

# CONTROLLED SUBSTANCES



This Legislative Summary Report highlights Controlled Substances policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [ ✓ ] or not enacted [ ✗ ]; and a brief description of the measure.

### Controlled Substances sub-topics:

- Alcohol
- Cannabis
- Ballot Measure 110

### Alcohol

- SB 317** ✓ Allows a full on-premises sales licensee to sell and deliver mixed drinks and single servings of wine in a sealed container for off-premises consumption.
- SB 406** ✓ Increases the amount of wine that a direct shipper permit holder may send to an Oregon resident to five cases per month.
- SB 750** ✓ Authorizes Oregon Liquor Control Commission (OLCC) to issue a temporary letter of authority for up to 180 days if the applicant meets eligibility requirements adopted by the OLCC.
- HB 2112** ✗ Would have authorized the Oregon Liquor Control Commission to negotiate price with Indian tribes and commercial airlines in the sale of distilled liquor.
- HB 2264** ✓ Imposes tax on a manufacturer or importing distributor of wines containing more than 16 percent alcohol by volume. Authorizes the Oregon Liquor Control Commission to negotiate price in the sale of distilled liquor to Indian tribes and commercial airlines that hold full on-premises sales licenses. Adds identification issued by a territory or province of Canada to the list of acceptable forms of identification to purchase alcoholic beverages. Authorizes nonprofits and charitable organizations registered in the state to sell alcoholic beverages for up to 45 days in a calendar year without a license. Authorizes certain license holders to sell or deliver factory-sealed containers of malt beverages, wine, and cider without requiring a direct shipper permit.
- HB 2363** ✓ Allows holder of a temporary sales license issued by the Oregon Liquor Control Commission to have up to three separate premises in this state at which wine, malt beverages, or cider may be sold for consumption off the licensed premises.

## Alcohol, cont'd

- HB 2606 ✗ Would have added identification issued by a territory or province of Canada to the list of acceptable forms of identification to purchase alcoholic beverages.
- HB 2640 ✗ Would have allowed a third party to provide alcoholic beverages for sale for on-premise consumption at certified smoke shops and cigar bars.
- HB 2740 ✓ Creates a compensation schedule for Oregon Liquor Control Commission retail sales agents and calculates compensation through a classification of retail stores based on annual sales and location and through other defined wage increases.
- HB 2742 ✓ Allows holder of off-premises sales license to sell malt beverages, wine, and cider in factory-sealed containers that hold more than seven gallons beginning January 1, 2022.
- HB 2758 A ✗ Would have required at least two commissioners of the Oregon Liquor Control Commission to have public health backgrounds.
- HB 3001 ✗ Would have allowed an alcohol manufacturer or retailer to lease or furnish equipment to retail licensee for a period not exceeding 14 days.
- HB 3194 ✗ Would have allowed the holder of a license that allows for the sale of wine for on-premises or off-premises consumption to sell and deliver low-proof spirit beverages.
- HB 3245 A ✗ Would have directed the Oregon Liquor Control Commission to establish by rule uniform standards for minor decoy operations used to investigate any person delivering alcoholic beverages to consumers in the state for violations of laws prohibiting the sale and delivery of alcoholic beverages to minors. Would have established the Task Force on the Regulation and Enforcement of Alcohol Delivery by Third-Party E-commerce Providers.
- HB 3344 ✓ Requires agent appointed by Oregon Liquor Control Commission to make deposits equal to average daily gross receipts from retail sales and report average daily gross receipts on monthly basis.






## Cannabis

- SB 157 ✗ Would have enacted an express sunset for medical marijuana registry cardholders from the retail sales tax on marijuana items.
- SB 307 ✓ Requires Oregon Health Authority to waive medical marijuana card fees for qualified disabled veterans.



## Cannabis, cont'd

- SB 408 ✓ Modifies regulation of marijuana licensees to support industry health, increase possession rates for consumers, and reduce plastic consumption.
- SB 758 A ✗ Would have changed the "Oregon Medical Marijuana Act" to the "Oregon Medical and Therapeutic Cannabis Act" and updated regulation of marijuana cultivation, possession, and use for medicinal purposes.
- SB 808 ✓ Clarifies that the Oregon Liquor Control Commission's marijuana regulatory specialists are peace officers by adding them to the definition of peace officer in ORS 133.005.
- HB 2111 ✓ Changes name of the Oregon Liquor Control Commission to Oregon Liquor and Cannabis Commission.
- HB 2263 A ✗ Would have authorized a licensed marijuana producer or processor to establish an internal inventory tracking system, allowed tracking by "batch" as defined by the Oregon Liquor Control Commission (OLCC) by rule, and prohibited the OLCC from requiring the use of individual plant tags.
- HB 2265 A ✗ Would have directed the Oregon Liquor Control Commission to establish by rule a medical marijuana grow site registration process, and limited a person designated to produce marijuana by a registry identification cardholder under an Oregon Health Authority grow site registration to grow for no more than two cardholders.
- HB 2416 ✗ Would have directed the State Department of Agriculture to design a cannabis business certification program, incentivizing low-carbon and energy efficient operations, funded by moneys allocated out of the Marijuana Control and Regulation Fund.
- HB 2445 ✗ Would have enacted an explicit sunset to the exemption of medical marijuana registry identification cardholder or primary caregiver from the tax imposed on the retail sale of marijuana items.
- HB 2519 ✓ Allows licensed marijuana retailers to deliver marijuana items to consumers, pursuant to bona fide orders received by the retailer, within the same city or county in which the retailer is located or in an adjacent city or county if allowed by that jurisdiction.
- HB 2973 ✗ Would have allowed the possession or delivery of not more than two ounces of usable marijuana by persons 21 years of age and older in a public place.
- HB 2982 ✗ Would have prohibited the Oregon Liquor Control Commission from imposing discipline on a licensee or licensee representative for violations caused by theft.


## Cannabis, cont'd

- HB 2997  Would have directed the Department of Revenue, Oregon Health Authority, Oregon Liquor Control Commission (OLCC), State Department of Agriculture, and Office of the Governor, in consultation with the Oregon Cannabis Commission and OLCC licensees and regulated entities, to develop a plan for marijuana regulation.
- HB 3000  Defines “adult use cannabinoid” to include Delta-8 THC and Delta-9 THC. Prohibits sale of adult use cannabis items to a person under 21 years of age. Authorizes the Oregon Liquor Control Commission (OLCC) to regulate the processing, transportation, delivery, sale, and purchase of artificially derived cannabinoids. Requires Oregon Department of Agriculture (ODA) to conduct criminal records check for an individual applying for industrial hemp grower license. Directs ODA to administer the Oregon Hemp State Program and adopt rules in accordance with the Agriculture Improvement Act of 2018 and subsequent federal law. Prohibits the sale of industrial hemp products or commodities exceeding 0.3 percent total Delta-9 THC or the concentration allowed under federal law, whichever is greater, and products or commodities exceeding the concentration of adult use cannabinoids established by the OLCC, Oregon Health Authority, and ODA by rule. Establishes Task Force on Cannabis-Derived Intoxicants. Directs Department of Revenue to distribute \$750,000 from the Oregon Marijuana Account to the Illegal Marijuana Market Enforcement Grant Program Fund. Authorizes OLCC and ODA to enter into agreement allowing OLCC representatives to carry out inspections of industrial hemp crops.
- HB 3013 A  Would have directed the Oregon Liquor Control Commission (OLCC) to establish by rule a process to register medical marijuana processing sites and medical marijuana dispensaries. Would have authorized Oregon Department of Agriculture to adopt rules and impose civil penalties on a registered grower of industrial hemp whose crop contains average tetrahydrocannabinol of at least 10 percent and enter into agreement with the OLCC to inspect registered crops.
- HB 3197 A  Would have required an employee of a laboratory that tests marijuana items to hold a work permit issued by the Oregon Liquor Control Commission and allowed a licensed marijuana retailer to relocate to the required distance from a school without obtaining a new license. Would have established testing and tracking requirements for industrial hemp processors to transfer hemp products to persons other than licensed processor, retailer, or wholesaler.
- HB 3252  Would have authorized the Governor to enter into agreement with another state to transport marijuana items from this state to the other state by a licensed marijuana producer, wholesaler, or retailer.

## Cannabis, cont'd

- HB 3253  Would have repealed the operative date provision in Section 3, chapter 464, Oregon Laws 2019 authorizing the Governor to enter into an agreement with another state to transport marijuana items from this state to the other state.
- HB 3369  Authorizes a licensed nurse to discuss the medical use of marijuana with a person with whom the nurse has a patient-provider relationship and authorizes health care providers to issue the written documentation required of registry cardholder applications.

## Ballot Measure 110

- SB 755  Makes policy related amendments to aid in implementation of Ballot Measure 110 (2020) – the Drug Decriminalization and Addiction Treatment Initiative.