

**PROPOSED AMENDMENTS TO
SENATE BILL 844**

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

3 Delete lines 4 through 14 and insert:

4 **“SECTION 1.** If House Bill 3400 becomes law, ORS 475.302, as amended
5 by section 80, chapter ___, Oregon Laws 2015 (Enrolled House Bill 3400), is
6 amended to read:

7 “475.302. As used in ORS 475.300 to 475.346:

8 “(1) ‘Attending physician’ means a physician licensed under ORS chapter
9 677 who has primary responsibility for the care and treatment of a person
10 diagnosed with a debilitating medical condition.

11 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the
12 active constituents of marijuana.

13 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating
14 cannabinoids from marijuana by:

15 “(a) A mechanical extraction process;

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

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

22 “(d) Any other process identified by the Oregon Health Authority, in

1 consultation with the Oregon Liquor Control Commission, by rule.

2 “(4) ‘Cannabinoid edible’ means food or potable liquid into which a
3 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
4 marijuana have been incorporated.

5 “(5) ‘Cannabinoid extract’ means a substance obtained by separating
6 cannabinoids from marijuana by:

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

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

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

13 “(6) ‘Debilitating medical condition’ means:

14 “(a) Cancer, glaucoma, [*agitation incident to Alzheimer’s disease*] **a de-**
15 **generative or pervasive neurological condition**, positive status for human
16 immunodeficiency virus or acquired immune deficiency syndrome, or a side
17 effect related to the treatment of those medical conditions;

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

20 “(A) Cachexia;

21 “(B) Severe pain;

22 “(C) Severe nausea;

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

24 “(E) Persistent muscle spasms, including spasms caused by multiple
25 sclerosis;

26 “(c) Post-traumatic stress disorder; or

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

30 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.

1 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
2 tification cardholder to another registry identification cardholder if no con-
3 sideration is paid for the transfer.

4 “(8)(a) ‘Designated primary caregiver’ means an individual:

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

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

8 “(C) Who is designated as the person responsible for managing the well-
9 being of a person who has been diagnosed with a debilitating medical con-
10 dition on that person’s application for a registry identification card or in
11 other written notification submitted to the authority.

12 “(b) ‘Designated primary caregiver’ does not include a person’s attending
13 physician.

14 “(9) ‘High heat’ means a temperature exceeding 180 degrees.

15 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not
16 flowering.

17 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any
18 part of the plant Cannabis family Cannabaceae and the seeds of the plant
19 Cannabis family Cannabaceae.

20 “(b) ‘Marijuana’ does not include industrial hemp, as defined in ORS
21 571.300.

22 “(12) ‘Marijuana grow site’ means a location registered under ORS 475.304
23 where marijuana is produced for use by a registry identification cardholder.

24 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-
25 istered under section 85, **chapter __, Oregon Laws 2015 (Enrolled House**
26 **Bill 3400)**, [*of this 2015 Act*] or a site for which an applicant has submitted
27 an application for registration under section 85, **chapter __, Oregon Laws**
28 **2015 (Enrolled House Bill 3400)** [*of this 2015 Act*].

29 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an
30 immature marijuana plant.

1 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and
2 any other product intended for human consumption or use, including a
3 product intended to be applied to a person’s skin or hair, that contains
4 cannabinoids or dried leaves or flowers of marijuana.

5 “(b) ‘Medical cannabinoid product’ does not include:

6 “(A) Usable marijuana by itself;

7 “(B) A cannabinoid concentrate by itself;

8 “(C) A cannabinoid extract by itself; or

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

10 “(16) ‘Medical marijuana dispensary’ means a medical marijuana
11 dispensary registered under ORS 475.314 or a site for which an applicant has
12 submitted an application for registration under ORS 475.314.

13 “(17) ‘Medical use of marijuana’ means the production, processing, pos-
14 session, delivery or administration of marijuana, or use of paraphernalia
15 used to administer marijuana, to mitigate the symptoms or effects of a de-
16 bilitating medical condition.

17 “(18) ‘Person designated to produce marijuana by a registry identification
18 cardholder’ means a person designated to produce marijuana by a registry
19 identification cardholder under ORS 475.304 who produces marijuana for a
20 registry identification cardholder at an address other than the address where
21 the registry identification cardholder resides or at an address where more
22 than 12 mature marijuana plants are produced.

23 “(19) ‘Process’ means the compounding or conversion of marijuana into
24 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
25 tracts.

26 “(20) ‘Production’ means:

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

28 “(b) Drying marijuana leaves or flowers.

29 “[20] **(21)** ‘Registry identification card’ means a document issued by the
30 Oregon Health Authority under ORS 475.309 that identifies a person au-

1 thorized to engage in the medical use of marijuana and, if the person has a
2 designated primary caregiver under ORS 475.312, the person’s designated
3 primary caregiver.

4 “[~~(21)~~] **(22)** ‘Registry identification cardholder’ means a person to whom
5 a registry identification card has been issued under ORS 475.309.

6 “[~~(21)(a)~~] **(23)(a)** ‘Usable marijuana’ means the dried leaves and flowers
7 of marijuana.

8 “(b) ‘Usable marijuana’ does not include:

9 “(A) The seeds, stalks and roots of marijuana; or

10 “(B) Waste material that is a by-product of producing marijuana.

11 “[~~(22)~~] **(24)** ‘Written documentation’ means a statement signed by the at-
12 tending physician of a person diagnosed with a debilitating medical condition
13 or copies of the person’s relevant medical records.

14 **“SECTION 2. Section 3 of this 2015 Act is added to and made a part**
15 **of ORS 475.300 to 475.346.**

16 **“SECTION 3. (1) Notwithstanding ORS 475.312, an organization that**
17 **provides hospice, palliative or home health care services, or a resi-**
18 **dential facility as defined in ORS 443.400, that has significant respon-**
19 **sibility for managing the well-being of a person who has been**
20 **diagnosed with a debilitating medical condition may be designated, in**
21 **addition to an individual designated pursuant to ORS 475.312, as an**
22 **additional caregiver for a registry identification cardholder in the**
23 **same manner that an individual is designated as the primary caregiver**
24 **for a registry identification cardholder under ORS 475.312.**

25 **“(2) An organization or residential facility that is designated under**
26 **this section has all the duties, functions and powers of a designated**
27 **primary caregiver as prescribed by ORS 475.300 to 475.346 or a rule**
28 **adopted under ORS 475.300 to 475.346.**

29 **“SECTION 4. Section 5 of this 2015 Act is added to and made a part**
30 **of ORS 97.951 to 97.982.**

1 **“SECTION 5. A transplant hospital may not deny a recipient from**
2 **receiving an anatomical gift exclusively on the basis that the recipient**
3 **is a registry identification cardholder as defined in ORS 475.302.**

4 **“SECTION 6. Sections 3 and 5 of this 2015 Act and the amendments**
5 **to ORS 475.302 by section 1 of this 2015 Act become operative on March**
6 **1, 2016.”.**

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