

**PROPOSED AMENDMENTS TO
SENATE BILL 281**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 475.302,
3 475.309 and 475.312.”.

4 On page 2 after line 19, insert:

5 **“SECTION 2. ORS 475.309 is amended to read:**

6 “475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a
7 person engaged in or assisting in the medical use of marijuana is excepted
8 from the criminal laws of the state for possession, delivery or production of
9 marijuana, aiding and abetting another in the possession, delivery or pro-
10 duction of marijuana or any other criminal offense in which possession, de-
11 livery or production of marijuana is an element if the following conditions
12 have been satisfied:

13 “(a) The person holds a registry identification card issued pursuant to
14 this section, has applied for a registry identification card pursuant to sub-
15 section (9) of this section, is the designated primary caregiver of the
16 cardholder or applicant, or is the person responsible for a marijuana grow
17 site that is producing marijuana for the cardholder and is registered under
18 ORS 475.304; and

19 “(b) The person who has a debilitating medical condition, the person’s
20 primary caregiver and the person responsible for a marijuana grow site that
21 is producing marijuana for the cardholder and is registered under ORS
22 475.304 are collectively in possession of, delivering or producing marijuana

1 for medical use in amounts allowed under ORS 475.320.

2 “(2) The Oregon Health Authority shall establish and maintain a program
3 for the issuance of registry identification cards to persons who meet the re-
4 quirements of this section. Except as provided in subsection (3) of this sec-
5 tion, the authority shall issue a registry identification card to any person
6 who pays a fee in the amount established by the authority and provides the
7 following:

8 “(a) Valid, written documentation from the person’s attending physician
9 stating that the person has been diagnosed with a debilitating medical con-
10 dition and that the medical use of marijuana may mitigate the symptoms or
11 effects of the person’s debilitating medical condition;

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

13 “(c) The name, address and telephone number of the person’s attending
14 physician;

15 “(d) The name and address of the person’s designated primary caregiver,
16 if the person has designated a primary caregiver at the time of application;
17 and

18 “(e) A written statement that indicates whether the marijuana used by the
19 cardholder will be produced at a location where the cardholder or designated
20 primary caregiver is present or at another location.

21 “(3) The authority shall issue a registry identification card to a person
22 who is under 18 years of age if the person submits the materials required
23 under subsection (2) of this section, and the custodial parent or legal
24 guardian with responsibility for health care decisions for the person under
25 18 years of age signs a written statement that:

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

30 “(b) The custodial parent or legal guardian with responsibility for health

1 care decisions for the person under 18 years of age consents to the use of
2 marijuana by the person under 18 years of age for medical purposes;

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

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

10 “(4) A person applying for a registry identification card pursuant to this
11 section may submit the information required in this section to a county
12 health department for transmittal to the authority. A county health depart-
13 ment that receives the information pursuant to this subsection shall transmit
14 the information to the authority within five days of receipt of the informa-
15 tion. Information received by a county health department pursuant to this
16 subsection shall be confidential and not subject to disclosure, except as re-
17 quired to transmit the information to the authority.

18 “(5)(a) The authority shall verify the information contained in an appli-
19 cation submitted pursuant to this section and shall approve or deny an ap-
20 plication within thirty days of receipt of the application.

21 “(b) In addition to the authority granted to the authority under ORS
22 475.316 to deny an application, the authority may deny an application for the
23 following reasons:

24 “(A) The applicant did not provide the information required pursuant to
25 this section to establish the applicant’s debilitating medical condition and
26 to document the applicant’s consultation with an attending physician re-
27 garding the medical use of marijuana in connection with such condition, as
28 provided in subsections (2) and (3) of this section;

29 “(B) The authority determines that the information provided was falsified;
30 or

1 “(C) The applicant has been prohibited by a court order from obtaining
2 a registry identification card.

3 “(c) Denial of a registry identification card shall be considered a final
4 authority action, subject to judicial review. Only the person whose appli-
5 cation has been denied, or, in the case of a person under the age of 18 years
6 of age whose application has been denied, the person’s parent or legal
7 guardian, shall have standing to contest the authority’s action.

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

11 “(6)(a) If the authority has verified the information submitted pursuant
12 to subsections (2) and (3) of this section and none of the reasons for denial
13 listed in subsection (5)(b) of this section is applicable, the authority shall
14 issue a serially numbered registry identification card within five days of
15 verification of the information. The registry identification card shall state:

16 “(A) The cardholder’s name, address and date of birth;

17 “(B) The date of issuance and expiration date of the registry identification
18 card;

19 “(C) The name and address of the person’s designated primary caregiver,
20 if any;

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

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

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

30 “(7)(a) A person who possesses a registry identification card shall:

1 “(A) Notify the authority of any change in the person’s name, address,
2 attending physician or designated primary caregiver.

3 “(B) If applicable, notify the designated primary caregiver of the
4 cardholder and the person responsible for the marijuana grow site that
5 produces marijuana for the cardholder of any change in status including, but
6 not limited to:

7 “(i) The assignment of another individual as the designated primary
8 caregiver of the cardholder;

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

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

13 “[*(C) Annually submit to the authority:*]

14 “[*(i) Updated written documentation from the cardholder’s attending phy-*
15 *sician of the person’s debilitating medical condition and that the medical use*
16 *of marijuana may mitigate the symptoms or effects of the person’s debilitating*
17 *medical condition; and]*

18 “[*(ii) The name of the person’s designated primary caregiver if a primary*
19 *caregiver has been designated for the upcoming year.]*

20 “(b) If a person who possesses a registry identification card fails to com-
21 ply with this subsection, the card shall be deemed expired. If a registry
22 identification card expires **under this paragraph**, the identification card of
23 any designated primary caregiver of the cardholder shall also expire.

24 “[*(8)(a) A person who possesses a registry identification card pursuant to*
25 *this section and who has been diagnosed by the person’s attending physician*
26 *as no longer having a debilitating medical condition or whose attending phy-*
27 *sician has determined that the medical use of marijuana is contraindicated for*
28 *the person’s debilitating medical condition shall return the registry identifi-*
29 *cation card and any other associated Oregon Medical Marijuana Program*
30 *cards to the authority within 30 calendar days of notification of the diagnosis*

1 *or notification of the contraindication.]*

2 *“(b) If, due to circumstances beyond the control of the registry identifica-*
3 *tion cardholder, a cardholder is unable to obtain a second medical opinion*
4 *about the cardholder’s continuing eligibility to use medical marijuana before*
5 *the 30-day period specified in paragraph (a) of this subsection has expired, the*
6 *authority may grant the cardholder additional time to obtain a second opinion*
7 *before requiring the cardholder to return the registry identification card and*
8 *any associated cards.]*

9 **“(8)(a) A registry identification card issued under this section, or**
10 **renewed under this subsection, expires after 60 days. A person who**
11 **possesses a registry identification card may renew the card before it**
12 **expires by providing the authority with:**

13 **“(A) Updated written documentation from the person’s attending**
14 **physician stating that the person has consulted with the physician**
15 **about the person’s debilitating medical condition and that the medical**
16 **use of marijuana may continue to mitigate the symptoms or effects**
17 **of the person’s debilitating medical condition; and**

18 **“(B) If the person is under 18 years of age, the updated information**
19 **required under subsection (3) of this section.**

20 **“(b) If the authority receives the information required under this**
21 **subsection within 60 days of issuing or renewing a registry identifica-**
22 **tion card, the authority shall renew the card for an additional 60 days.**

23 **“(c) If the authority does not receive the information required un-**
24 **der this subsection within 60 days of issuing or renewing a registry**
25 **identification card, the person to whom the registry identification card**
26 **was issued is no longer excepted from the criminal laws of the state**
27 **as described in subsection (1) of this section. A person whose registry**
28 **identification card has expired under this subsection may apply for a**
29 **new registry identification card under this section.**

30 **“(9) A person who has applied for a registry identification card pursuant**

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

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

19 “(11) The authority shall revoke the registry identification card of a
20 cardholder if a court has issued an order that prohibits the cardholder from
21 participating in the medical use of marijuana or otherwise participating in
22 the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The
23 cardholder shall return the registry identification card to the authority
24 within seven calendar days of notification of the revocation. If the
25 cardholder is a patient, the patient shall return the patient's card and all
26 other associated Oregon Medical Marijuana Program cards.

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

1 **“SECTION 3.** ORS 475.312 is amended to read:

2 “475.312. (1) If a person who possesses a registry identification card issued
3 pursuant to ORS 475.309 chooses to have a designated primary caregiver, the
4 person must designate the primary caregiver by including the primary
5 caregiver’s name and address:

6 “(a) On the person’s application for a registry identification card;

7 “(b) [*In the annual*] **With the** updated information required under ORS
8 475.309 **(8)**; or

9 “(c) In a written, signed statement submitted to the Oregon Health Au-
10 thority.

11 “(2) A person described in this section may have only one designated
12 primary caregiver at any given time.

13 **“SECTION 4. (1) The amendments to ORS 475.309 by section 2 of this**
14 **2013 Act apply to registry identification cards issued by the Oregon**
15 **Health Authority before, on or after the effective date of this 2013 Act.**

16 **“(2) Notwithstanding subsection (1) of this section, a registry iden-**
17 **tification card issued before the effective date of this 2013 Act does not**
18 **expire until 60 days after the effective date of this 2013 Act.”.**

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