

# Senate Bill 130

Sponsored by Senator RILEY (Pre-session filed.)

## 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**.

Waives fees for obtaining medical marijuana card for veterans who have total disability rating of at least 50 percent as result of injury or illness incurred or aggravated during active military service, and who received discharge or release under other than dishonorable conditions.

## A BILL FOR AN ACT

1  
2 Relating to cannabis; creating new provisions; and amending ORS 475B.415.

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

4 **SECTION 1.** ORS 475B.415, as amended by section 9, chapter 24, Oregon Laws 2016, and section  
5 1, chapter 107, Oregon Laws 2016, is amended to read:

6 475B.415. (1) The Oregon Health Authority shall establish a program for the issuance of registry  
7 identification cards to applicants who meet the requirements of this section.

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

11 (a) Written documentation from the applicant's attending physician stating that the attending  
12 physician has diagnosed the applicant as having a debilitating medical condition and that the med-  
13 ical use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical  
14 condition;

15 (b) The name, address and date of birth of the applicant;

16 (c) The name, address and telephone number of the applicant's attending physician;

17 (d) Proof of residency, submitted in a form required by the authority by rule;

18 (e) The name and address of the applicant's designated primary caregiver, if the applicant is  
19 designating a primary caregiver under ORS 475B.418; and

20 (f) The information described in ORS 475B.420 (2), if the applicant is applying to produce  
21 marijuana or designate another person under ORS 475B.420 to produce marijuana.

22 (3)(a) The authority shall issue a registry identification card to an applicant who is under 18  
23 years of age if:

24 (A) The applicant pays the fee and submits the application described in subsection (2) of this  
25 section; and

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

28 (i) The applicant's attending physician has explained to the applicant and to the custodial parent  
29 or legal guardian the possible risks and benefits of the medical use of marijuana;

30 (ii) The custodial parent or legal guardian consents to the medical use of marijuana by the ap-  
31 plicant;

**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 (iii) The custodial parent or legal guardian agrees to serve as the applicant's designated primary  
2 caregiver; and

3 (iv) The custodial parent or legal guardian agrees to control the acquisition, dosage and fre-  
4 quency of the medical use of marijuana by the applicant.

5 (b) An applicant who is under 18 years of age may not apply to produce marijuana under sub-  
6 section (2)(f) of this section.

7 (4) The authority shall:

8 (a) On the date on which the authority receives an application described in subsection (2) of this  
9 section, issue a receipt to the applicant verifying that the authority received an application under  
10 subsection (2) or (3) of this section; and

11 (b) Approve or deny an application received under subsection (2) or (3) of this section within  
12 30 days after receiving the application.

13 (5)(a) If the authority approves an application, the authority shall issue a serially numbered  
14 registry identification card to the applicant within five days after approving the application. The  
15 registry identification card must include the following information:

16 (A) The registry identification cardholder's name, address and date of birth;

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

18 (C) If the registry identification cardholder designated a primary caregiver under ORS 475B.418,  
19 the name and address of the registry identification cardholder's designated primary caregiver; and

20 (D) Any other information required by the authority by rule.

21 (b) If the registry identification cardholder designated a primary caregiver under ORS 475B.418,  
22 the authority shall issue an identification card to the designated primary caregiver. The identifica-  
23 tion card must contain the information required by paragraph (a) of this subsection.

24 (6) A registry identification cardholder shall:

25 (a) In a form and manner prescribed by the authority, notify the authority of any change con-  
26 cerning the registry identification cardholder's:

27 (A) Name, address or attending physician;

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

30 (C) Person responsible for a marijuana grow site, including the designation of a person respon-  
31 sible for a marijuana grow site made at a time other than at the time of applying for or renewing  
32 a registry identification card.

33 (b) Annually renew the registry identification card by paying a fee in an amount established by  
34 the authority by rule and submitting to the authority an application that contains the following in-  
35 formation:

36 (A) Updated written documentation from the registry identification cardholder's attending phy-  
37 sician stating that the registry identification cardholder still has a debilitating medical condition  
38 and that the medical use of marijuana may mitigate the symptoms or effects of the registry iden-  
39 tification cardholder's debilitating medical condition;

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

41 (C) If the registry identification cardholder is under 18 years of age, a statement signed by the  
42 custodial parent or legal guardian of the registry identification cardholder that meets the require-  
43 ments of subsection (3) of this section.

44 (7) The authority shall:

45 (a) On the date on which the authority receives an application described in subsection (2) of this

1 section, issue a receipt to the applicant verifying that the authority received an application under  
2 subsection (6)(b) of this section; and

3 (b) Approve or deny an application received under subsection (6)(b) of this section within 30  
4 days after receiving the application.

5 (8)(a) If the registry identification cardholder's attending physician determines that the registry  
6 identification cardholder no longer has a debilitating medical condition, or determines that the  
7 medical use of marijuana is contraindicated for the registry identification cardholder's debilitating  
8 medical condition, the registry identification cardholder shall return the registry identification card  
9 to the authority within 30 calendar days after receiving notice of the determination.

10 (b) If, because of circumstances beyond the control of the registry identification cardholder, a  
11 registry identification cardholder is unable to obtain a second medical opinion about the registry  
12 identification cardholder's continuing eligibility for the medical use of marijuana before having to  
13 return the registry identification card to the authority, the authority may grant the registry iden-  
14 tification cardholder additional time to obtain a second medical opinion.

15 (9)(a) The authority may deny an application for a registry identification card or an application  
16 to renew a registry identification card, or may suspend or revoke a registry identification card, if:

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

19 (B) The authority determines that the applicant or registry identification cardholder provided  
20 false information; or

21 (C) The authority determines that the applicant or registry identification cardholder violated a  
22 provision of ORS 475B.400 to 475B.525 or a rule adopted under ORS 475B.400 to 475B.525.

23 (b) If a registry identification card is revoked, any associated identification card issued under  
24 subsection (5)(b) of this section, or marijuana grow site registration card issued under ORS 475B.420  
25 (6), shall also be revoked.

26 (c) A person whose application is denied, or whose registry identification card is revoked, under  
27 this subsection may not reapply for a registry identification card for six months from the date of the  
28 denial or revocation unless otherwise authorized by the authority.

29 (10)(a) The authority may deny a designation of a primary caregiver made under ORS 475B.418,  
30 or suspend or revoke an associated identification card issued under subsection (5)(b) of this section,  
31 if the authority determines that the designee or the registry identification cardholder violated a  
32 provision of ORS 475B.400 to 475B.525 or a rule adopted under ORS 475B.400 to 475B.525.

33 (b) A person whose designation has been denied, or whose identification card has been revoked,  
34 under this subsection may not be designated as a primary caregiver under ORS 475B.418 for six  
35 months from the date of the denial or revocation unless otherwise authorized by the authority.

36 (11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an applicant for a registry  
37 identification card, or a registry identification cardholder applying for renewal of a registry iden-  
38 tification card, submits to the authority proof of having served in the Armed Forces of the United  
39 States, the authority:

40 (A) May not impose a fee that is greater than \$20 for the issuance or renewal of the registry  
41 identification card[.]; and

42 (B) **Must waive the fee for the issuance or renewal of the registry identification card if**  
43 **the applicant submits proof of having a United States Department of Veterans Affairs total**  
44 **disability rating of at least 50 percent as a result of an injury or illness that the veteran in-**  
45 **curred, or that was aggravated, during active military service and who received a discharge**

1 **or release under other than dishonorable conditions.**

2 (b) Notwithstanding subsection (6)(b)(A) of this section, the requirement that a registry identifi-  
3 cation cardholder include in the application to renew a registry identification card updated written  
4 documentation from the cardholder's attending physician regarding the cardholder's continuing de-  
5 bilitating medical condition does not apply to a service-disabled veteran who:

6 (A) Has been assigned a total and permanent disability rating for compensation that rates the  
7 veteran as unable to secure or follow a substantially gainful occupation as a result of service-  
8 connected disabilities as described in 38 C.F.R. 4.16; or

9 (B) Has a United States Department of Veterans Affairs total disability rating of 100 percent  
10 as a result of an injury or illness that the veteran incurred, or that was aggravated, during active  
11 military service and who received a discharge or release under other than dishonorable conditions.

12 (12) For any purpose described in ORS 475B.400 to 475B.525, including exemption from criminal  
13 liability under ORS 475B.475, a receipt issued by the authority verifying that an application has  
14 been submitted to the authority under subsection (2), (3) or (6)(b) of this section has the same legal  
15 effect as a registry identification card for 30 days following the date on which the receipt was issued  
16 to the applicant.

17 **SECTION 2. The amendments to ORS 475B.415 by section 1 of this 2017 Act apply to ap-**  
18 **licants who submit an application for a registry identification card, or renewal of a registry**  
19 **identification card, on or after the effective date of this 2017 Act.**

20