

SENATE AMENDMENTS TO SENATE BILL 161

By COMMITTEE ON HEALTH AND HUMAN SERVICES

April 18

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”
2 and after “ORS” insert “475.302,”.

3 After line 3, insert:

4 “**SECTION 1.** ORS 475.302 is amended to read:

5 “475.302. As used in ORS 475.300 to 475.346:

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

8 “(2) ‘Debilitating medical condition’ means:

9 “(a) Cancer, glaucoma, **agitation due to Alzheimer’s disease**, positive status for human
10 immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

11 “(b) A medical condition or treatment for a medical condition that produces, for a specific pa-
12 tient, one or more of the following:

13 “(A) Cachexia;

14 “(B) Severe pain;

15 “(C) Severe nausea;

16 “(D) Seizures, including but not limited to seizures caused by epilepsy; or

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

18 or

19 “(c) Any other medical condition or treatment for a medical condition adopted by the depart-
20 ment by rule or approved by the department pursuant to a petition submitted pursuant to ORS
21 475.334.

22 “(3) ‘Delivery’ has the meaning given that term in ORS 475.005. ‘Delivery’ does not include
23 transfer of marijuana by a registry identification cardholder to another registry identification
24 cardholder **or to a person responsible for a marijuana grow site** if no consideration is paid for
25 the transfer.

26 “(4) ‘Department’ means the Department of Human Services.

27 “(5) ‘Designated primary caregiver’ means an individual 18 years of age or older who has sig-
28 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-
29 bilitating medical condition and who is designated as such on that person’s application for a registry
30 identification card or in other written notification to the department. ‘Designated primary
31 caregiver’ does not include the person’s attending physician.

32 “(6) ‘Marijuana’ has the meaning given that term in ORS 475.005.

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

35 “(8) ‘Medical use of marijuana’ means the production, possession, delivery, or administration of

1 marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of
2 a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

3 “(9) ‘Production’ has the meaning given that term in ORS 475.005.

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

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

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

14 In line 4, delete “1” and insert “2”.

15 On page 2, line 25, delete “2” and insert “3”.

16 On page 4, line 21, delete “; and” and insert a period.

17 After line 21, insert:

18 “(B) If applicable, notify the designated primary caregiver of the cardholder and the person re-
19 sponsible for the marijuana grow site that produces marijuana for the cardholder of any change in
20 status including, but not limited to:

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

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

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

25 In line 22, delete “(B)” and insert “(C)”.

26 In line 23, after “documentation” insert “from the cardholder’s attending physician”.

27 In line 31, after “(8)” insert “(a)”.

28 In line 33, after “whose” insert “attending”.

29 In line 35, after “card” insert “and any other associated Oregon Medical Marijuana Program
30 cards” and delete “seven” and insert “30”.

31 After line 37, insert:

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

37 After line 45, insert:

38 “(10) A registry identification cardholder has the primary responsibility of notifying the primary
39 caregiver and person responsible for the marijuana grow site that produces marijuana for the
40 cardholder of any change in status of the cardholder. If the department is notified by the cardholder
41 that a primary caregiver or person responsible for a marijuana grow site has changed, the depart-
42 ment shall notify the primary caregiver or the person responsible for the marijuana grow site by
43 mail at the address of record confirming the change in status and informing the caregiver or person
44 that their card is no longer valid and must be returned to the department.”.

45 On page 5, line 1, delete “(10)” and insert “(11)”.

1 After line 7, insert:
2 “(12) The department and employees and agents of the department acting within the course and
3 scope of their employment are immune from any civil liability that might be incurred or imposed for
4 the performance of or failure to perform duties required by this section.”
5 In line 8, delete “3” and insert “4”.
6 In line 32, delete “4” and insert “5”.
7 Delete lines 39 through 41 and insert:
8 “(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site.”
9 On page 6, line 1, delete “up to” and insert “no more than”.
10 After line 23, insert:
11 **“SECTION 6. The amendments to ORS 475.320 by section 5 of this 2007 Act become op-**
12 **erative on July 1, 2008.”.**
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