

# House Bill 3046

Sponsored by Representative SCHAUFLER

## SUMMARY

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

Directs Oregon Health Authority to register marijuana cooperatives to operate marijuana grow sites and sell marijuana to registry identification cardholders. Imposes 10 percent tax on net profit from sale of marijuana by cooperative. Continuously appropriates 50 percent of moneys from tax to authority for purposes of administering Oregon Medical Marijuana Program.

As of January 1, 2013, eliminates registration of marijuana grow sites not operated by cooperative or at residence of registry identification cardholder or designated primary caregiver.

Modifies other provisions relating to administration of program.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Oregon Medical Marijuana Act; creating new provisions; amending ORS 475.302,  
3 475.306, 475.309, 475.312, 475.316, 475.320 and 475.331; repealing ORS 475.304; appropriating  
4 money; declaring an emergency; and providing for revenue raising that requires approval by a  
5 three-fifths majority.

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

7 **SECTION 1. Sections 2 to 4 of this 2011 Act are added to and made a part of ORS 475.300**  
8 **to 475.346.**

9 **SECTION 2. (1) The Oregon Health Authority shall register marijuana cooperatives to**  
10 **operate marijuana grow sites and sell usable marijuana to registry identification cardholders.**

11 **(2) The authority shall adopt rules creating a registration system for cooperatives that:**

12 **(a) Ensures the security of a cooperative's marijuana grow site and marijuana storage**  
13 **system;**

14 **(b) Establishes procedures for distribution of usable marijuana by cooperatives;**

15 **(c) Includes investigation procedures to ensure that cooperatives comply with the pro-**  
16 **visions of ORS 475.300 to 475.346;**

17 **(d) Establishes recordkeeping procedures for tracking the distribution of marijuana and**  
18 **revenue resulting from the distribution of marijuana by cooperatives; and**

19 **(e) Establishes permissible locations for cooperatives.**

20 **(3) A cooperative seeking registration shall submit an application to the authority con-**  
21 **taining:**

22 **(a) The address, including the street name and number, of the cooperative's marijuana**  
23 **grow site;**

24 **(b) The addresses, including the street name and number, of all locations at which the**  
25 **cooperative will sell usable marijuana;**

26 **(c) A certification that the cooperative has at least 10 members who wish to assign their**  
27 **grow site cards to the cooperative;**

28 **(d) A copy of the bylaws adopted by the cooperative by a majority vote of the members**

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

1 of the cooperative;

2 (e) The name, date of birth and address of each elected officer of the cooperative;

3 (f) The name, date of birth and address of each employee of the cooperative;

4 (g) An agreement, signed by the officers of the cooperative, authorizing the authority and  
5 law enforcement agencies to inspect the cooperative's marijuana grow site and any location  
6 at which the cooperative sells usable marijuana:

7 (A) Between the hours of 8 a.m. and 5 p.m., Monday through Friday; or

8 (B) At any time if a law enforcement agency develops probable cause to believe that the  
9 cooperative is in violation of the provisions of ORS 475.840 to 475.980; and

10 (h) Other information required by the authority by rule.

11 (4) Notwithstanding the requirements of subsection (3) of this section, the authority may  
12 register a cooperative with fewer than 10 members if the cooperative is in a rural area as  
13 determined by the authority.

14 (5)(a) The authority shall conduct a criminal records check under ORS 181.534 of all of-  
15 ficers and employees of a cooperative.

16 (b) A person convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for  
17 the manufacture or delivery of a controlled substance in Schedule I or Schedule II, or of an  
18 equivalent crime in another jurisdiction as determined by the authority, may not be an offi-  
19 cer or employee of a cooperative for five years from the date of conviction.

20 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.840  
21 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule  
22 II, or of an equivalent crime in another jurisdiction as determined by the authority, may not  
23 be an officer or employee of a cooperative.

24 (6) A cooperative shall establish by a majority vote of the members of the cooperative  
25 the price at which the cooperative will sell usable marijuana to registry identification  
26 cardholders. The cooperative must sell usable marijuana to members and other registry  
27 identification cardholders at the same price.

28 (7) A cooperative may give credit toward the price of usable marijuana to a member of  
29 the cooperative for time volunteered by the member or the designated primary caregiver of  
30 the member.

31 (8) A cooperative may reimburse a registry identification cardholder or another cooper-  
32 ative for usable marijuana donated to the cooperative at a rate of up to \$50 per ounce.

33 **SECTION 3.** (1) The Oregon Health Authority shall issue a grow site card to each registry  
34 identification cardholder.

35 (2) To assign a grow site card to the cardholder's residence, the cardholder's designated  
36 primary caregiver's residence or a cooperative, a registry identification cardholder must  
37 provide the authority with the following information:

38 (a) The cardholder's registry identification card number;

39 (b) Whether the cardholder is assigning the grow site card to the cardholder's residence,  
40 the cardholder's designated primary caregiver's residence or a cooperative;

41 (c) The address, including the street name and number, of the marijuana grow site;

42 (d) The tax lot number of the marijuana grow site as depicted on a current certified copy  
43 of a tax lot map from the county assessor;

44 (e) A statement, signed under penalty of perjury by the registry identification cardholder  
45 and the cardholder's designated primary caregiver, attesting to the accuracy of the infor-

1 **mation provided; and**

2 **(f) Any other information the authority requires by rule.**

3 **(3)(a) When a registry identification cardholder applies to assign the cardholder’s grow**  
4 **site card to a designated primary caregiver, the authority shall conduct a criminal records**  
5 **check under ORS 181.534 of the designated primary caregiver.**

6 **(b) A designated primary caregiver convicted of a Class A or Class B felony under ORS**  
7 **475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or**  
8 **Schedule II, or of an equivalent crime in another jurisdiction as determined by the authority,**  
9 **may not be assigned a grow site card for five years from the date of conviction.**

10 **(c) A designated primary caregiver convicted more than once of a Class A or Class B**  
11 **felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance**  
12 **in Schedule I or Schedule II, or of an equivalent crime in another jurisdiction as determined**  
13 **by the authority, may not be assigned a grow site card.**

14 **(4) The residence of a registry identification cardholder or a designated primary caregiver**  
15 **may serve as the marijuana grow site for no more than two registry identification**  
16 **cardholders.**

17 **(5) A marijuana grow site that is not inside a structure, or where marijuana plants are**  
18 **visible from outside the structure in which the plants are grown, may not be operated within**  
19 **1,000 feet of a school in violation of ORS 475.858.**

20 **(6) A marijuana grow site must possess the grow site card at the marijuana grow site**  
21 **at all times when marijuana is being produced.**

22 **(7) A marijuana grow site must possess a grow site card for each registry identification**  
23 **cardholder for whom marijuana is being produced at the marijuana grow site.**

24 **(8) All usable marijuana, mature plants, seedlings or starts and seeds associated with the**  
25 **production of marijuana for a registry identification cardholder by a designated primary**  
26 **caregiver are the property of the registry identification cardholder and must be provided to**  
27 **the registry identification cardholder upon request.**

28 **(9) A registry identification cardholder may reimburse the cardholder’s designat**  
29 **ed primary caregiver for the costs of supplies and utilities associated with the production of**  
30 **marijuana for the registry identification cardholder. A cardholder may not reimburse the**  
31 **cardholder’s designated primary caregiver for any other costs associated with the production**  
32 **of marijuana for the registry identification cardholder, including the cost of labor.**

33 **SECTION 4. A registry identification cardholder shall assign the cardholder’s grow site**  
34 **card to:**

35 **(1) The cardholder’s residence;**

36 **(2) The cardholder’s designated primary caregiver’s residence; or**

37 **(3) A cooperative.**

38 **SECTION 5. ORS 475.302 is amended to read:**

39 **475.302. As used in ORS 475.300 to 475.346:**

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

42 **[(2) “Authority” means the Oregon Health Authority.]**

43 **(2) “Cooperative” means an organization of registry identification cardholders that is**  
44 **registered under section 2 of this 2011 Act to operate a marijuana grow site and to sell usable**  
45 **marijuana to registry identification cardholders.**

- 1 (3) “Debilitating medical condition” means:
- 2 (a) Cancer, glaucoma, agitation due to Alzheimer’s disease, positive status for human  
3 immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;
- 4 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-  
5 tient, one or more of the following:
- 6 (A) Cachexia;
- 7 (B) Severe pain;
- 8 (C) Severe nausea;
- 9 (D) Seizures, including but not limited to seizures caused by epilepsy; or
- 10 (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;
- 11 or
- 12 (c) Any other medical condition or treatment for a medical condition adopted by the authority  
13 by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.
- 14 (4)(a) “Delivery” has the meaning given that term in ORS 475.005.
- 15 (b) “Delivery” does not include:
- 16 (A) Transfer of marijuana by a registry identification cardholder to another registry identifica-  
17 tion cardholder if no consideration is paid for the transfer.
- 18 (B) **Transfer of marijuana by a cooperative to a registry identification cardholder or to**  
19 **a designated primary caregiver.**
- 20 (C) **Transfer of marijuana by a registry identification cardholder to a cooperative, if the**  
21 **cooperative pays \$50 or less for each ounce of marijuana.**
- 22 (5) “Designated primary caregiver” means an individual 18 years of age or older who has sig-  
23 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-  
24 bilitating medical condition and who is designated as such on that person’s application for a registry  
25 identification card or in other written notification to the authority. “Designated primary  
26 caregiver” does not include the person’s attending physician.
- 27 (6) **“Grow site card” means a card issued under section 3 of this 2011 Act.**
- 28 [(6)] (7) “Marijuana” has the meaning given that term in ORS 475.005.
- 29 [(7)] (8) “Marijuana grow site” means:
- 30 (a) A *[location]* **residence or cooperative to which a registry identification cardholder has**  
31 **assigned a grow site card under section 3 of this 2011 Act and** where marijuana is produced for  
32 use by a registry identification cardholder *[and]*; **or**
- 33 (b) **A location** that is registered under the provisions of ORS 475.304 **and where marijuana**  
34 **is produced for a registry identification cardholder.**
- 35 (9) **“Marijuana grow site registration card” means a card issued under ORS 475.304.**
- 36 (10) **“Mature plant” means a marijuana plant that:**
- 37 (a) **Measures at least 12 inches in height; and**
- 38 (b) **Measures at least 12 inches in diameter.**
- 39 [(8)] (11) “Medical use of marijuana” means the production, possession, delivery, or adminis-  
40 tration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive  
41 benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical condition.
- 42 [(9)] (12) “Production” has the meaning given that term in ORS 475.005.
- 43 [(10)] (13) “Registry identification card” means a document issued by the authority that identi-  
44 fies a person authorized to engage in the medical use of marijuana and the person’s designated pri-  
45 mary caregiver, if any.

1       **(14) “Seedling or start” means a marijuana plant that:**

2       **(a) Measures less than 12 inches in height; or**

3       **(b) Measures less than 12 inches in diameter.**

4       [[11]] **(15) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family**  
5 **Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed**  
6 **in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the**  
7 **plant.**

8       [[12]] **(16) “Written documentation” means a statement signed by the attending physician of a**  
9 **person diagnosed with a debilitating medical condition or copies of the person’s relevant medical**  
10 **records.**

11       **SECTION 6.** ORS 475.302, as amended by section 5 of this 2011 Act, is amended to read:

12       475.302. As used in ORS 475.300 to 475.346:

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

15       (2) “Cooperative” means an organization of registry identification cardholders that is registered  
16 under section 2 of this 2011 Act to operate a marijuana grow site and to sell usable marijuana to  
17 registry identification cardholders.

18       (3) “Debilitating medical condition” means:

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

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

23       (A) Cachexia;

24       (B) Severe pain;

25       (C) Severe nausea;

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

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

28       or

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

31       (4)(a) “Delivery” has the meaning given that term in ORS 475.005.

32       (b) “Delivery” does not include:

33       (A) Transfer of marijuana by a registry identification cardholder to another registry identifica-  
34 tion cardholder if no consideration is paid for the transfer.

35       (B) Transfer of marijuana by a cooperative to a registry identification cardholder or to a des-  
36 ignated primary caregiver.

37       (C) Transfer of marijuana by a registry identification cardholder to a cooperative, if the coop-  
38 erative pays \$50 or less for each ounce of marijuana.

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

44       (6) “Grow site card” means a card issued under section 3 of this 2011 Act.

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

1 (8) "Marijuana grow site" means[:]

2 [(a)] a residence or cooperative to which a registry identification cardholder has assigned a  
3 grow site card under section 3 of this 2011 Act and where marijuana is produced for use by a reg-  
4 istry identification cardholder[; or]

5 [(b)] *A location that is registered under the provisions of ORS 475.304 and where marijuana is*  
6 *produced for a registry identification cardholder*].

7 [(9)] *"Marijuana grow site registration card" means a card issued under ORS 475.304.*

8 [(10)] (9) "Mature plant" means a marijuana plant that:

9 (a) Measures at least 12 inches in height; and

10 (b) Measures at least 12 inches in diameter.

11 [(11)] (10) "Medical use of marijuana" means the production, possession, delivery, or adminis-  
12 tration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive  
13 benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.

14 [(12)] (11) "Production" has the meaning given that term in ORS 475.005.

15 [(13)] (12) "Registry identification card" means a document issued by the authority that identi-  
16 fies a person authorized to engage in the medical use of marijuana and the person's designated pri-  
17 mary caregiver, if any.

18 [(14)] (13) "Seedling or start" means a marijuana plant that:

19 (a) Measures less than 12 inches in height; or

20 (b) Measures less than 12 inches in diameter.

21 [(15)] (14) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family  
22 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed  
23 in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks and roots of the  
24 plant.

25 [(16)] (15) "Written documentation" means a statement signed by the attending physician of a  
26 person diagnosed with a debilitating medical condition or copies of the person's relevant medical  
27 records.

28 **SECTION 7.** ORS 475.306 is amended to read:

29 475.306. (1) A [*person who possesses a registry identification card issued pursuant to ORS*  
30 *475.309*] **registry identification cardholder** may engage in, and [*a*] **the cardholder's** designated  
31 primary caregiver [*of such a person*] may assist in, the medical use of marijuana only as justified to  
32 mitigate the symptoms or effects of the [*person's*] **cardholder's** debilitating medical condition.

33 (2)(a) A [*person who is a*] registry identification cardholder must possess the registry identifi-  
34 cation card when **possessing**, using or transporting marijuana in a location other than the residence  
35 of the cardholder **or the cardholder's marijuana grow site**.

36 (b) **A designated primary caregiver of a registry identification cardholder must possess**  
37 **a designated primary caregiver identification card when possessing or assisting in the med-**  
38 **ical use of marijuana in a location other than the residence of the cardholder or the**  
39 **cardholder's marijuana grow site.**

40 [(3)] *The Oregon Health Authority shall define by rule when a marijuana plant is mature and when*  
41 *it is immature. The rule shall provide that a plant that has no flowers and that is less than 12 inches*  
42 *in height and less than 12 inches in diameter is a seedling or a start and is not a mature plant.*

43 **SECTION 8.** ORS 475.309 is amended to read:

44 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-  
45 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,

1 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-  
 2 duction of marijuana or any other criminal offense in which possession, delivery or production of  
 3 marijuana is an element if the following conditions have been satisfied:

4 (a) The person:

5 (A) Holds a registry identification card issued pursuant to this section[,];

6 (B) Has applied for a registry identification card pursuant to subsection (9) of this section[,];

7 (C) Is the designated primary caregiver of the cardholder or applicant[, or];

8 (D) Is the person responsible for a marijuana grow site that is producing marijuana for the  
 9 cardholder and is registered under ORS 475.304; *[and]* or

10 (E) **Is an officer or employee of the cooperative that is producing marijuana for the**  
 11 **cardholder; and**

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

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

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

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

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

25 (d) The name *[and]*, address **and date of birth** of the person's designated primary caregiver, if  
 26 the person has designated a primary caregiver at the time of application; and

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

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

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

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

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

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

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

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

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

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

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

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

19 (c) Denial of a registry identification card [*shall be considered*] **is** a final authority action, sub-  
 20 ject to judicial review. Only the person whose application has been denied, or, in the case of a  
 21 person under the age of 18 years of age whose application has been denied, the person's parent or  
 22 legal guardian, [*shall have*] **has** standing to contest the authority's action.

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

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

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

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

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

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

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

35 (b) When [*the person to whom the authority has issued a registry identification card pursuant to*  
 36 *this section*] **a registry identification cardholder** has specified a designated primary caregiver, the  
 37 authority shall issue an identification card to the designated primary caregiver[. *The primary*  
 38 *caregiver's registry identification card shall contain*] **that contains** the information provided in par-  
 39 agraph (a) of this subsection.

40 (7)(a) A [*person who possesses a*] registry identification [*card*] **cardholder** shall:

41 (A) Notify the authority of any change in the person's name, address, attending physician [*or*],  
 42 designated primary caregiver **or cooperative membership**.

43 (B) If applicable, notify the designated primary caregiver of the cardholder and [*the person re-*  
 44 *sponsible for*] the marijuana grow site that produces marijuana for the cardholder of any change in  
 45 status including, but not limited to:



- 1 (i) The assignment of another individual as the designated primary caregiver of the cardholder;
- 2 (ii) The assignment of another individual as the person responsible for a marijuana grow site
- 3 producing marijuana for the cardholder; *[or]*

4 **(iii) Termination of the cardholder’s membership in a cooperative; or**

5 *[(iii)]* (iv) The end of the eligibility of the cardholder to hold a valid registry identification card.

6 (C) Annually submit to the authority:

7 (i) Updated written documentation from the cardholder’s attending physician of the person’s

8 debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or

9 effects of the person’s debilitating medical condition; *[and]*

10 (ii) The name of the person’s designated primary caregiver if a primary caregiver has been

11 designated for the upcoming year; **and**

12 **(iii) The name of any cooperative of which the cardholder is a member.**

13 (b) If a *[person who possesses a]* registry identification *[card]* **cardholder** fails to comply with

14 this subsection, the card *[shall be deemed expired]* **expires**. If a registry identification card expires,

15 the identification card of any designated primary caregiver of the cardholder *[shall]* also *[expire]*

16 **expires**.

17 (8)(a) A *[person who possesses a registry identification card pursuant to this section and]* **registry**

18 **identification cardholder** who has been diagnosed by the person’s attending physician as no longer

19 having a debilitating medical condition or whose attending physician has determined that the med-

20 ical use of marijuana is contraindicated for the *[person’s]* **cardholder’s** debilitating medical condi-

21 tion shall return the registry identification card and any other associated Oregon Medical

22 Marijuana Program cards to the authority within 30 calendar days of notification of the diagnosis

23 or notification of the contraindication.

24 (b) If, due to circumstances beyond the control of the registry identification cardholder, a

25 cardholder is unable to obtain a second medical opinion about the cardholder’s continuing eligibility

26 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has

27 expired, the authority may grant the cardholder additional time to obtain a second opinion before

28 requiring the cardholder to return the registry identification card and any associated cards.

29 (9) A person who has applied for a registry identification card pursuant to this section but

30 whose application has not yet been approved or denied, and who is contacted by any law enforce-

31 ment officer in connection with the person’s administration, possession, delivery or production of

32 marijuana for medical use may provide to the law enforcement officer a copy of the written docu-

33 mentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of

34 the date of mailing or other transmission of the documentation to the authority. This documentation

35 *[shall have]* **has** the same legal effect as a registry identification card until such time as the person

36 receives notification that the application has been approved or denied.

37 (10) A registry identification cardholder has the primary responsibility of notifying the **desig-**

38 **nated** primary caregiver and *[person responsible for]* the marijuana grow site that produces

39 marijuana for the cardholder of any change in status of the cardholder. If the *[authority is notified*

40 *by the]* cardholder **notifies the authority** that *[a]* **the cardholder’s designated** primary caregiver

41 or *[person responsible for a]* marijuana grow site has changed, the authority shall notify the

42 *[primary]* caregiver or the *[person responsible for the]* marijuana grow site by mail at the address

43 of record confirming the change in status and informing the caregiver or *[person]* **grow site** that

44 *[their]* **the designated primary caregiver identification card and the cardholder’s grow site**

45 **card or marijuana grow site registration** card *[is]* **are** no longer valid and must be returned to

1 the authority.

2 (11) The authority shall revoke [*the*] **a person's** registry identification card [*of a cardholder*] **or**  
 3 **designated primary caregiver identification card** if a court [*has issued*] **issues** an order that  
 4 prohibits the [*cardholder*] **person** from participating in the medical use of marijuana or otherwise  
 5 participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The  
 6 [*cardholder*] **person** shall return the [*registry*] identification card to the authority within seven cal-  
 7 endar days of notification of the revocation. If the [*cardholder*] **person** is a [*patient*] **registry iden-**  
 8 **tification cardholder**, the [*patient*] **person** shall return the [*patient's*] **registry identification** card  
 9 and all other associated Oregon Medical Marijuana Program cards.

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

13 **SECTION 9.** ORS 475.309, as amended by section 8 of this 2011 Act, is amended to read:

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

19 (a) The person:

20 (A) Holds a registry identification card issued pursuant to this section;

21 (B) Has applied for a registry identification card pursuant to subsection (9) of this section;

22 (C) Is the designated primary caregiver of the cardholder or applicant; **or**

23 [*(D) Is the person responsible for a marijuana grow site that is producing marijuana for the*  
 24 *cardholder and is registered under ORS 475.304; or*]

25 [*(E)*] **(D)** Is an officer or employee of the cooperative that is producing marijuana for the  
 26 cardholder; and

27 (b) The person who has a debilitating medical condition, the person's primary caregiver and a  
 28 marijuana grow site that is producing marijuana for the cardholder are collectively in possession  
 29 of, delivering or producing marijuana for medical use in amounts allowed under ORS 475.320.

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

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

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

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

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

41 (e) A written statement that indicates whether the [*marijuana used by the cardholder will be*  
 42 *produced at a location where the cardholder or designated primary caregiver is present or at another*  
 43 *location*] **cardholder wishes to assign the cardholder's grow site card to the cardholder's res-**  
 44 **idence, the cardholder's designated primary caregiver's residence or a cooperative registered**  
 45 **under section 2 of this 2011 Act.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (D) Whether the marijuana used by the cardholder will be produced at [*a location where the*  
 4 *cardholder or designated primary caregiver is present or at another location*] **the cardholder's resi-**  
 5 **dence, the cardholder's designated primary caregiver's residence or a cooperative;** and

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

7 (b) When a registry identification cardholder has specified a designated primary caregiver, the  
 8 authority shall issue an identification card to the designated primary caregiver that contains the  
 9 information provided in paragraph (a) of this subsection.

10 (7)(a) A registry identification cardholder shall:

11 (A) Notify the authority of any change in the person's name, address, attending physician, des-  
 12 ignated primary caregiver or cooperative membership.

13 (B) If applicable, notify the designated primary caregiver of the cardholder and the marijuana  
 14 grow site that produces marijuana for the cardholder of any change in status including, but not  
 15 limited to:

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

17 [(ii) *The assignment of another individual as the person responsible for a marijuana grow site*  
 18 *producing marijuana for the cardholder;*]

19 [(iii)] (ii) Termination of the cardholder's membership in a cooperative; or

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

21 (C) Annually submit to the authority:

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

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

27 (iii) The name of any cooperative of which the cardholder is a member.

28 (b) If a registry identification cardholder fails to comply with this subsection, the card expires.  
 29 If a registry identification card expires, the identification card of any designated primary caregiver  
 30 of the cardholder also expires.

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

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

42 (9) A person who has applied for a registry identification card pursuant to this section but  
 43 whose application has not yet been approved or denied, and who is contacted by any law enforce-  
 44 ment officer in connection with the person's administration, possession, delivery or production of  
 45 marijuana for medical use may provide to the law enforcement officer a copy of the written doc-

1 umentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of  
 2 the date of mailing or other transmission of the documentation to the authority. This documentation  
 3 has the same legal effect as a registry identification card until such time as the person receives  
 4 notification that the application has been approved or denied.

5 (10) A registry identification cardholder has the primary responsibility of notifying the desig-  
 6 nated primary caregiver and the marijuana grow site that produces marijuana for the cardholder  
 7 of any change in status of the cardholder. If the cardholder notifies the authority that the  
 8 cardholder's designated primary caregiver or marijuana grow site has changed, the authority shall  
 9 notify the caregiver or the marijuana grow site by mail at the address of record confirming the  
 10 change in status and informing the caregiver or grow site that the designated primary caregiver  
 11 identification card and the cardholder's grow site card [*or marijuana grow site registration card*] are  
 12 no longer valid and must be returned to the authority.

13 (11) The authority shall revoke a person's registry identification card or designated primary  
 14 caregiver identification card if a court issues an order that prohibits the person from participating  
 15 in the medical use of marijuana or otherwise participating in the Oregon Medical Marijuana Pro-  
 16 gram under ORS 475.300 to 475.346. The person shall return the identification card to the authority  
 17 within seven calendar days of notification of the revocation. If the person is a registry identification  
 18 cardholder, the person shall return the registry identification card and all other associated Oregon  
 19 Medical Marijuana Program cards.

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

23 **SECTION 10.** ORS 475.312 is amended to read:

24 475.312. (1) If a [*person who possesses a registry identification card issued pursuant to ORS*  
 25 *475.309*] **registry identification cardholder** chooses to have a designated primary caregiver, the  
 26 [*person*] **cardholder** must designate the primary caregiver by including the primary caregiver's name  
 27 and address:

- 28 (a) On the [*person's*] application for a registry identification card;
- 29 (b) In the annual updated information required under ORS 475.309; or
- 30 (c) In a written, signed statement submitted to the Oregon Health Authority.

31 (2) A [*person described in this section*] **registry identification cardholder** may have only one  
 32 designated primary caregiver at [*any given*] a time.

33 **(3) A person may not act as designated primary caregiver to more than two registry**  
 34 **identification cardholders at a time.**

35 **SECTION 11.** ORS 475.316 is amended to read:

36 475.316. (1) [*No*] **A person who is** authorized to possess, deliver or produce marijuana for med-  
 37 ical use pursuant to ORS 475.300 to 475.346 [*shall be*] **is not** excepted from the criminal laws of this  
 38 state [*or shall be deemed to have established*] **and does not have** an affirmative defense to criminal  
 39 charges of which possession, delivery or production of marijuana is an element if the person, in  
 40 connection with the facts giving rise to such charges:

- 41 (a) Drives under the influence of marijuana as provided in ORS 813.010;
- 42 (b) Engages in the medical use of marijuana in a public place as that term is defined in ORS  
 43 161.015, or in public view or in a correctional facility as defined in ORS 162.135 (2) or youth cor-  
 44 rection facility as defined in ORS 162.135 (6);
- 45 (c) Delivers marijuana to any individual who the person knows is not in possession of a registry

1 identification card;

2 (d) **Except as provided in section 2 of this 2011 Act**, delivers marijuana for consideration to  
3 any individual, even if the individual is in possession of a registry identification card;

4 (e) Manufactures or produces marijuana at a place other than a marijuana grow site [*authorized*  
5 *under ORS 475.304*]; or

6 (f) Manufactures or produces marijuana at more than one address.

7 (2) In addition to any other penalty allowed by law, a person who the Oregon Health Authority  
8 finds has willfully violated the provisions of ORS 475.300 to 475.346, or rules adopted under ORS  
9 475.300 to 475.346, may be precluded from obtaining or using a registry identification card for the  
10 medical use of marijuana for a period of up to six months, at the discretion of the authority.

11 **SECTION 12.** ORS 475.320 is amended to read:

12 475.320. (1)(a) A registry identification cardholder [*or*] **and** the designated primary caregiver of  
13 the cardholder may **collectively** possess up to six mature [*marijuana*] plants, **18 seedlings or starts**  
14 **and 24 ounces of usable marijuana for that cardholder.**

15 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has  
16 been convicted of a Class A or Class B felony [*under ORS 475.840 to 475.920 for the manufacture or*  
17 *delivery of a controlled substance in Schedule I or Schedule II*], **or of an equivalent crime in an-**  
18 **other jurisdiction as determined by the Oregon Health Authority**, the registry identification  
19 cardholder [*or*] **and** the designated primary caregiver of the cardholder may **collectively** possess one  
20 ounce of usable marijuana **for that cardholder** at any given time for a period of five years from the  
21 date of the conviction.

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

23 (a) May produce marijuana for and provide marijuana to a registry identification cardholder or  
24 that person's designated primary caregiver as authorized under this section.

25 (b) May possess up to six mature plants, **18 seedlings or starts** and [*up to*] 24 ounces of usable  
26 marijuana for each cardholder or caregiver for whom marijuana is being produced.

27 (c) May produce marijuana for no more than [*four*] **two** registry identification cardholders or  
28 designated primary caregivers concurrently.

29 (d) [*Must*] **Shall** obtain and display a marijuana grow site registration card issued under ORS  
30 475.304 for each registry identification cardholder or designated primary caregiver for whom  
31 marijuana is being produced.

32 (e) [*Must*] **Shall** provide all marijuana produced for a registry identification cardholder or des-  
33 igned primary caregiver to the cardholder or caregiver at the time the person responsible for a  
34 marijuana grow site ceases producing marijuana for the cardholder or caregiver.

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

39 **(3) A cooperative registered under section 2 of this 2011 Act:**

40 (a) **May possess up to six mature plants and 18 seedlings or starts for each registry**  
41 **identification cardholder who has assigned the cardholder's grow site card to the cooperative.**

42 (b) **May possess an unlimited amount of usable marijuana.**

43 (c) **Shall possess a grow site card for each registry identification cardholder who has**  
44 **assigned the cardholder's grow site card to the cooperative.**

45 (d) **Shall return the grow site card to the registry identification cardholder to whom the**

1 **card was issued when the cardholder ceases to be a member of the cooperative.**

2 [(3)] (4) Except as provided in subsections (1) [and (2)] **to (3)** of this section, a registry identifi-  
 3 cation cardholder, the designated primary caregiver of the cardholder and the [person responsible for  
 4 a] marijuana grow site producing marijuana for the registry identification cardholder may possess  
 5 a combined total of up to six mature plants, **18 seedlings or starts** and 24 ounces of usable  
 6 marijuana for that registry identification cardholder.

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

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

13 **SECTION 13.** ORS 475.320, as amended by section 12 of this 2011 Act, is amended to read:

14 475.320. (1)(a) A registry identification cardholder and the designated primary caregiver of the  
 15 cardholder may collectively possess up to [six mature plants, 18 seedlings or starts and] 24 ounces  
 16 of usable marijuana for that cardholder.

17 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has  
 18 been convicted of a Class A or Class B felony, or of an equivalent crime in another jurisdiction as  
 19 determined by the Oregon Health Authority, the registry identification cardholder and the desig-  
 20 nated primary caregiver of the cardholder may collectively possess one ounce of usable marijuana  
 21 for that cardholder at any given time for a period of five years from the date of the conviction.

22 **(2) A registry identification cardholder who has assigned the cardholder's grow site card**  
 23 **to the cardholder's residence under section 3 of this 2011 Act:**

24 **(a) May possess up to six mature plants and 18 seedlings or starts.**

25 **(b) Must maintain the cardholder's grow site card at the cardholder's residence.**

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

27 **(3) A designated primary caregiver to whom a grow site card has been assigned under**  
 28 **section 3 of this 2011 Act:**

29 [(a) May produce marijuana for and provide marijuana to a registry identification cardholder or  
 30 that person's designated primary caregiver as authorized under this section.]

31 [(b)] (a) May possess up to six mature plants[,] **and** 18 seedlings or starts [and 24 ounces of us-  
 32 able marijuana] for each **registry identification** cardholder [or caregiver for whom marijuana is  
 33 being produced] **who has assigned the cardholder's grow site card to the caregiver.**

34 [(c)] (b) May produce marijuana for no more than two registry identification cardholders [or  
 35 designated primary caregivers] concurrently.

36 [(d)] (c) Shall [obtain and display] **possess** a [marijuana] grow site [registration] card [issued]  
 37 **assigned** under [ORS 475.304] **section 3 of this 2011 Act** for each registry identification cardholder  
 38 [or designated primary caregiver] for whom marijuana is being produced.

39 [(e)] (d) Shall provide all **mature plants, seedlings or starts and usable** marijuana **belonging**  
 40 **to or** produced for a registry identification cardholder [or designated primary caregiver] to the  
 41 cardholder [or caregiver] at the time the [person responsible for a marijuana grow site] **designated**  
 42 **primary caregiver** ceases producing marijuana for the cardholder [or caregiver].

43 [(f)] (e) Shall return the [marijuana] grow site [registration] card to the registry identification  
 44 cardholder to whom the card was issued when requested to do so by the cardholder or when the  
 45 [person responsible for a marijuana grow site] **designated primary caregiver** ceases producing

1 marijuana for the cardholder [or caregiver].

2 [(3)] (4) A cooperative registered under section 2 of this 2011 Act:

3 (a) May possess up to six mature plants and 18 seedlings or starts for each registry identifica-  
4 tion cardholder who has assigned the cardholder's grow site card to the cooperative.

5 (b) May possess an unlimited amount of usable marijuana.

6 (c) Shall possess a grow site card for each registry identification cardholder who has assigned  
7 the cardholder's grow site card to the cooperative.

8 (d) Shall return the grow site card to the registry identification cardholder to whom the card  
9 was issued when the cardholder ceases to be a member of the cooperative.

10 [(4) Except as provided in subsections (1) to (3) of this section, a registry identification cardholder,  
11 the designated primary caregiver of the cardholder and the marijuana grow site producing marijuana  
12 for the registry identification cardholder may possess a combined total of up to six mature plants, 18  
13 seedlings or starts and 24 ounces of usable marijuana for that registry identification cardholder.]

14 **SECTION 14.** ORS 475.331 is amended to read:

15 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of [the persons to  
16 whom the authority has issued registry identification cards, the names of any]:

17 **(A) The names of registry identification cardholders;**

18 **(B) The names of** designated primary caregivers [and];

19 **(C)** The addresses of authorized marijuana grow sites;

20 **(D) The names of the officers and employees of cooperatives; and**

21 **(E) The names and addresses of cardholders, designated primary caregivers and cooper-**  
22 **atives to whom a grow site card has been assigned under section 3 of this 2011 Act.**

23 **(b)** Except as provided in subsection (2) of this section, the list [shall be] **is** confidential and not  
24 subject to public disclosure.

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

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

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

33 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify  
34 that a person is a [lawful possessor of a] registry identification [card] **cardholder** or the designated  
35 primary caregiver of a [lawful possessor of a] registry identification [card] **cardholder** or that a lo-  
36 cation is an authorized marijuana grow site. [Prior to being provided] **To obtain** identifying infor-  
37 mation from the list, authorized employees of state or local law enforcement agencies [shall] **must**  
38 provide to the authority adequate identification, such as a badge number or similar authentication  
39 of authority.

40 (3) Authorized employees of state or local law enforcement agencies [that] **who** obtain identify-  
41 ing information from the list as authorized under this section may not release or use the information  
42 for any purpose other than verification that a person is a [lawful possessor of a] registry identifica-  
43 tion [card] **cardholder** or the designated primary caregiver of a [lawful possessor of a] registry  
44 identification [card] **cardholder** or that a location is an authorized marijuana grow site.

45 **SECTION 15.** ORS 475.331, as amended by section 14 of this 2011 Act, is amended to read:



1 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of:

2 (A) The names of registry identification cardholders;

3 (B) The names of designated primary caregivers;

4 [(C) *The addresses of authorized marijuana grow sites;*]

5 [(D)] (C) The names of the officers and employees of cooperatives; and

6 [(E)] (D) The names and addresses of cardholders, designated primary caregivers and cooperatives to whom a grow site card has been assigned under section 3 of this 2011 Act.

8 (b) Except as provided in subsection (2) of this section, the list is confidential and not subject to public disclosure.

10 (c) 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 registry identification cardholder or the designated primary caregiver of a registry identification cardholder or that a location is an authorized marijuana grow site.

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

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

18 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify that a person is a registry identification cardholder or the designated primary caregiver of a registry identification cardholder or that a location is an authorized marijuana grow site. To obtain identifying information from the list, authorized employees of state or local law enforcement agencies must provide to the authority adequate identification, such as a badge number or similar authentication of authority.

24 (3) Authorized employees of state or local law enforcement agencies who 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 registry identification cardholder or the designated primary caregiver of a registry identification cardholder or that a location is an authorized marijuana grow site.

29 **SECTION 16.** (1) **As used in this section, “cooperative” means a marijuana cooperative that is registered under section 2 of this 2011 Act.**

31 **(2) A tax of 10 percent is imposed on any net profit earned from the sale of marijuana by a cooperative. The cooperative shall collect the tax.**

33 **(3) A cooperative responsible for collecting the tax imposed under this section shall keep records, render statements and comply with rules adopted by the Department of Revenue with respect to the tax. The records and statements required by this subsection must be sufficient to show whether there is a tax liability under subsection (2) of this section.**

37 **(4) At the interval required by the department by rule, a cooperative shall:**

38 **(a) File a return with the department reporting the amount of tax due; and**

39 **(b) Remit the tax due.**

40 **(5) The department shall adopt rules requiring that returns be made under penalties for false swearing.**

42 **(6) If the amount paid by a cooperative to the department under this section exceeds the amount of tax payable, the department shall refund the amount of the excess with interest thereon at the rate established under ORS 305.220 for each month or fraction of a month from the date of payment of the excess until the date of the refund. A refund may not be**

1 made to a cooperative that fails to claim the refund within two years after the due date for  
 2 filing the return to which the claim for refund relates.

3 (7)(a) A cooperative required to collect the tax under this section shall be deemed to hold  
 4 the amount collected in trust for the State of Oregon and for payment to the department in  
 5 the manner and at the time provided under subsection (4) of this section.

6 (b) At any time a cooperative required to collect the tax fails to remit any amount  
 7 deemed to be held in trust for the State of Oregon, the department may enforce collection  
 8 by the issuance of a distraint warrant for the collection of the delinquent amount and all  
 9 penalties, interest and collection charges accrued thereon. The warrant shall be issued,  
 10 docketed and proceeded upon in the same manner and has the same force and effect as is  
 11 prescribed with respect to warrants for the collection of delinquent income taxes.

12 (8) Unless the context requires otherwise, the provisions of ORS chapters 305, 314 and  
 13 316 as to the audit and examination of reports and returns, confidentiality of reports and  
 14 returns, determination of deficiencies, assessments, claims for refunds, penalties, interest,  
 15 jeopardy assessments, warrants, conferences and appeals to the Oregon Tax Court, and  
 16 procedures relating thereto, apply to this section, the same as if the tax were a tax imposed  
 17 upon or measured by net income. All such provisions apply to the taxpayer liable for the tax  
 18 and to the cooperative required to collect the tax. As to any amount collected and required  
 19 to be remitted to the department, the tax is considered a tax upon the cooperative required  
 20 to collect the tax and that cooperative is considered a taxpayer.

21 **SECTION 17.** All moneys received by the Department of Revenue pursuant to section 16  
 22 of this 2011 Act, and interest thereon, shall be paid to the State Treasurer to be held in a  
 23 suspense account established under ORS 293.445. After the payment of refunds:

24 (1) 50 percent of the moneys received shall be transferred to the Oregon Health Authority  
 25 Fund established under ORS 413.031. The moneys transferred under this subsection are  
 26 continuously appropriated to the Oregon Health Authority for the purposes of administering  
 27 ORS 475.300 to 475.346.

28 (2) 25 percent of the moneys received shall be transferred to the General Fund.

29 (3) 25 percent of the moneys received shall be transferred to the Criminal Fine and As-  
 30 sessment Account established under ORS 137.300.

31 **SECTION 18.** ORS 475.304 is repealed on January 1, 2013.

32 **SECTION 19.** (1) Section 4 of this 2011 Act and the amendments to ORS 475.302, 475.309,  
 33 475.320 and 475.331 by sections 6, 9, 13 and 15 of this 2011 Act become operative on January  
 34 1, 2013.

35 (2) The Oregon Health Authority may take any action necessary on or before the opera-  
 36 tive date specified in subsection (1) of this section to enable the authority to exercise, on and  
 37 after the operative date specified in subsection (1) of this section, all the duties, functions  
 38 and powers conferred on the authority by section 4 of this 2011 Act and the amendments to  
 39 ORS 475.302, 475.309, 475.320 and 475.331 by sections 6, 9, 13 and 15 of this 2011 Act.

40 **SECTION 20.** This 2011 Act being necessary for the immediate preservation of the public  
 41 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
 42 on its passage.