

# Senate Bill 874

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

Provides that registry identification cardholders and designated primary caregivers may be responsible for indoor marijuana grow site.

Directs State Department of Agriculture to establish registration system for marijuana farms.

Directs State Board of Pharmacy to adopt rules allowing pharmacy or pharmacist to purchase marijuana from marijuana farm and dispense usable marijuana to registry identification cardholders.

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,  
3 475.316, 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 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

**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 caregiver” does not include the person’s attending physician.

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

3 (7) **“Marijuana farm” means a farm that is authorized by the State Department of Agri-**  
 4 **culture pursuant to section 4 of this 2011 Act to produce marijuana and sell usable marijuana**  
 5 **to pharmacies for dispensing to registry identification cardholders.**

6 [(7)] (8) “Marijuana grow site” means a location where marijuana is produced for use by a reg-  
 7 istry identification cardholder and that is registered under the provisions of ORS 475.304.

8 [(8)] (9) “Medical use of marijuana” means the production, possession, delivery, or adminis-  
 9 tration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive  
 10 benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

11 (10) **“Pharmacist” means a person licensed as a pharmacist under ORS chapter 689.**

12 (11) **“Pharmacy” has the meaning given that term in ORS 689.005.**

13 [(9)] (12) “Production” has the meaning given that term in ORS 475.005.

14 [(10)] (13) “Registry identification card” means a document issued by the authority that identi-  
 15 fies a person authorized to engage in the medical use of marijuana and the person’s designated pri-  
 16 mary caregiver, if any.

17 [(11)] (14) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family  
 18 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed  
 19 in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the  
 20 plant.

21 [(12)] (15) “Written documentation” means a statement signed by the attending physician of a  
 22 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical  
 23 records.

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

25 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-  
 26 tration system to authorize production of marijuana by a registry identification cardholder[,] **or** a  
 27 designated primary caregiver who grows marijuana for the cardholder [*or a person who is responsi-*  
 28 *ble for a marijuana grow site*]. The marijuana grow site registration system adopted must:

29 (a) **Require all production of marijuana at a marijuana grow site to take place indoors.**

30 (b) Require a registry identification cardholder to submit an application to the authority that  
 31 includes:

32 [(a)] (A) The name of the [*person*] **registry identification cardholder or designated primary**  
 33 **caregiver who is** responsible for the marijuana grow site;

34 [(b)] (B) The address of the marijuana grow site;

35 [(c)] (C) The registry identification card number of the registry cardholder for whom the  
 36 marijuana is being produced; and

37 [(d)] (D) Any other information the authority considers necessary.

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

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

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

45 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana

1 for a registry identification cardholder by a *[person responsible for a marijuana grow site]* **desig-**  
 2 **nated primary caregiver** are the property of the registry identification cardholder and must be  
 3 provided to the registry identification cardholder upon request.

4 (6)(a) The authority shall conduct a criminal records check under ORS 181.534 of *[any person]*  
 5 **a registry identification cardholder or designated primary caregiver** whose name is submitted  
 6 as a person responsible for a marijuana grow site.

7 (b) A *[person]* **registry identification cardholder or designated primary caregiver** convicted  
 8 of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a  
 9 controlled substance in Schedule I or Schedule II may not be issued a marijuana grow site regis-  
 10 tration card or produce marijuana *[for a registry identification cardholder]* for five years from the  
 11 date of conviction.

12 (c) A *[person]* **registry identification cardholder or designated primary caregiver** convicted  
 13 more than once of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture  
 14 or delivery of a controlled substance in Schedule I or Schedule II may not be issued a marijuana  
 15 grow site registration card or produce marijuana *[for a registry identification cardholder]*.

16 (7) A registry identification cardholder *[or the designated primary caregiver of the cardholder]*  
 17 may reimburse *[the person]* **the cardholder's designated primary caregiver who is** responsible for  
 18 a marijuana grow site for the costs of supplies and utilities associated with the production of  
 19 marijuana for the registry identification cardholder. No other costs associated with the production  
 20 of marijuana for the registry identification cardholder, including the cost of labor, may be reim-  
 21 bursed.

22 **SECTION 3. Section 4 of this 2011 Act is added to and made a part of ORS 475.300 to**  
 23 **475.346.**

24 **SECTION 4. (1) The State Department of Agriculture shall establish by rule a registra-**  
 25 **tion system to authorize marijuana farms to produce marijuana and sell usable marijuana**  
 26 **to pharmacies for dispensing to registry identification cardholders.**

27 **(2) The registration system must require a marijuana farm to be located on land that is**  
 28 **in an exclusive farm use zone or a mixed farm and forest zone.**

29 **(3) The department shall notify the Oregon Health Authority when the department reg-**  
 30 **isters a marijuana farm.**

31 **(4) The department shall establish by rule fees for the registration and inspection of**  
 32 **marijuana farms.**

33 **SECTION 5.** ORS 475.309 is amended to read:

34 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-  
 35 sisting in the medical use of marijuana is excepted from the criminal laws of *[the]* **this** state for  
 36 possession, delivery or production of marijuana, aiding and abetting another in the possession, de-  
 37 livery or production of marijuana or any other criminal offense in which possession, delivery or  
 38 production of marijuana is an element if the following conditions have been satisfied:

39 (a)(A) The person holds a registry identification card issued pursuant to this section, has applied  
 40 for a registry identification card pursuant to subsection (9) of this section[,] **or** is the designated  
 41 primary caregiver of the cardholder or applicant[, *or is the person responsible for a marijuana grow*  
 42 *site that is producing marijuana for the cardholder and is registered under ORS 475.304*]; and

43 (b) (B) The person who has a debilitating medical condition[,] **and** the person's primary  
 44 caregiver [*and the person responsible for a marijuana grow site that is producing marijuana for the*  
 45 *cardholder and is registered under ORS 475.304*] are collectively in possession of, delivering or

1 producing marijuana for medical use in amounts allowed under ORS 475.320[.];

2 **(b) The person possesses, delivers or produces marijuana in accordance with rules appli-**  
3 **cable to marijuana farms adopted by the State Department of Agriculture pursuant to sec-**  
4 **tion 4 of this 2011 Act; or**

5 **(c) The person possesses, delivers or produces marijuana in accordance with rules appli-**  
6 **cable to pharmacists and pharmacies adopted pursuant to section 10 of this 2011 Act.**

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

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

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

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

16 (d) The name and address of the person's designated primary caregiver, if the person has des-  
17 ignated a primary caregiver at the time of application; and

18 (e) A written statement that indicates whether the marijuana used by the cardholder will be  
19 produced at a [*location where the cardholder or designated primary caregiver is present or at another*  
20 *location*] **marijuana grow site registered under ORS 475.304 or obtained at a pharmacy.**

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

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

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

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

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

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

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

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

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

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

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

10 (c) Denial of a registry identification card shall be considered a final authority action, subject  
11 to judicial review. Only the person whose application has been denied, or, in the case of a person  
12 under the age of 18 years of age whose application has been denied, the person's parent or legal  
13 guardian, shall have standing to contest the authority's action.

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

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

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

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

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

23 (D) Whether the marijuana used by the cardholder will be produced at a [*location where the*  
24 *cardholder or designated primary caregiver is present or at another location*] **marijuana grow site**  
25 **registered under ORS 475.304 or obtained at a pharmacy;** and

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

27 (b) When the person to whom the authority has issued a registry identification card pursuant  
28 to this section has specified a designated primary caregiver, the authority shall issue an identifica-  
29 tion card to the designated primary caregiver. The primary caregiver's registry identification card  
30 shall contain the information provided in paragraph (a) of this subsection.

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

32 (A) Notify the authority:

33 (i) Of any change in the [*person's*] **cardholder's** name, address, attending physician or desig-  
34 nated primary caregiver[.]; **and**

35 (ii) **If the cardholder changes the location at which the cardholder obtains marijuana to**  
36 **a marijuana grow site or a pharmacy.**

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

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

41 (ii) The [*assignment of another individual as the person responsible for a marijuana grow site*  
42 *producing marijuana for the cardholder*] **decision of the cardholder to obtain the cardholder's**  
43 **marijuana at a pharmacy;** or

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

45 (C) Annually submit to the authority:

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

4 (ii) The name of the person's designated primary caregiver if a primary caregiver has been  
5 designated for the upcoming year.

6 (b) If a person who possesses a registry identification card fails to comply with this subsection,  
7 the card shall be deemed expired. If a registry identification card expires, the identification card of  
8 any designated primary caregiver of the cardholder shall also expire.

9 (8)(a) A person who possesses a registry identification card pursuant to this section and who  
10 has been diagnosed by the person's attending physician as no longer having a debilitating medical  
11 condition or whose attending physician has determined that the medical use of marijuana is  
12 contraindicated for the person's debilitating medical condition shall return the registry identification  
13 card and any other associated Oregon Medical Marijuana Program cards to the authority within 30  
14 calendar days of notification of the diagnosis or notification of the contraindication.

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

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

28 (10) A registry identification cardholder has the primary responsibility of notifying the primary  
29 caregiver [*and person responsible for the marijuana grow site that produces marijuana for the*  
30 *cardholder*] of any change in status of the cardholder. If the authority is notified by the cardholder  
31 that a primary caregiver [*or person responsible for a marijuana grow site*] has changed, the authority  
32 shall notify the primary caregiver [*or the person responsible for the marijuana grow site*] by mail at  
33 the address of record confirming the change in status and informing the caregiver [*or person*] that  
34 [*their*] **the caregiver's** card is no longer valid and must be returned to the authority.

35 (11) The authority shall revoke the registry identification card of a cardholder if a court has  
36 issued an order that prohibits the cardholder from participating in the medical use of marijuana or  
37 otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.  
38 The cardholder shall return the registry identification card to the authority within seven calendar  
39 days of notification of the revocation. If the cardholder is a patient, the patient shall return the  
40 patient's card and all other associated Oregon Medical Marijuana Program cards.

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

44 **SECTION 6.** ORS 475.316 is amended to read:

45 475.316. (1) No person authorized to possess, deliver or produce marijuana for medical use pur-

1 suant to ORS 475.300 to 475.346 shall be excepted from the criminal laws of this state or shall be  
 2 deemed to have established an affirmative defense to criminal charges of which possession, delivery  
 3 or production of marijuana is an element if the person, in connection with the facts giving rise to  
 4 such charges:

5 (a) Drives under the influence of marijuana as provided in ORS 813.010;

6 (b) Engages in the medical use of marijuana in a public place as that term is defined in ORS  
 7 161.015, or in public view or in a correctional facility as defined in ORS 162.135 (2) or youth cor-  
 8 rection facility as defined in ORS 162.135 (6);

9 (c) Delivers marijuana to any individual who the person knows is not in possession of a registry  
 10 identification card, **except when a marijuana farm authorized pursuant to section 4 of this**  
 11 **2011 Act delivers marijuana to a pharmacy in accordance with rules adopted under section**  
 12 **10 of this 2011 Act;**

13 (d) Delivers marijuana for consideration to any individual, even if the individual is in possession  
 14 of a registry identification card[,], **except:**

15 **(A) When a marijuana farm authorized pursuant to section 4 of this 2011 Act delivers**  
 16 **marijuana to a pharmacy or pharmacist in accordance with rules adopted under section 10**  
 17 **of this 2011 Act; or**

18 **(B) When a pharmacy or pharmacist dispenses usable marijuana to a registry identifica-**  
 19 **tion cardholder or a designated primary caregiver in accordance with rules adopted under**  
 20 **section 10 of this 2011 Act;**

21 (e) Manufactures or produces marijuana at a place other than a marijuana grow site authorized  
 22 under ORS 475.304 **or a marijuana farm authorized pursuant to section 4 of this 2011 Act;** or

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

24 (2) In addition to any other penalty allowed by law, a person who the Oregon Health Authority  
 25 finds has willfully violated the provisions of ORS 475.300 to 475.346, or rules adopted under ORS  
 26 475.300 to 475.346, may be precluded from obtaining or using a registry identification card for the  
 27 medical use of marijuana for a period of up to six months, at the discretion of the authority.

28 **SECTION 7.** ORS 475.320 is amended to read:

29 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the  
 30 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

31 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has  
 32 been convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or  
 33 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder  
 34 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana  
 35 at any given time for a period of five years from the date of the conviction.

36 (2) A [*person*] **designated primary caregiver** authorized under ORS 475.304 to produce  
 37 marijuana at a marijuana grow site:

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

40 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each  
 41 cardholder [*or caregiver*] for whom marijuana is being produced.

42 (c) May produce marijuana for no more than four registry identification cardholders [*or desig-*  
 43 *nated primary caregivers*] concurrently.

44 (d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304  
 45 for each registry identification cardholder [*or designated primary caregiver*] for whom marijuana is

1 being produced.

2 (e) Must provide all marijuana produced for a registry identification cardholder [*or designated*  
 3 *primary caregiver*] to the cardholder [*or caregiver*] at the time the person responsible for a marijuana  
 4 grow site ceases producing marijuana for the cardholder [*or caregiver*].

5 (f) Must return the marijuana grow site registration card to the registry identification  
 6 cardholder to whom the card was issued when requested to do so by the cardholder or when the  
 7 [*person*] **designated primary caregiver** responsible for a marijuana grow site ceases producing  
 8 marijuana for the cardholder [*or caregiver*].

9 (3) Except as provided in subsections (1) and (2) of this section, a registry identification  
 10 cardholder[,] **and** the designated primary caregiver of the cardholder [*and the person responsible for*  
 11 *a marijuana grow site producing marijuana for the registry identification cardholder*] may possess a  
 12 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-  
 13 tification cardholder.

14 (4)(a) A registry identification cardholder [*and the*] **or** designated primary caregiver [*of the*  
 15 *cardholder*] **responsible for a grow site registered under ORS 475.304** may possess a [*combined*]  
 16 total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon Health Authority.

17 (b) A [*person*] **designated primary caregiver** responsible for a marijuana grow site may possess  
 18 up to 18 marijuana seedlings or starts as defined by rule of the authority for each registry identifi-  
 19 cation cardholder for whom the [*person responsible for the marijuana grow site*] **caregiver** is  
 20 producing marijuana.

21 **SECTION 8.** ORS 475.331 is amended to read:

22 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to  
 23 whom the authority has issued registry identification cards, the names of any designated primary  
 24 caregivers and the addresses of authorized marijuana grow sites **and authorized marijuana**  
 25 **farms**. Except as provided in subsection (2) of this section, the list [*shall be*] **is** confidential and not  
 26 subject to public disclosure.

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

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

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

35 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify  
 36 that a person is a lawful possessor of a registry identification card or the designated primary  
 37 caregiver of a lawful possessor of a registry identification card or that a location is an authorized  
 38 marijuana grow site **or an authorized marijuana farm**. Prior to being provided identifying infor-  
 39 mation from the list, authorized employees of state or local law enforcement agencies shall provide  
 40 to the authority adequate identification, such as a badge number or similar authentication of au-  
 41 thority.

42 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-  
 43 formation from the list as authorized under this section may not release or use the information for  
 44 any purpose other than verification that a person is a lawful possessor of a registry identification  
 45 card or the designated primary caregiver of a lawful possessor of a registry identification card or



1 that a location is an authorized marijuana grow site **or an authorized marijuana farm.**

2 **SECTION 9. Section 10 of this 2011 Act is added to and made a part of ORS 475.300 to**  
3 **475.346.**

4 **SECTION 10. (1) Except as provided in ORS 475.342, a pharmacy or a pharmacist who**  
5 **dispenses usable marijuana to a registry identification cardholder or a designated primary**  
6 **caregiver in accordance with the rules of the Oregon Health Authority and the State Board**  
7 **of Pharmacy is excepted from the criminal laws of this state for possession, delivery or**  
8 **production of marijuana, aiding and abetting another in the possession, delivery or pro-**  
9 **duction of marijuana or any other criminal offense in which possession, delivery or pro-**  
10 **duction of marijuana is an element.**

11 **(2) The board may not subject a pharmacy or a pharmacist to a civil penalty or discipline**  
12 **by the board for dispensing usable marijuana to a registry identification cardholder or a**  
13 **designated primary caregiver in accordance with the rules of the authority and the board.**

14 **(3) A pharmacy or pharmacist may possess usable marijuana in amounts established by**  
15 **the board, in consultation with the authority, by rule.**

16 **(4) The board shall adopt rules allowing a pharmacy or pharmacist to purchase usable**  
17 **marijuana only from a marijuana farm authorized pursuant to section 4 of this 2011 Act.**

18 **(5) The board shall adopt rules establishing requirements and procedures for the dis-**  
19 **persing of usable marijuana to registry identification cardholders and designated primary**  
20 **caregivers.**

21 **(6) A pharmacy or pharmacist may refuse to dispense usable marijuana to a registry**  
22 **identification cardholder for any reason.**

23 **SECTION 11. (1) Sections 4 and 10 of this 2011 Act and the amendments to ORS 475.302,**  
24 **475.304, 475.309, 475.316, 475.320 and 475.331 by sections 1, 2 and 5 to 8 of this 2011 Act become**  
25 **operative on January 1, 2012.**

26 **(2) The Oregon Health Authority, the State Department of Agriculture and the State**  
27 **Board of Pharmacy may take any action before the operative date specified in subsection (1)**  
28 **of this section to enable the authority, the department and the board to exercise, on and**  
29 **after the operative date specified in subsection (1) of this section, all the duties, functions**  
30 **and powers conferred on the authority, the department and the board by sections 4 and 10**  
31 **of this 2011 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.316, 475.320 and**  
32 **475.331 by sections 1, 2 and 5 to 8 of this 2011 Act.**

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

36