

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 475B.418,”.

3 On page 15, after line 39, insert:
4

5 **“EXPEDITED REGISTRY IDENTIFICATION**
6 **“CARDHOLDER REGISTRATION**
7

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

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

14 “(2) The authority shall issue a registry identification card to an appli-
15 cant who is 18 years of age or older if the applicant pays a fee in an amount
16 established by the authority by rule and submits to the authority an appli-
17 cation containing the following information:

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

1 dition **and, if applicable, that the person is undergoing chemotherapy**
2 **treatment or is in the late stages of dementia or cancer;**

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

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

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

8 “(e) The name and address of the applicant’s designated primary
9 caregiver, if the applicant is designating a primary caregiver under ORS
10 475B.418; [and]

11 “(f) The information described in ORS 475B.420 (2), if the applicant is
12 applying to produce marijuana or designate another person under ORS
13 475B.420 to produce marijuana[.];

14 **“(g) If applicable, that the person is designating an organization**
15 **that provides hospice, palliative or home health care services, or a**
16 **residential facility as defined in ORS 443.400, as the person’s designated**
17 **primary caregiver.**

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

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

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

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

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

30 “(iii) The custodial parent or legal guardian agrees to serve as the

1 applicant's designated primary caregiver; and

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

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

7 “[4] (4)(a) The authority shall:

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

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

14 “(b) **Notwithstanding paragraph (a)(B) of this subsection, the au-**
15 **thority shall approve or deny an application received under subsection**
16 **(2) or (3) of this section as soon as practicable upon receiving the ap-**
17 **plication, and no later than five business days after receiving the ap-**
18 **plication, if the applicant:**

19 “(A) **Submitted written documentation from the applicant's at-**
20 **tending physician stating that the person is undergoing chemotherapy**
21 **treatment or is in the late stages of dementia or cancer; or**

22 “(B) **Is designating an organization that provides hospice, palliative**
23 **or home health care services as the applicant's designated primary**
24 **caregiver.**

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

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

1 “(B) The issuance date and expiration date of the registry identification
2 card;

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

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

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

11 “(6) A registry identification cardholder shall:

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

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

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

18 “(C) Person responsible for a marijuana grow site, including the desig-
19 nation of a person responsible for a marijuana grow site made at a time
20 other than at the time of applying for or renewing a registry identification
21 card.

22 “(b) Annually renew the registry identification card by paying a fee in
23 an amount established by the authority by rule and submitting to the au-
24 thority an application that contains the following information:

25 “(A) Updated written documentation from the registry identification
26 cardholder’s attending physician stating that the registry identification
27 cardholder still has a debilitating medical condition and that the medical use
28 of marijuana may mitigate the symptoms or effects of the registry identifi-
29 cation cardholder’s debilitating medical condition;

30 “(B) The information described in subsection (2)(b) to [(f)] (g) of this

1 section; and

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

6 “(7) The authority shall:

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

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

13 “(8)(a) If the registry identification cardholder’s attending physician de-
14 termines that the registry identification cardholder no longer has a debili-
15 tating medical condition, or determines that the medical use of marijuana is
16 contraindicated for the registry identification cardholder’s debilitating med-
17 ical condition, the registry identification cardholder shall return the registry
18 identification card to the authority within 30 calendar days after receiving
19 notice of the determination.

20 “(b) If, because of circumstances beyond the control of the registry iden-
21 tification cardholder, a registry identification cardholder is unable to obtain
22 a second medical opinion about the registry identification cardholder’s con-
23 tinuing eligibility for the medical use of marijuana before having to return
24 the registry identification card to the authority, the authority may grant the
25 registry identification cardholder additional time to obtain a second medical
26 opinion.

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

30 “(A) The applicant or registry identification cardholder does not provide

1 the information required by this section;

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

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

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

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

14 “(10)(a) The authority may deny a designation of a primary caregiver
15 made under ORS 475B.418, or suspend or revoke an associated identification
16 card issued under subsection (5)(b) of this section, if the authority determines
17 that the designee or the registry identification cardholder violated a pro-
18 vision of ORS 475B.400 to 475B.525 or a rule adopted under ORS 475B.400 to
19 475B.525.

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

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

30 “(b) Notwithstanding subsection (6)(b)(A) of this section, the requirement

1 that a registry identification cardholder include in the application to renew
2 a registry identification card updated written documentation from the
3 cardholder's attending physician regarding the cardholder's continuing de-
4 bilitating medical condition does not apply to a service-disabled veteran who:

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

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

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

19 **“SECTION 36d.** ORS 475B.418 is amended to read:

20 “475B.418. (1) If a person who is applying for a registry identification card
21 under ORS 475B.415, or who is a registry identification cardholder, chooses
22 to designate, or to change the designation of, a primary caregiver, the person
23 must include the primary caregiver's name and address:

24 “(a) On the person's application for a registry identification card;

25 “(b) On the person's application to renew a registry identification card;

26 or

27 “(c) In a form and manner prescribed by the authority, in a signed state-
28 ment notifying the Oregon Health Authority of the designation.

29 “(2) A registry identification cardholder may have only one designated
30 primary caregiver at any given time.

1 “(3) If a registry identification cardholder who previously designated a
2 primary caregiver chooses to designate a different primary caregiver, the
3 authority shall notify the previous designee of the new designation and issue
4 an identification card to the newly designated primary caregiver.

5 **“(4) This section applies to individuals designated or chosen to be
6 designated as primary caregivers and organizations that provide
7 hospice, palliative or home health care services, or a residential facil-
8 ity as defined in ORS 443.400, designated or chosen to be designated
9 as primary caregivers.”.**

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