

House Bill 2909

Sponsored by Representative HELM, Senator PROZANSKI; Representative BARKER

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**.

Allows delivery of marijuana items, pursuant to bona fide orders, to consumers within city or county in which marijuana retailer is located and to consumers in cities or counties that have adopted ordinances allowing for delivery of marijuana items from adjacent cities or counties. Allows governing body of city or county to adopt ordinance allowing for delivery of marijuana items from adjacent city or county. Allows marijuana retailer to make deliveries of marijuana items to more than one consumer per delivery trip.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to intrastate delivery of marijuana items; creating new provisions; amending ORS 475B.206,
3 475B.220, 475B.261 and 475B.301; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS**
6 **475B.010 to 475B.545.**

7 **SECTION 2. (1) The governing body of a city or county may adopt ordinances that allow**
8 **the delivery of marijuana items to consumers located within the jurisdiction of the city or**
9 **county from an adjacent city or county.**

10 **(2) If the governing body of a city or county adopts an ordinance under this section, the**
11 **governing body must provide the text of the ordinance to the Oregon Liquor Control Com-**
12 **mission.**

13 **(3) A city or county that adopts an ordinance under this section may not impose a tax**
14 **or fee on the retail price or delivery cost of marijuana items delivered within the city or**
15 **county.**

16 **SECTION 3. (1) A marijuana retailer that holds a license issued under ORS 475B.105 may**
17 **make deliveries to a consumer pursuant to the consumer's bona fide order received by the**
18 **marijuana retailer. A marijuana retailer may make deliveries of marijuana items to more**
19 **than one consumer per delivery trip. The delivery of marijuana items under this section may**
20 **be made to a consumer:**

21 **(a) Within the same city or unincorporated area of the county in which the marijuana**
22 **retailer is located; or**

23 **(b) In a city or the unincorporated area of a county that is adjacent to the city or**
24 **unincorporated area of the county in which the marijuana retailer is located provided the**
25 **adjacent city or county has adopted an ordinance allowing for the delivery of marijuana items**
26 **by a marijuana retailer located in an adjacent city or unincorporated area of a county.**

27 **(2) A marijuana retailer that makes deliveries under this section shall:**

28 **(a) Ensure that deliveries are made in an efficient and timely manner.**

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 (b) Upon request, provide to the Oregon Liquor Control Commission information on each
2 vehicle used to make deliveries of marijuana items under this section, including the make,
3 model, year, color, vehicle identification number and registration plate number.

4 (c) Maintain an electronic or physical record of each bona fide order for the delivery of
5 marijuana items that the marijuana retailer fulfills.

6 (d) Report to the commission, and as necessary to the appropriate law enforcement
7 agency, any accidents or losses involving a delivery vehicle.

8 (3) An individual who makes deliveries on behalf of a marijuana retailer under this sec-
9 tion:

10 (a) Shall:

11 (A) Hold a permit issued under ORS 475B.266 and carry the permit while making deliv-
12 eries under this section.

13 (B) Have a method of secure electronic communication in order to communicate with the
14 marijuana retailer for which the individual is making deliveries.

15 (C) Maintain an electronic or physical record of a bona fide order for a delivery of a
16 marijuana item.

17 (D) Except in the case of an emergency or unsafe road conditions or as necessary for
18 fuel, rest or vehicle repair, travel between only the premises of the marijuana retailer and
19 the locations at which the deliveries of marijuana items are made.

20 (b) May not:

21 (A) Leave a delivery vehicle that contains marijuana items unattended unless the delivery
22 vehicle is locked and equipped with an active vehicle alarm system.

23 (B) Carry more than \$10,000 worth of marijuana items in a delivery vehicle at any one
24 time.

25 (C) Consume, or be under the influence of, marijuana while making deliveries under this
26 section.

27 (4) A delivery vehicle must:

28 (a) While being used for making deliveries, be equipped with an active global positioning
29 system device that tracks the location of the delivery vehicle and enables the marijuana
30 retailer for which the deliveries are being made to identify the location of the delivery vehi-
31 cle.

32 (b) Be equipped with a lockable container in a secured cargo area of the delivery vehicle
33 that is of a size appropriate to contain the marijuana items being delivered.

34 (c) Be free of any markings that may indicate that the delivery vehicle is used for the
35 purpose of delivering marijuana items.

36 (5) A delivery of marijuana items may not be made to a consumer who is located on land
37 owned or leased by the federal government.

38 (6) The commission may adopt rules to carry out the purposes of this section.

39 **SECTION 4.** ORS 475B.206 is amended to read:

40 475B.206. (1) Except as provided in ORS 475B.136 and 475B.873, a marijuana producer that holds
41 a license issued under ORS 475B.070, marijuana processor that holds a license issued under ORS
42 475B.090 or marijuana wholesaler that holds a license issued under ORS 475B.100 may deliver
43 marijuana items only to or on a premises for which a license has been issued under ORS 475B.070,
44 475B.090, 475B.100 or 475B.105, or to a registry identification cardholder or designated primary
45 caregiver as allowed under ORS 475B.010 to 475B.545.

1 (2) A licensee to which marijuana items may be delivered under subsection (1) of this section
 2 may receive marijuana items only from:

3 (a) A marijuana producer that holds a license issued under ORS 475B.070, marijuana processor
 4 that holds a license issued under ORS 475B.090, marijuana wholesaler that holds a license issued
 5 under ORS 475B.100 or marijuana retailer that holds a license issued under ORS 475B.105;

6 (b) A researcher of cannabis that holds a certificate issued under ORS 475B.286 and that
 7 transfers limited amounts of marijuana, usable marijuana, cannabinoid products, cannabinoid con-
 8 centrates and cannabinoid extracts in accordance with procedures adopted under ORS 475B.286
 9 (3)(d) and (e); or

10 (c) A marijuana grow site registered under ORS 475B.810, marijuana processing site registered
 11 under ORS 475B.840, or a medical marijuana dispensary registered under ORS 475B.858, acting in
 12 accordance with procedures adopted by the Oregon Liquor Control Commission under ORS 475B.167.

13 (3) **Except as provided in section 3 of this 2019 Act**, the sale of marijuana items by a
 14 marijuana retailer that holds a license issued under ORS 475B.105 must be restricted to the premises
 15 for which the license has been issued[, *but deliveries may be made by a marijuana retailer to con-*
 16 *sumers pursuant to a bona fide order received at the premises prior to delivery*].

17 (4) The commission may by order waive the requirements of subsections (1) and (2) of this sec-
 18 tion to ensure compliance with ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010 to
 19 475B.545. An order issued under this subsection does not constitute a waiver of any other require-
 20 ment of ORS 475B.010 to 475B.545 or any other rule adopted under ORS 475B.010 to 475B.545.

21 **SECTION 5.** ORS 475B.220 is amended to read:

22 475B.220. (1) As used in this section, “information that may be used to identify a consumer”
 23 means information that may be acquired through the production of a piece of identification as de-
 24 scribed in ORS 475B.216, whether the information is contained in a piece of identification described
 25 in ORS 475B.216 or in a different document or record.

26 (2) A consumer may not be required to procure for the purpose of acquiring or purchasing a
 27 marijuana item a piece of identification other than:

28 (a) A piece of identification described in ORS 475B.216; and

29 (b) If the consumer is a registry identification cardholder, as defined in ORS 475B.791, a registry
 30 identification card, as defined in ORS 475B.791.

31 (3) A marijuana retailer may not record and retain any information that may be used to identify
 32 a consumer, except as necessary to make deliveries to consumers pursuant to [*ORS 475B.206 (3)*]
 33 **section 3 of this 2019 Act**, as required by any rules adopted under [*ORS 475B.206 (3)*] **section 3**
 34 **of this 2019 Act**.

35 (4) A marijuana retailer may not transfer any information that may be used to identify a con-
 36 sumer to any other person.

37 (5)(a) Notwithstanding subsection (3) of this section, a marijuana retailer may record and retain
 38 the name and contact information of a consumer for the purpose of notifying the consumer of ser-
 39 vices that the marijuana retailer provides or of discounts, coupons and other marketing information
 40 if:

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

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

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

1 (6) This section does not apply to deidentified information the documentation and transfer of
 2 which is required by the Department of Revenue for purposes of ORS 475B.707.

3 **SECTION 6.** ORS 475B.261 is amended to read:

4 475B.261. (1) An individual who performs work for or on behalf of a licensee must have a valid
 5 permit issued by the Oregon Liquor Control Commission under ORS 475B.266 if the individual par-
 6 ticipates in:

7 (a) The **delivery**, possession, production, propagation, processing, securing or selling of
 8 marijuana items at the premises for which the license has been issued;

9 (b) The recording of the **delivery**, possession, production, propagation, processing, securing or
 10 selling of marijuana items at the premises for which the license has been issued; or

11 (c) The verification of any document described in ORS 475B.216.

12 (2) A licensee must verify that an individual has a valid permit issued under ORS 475B.266 be-
 13 fore allowing the individual to perform any work described in subsection (1) of this section at the
 14 premises for which the license has been issued.

15 **SECTION 7.** ORS 475B.301, as amended by section 21, chapter 116, Oregon Laws 2018, is
 16 amended to read:

17 475B.301. ORS 475B.025, 475B.030, 475B.033, 475B.035, 475B.040, 475B.045, 475B.050, 475B.055,
 18 475B.060, 475B.063, 475B.065, 475B.068, 475B.070, 475B.085, 475B.090, 475B.100, 475B.105, 475B.115,
 19 475B.119, 475B.136, 475B.139, 475B.144, 475B.146, 475B.154, 475B.158, 475B.163, 475B.173, 475B.177,
 20 475B.206, 475B.211, 475B.216, 475B.224, 475B.232, 475B.236, 475B.241, 475B.246, 475B.256, 475B.261,
 21 475B.266, 475B.276, 475B.281, 475B.286, 475B.296, 475B.461, 475B.474, 475B.479, 475B.486, 475B.491,
 22 475B.501, 475B.506, 475B.514, 475B.518, 475B.521, 475B.523, 475B.526 and 475B.529 **and sections 2**
 23 **and 3 of this 2019 Act** do not apply:

24 (1) To the production or storage of homegrown plants in the genus Cannabis within the plant
 25 family Cannabaceae that are otherwise subject to ORS 475B.010 to 475B.545 at a household by one
 26 or more persons 21 years of age and older, if the total amount of homegrown plants at the household
 27 does not exceed four plants at any time.

28 (2) To the possession or storage of usable marijuana items at a household by one or more per-
 29 sons 21 years of age or older, if the total amount of usable marijuana at the household does not
 30 exceed eight ounces of usable marijuana at any time.

31 (3) To the making, processing, possession or storage of cannabinoid products at a household by
 32 one or more persons 21 years of age and older, if the total amount of cannabinoid products at the
 33 household does not exceed 16 ounces in solid form at any time.

34 (4) To the making, processing, possession or storage of cannabinoid products at a household by
 35 one or more persons 21 years of age and older, if the total amount of cannabinoid products at the
 36 household does not exceed 72 ounces in liquid form at any time.

37 (5) To the making, processing, possession or storage of cannabinoid concentrates at a household
 38 by one or more persons 21 years of age or older, if the total amount of cannabinoid concentrates
 39 at the household does not exceed 16 ounces at any time.

40 (6) To the possession of cannabinoid extracts at a household by one or more persons 21 years
 41 of age or older, if the cannabinoid extracts were purchased from a marijuana retailer that holds a
 42 license under ORS 475B.105, or transferred by a medical marijuana dispensary registered by the
 43 Oregon Health Authority under ORS 475B.858, and the total amount of cannabinoid extracts at the
 44 household does not exceed one ounce at any time.

45 (7) To the delivery of not more than one ounce of usable marijuana at a time by a person 21

1 years of age or older to another person 21 years of age or older for noncommercial purposes.

2 (8) To the delivery of not more than 16 ounces of cannabinoid products in solid form at a time
3 by a person 21 years of age or older to another person 21 years of age or older for noncommercial
4 purposes.

5 (9) To the delivery of not more than 72 ounces of cannabinoid products in liquid form at a time
6 by a person 21 years of age or older to another person 21 years of age or older for noncommercial
7 purposes.

8 (10) To the delivery of not more than 16 ounces of cannabinoid concentrates at a time by a
9 person 21 years of age or older to another person 21 years of age or older for noncommercial pur-
10 poses.

11 **SECTION 8.** (1) Sections 2 and 3 of this 2019 Act and the amendments to ORS 475B.206,
12 475B.220, 475B.261 and 475B.301 by sections 4 to 7 of this 2019 Act become operative on Jan-
13 uary 1, 2020.

14 (2) The Oregon Liquor Control Commission may take any action before the operative date
15 specified in subsection (1) of this section that is necessary to enable the commission to ex-
16 ercise, on or after the operative date specified in subsection (1) of this section, all of the
17 duties, functions and powers conferred on the commission by sections 2 and 3 of this 2019
18 Act and the amendments to ORS 475B.206, 475B.220, 475B.261 and 475B.301 by sections 4 to
19 7 of this 2019 Act.

20 **SECTION 9.** This 2019 Act takes effect on the 91st day after the date on which the 2019
21 regular session of the Eightieth Legislative Assembly adjourns sine die.

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