

Requested by Senator RILEY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2098**

1 On page 1 of the printed A-engrossed bill, delete line 4 and insert  
2 “475B.550, 475B.577, 475B.600, 475B.705, 475B.710 and 475B.791; and declaring  
3 an emergency.”.

4 After line 15, insert:

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

7 **“SECTION 1b. (1) A pharmacist may dispense to a patient, pursuant  
8 to a prescription from a practitioner, a prescription drug that is ap-  
9 proved by the United States Food and Drug Administration and that  
10 contains one or more cannabinoids.**

11 **“(2) The State Board of Pharmacy may adopt rules to carry out this  
12 section.”.**

13 On page 3, delete line 12 and insert:

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, including  
17 those containing one or more cannabinoids, that are approved by the United  
18 States Food and Drug Administration and dispensed by a pharmacy, as de-  
19 fined in ORS 689.005.”.

20 On page 9, after line 21, insert:

21 **“SECTION 13a. ORS 475B.550 is amended to read:**

1 “475B.550. As used in ORS 475B.550 to 475B.590:

2 “(1) ‘Cannabinoid’ means any of the chemical compounds that are the  
3 active constituents of marijuana.

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

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

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

14 “(b) ‘Cannabinoid product’ does not include:

15 “(A) Usable marijuana by itself;

16 “(B) A cannabinoid concentrate or extract by itself; or

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

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

21 “(b) ‘Marijuana’ does not include:

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

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

27 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid  
28 product or a cannabinoid concentrate or extract.

29 “(7) ‘Processing’ means the compounding or conversion of marijuana into  
30 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 After line 29, insert:

11 **“SECTION 14a.** ORS 475B.600 is amended to read:

12 “475B.600. As used in ORS 475B.600 to 475B.655:

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

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

18 “(3) ‘Cannabinoid edible’ means food or potable liquid into which a  
19 cannabinoid concentrate or extract or the dried leaves or flowers of  
20 marijuana have been incorporated.

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

25 “(b) ‘Cannabinoid product’ does not include:

26 “(A) Usable marijuana by itself;

27 “(B) A cannabinoid concentrate or extract by itself; or

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

29 “(5)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any  
30 part of the plant Cannabis family Cannabaceae and the seeds of the plant

1 Cannabis family Cannabaceae.

2 “(b) ‘Marijuana’ does not include:

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

4 “(B) **Prescription drugs, as that term is defined in ORS 689.005, in-**  
5 **cluding those containing one or more cannabinoids, that are approved**  
6 **by the United States Food and Drug Administration and dispensed by**  
7 **a pharmacy, as defined in ORS 689.005.**

8 “(6) ‘Marijuana item’ means marijuana, usable marijuana, a cannabinoid  
9 product or a cannabinoid concentrate or extract.

10 “(7) ‘Processing’ means the compounding or conversion of marijuana into  
11 cannabinoid products or cannabinoid concentrates or extracts.

12 “(8) ‘Producing’ means:

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

14 “(b) Drying marijuana leaves and flowers.

15 “(9)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
16 marijuana.

17 “(b) ‘Usable marijuana’ does not include:

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

19 “(B) Waste material that is a by-product of producing or processing  
20 marijuana.”.

21 On page 11, after line 7, insert:

22 “**SECTION 16a.** ORS 475B.791 is amended to read:

23 “475B.791. As used in ORS 475B.785 to 475B.949:

24 “(1) ‘Attending physician’ means a physician licensed under ORS chapter  
25 677 who has primary responsibility for the care and treatment of a person  
26 diagnosed with a debilitating medical condition.

27 “(2) ‘Cannabinoid’ means any of the chemical compounds that are the  
28 active constituents of marijuana.

29 “(3) ‘Cannabinoid concentrate’ means a substance obtained by separating  
30 cannabinoids from marijuana by:

1       “(a) A mechanical extraction process;

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

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

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

10       “(4) ‘Cannabinoid edible’ means food or potable liquid into which a  
11 cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of  
12 marijuana have been incorporated.

13       “(5) ‘Cannabinoid extract’ means a substance obtained by separating  
14 cannabinoids from marijuana by:

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

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

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

21       “(6) ‘Debilitating medical condition’ means:

22       “(a) Cancer, glaucoma, a degenerative or pervasive neurological condi-  
23 tion, positive status for human immunodeficiency virus or acquired immune  
24 deficiency syndrome, or a side effect related to the treatment of those med-  
25 ical conditions;

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

28       “(A) Cachexia;

29       “(B) Severe pain;

30       “(C) Severe nausea;

1 “(D) Seizures, including seizures caused by epilepsy; or  
2 “(E) Persistent muscle spasms, including spasms caused by multiple  
3 sclerosis;  
4 “(c) Post-traumatic stress disorder; or  
5 “(d) Any other medical condition or side effect related to the treatment  
6 of a medical condition adopted by the Oregon Health Authority by rule or  
7 approved by the authority pursuant to a petition filed under ORS 475B.946.  
8 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.  
9 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-  
10 tification cardholder to another registry identification cardholder if no con-  
11 sideration is paid for the transfer.  
12 “(8)(a) ‘Designated primary caregiver’ means an individual:  
13 “(A) Who is 18 years of age or older;  
14 “(B) Who has significant responsibility for managing the well-being of a  
15 person who has been diagnosed with a debilitating medical condition; and  
16 “(C) Who is designated as the person responsible for managing the well-  
17 being of a person who has been diagnosed with a debilitating medical con-  
18 dition on that person’s application for a registry identification card or in  
19 other written notification submitted to the authority.  
20 “(b) ‘Designated primary caregiver’ does not include a person’s attending  
21 physician.  
22 “(9) ‘High heat’ means a temperature exceeding 180 degrees.  
23 “(10) ‘Immature marijuana plant’ means a marijuana plant that is not  
24 flowering.  
25 “(11)(a) ‘Marijuana’ means the plant Cannabis family Cannabaceae, any  
26 part of the plant Cannabis family Cannabaceae and the seeds of the plant  
27 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, in-

1 **cluding those containing one or more cannabinoids, that are approved**  
2 **by the United States Food and Drug Administration and dispensed by**  
3 **a pharmacy, as defined in ORS 689.005.**

4 “(12) ‘Marijuana grow site’ means a location registered under ORS  
5 475B.810 where marijuana is produced for use by a registry identification  
6 cardholder.

7 “(13) ‘Marijuana processing site’ means a marijuana processing site reg-  
8 istered under ORS 475B.840 or a site for which an applicant has submitted  
9 an application for registration under ORS 475B.840.

10 “(14) ‘Mature marijuana plant’ means a marijuana plant that is not an  
11 immature marijuana plant.

12 “(15)(a) ‘Medical cannabinoid product’ means a cannabinoid edible and  
13 any other product intended for human consumption or use, including a  
14 product intended to be applied to a person’s skin or hair, that contains  
15 cannabinoids or dried leaves or flowers of marijuana.

16 “(b) ‘Medical cannabinoid product’ does not include:

17 “(A) Usable marijuana by itself;

18 “(B) A cannabinoid concentrate by itself;

19 “(C) A cannabinoid extract by itself; or

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

21 “(16) ‘Medical marijuana dispensary’ means a medical marijuana  
22 dispensary registered under ORS 475B.858 or a site for which an applicant  
23 has submitted an application for registration under ORS 475B.858.

24 “(17) ‘Medical use of marijuana’ means the production, processing, pos-  
25 session, delivery or administration of marijuana, or use of paraphernalia  
26 used to administer marijuana, to mitigate the symptoms or effects of a de-  
27 bilitating medical condition.

28 “(18) ‘Person designated to produce marijuana by a registry identification  
29 cardholder’ means a person designated to produce marijuana by a registry  
30 identification cardholder under ORS 475B.810 who produces marijuana for a

1 registry identification cardholder at an address other than the address where  
2 the registry identification cardholder resides or at an address where more  
3 than 12 mature marijuana plants are produced.

4 “(19) ‘Process’ means the compounding or conversion of marijuana into  
5 medical cannabinoid products, cannabinoid concentrates or cannabinoid ex-  
6 tracts.

7 “(20) ‘Production’ means:

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

9 “(b) Drying marijuana leaves or flowers.

10 “(21) ‘Registry identification card’ means a document issued by the  
11 Oregon Health Authority under ORS 475B.797 that identifies a person au-  
12 thorized to engage in the medical use of marijuana and, if the person has a  
13 designated primary caregiver under ORS 475B.804, the person’s designated  
14 primary caregiver.

15 “(22) ‘Registry identification cardholder’ means a person to whom a reg-  
16 istry identification card has been issued under ORS 475B.797.

17 “(23)(a) ‘Usable marijuana’ means the dried leaves and flowers of  
18 marijuana.

19 “(b) ‘Usable marijuana’ does not include:

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

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

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

25 Delete lines 14 through 25 and insert:

26 **“SECTION 20. (1) Sections 1 and 1b of this 2019 Act and the**  
27 **amendments to ORS 475B.015, 475B.025, 475B.045, 475B.074, 475B.096,**  
28 **475B.186, 475B.199, 475B.206, 475B.211, 475B.216, 475B.256, 475B.416,**  
29 **475B.550, 475B.577, 475B.600, 475B.705, 475B.710 and 475B.791 by sections**  
30 **2 to 16a of this 2019 Act become operative on January 1, 2020.**

1       **“(2) The Department of Revenue, the Oregon Liquor Control Com-**  
2 **mission and the State Board of Pharmacy may take any action before**  
3 **the operative date specified in subsection (1) of this section that is**  
4 **necessary to enable the department, the commission and the board to**  
5 **exercise, on and after the operative date specified in subsection (1) of**  
6 **this section, all of the duties, functions and powers conferred on the**  
7 **department, the commission and the board by sections 1 and 1b of this**  
8 **2019 Act and the amendments to ORS 475B.015, 475B.025, 475B.045,**  
9 **475B.074, 475B.096, 475B.186, 475B.199, 475B.206, 475B.211, 475B.216,**  
10 **475B.256, 475B.416, 475B.550, 475B.577, 475B.600, 475B.705, 475B.710 and**  
11 **475B.791 by sections 2 to 16a of this 2019 Act.”.**

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