

The Oregon Cannabis Tolerance Act

Be it enacted by the people of the state of Oregon, the laws relating to cannabis are revised as follows:

Section 1. This Act shall operate uniformly throughout Oregon and fully replace and supersede all statutes, municipal charter enactments, and local ordinances relating to cannabis (marijuana), except those relating to operating a motor vehicle while intoxicated and the Oregon Medical Marijuana Act.

Section 2. Section 3 of this Act creates an ORS chapter 475B titled the "Oregon Cannabis Tolerance Act."

Section 3. 475B.005 Definitions. As used in this chapter:

- (1) "Abuse" means repetitive or excessive drug use such that the individual fails to fulfill a statutory or common law duty, including but not limited to the duties owed by parents to children, by motorists to pedestrians and other motorists, and by employees to employers, fellow employees, and the public.
- (2) "Cannabis" means the flowering tops and all usable parts, derivatives, or preparations of the cannabis plant, also known as "marijuana."
- (3) "Cultivation" means growing the cannabis plant.
- (4) "OCCC" means a body which regulates the sale and cultivation for sale of cannabis, the Oregon Cannabis Control Commission.

475B.015 Short Title. This chapter may be cited as the "Oregon Cannabis Tolerance Act."

475B.025 Purpose of the Oregon Cannabis Tolerance Act. This chapter shall be liberally construed so as to minimize the misuse and abuse of cannabis; to prevent the illicit sale of cannabis or provision of cannabis to minors; and to protect the peace, safety, and happiness of Oregonians while preserving the largest measure of liberty consistent with the above purposes.

475B.035 Powers and duties of the OCCC, licenses for cultivation and processing.

(1) The OCCC shall have the powers necessary to carry out the provisions of this chapter. It shall

make such rules and regulations which will minimize the diversion of cannabis to illicit sale or use within the state, the illicit importation and sale of cannabis cultivated or processed outside the state, and the illicit export or removal of cannabis from the state, while at the same time protecting and promoting the cultivation of cannabis and sale to qualified purchasers. The OCCC shall consist of seven members, with a minimum of five members chosen for their expertise in the cultivation of cannabis and assuring the quality of the resulting products. The OCCC's jurisdiction shall extend to any person or organization licensed under this chapter to cultivate or process cannabis.

(2) The OCCC shall issue to qualified applicants a license to cultivate cannabis for sale to the OCCC for resale. The license shall specify the areas, plots, and extent of lands to be cultivated. The OCCC shall set standards for quality and grade of cannabis, similar those derived from the general rules for Good Agricultural Practice of the Working Group on Herbal Medicinal Products of the European Medicines Evaluation Agency (EMA), which are followed by the Netherlands Office of Medical Cannabis. The OCCC shall purchase and sell only those cannabis products which meet those standards.

(3) The OCCC shall issue licenses to process cannabis to qualified applicants who submit successful bids. Licensed processors shall, as specified by the OCCC, cure, extract, refine, mix, and package the entire cannabis crop and deliver it to the OCCC.

(4) The OCCC shall issue licenses to allow sales and consumption of cannabis in establishments open only to adults over the age of 21. No licenses shall be issued to establishments where hard liquor sales and consumption are also permitted.

475B.045 OCCC to sell cannabis at cost for medical purposes. The OCCC shall sell cannabis at cost, including OCCC expenses:

(a) To pharmacies and licensed patient-controlled collectives for use under a physician's order for glaucoma, nausea related to chemotherapy, AIDS, or any other condition for which a physician finds cannabis to be an effective treatment. Licensed collectives shall be constituted for the purpose of serving members who are patients under a physician's care for a condition for which they use medical cannabis, and whose bylaws provide for directors to be chosen by member election; and

(b) To recognized Oregon facilities for use in research directed toward expanding medical and sociological knowledge of the composition, effects, uses, and abuse of cannabis, to include studies of cannabis purchasers voluntarily participating through OCCC stores under ORS 475B.055.

475B.055 OCCC to set price and sell through OCCC stores. The OCCC shall sell cannabis through OCCC stores and shall set the retail price of cannabis to generate profits for revenue to be applied to the purposes noted in ORS chapter 474 and to minimize incentives to purchase cannabis elsewhere, to purchase cannabis for resale or for removal to other states.

475B.065 Qualifications of purchasers and licensees, effect of conviction, limitations on license requirement.

(1) All purchasers of cannabis must be over 21 years of age and produce a valid driver license or state identification card.

(2) A natural individual or non-profit corporation registered in the state of Oregon may apply to cultivate or process cannabis. To qualify, a natural individual must be an Oregon resident, be over 21 years of age and not have been convicted of sale of cannabis.

(3) Conviction for cultivation, when committed prior to the effective date of this chapter, shall not be grounds for denial of an application for a license under this chapter.

(4) The cultivation and possession of cannabis for personal use by an adult over 21 shall not require a license. Sale of cannabis grown for personal use is not permitted.

475B.075 Disposition of license fees and profits from sale of cannabis by state.

(1) The OCCC shall collect license fees which shall be calculated and continually appropriated to defray the OCCC's administrative costs of issuing licenses under this chapter and the Attorney General's costs of litigation in defense of the validity of this chapter's provisions and in defense of persons subjected to criminal or civil liability for actions licensed or required under this chapter.

(2) All money from the sale of cannabis shall be remitted to the State Treasurer for credit to a cannabis account, from which sufficient money shall be continually appropriated:

(a) To reimburse the OCCC for the costs of purchasing, processing, testing, grading, shipping, and selling cannabis; of regulating, inspecting, and auditing licensees; and of research studies required by this chapter; and,

(b) To reimburse the Attorney General's office for costs of enforcing this chapter's criminal provisions.

(c) To reimburse OCCC retail sales contractors for their expenses and labor with 15 percent of gross sales.

(3) All money remaining in the cannabis account after reimbursement of the related OCCC and Attorney General costs shall be profits which the State Treasurer shall distribute quarterly as follows:

(a) Ninety percent shall be credited to the state's general fund to finance state programs.

(b) Eight percent shall be credited to the Department of Human Resources and shall be continually appropriated to fund various drug abuse treatment programs on demand.

(c) Two percent shall be distributed to the state's school districts, appropriated by enrollment, and shall be continually appropriated to fund a drug education program which shall provide accurate

scientific information about legal and illegal drugs with the aim of reducing harm and promoting responsibility to self and others.

475B.085 OCCC to set standards, test purity, grade potency of cannabis, label contents. The OCCC shall affix to cannabis packages a label which shall bear the state seal, a certification of purity, a grade of potency, the date of harvest, a warning as to the potential for abuse, and notice of laws prohibiting resale, removal from the state, public consumption, and provision and sale to minors.

475B.095 OCCC may limit purchases. The OCCC may limit the quantity of cannabis purchased by a person at one time or over any length of time and may refuse to sell cannabis to any person who violates this chapter's provisions or abuses cannabis within the meaning of ORS 475B.005(1).

475B.105 Unlicensed cultivation for sale, removal from the state, penalties. Cultivation for sale, removal from the state for sale, and sale of cannabis, without commission authority, shall be Class C felonies, and removal from the state of cannabis for other than sale shall be a Class A misdemeanor.

475B.115 Sale or provision to minors, penalties, exception. The sale of cannabis to minors shall be a Class B felony, and gratuitous provision of cannabis to minors shall be a Class A misdemeanor, except when to a minor over 18 years of age under the same conditions provided by ORS 471.030(1) for alcohol.

475B.125 Fine as additional penalty. In addition to other penalties and in lieu of any civil remedy, conviction of sale or unlicensed cultivation for sale under ORS 475B.115 or 475B.125 shall be punishable by a fine which the court shall determine will deprive an offender of any profits from the criminal activity.

475B.135 Acquisition by minors, penalty. Except as provided by ORS 475B.125, the purchase, attempt to purchase, possession, or acquisition of cannabis by a person under 21 years of age shall be a violation punishable by a fine of not more than \$250.

475B.145 Public consumption prohibited, penalty, exception. Except where prominent signs permit and minors are neither admitted nor employed, consumption of cannabis in public view shall be a violation punishable by a fine of not more than \$250.

475B.205 Presumption of negligence. In civil cases, a rebuttable presumption of negligence shall arise upon clear and convincing evidence that a person is found to be intoxicated at the time of an accident and if the person's actions materially contributed to the cause of injury.

475B.305 Disclosure of names and addresses prohibited. Information on applicants, licensees, and purchasers under this chapter shall not be disclosed except upon the person's request.

475B.315 Attorney General's duties. The Attorney General shall vigorously defend this Act and any person prosecuted for acts licensed under this chapter, propose a federal and/or international act to remove impediments to this chapter, deliver the proposed federal and/or international act to each member of Congress and/or international organization, and urge adoption of the proposed federal and/or international act through all legal and appropriate means.

475B.325 Effect. This Act shall take effect on January 1, 2011. Any section of this Act being held invalid as to any person or circumstance shall not affect the application of any other section of this Act that can be given full or partial effect without the invalid section or application. If any law or entity of any type whatsoever is held to impede this chapter's full effect, unimpeded provisions shall remain in effect and the impeded provisions shall regain effect upon the impediments removal.