

House Bill 2821

Sponsored by Representative BUCKLEY

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**.

Expands definition of "debilitating medical condition" for purposes of Oregon Medical Marijuana Act.

Provides that person registered with Oregon Health Authority to engage in medical use of marijuana may designate organization providing hospice, palliative or home health care services or residential care facility as primary caregiver.

Requires authority to issue lifetime registry identification cards to individuals with lifelong debilitating medical conditions and end-of-life registry identification cards to individuals with terminal debilitating medical conditions.

Prohibits physician from refusing, or being required by another to refuse, to dispense or prescribe medication to patient on basis that patient engages in medical use of marijuana in accordance with Oregon Medical Marijuana Act.

Provides certain protections for persons registered to engage in medical use of marijuana who possess, deliver or produce marijuana or who transfer usable marijuana or immature marijuana plant to or from medical marijuana facility. Provides same protections for persons who are in process of applying to Oregon Health Authority to use marijuana for medical purpose.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to marijuana; creating new provisions; amending ORS 475.302, 475.309, 475.312 and 475.328;
3 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)] (2) "Debilitating medical condition" means:

11 (a) Cancer, glaucoma, [*agitation incident to*] Alzheimer's disease, **amyotrophic lateral sclerosis,**
12 **autism,** positive status for human immunodeficiency virus or acquired immune deficiency syndrome,
13 or a side effect related to the treatment of [*these*] **the** medical conditions **described in this para-**
14 **graph;**

15 (b) A medical condition or treatment for a medical condition that [*produces*] **causes,** for a spe-
16 cific patient, one or more of the following:

17 (A) Cachexia;

18 (B) Severe pain;

19 (C) Severe nausea;

20 (D) Seizures, including seizures caused by epilepsy; or

21 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

22 (c) **A medical condition or treatment for a medical condition that causes, for a specific**

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 **patient, a chronic or persistent symptom that:**

2 **(A) Substantially limits the ability of the patient to conduct one or more life activities**
 3 **as described in ORS 659A.104; and**

4 **(B) If not alleviated, may cause serious harm to the patient’s safety or physical or**
 5 **mental health;**

6 [(c)] **(d)** Post-traumatic stress disorder; [or]

7 **(e) A sleep disorder; or**

8 [(d)] **(f)** Any other medical condition or side effect related to the treatment of a medical condi-
 9 tion adopted by the **Oregon Health** Authority by rule or approved by the authority pursuant to a
 10 petition submitted under ORS 475.334.

11 [(4)(a)] **(3)(a)** “Delivery” has the meaning given that term in ORS 475.005.

12 (b) “Delivery” does not include transfer of[.]

13 [(A)] marijuana by a registry identification cardholder to another registry identification
 14 cardholder if no consideration is paid for the transfer[.];

15 [(B)] *Usable marijuana or immature marijuana plants from a registry identification cardholder, the*
 16 *designated primary caregiver of a registry identification cardholder or a marijuana grow site to a*
 17 *medical marijuana facility registered under ORS 475.314; or]*

18 [(C)] *Usable marijuana or immature marijuana plants from a medical marijuana facility registered*
 19 *under ORS 475.314 to a registry identification cardholder or the designated primary caregiver of a*
 20 *registry identification cardholder.]*

21 [(5)] **(4)(a)** “Designated primary caregiver” means:

22 **(A)** An individual 18 years of age or older who has significant responsibility for managing the
 23 well-being of a person who has been diagnosed with a debilitating medical condition and who is
 24 designated as [*such on that person’s application for a registry identification card or in other written*
 25 *notification to the authority.*] **the primary caregiver for the person pursuant to ORS 475.312; or**

26 **(B) An organization that provides hospice, palliative or home health care services or a**
 27 **residential care facility, as defined in ORS 443.400, that has significant responsibility for**
 28 **managing the well-being of a person who has been diagnosed with a debilitating medical**
 29 **condition and that is designated as the primary caregiver for the person pursuant to ORS**
 30 **475.312.**

31 **(b)** “Designated primary caregiver” does not include the [*person’s*] attending physician **of a**
 32 **person who has been diagnosed with a debilitating medical condition.**

33 [(6)] **(5)** “Marijuana” has the meaning given that term in ORS 475.005.

34 [(7)] **(6)** “Marijuana grow site” means a location registered under ORS 475.304 where marijuana
 35 is produced for [*use by*] a registry identification cardholder.

36 [(8)] **(7)** “Medical use of marijuana” means the production, possession, delivery[, *distribution*] or
 37 administration of marijuana, or paraphernalia used to administer marijuana, [*as necessary for the*
 38 *exclusive benefit of a person*] to mitigate the symptoms or effects of [*the person’s*] a debilitating
 39 medical condition.

40 [(9)] **(8)** “Production” has the meaning given that term in ORS 475.005.

41 [(10)] **(9)** “Registry identification card” means a document issued by the authority that identifies
 42 a person authorized to engage in the medical use of marijuana and, if the person has a designated
 43 primary caregiver under ORS 475.312, the person’s designated primary caregiver.

44 [(11)] **(10)(a)** “Usable marijuana” means the dried leaves and flowers of the plant Cannabis
 45 family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as

1 allowed in ORS 475.300 to 475.346.

2 (b) “Usable marijuana” does not include the seeds, stalks and roots of the plant.

3 [(12)] (11) “Written documentation” means a statement signed by the attending physician of a
4 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical
5 records.

6 **SECTION 2.** ORS 475.309 is amended to read:

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

12 (a)(A) The person:

13 (i) Holds a registry identification card issued pursuant to this section[.];

14 (ii) Has applied for a registry identification card pursuant to [*subsection (9) of*] this section[.];

15 (iii) Is the designated primary caregiver of [*the*] a **registry identification** cardholder or
16 applicant[.]; or

17 (iv) Is the person responsible for a marijuana grow site that is producing marijuana for [*the*] a
18 **registry identification** cardholder or an applicant [*and is registered under ORS 475.304*]; and

19 (B) The [*person who has a debilitating medical condition, the person’s primary caregiver*] **registry**
20 **identification cardholder or applicant, the designated primary caregiver of the registry iden-**
21 **tification cardholder or applicant** and the person responsible for a marijuana grow site that is
22 producing marijuana for the **registry identification** cardholder or applicant [*and is registered un-*
23 *der ORS 475.304*] are collectively in possession of, delivering or producing marijuana for medical
24 use in amounts allowed under ORS 475.320; or

25 (b) The person is responsible for or employed by a medical marijuana facility registered under
26 ORS 475.314 and does not commit any of the acts described in this subsection anywhere other than
27 at the medical marijuana facility.

28 (2) The Oregon Health Authority shall establish and maintain a program for the issuance of
29 registry identification cards to persons who meet the requirements of this section.

30 (3)(a) Except as provided in [*subsection (3) of this section,*] **paragraph (b) of this subsection,**
31 the authority shall issue [*a*] **an annually renewable** registry identification card to [*any*] a person
32 who:

33 (A) Pays a fee in [*the*] **an** amount established by the authority; and

34 (B) [*provides*] **Submits to the authority** the following:

35 [(a)] (i) Valid, written documentation from the person’s attending physician stating that the
36 person has been diagnosed with a debilitating medical condition and that the medical use of
37 marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition;

38 [(b)] (ii) The name, address and date of birth of the person;

39 [(c)] (iii) The name, address and telephone number of the person’s attending physician;

40 [(d)] (iv) The name and address of the person’s designated primary caregiver, if the person has
41 designated a primary caregiver at the time of application; and

42 [(e)] (v) A written statement that indicates whether the marijuana used by the **registry iden-**
43 **tification** cardholder will be produced at [*a location where*] the **residence address of the registry**
44 **identification** cardholder or designated primary caregiver [*is present*] or at another location.

45 [(3)] (b) The authority shall issue [*a*] **an annually renewable** registry identification card to a

1 person who is under 18 years of age if:

2 **(A) The person pays the fee established under paragraph (a)(A) of this subsection;**

3 **(B) The person submits to the authority the materials required [under subsection (2) of this**
4 **section,] by paragraph (a)(B) of this subsection; and**

5 **(C) The custodial parent or legal guardian with responsibility for health care decisions for the**
6 **person under 18 years of age signs a written statement that:**

7 *[(a)] (i) The attending physician of the person under 18 years of age has explained to that person*
8 *and to the custodial parent or legal guardian [with responsibility for health care decisions for the*
9 *person under 18 years of age] the possible risks and benefits of the medical use of marijuana;*

10 *[(b)] (ii) The custodial parent or legal guardian [with responsibility for health care decisions for*
11 *the person under 18 years of age] consents to the use of marijuana by the person under 18 years of*
12 *age for medical purposes;*

13 *[(c)] (iii) The custodial parent or legal guardian [with responsibility for health care decisions for*
14 *the person under 18 years of age] agrees to serve as the designated primary caregiver for the person*
15 *under 18 years of age; and*

16 *[(d)] (iv) The custodial parent or legal guardian [with responsibility for health care decisions for*
17 *the person under 18 years of age] agrees to control the acquisition of marijuana and the dosage and*
18 *frequency of use by the person under 18 years of age.*

19 **(c)(A) A person to whom an annually renewable registry identification card has been is-**
20 **sued under this subsection must renew the registry identification card once every year by**
21 **submitting to the authority:**

22 **(i) Updated written documentation from the registry identification cardholder's attending**
23 **physician that the person still has a debilitating medical condition and that the medical use**
24 **of marijuana may mitigate the symptoms or effects of the person's debilitating medical**
25 **condition; and**

26 **(ii) The name of the person's designated primary caregiver if a primary caregiver is**
27 **designated for the upcoming year.**

28 **(B) If a registry identification cardholder fails to comply with this paragraph, the registry**
29 **identification card expires. If a registry identification card expires, the identification card**
30 **of the designated primary caregiver of the registry identification cardholder also expires.**

31 **(4) The authority shall issue a lifetime registry identification card to a person who is 18**
32 **years of age or older if:**

33 **(a) The person pays a fee in an amount established by the authority;**

34 **(b) The person submits to the authority the materials required by subsection (3)(a)(B)**
35 **of this section; and**

36 **(c) The documentation described in subsection (3)(a)(B)(i) of this section specifies that**
37 **the person has a lifelong debilitating medical condition.**

38 **(5)(a) The authority shall issue an end-of-life registry identification card to a person if:**

39 **(A)(i) The person or the person's attending physician submits to the authority the ma-**
40 **terials required by subsection (3)(a)(B) of this section; and**

41 **(ii) The documentation described in subsection (3)(a)(B)(i) of this section specifies that**
42 **the person has a terminal debilitating medical condition; or**

43 **(B) The person's attending physician submits to the authority a form specifying that the**
44 **person has a terminal debilitating medical condition.**

45 **(b) The authority shall:**

1 **(A) Prescribe the content of the form described in paragraph (a)(B) of this subsection;**

2 **(B) Allow a form described in paragraph (a)(B) of this subsection to be submitted to the**
 3 **authority electronically; and**

4 **(C) Issue an end-of-life registry identification card pursuant to paragraph (a)(B) of this**
 5 **subsection electronically.**

6 [(4)] **(6)** A person applying for a registry identification card pursuant to **subsection (3), (4) or**
 7 **(5)(a)(A) of this section** may submit the information required [*in*] **by subsection (3), (4) or (5)(a)(A)**
 8 **of this section** to a county health department for transmittal to the authority. A county health de-
 9 partment that receives the information pursuant to this subsection shall transmit the information to
 10 the authority within five days of receipt of the information. Information received by a county health
 11 department pursuant to this subsection [*shall be*] **is confidential** and not subject to disclosure, except
 12 as required to transmit the information to the authority.

13 [(5)(a)] **(7)(a)** The authority shall verify the information contained in an application submitted
 14 pursuant to this section and shall approve or deny [*an*] **the** application within [*thirty days of receipt*
 15 *of the application.*]:

16 **(A) 30 days of receiving an application submitted pursuant to subsection (3), (4) or**
 17 **(5)(a)(A) of this section; or**

18 **(B) Five days of receiving an application submitted pursuant to subsection (5)(a)(B) of**
 19 **this section.**

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

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

26 (B) The authority determines that the information [*provided*] **submitted pursuant to sub-**
 27 **section (3), (4) or (5) of this section** was falsified; or

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

30 (c) Denial of **an application for** a registry identification card [*shall be considered*] **is** a final
 31 authority action, subject to judicial review. Only the person whose application has been denied[,] or
 32 or[, *in the case of a person under the age of 18 years of age whose application has been denied,*] the
 33 person's parent or legal guardian[, *shall have*] **with responsibility for health care decisions for**
 34 **the person, if the person is under 18 years of age, has** standing to contest the authority's action.

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

37 [(6)(a)] **(8)(a)** If the authority has verified the information submitted pursuant to [*subsections (2)*
 38 *and (3)*] **subsection (3), (4) or (5)** of this section and none of the reasons for denial listed in sub-
 39 section [(5)(b)] **(7)(b)** of this section is applicable, the authority shall issue a serially numbered reg-
 40 istry identification card within five days of verification of the information. The registry
 41 identification card [*shall*] **must** state:

42 **(A) If issued pursuant to subsection (3), (4) or (5)(a)(A) of this section:**

43 [A] **(i)** The **registry identification** cardholder's name, address and date of birth;

44 [B] **(ii)** The date of issuance and expiration date of the registry identification card;

45 [C] **(iii)** The name and address of the [*person's*] **registry identification cardholder's** desig-

1 nated primary caregiver, if any;

2 [(D)] (iv) Whether the marijuana used by the **registry identification** cardholder will be
3 produced at [*a location where*] the **residence address of the registry identification** cardholder or
4 designated primary caregiver [*is present*] or at another location; and

5 [(E)] (v) Any other information that the authority may specify by rule.

6 **(B) If issued pursuant to subsection (5)(a)(B) of this section, information necessary to**
7 **identify the registry identification cardholder and the registry identification cardholder's**
8 **designated primary caregiver, if any, as determined by the authority by rule.**

9 (b) When [*the person to whom the authority has issued a registry identification card pursuant to*
10 *this section*] a **registry identification cardholder** has specified a designated primary caregiver, the
11 authority shall issue an identification card to the designated primary caregiver. The **designated**
12 primary caregiver's [*registry*] identification card [*shall*] **must** contain the information provided in
13 paragraph (a) of this subsection.

14 [(7)(a)] **(9)(a)** A [*person who possesses a registry identification card*] **registry identification**
15 **cardholder** shall:

16 (A) Notify the authority of any change [*in the person's*] **concerning the registry identification**
17 **cardholder's** name, address, attending physician or designated primary caregiver.

18 (B) If applicable, notify the designated primary caregiver of the **registry identification**
19 cardholder, the person responsible for the marijuana grow site that produces marijuana for the
20 **registry identification** cardholder and any person responsible for a medical marijuana facility that
21 transfers usable marijuana or immature marijuana plants to **or for the registry identification**
22 cardholder under ORS 475.314 of any change in status including, but not limited to:

23 (i) The [*assignment*] **designation** of another individual as the designated primary caregiver of
24 the **registry identification** cardholder;

25 (ii) The [*assignment*] **designation** of another individual as the person responsible for a marijuana
26 grow site producing marijuana for the **registry identification** cardholder; [*or*] **and**

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

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

30 [(i) *Updated written documentation from the cardholder's attending physician of the person's de-*
31 *bilitering medical condition and that the medical use of marijuana may mitigate the symptoms or effects*
32 *of the person's debilitating medical condition; and*]

33 [(ii) *The name of the person's designated primary caregiver if a primary caregiver has been des-*
34 *ignated for the upcoming year.*]

35 (b) If a [*person who possesses a registry identification card*] **registry identification cardholder**
36 fails to comply with this subsection, the **registry identification** card [*shall be deemed expired*] **ex-**
37 **pires**. If a registry identification card expires, the identification card of [*any*] **the** designated pri-
38 mary caregiver of the **registry identification** cardholder [*shall also expire*] **also expires**.

39 [(8)(a)] **(10)(a)** A [*person who possesses a registry identification card pursuant to this section*
40 *and*] **registry identification cardholder** who has been diagnosed by the [*person's*] **registry iden-**
41 **tification cardholder's** attending physician as no longer having a debilitating medical condition or
42 whose attending physician has determined that the medical use of marijuana is contraindicated for
43 the [*person's*] **registry identification cardholder's** debilitating medical condition shall return the
44 registry identification card and any other associated Oregon Medical Marijuana Program cards to
45 the authority within 30 calendar days of notification of the diagnosis or notification of the

1 contraindication.

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

8 [(9)] (11) A person who has applied for a registry identification card pursuant to this section but
9 whose application has not yet been approved or denied, and who is contacted by [any] a law
10 enforcement officer in connection with the person's administration, possession, delivery or pro-
11 duction of marijuana for medical use, may provide [to] **for** the law enforcement officer a copy of the
12 written documentation submitted to the authority pursuant to subsection [(2) or] (3), (4) **or** (5) of
13 this section and proof of the date of mailing or other transmission of the documentation to the au-
14 thority.

15 (12) [*This documentation shall have*] **For purposes of ORS 475.300 to 475.346, documentation**
16 **of information submitted to the authority pursuant to subsection (3), (4) or (5) of this section**
17 **has** the same legal effect as a registry identification card until [*such time as*] the person receives
18 notification that the application has been approved or denied.

19 [(10)(a)] (13)(a) A registry identification cardholder [*has the primary responsibility of notifying*
20 *the*] **must notify the** designated primary caregiver, the person responsible for the marijuana grow
21 site that produces marijuana for the **registry identification** cardholder and any person responsible
22 for a medical marijuana facility that transfers usable marijuana or immature marijuana plants to
23 **or for the registry identification** cardholder under ORS 475.314 of any change in status of the
24 **registry identification** cardholder.

25 (b) If the authority is notified by the **registry identification** cardholder that a primary
26 caregiver or person responsible for a marijuana grow site has changed, the authority shall notify the
27 **previously designated** primary caregiver or the person **formerly** responsible for the marijuana
28 grow site by mail at the address of record [*confirming*] **of** the change in status and **inform** [*inform-*
29 *ing*] the caregiver or person responsible for the marijuana grow site that [*their card*] **the identifi-**
30 **cation card of the designated primary caregiver or the marijuana grow site registration card**
31 is no longer valid and must be returned to the authority.

32 [(11)] (14) The authority shall revoke the registry identification card of a **registry identifica-**
33 **tion** cardholder if a court has issued an order that prohibits the **registry identification** cardholder
34 from participating in the medical use of marijuana or otherwise participating in the Oregon Medical
35 Marijuana Program under ORS 475.300 to 475.346. [*The*] **If the registry identification cardholder's**
36 **registry identification card is revoked, the registry identification** cardholder shall return the
37 registry identification card to the authority within seven calendar days of notification of the revo-
38 cation. [*If the cardholder is a patient, the patient shall return the patient's card and all other associ-*
39 *ated Oregon Medical Marijuana Program cards.*]

40 [(12)] (15) The authority shall revoke the registration of a medical marijuana facility registered
41 under ORS 475.314 if a court has issued an order that prohibits the person responsible for the
42 medical marijuana facility from participating in the Oregon Medical Marijuana Program under ORS
43 475.300 to 475.346.

44 [(13)] (16) The authority and employees and agents of the authority acting within the course and
45 scope of their employment are immune from any civil liability that might be incurred or imposed for

1 the performance of or failure to perform duties required by this section.

2 **SECTION 3.** ORS 475.312 is amended to read:

3 475.312. (1) If a person who [*possesses a registry identification card issued pursuant to ORS*
4 *475.309*] **is applying for a registry identification card under ORS 475.309, or who is a registry**
5 **identification cardholder**, chooses to [*have a designated*] **designate, or to change the designation**
6 **of, a primary caregiver**, the person must [*designate the primary caregiver by including*] **include** the
7 primary caregiver's name and address:

8 (a) On the person's application for a registry identification card **submitted to the Oregon**
9 **Health Authority pursuant to ORS 475.309 (3), (4) or (5)(a)(A);**

10 [*(b) In the annual updated information required under ORS 475.309; or*]

11 **(b) On the person's application to renew a registry identification card submitted to the**
12 **authority pursuant to ORS 475.309 (3);**

13 **(c) In a manner prescribed by the authority if the person is applying for a registry iden-**
14 **tification card pursuant to ORS 475.309 (5)(a)(B); or**

15 [*(c) (d) In a [written,] signed statement [submitted to] notifying the [Oregon Health] authority*
16 **of the designation.**

17 (2) A [*person described in this section*] **registry identification cardholder** may have only one
18 designated primary caregiver at any given time. **However, if a person described in subsection (1)**
19 **of this section designates an organization or a residential care facility described in ORS**
20 **475.302 (4)(a)(B) as the person's primary caregiver, an agent of the organization or a resi-**
21 **dential care facility has all the duties, rights and privileges of a designated primary caregiver**
22 **under ORS 475.300 to 475.346.**

23 **SECTION 4.** ORS 475.328 is amended to read:

24 475.328. (1) [*No*] **A** professional licensing board may **not** impose a civil penalty or take other
25 disciplinary action against a licensee based on the licensee's medical use of marijuana [*in accordance*
26 *with*] **under** the provisions of ORS 475.300 to 475.346 or actions taken by the licensee [*that are*
27 *necessary to carry out the licensee's role as a designated primary caregiver to a person who possesses*
28 *a lawful registry identification card*] **pursuant to the licensee's designation as a primary**
29 **caregiver under ORS 475.312.**

30 (2)(a) A licensed health care professional may administer medical marijuana to a person who
31 possesses a registry identification card and resides in a licensed health care facility **or on the**
32 **premises of an organization or a residential care facility described in ORS 475.302 (4)(a)(B)**
33 if the administration of pharmaceuticals is within the scope of practice of the licensed health care
34 professional. Administration of medical marijuana under this subsection may not take place in a
35 public place as defined in ORS 161.015 or in the presence of a person under 18 years of age. If the
36 medical marijuana administered under this subsection is smoked, adequate ventilation must be pro-
37 vided.

38 (b) Nothing in this subsection requires:

39 (A) A licensed health care professional to administer medical marijuana; or

40 (B) A licensed health care facility **or an organization or a residential care facility described**
41 **in ORS 475.302 (4)(a)(B) to make accommodations for the administration of medical marijuana.**

42 **SECTION 5.** Sections 6 and 7 of this 2015 Act are added to and made a part of ORS 475.300
43 to 475.346.

44 **SECTION 6.** A physician may not refuse, or be required by another to refuse, to dispense
45 or prescribe to a patient a type of medication that is an appropriate remedy for the patient

1 on the basis that:

2 (1) The patient engages in the medical use of marijuana in accordance with the provisions
3 of ORS 475.300 to 475.346; or

4 (2) A licensed health care professional is acting as the designated primary caregiver of
5 the patient in accordance with the provisions of ORS 475.300 to 475.346.

6 **SECTION 7.** (1) A person to whom a registry identification card has been issued under
7 ORS 475.309 may not be arrested, prosecuted or penalized, or denied any right, privilege or
8 immunity, for possessing, delivering or producing marijuana, or for transferring usable
9 marijuana or an immature marijuana plant to or from a medical marijuana facility registered
10 under ORS 475.314, if the person would be exempt from criminal liability for the possession,
11 delivery or production of marijuana or the transfer of usable marijuana or an immature
12 marijuana plant under the provisions of ORS 475.300 to 475.346.

13 (2) For purposes of this section, a penalty includes:

14 (a) Any disciplinary action by an occupational or professional licensing board; and

15 (b) The imposition of a civil penalty by a state agency.

16 **SECTION 8.** (1) Sections 6 and 7 of this 2015 Act and the amendments to ORS 475.302,
17 475.309, 475.312 and 475.328 by sections 1 to 4 of this 2015 Act become operative on January
18 1, 2016.

19 (2) The Oregon Health Authority may take any action before the operative date specified
20 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
21 after the operative date specified in subsection (1) of this section, all the duties, powers and
22 functions conferred on the authority by sections 6 and 7 of this 2015 Act and the amendments
23 to ORS 475.302, 475.309, 475.312 and 475.328 by sections 1 to 4 of this 2015 Act.

24 **SECTION 9.** This 2015 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
26 on its passage.