

House Bill 3423

Sponsored by COMMITTEE ON HEALTH CARE

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**.

Requires Oregon Health Authority to adopt rules that establish standards and procedures for registration of manufacture and delivery of medical marijuana.

A BILL FOR AN ACT

1
2 Relating to the registered supply of medical marijuana; creating new provisions; and amending ORS
3 475.302.

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

5 **SECTION 1.** ORS 475.302 is amended to read:

6 475.302. As used in ORS 475.300 to 475.346:

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

9 (2) "Authority" means the Oregon Health Authority.

10 (3) "Debilitating medical condition" means:

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

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

15 (A) Cachexia;

16 (B) Severe pain;

17 (C) Severe nausea;

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

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

20 or

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

23 (4) "Delivery" has the meaning given that term in ORS 475.005. "Delivery" does not include
24 transfer of marijuana by a registry identification cardholder to another registry identification
25 cardholder if no consideration is paid for the transfer.

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

31 (6) "Marijuana" has the meaning given that term in ORS 475.005.

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

3 (8) “Medical use of marijuana” means the production, possession, delivery, or administration of
 4 marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of
 5 a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

6 (9) “Production” has the meaning given that term in ORS 475.005.

7 (10) “Registered dispensary” means:

8 (a) An entity, facility or program that is registered under the rules adopted pursuant to
 9 section 5 of this 2011 Act and that is:

10 (A) A pharmacy as defined in ORS 689.005;

11 (B) A hospital as defined in ORS 442.015; or

12 (C) A hospice program as defined in ORS 443.850; or

13 (b) The Oregon Health Authority.

14 (11) “Registered producer” means a person registered under the rules adopted pursuant
 15 to section 5 of this 2011 Act.

16 [(10)] (12) “Registry identification card” means a document issued by the authority that identi-
 17 fies a person authorized to engage in the medical use of marijuana and the person’s designated pri-
 18 mary caregiver, if any.

19 [(11)] (13) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family
 20 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed
 21 in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the
 22 plant.

23 [(12)] (14) “Written documentation” means a statement signed by the attending physician of a
 24 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical
 25 records.

26 **SECTION 2. Sections 3 to 5 of this 2011 Act are added to and made a part of ORS 475.300**
 27 **to 475.346.**

28 **SECTION 3. Notwithstanding ORS 475.316:**

29 (1) A registered dispensary may deliver marijuana for consideration established by rule
 30 of the Oregon Health Authority to a registry identification cardholder or the primary
 31 caregiver of a registry identification cardholder in amounts permitted under ORS 475.320.

32 (2) A registered producer and the employees and agents of a registered producer may
 33 deliver marijuana for consideration negotiated by the parties to a registered dispensary.

34 (3) A registered producer may manufacture marijuana at locations specified in the reg-
 35 istered producer’s registration documents.

36 **SECTION 4. (1) A registered dispensary is excepted from the criminal laws of this state**
 37 **for manufacture, delivery or possession of marijuana, aiding and abetting another in the**
 38 **manufacture, delivery or possession of marijuana, or any other criminal offense in which**
 39 **manufacture, delivery or possession of marijuana is an element, if the registered dispensary**
 40 **delivers to a registry identification cardholder or the primary caregiver of a registry iden-**
 41 **tification cardholder:**

42 (a) Marijuana in amounts permitted under ORS 475.320; and

43 (b) A receipt that shows the registry identification number of the cardholder or primary
 44 caregiver, the quantity of marijuana delivered and the amount of consideration received for
 45 the marijuana.

1 **(2) A registered producer is excepted from the criminal laws of this state for manufac-**
2 **ture, delivery or possession of marijuana, aiding and abetting another in the manufacture,**
3 **delivery or possession of marijuana, or any other criminal offense in which manufacture,**
4 **delivery or possession of marijuana is an element, if the registered producer delivers**
5 **marijuana to a registered dispensary.**

6 **SECTION 5. (1) The Oregon Health Authority shall adopt rules that establish standards**
7 **and procedures for the registration of registered dispensaries and registered producers.**

8 **(2) The rules adopted under subsection (1) of this section must include:**

9 **(a) A requirement that an applicant to be a registered producer show evidence of relevant**
10 **expertise in agriculture;**

11 **(b) A requirement that an applicant provide evidence that the applicant is able to main-**
12 **tain effective control against diversion of marijuana away from the activities permitted un-**
13 **der section 3 of this 2011 Act;**

14 **(c) A fee to reimburse the authority for the actual cost of the registration program;**

15 **(d) A two-year period of validity for registration granted pursuant to the rules; and**

16 **(e) A requirement that registered dispensaries and registered producers maintain records**
17 **of all manufacture and delivery of marijuana pursuant to section 3 of this 2011 Act and make**
18 **the records available for inspection to the authority.**

19 **(3) The Oregon Health Authority shall develop a printed informational insert to be in-**
20 **cluded with all marijuana delivered pursuant to section 3 (1) of this 2011 Act. The insert must**
21 **include, without limitation, information on:**

22 **(a) Methods for administering medical marijuana;**

23 **(b) Potential dangers associated with the use of medical marijuana;**

24 **(c) How to recognize abuse of marijuana; and**

25 **(d) How to obtain appropriate services or treatment for abuse of marijuana.**

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