

A-Engrossed
Senate Bill 863

Ordered by the Senate March 17
Including Senate Amendments dated March 17

Sponsored by Senator PROZANSKI, Representative LININGER; Senators BEYER, BURDICK, FERRIOLI, KRUSE,
Representatives FAHEY, HELM, OLSON, WILSON

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.

[Prohibits marijuana retailers and medical marijuana dispensaries from retaining identification information of consumers and registry identification cardholders for more than 48 hours after close of business on business day on which marijuana retailer or medical marijuana dispensary acquired information.]

[Prohibits marijuana retailers and medical marijuana dispensaries from transferring to any other person identification information of consumers and registry identification cardholders.]

Prohibits marijuana retailers from recording, retaining and transferring type of information that is contained on passport, driver license, military identification card or other identification card that bears picture of person. Creates exemptions.

Requires marijuana retailer to destroy type of information that is contained on passport, driver license, military identification card or other identification card that bears picture of person that is in retailer's possession on effective date of Act not later than 30 days after effective date of Act.

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. Section 2 of this 2017 Act is added to and made a part of ORS 475B.010 to**
5 **475B.395.**

6 **SECTION 2. (1) As used in this section, "information that may be used to identify a**
7 **consumer" means information that may be acquired through the production of a piece of**
8 **identification as described in ORS 475B.170, whether the information is contained in a piece**
9 **of identification described in ORS 475B.170 or in a different document or record.**

10 **(2) A consumer may not be required to procure for the purpose of acquiring or pur-**
11 **chasing a marijuana item a piece of identification other than:**

12 **(a) A piece of identification described in ORS 475B.170; and**

13 **(b) If the consumer is a registry identification cardholder, as defined in ORS 475B.410, a**
14 **registry identification card, as defined in ORS 475B.410.**

15 **(3) A marijuana retailer may not record and retain any information that may be used to**
16 **identify a consumer.**

17 **(4) A marijuana retailer may not transfer any information that may be used to identify**
18 **a consumer to any other person.**

19 **(5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and**
20 **retain the name and contact information of a consumer for the purpose of notifying the**

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 consumer of services that the marijuana retailer provides or of discounts, coupons and other
2 marketing information if:

3 (A) The marijuana retailer asks the consumer whether the marijuana retailer may record
4 and retain the information; and

5 (B) The consumer consents to the recording and retention of the information.

6 (b) This subsection does not authorize a marijuana retailer to transfer information that
7 may be used to identify a consumer.

8 (6) This section does not apply to deidentified information the documentation and trans-
9 fer of which is required by the Department of Revenue for purposes of section 2, chapter 91,
10 Oregon Laws 2016.

11 **SECTION 3.** (1) Not later than 30 days after the effective date of this 2017 Act, a
12 marijuana retailer must destroy any information described in section 2 (1) of this 2017 Act
13 in the marijuana retailer's possession on the effective date of this 2017 Act.

14 (2) A marijuana retailer may not transfer any information described in section 2 (1) of
15 this 2017 Act in the marijuana retailer's possession on or after the effective date of this 2017
16 Act to any other person.

17 **SECTION 4.** This 2017 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
19 on its passage.

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