

DRAFT

SUMMARY

Allows pharmacist to dispense prescription drug that contains cannabidiol or tetrahydrocannabinol.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to prescription drugs; creating new provisions; amending ORS 475B.015, 475B.550, 475B.600 and 475B.791; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 689.

SECTION 2. (1) A pharmacist may dispense to a patient, pursuant to a prescription from a practitioner, a prescription drug that is approved by the United States Food and Drug Administration and that contains cannabidiol or tetrahydrocannabinol.

(2) The State Board of Pharmacy may adopt rules to carry out this section.

SECTION 3. ORS 475B.015 is amended to read:

475B.015. As used in ORS 475B.010 to 475B.545:

(1) “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

(2) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

1 (b) A chemical extraction process using a nonhydrocarbon-based solvent,
2 such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl al-
3 cohol or ethanol;

4 (c) A chemical extraction process using carbon dioxide, provided that the
5 process does not involve the use of high heat or pressure; or

6 (d) Any other process identified by the Oregon Liquor Control Commis-
7 sion, in consultation with the Oregon Health Authority, by rule.

8 (3) “Cannabinoid edible” means food or potable liquid into which a
9 cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or
10 flowers have been incorporated.

11 (4) “Cannabinoid extract” means a substance obtained by separating
12 cannabinoids from marijuana by:

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

15 (b) A chemical extraction process using carbon dioxide, if the process uses
16 high heat or pressure; or

17 (c) Any other process identified by the commission, in consultation with
18 the authority, by rule.

19 (5)(a) “Cannabinoid product” means a cannabinoid edible and any other
20 product intended for human consumption or use, including a product in-
21 tended to be applied to the skin or hair, that contains cannabinoids or dried
22 marijuana leaves or flowers.

23 (b) “Cannabinoid product” does not include:

24 (A) Usable marijuana by itself;

25 (B) A cannabinoid concentrate by itself;

26 (C) A cannabinoid extract by itself; or

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

28 (6) “Consumer” means a person who purchases, acquires, owns, holds or
29 uses marijuana items other than for the purpose of resale.

30 (7) “Deliver” means the actual, constructive or attempted transfer from
31 one person to another of a marijuana item, whether or not there is an agency

1 relationship.

2 (8) “Designated primary caregiver” has the meaning given that term in
3 ORS 475B.791.

4 (9)(a) “Financial consideration” means value that is given or received ei-
5 ther directly or indirectly through sales, barter, trade, fees, charges, dues,
6 contributions or donations.

7 (b) “Financial consideration” does not include marijuana, cannabinoid
8 products or cannabinoid concentrates that are delivered within the scope of
9 and in compliance with ORS 475B.301.

10 (10) “Homegrown” means grown by a person 21 years of age or older for
11 noncommercial purposes.

12 (11) “Household” means a housing unit and any place in or around a
13 housing unit at which the occupants of the housing unit are producing,
14 processing, possessing or storing homegrown marijuana, cannabinoid pro-
15 ducts, cannabinoid concentrates or cannabinoid extracts.

16 (12) “Housing unit” means a house, an apartment or a mobile home, or a
17 group of rooms or a single room that is occupied as separate living quarters,
18 in which the occupants live and eat separately from any other persons in the
19 building and that has direct access from the outside of the building or
20 through a common hall.

21 (13) “Immature marijuana plant” means a marijuana plant that is not
22 flowering.

23 (14) “Licensee” means a person that holds a license issued under ORS
24 475B.070, 475B.090, 475B.100 or 475B.105.

25 (15) “Licensee representative” means an owner, director, officer, manager,
26 employee, agent or other representative of a licensee, to the extent that the
27 person acts in a representative capacity.

28 (16)(a) “Manufacture” means producing, propagating, preparing, com-
29 pounding, converting or processing a marijuana item, either directly or in-
30 directly, by extracting from substances of natural origin.

31 (b) “Manufacture” includes any packaging or repackaging of a marijuana

1 item or the labeling or relabeling of a container containing a marijuana
2 item.

3 (17)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any
4 part of the plant Cannabis family Cannabaceae and marijuana seeds.

5 (b) “Marijuana” does not include:

6 (A) Industrial hemp, as defined in ORS 571.300; or

7 (B) **Prescription drugs, as that term is defined in ORS 689.005, in-**
8 **cluding those containing cannabidiol or tetrahydrocannabinol, that are**
9 **approved by the United States Food and Drug Administration and**
10 **dispensed by a pharmacy, as defined in ORS 689.005.**

11 (18) “Marijuana flowers” means the flowers of the plant genus Cannabis
12 within the plant family Cannabaceae.

13 (19) “Marijuana items” means marijuana, cannabinoid products,
14 cannabinoid concentrates and cannabinoid extracts.

15 (20) “Marijuana leaves” means the leaves of the plant genus Cannabis
16 within the plant family Cannabaceae.

17 (21) “Marijuana processor” means a person that processes marijuana
18 items in this state.

19 (22) “Marijuana producer” means a person that produces marijuana in
20 this state.

21 (23) “Marijuana retailer” means a person that sells marijuana items to a
22 consumer in this state.

23 (24)(a) “Marijuana seeds” means the seeds of the plant Cannabis family
24 Cannabaceae.

25 (b) “Marijuana seeds” does not include the seeds of industrial hemp, as
26 defined in ORS 571.300.

27 (25) “Marijuana wholesaler” means a person that purchases marijuana
28 items in this state for resale to a person other than a consumer.

29 (26) “Mature marijuana plant” means a marijuana plant that is not an
30 immature marijuana plant.

31 (27) “Medical grade cannabinoid product, cannabinoid concentrate or

1 cannabinoid extract” means a cannabinoid product, cannabinoid concentrate
2 or cannabinoid extract that has a concentration of tetrahydrocannabinol that
3 is permitted under ORS 475B.625 in a single serving of the cannabinoid
4 product, cannabinoid concentrate or cannabinoid extract for consumers who
5 hold a valid registry identification card issued under ORS 475B.797.

6 (28) “Medical purpose” means a purpose related to using usable
7 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid
8 extracts to mitigate the symptoms or effects of a debilitating medical condi-
9 tion, as defined in ORS 475B.791.

10 (29) “Noncommercial” means not dependent or conditioned upon the pro-
11 vision or receipt of financial consideration.

12 (30)(a) “Premises” includes the following areas of a location licensed un-
13 der ORS 475B.010 to 475B.545:

14 (A) All public and private enclosed areas at the location that are used in
15 the business operated at the location, including offices, kitchens, rest rooms
16 and storerooms;

17 (B) All areas outside a building that the commission has specifically li-
18 censed for the processing, wholesale sale or retail sale of marijuana items;
19 and

20 (C) For a location that the commission has specifically licensed for the
21 production of marijuana outside a building, that portion of the location used
22 to produce marijuana.

23 (b) “Premises” does not include a primary residence.

24 (31)(a) “Processes” means the processing, compounding or conversion of
25 marijuana into cannabinoid products, cannabinoid concentrates or
26 cannabinoid extracts.

27 (b) “Processes” does not include packaging or labeling.

28 (32)(a) “Produces” means the manufacture, planting, cultivation, growing
29 or harvesting of marijuana.

30 (b) “Produces” does not include:

31 (A) The drying of marijuana by a marijuana processor, if the marijuana

1 processor is not otherwise producing marijuana; or

2 (B) The cultivation and growing of an immature marijuana plant by a
3 marijuana processor, marijuana wholesaler or marijuana retailer if the
4 marijuana processor, marijuana wholesaler or marijuana retailer purchased
5 or otherwise received the plant from a licensed marijuana producer.

6 (33) "Propagate" means to grow immature marijuana plants or to breed
7 or produce marijuana seeds.

8 (34) "Public place" means a place to which the general public has access
9 and includes, but is not limited to, hallways, lobbies and other parts of
10 apartment houses and hotels not constituting rooms or apartments designed
11 for actual residence, and highways, streets, schools, places of amusement,
12 parks, playgrounds and areas used in connection with public passenger
13 transportation.

14 (35) "Registry identification cardholder" has the meaning given that term
15 in ORS 475B.791.

16 (36)(a) "Usable marijuana" means the dried leaves and flowers of
17 marijuana.

18 (b) "Usable marijuana" does not include:

19 (A) Marijuana seeds;

20 (B) The stalks and roots of marijuana; or

21 (C) Waste material that is a by-product of producing or processing
22 marijuana.

23 **SECTION 4.** ORS 475B.550 is amended to read:

24 475B.550. As used in ORS 475B.550 to 475B.590:

25 (1) "Cannabinoid" means any of the chemical compounds that are the ac-
26 tive constituents of marijuana.

27 (2) "Cannabinoid concentrate or extract" means a substance obtained by
28 separating cannabinoids from marijuana by a mechanical, chemical or other
29 process.

30 (3) "Cannabinoid edible" means food or potable liquid into which a
31 cannabinoid concentrate or extract or the dried leaves or flowers of

1 marijuana have been incorporated.

2 (4)(a) “Cannabinoid product” means a cannabinoid edible or any other
3 product intended for human consumption or use, including a product in-
4 tended to be applied to a person’s skin or hair, that contains cannabinoids
5 or the dried leaves or flowers of marijuana.

6 (b) “Cannabinoid product” does not include:

7 (A) Usable marijuana by itself;

8 (B) A cannabinoid concentrate or extract by itself; or

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

10 (5)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any
11 part of the plant Cannabis family Cannabaceae and the seeds of the plant
12 Cannabis family Cannabaceae.

13 (b) “Marijuana” does not include:

14 (A) Industrial hemp, as defined in ORS 571.300; or

15 **(B) Prescription drugs, as that term is defined in ORS 689.005, in-**
16 **cluding those containing cannabidiol or tetrahydrocannabinol, that are**
17 **approved by the United States Food and Drug Administration and**
18 **dispensed by a pharmacy, as defined in ORS 689.005.**

19 (6) “Marijuana item” means marijuana, usable marijuana, a cannabinoid
20 product or a cannabinoid concentrate or extract.

21 (7) “Processing” means the compounding or conversion of marijuana into
22 cannabinoid products or cannabinoid concentrates or extracts.

23 (8) “Producing” means:

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

25 (b) Drying marijuana leaves and flowers.

26 (9)(a) “Usable marijuana” means the dried leaves and flowers of
27 marijuana.

28 (b) “Usable marijuana” does not include:

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

30 (B) Waste material that is a by-product of producing or processing
31 marijuana.

1 **SECTION 5.** ORS 475B.600 is amended to read:

2 475B.600. As used in ORS 475B.600 to 475B.655:

3 (1) “Cannabinoid” means any of the chemical compounds that are the ac-
4 tive constituents of marijuana.

5 (2) “Cannabinoid concentrate or extract” means a substance obtained by
6 separating cannabinoids from marijuana by a mechanical, chemical or other
7 process.

8 (3) “Cannabinoid edible” means food or potable liquid into which a
9 cannabinoid concentrate or extract or the dried leaves or flowers of
10 marijuana have been incorporated.

11 (4)(a) “Cannabinoid product” means a cannabinoid edible or any other
12 product intended for human consumption or use, including a product in-
13 tended to be applied to a person’s skin or hair, that contains cannabinoids
14 or the dried leaves or flowers of marijuana.

15 (b) “Cannabinoid product” does not include:

16 (A) Usable marijuana by itself;

17 (B) A cannabinoid concentrate or extract by itself; or

18 (C) Industrial hemp, as defined in ORS 571.300.

19 (5)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any
20 part of the plant Cannabis family Cannabaceae and the seeds of the plant
21 Cannabis family Cannabaceae.

22 (b) “Marijuana” does not include:

23 (A) Industrial hemp, as defined in ORS 571.300; or

24 **(B) Prescription drugs, as that term is defined in ORS 689.005, in-**
25 **cluding those containing cannabidiol or tetrahydrocannabinol, that are**
26 **approved by the United States Food and Drug Administration and**
27 **dispensed by a pharmacy, as defined in ORS 689.005.**

28 (6) “Marijuana item” means marijuana, usable marijuana, a cannabinoid
29 product or a cannabinoid concentrate or extract.

30 (7) “Processing” means the compounding or conversion of marijuana into
31 cannabinoid products or cannabinoid concentrates or extracts.

1 (8) “Producing” means:

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

3 (b) Drying marijuana leaves and flowers.

4 (9)(a) “Usable marijuana” means the dried leaves and flowers of
5 marijuana.

6 (b) “Usable marijuana” does not include:

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

8 (B) Waste material that is a by-product of producing or processing
9 marijuana.

10 **SECTION 6.** ORS 475B.791 is amended to read:

11 475B.791. As used in ORS 475B.785 to 475B.949:

12 (1) “Attending physician” means a physician licensed under ORS chapter
13 677 who has primary responsibility for the care and treatment of a person
14 diagnosed with a debilitating medical condition.

15 (2) “Cannabinoid” means any of the chemical compounds that are the ac-
16 tive constituents of marijuana.

17 (3) “Cannabinoid concentrate” means a substance obtained by separating
18 cannabinoids from marijuana by:

19 (a) A mechanical extraction process;

20 (b) A chemical extraction process using a nonhydrocarbon-based solvent,
21 such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or
22 ethanol;

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

26 (d) Any other process identified by the Oregon Health Authority, in con-
27 sultation with the Oregon Liquor Control Commission, by rule.

28 (4) “Cannabinoid edible” means food or potable liquid into which a
29 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of
30 marijuana have been incorporated.

31 (5) “Cannabinoid extract” means a substance obtained by separating

1 cannabinoids from marijuana by:

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

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

6 (c) Any other process identified by the Oregon Health Authority, in con-
7 sultation with the Oregon Liquor Control Commission, by rule.

8 (6) “Debilitating medical condition” means:

9 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition,
10 positive status for human immunodeficiency virus or acquired immune defi-
11 ciency syndrome, or a side effect related to the treatment of those medical
12 conditions;

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

15 (A) Cachexia;

16 (B) Severe pain;

17 (C) Severe nausea;

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

19 (E) Persistent muscle spasms, including spasms caused by multiple
20 sclerosis;

21 (c) Post-traumatic stress disorder; or

22 (d) Any other medical condition or side effect related to the treatment of
23 a medical condition adopted by the Oregon Health Authority by rule or ap-
24 proved by the authority pursuant to a petition filed under ORS 475B.946.

25 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.

26 (b) “Delivery” does not include transfer of marijuana by a registry iden-
27 tification cardholder to another registry identification cardholder if no con-
28 sideration is paid for the transfer.

29 (8)(a) “Designated primary caregiver” means an individual:

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

31 (B) Who has significant responsibility for managing the well-being of a

1 person who has been diagnosed with a debilitating medical condition; and

2 (C) Who is designated as the person responsible for managing the well-
3 being of a person who has been diagnosed with a debilitating medical con-
4 dition on that person's application for a registry identification card or in
5 other written notification submitted to the authority.

6 (b) "Designated primary caregiver" does not include a person's attending
7 physician.

8 (9) "High heat" means a temperature exceeding 180 degrees.

9 (10) "Immature marijuana plant" means a marijuana plant that is not
10 flowering.

11 (11)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any
12 part of the plant Cannabis family Cannabaceae and the seeds of the plant
13 Cannabis family Cannabaceae.

14 (b) "Marijuana" does not include:

15 (A) Industrial hemp, as defined in ORS 571.300; or

16 (B) **Prescription drugs, as that term is defined in ORS 689.005, in-**
17 **cluding those containing cannabidiol or tetrahydrocannabinol, that are**
18 **approved by the United States Food and Drug Administration and**
19 **dispensed by a pharmacy, as defined in ORS 689.005.**

20 (12) "Marijuana grow site" means a location registered under ORS
21 475B.810 where marijuana is produced for use by a registry identification
22 cardholder.

23 (13) "Marijuana processing site" means a marijuana processing site reg-
24 istered under ORS 475B.840 or a site for which an applicant has submitted
25 an application for registration under ORS 475B.840.

26 (14) "Mature marijuana plant" means a marijuana plant that is not an
27 immature marijuana plant.

28 (15)(a) "Medical cannabinoid product" means a cannabinoid edible and
29 any other product intended for human consumption or use, including a
30 product intended to be applied to a person's skin or hair, that contains
31 cannabinoids or dried leaves or flowers of marijuana.

1 (b) “Medical cannabinoid product” does not include:

2 (A) Usable marijuana by itself;

3 (B) A cannabinoid concentrate by itself;

4 (C) A cannabinoid extract by itself; or

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

6 (16) “Medical marijuana dispensary” means a medical marijuana
7 dispensary registered under ORS 475B.858 or a site for which an applicant
8 has submitted an application for registration under ORS 475B.858.

9 (17) “Medical use of marijuana” means the production, processing, pos-
10 session, delivery or administration of marijuana, or use of paraphernalia
11 used to administer marijuana, to mitigate the symptoms or effects of a de-
12 bilitating medical condition.

13 (18) “Person designated to produce marijuana by a registry identification
14 cardholder” means a person designated to produce marijuana by a registry
15 identification cardholder under ORS 475B.810 who produces marijuana for a
16 registry identification cardholder at an address other than the address where
17 the registry identification cardholder resides or at an address where more
18 than 12 mature marijuana plants are produced.

19 (19) “Process” means the compounding or conversion of marijuana into
20 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-
21 tracts.

22 (20) “Production” means:

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

24 (b) Drying marijuana leaves or flowers.

25 (21) “Registry identification card” means a document issued by the
26 Oregon Health Authority under ORS 475B.797 that identifies a person au-
27 thorized to engage in the medical use of marijuana and, if the person has a
28 designated primary caregiver under ORS 475B.804, the person’s designated
29 primary caregiver.

30 (22) “Registry identification cardholder” means a person to whom a reg-
31 istry identification card has been issued under ORS 475B.797.

1 (23)(a) “Usable marijuana” means the dried leaves and flowers of
2 marijuana.

3 (b) “Usable marijuana” does not include:

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

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

6 (24) “Written documentation” means a statement signed by the attending
7 physician of a person diagnosed with a debilitating medical condition or
8 copies of the person’s relevant medical records.

9 **SECTION 7.** (1) **Section 2 of this 2019 Act and the amendments to**
10 **ORS 475B.015, 475B.550, 475B.600 and 475B.791 by sections 3 to 6 of this**
11 **2019 Act become operative on January 1, 2020.**

12 **(2) The State Board of Pharmacy may take any action before the**
13 **operative date specified in subsection (1) of this section that is neces-**
14 **sary to enable the board to exercise, on and after the operative date**
15 **specified in subsection (1) of this section, all of the duties, functions**
16 **and powers conferred on the board by section 2 of this 2019 Act and**
17 **the amendments to ORS 475B.015, 475B.550, 475B.600 and 475B.791 by**
18 **sections 3 to 6 of this 2019 Act.**

19 **SECTION 8.** **This 2019 Act takes effect on the 91st day after the date**
20 **on which the 2019 regular session of the Eightieth Legislative Assem-**
21 **bly adjourns sine die.**

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