

At the request of Kris McCalister

**PROPOSED AMENDMENTS TO
SENATE BILL 1057**

1 On page 1 of the printed bill, line 7, after “475B.399,” insert “475B.415,”.

2 On page 15, after line 39, insert:

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“REGISTRY IDENTIFICATION CARD FEES

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6 **“SECTION 36c.** ORS 475B.415, as amended by section 9, chapter 24,
7 Oregon Laws 2016, and section 1, chapter 107, Oregon Laws 2016, is amended
8 to read:

9 “475B.415. (1) The Oregon Health Authority shall establish a program for
10 the issuance of registry identification cards to applicants who meet the re-
11 quirements of this section.

12 “(2) The authority shall issue a registry identification card to an appli-
13 cant who is 18 years of age or older if the applicant pays a fee in an
14 amount, **not to exceed \$60**, established by the authority by rule and submits
15 to the authority an application containing the following information:

16 “(a) Written documentation from the applicant’s attending physician
17 stating that the attending physician has diagnosed the applicant as having
18 a debilitating medical condition and that the medical use of marijuana may
19 mitigate the symptoms or effects of the applicant’s debilitating medical con-
20 dition;

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

1 “(c) The name, address and telephone number of the applicant’s attending
2 physician;

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

5 “(e) The name and address of the applicant’s designated primary
6 caregiver, if the applicant is designating a primary caregiver under ORS
7 475B.418; and

8 “(f) The information described in ORS 475B.420 (2), if the applicant is
9 applying to produce marijuana or designate another person under ORS
10 475B.420 to produce marijuana.

11 “(3)(a) The authority shall issue a registry identification card to an ap-
12 plicant who is under 18 years of age if:

13 “(A) The applicant pays the fee and submits the application described in
14 subsection (2) of this section; and

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

18 “(i) The applicant’s attending physician has explained to the applicant
19 and to the custodial parent or legal guardian the possible risks and benefits
20 of the medical use of marijuana;

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

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

25 “(iv) The custodial parent or legal guardian agrees to control the acqui-
26 sition, dosage and frequency of the medical use of marijuana by the appli-
27 cant.

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

30 “(4) The authority shall:

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

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

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

11 “(A) The registry identification cardholder’s name, address and date of
12 birth;

13 “(B) The issuance date and expiration date of the registry identification
14 card;

15 “(C) If the registry identification cardholder designated a primary
16 caregiver under ORS 475B.418, the name and address of the registry iden-
17 tification cardholder’s designated primary caregiver; and

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

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

23 “(6) A registry identification cardholder shall:

24 “(a) In a form and manner prescribed by the authority, notify the au-
25 thority of any change concerning the registry identification cardholder’s:

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

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

30 “(C) Person responsible for a marijuana grow site, including the desig-

1 nation of a person responsible for a marijuana grow site made at a time
2 other than at the time of applying for or renewing a registry identification
3 card.

4 “(b) Annually renew the registry identification card by paying a fee, **not**
5 **to exceed \$60**, in an amount established by the authority by rule and sub-
6 mitting to the authority an application that contains the following informa-
7 tion:

8 “(A) Updated written documentation from the registry identification
9 cardholder’s attending physician stating that the registry identification
10 cardholder still has a debilitating medical condition and that the medical use
11 of marijuana may mitigate the symptoms or effects of the registry identifi-
12 cation cardholder’s debilitating medical condition;

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

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

19 “(7) The authority shall:

20 “(a) On the date on which the authority receives an application described
21 in subsection (2) of this section, issue a receipt to the applicant verifying
22 that the authority received an application under subsection (6)(b) of this
23 section; and

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

26 “(8)(a) If the registry identification cardholder’s attending physician de-
27 termines that the registry identification cardholder no longer has a debili-
28 tating medical condition, or determines that the medical use of marijuana is
29 contraindicated for the registry identification cardholder’s debilitating med-
30 ical condition, the registry identification cardholder shall return the registry

1 identification card to the authority within 30 calendar days after receiving
2 notice of the determination.

3 “(b) If, because of circumstances beyond the control of the registry iden-
4 tification cardholder, a registry identification cardholder is unable to obtain
5 a second medical opinion about the registry identification cardholder’s con-
6 tinuing eligibility for the medical use of marijuana before having to return
7 the registry identification card to the authority, the authority may grant the
8 registry identification cardholder additional time to obtain a second medical
9 opinion.

10 “(9)(a) The authority may deny an application for a registry identification
11 card or an application to renew a registry identification card, or may sus-
12 pend or revoke a registry identification card, if:

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

15 “(B) The authority determines that the applicant or registry identification
16 cardholder provided false information; or

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

20 “(b) If a registry identification card is revoked, any associated identifi-
21 cation card issued under subsection (5)(b) of this section, or marijuana grow
22 site registration card issued under ORS 475B.420 (6), shall also be revoked.

23 “(c) A person whose application is denied, or whose registry identification
24 card is revoked, under this subsection may not reapply for a registry iden-
25 tification card for six months from the date of the denial or revocation un-
26 less otherwise authorized by the authority.

27 “(10)(a) The authority may deny a designation of a primary caregiver
28 made under ORS 475B.418, or suspend or revoke an associated identification
29 card issued under subsection (5)(b) of this section, if the authority determines
30 that the designee or the registry identification cardholder violated a pro-

1 vision of ORS 475B.400 to 475B.525 or a rule adopted under ORS 475B.400 to
2 475B.525.

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

7 “(11)(a) Notwithstanding subsection (2) or (6)(b) of this section, if an ap-
8 plicant for a registry identification card, or a registry identification
9 cardholder applying for renewal of a registry identification card, submits to
10 the authority proof of having served in the Armed Forces of the United
11 States, the authority may not impose a fee that is greater than \$20 for the
12 issuance or renewal of the registry identification card.

13 “(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement
14 that a registry identification cardholder include in the application to renew
15 a registry identification card updated written documentation from the
16 cardholder’s attending physician regarding the cardholder’s continuing de-
17 bilitating medical condition does not apply to a service-disabled veteran who:

18 “(A) Has been assigned a total and permanent disability rating for com-
19 pensation that rates the veteran as unable to secure or follow a substantially
20 gainful occupation as a result of service-connected disabilities as described
21 in 38 C.F.R. 4.16; or

22 “(B) Has a United States Department of Veterans Affairs total disability
23 rating of 100 percent as a result of an injury or illness that the veteran in-
24 curred, or that was aggravated, during active military service and who re-
25 ceived a discharge or release under other than dishonorable conditions.

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

1 receipt was issued to the applicant.”.

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