

CITY *of* PORTLAND

CANNABIS POLICY FAQ

Cannabis Program

503-823-9333 (823-WEED) | cannabis@portlandoregon.gov

RECREATIONAL CANNABIS LAWS & PERSONAL USE

Q: How much cannabis can I possess?

A: Measure 91 allows Oregonians 21 and older to:

- Grow up to **4 plants** on their property
- Possess up to **8 ounces** of usable cannabis in their homes
- Carry up to **1 ounce** on their person outside of their home



Q: Can I share or give away cannabis?

A: It is legal for adults over 21 to share or give away cannabis to other adults 21 and older, but not sell it.



Q: Where can I obtain cannabis seeds or starts?

A: Adults over 21 may purchase seeds or starts from medical marijuana dispensaries or marijuana retailers.



Q: What is meant by “usable” cannabis?

A: Usable marijuana refers to dried cannabis flowers or leaves. In other words, cannabis that is ready to smoke.



Q: The law says every household can grow four plants. Does that mean total plants or only mature ones?

A: Households are allowed to have four plants total. The new law does not distinguish between mature or immature plants.



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Q: Who can smoke recreational cannabis? What is the minimum age?

A: Since July 1, 2015, Oregon law has allowed any adult 21 and older to smoke or consume recreational cannabis in Oregon. Cannabis use or possession of recreational cannabis by anyone under 21 years of age is illegal. That includes home consumption.



Q: Where can I smoke or consume recreational cannabis?

A: Measure 91 allows Oregonians to smoke or consume cannabis products at home or on private property away from unaided public view. Cannabis cannot be smoked or consumed in public or within unaided public view. Smoking or consuming marijuana products in public places or within public view is a class B violation. The punishment is a fine of up to \$1,000.



Q: Public consumption is prohibited, but does that extend to vaping? My vape pen doesn't smell. Can I use it in public?

A: No. Public cannabis consumption is illegal even if you are using a discreet device such as a vape pen.



Q: Can non-Oregon residents legally smoke or consume cannabis products in Oregon?

A: Yes. Non-Oregon residents 21 and older can legally smoke or consume cannabis products in Oregon.



Q: Where can non-Oregon residents legally smoke or consume cannabis products in Oregon?

A: Non-Oregon residents 21 and older can legally smoke or consume cannabis products on private property out of public view.

Note: make sure to check with the establishment to ensure you are not in violation of their policies.



Q: Can I smoke or consume cannabis products in a bar or restaurant?

A: No. Cannabis cannot be smoked or consumed in public places. This includes businesses that are open to the public.



Q: Can I legally smoke or consume cannabis products at a hotel, motel, or hostel?

A: Cannabis cannot be smoked or consumed in public places or within public view. Smoking or consuming cannabis in private rooms will be determined by the policies of any given establishment.



Q: Can I smoke or consume cannabis products in parks or other public lands?

A: No. Cannabis cannot be smoked or consumed in public places or within public view.



Q: Can I smoke or consume cannabis products on the bus?

A: No. Public transportation is by definition a public place.



Q: Can I smoke on my front porch?

A: If your front porch can be readily seen by normal unaided vision from a public place, cannabis consumption on your porch is illegal and subject to enforcement action.



Q: Is there anything I can do if my neighbors smoke cannabis in their backyard and the smell drifts into my yard?

A: The new law does not address cannabis-related odors. However, we encourage Portland residents to take steps to ensure they are being considerate neighbors with regard to the usage and cultivation of cannabis by exploring ways to minimize the odor of cannabis from their premises and ensure community air is enjoyable for everyone in the neighborhood.



Q: What is the definition of a public place?

A: Measure 91 defines a public place as “a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.”



Q: Can Oregon recreational cannabis be taken to the state of Washington where it is also legal?

A: No. Taking cannabis across state lines is a federal offense subject to enforcement action.



Q: If I have more than four plants in my household, can I be charged with a crime?

A: Yes. This law applies to households and not individuals. If there are five to eight plants grown in a home, you can be charged with a Class B misdemeanor. It's a Class C felony to grow nine or more plants.



Q: If I plan to grow cannabis at home, are there any restrictions on growing in my yard?

A: According to the law, you may grow cannabis in your yard as long as the plant "cannot be readily seen by normal unaided vision from a public place."



Q: Can I be charged with a crime if I go over the home possession limit?

A: Yes. Even with changes to the law, it's still possible to be charged with a crime for cannabis possession at home.

- Possession of more than **8 ounces** but not more than **16 ounces** in your home is a Class B violation.
- Home possession of between **16 and 32 ounces** is a Class B misdemeanor.
- Home possession of **32 ounces or more** is a Class A misdemeanor.



Q: Can I be charged with a crime if I go over the personal possession limit in public places?

A: Yes. Even with changes to the law, it's still possible to be charged with a crime for cannabis possession.

- Possession of more than **1 ounce** but not more than **8 ounces** on your person is a class B misdemeanor.
- Possession of **8 ounces or more** on your person is a class a class A misdemeanor.



Q: Under the new law, can I go to prison for selling cannabis?

A: Yes. Under the new law, unlawful delivery of cannabis is a felony, which is punishable with a prison sentence. However, House Bill 3400 reduced unlawful delivery to a Class A misdemeanor, which carries a potential jail sentence of up to one year.

A person 21 or older who sells cannabis to a minor may be charged with a Class C felony, punishable by up to five years in prison.



Q: I have been convicted of a felony. Can I grow and possess cannabis?

A: Yes.



Q: If I'm on probation, can I possess and grow cannabis?

A: It depends on your probation agreement. You would need to check with your probation officer to get a clear answer to this question.



Q: Can I get a DUI while under the influence of cannabis?

A: Yes. Cannabis use and consumption is subject to Oregon DUI laws which define driving under the influence of intoxicants as, "operating a motor vehicle while intoxicated or drugged, including impairment from the use of marijuana." [ORS 813.010]



Q: How does the new law affect bicycling under the influence? Can I be charged for riding while intoxicated?

A: Yes. Riding your bike under the influence of intoxicants remains illegal.



Q: Can a landlord prohibit tenants from growing or using cannabis in rental units?

A: Yes. Measure 91 does not affect existing landlord/tenant laws.



Q: If I own rental property. Can I add a clause to the rental agreement prohibiting the use and cultivation of cannabis on my property?

A: Yes. Measure 91 does not affect existing landlord/tenant laws.



Q: Can an employer require cannabis testing after July 1, 2015?

A: Measure 91 does not affect existing employment law. Employers who require drug testing can continue to do so.



Q: Can I lose my job for using cannabis?

A: It depends on your workplace policies. Passage of Measure 91 does not change existing employment law in Oregon.



CANNABIS BUSINESSES AND RETAIL SALES

Q: Can I legally purchase recreational cannabis in Oregon?

A: Beginning on Jan. 1, 2017, the only places where adults 21 or older without a medical cannabis card can legally purchase cannabis are from recreational marijuana retailers licensed by the OLCC. Medical cannabis patients can still purchase medical cannabis from medical dispensaries licensed by the OHA, or from recreational retailers licensed by the OLCC.



Q: When will retail cannabis stores open?

A: They are open now, though some businesses may still be in the process of converting from a medical dispensary to a recreational marijuana retailer.



Q: Can non-Oregon residents legally purchase cannabis products in Oregon?

A: Yes. Non-Oregon residents 21 and older can legally purchase cannabis products in Oregon from a licensed recreational marijuana retailer.



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Q: How much does recreational cannabis cost?

A: The retail price of recreational cannabis is determined through the marketplace, and prices may change.



Q: Where can cannabis businesses seeking to operate within Portland City limits obtain an application for a marijuana regulatory license?

A: Businesses seeking to operate within Portland City limits will need to submit an application with the Office of Neighborhood Involvement's Cannabis Program. Applications are now available for all medical dispensaries and recreational marijuana businesses.



Q: Is the City accepting license applications for medical dispensaries and marijuana businesses?

A: Yes! The City of Portland is currently accepting applications for medical dispensaries and recreational marijuana businesses. More information can be found on the City of Portland's Cannabis Program website: portlandoregon.gov/cannabis.



Q: How much are the application and license fees?

A: Application fees (as of March 2016) are \$975 for Medical Dispensaries and Marijuana Retailers, and \$750 for Marijuana Producers, Processors, Wholesalers, and Retail Couriers. **License fees** are \$4,975 for Marijuana Retailers, and \$3,500 for Medical Dispensaries and Marijuana Producers, Processors, Wholesalers, and Retail Couriers. Licenses must be renewed and license fees paid annually.



Q: How many businesses licenses can I apply for?

A: You may register for as many businesses as you wish; however, the City of Portland will only grant one license per location, per business type.



Q: Who will be eligible to apply for a license to operate a cannabis business within Portland City limits?

A: Any adult over the age of 21 may apply, but the Director has discretion to deny a license if cause exists to do so.



IMPACT TO MEDICAL CANNABIS LAWS IN OREGON

Q: What impact does Measure 91 have on the current Medical Marijuana Program?

A: None. Measure 91 states that the “Act may not be construed ... to amend or affect in any way the Oregon Medical Marijuana Act.”



Q: What is the difference between recreational cannabis and medical cannabis?

A: Medical cannabis is for patients with qualifying medical conditions. Recreational cannabis, whether grown at a residence or obtained from a qualifying medical dispensary or licensed retail outlet, is for personal use for adults 21 years of age or older. For more information on medical cannabis, visit mj.oregon.gov.



RECREATIONAL CANNABIS IN GENERAL

Q: What is the purpose of legalizing recreational cannabis?

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.



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Q: When did Measure 91 go into effect?

A: Beginning July 1, 2015, Measure 91 allowed Oregonians to grow limited amounts of cannabis on their property and possess limited amounts of recreational cannabis for personal use. Different limits apply for in-home possession and personal possession in public places. The measure also gave the City of Portland authority to tax, register, and regulate businesses engaged in the cultivation, processing, and sales of cannabis within Portland city limits.



Q: Who will enforce recreational cannabis laws?

A: Enforcement of the home grow and personal possession provisions of Measure 91 will be at the discretion of local jurisdictions, the state police, and other law enforcement agencies. The City of Portland's Cannabis Program is responsible for regulation and enforcement actions on businesses engaged in the cultivation, processing and sales of cannabis within Portland city limits.



Q: How will children be protected from recreational cannabis and cannabis products?

A: Measure 91 prohibits the sale of recreational cannabis to anyone under the age of 21. The act also prohibits advertising to ensure public safety and prevent appeal to minors. Cannabis sold to consumers must also be secured in child-resistant packaging.



Q: Where can I get more information?

A: As updates occur and information is available, you can call the Cannabis Program (503-823-9333) or visit our website: portlandoregon.gov/cannabis



Q: What if I have additional questions?

A: You can reach out to the City of Portland's Cannabis Program at cannabis@portlandoregon.gov, or call 503-823-9333 (823-WEED)

