

# Senate Bill 281

Sponsored by Senator BOQUIST (at the request of Todd Dalotto) (Pre-session filed.)

## 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**.

Adds post-traumatic stress disorder to definition of "debilitating medical condition" for purposes of statutes authorizing medical use of marijuana.

## A BILL FOR AN ACT

1  
2 Relating to medical marijuana; amending ORS 475.302.

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

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

5 475.302. As used in ORS 475.300 to 475.346:

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

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

9 (3) "Debilitating medical condition" means:

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

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

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

28 (5) "Designated primary caregiver" means an individual 18 years of age or older who has sig-  
29 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-  
30 bilitating medical condition and who is designated as such on that person's application for a registry  
31 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 grow site” means a location **registered under ORS 475.304** where marijuana is  
4 produced for use by a registry identification cardholder [*and that is registered under the provisions*  
5 *of ORS 475.304*].

6 (8) “Medical use of marijuana” means the production, possession, delivery, **distribution** or ad-  
7 ministration of marijuana, or paraphernalia used to administer marijuana, as necessary for the ex-  
8 clusive benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical  
9 condition.

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

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

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

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

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