Liquor Control Commission has the [*powers and*] duties, **functions and**
6 **powers** specified in ORS 475B.010 to 475B.395 and the powers necessary or proper to enable the
7 commission to carry out the commission's duties, functions and powers under ORS 475B.010 to
8 475B.395. The jurisdiction, supervision, duties, functions and powers of the commission extend to any
9 person who [*buys, sells,*] produces, processes, transports [*or delivers any marijuana items within*],
10 **delivers, sells or purchases a marijuana item in** this state. The commission may sue and be sued.

11 (2) The duties, functions and powers of the commission **specified** in ORS 475B.010 to 475B.395
12 include the following:

13 (a) To regulate the [*purchase, sale,*] production, processing, transportation [*and*], delivery, **sale**
14 **and purchase** of marijuana items in accordance with the provisions of ORS 475B.010 to 475B.395.

15 (b) To [*grant, refuse, suspend or cancel*] **issue, renew, suspend, revoke or refuse to issue or**
16 **renew** licenses for the [*sale, processing or*] production, **processing or sale** of marijuana items, or
17 other licenses [*in regard to*] **related to the consumption of** marijuana items, and to permit, in the
18 commission's discretion, the transfer of a license between persons.

19 (c) To investigate and aid in the prosecution of every violation of the statutory laws of this state
20 relating to marijuana items and to cooperate in the prosecution of offenders before any state court
21 of competent jurisdiction.

22 (d) To adopt, amend or repeal rules as necessary to carry out the intent and provisions of ORS
23 475B.010 to 475B.395, including rules that the commission considers necessary to protect the public
24 health and safety.

25 (e) To exercise all powers incidental, convenient or necessary to enable the commission to ad-
26 minister or carry out the provisions of ORS 475B.010 to 475B.395 or any other law of this state that
27 charges the commission with a duty, function or power related to marijuana. Powers described in
28 this paragraph include, but are not limited to:

29 (A) Issuing subpoenas;

30 (B) Compelling the attendance of witnesses;

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

- 1 (C) Administering oaths;
- 2 (D) Certifying official acts;
- 3 (E) Taking depositions as provided by law;
- 4 (F) Compelling the production of books, payrolls, accounts, papers, records, documents and tes-
- 5 timony; and
- 6 (G) Establishing fees in addition to the application, licensing and renewal fees described in ORS
- 7 475B.070, 475B.090, 475B.100 and 475B.110, provided that any fee established by the commission is
- 8 reasonably calculated not to exceed the cost of the activity for which the fee is charged.
- 9 (f) To adopt rules regulating and prohibiting marijuana producers, marijuana processors,
- 10 marijuana wholesalers and marijuana retailers from advertising marijuana items in a manner:
- 11 (A) That is appealing to minors;
- 12 (B) That promotes excessive use;
- 13 (C) That promotes illegal activity; or
- 14 (D) That otherwise presents a significant risk to public health and safety.
- 15 (g) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, me-
- 16 chanical, industrial and other purposes.
- 17 (3) Fees collected pursuant to subsection (2)(e)(G) of this section shall be deposited in the
- 18 Marijuana Control and Regulation Fund established under ORS 475B.240.
- 19 **SECTION 2.** ORS 475B.210 is amended to read:
- 20 475B.210. The Oregon Liquor Control Commission may revoke or suspend a license issued under
- 21 ORS 475B.010 to 475B.395 if the commission finds or has reasonable ground to believe any of the
- 22 following to be true:
- 23 (1) That the licensee:
- 24 (a) Has violated a provision of ORS 475B.010 to 475B.395 or a rule [*of the commission*] adopted
- 25 under ORS 475B.010 to 475B.395.
- 26 (b) Has made any false representation or statement to the commission in order to induce or
- 27 prevent action by the commission.
- 28 (c) Is insolvent or incompetent or physically unable to carry on the management of the estab-
- 29 lishment of the licensee.
- 30 (d) Is in the habit of using alcoholic liquor, habit-forming drugs, marijuana or controlled sub-
- 31 stances to excess.
- 32 (e) Has misrepresented to a customer or the public any marijuana items sold by the licensee.
- 33 (f) Since the [*granting*] **issuance** of the license, has been convicted of a felony, of violating any
- 34 of the marijuana laws of this state, general or local, or of any misdemeanor or violation of any
- 35 municipal ordinance committed on the [*licensed*] premises **for which the license has been issued**.
- 36 (2) That there is any other reason that, in the opinion of the commission, based on public con-
- 37 venience or necessity, warrants [*canceling*] **revoking** or suspending the license.

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