

City of Brookings

WORKSHOP Agenda

CITY COUNCIL

Monday October 7, 2013, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Review of Sandwich Board Sign Regulation Suspension. [Planning, pg. 2]
 - a. Resolution 13-R-1000 [pg. 3]
2. Downtown Flower Basket Maintenance Plan. [PWDS, pg. 4]
3. Skate Park Fence. [Parks, pg. 6]
 - a. Sumner Skate Park [pg. 7]
 - b. Ordinance 07-O-583 [pg. 8]
4. System Development Charge Policy Discussion. [City Manager, pg. 10]
5. Golf Course Water Options [City Manager, pg. 12]
 - a. Preliminary strategy for new Point of Diversion (POD) [pg. 14]
 - b. Map showing location of POD [pg. 16]
 - c. Letter to Harbor Water District [pg. 17]
6. Medical Marijuana Dispensaries. [City Manager, pg. 18]
 - a. House Bill (HB) 3460 [pg. 19]
 - b. State Guidelines [pg. 29]
 - c. Letter from Governor [pg. 30]
 - d. Federal Guidelines [pg. 31]

D. Council Member Requests for Workshop Topics

E. Adjournment



All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: October 7, 2013

Originating Dept: PWDS, Planning


Signature (submitted by)

City Manager Approval

Subject: Review of suspension of regulations for sandwich board signs

Recommendation: Council to discuss whether the recent sandwich board suspension of regulations would be repeated next year.

Financial Impact: None.

Background/Discussion: City Council suspended both the requirement for a sign permit for sandwich board signs and the limitation of these signs to businesses whose entrance does not front on a street at the recommendation of the Tourism Promotion Advisory Committee. This suspension was accomplished by Resolution 13-R-1000 and was effective from May 15, 2013 to October 15, 2013 with the benefits versus the negative impacts to be evaluated in October. The sandwich board sign criteria remained in effect to provide assurances that American's with Disabilities Act (ADA) requirements were met and safety was taken into account.

Staff conducted an inventory on a weekday and identified approximately 15 businesses utilizing the suspension of sandwich board sign regulations. Another inventory was conducted on the weekend which happened to be during the recent storm. Several of the identified businesses were not open for business and several others were not displaying the signs. There was one additional business on Chetco Avenue displaying a sign. The majority of the signs are located on Chetco Avenue with several on Railroad Street and the remainder scattered in the downtown core area. Staff spoke with two owners of signs which encroached in the ADA sidewalk clear area. The signs were promptly relocated to meet ADA requirements.

This suspension of restrictions for sandwich board signs has overall been supported by downtown merchants. Staff recommends implementing the same measures the following year by a municipal code revision. This would allow for annual seasonal sandwich board signs.

Policy Considerations: None.

Attachment(s): Resolution 13-R-1000

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 13 -R-1000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKINGS SUSPENDING ENFORCEMENT OF A PORTION OF BROOKINGS MUNICIPAL CODE SECTION 17.88.100(F) .

WHEREAS, the City of Brookings adopted Ordinance 08-O-608, effective June 26, 2008, which requires approval of a sign permit for a sandwich board signs and limits sandwich board signs to businesses whose entrance does not have street frontage; and

WHEREAS, the Tourism Promotion Advisory Committee has recommended that the City Council consider lifting the sandwich board sign regulations effective May 15, 2013, through October 15, 2013, in an effort to increase the number of tourists stopping in Brookings; and

WHEREAS, this temporary suspension will provide an opportunity for other issues or benefits not considered to be identified;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, that enforcement of the portion Brookings Municipal Code (BMC) Section 17.88.100(F) which requires a sign permit for sandwich board signs and which limits sandwich board signs to businesses whose entrance does not have street frontage is suspended from May 15, 2013, through October 15, 2013. After October 15, 2013, the Tourism Promotion Advisory Committee shall evaluate the benefits versus the negative impacts and make a recommendation to City Council. The criteria found in BMC Section 17.88.100(F)(1)(2)(3)(4) shall remain in effect.

Passed by the City Council March 25, 2013; effective the same date.

Attest:

Adopted by Council, March 25, 2013
Mayor Ron Hedenskog


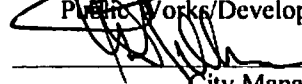
City Recorder Joyce Heffington

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: October 7, 2013

Originating Dept: PW/DS


Public Works/Development Services Director

City Manager Approval

Subject: Downtown Flower Baskets Maintenance Plan

Recommended Motion: Staff and City Council to discuss maintenance options for the proposed decorative downtown flower baskets.

Financial Impact: There are 35 decorative light poles downtown. The city already purchased one set of brackets and hangers. If every other pole downtown will be decorated, that equals 16 remaining poles to order brackets and hangers. The cost for brackets and hangers is \$500 per pole or \$8,000. Additionally there is a cost to plant the baskets at \$80 each (17 poles) or 34 baskets which is \$2,720. Total cost for flowers baskets and hanging accessories is \$10,720 which was budgeted in 2013/14 capital improvement project (CIP) funded by urban renewal.

Staff contacted Jerry Aydelott from Flora Pacifica for the cost to maintain the baskets. For the months of May thru Sept., watering 34 baskets @2-3 times a week (depending on weather) is estimated to cost \$4500 to \$5000 for this season.

Background/Discussion: The Budget Committee adopted funding flower baskets for 17 decorative street lights in the 2013/14 urban renewal CIP budget. Sustaining these baskets was a question so staff proceeded with ordering and installing one as a prototype. The baskets were installed at the northwest corner of Railroad and Fern Street at the Health Food store. The baskets were hung 8 feet from the ground to prevent vandalism which made the baskets difficult to reach without special equipment. Carrying water up a ladder every day proved to be time consuming and hazardous. Parks Supervisor Tony Baron designed a tank and pump system which was powered by a connection to the tailgate of the Public Works truck. These plants required daily watering on hot days, and took staff roughly ten to fifteen minutes to water which would be roughly 3 hours a day if all 17 street lights had flower baskets. Chetco Avenue is fairly narrow with sometimes limited parking. Watering in this fashion could create traffic obstructions on Highway 101.

Staff has solicited input from Flora Pacifica and the Downtown Merchant's association. Flora Pacifica is interested in building the floral basket arrangement and maintaining them over the May thru September season. Flora Pacifica encourages a contract duration longer than a year to offset the additional expenses of procuring a vehicle and watering system to maintain the plants. After the first year, replanting the baskets would be @\$60 each. Flora Pacifica would reuse the same heavy duty metal basket and hanger, but replace the soil, fiber inner basket and replant. They also would guarantee all the baskets. If the baskets began looking shabby or not growing, they will replace with a fresh basket of flowers.

Flora Pacifica must obtain the baskets by March and plant in the green house to hang by the 1st week of May. They require a 50% deposit by the end of February so he can order the baskets, hangers, and accessories and the remaining 50% due on hanging of baskets, then the ongoing monthly maintenance fees. Flora Pacifica suggests petunias would be the heartiest to plant and give the most color.

As mentioned in the weekly report dated September 20, 2013, the Downtown Merchant Association offered the following suggestions;

- a) Volunteers and employees at His Haven of Hope currently install Christmas garland on downtown light poles which they have found this difficult to do. His Haven Director Michael Olson offered to “trade work” and have City employees install the Christmas garland in exchange for His Haven volunteers/staff watering the flower baskets.

- a1) Staff’s response to this suggestion is Public Works has limited staffing and is not equipped to add any more non emergency preparation work. Staff is responsible for Natures Coastal Holiday in addition to their regular duties of maintaining a functional water, sewer, streets and storm drain system.


- b) It was suggested that we offer an “adopt a basket” program where merchants or others could fund the annual maintenance cost of a basket with some form of recognition on the light pole. The flower basket brackets could be left installed through winter so they could be used for signage or Holiday decorations.
- c) It was suggested that we confer with the Garden Club on drought-resistant plantings for the baskets to reduce maintenance costs. OK
- d) It was suggested that the City establish a special Fund to accept donations for the project.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: 10-7-13

Originating Dept: Parks

 for TB

Signature (submitted by)

City Manager Approval

Subject: Skate Park Fence

Recommendation: To approve the installation of a fence around the perimeter of the skate park.

Financial Impact: Based on a preliminary estimate from Grizzly Fence and estimated site preparation and signage, the project will cost approximately \$9,800.

Background/Discussion: Skate Park rules are continuously challenged by BMX riders. Enforcement of the no bikes rule is difficult due to the lack of an established boundary for the skate park. Riders are quickly in compliance when they exit the bowl and are often standing around the perimeter making it difficult for Police to cite offenders when they arrive. In 2007 Ordinance 07-0-583 of the Brookings Municipal Code (BMC) was adopted prohibiting the use of bikes in the skate park. Dispatch has received sixty three calls related to the skate park over the last twelve months.

The subject of damage to the skate park coping has been well documented. In 2010 we made repairs in the amount of \$7,500 from damage incurred from bikes. In addition to damage, there is a growing concern for safety of the users given the combined use of bikes and skateboards in the bowl at the same time.

Attachment(s):

- a. Sumner Skate Park
- b. BMC Ordinance 07-0-583



Fenced Skate Park – Sumner Washington



Sumner Skate Park Rules

BROOKINGS ORDINANCE

ORDINANCE NO. 07-O-583

AN ORDINANCE ADDING CHAPTER 12.30 “SKATE PARK GUIDELINES AND RULES” TO TITLE 12 “STREETS, SIDEWALKS AND PUBLIC PLACES” OF THE BROOKINGS MUNICIPAL CODE (BMC).

Sections:

Section 1. Ordinance Identified

Section 2. Addition of Chapter 12.30

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 12.30 “Skate Park Guidelines and Rules” to Title 12 “Streets, Sidewalks and Public Places” of the Brookings Municipal Code (BMC).

Section 2. Addition of Chapter 12.30. Chapter 12.30, Skate Park Guidelines and Rules” is added to read as follows:

12.30.010 Creation of General Guidelines and Policies. The following General Guidelines and Policies will be enforced by the City of Brookings:

- A. All users of the skate park are deemed to do so at their own risk. No attendant will be on duty, and the city will not be responsible or liable for injury or theft of property.
- B. The city reserves the right to close the skate park in the event of vandalism, graffiti, or aggressive behavior.
- C. Horseplay, violence and profanity are prohibited, and violators will be required to leave the skate park indefinitely.
- D. Trash containers will be furnished and should be used. Excessive littering will be cause for closure.
- E. Users should refrain from using the skate park when the skating surfaces are either wet and slippery or damaged. Users observing damage should promptly notify City public works at 469-2163.
- F. Inclement weather may be cause for skate park closure, at the city’s discretion.
- G. The city reserves the right to exclude users at such times as the city deems the skate park at full capacity.
- H. The city reserves the right to subject the skate park to video surveillance at any or all times.
- I. All organized events or formal contests must receive prior written approval from city parks and recreation.

- J. The city reserves the right to eject and bar from the skate park any person who violates these guidelines and policies.

12.30.020 Prohibited Acts

- A. No person shall use the skate park unless such person is wearing, at all times during such use, a safety helmet. Additional safety equipment is recommended but not required.
- B. No person shall damage or deface any part of the skate park.
- C. No person shall bring into the skate park or possess within the skate park any glass containers.
- D. No person shall use the skating area of the skate park with anything other than a skateboard or in-line skates. No bicycles or scooters or similar devices are allowed.
- E. No person shall bring onto or possess within the skate park any alcohol, tobacco or controlled substances.
- F. No person shall modify or attempt to modify any element, surface or area within or around the skate park.
- G. No person shall enter or remain in the skate park except during hours posted by the city.

12-30-030 Penalties

- A. Any person who violates any of the provisions of this ordinance may be fined, trespassed or have property impounded/seized or any combination of above listed penalties pending adjudication.

12-30-040 Fines

- A. First offense \$50.00, Second offense \$100.00, Third offense \$500.00

First Reading: March 12, 2007

Second Reading: March 12, 2007

Passage: March 12, 2007

Effective Date: April 11, 2007

INTRODUCED AND ADOPTED By the City of Brookings Council and signed by me in authentication of its passage the 12th day of March, 2007.

Adopted March 12, 2013
Mayor Pat Sherman

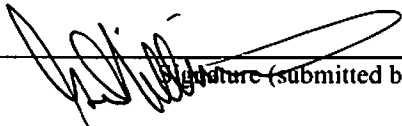
Paul Hughes, Administrative Services
Director/City Recorder

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 7, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: System Development Charge Policy Discussion

Recommended Action: Policy Discussion.

Background/Discussion:

Staff has been reviewing the wastewater SDC study presented by Shaun Pigott Associates at the August workshop and the 2013 SDC survey recently completed by the League of Oregon Cities. Before developing specific recommendations concerning any short-term changes in wastewater SDCs, staff is seeking policy direction on the following questions:

1. The City Council has shifted the source of funding for debt service on the wastewater treatment plant from SDCs to the user fee rate. Question: *Does the City council wish to have the option of using SDCs to shift a portion of the debt service cost back to SDCs in the future if economic conditions change?*
2. Question: *Does the City Council wish to use wastewater SDCs for system expansion projects, such as extending sewer service to unserved areas along North Bank Chetco River Road?*
3. The City's Infrastructure Financing Agreements with Lone Ranch LLC and Mahar/Tribble provide for reimbursement to the LLC for a portion of the cost of extending sewer service to these new developments, with reimbursement to me made from SDCs collected from new development within those project areas. Funding calculations were based largely upon current SDC rates. Questions: *If reducing the SDC rates system wide would reduce the amount of reimbursement funding for these projects, should the City seek to renegotiate the agreements to provide for a higher SDC rate for those project areas?*
4. There are several alternative approaches to determining commercial wastewater SDC rates including:
 - a. Using a "strength factor" multiplier of the residential EDU based upon the relative cost to treat residential/commercial wastewater.
 - i. In one city, strength factor multipliers are:
 - 1.0 for offices, general retail and institutions.
 - 1.7 for markets and delicatessens.
 - 2.4 for restaurants and bakeries.
 - b. Square footage of the building.
 - c. Number of sewer fixtures.
 - d. Size of the water meter.

Question: *Are there any factors on this list that should **not** be considered in determining the SDC rate?*

5. Question: *Would the City Council support a further increase in commercial user fee rates in order to reduce commercial SDC rates?*

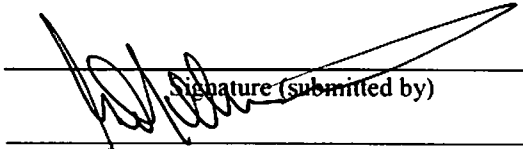
The City is currently undertaking Master Plan updates for storm drains, wastewater and streets. These plans may serve as the basis for adjusting sewer, storm and street SDC's and SRFs.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 7, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Golf Course Water Options

Recommended Action:
Discussion only.

Financial Impact:
See below. Additional cost estimates being developed.

Background/Discussion:

The City has secured approval for a temporary additional point of diversion under its water right on the Chetco River. The location is on South Coast Lumber property near the south bank of the river and approximately 4,300 lineal feet from the Salmon Run Golf Course. The temporary transfer permit is valid for a period of five years and can be renewed.

Staff has identified the following alternatives for the development of a water source for the Salmon Run Golf Course utilizing this additional point of diversion:

IRRIGATION ONLY

This could be as easy as inserting an intake pipe into the river, pumping the water “up the hill” and interconnecting with the existing pipeline serving the golf course. Even though the City’s water right is a “surface right”, the City operates its current intake through a Ranney collector system installed beneath the bottom of the river. This would not need to be replicated for an irrigation-only source.

IRRIGATION NOW/POTABLE LATER

This would involve constructing a more substantial intake facility that could be converted at some future time to include the installation of a Ranney collector.

IRRIGATION AND POTABLE NOW

The golf course currently uses an on-site well to provide potable water. The golf course management reports that this well is seasonably unreliable and would like to connect to the same source as the irrigation water. Golf course management has also indicated they would like to proceed with plans to develop an RV park at the golf course, and the current on-site well cannot support an expansion of potable demand.

The estimated cost of the 4,300-foot pipeline is \$258,000. Staff has retained engineering services to prepare estimates for the cost of drilling an exploratory well and pumping facilities for both potable and non-potable source development. Staff believes that the point of diversion site

should be explored fully as a possible potable site as the cost of piping is a substantial investment.

City staff has also contacted the Harbor Water Public Utilities District seeking to explore the possibility of transferring the City's temporary permit to the Harbor Water intake, which is located approximately 3,500 feet downstream from the proposed City point of diversion. The estimated cost of the additional pipeline is about \$200,000. This alternative should be explored as 1) a way of averting the cost of developing an entirely new pumping works and ongoing maintenance costs for a new point of diversion and 2) as an alternative in the event that a suitable water extraction site cannot be located on the South Coast property. The Harbor Water Public Utilities District has not yet responded to our letter of July 29, 2013.

Policy Considerations:

Staff is seeking preliminary discussion of this matter with the City Council at the October workshop and will return with refined cost estimates at the November workshop.

Attachment(s):

- a. Preliminary Brookings Strategy for New POD.
- b. Map showing location of proposed POD.
- c. Letter to Harbor Water District.

Brookings Strategy for New POD

1. Assess site for OHA setback requirements and drilling potential

- ➔ If OHA setbacks can be attained at an accessible location for drilling, go to #2.
- ❓ If OHA setbacks cannot be met at an accessible location for drilling, regroup to discuss options of drilling the well for non-potable use only or pursuing Harbor Water option

2. Soil borings

- Two total: One at 75 feet and second at 200 feet from river
 - ➔ If geology is good, go to #3.
 - ✖ If not, no further investigation

3. Select location for test well

- Select location based on geology from #2 and OHA surface water influence setbacks
 - ➔ If OHA surface water influence setbacks can be met, Scenario A
 - ❓ If OHA surface water influence setbacks cannot be met, regroup to discuss options of Scenario B, drilling the well for non-potable use only, or pursuing Harbor Water option

Scenario A

- Select test well size based on geology from #2
- Install well and test to estimate well yield
 - ➔ If yield is acceptable, proceed with Scenario A
 - ✖ If yield is inadequate, no further investigation
- Complete test well as production well or drill new production well - **potable supply**

Scenario B

- Select test well size based on geology from #2
- Install well and test to estimate well yield
 - ➔ If yield is acceptable, proceed with Scenario B
 - ✖ If yield is inadequate, no further investigation
- Test well water for presence of E. coli
 - ➔ If no E. coli detected, proceed with Scenario B
 - ❓ If E. coli detected or if OHA has susceptibility concerns for the well, regroup to discuss options of Scenario C, using the well for non-potable use only, or pursue Harbor Water option
- Complete test well as production well or drill new production well – **potable supply**

Scenario C

- Complete micro-particulate analysis (MPA)
 - ➔ If MPA does not indicate GWUDI¹ proceed with Scenario C
 - ❓ If MPA indicates GWUDI, regroup to discuss options of Scenario D, using the well for non-potable use only, or pursue Harbor Water option
- Complete test well as production well or drill new production well – **potable supply**

Scenario D

If GWUDI, surface water treatment rules apply. GWUDI will require additional evaluation to assess what filtration can be achieved by riverbank filtration and what additional monitoring will be required for use as a potable source

- MPA result assessment
 - ➔ If MPA < 30, proceed with Scenario D
 - ❓ If MPA > 30, regroup to discuss options of using the well for non-potable use only or pursue Harbor Water option
- Complete evaluation of riverbank filtration
 - ➔ If adequate filtration can be obtained, proceed with Scenario E
 - ❓ If adequate filtration cannot be obtained, regroup to discuss options of using the well for non-potable use only or pursuing Harbor Water option
- Complete test well as production well or drill new production well – **potable supply**

¹ GWUDI – Groundwater under the direct influence of surface water



FIGURE 2

Tax Lot 800

City of Brookings, Oregon

LEGEND

- Point of Diversion (POD)
- Tax Lot



MAP NOTES:
Date: September 12, 2013
Data Sources: ESRI, Air photo taken on
June 30, 2010 by Bing Maps



City of Brookings

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gmilliman@brookings.or.us

GARY MILLIMAN

City Manager
Credentialed City Manager
International City Management Association

ICMA Career Excellence Award 2012
ICMA Management Innovation Award 1979

Jackie Adams, Manager
Harbor Water PUD
98069 W. Benham Lane
Harbor, OR 97415

July 29, 2013

Dear Ms. Adams,

The City of Brookings is exploring alternatives for providing water service to the Salmon Run Golf Course. As you may know, the golf course is located on property owned by the City of Brookings.

While we are currently pursuing designation of an additional point of diversion under the City's current water right certificate on the Chetco River to serve the golf course, we would also like to explore working with the Harbor Water PUD (HWPUD) to address this need.

Among the alternatives we would like to explore with the HWPUD are:

- Purchasing water from the HWPUD.
- Designating the HWPUD intake on the Chetco River as an additional point of diversion under the City's certificate and securing an easement for access to the HWPUD intake.

Thank you for your consideration in this matter.


Respectfully,

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: October 7, 2013

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Medical Marijuana Dispensaries

Recommended Action:

Discussion and direction to staff.

Background/Discussion:

Governor Kitzhaber has signed into law HB 3460 which authorizes the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries. That law becomes effective March 1, 2014. While marijuana production and use remains illegal under federal law, President Obama recently issued a policy outline which appears to indicate that some types of marijuana activities will not be prosecuted.

Essentially, we will soon have a situation that allows State licensing of “storefront” marijuana dispensaries and a Federal government posture of limited enforcement. The State and Federal guidelines are attached.

Municipalities are not prohibited from adopting their own ordinances on medical marijuana outlets. According to the City Attorney, the City could prohibit medical marijuana dispensaries, could regulate them under City zoning codes, or do nothing, which means that the dispensaries could be located in any commercial zone in the City so long as they meet minimum setbacks from school sites and from one-another; this would be enforced by the State.

Policy Considerations:

Does the City Council wish to prohibit or regulate the location of medical marijuana dispensaries? The City could do so through its zoning regulations.

Attachment(s):

- a. HB 3460
- b. State Guidelines
- c. Letter from Governor
- d. Federal Guidelines

House Bill 3460

Sponsored by Representative BUCKLEY, Senator PROZANSKI; Representative FREDERICK, Senator DINGFELDER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Health Authority to establish registration system for medical marijuana facilities for transferring usable marijuana from registry identification cardholders, designated primary caregivers of registry identification cardholders or marijuana grow sites to medical marijuana facilities and from medical marijuana facilities to registry identification cardholders or designated primary caregivers of registry identification cardholders.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 2. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana, subject to subsection (6) of this section, from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

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

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

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

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

(A) Must be located in an area that is zoned for commercial or industrial use or as agricultural land;

(B) Must be a facility that is open to registry identification cardholders and designated primary caregivers as a business;

(C) Must not be located within 1,000 feet of the real property comprising a public or pri-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 vate elementary, secondary or career school attended primarily by minors;

2 (D) Must not be located within 1,000 feet of another medical marijuana facility; and

3 (E) Must comport with rules adopted by the authority related to:

4 (i) Installing a minimum security system, including a video surveillance system, alarm
5 system and safe; and

6 (ii) Testing for pesticides, mold and mildew.

7 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person
8 whose name is submitted as the person responsible for a medical marijuana facility under
9 subsection (2) of this section.

10 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for
11 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not
12 be the person responsible for a medical marijuana facility for five years from the date the
13 person completes the sentence for the crime for which the person has been convicted under
14 this paragraph.

15 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752
16 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule
17 II may not be the person responsible for a medical marijuana facility.

18 (5) If a person submits the application required under subsection (2) of this section, the
19 medical marijuana facility identified in the application meets the criteria described in sub-
20 section (3) of this section and the person responsible for the medical marijuana facility
21 passes the criminal records check required under subsection (4) of this section, the authority
22 shall register the medical marijuana facility and issue the person responsible for the medical
23 marijuana facility proof of registration. The person responsible for the medical marijuana
24 facility shall display the proof of registration on the premises of the medical marijuana fa-
25 cility at all times when usable marijuana is being transferred as described in subsection (1)
26 of this section.

27 (6) Registration under this section is invalid if a medical marijuana facility does not:

28 (a) Obtain authorization from a registry identification cardholder to:

29 (A) Receive from a marijuana grow site usable marijuana that belongs to the registry
30 identification cardholder if medical marijuana is to be transferred to the medical marijuana
31 facility from a marijuana grow site; and

32 (B) Transfer to a registry identification cardholder or the designated primary caregiver
33 of the registry identification cardholder usable marijuana; or

34 (b) Keep and maintain a list of:

35 (A) All persons responsible for a marijuana grow site from whom the medical marijuana
36 facility has received usable marijuana; and

37 (B) All registry identification cardholders and designated primary caregivers to whom the
38 medical marijuana facility transfers usable marijuana under this section and the amount of
39 usable marijuana transferred in each instance.

40 (7) A medical marijuana facility registered under this section may possess marijuana in
41 excess of the limits imposed on registry identification cardholders and designated primary
42 caregivers under ORS 475.320.

43 (8) The authority may inspect:

44 (a) The premises of an applicant for a medical marijuana facility or a registered medical
45 marijuana facility to ensure compliance with subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

(9)(a) A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and the cost of supplies, utilities and rent or mortgage.

(10) The authority may adopt rules imposing a fee in an amount established by the authority for registering a medical marijuana facility under this section.

SECTION 3. ORS 475.302 is amended to read:

475.302. As used in ORS 475.300 to 475.346:

(1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

(2) "Authority" means the Oregon Health Authority.

(3) "Debilitating medical condition" means:

(a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these 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 but not limited to seizures caused by epilepsy; or

(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

or

(c) Any other medical condition or treatment for a medical condition adopted by the authority by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

(4)(a) "Delivery" has the meaning given that term in ORS 475.005.

(b) "Delivery" does not include transfer of:

(A) Marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer[.];

(B) Usable marijuana from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder or a marijuana grow site to a medical marijuana facility registered under section 2 of this 2013 Act; or

(C) Usable marijuana from a medical marijuana facility registered under section 2 of this 2013 Act to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(5) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the authority. "Designated primary

caregiver” does not include the person’s attending physician.

(6) “Marijuana” has the meaning given that term in ORS 475.005.

(7) “Marijuana grow site” means a location where marijuana is produced for use by a registry identification cardholder and that is registered under the provisions of ORS 475.304.

(8) “Medical use of marijuana” means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

(9) “Production” has the meaning given that term in ORS 475.005.

(10) “Registry identification card” means a document issued by the authority that identifies a person authorized to engage in the medical use of marijuana and the person’s designated primary caregiver, if any.

(11) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the plant.

(12) “Written documentation” means a statement signed by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person’s relevant medical records.

SECTION 4. ORS 475.304 is amended to read:

475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to authorize production of marijuana by a registry identification cardholder, a designated primary caregiver who grows marijuana for the cardholder or a person who is responsible for a marijuana grow site. The marijuana grow site registration system adopted must require a registry identification cardholder to submit an application to the authority that includes:

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

(b) The address of the marijuana grow site;

(c) The registry identification card number of the registry cardholder for whom the marijuana is being produced; and

(d) Any other information the authority considers necessary.

(2) The authority shall issue a marijuana grow site registration card to a registry identification cardholder who has met the requirements of subsection (1) of this section.

(3) A person who has been issued a marijuana grow site registration card under this section must display the registration card at the marijuana grow site at all times when marijuana is being produced.

(4) 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.

(5) All usable marijuana, plants, seedlings and seeds 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 and must be provided to the registry identification cardholder, **or, if the marijuana is usable marijuana, transferred to a medical marijuana facility registered under section 2 of this 2013 Act**, upon request.

(6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person whose name is submitted as a 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 be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder

1 for five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
3 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
4 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-
5 cation cardholder.

6 (7) A registry identification cardholder or the designated primary caregiver of the cardholder
7 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities
8 associated with the production of marijuana for the registry identification cardholder. No other
9 costs associated with the production of marijuana for the registry identification cardholder, includ-
10 ing the cost of labor, may be reimbursed.

11 (8) The authority may adopt rules imposing a fee in an amount established by the authority for
12 registration of a marijuana grow site under this section.

13 **SECTION 5.** ORS 475.309 is amended to read:

14 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-
15 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,
16 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-
17 duction of marijuana or any other criminal offense in which possession, delivery or production of
18 marijuana is an element if the following conditions have been satisfied:

19 (a)(A) The person holds a registry identification card issued pursuant to this section, has applied
20 for a registry identification card pursuant to subsection (9) of this section, is the designated primary
21 caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that
22 is producing marijuana for the cardholder and is registered under ORS 475.304; and

23 [(b)] (B) The person who has a debilitating medical condition, the person's primary caregiver
24 and the person responsible for a marijuana grow site that is producing marijuana for the cardholder
25 and is registered under ORS 475.304 are collectively in possession of, delivering or producing
26 marijuana for medical use in amounts allowed under ORS 475.320[.]; or

27 **(b) The person is responsible for or employed by a medical marijuana facility registered**
28 **under section 2 of this 2013 Act and does not commit any of the acts described in this sub-**
29 **section anywhere other than at the medical marijuana facility.**

30 (2) The Oregon Health Authority shall establish and maintain a program for the issuance of
31 registry identification cards to persons who meet the requirements of this section. Except as pro-
32 vided in subsection (3) of this section, the authority shall issue a registry identification card to any
33 person who pays a fee in the amount established by the authority and provides the following:

34 (a) Valid, written documentation from the person's attending physician stating that the person
35 has been diagnosed with a debilitating medical condition and that the medical use of marijuana may
36 mitigate the symptoms or effects of the person's debilitating medical condition;

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

38 (c) The name, address and telephone number of the person's attending physician;

39 (d) The name and address of the person's designated primary caregiver, if the person has des-
40 ignated a primary caregiver at the time of application; and

41 (e) A written statement that indicates whether the marijuana used by the cardholder will be
42 produced at a location where the cardholder or designated primary caregiver is present or at an-
43 other location.

44 (3) The authority shall issue a registry identification card to a person who is under 18 years of
45 age if the person submits the materials required under subsection (2) of this section, and the custo-

1 dial parent or legal guardian with responsibility for health care decisions for the person under 18
2 years of age signs a written statement that:

3 (a) The attending physician of the person under 18 years of age has explained to that person
4 and to the custodial parent or legal guardian with responsibility for health care decisions for the
5 person under 18 years of age the possible risks and benefits of the medical use of marijuana;

6 (b) The custodial parent or legal guardian with responsibility for health care decisions for the
7 person under 18 years of age consents to the use of marijuana by the person under 18 years of age
8 for medical purposes;

9 (c) The custodial parent or legal guardian with responsibility for health care decisions for the
10 person under 18 years of age agrees to serve as the designated primary caregiver for the person
11 under 18 years of age; and

12 (d) The custodial parent or legal guardian with responsibility for health care decisions for the
13 person under 18 years of age agrees to control the acquisition of marijuana and the dosage and
14 frequency of use by the person under 18 years of age.

15 (4) A person applying for a registry identification card pursuant to this section may submit the
16 information required in this section to a county health department for transmittal to the authority.
17 A county health department that receives the information pursuant to this subsection shall transmit
18 the information to the authority within five days of receipt of the information. Information received
19 by a county health department pursuant to this subsection shall be confidential and not subject to
20 disclosure, except as required to transmit the information to the authority.

21 (5)(a) The authority shall verify the information contained in an application submitted pursuant
22 to this section and shall approve or deny an application within thirty days of receipt of the appli-
23 cation.

24 (b) In addition to the authority granted to the authority under ORS 475.316 to deny an applica-
25 tion, the authority may deny an application for the following reasons:

26 (A) The applicant did not provide the information required pursuant to this section to establish
27 the applicant's debilitating medical condition and to document the applicant's consultation with an
28 attending physician regarding the medical use of marijuana in connection with such condition, as
29 provided in subsections (2) and (3) of this section;

30 (B) The authority determines that the information provided was falsified; or

31 (C) The applicant has been prohibited by a court order from obtaining a registry identification
32 card.

33 (c) Denial of a registry identification card shall be considered a final authority action, subject
34 to judicial review. Only the person whose application has been denied, or, in the case of a person
35 under the age of 18 years of age whose application has been denied, the person's parent or legal
36 guardian, shall have standing to contest the authority's action.

37 (d) Any person whose application has been denied may not reapply for six months from the date
38 of the denial, unless so authorized by the authority or a court of competent jurisdiction.

39 (6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3)
40 of this section and none of the reasons for denial listed in subsection (5)(b) of this section is appli-
41 cable, the authority shall issue a serially numbered registry identification card within five days of
42 verification of the information. The registry identification card shall state:

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

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

45 (C) The name and address of the person's designated primary caregiver, if any;

(D) Whether the marijuana used by the cardholder will be produced at a location where the cardholder or designated primary caregiver is present or at another location; and

(E) Any other information that the authority may specify by rule.

(b) When the person to whom the authority has issued a registry identification card pursuant to this section has specified a designated primary caregiver, the authority shall issue an identification card to the designated primary caregiver. The primary caregiver's registry identification card shall contain the information provided in paragraph (a) of this subsection.

(7)(a) A person who possesses a registry identification card shall:

(A) Notify the authority of any change in the person's name, address, attending physician or designated primary caregiver.

(B) If applicable, notify the designated primary caregiver of the cardholder, [and] the person responsible for the marijuana grow site that produces marijuana for the cardholder **and any person responsible for a medical marijuana facility that transfers usable marijuana to the cardholder under section 2 of this 2013 Act** of any change in status including, but not limited to:

(i) The assignment of another individual as the designated primary caregiver of the cardholder;

(ii) The assignment of another individual as the person responsible for a marijuana grow site producing marijuana for the cardholder; or

(iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

(C) Annually submit to the authority:

(i) Updated written documentation from the cardholder's attending physician of the person's debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition; and

(ii) The name of the person's designated primary caregiver if a primary caregiver has been designated for the upcoming year.

(b) If a person who possesses a registry identification card fails to comply with this subsection, the card shall be deemed expired. If a registry identification card expires, the identification card of any designated primary caregiver of the cardholder shall also expire.

(8)(a) A person who possesses a registry identification card pursuant to this section and who has been diagnosed by the person's attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the person's debilitating medical condition shall return the registry identification card and any other associated Oregon Medical Marijuana Program cards to the authority within 30 calendar days of notification of the diagnosis or notification of the contraindication.

(b) If, due to circumstances beyond the control of the registry identification cardholder, a cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has expired, the authority may grant the cardholder additional time to obtain a second opinion before requiring the cardholder to return the registry identification card and any associated cards.

(9) A person who has applied for a registry identification card pursuant to this section but whose application has not yet been approved or denied, and who is contacted by any law enforcement officer in connection with the person's administration, possession, delivery or production of marijuana for medical use may provide to the law enforcement officer a copy of the written documentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of the date of mailing or other transmission of the documentation to the authority. This documentation shall have the same legal effect as a registry identification card until such time as the person re-

ceives notification that the application has been approved or denied.

(10)(a) A registry identification cardholder has the primary responsibility of notifying the **designated** primary caregiver *[and]*, **the** person responsible for the marijuana grow site that produces marijuana for the cardholder **and any person responsible for a medical marijuana facility that transfers usable marijuana to the cardholder under section 2 of this 2013 Act** of any change in status of the cardholder.

(b) If the authority is notified by the cardholder that a primary caregiver or person responsible for a marijuana grow site has changed, the authority shall notify the primary caregiver or the person responsible for the marijuana grow site by mail at the address of record confirming the change in status and informing the caregiver or person **responsible for the marijuana grow site** that their card is no longer valid and must be returned to the authority.

(c) **If the authority is notified by the cardholder that a medical marijuana facility authorized to transfer usable marijuana to the cardholder has changed, the authority shall notify each person responsible for a medical marijuana facility authorized to transfer usable marijuana to the cardholder by mail at the address of record confirming the change in status and informing the person responsible for the medical marijuana facility that the person is no longer authorized to transfer usable marijuana to the cardholder.**

(11) The authority shall revoke the registry identification card of a cardholder if a court has issued an order that prohibits the cardholder from participating in the medical use of marijuana or otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The cardholder shall return the registry identification card to the authority within seven calendar days of notification of the revocation. If the cardholder is a patient, the patient shall return the patient's card and all other associated Oregon Medical Marijuana Program cards.

(12) The authority and employees and agents of the authority acting within the course and scope of their employment are immune from any civil liability that might be incurred or imposed for the performance of or failure to perform duties required by this section.

SECTION 6. ORS 475.320 is amended to read:

475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has been 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, the registry identification cardholder or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.

(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

(a) May produce marijuana for and provide marijuana:

(A) To a registry identification cardholder or *[that person's]* **a cardholder's** designated primary caregiver as authorized under this section~~].~~; **or**

(B) **If the marijuana is usable marijuana and the registry identification cardholder requests that the person responsible for the grow site transfer the usable marijuana to a medical marijuana facility registered under section 2 of this 2013 Act, to the medical marijuana facility.**

(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each cardholder or caregiver for whom marijuana is being produced.

(c) May produce marijuana for no more than four registry identification cardholders or desig-

1 nated primary caregivers concurrently.

2 (d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304
3 for each registry identification cardholder or designated primary caregiver for whom marijuana is
4 being produced.

5 (e) Must provide all marijuana produced for a registry identification cardholder or designated
6 primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana
7 grow site ceases producing marijuana for the cardholder or caregiver.

8 (f) Must return the marijuana grow site registration card to the registry identification
9 cardholder to whom the card was issued when requested to do so by the cardholder or when the
10 person responsible for a marijuana grow site ceases producing marijuana for the cardholder or
11 caregiver.

12 (3) Except as provided in subsections (1) and (2) of this section, a registry identification
13 cardholder, the designated primary caregiver of the cardholder and the person responsible for a
14 marijuana grow site producing marijuana for the registry identification cardholder may possess a
15 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-
16 tification cardholder.

17 (4)(a) A registry identification cardholder and the designated primary caregiver of the
18 cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule
19 of the Oregon Health Authority.

20 (b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or
21 starts as defined by rule of the authority for each registry identification cardholder for whom the
22 person responsible for the marijuana grow site is producing marijuana.

23 **SECTION 7.** ORS 475.323 is amended to read:

24 475.323. (1) Possession of a registry identification card [or], designated primary caregiver iden-
25 tification card pursuant to ORS 475.309 **or proof of registration under section 2 of this 2013 Act**
26 does not alone constitute probable cause to search the person or property of the cardholder or
27 otherwise subject the person or property of the cardholder to inspection by any governmental
28 agency.

29 (2) Any property interest possessed, owned or used in connection with the medical use of
30 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
31 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
32 of any law enforcement agency. A law enforcement agency has no responsibility to maintain live
33 marijuana plants lawfully seized. No such property interest may be forfeited under any provision of
34 law providing for the forfeiture of property other than as a sentence imposed after conviction of a
35 criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized
36 by any law enforcement office shall be returned immediately upon a determination by the district
37 attorney in whose county the property was seized, or the district attorney's designee, that the per-
38 son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled
39 to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for
40 example, by a decision not to prosecute, the dismissal of charges or acquittal.

41 **SECTION 8.** ORS 475.331 is amended to read:

42 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
43 whom the authority has issued registry identification cards, the names of any designated primary
44 caregivers and the addresses of authorized marijuana grow sites **and medical marijuana facilities**
45 **registered under section 2 of this 2013 Act.** Except as provided in subsection (2) of this section,

1 the list shall be confidential and not subject to public disclosure.

2 (b) The authority shall develop a system by which authorized employees of state and local law
3 enforcement agencies may verify at all times that a person is a lawful possessor of a registry iden-
4 tification card or the designated primary caregiver of a lawful possessor of a registry identification
5 card or that a location is an authorized marijuana grow site **or registered medical marijuana fa-**
6 **cility.**

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

9 (a) Authorized employees of the authority as necessary to perform official duties of the author-
10 ity; and

11 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify
12 that a person is a lawful possessor of a registry identification card or the designated primary
13 caregiver of a lawful possessor of a registry identification card or that a location is an authorized
14 marijuana grow site **or registered medical marijuana facility.** Prior to being provided identifying
15 information from the list, authorized employees of state or local law enforcement agencies shall
16 provide to the authority adequate identification, such as a badge number or similar authentication
17 of authority.

18 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-
19 formation from the list as authorized under this section may not release or use the information for
20 any purpose other than verification that a person is a lawful possessor of a registry identification
21 card or the designated primary caregiver of a lawful possessor of a registry identification card or
22 that a location is an authorized marijuana grow site **or registered medical marijuana facility.**

23 **SECTION 9. (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302,**
24 **475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become opera-**
25 **tive on January 1, 2014.**

26 (2) The Oregon Health Authority may take any action before the operative date specified
27 in subsection (1) of this section to enable the authority to exercise, on and after the opera-
28 tive date specified in subsection (1) of this section, all of the duties, functions and powers
29 conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS
30 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

31 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
33 **on its passage.**

STATE GUIDELINES

- Only Oregon residents are allowed to have a dispensary.
- Cannabis gardens must be grown in-state.
- The Oregon Health Authority will carry out surprise inspections.
- Law enforcers will also be allowed to check in the registry if a store is listed.
- Marijuana-infused products such as brownies, cookies, and candies are prohibited.
- \$4,000 annual fee to register an establishment.
- Facilities must be at least 1,000 feet away from another facility.
- They may only operate in farm or commercial zones.
- They cannot be in the same location as a medical marijuana grow site.
- The bill does not limit criminal liability for existing medical marijuana clubs and collectives.
- Medical marijuana is required to be tested for mold, mildew and pesticides.
- The person responsible for the facility must be an Oregon resident.
- People convicted of felony manufacturing or delivery of a controlled substance are prohibited .
- Facilities may not operate within 1,000 feet of a school.
- **The bill does not block municipalities from adopting their own ordinances on medical marijuana outlets.**



JOHN A. KITZHABER, MD
Governor

August 14, 2013

The Honorable Kate Brown
Secretary of State
136 State Capitol
900 Court Street, NE
Salem, OR 97301

Dear Secretary Brown:

Today, I am signing enrolled House Bill 3460, which authorizes the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries. Nothing in this law protects the dispensaries, growers, caregivers or patients from federal prosecution. I have received many requests to veto this bill, but I am signing it after careful consultation with members of my staff as well as the Director of the OHA.

I understand the concerns opponents of HB 3460 have expressed, and share those concerns to a certain extent. I have asked the Director of the OHA to broadly engage all of the stakeholders, including law enforcement, when promulgating the rules regarding dispensaries. The bill itself does provide OHA with the authority to inspect and audit the financial records of the dispensaries, and I believe it will be critical to set fees for dispensaries that will provide sufficient funding to OHA so that they can be extraordinarily vigorous in their enforcement of the rules that are developed.

There are two main goals we wish to achieve: first, we want to ensure the overall safety of our communities through appropriate rules to license and regulate dispensaries and second, we want to allow the patients safe access to marijuana if they are eligible for treatment under the Oregon Medical Marijuana Program.

It is my hope that if these goals are not achieved under HB 3460 as written, that its sponsors will be open to fine-tuning the legislation in future sessions.

Sincerely,

John A. Kitzhaber, M.D.
Governor

LJR/smg

THE WHITE HOUSE
WASHINGTON

Office of National Drug Control Policy

Today, the Department of Justice issued updated guidance to Federal prosecutors and law enforcement in light of state ballot initiatives in Washington and Colorado that legalize the possession of small amounts of marijuana by adults. Based on assurances that those states will impose an appropriately strict regulatory system, the Department is deferring its right to challenge the legalization laws at this time.

Marijuana is and remains illegal under federal law. The Department is committed to enforcing the CSA and will use its limited investigative and prosecutorial resources to address the most significant threats. The updated guidance being issued by the Department today reiterates eight areas as priorities for its continued enforcement of federal laws under the Controlled Substances Act (CSA). The eight areas include:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;

1

- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

Thank you for remaining engaged with us in our work to reduce drug use and its consequences in America. It is important that we continue to expand prevention, treatment, and other smart law enforcement efforts to help make our communities healthier and safer.