

House Bill 3664

Sponsored by Representatives OLSON, KOTEK, KRIEGER, BARKER; Representatives BENTZ, BEYER, CONGER, DOHERTY, HARKER, JOHNSON, SPRENGER, WAND, Senator KRUSE

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**.

Modifies provisions of Oregon Medical Marijuana Act.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309,
3 475.312, 475.320 and 475.331; and declaring an emergency.

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 debili-
28 tating 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 caregiver" does
30 not include the person's attending physician.*] **designated under ORS 475.312 as a primary
31 caregiver by a registry identification cardholder.**

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

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

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

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

8 (10) “Registry identification card” means a document issued by the authority that identifies a
9 person authorized to engage in the medical use of marijuana and the person’s designated primary
10 caregiver, if any.

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

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

17 **SECTION 2.** ORS 475.304 is amended to read:

18 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-
19 tration system to authorize production of marijuana by a registry identification cardholder, a des-
20 ignated primary caregiver who grows marijuana for the cardholder or a person who is responsible
21 for a marijuana grow site. The marijuana grow site registration system adopted must require a
22 registry identification cardholder to submit an application to the authority that includes:

23 (a) The name of the person responsible for the marijuana grow site;

24 **(b) Documentation showing that the person responsible for the marijuana grow site is**
25 **at least 21 years of age;**

26 [(b)] (c) The address of the marijuana grow site;

27 [(c)] (d) The registry identification card number of the registry cardholder for whom the
28 marijuana is being produced; and

29 [(d)] (e) Any other information the authority considers necessary.

30 (2) The authority shall issue a marijuana grow site registration card to a registry identification
31 cardholder who has met the requirements of subsection (1) of this section.

32 (3) A person who has been issued a marijuana grow site registration card under this section
33 must display the registration card at the marijuana grow site at all times when marijuana is being
34 produced.

35 (4) A marijuana grow site registration card must be obtained and posted for each registry
36 identification cardholder for whom marijuana is being produced at a marijuana grow site.

37 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana
38 for a registry identification cardholder by a person responsible for a marijuana grow site are the
39 property of the registry identification cardholder and must be provided to the registry identification
40 cardholder upon request.

41 (6)(a) The authority shall conduct a **nationwide** criminal records check under ORS 181.534 of
42 [any] a person whose name is submitted as a person responsible for a marijuana grow site.

43 (b) A person convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for the
44 manufacture or delivery of a controlled substance in Schedule I or Schedule II, **or of an equivalent**
45 **crime in another jurisdiction,** may not be issued a marijuana grow site registration card or

1 produce marijuana for a registry identification cardholder for five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.840 to
3 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, **or**
4 **of an equivalent crime in another jurisdiction**, may not be issued a marijuana grow site regis-
5 tration card or produce marijuana for a registry identification cardholder.

6 (7) A registry identification cardholder or the designated primary caregiver of the cardholder
7 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities
8 associated with the production of marijuana for the registry identification cardholder **and for any**
9 **fee imposed under subsection (8) of this section**. No other costs associated with the production
10 of marijuana for the registry identification cardholder, including the cost of labor, may be reim-
11 bursed.

12 **(8) The authority may adopt rules imposing a fee for registration of a marijuana grow**
13 **site under this section.**

14 **SECTION 3.** ORS 475.309 is amended to read:

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

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

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

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

33 (a) Valid, written documentation from the person's attending physician stating that the person
34 has been diagnosed with a debilitating medical condition and that the medical use of marijuana
35 *[may]* **will provide therapeutic value and** mitigate the symptoms or effects of the person's debili-
36 tating 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 and address of the person's designated primary caregiver, if the person has des-
40 ignated 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 an-
43 other location.

44 (3) The authority shall issue a registry identification card to a person who is under 18 years of
45 age if the person submits the materials required under subsection (2) of this section, and the custo-

1 dial parent or legal guardian with responsibility for health care decisions for the person under 18
 2 years of age *[signs a written statement that]*:

3 **(a) Submits documentation from the person’s attending physician, who must specialize**
 4 **in the treatment of children, stating that the person under 18 years of age has been diag-**
 5 **nosied with a debilitating medical condition; and**

6 **(b) Signs a written statement stating that:**

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

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

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

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

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

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

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

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

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

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

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

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

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

1 verification of the information. The registry identification card *[shall]* **must** state:

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

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

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

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

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

8 (b) When *[the person to whom the authority has issued a registry identification card pursuant to*
9 *this section]* **a registry identification cardholder** has specified a designated primary caregiver, the
10 authority shall issue an identification card to the designated primary caregiver. The primary
11 caregiver's registry identification card *[shall]* **must** contain the information provided in paragraph
12 (a) of this subsection.

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

15 (A) Notify the authority of any change in the person's name, address, attending physician or
16 designated primary caregiver.

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

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

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

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

24 (C) Annually *[submit]*, **or every three months if the registry identification cardholder is**
25 **under 18 years of age, renew the registry identification card by submitting** to the authority:

26 (i) Updated written documentation from the cardholder's attending physician of the person's
27 debilitating medical condition and that the medical use of marijuana *[may mitigate]* **provides**
28 **therapeutic value and mitigates** the symptoms or effects of the person's debilitating medical con-
29 dition; *[and]*

30 (ii) The name of the person's designated primary caregiver if a primary caregiver has been
31 designated for the upcoming *[year]* **renewal period**.

32 (b) If a *[person who possesses a registry identification card]* **registry identification cardholder**
33 fails to comply with this subsection, the card *[shall be deemed expired]* **expires**. If a registry iden-
34 tification card expires, the identification card of any designated primary caregiver of the cardholder
35 *[shall]* also *[expire]* **expires**.

36 (8)(a) A *[person who possesses a registry identification card pursuant to this section and]* **registry**
37 **identification cardholder** who has been diagnosed by the *[person's]* **cardholder's** attending physi-
38 cian as no longer having a debilitating medical condition or whose attending physician has deter-
39 mined that the medical use of marijuana is contraindicated for the *[person's]* **cardholder's**
40 debilitating medical condition shall return the registry identification card and any other associated
41 Oregon Medical Marijuana Program cards to the authority within 30 calendar days of notification
42 of the diagnosis or notification of the contraindication.

43 (b) If, due to circumstances beyond the control of the registry identification cardholder, a
44 cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility
45 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has

1 expired, the authority may grant the cardholder additional time to obtain a second opinion before
2 requiring the cardholder to return the registry identification card and any associated cards.

3 (9) A person who has applied for a registry identification card pursuant to this section but
4 whose application has not yet been approved or denied, and who is contacted by any law enforce-
5 ment officer in connection with the person's administration, possession, delivery or production of
6 marijuana for medical use may provide to the law enforcement officer a copy of the written doc-
7 umentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of
8 the date of mailing or other transmission of the documentation to the authority. This documentation
9 [shall have] **has** the same legal effect as a registry identification card until such time as the person
10 receives notification that the application has been approved or denied.

11 (10) A registry identification cardholder has the primary responsibility of notifying the **desig-**
12 **nated** primary caregiver and person responsible for the marijuana grow site that produces
13 marijuana for the cardholder of any change in status of the cardholder. If the authority is notified
14 by the cardholder that a **designated** primary caregiver or person responsible for a marijuana grow
15 site has changed, the authority shall notify the **designated** primary caregiver or the person re-
16 sponsible for the marijuana grow site by mail at the address of record confirming the change in
17 status and informing the caregiver or person that [their] **the** card is no longer valid and must be
18 returned to the authority.

19 (11) The authority shall revoke the registry identification card of a cardholder if a court has
20 issued an order that prohibits the cardholder from participating in the medical use of marijuana or
21 otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.

22 (12) **If a registry identification cardholder's registry identification card is revoked**, the
23 cardholder shall return the registry identification card to the authority within seven calendar days
24 of notification of the revocation. If the cardholder is a patient, the patient shall return the patient's
25 card and all other associated Oregon Medical Marijuana Program cards.

26 [(12)] (13) The authority and employees and agents of the authority acting within the course and
27 scope of their employment are immune from any civil liability that might be incurred or imposed for
28 the performance of or failure to perform duties required by this section.

29 **SECTION 4.** ORS 475.312 is amended to read:

30 475.312. (1) [If a person who possesses a registry identification card issued pursuant to ORS
31 475.309 chooses to have a designated primary caregiver, the person must designate the] **A registry**
32 **identification cardholder may designate a designated** primary caregiver, **who is at least 21**
33 **years of age and is not excluded under subsection (2) of this section**, by including the primary
34 caregiver's name and address **and any other information required by the Oregon Health Au-**
35 **thority by rule:**

36 (a) On the person's application for a registry identification card;

37 (b) In the [annual] updated information required **for renewal of a registry identification card**
38 **under ORS 475.309; or**

39 (c) In a written, signed statement submitted to the [Oregon Health] authority.

40 (2)(a) **The authority shall conduct a nationwide criminal records check under ORS 181.534**
41 **of a person whose name is submitted as a designated primary caregiver under subsection (1)**
42 **of this section each time the person's name is submitted.**

43 (b) **A person convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for**
44 **the manufacture or delivery of a controlled substance in Schedule I or Schedule II, or of an**
45 **equivalent crime in another jurisdiction, may not be a designated primary caregiver for five**

1 **years from the date of conviction.**

2 (c) **A person convicted more than once of a Class A or Class B felony under ORS 475.840**
 3 **to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule**
 4 **II, or of an equivalent crime in another jurisdiction, may not be a designated primary**
 5 **caregiver.**

6 [(2)] (3) A [person described in this section] **registry identification cardholder** may have only
 7 one designated primary caregiver at [any given] a time.

8 **SECTION 5.** ORS 475.320 is amended to read:

9 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the
 10 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

11 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has
 12 been convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or
 13 delivery of a controlled substance in Schedule I or Schedule II, **or of an equivalent crime in an-**
 14 **other jurisdiction,** the registry identification cardholder or the designated primary caregiver of the
 15 cardholder may possess one ounce of usable marijuana at any given time for a period of five years
 16 from the date of the conviction.

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

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

20 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each
 21 cardholder or caregiver for whom marijuana is being produced.

22 (c) May produce marijuana for no more than four registry identification cardholders or desig-
 23 nated primary caregivers concurrently.

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

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

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

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

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

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

45 **SECTION 6.** ORS 475.331 is amended to read:

1 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
 2 whom the authority has issued registry identification cards, the names of any designated primary
 3 caregivers and the addresses of authorized marijuana grow sites. Except as provided in
 4 [subsection] **subsections (2) to (5)** of this section, the list [shall be] **is** confidential and not subject
 5 to public disclosure.

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

10 (2) **The authority may release** names and other identifying information from the list estab-
 11 lished pursuant to subsection (1) of this section [may be released] to[:]

12 [(a)] authorized employees of the authority as necessary to perform official duties of the
 13 authority[; and].

14 [(b)] (3) **The authority shall release names and other identifying information from the list**
 15 **established under subsection (1) of this section to** authorized employees of state or local law
 16 enforcement agencies, only as necessary to verify:

17 (a) That a person is a [lawful possessor of a] registry identification [card or] **cardholder**, the
 18 designated primary caregiver of a [lawful possessor of a] registry identification [card] **cardholder**
 19 **or a person responsible for a marijuana grow site registered under ORS 475.304;**

20 (b) That a location is an authorized marijuana grow site[.];

21 (c) **The number of registry identification cardholders for whom a person responsible for**
 22 **a marijuana grow site is producing marijuana; and**

23 (d) **The number of persons responsible for a marijuana grow site who are authorized to**
 24 **produce marijuana at a particular location.**

25 (4) [Prior to being provided] **Before the authority provides** identifying information from the list
 26 **pursuant to subsection (3) of this section**, authorized employees of state or local law enforcement
 27 agencies shall provide to the authority adequate identification, such as a badge number or similar
 28 authentication of authority.

29 (5) **At least once each quarter, the authority shall provide the Oregon State Police with**
 30 **a list of the addresses of marijuana grow sites registered under ORS 475.304.**

31 [(3)] (6) Authorized employees of state or local law enforcement agencies that obtain identifying
 32 information from the list as authorized under this section may not release or use the information for
 33 any purpose other than verification that a person is a [lawful possessor of a] registry identification
 34 [card or] **cardholder**, the designated primary caregiver of a [lawful possessor of a] registry identifi-
 35 cation [card] **cardholder or a person responsible for a marijuana grow site** or that a location
 36 is an authorized marijuana grow site.

37 **SECTION 7. The Oregon Health Authority shall establish fees for criminal records checks**
 38 **conducted under ORS 475.304 (6) and 475.312 (2) in an amount sufficient to cover the cost of**
 39 **the criminal records check.**

40 **SECTION 8. (1) The amendments to ORS 475.302, 475.304, 475.309, 475.312, 475.320 and**
 41 **475.331 by sections 1 to 6 of this 2011 Act become operative on January 1, 2012.**

42 (2) **The Oregon Health Authority may take any action before the operative date specified**
 43 **in subsection (1) of this section to enable the authority to exercise, on and after the opera-**
 44 **tive date specified in subsection (1) of this section, all of the duties, functions and powers**
 45 **conferred on the authority by the amendments to ORS 475.302, 475.304, 475.309, 475.312,**

1 475.320 and 475.331 by sections 1 to 6 of this 2011 Act.

2 **SECTION 9.** (1) The amendments to ORS 475.304 by section 2 of this 2011 Act apply to
3 applications for registration of a marijuana grow site submitted on or after the operative
4 date specified in section 8 of this 2011 Act.

5 (2) The amendments to ORS 475.309 by section 3 of this 2011 Act apply to applications for
6 registry identification cards and renewals of registry identification cards submitted on or
7 after the operative date specified in section 8 of this 2011 Act.

8 (3) The amendments to ORS 475.312 by section 4 of this 2011 Act apply to designations
9 of primary caregivers made on or after the operative date specified in section 8 of this 2011
10 Act.

11 **SECTION 10.** This 2011 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
13 on its passage.