

House Bill 3112

Sponsored by COMMITTEE ON ECONOMIC DEVELOPMENT (at the request of Greenwich Biosciences)

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**.

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

1
2 Relating to prescription drugs; creating new provisions; amending ORS 475B.015, 475B.550, 475B.600
3 and 475B.791; and prescribing an effective date.

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

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

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

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

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

11 475B.015. As used in ORS 475B.010 to 475B.545:

12 (1) "Cannabinoid" means any of the chemical compounds that are the active constituents of
13 marijuana.

14 (2) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
15 marijuana by:

16 (a) A mechanical extraction process;

17 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as water, vege-
18 table glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;

19 (c) A chemical extraction process using carbon dioxide, provided that the process does not in-
20 volve the use of high heat or pressure; or

21 (d) Any other process identified by the Oregon Liquor Control Commission, in consultation with
22 the Oregon Health Authority, by rule.

23 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate,
24 cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

25 (4) "Cannabinoid extract" means a substance obtained by separating cannabinoids from
26 marijuana by:

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

29 (b) A chemical extraction process using carbon dioxide, if the process uses high heat or pres-
30 sure; or

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

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

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

5 (A) Usable marijuana by itself;

6 (B) A cannabinoid concentrate by itself;

7 (C) A cannabinoid extract by itself; or

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

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

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

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

14 (9)(a) “Financial consideration” means value that is given or received either directly or indi-
15 rectly through sales, barter, trade, fees, charges, dues, contributions or donations.

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

18 (10) “Homegrown” means grown by a person 21 years of age or older for noncommercial pur-
19 poses.

20 (11) “Household” means a housing unit and any place in or around a housing unit at which the
21 occupants of the housing unit are producing, processing, possessing or storing homegrown
22 marijuana, cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

23 (12) “Housing unit” means a house, an apartment or a mobile home, or a group of rooms or a
24 single room that is occupied as separate living quarters, in which the occupants live and eat sepa-
25 rately from any other persons in the building and that has direct access from the outside of the
26 building or through a common hall.

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

28 (14) “Licensee” means a person that holds a license issued under ORS 475B.070, 475B.090,
29 475B.100 or 475B.105.

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

32 (16)(a) “Manufacture” means producing, propagating, preparing, compounding, converting or
33 processing a marijuana item, either directly or indirectly, by extracting from substances of natural
34 origin.

35 (b) “Manufacture” includes any packaging or repackaging of a marijuana item or the labeling
36 or relabeling of a container containing a marijuana item.

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

39 (b) “Marijuana” does not include:

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

41 (B) **Prescription drugs, as that term is defined in ORS 689.005, including those containing**
42 **cannabidiol or tetrahydrocannabinol, that are approved by the United States Food and Drug**
43 **Administration and dispensed by a pharmacy, as defined in ORS 689.005.**

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

1 (19) "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and
 2 cannabinoid extracts.

3 (20) "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family
 4 Cannabaceae.

5 (21) "Marijuana processor" means a person that processes marijuana items in this state.

6 (22) "Marijuana producer" means a person that produces marijuana in this state.

7 (23) "Marijuana retailer" means a person that sells marijuana items to a consumer in this state.

8 (24)(a) "Marijuana seeds" means the seeds of the plant Cannabis family Cannabaceae.

9 (b) "Marijuana seeds" does not include the seeds of industrial hemp, as defined in ORS 571.300.

10 (25) "Marijuana wholesaler" means a person that purchases marijuana items in this state for
 11 resale to a person other than a consumer.

12 (26) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana
 13 plant.

14 (27) "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract"
 15 means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concen-
 16 tration of tetrahydrocannabinol that is permitted under ORS 475B.625 in a single serving of the
 17 cannabinoid product, cannabinoid concentrate or cannabinoid extract for consumers who hold a
 18 valid registry identification card issued under ORS 475B.797.

19 (28) "Medical purpose" means a purpose related to using usable marijuana, cannabinoid pro-
 20 ducts, cannabinoid concentrates or cannabinoid extracts to mitigate the symptoms or effects of a
 21 debilitating medical condition, as defined in ORS 475B.791.

22 (29) "Noncommercial" means not dependent or conditioned upon the provision or receipt of fi-
 23 nancial consideration.

24 (30)(a) "Premises" includes the following areas of a location licensed under ORS 475B.010 to
 25 475B.545:

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

28 (B) All areas outside a building that the commission has specifically licensed for the processing,
 29 wholesale sale or retail sale of marijuana items; and

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

32 (b) "Premises" does not include a primary residence.

33 (31)(a) "Processes" means the processing, compounding or conversion of marijuana into
 34 cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

35 (b) "Processes" does not include packaging or labeling.

36 (32)(a) "Produces" means the manufacture, planting, cultivation, growing or harvesting of
 37 marijuana.

38 (b) "Produces" does not include:

39 (A) The drying of marijuana by a marijuana processor, if the marijuana processor is not other-
 40 wise producing marijuana; or

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

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

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

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

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

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

8 (A) Marijuana seeds;

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

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

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

12 475B.550. As used in ORS 475B.550 to 475B.590:

13 (1) "Cannabinoid" means any of the chemical compounds that are the active constituents of
14 marijuana.

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

17 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or
18 extract or the dried leaves or flowers of marijuana have been incorporated.

19 (4)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for hu-
20 man consumption or use, including a product intended to be applied to a person's skin or hair, that
21 contains cannabinoids or the dried leaves or flowers of marijuana.

22 (b) "Cannabinoid product" does not include:

23 (A) Usable marijuana by itself;

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

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

26 (5)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant
27 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

28 (b) "Marijuana" does not include:

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

30 (B) **Prescription drugs, as that term is defined in ORS 689.005, including those containing**
31 **cannabidiol or tetrahydrocannabinol, that are approved by the United States Food and Drug**
32 **Administration and dispensed by a pharmacy, as defined in ORS 689.005.**

33 (6) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a
34 cannabinoid concentrate or extract.

35 (7) "Processing" means the compounding or conversion of marijuana into cannabinoid products
36 or cannabinoid concentrates or extracts.

37 (8) "Producing" means:

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

39 (b) Drying marijuana leaves and flowers.

40 (9)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

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

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

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

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

45 475B.600. As used in ORS 475B.600 to 475B.655:

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

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

5 (3) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or
6 extract or the dried leaves or flowers of marijuana have been incorporated.

7 (4)(a) "Cannabinoid product" means a cannabinoid edible or any other product intended for hu-
8 man consumption or use, including a product intended to be applied to a person's skin or hair, that
9 contains cannabinoids or the dried leaves or flowers of marijuana.

10 (b) "Cannabinoid product" does not include:

11 (A) Usable marijuana by itself;

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

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

14 (5)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant
15 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

16 (b) "Marijuana" does not include:

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

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

21 (6) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a
22 cannabinoid concentrate or extract.

23 (7) "Processing" means the compounding or conversion of marijuana into cannabinoid products
24 or cannabinoid concentrates or extracts.

25 (8) "Producing" means:

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

27 (b) Drying marijuana leaves and flowers.

28 (9)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

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

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

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

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

33 475B.791. As used in ORS 475B.785 to 475B.949:

34 (1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary
35 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

36 (2) "Cannabinoid" means any of the chemical compounds that are the active constituents of
37 marijuana.

38 (3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
39 marijuana by:

40 (a) A mechanical extraction process;

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

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

45 (d) Any other process identified by the Oregon Health Authority, in consultation with the

1 Oregon Liquor Control Commission, by rule.

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

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

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

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

10 (c) Any other process identified by the Oregon Health Authority, in consultation with the
11 Oregon Liquor Control Commission, by rule.

12 (6) “Debilitating medical condition” means:

13 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
14 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
15 the treatment of those medical conditions;

16 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
17 tient, one or more of the following:

18 (A) Cachexia;

19 (B) Severe pain;

20 (C) Severe nausea;

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

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

23 (c) Post-traumatic stress disorder; or

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

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

28 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to
29 another registry identification cardholder if no consideration is paid for the transfer.

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

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

32 (B) Who has significant responsibility for managing the well-being of a person who has been
33 diagnosed with a debilitating medical condition; and

34 (C) Who is designated as the person responsible for managing the well-being of a person who
35 has been diagnosed with a debilitating medical condition on that person’s application for a registry
36 identification card or in other written notification submitted to the authority.

37 (b) “Designated primary caregiver” does not include a person’s attending physician.

38 (9) “High heat” means a temperature exceeding 180 degrees.

39 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.

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

42 (b) “Marijuana” does not include:

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

44 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing
45 cannabidiol or tetrahydrocannabinol, that are approved by the United States Food and Drug

1 **Administration and dispensed by a pharmacy, as defined in ORS 689.005.**

2 (12) “Marijuana grow site” means a location registered under ORS 475B.810 where marijuana
3 is produced for use by a registry identification cardholder.

4 (13) “Marijuana processing site” means a marijuana processing site registered under ORS
5 475B.840 or a site for which an applicant has submitted an application for registration under ORS
6 475B.840.

7 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana
8 plant.

9 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-
10 tended for human consumption or use, including a product intended to be applied to a person’s skin
11 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

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

13 (A) Usable marijuana by itself;

14 (B) A cannabinoid concentrate by itself;

15 (C) A cannabinoid extract by itself; or

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

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

20 (17) “Medical use of marijuana” means the production, processing, possession, delivery or ad-
21 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
22 symptoms or effects of a debilitating medical condition.

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

28 (19) “Process” means the compounding or conversion of marijuana into medical cannabinoid
29 products, cannabinoid concentrates or cannabinoid extracts.

30 (20) “Production” means:

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

32 (b) Drying marijuana leaves or flowers.

33 (21) “Registry identification card” means a document issued by the Oregon Health Authority
34 under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana
35 and, if the person has a designated primary caregiver under ORS 475B.804, the person’s designated
36 primary caregiver.

37 (22) “Registry identification cardholder” means a person to whom a registry identification card
38 has been issued under ORS 475B.797.

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

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

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

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

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

45 **SECTION 7. (1) Section 2 of this 2019 Act and the amendments to ORS 475B.015, 475B.550,**

1 **475B.600 and 475B.791 by sections 3 to 6 of this 2019 Act become operative on January 1, 2020.**

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

7 **SECTION 8. This 2019 Act takes effect on the 91st day after the date on which the 2019**
8 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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