

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED HOUSE BILL 3100**

1 On page 1 of the printed A-engrossed bill, line 10, after “2011” insert “,
2 and sections 21, 23 and 80c, chapter ___, Oregon Laws 2015 (Enrolled House
3 Bill 3400)”.

4 In line 11, after “431.530” insert “and section 80a, chapter ___, Oregon
5 Laws 2015 (Enrolled House Bill 3400)”.

6 On page 10, line 35, delete “9” and insert “17”.

7 On page 11, line 1, delete “9” and insert “17”.

8 In line 18, delete “9” and insert “17”.

9 In line 30, delete “9” and insert “17”.

10 On page 77, delete lines 17 through 28 and insert:
11

12 **“CONFLICT AMENDMENTS**
13

14 **“SECTION 116. If House Bill 3400 becomes law, section 80a, chapter**
15 **___, Oregon Laws 2015 (Enrolled House Bill 3400) (amending ORS**
16 **475.309), is repealed and ORS 475.309, as amended by section 103 of this**
17 **2015 Act, is amended to read:**

18 *“475.309. [(1) Except as provided in ORS 475.316, 475.320 and 475.342, a*
19 *person engaged in or assisting in the medical use of marijuana is excepted*
20 *from the criminal laws of the state for possession, delivery or production of*
21 *marijuana, aiding and abetting another in the possession, delivery or pro-*
22 *duction of marijuana or any other criminal offense in which possession, de-*

1 *livery or production of marijuana is an element if the following conditions*
2 *have been satisfied:]*

3 *“[(a)(A) The person holds a registry identification card issued pursuant to*
4 *this section, has applied for a registry identification card pursuant to sub-*
5 *section (9) of this section, is the designated primary caregiver of the cardholder*
6 *or applicant, or is the person responsible for a marijuana grow site that is*
7 *producing marijuana for the cardholder and is registered under ORS 475.304;*
8 *and]*

9 *“[(B) The person who has a debilitating medical condition, the person’s*
10 *primary caregiver and the person responsible for a marijuana grow site that*
11 *is producing marijuana for the cardholder and is registered under ORS*
12 *475.304 are collectively in possession of, delivering or producing marijuana for*
13 *medical use in amounts allowed under ORS 475.320; or]*

14 *“[(b) The person is responsible for or employed by a medical marijuana*
15 *facility registered under ORS 475.314 and does not commit any of the acts*
16 *described in this subsection anywhere other than at the medical marijuana*
17 *facility.]*

18 *“[(2) The Oregon Health Authority shall establish and maintain a program*
19 *for the issuance of registry identification cards to persons who meet the re-*
20 *quirements of this section. Except as provided in subsection (3) of this section,*
21 *the authority shall issue a registry identification card to any person who pays*
22 *a fee in the amount established by the authority and provides the following:]*

23 *“[(a) Valid, written documentation from the person’s attending physician*
24 *stating that the person has been diagnosed with a debilitating medical condi-*
25 *tion and that the medical use of marijuana may mitigate the symptoms or ef-*
26 *fects of the person’s debilitating medical condition;]*

27 *“[(b) The name, address and date of birth of the person;]*

28 *“[(c) The name, address and telephone number of the person’s attending*
29 *physician;]*

30 *“[(d) The name and address of the person’s designated primary caregiver,*

1 *if the person has designated a primary caregiver at the time of application;*
2 *and]*

3 *“(e) A written statement that indicates whether the marijuana used by the*
4 *cardholder will be produced at a location where the cardholder or designated*
5 *primary caregiver is present or at another location.]*

6 *“(3) The authority shall issue a registry identification card to a person*
7 *who is under 18 years of age if the person submits the materials required un-*
8 *der subsection (2) of this section, and the custodial parent or legal guardian*
9 *with responsibility for health care decisions for the person under 18 years of*
10 *age signs a written statement that:]*

11 *“(a) The attending physician of the person under 18 years of age has ex-*
12 *plained to that person and to the custodial parent or legal guardian with re-*
13 *sponsibility for health care decisions for the person under 18 years of age the*
14 *possible risks and benefits of the medical use of marijuana;]*

15 *“(b) The custodial parent or legal guardian with responsibility for health*
16 *care decisions for the person under 18 years of age consents to the use of*
17 *marijuana by the person under 18 years of age for medical purposes;]*

18 *“(c) The custodial parent or legal guardian with responsibility for health*
19 *care decisions for the person under 18 years of age agrees to serve as the des-*
20 *ignated primary caregiver for the person under 18 years of age; and]*

21 *“(d) The custodial parent or legal guardian with responsibility for health*
22 *care decisions for the person under 18 years of age agrees to control the ac-*
23 *quisition of marijuana and the dosage and frequency of use by the person un-*
24 *der 18 years of age.]*

25 *“(4) A person applying for a registry identification card pursuant to this*
26 *section may submit the information required in this section to a local health*
27 *department for transmittal to the authority. A local health department that*
28 *receives the information pursuant to this subsection shall transmit the infor-*
29 *mation to the authority within five days of receipt of the information. Infor-*
30 *mation received by a local health department pursuant to this subsection shall*

1 *be confidential and not subject to disclosure, except as required to transmit the*
2 *information to the authority.]*

3 *“(5)(a) The authority shall verify the information contained in an applica-*
4 *tion submitted pursuant to this section and shall approve or deny an applica-*
5 *tion within thirty days of receipt of the application.]*

6 *“(b) In addition to the authority granted to the authority under ORS*
7 *475.316 to deny an application, the authority may deny an application for the*
8 *following reasons:]*

9 *“(A) The applicant did not provide the information required pursuant to*
10 *this section to establish the applicant’s debilitating medical condition and to*
11 *document the applicant’s consultation with an attending physician regarding*
12 *the medical use of marijuana in connection with such condition, as provided*
13 *in subsections (2) and (3) of this section;]*

14 *“(B) The authority determines that the information provided was falsified;*
15 *or]*

16 *“(C) The applicant has been prohibited by a court order from obtaining a*
17 *registry identification card.]*

18 *“(c) Denial of a registry identification card shall be considered a final*
19 *authority action, subject to judicial review. Only the person whose application*
20 *has been denied, or, in the case of a person under the age of 18 years of age*
21 *whose application has been denied, the person’s parent or legal guardian, shall*
22 *have standing to contest the authority’s action.]*

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

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

1 “[(A) *The cardholder’s name, address and date of birth;*]
2 “[(B) *The date of issuance and expiration date of the registry identification*
3 *card;*]
4 “[(C) *The name and address of the person’s designated primary caregiver,*
5 *if any;*]
6 “[(D) *Whether the marijuana used by the cardholder will be produced at*
7 *a location where the cardholder or designated primary caregiver is present or*
8 *at another location; and*]
9 “[(E) *Any other information that the authority may specify by rule.*]
10 “[(b) *When the person to whom the authority has issued a registry iden-*
11 *tification card pursuant to this section has specified a designated primary*
12 *caregiver, the authority shall issue an identification card to the designated*
13 *primary caregiver. The primary caregiver’s registry identification card shall*
14 *contain the information provided in paragraph (a) of this subsection.*]
15 “[(7)(a) *A person who possesses a registry identification card shall:*]
16 “[(A) *Notify the authority of any change in the person’s name, address, at-*
17 *tending physician or designated primary caregiver.*]
18 “[(B) *If applicable, notify the designated primary caregiver of the*
19 *cardholder, the person responsible for the marijuana grow site that produces*
20 *marijuana for the cardholder and any person responsible for a medical*
21 *marijuana facility that transfers usable marijuana or immature marijuana*
22 *plants to the cardholder under ORS 475.314 of any change in status including,*
23 *but not limited to:*]
24 “[(i) *The assignment of another individual as the designated primary*
25 *caregiver of the cardholder;*]
26 “[(ii) *The assignment of another individual as the person responsible for a*
27 *marijuana grow site producing marijuana for the cardholder; or*]
28 “[(iii) *The end of the eligibility of the cardholder to hold a valid registry*
29 *identification card.*]
30 “[(C) *Annually submit to the authority:*]

1 “[(i) Updated written documentation from the cardholder’s attending phy-
2 sician of the person’s debilitating medical condition and that the medical use
3 of marijuana may mitigate the symptoms or effects of the person’s debilitating
4 medical condition; and]

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

7 “[(b) If a person who possesses a registry identification card fails to comply
8 with this subsection, the card shall be deemed expired. If a registry identifi-
9 cation card expires, the identification card of any designated primary caregiver
10 of the cardholder shall also expire.]

11 “[(8)(a) A person who possesses a registry identification card pursuant to
12 this section and who has been diagnosed by the person’s attending physician
13 as no longer having a debilitating medical condition or whose attending phy-
14 sician has determined that the medical use of marijuana is contraindicated for
15 the person’s debilitating medical condition shall return the registry identifi-
16 cation card and any other associated Oregon Medical Marijuana Program
17 cards to the authority within 30 calendar days of notification of the diagnosis
18 or notification of the contraindication.]

19 “[(b) If, due to circumstances beyond the control of the registry identifica-
20 tion cardholder, a cardholder is unable to obtain a second medical opinion
21 about the cardholder’s continuing eligibility to use medical marijuana before
22 the 30-day period specified in paragraph (a) of this subsection has expired, the
23 authority may grant the cardholder additional time to obtain a second opinion
24 before requiring the cardholder to return the registry identification card and
25 any associated cards.]

26 “[(9) A person who has applied for a registry identification card pursuant
27 to this section but whose application has not yet been approved or denied, and
28 who is contacted by any law enforcement officer in connection with the person’s
29 administration, possession, delivery or production of marijuana for medical use
30 may provide to the law enforcement officer a copy of the written documentation

1 submitted to the authority pursuant to subsection (2) or (3) of this section and
2 proof of the date of mailing or other transmission of the documentation to the
3 authority. This documentation shall have the same legal effect as a registry
4 identification card until such time as the person receives notification that the
5 application has been approved or denied.]

6 “[10)(a) A registry identification cardholder has the primary responsibility
7 of notifying the designated primary caregiver, the person responsible for the
8 marijuana grow site that produces marijuana for the cardholder and any per-
9 son responsible for a medical marijuana facility that transfers usable
10 marijuana or immature marijuana plants to the cardholder under ORS 475.314
11 of any change in status of the cardholder.]

12 “[b) If the authority is notified by the cardholder that a primary caregiver
13 or person responsible for a marijuana grow site has changed, the authority
14 shall notify the primary caregiver or the person responsible for the marijuana
15 grow site by mail at the address of record confirming the change in status and
16 informing the caregiver or person responsible for the marijuana grow site that
17 their card is no longer valid and must be returned to the authority.]

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

26 “[12) The authority shall revoke the registration of a medical marijuana
27 facility registered under ORS 475.314 if a court has issued an order that pro-
28 hibits the person responsible for the medical marijuana facility from partic-
29 ipating in the Oregon Medical Marijuana Program under ORS 475.300 to
30 475.346.]

1 “[(13) *The authority and employees and agents of the authority acting*
2 *within the course and scope of their employment are immune from any civil*
3 *liability that might be incurred or imposed for the performance of or failure*
4 *to perform duties required by this section.*]

5 “(1) **The Oregon Health Authority shall establish a program for the**
6 **issuance of registry identification cards to applicants who meet the**
7 **requirements of this section.**

8 “(2) **The authority shall issue a registry identification card to an**
9 **applicant who is 18 years of age or older if the applicant pays a fee in**
10 **an amount established by the authority by rule and submits to the**
11 **authority an application containing the following information:**

12 “(a) **Written documentation from the applicant’s attending physi-**
13 **cian stating that the attending physician has diagnosed the applicant**
14 **as having a debilitating medical condition and that the medical use**
15 **of marijuana may mitigate the symptoms or effects of the applicant’s**
16 **debilitating medical condition;**

17 “(b) **The name, address and date of birth of the applicant;**

18 “(c) **The name, address and telephone number of the applicant’s**
19 **attending physician;**

20 “(d) **Proof of residency, as required by the authority by rule;**

21 “(e) **The name and address of the applicant’s designated primary**
22 **caregiver, if the applicant is designating a primary caregiver under**
23 **ORS 475.312; and**

24 “(f) **The information described in ORS 475.304 (2), if the applicant**
25 **is applying to produce marijuana or designate another person under**
26 **ORS 475.304 to produce marijuana.**

27 “(3)(a) **The authority shall issue a registry identification card to an**
28 **applicant who is under 18 years of age if:**

29 “(A) **The applicant pays the fee and submits the application de-**
30 **scribed in subsection (2) of this section; and**

1 **“(B) The custodial parent or legal guardian who is responsible for**
2 **the health care decisions of the applicant signs and submits to the**
3 **authority a written statement that:**

4 **“(i) The applicant’s attending physician has explained to the appli-**
5 **cant and to the custodial parent or legal guardian the possible risks**
6 **and benefits of the medical use of marijuana;**

7 **“(ii) The custodial parent or legal guardian consents to the medical**
8 **use of marijuana by the applicant;**

9 **“(iii) The custodial parent or legal guardian agrees to serve as the**
10 **applicant’s designated primary caregiver; and**

11 **“(iv) The custodial parent or legal guardian agrees to control the**
12 **acquisition, dosage and frequency of the medical use of marijuana by**
13 **the applicant.**

14 **“(b) An applicant who is under 18 years of age may not apply to**
15 **produce marijuana under subsection (2)(f) of this section.**

16 **“(4) The authority shall approve or deny an application within 30**
17 **days after receiving the application.**

18 **“(5)(a) If the authority approves an application, the authority shall**
19 **issue a serially numbered registry identification card to the applicant**
20 **within five days after approving the application. The registry identifi-**
21 **cation card must include the following information:**

22 **“(A) The registry identification cardholder’s name, address and date**
23 **of birth;**

24 **“(B) The issuance date and expiration date of the registry identifi-**
25 **cation card;**

26 **“(C) If the registry identification cardholder designated a primary**
27 **caregiver under ORS 475.312, the name and address of the registry**
28 **identification cardholder’s designated primary caregiver; and**

29 **“(D) Any other information required by the authority by rule.**

30 **“(b) If the registry identification cardholder designated a primary**

1 caregiver under ORS 475.312, the authority shall issue an identification
2 card to the designated primary caregiver. The identification card must
3 contain the information required by paragraph (a) of this subsection.

4 “(6) A registry identification cardholder shall:

5 “(a) In a form and manner prescribed by the authority, notify the
6 authority of any change concerning the registry identification
7 cardholder’s:

8 “(A) Name, address or attending physician;

9 “(B) Designated primary caregiver, including the designation of a
10 primary caregiver made at a time other than at the time of applying
11 for or renewing a registry identification card; or

12 “(C) Person responsible for a marijuana grow site, including the
13 designation of a person responsible for a marijuana grow site made at
14 a time other than at the time of applying for or renewing a registry
15 identification card.

16 “(b) Annually renew the registry identification card by paying a fee
17 in an amount established by the authority by rule and submitting to
18 the authority an application that contains the following information:

19 “(A) Updated written documentation from the registry identifica-
20 tion cardholder’s attending physician stating that the registry iden-
21 tification cardholder still has a debilitating medical condition and that
22 the medical use of marijuana may mitigate the symptoms or effects
23 of the registry identification cardholder’s debilitating medical condi-
24 tion;

25 “(B) The information described in subsection (2)(b) to (f) of this
26 section; and

27 “(C) If the registry identification cardholder is under 18 years of
28 age, a statement signed by the custodial parent or legal guardian of
29 the registry identification cardholder that meets the requirements of
30 subsection (3) of this section.

1 **“(7)(a) If the registry identification cardholder’s attending physician**
2 **determines that the registry identification cardholder no longer has a**
3 **debilitating medical condition or determines that the medical use of**
4 **marijuana is contraindicated for the registry identification**
5 **cardholder’s debilitating medical condition, the registry identification**
6 **cardholder shall return the registry identification card to the author-**
7 **ity within 30 calendar days after receiving notice of the determination.**

8 **“(b) If, because of circumstances beyond the control of the registry**
9 **identification cardholder, a registry identification cardholder is unable**
10 **to obtain a second medical opinion about the registry identification**
11 **cardholder’s continuing eligibility for the medical use of marijuana**
12 **before having to return the registry identification card to the author-**
13 **ity, the authority may grant the registry identification cardholder ad-**
14 **ditional time to obtain a second medical opinion.**

15 **“(8)(a) The authority may deny an application for a registry iden-**
16 **tification card or an application to renew a registry identification card,**
17 **or may suspend or revoke a registry identification card, if:**

18 **“(A) The applicant or registry identification cardholder does not**
19 **provide the information required by this section;**

20 **“(B) The authority determines that the applicant or registry iden-**
21 **tification cardholder provided false information; or**

22 **“(C) The authority determines that the applicant or registry iden-**
23 **tification cardholder violated a provision of ORS 475.300 to 475.346 or**
24 **a rule adopted under ORS 475.300 to 475.346.**

25 **“(b) If a registry identification card is revoked, any associated**
26 **identification card issued under subsection (5)(b) of this section, or**
27 **marijuana grow site registration card issued under ORS 475.304 (6),**
28 **shall also be revoked.**

29 **“(c) A person whose application is denied, or whose registry iden-**
30 **tification card is revoked, under this subsection may not reapply for**

1 a registry identification card for six months from the date of the de-
2 nial or revocation unless otherwise authorized by the authority.

3 “(9)(a) The authority may deny a designation of a primary caregiver
4 made under ORS 475.312, or suspend or revoke an associated identifi-
5 cation card issued under subsection (5)(b) of this section, if the au-
6 thority determines that the designee or the registry identification
7 cardholder violated a provision of ORS 475.300 to 475.346 or a rule
8 adopted under ORS 475.300 to 475.346.

9 “(b) A person whose designation has been denied, or whose iden-
10 tification card has been revoked, under this subsection may not be
11 designated as a primary caregiver under ORS 475.312 for six months
12 from the date of the denial or revocation unless otherwise authorized
13 by the authority.

14 “(10) Notwithstanding subsection (2) or (6)(b) of this section, if an
15 applicant for a registry identification card, or a registry identification
16 cardholder applying for renewal of a registry identification card, sub-
17 mits to the authority proof of having served in the Armed Forces of
18 the United States and of having been diagnosed with post-traumatic
19 stress disorder, the authority may not impose a fee that is greater
20 than \$20 for the issuance or renewal of the registry identification card.

21 “SECTION 117. The amendments to ORS 475.309 by section 116 of
22 this 2015 Act become operative on the date specified in section 179,
23 chapter ___, Oregon Laws 2015 (Enrolled House Bill 3400).

24 “SECTION 118. If House Bill 3400 becomes law, section 80c, chapter ___,
25 Oregon Laws 2015 (Enrolled House Bill 3400), is amended to read:

26 “**Sec. 80c.** The amendments to ORS 475.309 and 475.312 by [*sections 80a*
27 *and 80b of this 2015 Act*] **section 116 of this 2015 Act and section 80b,**
28 **chapter ___, Oregon Laws 2015 (Enrolled House Bill 3400),** apply to:

29 “(1) Applications received by the Oregon Health Authority for a registry
30 identification card on or after the operative date specified in section 179 [*of*

1 *this 2015 Act*], **chapter __, Oregon Laws 2015 (Enrolled House Bill**
2 **3400)**;

3 “(2) Applications received by the authority to renew a registry identifi-
4 cation card on or after the operative date specified in section 179 [*of this*
5 *2015 Act*], **chapter __, Oregon Laws 2015 (Enrolled House Bill 3400)**; and

6 “(3) Registry identification cards updated by the authority on or after the
7 operative date specified in section 179 [*of this 2015 Act*], **chapter __,**
8 **Oregon Laws 2015 (Enrolled House Bill 3400).**

9 **“SECTION 119.** If House Bill 3400 becomes law, section 21, chapter __,
10 Oregon Laws 2015 (Enrolled House Bill 3400), is amended to read:

11 **“Sec. 21.** (1) Except as provided in subsection (2) of this section, the
12 Oregon Liquor Control Commission may require a person that holds a license
13 under section 22, chapter 1, Oregon Laws 2015, to maintain on file with the
14 commission a bond with a corporate surety authorized to transact business
15 in this state. The bond shall be in a form acceptable to the commission and
16 shall be in an amount that the commission determines is reasonably afford-
17 able and available. The bond is payable to the commission if the licensee
18 fails to pay any tax imposed on the [*retail*] sale of marijuana items as re-
19 quired by state law.

20 “(2) In lieu of maintaining the bond required by subsection (1) of this
21 section, a person that holds a license under section 22, chapter 1, Oregon
22 Laws 2015, may deposit in a bank or trust company for the benefit of the
23 commission an equivalent amount in cash, letters of credit recognized by the
24 State Treasurer or negotiable securities of a character approved by the State
25 Treasurer. Interest earned on deposited funds or securities shall accrue to
26 the person that made the deposit.

27 **“SECTION 120.** If House Bill 3400 becomes law, section 23, chapter __,
28 Oregon Laws 2015 (Enrolled House Bill 3400), is amended to read:

29 **“Sec. 23.** (1) The Oregon Liquor Control Commission shall develop and
30 maintain a system for tracking the transfer of marijuana items between li-

1 censed premises.

2 “(2) The purposes of the system developed and maintained under this
3 section include, but are not limited to:

4 “(a) Preventing the diversion of marijuana items to criminal enterprises,
5 gangs, cartels and other states;

6 “(b) Preventing persons from substituting or tampering with marijuana
7 items;

8 “(c) Ensuring an accurate accounting of the production, processing and
9 sale of marijuana items;

10 “(d) Ensuring that taxes are collected for the purpose of being distributed
11 as described in section 44, chapter 1, Oregon Laws 2015;

12 “(e) Ensuring that laboratory testing results are accurately reported; and

13 “(f) Ensuring compliance with the provisions of sections 3 to 70, chapter
14 1, Oregon Laws 2015, rules adopted under the provisions of sections 3 to 70,
15 chapter 1, Oregon Laws 2015, and any other law of this state that charges
16 the commission with a duty, function or power related to marijuana.

17 “(3) The system developed and maintained under this section must be ca-
18 pable of tracking, at a minimum:

19 “(a) The propagation of immature marijuana plants and the production
20 of marijuana by a marijuana producer;

21 “(b) The processing of marijuana by a marijuana processor;

22 “(c) The receiving, storing and delivering of marijuana items by a
23 marijuana wholesaler;

24 “(d) The sale of marijuana items by a marijuana retailer to a consumer;

25 “(e) The purchase and sale of marijuana items between licensees, as per-
26 mitted by sections 3 to 70, chapter 1, Oregon Laws 2015;

27 “(f) The transfer of marijuana items between licensed premises; **and**

28 “[g] *The collection of taxes imposed upon the retail sale of marijuana items*
29 *under section 70 of this 2015 Act; and]*

30 “[h] **(g)** Any other information that the commission determines is rea-

1 sonably necessary to accomplish the duties, functions and powers of the
2 commission under sections 3 to 70, chapter 1, Oregon Laws 2015.

3

4

“UNIT CAPTIONS

5

6 **“SECTION 121. The unit captions used in this 2015 Act are provided**
7 **only for the convenience of the reader and do not become part of the**
8 **statutory law of this state or express any legislative intent in the**
9 **enactment of this 2015 Act.**

10

11

“EMERGENCY CLAUSE

12

13 **“SECTION 122. This 2015 Act being necessary for the immediate**
14 **preservation of the public peace, health and safety, an emergency is**
15 **declared to exist, and this 2015 Act takes effect on its passage.”.**

16
