

Enrolled Senate Bill 281

Sponsored by Senator BOQUIST; Senator DINGFELDER (at the request of Todd Dalotto) (Presession filed.)

CHAPTER

AN ACT

Relating to medical marijuana; amending ORS 475.302.

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

SECTION 1. ORS 475.302 is amended to read:

475.302. As used in ORS 475.300 to 475.346:

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

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

(3) "Debilitating medical condition" means:

(a) Cancer, glaucoma, agitation [*due*] **incident** to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or **a side effect related to the treatment [*for*] of these medical conditions;**

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

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

(E) Persistent muscle spasms, including [*but not limited to*] spasms caused by multiple sclerosis;
[or]

(c) Post-traumatic stress disorder; or

[(c)] **(d)** Any other medical condition or **side effect related to the treatment [*for*] of a medical condition adopted by the authority by rule or approved by the authority pursuant to a petition submitted [*pursuant to*] **under** ORS 475.334.**

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

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

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

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

(8) "Medical use of marijuana" means the production, possession, delivery, **distribution** or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.

(9) "Production" has the meaning given that term in ORS 475.005.

(10) "Registry identification card" means a document issued by the authority that identifies a person authorized to engage in the medical use of marijuana and, **if the person has a designated primary caregiver under ORS 475.312**, the person's designated primary caregiver[, *if any*].

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

(12) "Written documentation" means a statement signed by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

Passed by Senate April 18, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 30, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State