

A-Engrossed
Senate Bill 844

Ordered by the Senate June 25
Including Senate Amendments dated June 25

Sponsored by Senator BURDICK

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.

[Specifies that premises licensed by Oregon Liquor Control Commission may receive marijuana items only from marijuana producer, marijuana processor or marijuana wholesaler operating as business at licensed premises.]

Establishes Task Force on Researching the Medical and Public Health Properties of Cannabis for purpose of studying and making report, including recommendations for legislation, on development of medical cannabis industry that provides patients with medical products that meet individual patient needs. Sunsets task force on December 31, 2017.

Allows person convicted of marijuana crime, who when under 21 years of age was adjudicated by juvenile court or sentenced by court, to seek expunction or setting aside of conviction, as appropriate, after one year from date on which person fully complied with and performed conditions of adjudication or sentence.

Makes certain changes to Oregon Medical Marijuana Act related to care of registry identification cardholders. Becomes operative March 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to marijuana; creating new provisions; amending ORS 475.302; and declaring an emergency.

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

TASK FORCE

SECTION 1. (1) The Task Force on Researching the Medical and Public Health Properties of Cannabis is established, consisting of 15 members appointed as follows:

(a) The President of the Senate shall appoint one member from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(c) The Governor shall appoint the following members:

(A) One member who represents the Oregon Liquor Control Commission and is knowledgeable about sections 3 to 70, chapter 1, Oregon Laws 2015;

(B) One member who represents the Oregon Health Authority and is knowledgeable about ORS 475.300 to 475.346;

(C) One member who represents the Department of Justice;

(D) One member who represents Oregon Health and Science University and is knowledgeable about at least one debilitating medical condition, as defined in ORS 475.302;

(E) One member who represents the Oregon University System and is knowledgeable

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 about the availability of federal grants for researching cannabis;

2 (F) One member with expertise in agricultural research;

3 (G) One member with expertise in microbiology;

4 (H) One member with expertise in substance abuse treatment;

5 (I) One member with expertise in neurology;

6 (J) One member with expertise in oncology;

7 (K) One member with expertise in palliative care;

8 (L) One member who has been designated as a person responsible for a marijuana grow
9 site under ORS 475.304; and

10 (M) One member with expertise in measuring tetrahydrocannabinol and cannabidiol levels
11 and in identifying other cannabinoid compounds that have a potential effect on specific
12 medical conditions.

13 (2) The task force shall study and make a report on the development of a medical
14 cannabis industry that provides patients with medical products that meet individual patient
15 needs. The report must:

16 (a) Identify and assess the validity of research related to the medical properties of
17 cannabis that have been conducted in other countries and in other states and territories of
18 the United States;

19 (b) Assess the potential for this state to collaborate with other states that have legalized
20 the medical or recreational use of cannabis for purposes related to researching the medical
21 properties of cannabis;

22 (c) Identify key research areas related to the medical properties of cannabis;

23 (d) Identify legal barriers to the establishment of laboratories that research the medical
24 properties of cannabis, including barriers related to the possession, delivery and manufacture
25 of marijuana;

26 (e) Identify legal barriers to the use of institutional review boards in approving, moni-
27 toring and reviewing research involving the medical properties of cannabis;

28 (f) Propose solutions to structuring and funding research that involves the medical
29 properties of cannabis, including solutions that involve state programs and moneys and sol-
30 utions that involve investment by private businesses and business sectors; and

31 (g) Assess the potential of locating a cannabis grow site for research purposes in this
32 state and, if appropriate, setting forth a plan for the establishment of a cannabis grow site
33 for research purposes in this state.

34 (3) A majority of the members of the task force constitutes a quorum for the transaction
35 of business.

36 (4) Official action by the task force requires the approval of a majority of the members
37 of the task force.

38 (5) The task force shall elect one of its members to serve as chairperson.

39 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
40 ment to become immediately effective.

41 (7) The task force shall meet at times and places specified by the call of the chairperson
42 or of a majority of the members of the task force.

43 (8) The task force may adopt rules necessary for the operation of the task force.

44 (9) The task force shall:

45 (a) Submit a report updating the task force's progress in carrying out the duties of the

1 task force pursuant to subsection (2) of this section, including any recommendations for
2 legislation, in the manner provided by ORS 192.245 to the interim committees of the Legis-
3 lative Assembly related to health, and any interim committee of the Legislative Assembly
4 related to marijuana, no later than December 15, 2015; and

5 (b) Submit the report described in subsection (2) of this section, including any recom-
6 mendations for legislation, in the manner provided by ORS 192.245 to the interim committees
7 of the Legislative Assembly related to health, and any interim committee of the Legislative
8 Assembly related to marijuana, no later than February 1, 2016.

9 (10) The Oregon Health Authority shall provide staff support to the task force.

10 (11) Members of the task force who are not members of the Legislative Assembly are not
11 entitled to compensation, but may be reimbursed for actual and necessary travel and other
12 expenses incurred by them in the performance of their official duties in the manner and
13 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
14 of the task force shall be paid out of funds appropriated to the Oregon Health Authority for
15 purposes of the task force.

16 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
17 the task force in the performance of its duties and, to the extent permitted by laws relating
18 to confidentiality, to furnish such information and advice as the members of the task force
19 consider necessary to perform their duties.

20
21 **EXPUNGEMENT**

22
23 **SECTION 2.** Notwithstanding ORS 419A.262 (2)(a), a person is eligible for an order of
24 expunction under ORS 419A.262 if the person was adjudicated for committing an act that, if
25 committed by an adult, would constitute a criminal offense in which possession, delivery or
26 manufacture of marijuana is an element and:

27 (1) The court finds that at least one year has elapsed since the date of the person's most
28 recent termination;

29 (2) The applicant has not been adjudicated or convicted for any other act or offense, ex-
30 cluding motor vehicle violations; and

31 (3) The applicant has complied with and performed all conditions of the adjudication.

32 **SECTION 3.** Notwithstanding ORS 137.225 (1)(a), a defendant is eligible for an order set-
33 ting aside a conviction for a criminal offense in which possession, delivery or manufacture
34 of marijuana is an element after one year has elapsed from the date of entry of judgment
35 of conviction if:

36 (1) The defendant was under 21 years of age at the time of the conviction;

37 (2) The defendant has not been convicted of any other offense, excluding motor vehicle
38 violations; and

39 (3) The defendant has fully complied with and performed the sentence of the court.

40
41 **REGISTRY IDENTIFICATION CARDHOLDER RIGHTS**

42
43 **SECTION 4.** If House Bill 3400 becomes law, ORS 475.302, as amended by section 80, chapter
44 ____, Oregon Laws 2015 (Enrolled House Bill 3400), is amended to read:
45 475.302. As used in ORS 475.300 to 475.346:

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

3 (2) "Cannabinoid" means any of the chemical compounds that are the active constituents of
4 marijuana.

5 (3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
6 marijuana by:

7 (a) A mechanical extraction process;

8 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable
9 glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

10 (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided
11 that the process does not involve the use of high heat or pressure; or

12 (d) Any other process identified by the Oregon Health Authority, in consultation with the
13 Oregon Liquor Control Commission, by rule.

14 (4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate,
15 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

16 (5) "Cannabinoid extract" means a substance obtained by separating cannabinoids from
17 marijuana by:

18 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
19 or propane;

20 (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the
21 process uses high heat or pressure; or

22 (c) Any other process identified by the Oregon Health Authority, in consultation with the
23 Oregon Liquor Control Commission, by rule.

24 (6) "Debilitating medical condition" means:

25 (a) Cancer, glaucoma, [*agitation incident to Alzheimer's disease*] **a degenerative or pervasive**
26 **neurological condition**, positive status for human immunodeficiency virus or acquired immune de-
27 ficiency syndrome, or a side effect related to the treatment of those medical conditions;

28 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
29 tient, one or more of the following:

30 (A) Cachexia;

31 (B) Severe pain;

32 (C) Severe nausea;

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

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

35 (c) Post-traumatic stress disorder; or

36 (d) Any other medical condition or side effect related to the treatment of a medical condition
37 adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition
38 filed under ORS 475.334.

39 (7)(a) "Delivery" has the meaning given that term in ORS 475.005.

40 (b) "Delivery" does not include transfer of marijuana by a registry identification cardholder to
41 another registry identification cardholder if no consideration is paid for the transfer.

42 (8)(a) "Designated primary caregiver" means an individual:

43 (A) Who is 18 years of age or older;

44 (B) Who has significant responsibility for managing the well-being of a person who has been
45 diagnosed with a debilitating medical condition; and

1 (C) Who is designated as the person responsible for managing the well-being of a person who
2 has been diagnosed with a debilitating medical condition on that person’s application for a registry
3 identification card or in other written notification submitted to the authority.

4 (b) “Designated primary caregiver” does not include a person’s attending physician.

5 (9) “High heat” means a temperature exceeding 180 degrees.

6 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.

7 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant
8 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

9 (b) “Marijuana” does not include industrial hemp, as defined in ORS 571.300.

10 (12) “Marijuana grow site” means a location registered under ORS 475.304 where marijuana is
11 produced for use by a registry identification cardholder.

12 (13) “Marijuana processing site” means a marijuana processing site registered under section
13 85, **chapter __**, **Oregon Laws 2015 (Enrolled House Bill 3400)**, [of this 2015 Act] or a site for
14 which an applicant has submitted an application for registration under section 85, **chapter __**,
15 **Oregon Laws 2015 (Enrolled House Bill 3400)** [of this 2015 Act].

16 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana
17 plant.

18 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-
19 tended for human consumption or use, including a product intended to be applied to a person’s skin
20 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

21 (b) “Medical cannabinoid product” does not include:

22 (A) Usable marijuana by itself;

23 (B) A cannabinoid concentrate by itself;

24 (C) A cannabinoid extract by itself; or

25 (D) Industrial hemp, as defined in ORS 571.300.

26 (16) “Medical marijuana dispensary” means a medical marijuana dispensary registered under
27 ORS 475.314 or a site for which an applicant has submitted an application for registration under
28 ORS 475.314.

29 (17) “Medical use of marijuana” means the production, processing, possession, delivery or ad-
30 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
31 symptoms or effects of a debilitating medical condition.

32 (18) “Person designated to produce marijuana by a registry identification cardholder” means a
33 person designated to produce marijuana by a registry identification cardholder under ORS 475.304
34 who produces marijuana for a registry identification cardholder at an address other than the address
35 where the registry identification cardholder resides or at an address where more than 12 mature
36 marijuana plants are produced.

37 (19) “Process” means the compounding or conversion of marijuana into medical cannabinoid
38 products, cannabinoid concentrates or cannabinoid extracts.

39 (20) “Production” means:

40 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

41 (b) Drying marijuana leaves or flowers.

42 [(20)] (21) “Registry identification card” means a document issued by the Oregon Health Au-
43 thority under ORS 475.309 that identifies a person authorized to engage in the medical use of
44 marijuana and, if the person has a designated primary caregiver under ORS 475.312, the person’s
45 designated primary caregiver.

