

DRAFT – PATIENT EQUITY AND GOVERNANCE FRAME WORK SUBCOMMITTEE

Chapter 475C — Cannabis Regulation
2021 EDITION
CANNABIS REGULATION
LIQUOR; DRUGS

MEDICAL USE OF CANNABIS

(Generally)

475C.770 Findings. The people of the State of Oregon find that:

(1) Patients ~~and clinicians and researchers~~ ~~doctors~~ have found ~~marijuana-cannabis~~ to be an effective treatment for ~~suffering disorders impacting the endocannabinoid system, which may have a beneficial impact on the neurological~~ caused by debilitating medical conditions and, therefore, marijuana must be treated like other ~~medicines~~;

(2) Oregonians suffering from debilitating medical conditions should be allowed to use marijuana without fear of civil or criminal penalties when a doctor advises that using marijuana may provide a medical benefit and when other reasonable restrictions are met regarding that use;

(3) ORS 475C.770 to 475C.919 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to freely discuss with doctors the possible risks and benefits associated with the medical use of marijuana and to have the benefit of professional medical advice; and

(4) ORS 475C.770 to 475C.919 are intended to protect patients and doctors from criminal and civil penalties and are not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. [Formerly 475B.785]

475C.773 Short title. ORS 475C.770 to 475C.919 shall be known as the Oregon Medical ~~Marijuana~~ Cannabis Act. [Formerly 475B.788]

475C.777 Definitions for ORS 475C.770 to 475C.919. As used in ORS 475C.770 to 475C.919:

(1) “Attending provider” means one of the following health care providers who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:

- (a) A physician licensed under ORS chapter 677;
- (b) A physician assistant licensed under ORS 677.505 to 677.525;
- (c) A nurse practitioner licensed under ORS 678.375 to 678.390;
- (d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;
- (e) A certified registered nurse anesthetist as defined in ORS 678.245; or

Commented [AT1]: Change to something in generalities, decolonize.

Commented [at2]: 'marijuana' is replaced with 'cannabis' throughout.

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(f) A naturopathic physician licensed under ORS chapter 685.

(2) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

(3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

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

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

(d) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

(4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

(5) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

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

(c) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

(d) cannabis means:

(6) "Debilitating medical condition" means:

(a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of those medical conditions;

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

(A) Cachexia;

- (B) Severe pain;
- (C) Severe nausea;
- (D) Seizures, including seizures caused by epilepsy; or
- (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
- (c) Post-traumatic stress disorder; or

(d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition filed under ORS 475C.913.

(e) amend to include scope of practice.

Commented [AT5]: Providers can recommend for any condition that is within their scope of practice.

(7)(a) “Delivery” has the meaning given that term in ORS 475.005.

(b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer.

(8)(a) “Designated primary caregiver” means an individual:

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

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

(C) Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person’s application for a registry identification card or in other written notification submitted to the authority.

(b) “Designated primary caregiver” does not include a person’s attending provider.

(9) “High heat” means a temperature exceeding 180 degrees.

(10) “Immature marijuana plant” means a marijuana plant that is not flowering.

~~(11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.~~

(b) “Cannabis Marijuana” does not include:

(A) Industrial hemp, as defined in ORS 571.269; or

(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United States Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.

(12) “[Marijuana-Cannabis](#) grow site” means a location registered under ORS 475C.792 where marijuana is produced for use by a registry identification cardholder.

(13) “[Marijuana-Cannabis](#) processing site” means a marijuana processing site registered under ORS 475C.815 or a site for which an applicant has submitted an application for registration under ORS 475C.815.

(14) “Mature [marijuana-Cannabis](#) plant” means a marijuana plant that is not an immature marijuana plant.

(15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

(b) “Medical cannabinoid product” does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate by itself;

(C) A cannabinoid extract by itself; or

(D) Industrial hemp, as defined in ORS 571.269.

(16) “Medical [marijuana-cannabis](#) dispensary” means a medical marijuana dispensary registered under ORS 475C.833 or a site for which an applicant has submitted an application for registration under ORS 475C.833.

(17) “Medical use of [marijuana-cannabis](#)” means the production, processing, possession, delivery or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition.

(18) “Person designated to produce marijuana by a registry identification cardholder” means a person designated to produce marijuana by a registry identification cardholder under ORS 475C.792 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(19) “Process” means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(20) “Production” means:

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

(b) Drying marijuana leaves or flowers.

(21) "Registry identification card" means a document issued by the Oregon Health Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver.

(22) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475C.783.

(23)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

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

(24) "Written documentation" means a statement signed by the attending provider of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records. [Formerly 475B.791]

475C.780 Construction of ORS 475C.770 to 475C.919. Nothing in ORS 475C.770 to 475C.919 requires:

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

(2) An employer to accommodate the medical use of marijuana in the workplace. [Formerly 475B.794]

475C.783 Registry identification cardholders; eligibility; fees; rules. (1) The Oregon Health Authority shall establish a program for the issuance of registry identification cards to applicants who meet the requirements of this section.

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

(a) Written documentation from the applicant's attending provider stating that the attending provider has diagnosed the applicant as having a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition;

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

(c) The name, address and telephone number of the applicant's attending provider;

~~(d) Proof of residency, submitted in a form required by the authority by rule;~~

(e) The name and address of the applicant's designated primary caregiver, if the applicant is designating a primary caregiver under ORS 475C.789; and

Commented [AT6]: If you accepting state funding you cannot discriminate against cannabis users

You cannot implement a zero-tolerance policy, no-cause.

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Commented [at8]: This fee will be waived for all minor children.

(f) The information described in ORS 475C.792 (2), if the applicant is applying to produce marijuana or designate another person under ORS 475C.792 to produce marijuana.

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

~~(A) The applicant pays the fee and submits the application described in subsection (2) of this section; and~~

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

(i) The applicant's attending provider has explained to the applicant and to the custodial parent or legal guardian the possible risks and benefits of the medical use of marijuana;

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

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

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

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

(4) The authority shall:

(a) On the date on which the authority receives an application described in subsection (2) of this section, issue a receipt to the applicant verifying that the authority received an application under subsection (2) or (3) of this section; and

(b) Approve or deny an application received under subsection (2) or (3) of this section within 30 days after receiving the application.

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

(A) The registry identification cardholder's name, address and date of birth;

(B) The issuance date and expiration date of the registry identification card;

~~(C) If the registry identification cardholder designated a primary caregiver under ORS 475C.789, the name and address of the registry identification cardholder's designated primary caregiver; and~~

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

Commented [at9]: The custodial parent or guardian may be designated as the minor child's growers and is not subject to register the address as a grow site or subject to any additional fees for doing so.

Commented [at10]: Each patient will be given a permanent number, (see ODL mechanism) Grower cards issued to GSA grow sites will not longer be issued but reconfigured to be an addition to the dashboard. This will require the statute to post grower cards at the grow site to be deleted.

Commented [at11]: This is not been done in many years and should be removed.

(b) If the registry identification cardholder designated a primary caregiver under ORS 475C.789, the authority shall issue an identification card to the designated primary caregiver. The identification card must contain the information required by paragraph (a) of this subsection.

(6) A registry identification cardholder shall:

(a) In a form and manner prescribed by the authority, notify the authority of any change concerning the registry identification cardholder's:

(A) Name, address or attending provider;

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

(C) Person responsible for a marijuana grow site, including the designation of a person responsible for a marijuana grow site made at a time other than at the time of applying for or renewing a registry identification card.

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

(A) Updated written documentation from the registry identification cardholder's attending provider stating that the registry identification cardholder still has a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the registry identification cardholder's debilitating medical condition;

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

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

[\(D\) This section does not apply to those cardholders who upon written documentation from the cardholders attending provider has diagnosed the applicant as having a debilitating condition which cannot be cured and the authority shall issue a permanent card.](#)

(7) The authority shall:

(a) On the date on which the authority receives an application described in subsection (2) of this section, issue a receipt to the applicant verifying that the authority received an application under subsection (6)(b) of this section; and

(b) Approve or deny an application received under subsection (6)(b) of this section within 30 days after receiving the application.

(8)(a) If the registry identification cardholder's attending provider determines that the registry identification cardholder no longer has a debilitating medical condition, or determines that the medical

use of marijuana is contraindicated for the registry identification cardholder's debilitating medical condition, the registry identification cardholder shall return the registry identification card to the authority within 30 calendar days after receiving notice of the determination.

(b) If, because of circumstances beyond the control of the registry identification cardholder, a registry identification cardholder is unable to obtain a second medical opinion about the registry identification cardholder's continuing eligibility for the medical use of marijuana before having to return the registry identification card to the authority, the authority may grant the registry identification cardholder additional time to obtain a second medical opinion.

(9)(a) The authority may deny an application for a registry identification card or an application to renew a registry identification card, or may suspend or revoke a registry identification card, if:

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

(B) The authority determines that the applicant or registry identification cardholder provided false information; or

(C) The authority determines that the applicant or registry identification cardholder violated a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

(b) If a registry identification card is revoked, any associated identification card issued under subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475C.792 (6), shall also be revoked.

(c) A person whose application is denied, or whose registry identification card is revoked, under this subsection may not reapply for a registry identification card for six months from the date of the denial or revocation unless otherwise authorized by the authority.

(10)(a) The authority may deny a designation of a primary caregiver made under ORS 475C.789, or suspend or revoke an associated identification card issued under subsection (5)(b) of this section, if the authority determines that the designee or the registry identification cardholder violated a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

(b) A person whose designation has been denied, or whose identification card has been revoked, under this subsection may not be designated as a primary caregiver under ORS 475C.789 for six months from the date of the denial or revocation unless otherwise authorized by the authority.

[\(11\) An applicant for a registry identification card, or a registry identification cardholder applying for renewal of a registry identification card, the authority:](#)

[\(A\) May not impose a fee that is not greater than \\$60 for the issuance or renewal of the registry identification card; and](#)

[\(12\)](#)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry identification card, or a registry identification cardholder applying for renewal of a registry identification

Commented [AT12]: Notwithstanding the veterans reduced fee.p

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card, submits to the authority proof of having served in the Armed Forces of the United States, the authority:

(A) May not impose a fee that is greater than \$20 for the issuance or renewal of the registry identification card; and

(B) Must waive the fee for the issuance or renewal of the registry identification card if the applicant submits proof of having a United States Department of Veterans Affairs total disability rating of at least 50 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service and who received a discharge or release under other than dishonorable conditions.

(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identification cardholder include in the application to renew a registry identification card updated written documentation from the cardholder's attending provider regarding the cardholder's continuing debilitating medical condition does not apply to a service-disabled veteran who:

(A) Has been assigned a total and permanent disability rating for compensation that rates the veteran as unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities as described in 38 C.F.R. 4.16; or

(B) Has a United States Department of Veterans Affairs total disability rating of 100 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service and who received a discharge or release under other than dishonorable conditions.

~~(13)~~ For any purpose described in ORS 475C.770 to 475C.919, including exemption from criminal liability under ORS 475C.883, a receipt issued by the authority verifying that an application has been submitted to the authority under subsection (2), (3) or (6)(b) of this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant. [Formerly 475B.797]

[\(14\) For OMMP card holders who are enrolled in the Oregon Health Program, the requirement to obtain a doctor's signature shall be routed through the records review board.](#)

Commented [RME14]: Comprised by, confidentiality concerns

475C.786 Assistance from designated primary caregiver. A designated primary caregiver may assist the designating registry identification cardholder with any matter related to the medical use of marijuana, including:

(1) The production of marijuana at the address provided by the registry identification cardholder to the Oregon Health Authority pursuant to ORS 475C.783 (2)(f); and

(2) The processing of marijuana into cannabinoid concentrates or medical cannabinoid products. [Formerly 475B.801]

475C.789 Designated primary caregivers. (1) If a person who is applying for a registry identification card under ORS 475C.783, or who is a registry identification cardholder, chooses to designate, or to change the designation of, a primary caregiver, the person must include the primary caregiver's name and address:

(a) On the person's application for a registry identification card;

(b) On the person's application to renew a registry identification card; or

(c) In a form and manner prescribed by the authority, in a signed statement notifying the Oregon Health Authority of the designation.

(2) A registry identification cardholder may have only one designated primary caregiver at any given time.

(3) If a registry identification cardholder who previously designated a primary caregiver chooses to designate a different primary caregiver, the authority shall notify the previous designee of the new designation and issue an identification card to the newly designated primary caregiver. [Formerly 475B.804]

475C.791 Registry identification cardholder ability to designate certain entities as additional caregivers. (1) Notwithstanding ORS 475C.789, an organization that provides hospice, palliative or home health care services, or a residential facility as defined in ORS 443.400, that has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition may be designated, in addition to an individual designated pursuant to ORS 475C.789, as an additional caregiver for a registry identification cardholder in the same manner that an individual is designated as the primary caregiver for a registry identification cardholder under ORS 475C.789.

(2) An organization or residential facility that is designated under this section has all the duties, functions and powers of a designated primary caregiver as prescribed by ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919. [Formerly 475B.807]

(Marijuana Grow Sites)

475C.792 Marijuana grow site registration system; fees; rules. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to track and regulate the production of marijuana by a registry identification cardholder or a person designated by the registry identification cardholder to produce marijuana for the registry identification cardholder.

(b) Except as provided in paragraph (c) and (d) of this subsection, a person may not produce marijuana unless the person is registered under this section.

(c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided in ORS 475C.005 to 475C.525 or as otherwise provided for by the statutory laws of this state.

(d) Paragraph (b) of this subsection does not apply to the production of cannabis at grow sites of 12 plants or less at the cardholder or caregiver's residence.

(2) Rules adopted under this section must require an applicant for a registry identification card, or a registry identification cardholder who produces marijuana or who designates another person to produce marijuana, to submit an application to the authority containing the following information at the time of

making an application under ORS 475C.783 (2), renewing a registry identification card under ORS 475C.783 (6)(b), or notifying the authority of a change under ORS 475C.783 (6)(a):

(a) The name of the person responsible for the marijuana grow site;

(b) Proof that the person is 21 years of age or older;

~~—(c) If the registry identification cardholder or the person responsible for the marijuana grow site is not the owner of the premises of the marijuana grow site, signed informed consent from the owner of the premises to register the premises as a marijuana grow site;~~

(d) ~~Except for grow sites with 12 plants or less,~~ The address of the marijuana grow site; and

(e) Any other information that the authority considers necessary to track the production of marijuana under ORS 475C.770 to 475C.919.

~~—(3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person whose name is submitted under this section as the person responsible for a marijuana grow site.~~

~~—(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or be designated a person responsible for a marijuana grow site for two years from the date of conviction.~~

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

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

~~—(5) A person who holds a marijuana grow site registration card under this section must display the card at the marijuana grow site at all times.~~

~~—(6) A marijuana grow site registration card must be obtained and posted for each registry identification cardholder for whom marijuana is being produced at a marijuana grow site.~~

(7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site are the property of the registry identification cardholder.

(b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to the registry identification cardholder upon the request of the registry identification cardholder.

(c) All usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to a marijuana processing site upon the request of the registry identification cardholder. For purposes of this

paragraph, a request to transfer usable marijuana constitutes an assignment of the right to possess the usable marijuana.

(d) All seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site must be transferred to a medical marijuana dispensary upon request of the registry identification cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature marijuana plants or usable marijuana.

(e) Information related to transfers made under this subsection must be submitted to the authority in the manner required by ORS 475C.795.

(8) A registry identification cardholder, or the designated caregiver of a registry identification cardholder, may reimburse a person responsible for a marijuana grow site for all costs associated with the production of marijuana for the registry identification cardholder.

(9) The authority may inspect:

(a) The marijuana grow site of a person designated to produce marijuana by a registry identification cardholder to ensure compliance with this section and ORS 475C.795 and 475C.806 and any rule adopted under this section and ORS 475C.795 and 475C.806; and

(b) The records of the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder to ensure compliance with this section and ORS 475C.795 and any rule adopted under this section and ORS 475C.795.

[\(c\) This section does not apply to grow sites with 12 or less plants.](#)

(10) The authority may refuse to register a registry identification cardholder or a designee under this section or may suspend or revoke the registration of a person responsible for a marijuana grow site if the authority determines that the applicant or the person responsible for a marijuana grow site violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to 475C.919 or an ordinance adopted pursuant to ORS 475C.827.

(11) The authority may require a person responsible for a marijuana grow site, prior to issuing a marijuana grow site registration card under subsection (4) of this section, to pay a fee reasonably [That shall not exceed a single cost per grow site and may not be calculated as a per patient registered at a cannabis grow site cost](#) calculated to pay costs incurred under this section and ORS 475C.795 and 475C.856. [Formerly 475B.810]

Note: Section 8, chapter 103, Oregon Laws 2018, provides:

Sec. 8. The fact that a marijuana grow site registered under ORS 475B.810 [renumbered 475C.792] is subject to the provisions of ORS 475B.895 [renumbered 475C.871] does not, by itself, mean that the marijuana grow site is a commercial operation for purposes of state law. [2018 c.103 §8]

475C.794 Address of marijuana grow site. (1) For purposes of ORS 475C.770 to 475C.919, if a marijuana grow site has a physical United States Postal Service address, an application filed for a marijuana grow site registration card under ORS 475C.792 must include the physical address. If the grow site does not have a physical United States Postal Service address, the application must include:

- (a) An assessor's map number with a map showing the exact location of the grow site;
- (b) The name of the city or, if outside of a city, the name of the county in which the grow site is located;
- (c) The zip code for the location; and
- (d) One or more of the following for the location:
 - (A) Longitude and latitude coordinates;
 - (B) Township coordinates;
 - (C) Global positioning system coordinates; or
 - (D) The tax lot number.

(2) For purposes of ORS 475C.792, the Oregon Health Authority shall accept the forms of evidence described in subsection (1) of this section for the purpose of establishing the address where a marijuana grow site is located. [Formerly 475B.813]

475C.795 Duty to submit production data to Oregon Health Authority. (1) A person designated to produce marijuana by a registry identification cardholder must submit to the Oregon Health Authority, in a form and manner established by the authority by rule, the following information related to the production of marijuana:

- (a) The number of mature marijuana plants and immature marijuana plants, the amount of marijuana leaves and flowers being dried, and the amount of usable marijuana, in the person's possession;
- (b) The number of mature marijuana plants and immature marijuana plants, and the amount of usable marijuana, that the person transfers to each registry identification cardholder for whom the person produces marijuana;
- (c) The amount of usable marijuana that the person transfers to each marijuana processing site; and
- (d) The number of immature marijuana plants, and the amount of usable marijuana, that the person transfers to each medical marijuana dispensary.

[\(e\) This section does not apply to designated growers at grow sites with 12 plants or less provided the grow site is the primary residence of the patient, caregiver, or designated grower.](#)

(2) The authority shall by rule require a person designated to produce marijuana by a registry identification cardholder to submit the information described in subsection (1) of this section once each month. The authority may not employ any method other than that described in this section to obtain information related to the production of marijuana from a person designated to produce marijuana by a registry identification cardholder.

(3) In addition to submitting the information as required by subsection (1) of this section, a person designated to produce marijuana by a registry identification cardholder must keep a record of the information described in subsection (1) of this section for two years after the date on which the person submits the information to the authority. [Formerly 475B.816]

475C.797 Delegation of duty to submit production data; rules. (1) Notwithstanding ORS 475C.795 (2), a person designated to produce marijuana by a registry identification cardholder may delegate the person's duty to submit to the Oregon Health Authority the information described in ORS 475C.795 to another person designated to produce marijuana by a registry identification cardholder if the marijuana grow sites for which the persons are required to submit the information are located at the same address.

(2) A person to whom the duty described in subsection (1) of this section is delegated must inform the authority of the delegation in a form and manner prescribed by the authority.

(3) In adopting rules prescribing the form and manner in which information is submitted to the authority under ORS 475C.795, the authority shall adopt rules that lessen the administrative burden on persons to whom the duty described in subsection (1) of this section is delegated. [Formerly 475B.819]

475C.798 Personal agreements. Notwithstanding ORS 475C.792 (7), a person responsible for a marijuana grow site may enter into an agreement with a registry identification cardholder under which the registry identification cardholder assigns, to the person responsible for the marijuana grow site, a portion of the right to possess the seeds, immature marijuana plants and usable marijuana that are the property of the registry identification cardholder. [Formerly 475B.822]

475C.800 Transfer of usable marijuana. (1) Subject to subsection (2) of this section, a marijuana grow site may transfer ~~up to 20 pounds of~~ usable marijuana per year to a person that holds a license issued under ORS 475C.085 or 475C.093, provided that:

(a) The transfer is tracked using the system developed and maintained under ORS 475C.177;

(b) More than 12 mature marijuana plants are produced at the marijuana grow site;

(c) The usable marijuana has been assigned to the person responsible for the marijuana grow site pursuant to ORS 475C.798;

(d) The usable marijuana has been tested in accordance with the provisions of ORS 475C.540 to 475C.586; and

~~—(e) The marijuana grow site first registered with the Oregon Health Authority under ORS 475C.792 on or before August 2, 2017.~~

(2)(a) If the Oregon Liquor and Cannabis Commission determines that the supply of marijuana items offered for sale by marijuana retailers that hold a license issued under ORS 475C.097 is exceeding consumer demand for the marijuana items, and if the commission determines that the market for marijuana items in this state will not self-correct for the excess, the commission may issue an order that temporarily reduces the amount of usable marijuana that may be transferred pursuant to this section or that temporarily suspends the ability to transfer usable marijuana pursuant to this section. [Formerly 475B.825]

~~(b) The amount of usable cannabis cannot be reduced below 25 pounds per year.~~

475C.803 Marijuana grow site security systems. ORS 475C.871 does not authorize the Oregon Health Authority or the Oregon Liquor and Cannabis Commission to require a marijuana grow site to use a security system or any component of a security system, such as video surveillance, an alarm system, sensors or physical barriers. [Formerly 475B.828]

(Possession Limits for Registry Identification Cardholders, Designated Primary Caregivers and Marijuana Grow Sites)

475C.806 Possession limits for plants. (1)(a) A registry identification cardholder and the designated primary caregiver of the registry identification cardholder may jointly possess:

(A) Six or fewer mature marijuana plants; ~~and~~

~~—(B) Twelve or fewer immature marijuana plants.~~

(b)(A) Unless an address is the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, the address where a registry identification cardholder or the primary caregiver of a registry identification cardholder produces marijuana may be used to produce not more than:

(i) Six or fewer mature marijuana plants per registry identification cardholder, up to 12 mature marijuana plants; and

~~—(ii) Twelve or fewer immature marijuana plants per registry identification cardholder, up to 24 immature marijuana plants.~~

(B) Except as provided in subparagraph (C) of this paragraph, an address that is subject to this paragraph may not be used to produce plants in the genus Cannabis within the plant family Cannabaceae pursuant to ORS 475C.305.

(C) Subject to subparagraph (D) of this paragraph, an address that is subject to this paragraph may be used to produce plants in the genus Cannabis within the plant family Cannabaceae pursuant to ORS 475C.305 if a person other than a registry identification cardholder who is using the address to produce marijuana plants pursuant to ORS 475C.770 to 475C.919 resides at the address.

~~—(D) An address that is subject to this paragraph may not be used to produce more than 12 total mature marijuana plants.~~

(2)(a) A person may be designated to produce marijuana under ORS 475C.792 by no more than eight registry identification cardholders.

(b) A person responsible for a marijuana grow site may produce for a registry identification cardholder who designates the person to produce marijuana no more than:

(A) Six mature marijuana plants;

~~—(B) 12 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the Oregon Health Authority by rule, of immature marijuana plants that are less than 24 inches in height.~~

(3) If the address of a person responsible for a marijuana grow site registered under ORS 475C.792 is located within city limits in an area zoned for residential use:

(a) Except as provided in paragraph (b) of this subsection, no more than the following amounts of marijuana plants may be produced at the address:

(A) 12 mature marijuana plants;

~~—(B) 24 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height; or~~

(b) Subject to subsection (5) of this section, if each person responsible for a marijuana grow site located at the address first registered with the authority under ORS 475C.792 before January 1, 2015, no more than the following amounts of marijuana plants may be produced at the address:

(A) The amount of mature marijuana plants located at that address on December 31, 2014, in excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants;

~~—(B) 48 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height.~~

(4) If the address of a person responsible for a marijuana grow site registered under ORS 475C.792 is located in an area other than an area described in subsection (3) of this section:

(a) Except as provided in paragraph (b) of this subsection, no more than the following amounts of marijuana plants may be produced at the address:

(A) 48 mature marijuana plants;

~~—(B) 96 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height; or~~

(b) Subject to subsections (5) and (6) of this section, if each person responsible for a marijuana grow site located at the address first registered with the authority under ORS 475C.792 before January 1, 2015, no more than the following amounts of marijuana plants may be produced at the address:

(A) The amount of mature marijuana plants located at that address on December 31, 2014, in excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants;

~~—(B) 192 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height.~~

(5)(a) If the authority suspends or revokes the registration of a person responsible for a marijuana grow site that is located at an address described in subsection (3)(b) of this section, no more than the following amounts of marijuana plants may subsequently be produced at any address described in subsection (3) of this section at which the person responsible for the marijuana grow site produces marijuana:

(A) 12 mature marijuana plants;

~~—(B) 24 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height.~~

(b) If the authority suspends or revokes the registration of a person responsible for a marijuana grow site that is located at an address described in subsection (4)(b) of this section, no more than the following amounts of marijuana plants may subsequently be produced at any address described in subsection (4) of this section at which the person responsible for the marijuana grow site produces marijuana:

(A) 48 mature marijuana plants;

~~—(B) 96 immature marijuana plants that are 24 inches or more in height; and~~

~~—(C) The amount, established by the authority by rule, of immature marijuana plants that are less than 24 inches in height.~~

(6) If a registry identification cardholder who designated a person to produce marijuana for the registry identification cardholder pursuant to ORS 475C.792 terminates the designation, the person responsible for the marijuana grow site whose designation has been terminated may not be designated to produce marijuana by another registry identification cardholder, except that the person may be

designated by another registry identification cardholder if no more than 48 mature marijuana plants ~~and no more than 96 immature marijuana plants that are 24 or more inches in height~~ are produced at the address for the marijuana grow site at which the person produces marijuana.

(7) Subject to the limits described in subsections (2) to (6) of this section, if multiple persons responsible for a marijuana grow site under ORS 475C.792 are located at the same address, the persons designated to produce marijuana by registry identification cardholders who are located at that address may collectively produce marijuana plants for any number of registry identification cardholders who designate the persons to produce marijuana.

(8) If a law enforcement officer determines that there is a number of marijuana plants at an address in excess of the quantities specified in this section, or that an address is being used to produce a number of marijuana plants in excess of the quantities specified in subsection (1)(b) of this section, the law enforcement officer may confiscate only the excess number of marijuana plants. [Formerly 475B.831]

475C.809 Possession limits for usable marijuana. (1) Except as provided in subsection (2) of this section, a registry identification cardholder ~~and the designated primary caregiver of the registry identification cardholder~~ may ~~jointly~~ possess no more than 24 ounces of usable marijuana.

(2) Subject to subsection (3) of this section, a person designated to produce marijuana by a registry identification cardholder may possess the amount of usable marijuana that the person harvests from the person's mature marijuana plants, provided that the person may not possess usable marijuana in excess of the amount of usable marijuana in the person's possession as reported to the Oregon Health Authority under ORS 475C.795.

(3) A person designated to produce marijuana by a registry identification cardholder may not possess usable marijuana in excess of:

(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature marijuana plant; or

(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature marijuana plant. [Formerly 475B.834]

~~(3) The designated primary caregiver of the registry identification cardholder may possess no more than 8 ounces of cannabis for each registry identification cardholder who has designated the caregiver.~~

475C.812 Duty to carry card when at location other than address on file with Oregon Health Authority. A person to whom a registry identification card has been issued under ORS 475C.783 (5)(a), an identification card has been issued under ORS 475C.783 (5)(b), or a marijuana grow site registration card has been issued under ORS 475C.792, may not possess marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts in a location other than the address on file with the Oregon Health Authority unless the person is carrying the card. [Formerly 475B.837]

(Marijuana Processing Sites)

475C.815 Marijuana processing site registration system; fees; rules. (1)(a) The Oregon Health Authority shall establish by rule a marijuana processing site registration system to track and regulate the processing of marijuana by a person responsible for a marijuana processing site.

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

(c) Paragraph (b) of this subsection does not apply to the processing of marijuana as provided in ORS 475C.005 to 475C.525 or as otherwise provided for by the statutory laws of this state.

(2) The registration system established under subsection (1) of this section must require an applicant for a marijuana processing site to submit an application to the authority that includes:

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

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

(c) The address of the marijuana processing site;

(d) Proof that each individual responsible for the marijuana processing site is 21 years of age or older;

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

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

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

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

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

(c) Must meet the requirements of any rule adopted by the authority under subsection (10) of this section.

(4)(a) The authority shall conduct a criminal records check under ORS 181A.195 for each individual named in an application under subsection (2) of this section.

(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a marijuana processing site for two years from the date the individual is convicted.

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

(5) If a person submits the application required under subsection (2) of this section, if the marijuana processing site identified in the application meets the requirements of this section and any rules adopted under this section and if each individual named in the application passes the criminal records check required under subsection (4) of this section, the authority shall register the marijuana processing site and issue proof of registration. Proof of registration must be displayed on the premises of the marijuana processing site at all times.

(6) A marijuana processing site that is registered under this section is not required to register with the State Board of Pharmacy under ORS 475.125.

(7) The individual or individuals responsible for a marijuana processing site shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(8) The authority may inspect:

(a) The premises of a proposed marijuana processing site or a registered marijuana processing site to ensure compliance with this section and ORS 475C.821 and 475C.824 and any rules adopted under this section and ORS 475C.821 and 475C.824; and

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

(9) Subject to the provisions of ORS chapter 183, the authority may refuse to register an applicant under this section or may suspend or revoke the registration of a marijuana processing site if the authority determines that the applicant, the owner of the marijuana processing site, a person responsible for the marijuana processing site, or an employee of the marijuana processing site, violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to 475C.919 or an ordinance adopted pursuant to ORS 475C.897.

(10) The authority shall adopt rules to implement this section, including rules that:

(a) Require a registered marijuana processing site to annually renew the registration for that site;

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

(c) Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts transferred by a marijuana processing site be tested to ensure the public health and safety; and

(d) Impose any other standard on the operation of a marijuana processing site to ensure the public health and safety. [Formerly 475B.840]

475C.818 Authority to require fingerprints of applicants and other individuals. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Oregon Health

Authority may require the fingerprints of any individual listed on an application submitted under ORS 475C.815. The powers conferred on the authority under this section include the power to require the fingerprints of:

(1) If the applicant is a limited partnership, each partner of the limited partnership;

(2) If the applicant is a limited liability company, each member of the limited liability company;

(3) If the applicant is a corporation, each director and officer of the corporation;

(4) Any individual who holds a financial interest of 10 percent or more in the person applying for the license; and

(5) Any individual who is a partner, member, director or officer of a legal entity with a financial interest in the person applying for the license. [Formerly 475B.843]

475C.821 Duty to submit processing data to Oregon Health Authority; rules. (1) The Oregon Health Authority shall require by rule a marijuana processing site to submit to the authority for inclusion in the database developed and maintained pursuant to ORS 475C.856 the following information:

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

(b) The amount and type of medical cannabinoid products transferred by the marijuana processing site;

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

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

(2) The authority by rule may require a marijuana processing site to submit to the authority for inclusion in the database developed and maintained pursuant to ORS 475C.856 information that is in addition to the information described in subsection (1) of this section as the authority considers necessary to fulfill the authority's duties under ORS 475C.815 (1). The authority may not employ any method other than that described in this section to obtain information from a marijuana processing site. [Formerly 475B.846]

475C.824 Public health and safety standards for medical cannabinoid products, concentrates and extracts; rules. (1) A marijuana processing site must meet any public health and safety standards established by the Oregon Health Authority by rule related to:

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

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

(c) Cannabinoid extracts, if the marijuana processing site processes marijuana into cannabinoid extracts; or

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

(2) The authority shall adopt rules to implement this section. [Formerly 475B.849]

475C.827 Prohibition against transferring medical cannabinoid products, concentrates and extracts to certain persons; exceptions. (1)(a) Except as provided in paragraph (b) of this subsection, a marijuana processing site may not transfer medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts to a person other than another marijuana processing site or a medical marijuana dispensary.

(b) A marijuana processing site may transfer a medical cannabinoid product, cannabinoid concentrate or cannabinoid extract to a registry identification cardholder, or the designated primary caregiver of a registry identification cardholder, provided that the registry identification cardholder or designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, cannabinoid concentrate or cannabinoid extract and the marijuana processing site receives no compensation for the transfer.

(c) A registry identification cardholder, or the designated primary caregiver of a registry identification cardholder, may reimburse a marijuana processing site for all costs associated with the processing of marijuana for the registry identification cardholder.

(2) A person other than a marijuana processing site may not transfer medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts to a medical marijuana dispensary. [Formerly 475B.852]

475C.830 Exception to registration requirement. ORS 475C.815 does not apply to a registry identification cardholder or a person who has been designated as a primary caregiver under ORS 475C.789 who processes a medical cannabinoid product or a cannabinoid concentrate for a registry identification cardholder. [Formerly 475B.855]

(Medical Marijuana Dispensaries)

475C.833 Medical marijuana dispensary registration system; fees; rules. (1)(a) The Oregon Health Authority shall establish by rule a medical marijuana dispensary registration system for the purpose of tracking and regulating the transfer of:

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

(B) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites to medical marijuana dispensaries; and

(C) Usable marijuana, immature marijuana plants, seeds, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from medical marijuana dispensaries to registry identification cardholders and designated primary caregivers.

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

(2) The registration system established under subsection (1) of this section must require an applicant for a medical marijuana dispensary to submit an application to the authority that includes:

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

(b) The name of the individual or individuals responsible for the medical marijuana dispensary, if different from the name of the individual who owns the medical marijuana dispensary;

(c) The address of the medical marijuana dispensary;

(d) Proof that each individual responsible for the medical marijuana dispensary is 21 years of age or older;

(e) Documentation, as required by the authority by rule, that demonstrates the medical marijuana dispensary meets the requirements of subsection (3) of this section; and

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

(3) To qualify for registration under this section, a medical marijuana dispensary:

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

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

(c) Must be registered as a business, or have filed an application to register as a business, with the office of the Secretary of State;

(d) Except as provided under ORS 475C.840, may not be located within 1,000 feet of:

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

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

(e) Must not be located within 1,000 feet of another medical marijuana dispensary; and

(f) Must meet the requirements of any rule adopted by the authority under subsection (10) of this section.

(4)(a) The authority shall conduct a criminal records check under ORS 181A.195 for each individual named in an application submitted under subsection (2) of this section.

(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a medical marijuana dispensary for two years from the date the individual is convicted.

(c) An individual convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a medical marijuana dispensary.

(5) If a person submits the application required under subsection (2) of this section, if the medical marijuana dispensary identified in the application meets the requirements of this section and any rules adopted under this section and if each individual named in the application passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana dispensary and issue proof of registration. Proof of registration must be displayed on the premises of the medical marijuana dispensary at all times.

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

(7) The individual or individuals responsible for a medical marijuana dispensary shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds.

(8) The authority may inspect:

(a) The premises of a proposed medical marijuana dispensary or a registered medical marijuana dispensary to ensure compliance with this section and ORS 475C.843 and any rules adopted under this section or ORS 475C.843; and

(b) The records of a registered medical marijuana dispensary to ensure compliance with subsection (7) of this section.

(9) Subject to the provisions of ORS chapter 183, the authority may refuse to register an applicant under this section or may suspend or revoke the registration of a medical marijuana dispensary if the authority determines that the applicant, the owner of the medical marijuana dispensary, a person responsible for the medical marijuana dispensary, or an employee of the medical marijuana dispensary, violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to 475C.919 or an ordinance adopted pursuant to ORS 475C.897.

(10) The authority shall adopt rules to implement this section, including rules that:

(a) Require a registered medical marijuana dispensary to annually renew the registration for that dispensary;

(b) Establish fees for registering, and renewing the registration of, a medical marijuana dispensary;

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

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

(e) Impose any other standard on the operation of a medical marijuana dispensary to ensure the public health and safety. [Formerly 475B.858]

475C.837 Authority to require fingerprints of applicants and other individuals. For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Oregon Health Authority may require the fingerprints of any individual listed on an application submitted under ORS 475C.833. The powers conferred on the authority under this section include the power to require the fingerprints of:

(1) If the applicant is a limited partnership, each partner of the limited partnership;

(2) If the applicant is a limited liability company, each member of the limited liability company;

(3) If the applicant is a corporation, each director and officer of the corporation;

(4) Any individual who holds a financial interest of 10 percent or more in the person applying for the license; and

(5) Any individual who is a partner, member, director or officer of a legal entity with a financial interest in the person applying for the license. [Formerly 475B.861]

475C.840 Medical marijuana dispensary located within 1,000 feet of school. Notwithstanding ORS 475C.833 (3)(d), a medical marijuana dispensary may be located within 1,000 feet of a school if:

(1)(a) The medical marijuana dispensary is not located within 500 feet of:

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

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and

(b) The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the medical marijuana dispensary; or

(2) The medical marijuana dispensary was established before August 1, 2017, in accordance with a city or county ordinance adopted under section 29, chapter 83, Oregon Laws 2016. [Formerly 475B.864]

475C.843 Duty to submit dispensing data to Oregon Health Authority; rules. (1) The Oregon Health Authority shall require by rule a medical marijuana dispensary to submit to the authority for inclusion in the database developed and maintained pursuant to ORS 475C.856 the following information:

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

(b) The amount and type of medical cannabinoid products transferred to and by the medical marijuana dispensary;

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

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

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

(2) The authority by rule may require a medical marijuana dispensary to submit to the authority for inclusion in the database developed and maintained pursuant to ORS 475C.856 information that is in addition to the information described in subsection (1) of this section as the authority considers necessary to fulfill the authority's duties under ORS 475C.833 (1). The authority may not employ any method other than that described in this section to obtain information from a medical marijuana dispensary. [Formerly 475B.867]

475C.847 Establishment of school after registration. If a school described in ORS 475C.833 (3)(d) that has not previously been attended by children is established within 1,000 feet of a medical marijuana dispensary, the medical marijuana dispensary may remain at its current location unless the Oregon Health Authority revokes the registration of the medical marijuana dispensary. [Formerly 475B.870]

475C.850 Receipt of marijuana by nonprofit dispensary; dispensation to certain cardholders; rules.

(1) In addition to the powers granted nonprofit corporations under ORS 65.077 and 65.081, a medical marijuana dispensary that is owned by a nonprofit corporation organized under ORS chapter 65 may receive by gift, devise or bequest:

(a) Usable marijuana, immature marijuana plants and seeds from registry identification cardholders, designated primary caregivers, persons responsible for marijuana grow sites, persons who hold a license under ORS 475C.065 and persons who hold a certificate under ORS 475C.289; and

(b) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites, persons who hold a license under ORS 475C.085 and persons who hold a certificate under ORS 475C.289.

(2) If a registry identification cardholder's annual income is at or below the federal poverty guidelines, a medical marijuana dispensary that is owned by a nonprofit corporation organized under ORS chapter 65 shall dispense usable marijuana, immature marijuana plants, seeds, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts to that registry identification cardholder

or the designated primary caregiver of that registry identification cardholder free of charge or at a discounted price.

(3) The Oregon Health Authority shall adopt rules necessary to implement this section. [Formerly 475B.873]

475C.853 Oregon Health Authority telephone hotline. (1) The Oregon Health Authority shall maintain a telephone hotline for the following persons to inquire if an address is the location of a marijuana grow site, marijuana processing site or medical marijuana dispensary or is the proposed location of a marijuana grow site, marijuana processing site or medical marijuana dispensary:

- (a) A person designated by a city or a county;
- (b) A person designated by the Water Resources Department;
- (c) A person designated by the watermaster of any water district; and
- (d) A person designated by the State Department of Agriculture.

(2) The authority may disclose the address of a marijuana grow site for purposes of this section notwithstanding ORS 475C.859. [Formerly 475B.876]

(Databases and Confidentiality of Information)

475C.856 Database of information related to production, processing and dispensing. (1) The Oregon Health Authority shall develop and maintain a database of information related to the production of marijuana by persons designated to produce marijuana by a registry identification cardholder, the processing of marijuana by a marijuana processing site under ORS 475C.815 and the transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts by medical marijuana dispensaries under ORS 475C.833. At a minimum, the database must include the information submitted to the authority under ORS 475C.795, 475C.821 and 475C.843.

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

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

(c) The authority may not disclose:

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

(B) Any information related to the amount and type of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts transferred to or by persons designated to

produce marijuana by a registry identification cardholder, marijuana processing sites or medical marijuana dispensaries.

(3) Nothing in this section prevents a law enforcement agency from lawfully obtaining information that is stored in the database developed and maintained under this section by subpoena. [Formerly 475B.879]

475C.859 Database of information related to cardholders. (1)(a) The Oregon Health Authority shall establish and maintain a list of:

(A) The names of persons to whom a registry identification card has been issued under ORS 475C.783;

(B) The names of persons designated as primary caregivers under ORS 475C.789; and

(C) The addresses of marijuana grow sites registered under ORS 475C.792.

(b) Except as provided in subsection (2) of this section, the list is confidential and not subject to public disclosure under ORS 192.311 to 192.478.

(c) The authority shall develop a system by which authorized employees of state and local law enforcement agencies may verify that:

(A) A person lawfully possesses a registry identification card;

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

(C) A location is a registered marijuana grow site.

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

(a) Authorized employees of the authority as necessary to perform official duties of the authority.

(b) Authorized employees of state or local law enforcement agencies who provide to the authority adequate identification, but only as necessary to verify that:

(A) A person lawfully possesses a registry identification card;

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

(C) A location is a registered marijuana grow site.

(3) Authorized employees of state or local law enforcement agencies who obtain identifying information as authorized by this section may not release or use the information for any purpose other than to verify that:

(a) A person lawfully possesses a registry identification card;

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

(c) A location is a registered marijuana grow site.

(4) In addition to releasing information to authorized employees of state or local law enforcement agencies for purposes of verifying information under subsection (2)(b) of this section, the authority may release to authorized employees of state or local law enforcement agencies the minimum amount of information necessary to enable an employee to determine whether an individual or location is in compliance with a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

(5) If the authority determines, after conducting an investigation or receiving a complaint of an alleged violation of a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919, that a violation of a provision of ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919 has occurred, the authority may provide information obtained by the authority, except for information related to a registry identification cardholder's debilitating condition, to authorized employees of state or local law enforcement agencies, or to another state or local government agency with jurisdiction over the matter. [Formerly 475B.882]

475C.862 Confidentiality of personally identifiable information. (1) Any personally identifiable information, as defined in ORS 432.005, other than a name of an individual or an address submitted with an application under ORS 475C.815 or 475C.833, that the Oregon Health Authority collects and maintains for purposes of registering a marijuana grow site under ORS 475C.792, a marijuana processing site under ORS 475C.815, or a medical marijuana dispensary under ORS 475C.833, is confidential and not subject to public disclosure under ORS 192.311 to 192.478, except that the authority may provide personally identifiable information to a person registered under ORS 475C.770 to 475C.919 if the registrant requests the information and the information is related to a designation made under ORS 475C.770 to 475C.919.

(2) Any personally identifiable information, as defined in ORS 432.005, submitted to the authority under ORS 475C.795, 475C.821 or 475C.843 or pursuant to ORS 475C.856 is confidential and not subject to public disclosure under ORS 192.311 to 192.478.

(3) Any record that the authority keeps or maintains for purposes related to the installation or maintenance of a security system by a medical marijuana dispensary pursuant to rules adopted under ORS 475C.833 (10) is confidential and not subject to public disclosure under ORS 192.311 to 192.478. [Formerly 475B.885]

475C.865 Disclosure of personally identifiable information upon revocation or suspension of registration. Notwithstanding ORS 475C.862, if the Oregon Health Authority suspends or revokes the registration of the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary, or otherwise takes disciplinary action against the marijuana grow site of a person designated to produce marijuana by

a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary, the authority shall provide that information to a law enforcement agency. [Formerly 475B.888]

475C.868 Oregon Health Authority electronic system; requirements; confidentiality. (1) Except as provided in subsection (5) of this section, the Oregon Health Authority shall establish, maintain and operate an electronic system for the keeping of information received by the authority under ORS 475C.783 and 475C.792 or information included on a registry identification card issued under ORS 475C.783 or on a marijuana grow site registration card issued under ORS 475C.792.

(2) The authority may contract with a state agency or private entity to ensure the effective establishment, maintenance or operation of the electronic system.

(3) Except as provided in subsection (4) of this section, information kept in the electronic system is confidential and not subject to public disclosure under ORS 192.311 to 192.478. Except as provided in subsection (4) of this section, the authority may not disclose the information for any reason.

(4) Except as provided in subsection (5) of this section, the authority shall establish the electronic system in a manner that allows the Oregon Liquor and Cannabis Commission and the Department of Revenue to remotely access the electronic system. Information disclosed to the commission and the department under this subsection remains confidential and not subject to public disclosure under ORS 192.311 to 192.478. The commission and the department may not disclose the information for any reason.

(5) The authority is not required to keep in the database, and the commission and the department may not access, the following types of information:

(a) Information related to the debilitating condition of a registry identification cardholder; or

(b) The contact information or address of a registry identification cardholder or a designated primary caregiver, unless the contact information or address are the same as the contact information or address of a marijuana grow site.

(6) The electronic system must be immediately accessible by the commission and the department at all times. [Formerly 475B.892]

475C.871 Use of Oregon Liquor and Cannabis Commission tracking system; exemptions; fees; rules.

(1) The Oregon Health Authority shall enter into an agreement with the Oregon Liquor and Cannabis Commission under which the commission shall use the system developed and maintained under ORS 475C.177 to track:

(a) The propagation of immature marijuana plants and the production of marijuana by marijuana grow sites;

(b) The processing of marijuana into medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts that are transferred to a medical marijuana dispensary;

(c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana

dispensary to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder; and

(d) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts between marijuana grow sites, marijuana processing sites and medical marijuana dispensaries.

(2) Marijuana grow sites, marijuana processing sites and medical marijuana dispensaries are subject to tracking under this section.

(3) On and after the date on which a marijuana grow site becomes subject to tracking under this section, the person is exempt from the requirements of ORS 475C.795 and the provisions of ORS 475C.792 that relate to ORS 475C.795.

(4) On and after the date on which a marijuana processing site becomes subject to tracking under this section, the marijuana processing site is exempt from the requirements of ORS 475C.821 and the provisions of ORS 475C.815 that relate to ORS 475C.821.

(5) On and after the date on which a medical marijuana dispensary becomes subject to tracking under this section, the medical marijuana dispensary is exempt from the requirements of ORS 475C.843 and the provisions of ORS 475C.833 that relate to ORS 475C.843.

(6) The commission may conduct inspections and investigations of alleged violations of ORS 475C.770 to 475C.919 about which the commission obtains knowledge as a result of performing the commission's duties under this section. Notwithstanding ORS 475C.301, the commission may use regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, including inspections and investigations of marijuana grow sites located at a primary residence.

(7) When imposing a fee on a person responsible for a marijuana grow site, marijuana processing site or medical marijuana dispensary under ORS 475C.792, 475C.815 or 475C.833, the authority shall impose a fee that is reasonably calculated to pay costs incurred under this section. As part of the agreement entered into under subsection (1) of this section, the authority shall transfer fee moneys collected pursuant to this subsection to the commission for deposit in the Marijuana Control and Regulation Fund established under ORS 475C.297. Moneys collected pursuant to this subsection and deposited in the Marijuana Control and Regulation Fund are continuously appropriated to the commission for purposes of this section.

(8) The authority and the commission may adopt rules as necessary to administer this section.

(9) This section does not apply to a marijuana grow site located at an address where:

(a) A registry identification cardholder produces marijuana and no more than 12 mature marijuana plants ~~and 24 immature marijuana plants are produced; or~~

(b)(A) No more than two persons are registered under ORS 475C.792 to produce marijuana; and

(B) The address is used to produce marijuana for no more than two registry identification cardholders. [Formerly 475B.895]

Note: The amendments to 475C.871 (formerly 475B.895) by section 7a, chapter 103, Oregon Laws 2018, become operative January 2, 2024. See section 27, chapter 103, Oregon Laws 2018. The text that is operative on and after January 2, 2024, including amendments by section 38, chapter 456, Oregon Laws 2019, and section 278, chapter 351, Oregon Laws 2021, is set forth for the user's convenience.

475C.871. (1) The Oregon Health Authority shall enter into an agreement with the Oregon Liquor and Cannabis Commission under which the commission shall use the system developed and maintained under ORS 475C.177 to track:

(a) The propagation of immature marijuana plants and the production of marijuana by marijuana grow sites;

(b) The processing of marijuana into medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts that are transferred to a medical marijuana dispensary;

(c) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts by a marijuana grow site or a medical marijuana dispensary to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder; and

(d) The transfer of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts between marijuana grow sites, marijuana processing sites and medical marijuana dispensaries.

(2) Marijuana grow sites, marijuana processing sites and medical marijuana dispensaries are subject to tracking under this section.

(3) On and after the date on which a marijuana grow site becomes subject to tracking under this section, the person is exempt from the requirements of ORS 475C.795 and the provisions of ORS 475C.792 that relate to ORS 475C.795.

(4) On and after the date on which a marijuana processing site becomes subject to tracking under this section, the marijuana processing site is exempt from the requirements of ORS 475C.821 and the provisions of ORS 475C.815 that relate to ORS 475C.821.

(5) On and after the date on which a medical marijuana dispensary becomes subject to tracking under this section, the medical marijuana dispensary is exempt from the requirements of ORS 475C.843 and the provisions of ORS 475C.833 that relate to ORS 475C.843.

(6) The commission may conduct inspections and investigations of alleged violations of ORS 475C.770 to 475C.919 about which the commission obtains knowledge as a result of performing the commission's duties under this section. Notwithstanding ORS 475C.301, the commission may use regulatory specialists, as defined in ORS 471.001, to conduct the inspections and investigations, including inspections and investigations of marijuana grow sites located at a primary residence.

(7) Notwithstanding ORS 475C.726, before making any other distribution from the Oregon Marijuana Account established under ORS 475C.726, the Department of Revenue shall first distribute moneys

quarterly from the account to the commission for deposit in the Marijuana Control and Regulation Fund established under ORS 475C.297 for purposes of paying administrative, inspection and investigatory costs incurred by the commission under this section, provided that the amount of distributed moneys does not exceed \$1.25 million per quarter. For purposes of estimating the amount of moneys necessary to pay costs incurred under this section, the commission shall establish a formulary based on expected costs for each marijuana grow site, marijuana processing site or medical marijuana dispensary that is tracked under this section. The commission shall provide to the Department of Revenue and the Legislative Fiscal Officer before each quarter the estimated amount of moneys necessary to pay costs expected to be incurred under this section and the formulary.

Commented [at15]: The \$480 annual METERC user fee shall be waived for OMMP growers.

(8) When imposing a fee on a person responsible for a marijuana grow site, marijuana processing site or medical marijuana dispensary under ORS 475C.792, 475C.815 or 475C.833, the authority shall impose an additional fee that is reasonably calculated to pay costs incurred under this section other than costs paid pursuant to subsection (7) of this section. As part of the agreement entered into under subsection (1) of this section, the authority shall transfer fee moneys collected pursuant to this subsection to the commission for deposit in the Marijuana Control and Regulation Fund established under ORS 475C.297. Moneys collected pursuant to this subsection and deposited in the Marijuana Control and Regulation Fund are continuously appropriated to the commission for purposes of this section.

(9) The authority and the commission may adopt rules as necessary to administer this section.

(10) This section does not apply to a marijuana grow site located at an address where:

(a) A registry identification cardholder produces marijuana and no more than 12 mature marijuana plants ~~and 24 immature marijuana plants~~ are produced; or

(b)(A) No more than two persons are registered under ORS 475C.792 to produce marijuana; and

(B) The address is used to produce marijuana for no more than two registry identification cardholders.

(Designation, Assignment, Foreclosure)

475C.874 Authority to designate responsibility for site or dispensary to another person. (1) A person responsible for a marijuana processing site, or a person responsible for a medical marijuana dispensary, may designate that responsibility to another person.

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

(a) For marijuana processing sites, ORS 475C.815 (2)(d) and (4); or

(b) For medical marijuana dispensaries, ORS 475C.833 (2)(d) and (4).

(3) The authority may prescribe the form and manner of submitting proof under subsection (2) of this section. [Formerly 475B.898]

475C.877 Authority to assign responsibility for site or dispensary to another person. (1) A person responsible for a marijuana processing site, or a person responsible for a medical marijuana dispensary, may assign that responsibility to another person.

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

- (a) For marijuana processing sites, ORS 475C.815 (2)(d) and (4); or
- (b) For medical marijuana dispensaries, ORS 475C.833 (2)(d) and (4).

(3) The authority may prescribe the form and manner of submitting proof under subsection (2) of this section. [Formerly 475B.901]

475C.880 Rights of secured parties. (1) In the event that a marijuana processing site or a medical marijuana dispensary is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as defined in ORS 79.0102, may continue operations at the marijuana processing site or medical marijuana dispensary upon submitting to the Oregon Health Authority proof that the secured party or, if the secured party is a business entity, any individual who has a financial interest in the secured party, meets the requirements and restrictions set forth in:

- (a) For marijuana processing sites, ORS 475C.815 (2)(d) and (4); or
- (b) For medical marijuana dispensaries, ORS 475C.833 (2)(d) and (4).

(2) The authority may prescribe the form and manner of submitting proof under subsection (1) of this section. [Formerly 475B.904]

(Protections From Civil and Criminal Liability)

475C.883 Exemptions from criminal liability. Except as provided in ORS 475C.886, a person engaged in or assisting in the medical use of marijuana is exempt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery or manufacture of marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana is an element if:

- (1) The person holds a registry identification card.
- (2) The person has applied for a registry identification card under ORS 475C.783 and the person has proof of written documentation described in ORS 475C.783 (2)(a) and proof of the date on which the person submitted the application to the Oregon Health Authority. An exemption under this subsection applies only until the authority approves or denies the application.
- (3) The person is designated as a primary caregiver under ORS 475C.789.
- (4) The person is responsible for or is employed by a marijuana grow site registered under ORS 475C.792.

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

(6) The person owns, is responsible for, or is employed by, a medical marijuana dispensary. [Formerly 475B.907]

475C.886 Exceptions to exemption from criminal liability. A person is not exempt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aiding and abetting another in the possession, delivery or manufacture of marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana is an element, and the person may not assert the affirmative defense established in ORS 475C.889, if the person, in connection with conduct constituting an element of the offense:

(1) Drives under the influence of marijuana as provided in ORS 813.010;

(2) Engages in the medical use of marijuana in a public place, as defined in ORS 161.015, in public view or in a correctional facility, as defined in ORS 162.135 (2), or a youth correction facility, as defined in ORS 162.135 (6); or

(3) Delivers marijuana to any individual who the person knows is not in possession of a registry identification card or to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a registry identification card. [Formerly 475B.910]

475C.889 Affirmative defense. (1) Except as provided in ORS 475C.886, a person has an affirmative defense to a criminal charge of possession, delivery or manufacture of marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana is an element, if the person charged with the offense:

(a) Was diagnosed with a debilitating medical condition within 12 months of the date on which the person was arrested and was advised by the person's attending provider that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

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

(c) Possesses, delivers or manufactures marijuana only in quantities permitted under ORS 475C.806.

(2) A person does not need to lawfully possess a registry identification card to assert the affirmative defense established in this section.

(3) A person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to the use of marijuana is not precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that:

(a) The person possesses, delivers or manufactures marijuana only as permitted under ORS 475C.806 (1); and

(b) The person has taken a substantial step toward complying with the provisions of ORS 475C.770 to 475C.919.

(4) A defendant proposing to use the affirmative defense established in this section in a criminal action shall, not less than five days before the trial of the cause, file and serve upon the district attorney a written notice of the intention to assert the affirmative defense. The notice must specifically state the reasons why the defendant is entitled to assert the affirmative defense and the factual basis for the affirmative defense. If the defendant fails to file and serve the notice, the defendant is not permitted to assert the affirmative defense at the trial of the cause unless the court orders, for good cause, otherwise. [Formerly 475B.913]

475C.891 Prohibition against taking disciplinary action against attending provider. The Oregon Board of Naturopathic Medicine, Oregon Medical Board and Oregon State Board of Nursing may not impose a civil penalty or take other disciplinary action against an attending provider for:

(1) Advising a person diagnosed as having a debilitating medical condition by the attending provider or another physician licensed under ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, clinical nurse specialist licensed under ORS 678.370 and 678.372, certified registered nurse anesthetist as defined in ORS 678.245 or naturopathic physician licensed under ORS chapter 685 about the risks and benefits associated with the medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, provided that the advice is based on the attending provider's personal assessment of the person's medical history and current medical condition; or

(2) Providing the written documentation necessary for issuance or renewal of a registry identification card under ORS 475C.783, provided that the written documentation is based on the attending provider's personal assessment of the person's medical history and current medical condition and the attending provider has discussed with the person the potential risks and benefits associated with the medical use of marijuana. [Formerly 475B.916]

475C.892 Prohibition against taking disciplinary action against professional licensee; right to administer marijuana for medical purposes. (1) A professional licensing board may not impose a civil penalty or take other disciplinary action against a licensee based on the licensee's medical use of marijuana under the provisions of ORS 475C.770 to 475C.919 or actions taken by the licensee pursuant to the licensee's designation as a primary caregiver under ORS 475C.789.

(2)(a) A licensed health care professional may administer medical marijuana to a person who possesses a registry identification card and resides in a licensed health care facility if the administration of pharmaceuticals is within the scope of practice of the licensed health care professional. Administration of medical marijuana under this subsection may not take place in a public place as defined in ORS 161.015 or in the presence of a person under 18 years of age. If the medical marijuana administered under this subsection is smoked, adequate ventilation must be provided.

(b) Nothing in this subsection requires:

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

(B) A licensed health care facility to make accommodations for the administration of medical marijuana. [Formerly 475B.919]

(Civil Enforcement of ORS 475C.770 to 475C.919)

475C.894 Authority to investigate; rights related to seized property. (1) Registration under ORS 475C.770 to 475C.919 or possession of proof of registration under ORS 475C.770 to 475C.919 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection by a government agency. However, the Oregon Health Authority may inspect the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site registered under ORS 475C.815, or a medical marijuana dispensary registered under ORS 475C.833, at any reasonable time to determine whether the person responsible for the marijuana grow site, the person responsible for the marijuana processing site, or the person responsible for the medical marijuana dispensary, is in compliance with ORS 475C.770 to 475C.919 and rules adopted under ORS 475C.770 to 475C.919.

Commented [at16]: This needs amended to exempt grow sites with 12 plants or less.

(2) Any property interest possessed, owned or used in connection with the medical use of marijuana or acts incidental to the medical use of marijuana that has been seized by state or local law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession of a law enforcement agency, except that a law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. Such property interest may not be forfeited under any provision of law providing for the forfeiture of property, except pursuant to a sentence imposed after conviction of a criminal offense. Marijuana and equipment or paraphernalia used to produce, process or administer marijuana that was seized by a law enforcement officer shall be returned immediately if the district attorney in whose county the property was seized, or the district attorney's designee, determines that the person from whom the marijuana, equipment or paraphernalia was seized is entitled to the protections provided by ORS 475C.770 to 475C.919. The determination may be evidenced by a decision not to prosecute, the dismissal of charges or acquittal. [Formerly 475B.922]

Commented [at17]: Amend to allow a designated grower to continue the cultivation of live plants until such time as the case is adjudicated. This is not the property of the grower but of the patients registered at a grow site and must be maintained and harvested

475C.895 Civil penalty for violating ORS 475C.770 to 475C.919. (1) In addition to any other liability or penalty provided by law, the Oregon Health Authority may impose for each violation of a provision of ORS 475C.770 to 475C.919, or for each violation of a rule adopted under a provision of ORS 475C.770 to 475C.919, a civil penalty that does not exceed \$500 for each day that the violation occurs.

(2) The authority shall impose civil penalties under this section in the manner provided by ORS 183.745.

(3) All moneys collected pursuant to this section shall be deposited in the Oregon Health Authority Fund established under ORS 413.101 and are continuously appropriated to the authority for the purpose of carrying out the duties, functions and powers of the authority under ORS 475C.770 to 475C.919. [Formerly 475B.925]

(Regulation by Cities and Counties of Cannabis for Medical Use)

475C.897 Local time, place and manner regulations. (1) For purposes of this section, "reasonable regulations" includes:

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

(b) Reasonable conditions on the manner in which the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

(c) Reasonable requirements related to the public's access to the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary; and

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

(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries that are located in the area subject to the jurisdiction of the city or county. [Formerly 475B.928]

(Miscellaneous)

475C.898 Duty of State Department of Agriculture and Oregon Liquor and Cannabis Commission to assist. Upon request the State Department of Agriculture and the Oregon Liquor and Cannabis Commission, pursuant to an agreement or otherwise, shall assist the Oregon Health Authority in implementing and enforcing the provisions of ORS 475C.770 to 475C.919 and rules adopted under the provisions of ORS 475C.770 to 475C.919. [Formerly 475B.931]

475C.900 Immunity for state agencies, officers, employees and agents in performance of duties. The Oregon Health Authority, the State Department of Agriculture and the Oregon Liquor and Cannabis Commission, and the officers, employees and agents of the authority, department and commission, are immune from any cause of action for the performance of, or the failure to perform, duties required by ORS 475C.770 to 475C.919. [Formerly 475B.934]

475C.903 Authority to possess, seize or dispose of marijuana and marijuana-derived products. Subject to any applicable provision of ORS chapter 183, the Oregon Health Authority, the State Department of Agriculture and the Oregon Liquor and Cannabis Commission may possess, seize or dispose of marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts as is necessary for the authority to ensure compliance with and enforce the provisions of ORS 475C.770 to 475C.919 and any rule adopted under ORS 475C.770 to 475C.919. [Formerly 475B.937]

475C.907 Cannabis seeds as propagant of nursery stock. (1) For purposes of ORS 475C.770 to 475C.919, seeds of the plant Cannabis family Cannabaceae are a propagant of nursery stock as defined in ORS 571.005.

(2) Notwithstanding subsection (1) of this section, the production and processing of seeds under ORS 475C.770 to 475C.919 is not subject to the labeling or other requirements of ORS 576.715 to 576.744 or 633.511 to 633.750. [Formerly 475B.940]

475C.910 Applicability of ORS 475C.770 to 475C.919 to criminal causes of action. The provisions of ORS 475C.770 to 475C.919 do not protect a person from a criminal cause of action based on possession, delivery or manufacture of marijuana that is not described in ORS 475C.770 to 475C.919. [Formerly 475B.943]

475C.913 Petitioning for disease or condition to be included as debilitating medical condition; rules. Any person may petition the Oregon Health Authority to request that a disease or condition be included among the diseases and conditions that qualify as debilitating medical conditions under ORS 475C.770 to 475C.919. The authority shall adopt rules establishing the procedure for filing a petition under this section and the manner by which the authority evaluates a request made under this section. Rules adopted under this section must require the authority to approve or deny a petition within 180 days of receiving the petition. Denial of a petition is a final agency action subject to judicial review. [Formerly 475B.946]

475C.916 Authority of nurse to discuss medical use of marijuana. A nurse licensed under ORS 678.040 to 678.101 may discuss the medical use of marijuana with a person with whom the nurse has a patient-provider relationship. [2021 c.130 §2]

(Rulemaking)

475C.919 Authority to adopt rules for ORS 475C.770 to 475C.919. (1) The Oregon Health Authority shall adopt rules necessary for the implementation, administration and enforcement of ORS 475C.770 to 475C.919.

(2) The authority may adopt rules as the authority considers necessary to protect the public health and safety. [Formerly 475B.949]

OREGON CANNABIS COMMISSION

475C.930 Oregon Cannabis Commission. (1) The Oregon Cannabis Commission is established within the Oregon Health Authority. The commission consists of:

- (a) The Public Health Officer or the Public Health Officer's designee; and
- (b) Eight members appointed by the Governor as follows:
 - (A) A registry identification cardholder, as defined in ORS 475C.777;

(B) A person designated to produce marijuana by a registry identification cardholder, as defined in ORS 475C.777;

(C) An attending provider, as defined in ORS 475C.777;

(D) A person representing the Oregon Health Authority;

(E) A person representing the Oregon Liquor and Cannabis Commission;

(F) A local health officer, as described in ORS 431.418;

(G) A law enforcement officer; and

(H) A person knowledgeable about research proposal grant protocols.

(2) The term of office of each member of the commission is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The appointment of each member of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(4) Members of the commission are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. [Formerly 475B.952]

475C.933 Commission leadership; quorum. (1) The Oregon Cannabis Commission shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of the offices as the commission determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every quarter at a time and place determined by the commission. The commission also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [Formerly 475B.955]

475C.936 Staff support for commission. The Oregon Health Authority shall provide staff support to the Oregon Cannabis Commission and shall perform other services as necessary for the effective operation of the commission. [Formerly 475B.958]

475C.939 Duties of commission. In addition to any other duty prescribed by law, the Oregon Cannabis Commission shall:

(1) Provide advice to the Oregon Health Authority with respect to the administration of ORS 475C.770 to 475C.919;

(2) Provide advice to the Oregon Liquor and Cannabis Commission with respect to the administration of ORS 475C.005 to 475C.525, insofar as those statutes pertain to registry identification cardholders and designated primary caregivers, as those terms are defined in ORS 475C.777;

(3) Develop a long-term strategic plan for ensuring that cannabis will remain a therapeutic option for persons with debilitating medical conditions as defined in ORS 475C.777;

(4) Develop a long-term strategic plan for ensuring that cannabis will remain affordable for persons with debilitating medical conditions as defined in ORS 475C.777; and

(5) Monitor and study federal laws, regulations and policies regarding marijuana. [Formerly 475B.961]

EXCLUSIVELY MEDICAL LICENSEES

475C.945 City, county ordinances regarding medical marijuana. If a city or county enacts or has enacted an ordinance prohibiting or allowing marijuana processing sites registered under ORS 475C.815 or medical marijuana dispensaries registered under ORS 475C.833, the governing body of the city or the county may amend the ordinance, without referring the amendment to the electors of the city or county under ORS 475C.950, to prohibit or allow the premises of a licensee, as those terms are defined in ORS 475C.009, that has been designated an exclusively medical licensee under ORS 475C.121, 475C.125, 475C.129 or 475C.133. [Formerly 475B.965]

AUTHORITY OF CITIES, COUNTIES TO PROHIBIT ESTABLISHMENT OF CANNABIS-RELATED BUSINESSES

475C.950 Adoption of ordinances; referral to electors for approval. (1) The governing body of a city or county may adopt ordinances to be referred to the electors of the city or county as described in subsection (2) of this section that prohibit or allow the establishment of any one or more of the following in the area subject to the jurisdiction of the city or in the unincorporated area subject to the jurisdiction of the county:

- (a) Marijuana processing sites registered under ORS 475C.815;
- (b) Medical marijuana dispensaries registered under ORS 475C.833;
- (c) Marijuana producers that hold a license issued under ORS 475C.065;
- (d) Marijuana processors that hold a license issued under ORS 475C.085;
- (e) Marijuana wholesalers that hold a license issued under ORS 475C.093;
- (f) Marijuana retailers that hold a license issued under ORS 475C.097;

(g) Marijuana producers that hold a license issued under ORS 475C.065 and that the Oregon Liquor and Cannabis Commission has designated as an exclusively medical licensee under ORS 475C.121;

(h) Marijuana processors that hold a license issued under ORS 475C.085 and that the commission has designated as an exclusively medical licensee under ORS 475C.125;

(i) Marijuana wholesalers that hold a license issued under ORS 475C.093 and that the commission has designated as an exclusively medical licensee under ORS 475C.129;

(j) Marijuana retailers that hold a license issued under ORS 475C.097 and that the commission has designated as an exclusively medical licensee under ORS 475C.133; or

(k) Any combination of the entities described in this subsection.

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body shall submit the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance:

(a) To the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a medical marijuana dispensary registered under ORS 475C.833 or a marijuana processing site registered under ORS 475C.815; or

(b) To the commission, if the ordinance concerns a premises for which a license has been issued under ORS 475C.005 to 475C.525.

(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue registering those entities to which the prohibition applies until the date of the next statewide general election.

(b) Upon receiving notice of a prohibition under subsection (3) of this section, the commission shall discontinue licensing those premises to which the prohibition applies until the date of the next statewide general election.

(5)(a) If an allowance is approved at the next statewide general election under subsection (2) of this section, and the allowance concerns an entity described in subsection (1)(a) or (b) of this section, the authority shall begin registering the entity to which the allowance applies on the first business day of the January immediately following the date of the statewide general election.

(b) If an allowance is approved at the next statewide general election under subsection (2) of this section, and the allowance concerns an entity described in subsection (1)(c) to (j) of this section, the commission shall begin licensing the premises to which the allowance applies on the first business day of the January immediately following the date of the next statewide general election.

(6) If the electors of a city or county approve an ordinance prohibiting or allowing an entity described in subsection (1)(a), (b) or (g) to (j) of this section, the governing body of the city or county may amend the ordinance, without referring the amendment to the electors of the city or county, to prohibit or allow any other entity described in subsection (1)(a), (b) or (g) to (j) of this section.

(7) Notwithstanding any other provisions of law, a city or county that adopts an ordinance under this section that prohibits the establishment of an entity described in subsection (1) of this section may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

(8) Notwithstanding subsection (1) of this section, a medical marijuana dispensary is not subject to an ordinance adopted under this section if the medical marijuana dispensary:

(a) Is registered under ORS 475C.833 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

(9) Notwithstanding subsection (1) of this section, a marijuana processing site is not subject to an ordinance adopted under this section if the marijuana processing site:

(a) Is registered under ORS 475C.815 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process. [Formerly 475B.968]

Note: Section 5, chapter 292, Oregon Laws 2019, provides:

Sec. 5. Section 3 of this 2019 Act [475C.073] and the amendments to ORS 223.301 and 475B.968 [renumbered 475C.950] by sections 1 and 4 of this 2019 Act apply to marijuana produced before, on and after the operative date of this 2019 Act [January 1, 2020]. [2019 c.292 §5]
