

# Senate Bill 871

Sponsored by Senator DEMBROW

## 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 school nurse, school nurse designee or designated primary caregiver of registry identification cardholder who is student enrolled in primary or secondary school to administer noncombustible medical cannabinoid product to student on premises of school or during school-sponsored event. Allows school to adopt policy prohibiting administration of noncombustible medical cannabinoid product to student.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to medical cannabinoid products; creating new provisions; amending ORS 475B.907; and  
3 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 475B.785 to**  
6 **475B.949.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "School" means:

9 (A) A public elementary or secondary school for which attendance is compulsory under  
10 ORS 339.020; or

11 (B) A private or parochial elementary or secondary school, teaching children as described  
12 in ORS 339.030 (1)(a).

13 (b) "School nurse" has the meaning given that term in ORS 342.455.

14 (2)(a) A designated primary caregiver of a registry identification cardholder who is a  
15 student in a school, or a school nurse or school nurse designee at the school in which a  
16 registry identification cardholder who is a student is enrolled, may possess and administer  
17 to the student a noncombustible medical cannabinoid product prescribed to the student, in  
18 the prescribed dosage, on the premises of the school or during a school-sponsored event.

19 (b) After the designated primary caregiver, school nurse or school nurse designee ad-  
20 ministers the noncombustible medical cannabinoid product to the student, the designated  
21 primary caregiver, school nurse or school nurse designee shall remove the noncombustible  
22 medical cannabinoid product from the school premises or from the school-sponsored event.

23 (3) The designated primary caregiver, school nurse or school nurse designee shall ad-  
24 minister the noncombustible medical cannabinoid product to the student without causing  
25 disruption to the educational environment and without exposing other students to the  
26 noncombustible medical cannabinoid product.

27 (4)(a) A school nurse or school nurse designee may not administer a product described  
28 in this section unless the student's primary caregiver has submitted to the school a written  
29 statement authorizing a school nurse or school nurse designee to administer the product to

**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 the student.

2 (b) The primary caregiver shall submit to the Oregon Health Authority, in a form and  
3 manner prescribed by the authority, a copy of the written statement described in this sub-  
4 section.

5 (5) The administration of a school may adopt a written policy that prohibits the desig-  
6 nated primary caregiver of a registry identification cardholder who is a student at the  
7 school, or a school nurse or school nurse designee at the school, from possessing and ad-  
8 ministering to the student a noncombustible medical cannabinoid product prescribed to the  
9 student on the premises of the school or during a school-sponsored event.

10 (6) The authority, in consultation with the Department of Education, may adopt rules to  
11 carry out this section.

12 **SECTION 3.** ORS 475B.907 is amended to read:

13 475B.907. Except as provided in ORS 475B.910, a person engaged in or assisting in the medical  
14 use of marijuana is exempt from the criminal laws of this state for possession, delivery or manu-  
15 facture of marijuana, aiding and abetting another in the possession, delivery or manufacture of  
16 marijuana, or any other criminal offense in which possession, delivery or manufacture of marijuana  
17 is an element if:

18 (1) The person holds a registry identification card.

19 (2) The person has applied for a registry identification card under ORS 475B.797 and the person  
20 has proof of written documentation described in ORS 475B.797 (2)(a) and proof of the date on which  
21 the person submitted the application to the Oregon Health Authority. An exemption under this  
22 subsection applies only until the authority approves or denies the application.

23 (3) The person is designated as a primary caregiver under ORS 475B.804.

24 (4) The person is responsible for or is employed by a marijuana grow site registered under ORS  
25 475B.810.

26 (5) The person owns, is responsible for, or is employed by, a marijuana processing site.

27 (6) The person owns, is responsible for, or is employed by, a medical marijuana dispensary.

28 (7) The person is a school nurse, as defined in ORS 342.355, or school nurse designee, in  
29 possession of a noncombustible medical cannabinoid product for the purposes described in  
30 section 2 of this 2019 Act.

31 **SECTION 4.** (1) Section 2 of this 2019 Act and the amendments to ORS 475B.907 by sec-  
32 tion 3 of this 2019 Act become operative on January 1, 2020.

33 (2) The Oregon Health Authority may take any action before the operative date specified  
34 in subsection (1) of this section that is necessary to enable the authority to exercise, on and  
35 after the operative date specified in subsection (1) of this section, all of the duties, functions  
36 and powers conferred on the authority by section 2 of this 2019 Act and the amendments to  
37 ORS 475B.907 by section 3 of this 2019 Act.

38 **SECTION 5.** This 2019 Act takes effect on the 91st day after the date on which the 2019  
39 regular session of the Eightieth Legislative Assembly adjourns sine die.

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