

House Bill 3228

Sponsored by Representative CLEM (at the request of James Herring)

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**.

Makes medical use of marijuana in immediate proximity of person under 18 years of age subject to criminal laws of this state, and specifies that such use of medical marijuana is not affirmative defense to criminal charges of which possession, delivery or production of marijuana is element, unless Oregon Health Authority has issued registry identification card to person under 18 years of age.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the medical use of marijuana in the immediate proximity of a person under 18 years of
3 age; amending ORS 475.316; and declaring an emergency.

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

5 **SECTION 1.** ORS 475.316 is amended to read:

6 475.316. (1) No person authorized to possess, deliver or produce marijuana for medical use pur-
7 suant to ORS 475.300 to 475.346 shall be excepted from the criminal laws of this state or shall be
8 deemed to have established an affirmative defense to criminal charges of which possession, delivery
9 or production of marijuana is an element if the person, in connection with the facts giving rise to
10 such charges:

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

12 (b) Engages in the medical use of marijuana in a public place as that term is defined in ORS
13 161.015, or in public view or in a correctional facility as defined in ORS 162.135 (2) or youth cor-
14 rection facility as defined in ORS 162.135 (6);

15 (c) **Engages in the medical use of marijuana in the immediate proximity of a person un-
16 der 18 years of age, unless the Oregon Health Authority has issued a registry identification
17 card to the person who is under 18 years of age;**

18 [(c)] (d) Delivers marijuana to any individual who the person knows is not in possession of a
19 registry identification card;

20 [(d)] (e) Delivers marijuana for consideration to any individual, even if the individual is in pos-
21 session of a registry identification card;

22 [(e)] (f) Manufactures or produces marijuana at a place other than a marijuana grow site au-
23 thorized under ORS 475.304; or

24 [(f)] (g) Manufactures or produces marijuana at more than one address.

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

29 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**

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 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
2 **on its passage.**

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