

# House Bill 3403

Sponsored by Representatives ZIKA, WILLIAMS, HELT; Representatives BARRETO, DRAZAN, FINDLEY, LEIF

## 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 disclose to district attorney and law enforcement agencies addresses of marijuana grow sites in county over which district attorney and law enforcement agencies have jurisdiction.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to marijuana; creating new provisions; amending ORS 475B.879 and 475B.882; and pre-  
3 scribing an effective date.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 475B.785 to**  
6 **475B.949.**

7 **SECTION 2. (1) Once each quarter, and in addition to the system described in ORS**  
8 **475B.882, the Oregon Health Authority shall disclose to the district attorney and the law**  
9 **enforcement agencies with jurisdiction over a county a list of each address in the county at**  
10 **which a marijuana grow site is located.**

11 **(2) A list described in this section may be used only to confirm the reasonable belief of**  
12 **the district attorney or law enforcement agency that an address is the location of a**  
13 **marijuana grow site.**

14 **(3) A list described in this section may not contain information other than the addresses**  
15 **of marijuana grow sites registered under ORS 475B.810 as of the date of the disclosure.**

16 **(4) The authority may adopt rules to carry out this section.**

17 **SECTION 3. ORS 475B.879 is amended to read:**

18 475B.879. (1) The Oregon Health Authority shall develop and maintain a database of information  
19 related to the production of marijuana by persons designated to produce marijuana by a registry  
20 identification cardholder, the processing of marijuana by a marijuana processing site under ORS  
21 475B.840 and the transfer of usable marijuana, medical cannabinoid products, cannabinoid concen-  
22 trates and cannabinoid extracts by medical marijuana dispensaries under ORS 475B.858. At a mini-  
23 mum, the database must include the information submitted to the authority under ORS 475B.816,  
24 475B.846 and 475B.867.

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

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

30 (c) The authority may not disclose:

**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 (A) Any personally identifiable information related to a registry identification cardholder or a  
2 designated primary caregiver that is stored in the database developed and maintained under this  
3 section, **except as provided in section 2 of this 2019 Act.**

4 (B) Any information related to the amount and type of usable marijuana, medical cannabinoid  
5 products, cannabinoid concentrates and cannabinoid extracts transferred to or by persons designated  
6 to produce marijuana by a registry identification cardholder, marijuana processing sites or medical  
7 marijuana dispensaries.

8 (3) Nothing in this section prevents a law enforcement agency from lawfully obtaining informa-  
9 tion that is stored in the database developed and maintained under this section by subpoena.

10 **SECTION 4.** ORS 475B.882 is amended to read:

11 475B.882. (1)(a) The Oregon Health Authority shall establish and maintain a list of:

12 (A) The names of persons to whom a registry identification card has been issued under ORS  
13 475B.797;

14 (B) The names of persons designated as primary caregivers under ORS 475B.804; and

15 (C) The addresses of marijuana grow sites registered under ORS 475B.810.

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

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

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

21 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-  
22 tion card; or

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

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

26 (a) Authorized employees of the authority as necessary to perform official duties of the author-  
27 ity.

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

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

31 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-  
32 tion card; or

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

34 **(3) Addresses described in subsection (1)(a)(C) of this section must be disclosed pursuant**  
35 **to section 2 of this 2019 Act.**

36 [(3)] (4) Authorized employees of state or local law enforcement agencies who obtain identifying  
37 information as authorized by this section may not release or use the information for any purpose  
38 other than to verify that:

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

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

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

43 [(4)] (5) In addition to releasing information to authorized employees of state or local law  
44 enforcement agencies for purposes of verifying information under subsection (2)(b) of this section,  
45 the authority may release to authorized employees of state or local law enforcement agencies the

1 minimum amount of information necessary to enable an employee to determine whether an individual  
2 or location is in compliance with a provision of ORS 475B.785 to 475B.949 or a rule adopted under  
3 ORS 475B.785 to 475B.949.

4 [(5)] (6) If the authority determines, after conducting an investigation or receiving a complaint  
5 of an alleged violation of a provision of ORS 475B.785 to 475B.949 or a rule adopted under ORS  
6 475B.785 to 475B.949, that a violation of a provision of ORS 475B.785 to 475B.949 or a rule adopted  
7 under ORS 475B.785 to 475B.949 has occurred, the authority may provide information obtained by  
8 the authority, except for information related to a registry identification cardholder's debilitating  
9 condition, to authorized employees of state or local law enforcement agencies, or to another state  
10 or local government agency with jurisdiction over the matter.

11 **SECTION 5. (1) Section 2 of this 2019 Act and the amendments to ORS 475B.879 and**  
12 **475B.882 by sections 3 and 4 of this 2019 Act become operative on January 1, 2020.**

13 **(2) The Oregon Health Authority may take any action before the operative date specified**  
14 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**  
15 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
16 **and powers conferred on the authority by section 2 of this 2019 Act and the amendments to**  
17 **ORS 475B.879 and 475B.882 by sections 3 and 4 of this 2019 Act.**

18 **SECTION 6. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
19 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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