



City of Canby

City Attorney

July 15, 2015

Merle Thomas
Oregon Medical Grade, Inc.
PO Box 247
Colton, OR 97017

Certified Mail 7015 0640 0005 1267 7069

RE: Denial of Business License for Oregon Medical Grade,
Inc.

Dear Mr. Thomas:

We regret that we are unable to issue you a business license to operate your business within the Canby city limits. Canby Municipal Code Chapter §5.04.190G states that *“Any person who carries on or engages in a business that is illegal under applicable city, state or federal laws is prohibited from being issued a business license”*. Since Marijuana possession and distribution are unlawful under federal law, we cannot issue you a license. Recent Oregon case law opinions have only reaffirmed this notion of federal law preemption and the lack of explicit Oregon State law preemption in the Oregon Medical Marijuana Act as applied against home rule charters. Because of this legal reality, the City of Canby cannot legally condone any activity that would constitute a federal criminal enterprise. As such, we cannot issue a business license for such activities.

Under Canby Municipal Code, if you are refused a business license from the City of Canby, you do have the right to request a quasi-judicial public hearing before the Canby City Council. On July 14, I received your request and a public hearing has been scheduled for the August 5, 2015 City Council Meeting at 7:30 p.m. in the Council Chambers located at 155 NW 2nd Avenue.

Sincerely,

Joseph A. Lindsay
City Attorney

Cc: Leo Townsell



MEMBERSHIP AGREEMENT

Name: _____ Over 18? YES NO

How did you hear about us? Leafly Weedmaps THCFinder Referral Other
Would you like to be contacted if you win the raffle? yes no

phone: _____/email: _____
Do you want to be notified of product updates and new specials weekly? yes no

ID#: _____ EXP: _____

OMMP REG# _____ EXP: _____

In order to be a member of Oregon Medical Grade you must meet the Oregon Medical Marijuana Program requirements as set forth in ORS Sections 475.300 - 475.376 and Oregon Administrative Rule 333.008. **By signing this document, you are agreeing to allow Oregon Medical Grade Staff/Employees to verify you are an authorized participant in the Oregon Medical Marijuana Program.** This includes, but is not limited to, contacting the Oregon Medical Marijuana Program (OMMP) to verify that you are an authorized participant, each time that you wish to enter this Facility. You must present your valid photo identification, your OMMP card and membership number to Oregon Medical Grade Staff/Employees. This information will be verified each time you wish to enter our facility.

Distribution or sale of products obtained at Oregon Medical Grade to anyone who is not an authorized OMMP participant is strictly prohibited by law and are for patients only. Growers who do not have a valid OMMP Patient/Caregiver card may not obtain products at this facility. Growers may enter the facility to transfer products to Oregon Medical Grade with a properly filled out Medical Marijuana Transfer Authorization Form. Oregon Medical Grade does not allow medicating of any kind on the premises, outside of the building, or in the parking lot. Distribution or sale of any products obtained at this facility, or engaging in disorderly, rude or dangerous behavior on the premises will not be tolerated. Oregon Medical Grade prides itself on keeping peace within the community and any of the aforementioned behaviors will result in immediate revocation of right to enter.

Because every bit of medicine must be tested before sale, all sales are absolutely final.

I have read the foregoing rules, regulations and terms of Oregon Medical Grade. I understand these rules and agree to abide by them.

Patient/Caregiver Signature: _____ Date _____

Oregon Medical Grade, Inc Canby

General Policies and Procedures

717 SE 1st Ave, Canby, OR 97013

Merle Thomas, PRF

Effective 6/1/15

Employees will be trained on all OMMP/OHA medical dispensary laws.

Employee General Policies:

No minors may be present in the area of Oregon Medical Grade, Inc ("the facility") where useable marijuana or immature plants are present.

Persons permitted in any area of the facility:

- Person Responsible for Facility (PRF)
- Facility Owner
- Employees of the facility
- Laboratory personnel in compliance with Oregon Administrative Rules (OAR) 333.008-1190
- Contractors authorized by the PRF to be on premises
- Patients, caregivers, or growers authorized by the Oregon Medical Marijuana Program to transfer or receive usable marijuana or immature plants
- Authorized employees or contractors of the Oregon Health Authority
- Government officials that have jurisdiction over some aspect of the facility or otherwise have authority to be on the premises of the facility

Consumption, ingestion, inhalation or topical application of useable marijuana on the premises by Oregon Medical Grade, Inc members is prohibited.

An Employee who holds a valid Oregon Medical Marijuana Program (OMMP) patient card, may consume useable marijuana during their work shift as necessary, for his/her medical condition. Consumption must occur in a closed room alone if the usable marijuana is smoked. Consumption of usable marijuana may not be visible to the public or patients at the facility, including those on the premises to transfer usable marijuana or immature plants to the facility.

OAR 333-008-1200 Operation of Registered Facilities

- (1) A PRF must ensure that a registered facility does not permit:
 - (a) A minor to be present in any area of a registered facility where usable marijuana or immature plants are present, even if the minor is a patient or an employee; and
 - (b) Consumption, ingestion, inhalation or topical application of usable marijuana anywhere on the premises of the registered facility, except that an employee of a registered facility who is a

patient may consume usable marijuana during his or her work shift on the premises of the registered facility as necessary for his or her medical condition, if the employee is:

- (A) Alone and in a closed room if the usable marijuana is being smoked;
- (B) Not visible to patients or caregivers on the premises of the registered facility to receive a transfer of usable marijuana or an immature plant; and
- (C) Not visible to the public outside the facility.

(2) A PRF must ensure that a registered facility uses an Oregon Department of Agriculture licensed and certified scale to weigh all usable marijuana.

Employee Training:

All Employees must be trained on the following prior to assuming any duties at the facility.

- Security System Procedures
- Testing (if applicable)
- Transfers of usable marijuana and immature plants to and from the facility
- Required Recordkeeping
- Labeling
- Violations and enforcement of the facility policies and procedures
- Opening and closing duties

Security System:

Employees are responsible for ensuring that the security cameras, recording equipment and alarm systems are functioning properly, and arming and disarming the security alarms as necessary. The Camera hub is located in the electronics closet.

When entering the dispensary, the PRF or first employee in the building will immediately lock the door behind them. They will then go to the alarm and type in the disarm code. They will then check the monitors and make certain that all cameras are functioning correctly. The last two people to leave the dispensary after the shift has closed will go to the alarm, type in the arm away code and make certain the entry door is locked behind them as they leave. The alarm system grants 60 seconds to disarm upon entering the building, and 60 seconds for the employees to have exited the dispensary upon arming.

All Employees must know where the two panic buttons are located. One is located at the front desk and the second is located at the sales register.

The PRF is responsible for making certain all usable marijuana and immature plants received and all usable marijuana and immature plants available for transfer to a patient or a designated primary caregiver are kept in a locked, secure area that can only be accessed by authorized personnel. All entrances to and exits from the facility are securely locked and any keys or key codes to the facility remain in the possession of the PRF or authorized employees. All video recordings and archived required records not stored electronically are kept in a locked storage

area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered facility is open.

Service

The first and last thing to remember about employment with us is that the quality of the customer's visit is the most important part of your job.

1. Always be friendly: This means forgetting your problems, sore back, and desire for a break so you can smile and laugh. Good customer service is a state of mind.
2. Always be professional: Don't start conversations about religion or politics, make effort not to pry or judge, and avoid cursing.
3. Listen!!!! Your customer is telling you what they want, all you have to do is show them around and answer their questions. Once they pick everything they want THEN you can suggest new things. Try to phrase it so you don't sound like a salesman "can I show you something something I think you might like?" "you know what you might like to try next time?"
4. We are not doctors: Never promise that our medicine will cure or treat any illness. You can explain that every person reacts differently to cannabis and give general examples of how many people feel when taking a certain product or tell them how the product made you feel. Recommend that they try everything to see what works, we can take notes in the computer and help them keep track.

Different measurements of cannabis:

1 gram (Notated as 1g, or 1000mg)

1 eighth (3.5g)

1 quarter (7g)

½ Ounce (14g)

1 Ounce (28g)

1 Pound (16oz)

MMJ Menu

MMJ menu is our point of sale system, P.O.S. This is similar to a register accept it keeps track of inventory, patient history, and can take online orders.

-Logging in: You will be given a unique password and email to log on.

- Clocking in: After logging into your account, click clock in at the top left of the screen. Click clock out just before shutting your computer down at the end of your shift.
- Start Visit: when a customer wants to add a product to their order, select their name from waiting patients and start a visit. If they aren't ready to check out, put them on hold after adding product so you can help another person.
- Custom: You can select custom when somebody needs an odd measurement such as 2g.
- Edit Item: Once added to the order, you may select products to change price if they are on sale.
- Discount: This is where you apply new patient and other discounts, select type and then hit done. **If something in order is on sale, manually change unit prices to 10% off so that product is sold at the sale price.**

Cash handling

- Repeat the amount given to you "out of twenty?" This will avoid them saying "hey, I gave you a \$50!"
- Enter the exact amount of cash given so MMJmenu does the math.
- Count the change back to the customer.
- Only accept credit and debit cards with the name of the patient on them.
- If you enter the wrong amount on the credit terminal, the transaction can be stopped by quickly pressing the red key.

Labeling and packaging requirements:

<p>Labels:</p> <p>Flowers, Joints, Keif</p> <ul style="list-style-type: none">-Percentage THC/CBD-Weight in grams-Testing batch number and date tested (Two if separate test for mold/mildew.)-Lab Name-Strain name <p>Finished Product (Edibles, Concentrates, Topicals, etc.)</p> <ul style="list-style-type: none">-THC/CBD potency - mg or % okay (use numbers from labs, not vendor math.-weight or volume of usable marijuana in mg, g, or ml.--Testing batch number and date tested (Two if separate test for mold/mildew.)-Lab Name-“WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN” in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.	<p>Packaging:</p> <ul style="list-style-type: none">-Opaque (Can't see through it)-Child proof (Can't be easily opened by 5 year old child. Different than tamper proof, such as plastic wrapping.)-Closeable-Labeled-Packaged in a manner not attractive to minors” means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.
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Our responsibility

- Only transfer to caregivers and patients with valid OMMP Cards (NO GROWERS!)
- Only transfer safe medicine (tested for mold/mildew/pesticide)
- Make sure we track what we transfer to which patient and at what time. (This means that you need make sure you start a visit in MMJ Menu with the correct person when you transfer to them. If two people are shopping together, then select the patient who is paying. If the computers go down, make paper receipts with date, time, patient name, products sold, and cost. These receipts can be entered into the computer once they are back online. If you selected the wrong person tell your supervisor and we can correct the issue.
- Do not transfer more than 1.5 pounds at a time. (42 ounces) If a red warning pops up saying they have purchased 1.5lbs within a month, please explain to them that they can only possess 1.5lbs at a time. As long as their purchase is under 1.5lbs sell it to them.
- Confidentiality: Our patients may lose their jobs, or have problems at home if we leak information to the public about their visit. Do not mention your patients names online or in conversation. Do not take photographs without their permission. Do not share their information with anybody unless the PRF instructs you to.

Opening Procedures:

Get to front door, look around for strangers. If someone is there that shouldn't be, wait and go to your car and call Merle. If no strangers are present, unlock front door.

Lock front door behind you

Turn off alarm

Clock In

Make certain both the register and front desk have their panic buttons

Unlock safe

Stock shelves as appropriate, make certain there is 4 of everything as listed on the inventory sheet from the night before.

Log onto computers

Make certain all cleaning duties have been performed

Make certain all authorized only areas are closed and locked

Unlock front door

Turn on OPEN sign

Smile

Closing Procedures:

1st person:

Lock front door.

Turn off Open Sign.

Get Flower and Concentrate Log

Count product and fill out logs appropriately

Put product into safe

Lock Safe

Second Person:

Print Closing logs, Overview and Daily Sales.

Count Medibles into inventory log

Put medibles into fridge

Lock fridge

Count the till and make certain money is put in its secured designated area

Finish any cleaning duties not done throughout the day

Both people:

Add Daily Sales to inventory logs

Count and compare any discrepancies

Make certain all secured areas are locked appropriately

Re-stock shelves with non-medicine items.

Close all windows, turn off heat/AC

Clock Out

Activate alarm and leave quickly, making certain the lights are turned off and the front door is locked as you leave

Call/text Merle from your car

Rules Review

Testing:

All employees will know to look for the following on all product to make certain that they comply with current testing requirements:

- Any lab testing information provided by the transferor must include: % THC, % CBD, levels of pesticide residue, and levels of mold and mildew, batch number, date tested, and must be signed by an official of the laboratory.
- If tested levels of pesticide residue exceed .1 PPM in the transferred usable marijuana, the product must be returned to the transferor.
- If there are 15,000 or more CFU of mold or mildew in the transferred usable marijuana, the product must be returned to the transferor.
- Transfers to the facility that have already been lab tested must be presented to the facility in a sealed container and accompanied by lab testing results.
- In the event this facility implements "on site" testing of products, Employees with the proper Bachelor's Degree certifications shall receive full training on use of equipment and proper testing procedures.
- Medicine must be tested in the state of Oregon.
- Testing on edibles and concentrate must include mold and mildew testing, this may require two batch numbers and dates.
- Pretested medicine must be in a lab sealed package with results.

PRF must have documentation that identifies the laboratory that will do the testing in accordance with these rules and identify who will do the testing for immature plants.

Transfers of Usable Marijuana TO the facility:

Employees shall be trained regarding transfers of usable marijuana and/or immature plants TO the facility.

- OMMP authorized patients and primary caregivers may transfer usable marijuana or immature plants from the facility.
- Authorizations to transfer must be signed by the patient.
- All transfers of usable marijuana and immature plants from the facility MUST be properly labelled, percentages of THC and CBD, as well as the weight of the product, potency information, date transferred, vendor number, and batch number.

When bringing in a product employees must first verify if it has been tested or not. If it has they need to make certain all required testing information has been conducted. They must verify the product has the name of the lab it was tested at, that it is an Oregon approved lab, that it was tested for mold/mildew and pesticides, that it has the levels of THC and CBD and a tracking number provided by the lab for that batch.

If it is a finished product, the product must display all of the lab and testing information as well as a warning stating, "WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN" in a font size that is bigger than any other font on the packaging. If it is not a finished product, verify that all of the testing information is correct.

The PRF will then need to verify that there is a medical marijuana authorization to transfer form from the patient - not caregiver or grower of the product. Copies of the patient wishing to make a transfer's government issued ID and OMMP card must be obtained and scanned into their vendor file on Google Drive. If they do not yet have a vendor file, one must be made. At this point fill out an intake form. Once the intake form is completed it also must be scanned into their vendor file. The PRF or employee taking in the medicine will then need to grab an intake form and fill it out entirely including the cost. Once this is completed it must be scanned into their vendor file on Google Drive. Then make a copy and place it in the PRF's inbox so they can log it into the financial spreadsheet. The original copy of the intake form is put in the vendor's physical file folder. The master intake log must also be filled out for each product, and each product must be given its own batch number. At this point the PRF may take the intake logs just filled out, and enter the product into the system.

If the product being transferred does not have testing results, the product must go into quarantine in the safe and a sample must be sent out for testing before the product can be put on the shelves.

If a product that has been transferred to the facility is to be returned, the original intake form must be retrieved and the return portion must be filled out correctly. This also must be scanned into the vendor file, and can only be completed with the vendor present, picking up their returned product.

Recordkeeping:

OAR 333-008-1210 (1) A PRF must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority or accessed by the Authority:

- (a) All Authorization to Transfer forms, including the date on which a form was received;
- (b) Any written notifications from a patient with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);
- (c) Any revocation of an Authorization to Transfer form;
- (d) All transfer information required in OAR 333-008-1230 and 333-008-1245;
- (e) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

- (f) The amount of money paid by a registered facility to a grower for each transfer of usable marijuana or immature plants;
 - (g) The amount of money paid by each patient or designated primary caregiver for a transfer of usable marijuana or an immature plant;
 - (h) The laboratory reports of all testing and other information required to be documented in OAR 333-008-1190; and
 - (i) All other information required to be documented and retained by these rules.
- (2) The PRF must ensure that information required to be documented pursuant to section
- (1) of this rule is maintained in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request, either at the registered facility or online.
- (3) A PRF must ensure that a registered facility uses an electronic data management system for the recording of transfers of usable marijuana and immature plants. The system must meet the following minimum requirements:
- (a) Record the information required to be documented in this rule and OAR 333-008-1230 and 333-008-1245;
 - (b) Provide for off-site or secondary backup system;
 - (c) Assign a unique transaction number for each transfer to or from the registered facility;
 - (d) Monitor date of testing and testing results;
 - (e) Track products by unique transaction number through the transfer in, testing and transfer out processes;
 - (f) Generate transaction and other reports requested by the Authority viewable in PDF format;
 - (g) Produce reports, including but not limited to inventory reports; and
 - (h) Provide security measures to ensure patient and grower records are kept confidential.
- (4) Documents and information required to be maintained in these rules must be retained by the PRF for at least one year.
- (5) A PRF must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site. Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

All employees must make copies of the government issued ID and OMMP card of every patient and caregiver who enters the facility. They must be scanned into the point of sale (POS) system's patient file. Every transaction must be recorded in the POS for the

respective patient. A vendor log must be kept to document anyone who enters the facility and is not going to be making a purchase, but will be either vending to the facility, picking up a lab specimen, or conducting work on the facility such as: plumbing.

Transferring Usable Marijuana/Immature Plants to OMMP patients and OMMP Caregivers:

(1) Prior to transferring usable marijuana a PRF must ensure that a label is affixed to the usable marijuana that includes but is not limited to:

(a) Flowers or other usable plant material:

(A) Percentage of THC and CBD;

(B) Weight in grams;

(C) Testing batch number and date tested;

(D) Who performed the testing ; and

(E) Description of the product (strain).

(b) Finished product:

(A) THC and CBD potency;

(B) The weight or volume of useable marijuana in the packaged finished product in grams, milligrams, or milliliters, as applicable;

(C) Testing batch number and date tested;

(D) Who performed the testing; and

(E) Warning label in accordance with section (2) of this rule.

(2) If the registered facility transfers a finished product, the PRF must ensure that the finished product has a warning label on the outside of the packaging that includes the following:

“WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN” in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

Packaging

(1) For purposes of this rule:

(a) “Child-resistant safety packaging” means:

(A) Containers designed and constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly;

(B) Opaque so that the product cannot be seen from outside the packaging;

(C) Closable for any product intended for more than a single use or containing multiple servings; and

(D) Labeled in accordance with OAR 333-008-1220.

(b) “Container” means a sealed, hard or soft-bodied receptacle in which a tetrahydrocannabinol-infused product is placed prior to being transferred to a patient or caregiver.

(c) “Packaged in a manner not attractive to minors” means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the

logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.

(2) A registered facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is:

- (a) In child-resistant safety packaging; and
- (b) Packaged in a manner that is not attractive to minors.

All product transferred to a patient or caregiver must be in child resistant non see-through packaging. If a product like Gold XTRX which is in a box but can be seen-through is transferred to a patient, it must be sealed in a black mylar bag before leaving the dispensary. All flower must be in child resistant containers that will be supplied by the facility for employees use.

Verifying authorized participation in OMMP

Employees must first verify that any patient or caregiver that wishes to enter the facility has a valid OMMP Patient or OMMP primary Caregiver Card (Growers are not permitted to obtain medication unless they are an OMMP patient or OMMP Primary Caregiver), a valid form of photo identification, a signed Oregon Medical Grade, Inc rules form and designated membership number. There are no exceptions.

Employees will check OMMP credentials each time a grower/patient/primary caregiver wishes to enter the facility. By signing the Membership Agreement (growers/patients/primary caregivers) are giving their permission to Oregon Medical Grade, Inc to contact OMMP or any other source to verify authorized participation in the program.

OMMP cardholders who have never visited the facility before must provide:

- A valid OMMP Patient or OMMP Primary Caregiver Card
- A valid form of photo identification
- Agreement to abide by facility membership rules, by signing the Membership Agreement

Employees must verify that prospective members have a valid OMMP Patient/Primary Caregiver card by using the OMMP website to verify the cardholder's continuing authorization to participate in the program.

Upon verification of OMMP authorization, new members must sign the membership agreement and allow the Employees/Volunteers to photocopy the OMMP card and identification.

Upon receipt of the above information, the prospective member may be issued a membership number. This will happen automatically when you select "add new patient" MMJ menu will produce a unique customer bar code number. Copies of the aforementioned information (OMMP card and valid photo identification) must be retained in the member's file on MMJ menu..

****NOTE:** prospective members who present a copy of their application paperwork and certified mailing receipt in lieu of their OMMP card **may not** be allowed in the facility.

Anyone attempting to enter the facility without verification of authorized participation in the Oregon Medical Marijuana Program, along with valid photo identification shall be denied access to the facility. Employees have the right to refuse service to any club members or prospective members for any reason.

Violation of Policies and Procedures:

Employees of the facility must strictly adhere to the foregoing policies and procedures. Failure to follow these policies and procedures will result in immediate dismissal of the Employee and may result in civil or criminal penalties.

Violations include:

- A PRF or an employee of a facility failing to cooperate with an inspection.
- The submission by a PRF, employee, or owner of a facility of false or misleading information to the Authorities.
- Transferring usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver.
- Accepting a transfer of usable marijuana or immature plants without a valid authorization from the patient.
- Possessing a mature marijuana plant at the registered facility.
- Failing to account for usable marijuana or immature plants on the premises of the registered facility, taking into account a five percent loss.
- Failing to submit a plan of correction in accordance with OAR 333-008-1270.

I have read, understand and agree to adhere to the policies and procedures set forth above.

Employee Name (Printed) _____ Date _____

Employee Name (Signature) _____

Emergency Notification Plan

President/PRF: Merle Thomas Mobile #: 971-235-5626

Canby Police Department Non Emergency #: 503-266-1104

Emergency: 911

Canby Fire & Rescue Department #: 503-266-5851



Protocols:

1. Make certain all employees and patients/clients are safe.
2. Check all points of entry and make certain they are secure.
3. Contact Police/Fire Department.
4. Alert President/PRF.



MEDICAL MARIJUANA DISPENSARY PROGRAM

Oregon Medical Grade, Inc.

717 SE 1st Ave

Canby, OR 97013

Brady Miller-Henricksen



Oregon Health Authority
Medical Marijuana Dispensary Program
1-855-244-9580
mmj.oregon.gov

Issue date: 5/29/15

Expiration date: 5/28/16

MMD# 86439

MSC 9324 (3.14)



MEDICAL MARIJUANA DISPENSARY PROGRAM

Oregon Medical Grade, Inc.

717 SE 1st Ave

Canby, OR 97013

Brady Miller-Henricksen



Oregon Health Authority
Medical Marijuana Dispensary Program
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MMD# 86439

CANBY

MMD 86439



MEDICAL MARIJUANA DISPENSARY PROGRAM

1-855-244-9580 | mmj.oregon.gov
fax: 971-673-0076

NOTIFICATION OF MEDICAL MARIJUANA FACILITY READINESS

MMD# 86439	Name of PRF (first, last): Miller-Henrickson, Brady
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I hereby attest that I have reviewed OARs 333-008-1040, and 333-008-1140 through 333-008-1225, and understand the requirements for approval of a facility. I attest to the following:

- There is a fully installed and operational security system, including a video surveillance system and alarm system, in accordance with OAR 333-008-1140 through 333-008-1180
- There is a safe or vault that meets the requirements in OAR 333-008-1010 and OAR 333-008-1140
- The facility has policies and procedures as required by OAR 333-008-1200 and training for employees on the policies and procedures
- The PRF has identified of at least one laboratory that will perform the testing required in accordance with OAR 333-008-1190
- The facility has a fully operational electronic data management system in accordance with OAR 333-008-1210
- The facility has packaging and labeling that complies with OAR 333-008-1220 and 333-008-1225

As a result:

- The facility is in compliance with the rules and is ready for review by the Authority.

I understand that if I fail to meet the above requirements, my application may be denied or deemed incomplete as a result.

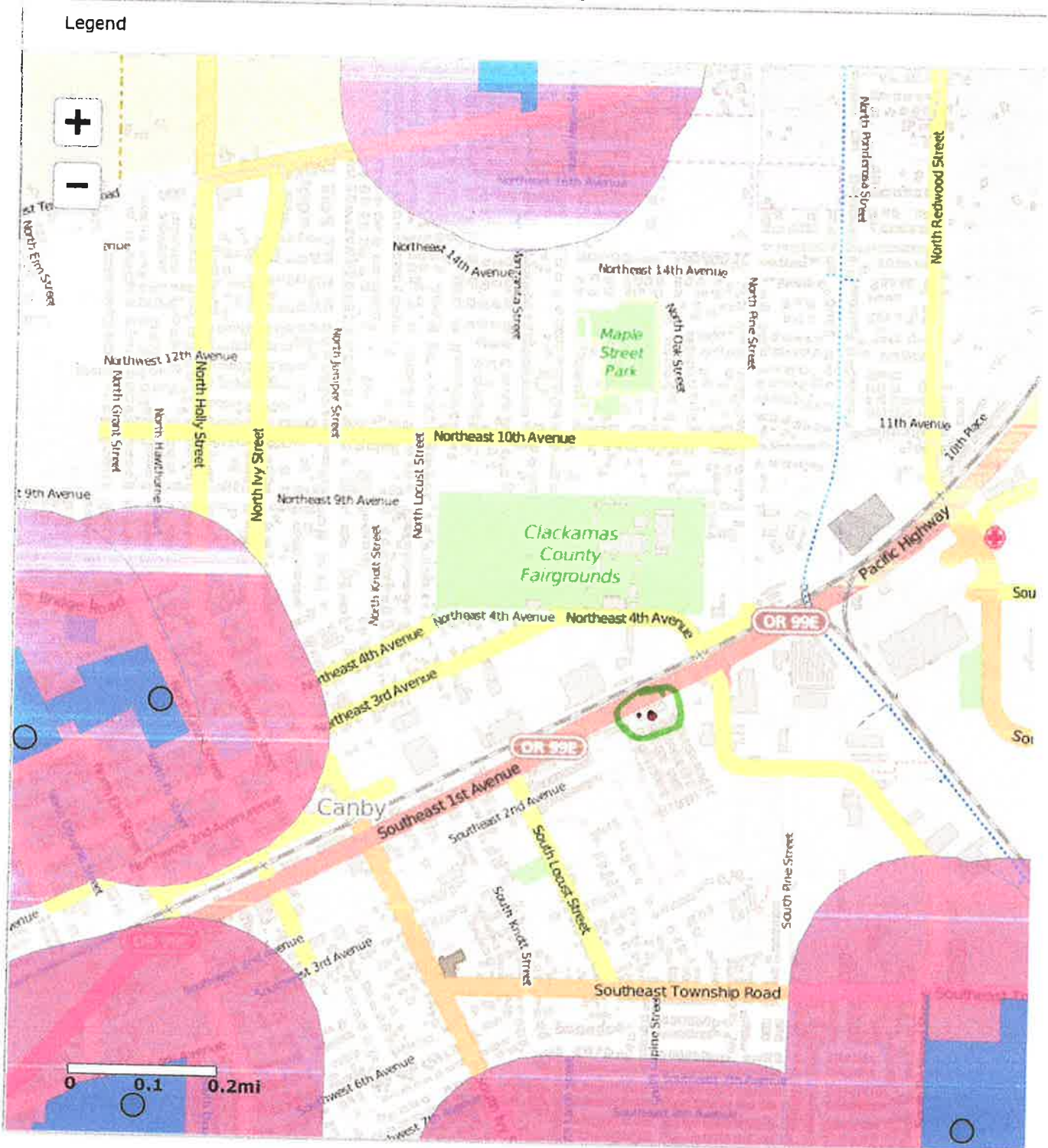
Signature: [Handwritten Signature]

Date: 5-26-15

Printed name: Brady Miller-Henrickson

School Footprint Buffer Areas (1000 Feet)

This is a tool provided for use to help locate schools and dispensaries. There may be schools that rely on the information provided in this tool as proof that a proposed location is not within 1,000 feet criteria for registration. If your location is within 1,000 feet of a school or another dispensary, the Oregon Health Authority must revoke your registration.



3B Analytical
8700 SW 26th Ave Suite L
Portland, OR 97219
test@3banalytical.com
www.3BANalytical.com

05/05/2015

Dear Oregon Health Authority:

This letter certifies that the PRF of Oregon Medical Grade Canby, INC (located at 717 SE 1st Ave, Canby, OR 97013) has identified 3B Analytical, LLC as the laboratory that will perform its testing services.

Testing services will be done in accordance with the Oregon Administrative Rule 333-008-1190. 3B Analytical tests for pesticides, mold and mildew, and for the levels for tetrahydrocannabinol (THC) and cannabidiol (CBD) using valid testing methodologies. We have a Quality System in place that is compliant with the 2005 International Organization of Standardization 17025 Standard. Our pesticide analysis screens for the following analytes: Chlorinated Hydrocarbons, Organophosphates, Carbamates and Pyrethroids.

Sincerely,



Meghan Brock
Owner and Lab Manager



530 NE Couch St • Portland, OR 97232 • 503-281-1177 • Fax: 503-288-1539 • CCB Lic. #64465

Merle Thomas – PRF
Oregon Medical Grade
717 SE 1st Ave
Canby, OR 97013

Merle –

Pursuant to compliancy with Rules for the Oregon Marijuana Dispensary Program.
Compliance with section 333-008-1150

Allied Fire and Security has proposed the following services

Intrusion

Installation of a FA 148 panel
(3) door contacts (front door, Safe Room, back door)
(6) Motion sensors for reception area also covering storefront glass, dispensary area, office vendor reception
(2) Panic/Holdup buttons – mobile pendant or fixed as per customer preference – reception, and dispensary
All perimeter entries secured as well as all interior controlled spaces

Installation of Honeywell Total Connect for remote operation and immediate alarm status notifications
24 hour monitoring for intrusion or holdup/panic
Communication via cell for enhanced security – managed through Honeywell AlarmNet and UL Monitoring station.

Note- this system has enhanced communication via cell transmission. Security communication redundant in the event of phone line interruption.

Alarm services have been proposed and will be commissioned upon customer acceptance.

CCTV - Allied Security is proposing installation of an 8ch CCTV system compliant with the OHA ordinance. Depending on customer approval it will be either IP or analog based with a minimum of 700TVL, facial recognition within 10 feet of all entry points. Customer will have full remote view with notification of any signal loss or power supply interruption. Customer is responsible for printing compliance.

Current proposal details cameras covering front parking and rear entry.
Video recording will accommodate a minimum of 30 days' history.



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Safes – full 30 minute tool security against intrusion complete with contact monitoring.
Installation to be completed within 14 days of customer payment and approval.

Mike Dean
Allied Fire and Security
530 NE Couch Street Portland

Medical Marijuana Dispensary Program



Medical Marijuana Dispensary Program

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MEDICAL MARIJUANA DISPENSARY PROGRAM

Updated FAQs for July 1

New questions and answers have been added to the beginning of the [Frequently Asked Questions](#) page in response to inquiries related to July 1 legalization.

June 12 dispensary application update

As of June 12, the Medical Marijuana Dispensary Program has approved 310 dispensary applications. >> See the [directory of approved dispensaries](#).

New Transfer Authorization Form

Please note that there is a new [Transfer Authorization Form](#) available for download. The new version is based on participant feedback and should be easier to understand.

Attention

Effective January 28, 2015, the Medical Marijuana Dispensary Program Oregon Administrative Rules have been updated. The new rules make a number of changes which affect dispensary operation requirements. Please see the [Rules page](#) for details.

Please also note that the application process for dispensary registration has changed for applications submitted on or after January 28. Please read the [How to Apply page](#) carefully before applying. Applications received before January 28 will be processed under the previous set of rules. Please contact the [Dispensary Program](#) if you have any questions.

Updated Application Page

Our online application system has been updated. Please see the [How to Apply page](#) for details.

Questions and answers about Measure 91 and marijuana legalization

- [What is Measure 91?](#)
- [Who will implement Measure 91?](#)
- [Does Measure 91 make changes to the Oregon Medical Marijuana Program or the Medical Marijuana Dispensary Program?](#)
- [Where can I apply for a retail license to sell marijuana for recreational use?](#)

A note about local government issues

The law requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities, which must be located on property zoned for commercial, industrial, mixed use or agriculture uses only. The issue of whether a local government believes a certain type of business should operate within one of these zones is a local government decision.

On March 19, 2014, [Senate Bill 1531](#) was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. The law also authorized the Oregon Health Authority to issue refunds upon request to dispensary applicants whose facilities are located in an area that falls under a moratorium. **This is no longer the case as under SB 1531 local governments may not impose moratoria past May 1, 2015.**

Update:

Read the [list of cities and counties that enacted a moratorium on medical marijuana dispensaries](#). The Medical Marijuana Dispensary Program was last notified by a city or county of changes to this list on 5/21/14. This list includes only cities and counties that submitted documentation of a moratorium to the Medical Marijuana Dispensary Program, consistent with the rules implementing SB 1531.



Enrolled
House Bill 3460

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

CHAPTER

AN ACT

Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331; limiting expenditures; 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 and immature marijuana plants 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) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) 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

(e) 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, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;

(b) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

(c) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

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

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

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

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

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

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

(8) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in 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 immature marijuana plants 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 immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(10) The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346 or rules adopted under ORS 475.300 to 475.346. The authority may release to the public a final order revoking a medical marijuana facility registration.

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

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for 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 or immature marijuana plants 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 or immature marijuana plants 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 or an immature marijuana plant, 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 for five years from the date of conviction.

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

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

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

SECTION 5. ORS 475.309 is amended to read:

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

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

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

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

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

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

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

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

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

(e) A written statement that indicates 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.

(3) The authority shall issue a registry identification card to a person who is under 18 years of age if the person submits the materials required under subsection (2) of this section, and the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 or immature marijuana plants 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 receives 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 or immature marijuana plants 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.

(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 shall revoke the registration of a medical marijuana facility registered under section 2 of this 2013 Act if a court has issued an order that prohibits the person responsible for the medical marijuana facility from participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.

[(12)] (13) 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 or an immature marijuana plant and the registry identification cardholder authorizes the person responsible for the marijuana grow site to transfer the usable marijuana or immature marijuana plant 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 designated primary caregivers concurrently.

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

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

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

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

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

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

SECTION 7. ORS 475.323 is amended to read:

475.323. (1) Possession of a registry identification card *[or]*, designated primary caregiver identification card pursuant to ORS 475.309 **or proof of registration as a medical marijuana facility under section 2 of this 2013 Act** does not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection by any governmental agency. **However, the Oregon Health Authority may inspect a medical marijuana facility registered under section 2 of this 2013 Act at any reasonable time to determine whether the facility is in compliance with ORS 475.300 to 475.346.**

(2) Any property interest possessed, owned or used in connection with the medical use of marijuana or acts incidental to the medical use of marijuana that has been seized by state or local law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession of any law enforcement agency. A law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. No such property interest may be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized by any law enforcement office shall be returned immediately upon a determination by the district attorney in whose county the property was seized, or the district attorney's designee, that the per-

son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for example, by a decision not to prosecute, the dismissal of charges or acquittal.

SECTION 8. ORS 475.331 is amended to read:

475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to whom the authority has issued registry identification cards, the names of any designated primary *[caregivers and the addresses of authorized marijuana grow sites.] caregivers, the names of persons responsible for a medical marijuana facility registered under section 2 of this 2013 Act, the addresses of authorized marijuana grow sites and the addresses of registered medical marijuana facilities.* Except as provided in subsection (2) of this section, the list shall be confidential and not subject to public disclosure.

(b) The authority shall develop a system by which authorized employees of state and local law enforcement agencies may verify at all times that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site.]*

(A) A person is a lawful possessor of a registry identification card;

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

(C) A location is an authorized marijuana grow site;

(D) A location is a registered medical marijuana facility; or

(E) A person is the person listed as the person responsible for a registered medical marijuana facility.

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

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

(b) Authorized employees of state or local law enforcement agencies, **who provide to the authority adequate identification, such as a badge number or similar authentication of authority,** only as necessary to verify that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site. Prior to being provided identifying information from the list, authorized employees of state or local law enforcement agencies shall provide to the authority adequate identification, such as a badge number or similar authentication of authority.]*

(A) A person is a lawful possessor of a registry identification card;

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

(C) A location is an authorized marijuana grow site;

(D) A location is a registered medical marijuana facility; or

(E) A person is the person listed as the person responsible for a registered medical marijuana facility.

(3) Authorized employees of state or local law enforcement agencies that obtain identifying information from the list as authorized under this section may not release or use the information for any purpose other than verification that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site.]*

(a) A person is a lawful possessor of a registry identification card;

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

(c) A location is an authorized marijuana grow site;

(d) A location is a registered medical marijuana facility; or

(e) A person is the person listed as the person responsible for a registered medical marijuana facility.

SECTION 9. (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become operative on March 1, 2014.

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

SECTION 10. Notwithstanding any other law limiting expenditures, the amount of \$803,276 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Health Authority for administrative and operating expenses incurred in implementing section 2 of this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

SECTION 11. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House June 24, 2013

Received by Governor:

Repassed by House July 6, 2013

.....M.,....., 2013

Approved:

.....
Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

.....
Tina Kotek, Speaker of House

.....
John Kitzhaber, Governor

Passed by Senate July 3, 2013

Filed in Office of Secretary of State:

.....
Peter Courtney, President of Senate

.....M.,....., 2013

.....
Kate Brown, Secretary of State

Enrolled
Senate Bill 1531

Sponsored by Senators HANSELL, MONROE, STARR; Senators BAERTSCHIGER JR, BOQUIST, CLOSE, FERRIOLI, GIROD, JOHNSON, KNOPP, KRUSE, MONNES ANDERSON, OLSEN, THOMSEN, WHITSETT, WINTERS, Representatives ESQUIVEL, JENSON, THATCHER, THOMPSON, WHISNANT, WITT (at the request of Association of Oregon Counties and League of Oregon Cities) (Presession filed.)

CHAPTER

AN ACT

Relating to marijuana facilities; creating new provisions; amending ORS 475.314; and declaring an emergency.

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

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 2. Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, “reasonable regulations” includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.

SECTION 3. (1) Notwithstanding ORS 475.314 and section 2 of this 2014 Act, the governing body of a city or county may adopt an ordinance enacting a moratorium on the operation of registered medical marijuana facilities until May 1, 2015, in the area subject to the jurisdiction of the city or county if the moratorium is enacted no later than May 1, 2014.

(2) Notwithstanding ORS 475.309 (1)(b), a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section is not excepted from the criminal laws of this state for possession or delivery of marijuana, aiding and abetting another in the possession or delivery of marijuana or any other criminal offense in which possession or delivery of marijuana is an element.

(3) The governing body of a city or county that enacts a moratorium under this section must notify the Oregon Health Authority, in a manner prescribed by the authority, of the moratorium.

(4) A registered medical marijuana facility that is located in an area subject to the jurisdiction of a city or county that enacts a moratorium under this section may choose to surrender the medical marijuana facility’s registration. To surrender registration under this subsection, the medical marijuana facility must notify the authority, in a manner prescribed

by the authority, of the surrender. If a medical marijuana facility surrenders registration under this subsection, the authority may refund any fee imposed by the authority pursuant to ORS 475.314 (12).

SECTION 4. Section 3 of this 2014 Act is repealed on January 2, 2016.

SECTION 5. ORS 475.314 is amended to read:

475.314. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants 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) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) 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

(e) 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, industrial or mixed use or as agricultural land; *[and may not be located at the same address as a marijuana grow site;]*

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

[(b)] (c) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

[(c)] (d) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

[(d)] (e) Must not be located within 1,000 feet of another medical marijuana facility; and

[(e)] (f) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

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

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility

shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

(A) A copy of each authorization form described in paragraph (a) of this subsection; and

(B) Documentation of each transfer of usable marijuana or immature marijuana plants.

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

(8)(a) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging that meets standards established by the authority by rule.

(b) A registered medical marijuana facility may not transfer any tetrahydrocannabinol-infused product that is manufactured or packaged in a manner that is attractive to minors, as determined by the authority by rule.

[(8)] (9) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in 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)] **(10)(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 immature marijuana plants 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 immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

[(10)] **(11)** The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346, [or] rules adopted under ORS 475.300 to 475.346 **or ordinances adopted pursuant to section 2 of this 2014 Act.** The authority may release to the public a final order revoking a medical marijuana facility registration.

[(11)] **(12)** The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

SECTION 6. This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect March 1, 2014.



THC Glad <thcglad@gmail.com>

Business License/ Council Hearing RE: Medical Marijuana Dispensary in Canby

Joseph Lindsay <LindsayJ@ci.canby.or.us>

Tue, Jul 14, 2015 at 4:34 PM

To: Leo Townsell <leotownsell@gmail.com>, Joseph Lindsay <LindsayJ@ci.canby.or.us>

Cc: THC Glad <thcglad@gmail.com>, Amy Margolis <amy@emergelawgroup.com>

Mr. Townsell,

Per our phone conversation, I will forward this email to our City Recorder as well as the Mayor, so that you can have a public hearing on the matter. I will let you know which meeting in August as soon as I know. Also, thank you for your courtesies.

Joe

Joseph A. Lindsay

City Attorney

City of Canby, Oregon

1175 NW 3rd Ave.

Canby, OR 97013

503-266-0754

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*CANBY,
MORATORIA - DATED 4/30/2014 - EXPIRED 5/01/2015*

From: Leo Townsell [mailto:leotownsell@gmail.com]

Sent: Tuesday, July 14, 2015 4:03 PM

To: Joseph Lindsay