

House Bill 4142

Sponsored by Representatives CHAICHI, TRAN; Representatives CHOTZEN, EVANS, GAMBA, GRAYBER, HUDSON, JAVADI, LEVY B, LIVELY, MCDONALD, MUNOZ, NOSSE, PHAM H, RIEKE SMITH, WISE, Senator FREDERICK (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that some entities have to write a policy and teach their staff about the medical use of marijuana. (Flesch Readability Score: 60.6).

Expands the definition of "debilitating medical condition" for the medical use of marijuana. Requires an organization or residential facility that is designated as an additional caregiver for a medical marijuana cardholder to create and maintain a written policy and provide educational training for certain staff regarding the medical use of marijuana. Exempts hospitals and hospital-affiliated clinics from the requirements. Protects an organization or residential facility and its employees and contractors from certain criminal liability related to the medical use of marijuana. Prohibits the Oregon State Board of Nursing from taking disciplinary action against a nurse for discussing the medical use of marijuana with a patient.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to marijuana for medical use; creating new provisions; amending ORS 475C.777, 475C.791, 475C.792, 475C.883 and 475C.916; and prescribing an effective date.

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

SECTION 1. Sections 2 and 3 of this 2026 Act are added to and made a part of ORS 475C.770 to 475C.919.

SECTION 2. Section 3 of this 2026 Act shall be known and may be cited as Ryan's Law.

SECTION 3. (1) An organization or residential facility designated under ORS 475C.791 shall:

(a) Allow a patient or resident of the organization or residential facility to engage in the medical use of marijuana on the premises of the organization or residential facility.

(b) Create and maintain a written policy regarding the procurement, on-site storage, administration and disposal of marijuana and medical cannabinoid products that:

(A) Defines clear protocols for acquiring and handling marijuana and medical cannabinoid products;

(B) Addresses patient safety by ensuring the proper storage and accurate administration of marijuana and medical cannabinoid products; and

(C) Establishes procedures for the responsible disposal of unused marijuana and medical cannabinoid products.

(c) In addition to any other training required by law, an individual employed as direct care staff at an organization or residential facility designated under ORS 475C.791 must complete educational training, either in-person or virtually, that covers at least:

(A) Cannabis pharmacology and the use of marijuana and medical cannabinoid products in treating medical conditions;

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.

(B) Dosing strategies and delivery modalities, including cannabinoid edibles, cannabinoid extracts and the vaporization of cannabinoids; and

(C) Identifying potential contraindications for the use of marijuana and medical cannabinoid products and potential drug interactions.

(2) An individual described in paragraph (1)(c) of this section shall complete the educational training described in subsection (1) of this section prior to providing direct care to a patient or resident who engages in the medical use of marijuana.

(3) The requirements of this section do not apply to a residential treatment home or residential treatment facility, as those terms are defined in ORS 443.400, a home health agency, as defined in ORS 443.014, or a hospice program, as defined in ORS 443.850, that provides for the delivery of home health care services, as defined in ORS 654.412, in a home health care setting.

SECTION 4. ORS 475C.777 is amended to read:

475C.777. As used in ORS 475C.770 to 475C.919:

(1) "Attending provider" means one of the following health care providers who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:

- (a) A physician licensed under ORS chapter 677;
- (b) A physician associate licensed under ORS 677.505 to 677.525;
- (c) A nurse practitioner licensed under ORS 678.375 to 678.390;
- (d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;
- (e) A certified registered nurse anesthetist as defined in ORS 678.010; or
- (f) A naturopathic physician licensed under ORS chapter 685.

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

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

- (a) A mechanical extraction process;
- (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
- (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
- (d) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

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

(5) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:

- (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;
- (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or
- (c) Any other process identified by the Oregon Health Authority, in consultation with the Oregon Liquor and Cannabis Commission, by rule.

(6) "Debilitating medical condition" means:

- (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for

1 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
 2 the treatment of those medical conditions;

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

5 (A) Cachexia;

6 (B) Severe pain;

7 (C) Severe nausea;

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

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

10 (c) Post-traumatic stress disorder; [or]

11 **(d) The need for hospice, palliative care, comfort care or other symptom management,**
 12 **including comprehensive pain management; or**

13 [(d)] (e) Any other medical condition or side effect related to the treatment of a medical condi-
 14 tion adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a
 15 petition filed under ORS 475C.913.

16 (7)(a) "Delivery" has the meaning given that term in ORS 475.005.

17 (b) "Delivery" does not include transfer of marijuana by a registry identification cardholder to
 18 another registry identification cardholder if no consideration is paid for the transfer.

19 (8)(a) "Designated primary caregiver" means an individual:

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

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

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

26 (b) "Designated primary caregiver" does not include a person's attending provider.

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

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

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

31 (b) "Marijuana" does not include:

32 (A) Industrial hemp, as defined in ORS 571.269; or

33 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one
 34 or more cannabinoids, that are approved by the United States Food and Drug Administration and
 35 dispensed by a pharmacy, as defined in ORS 689.005.

36 (12) "Marijuana grow site" means a location registered under ORS 475C.792 where marijuana
 37 is produced for use by a registry identification cardholder.

38 (13) "Marijuana processing site" means a marijuana processing site registered under ORS
 39 475C.815 or a site for which an applicant has submitted an application for registration under ORS
 40 475C.815.

41 (14) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana
 42 plant.

43 (15)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product in-
 44 tended for human consumption or use, including a product intended to be applied to a person's skin
 45 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

(b) "Medical cannabinoid product" does not include:

- (A) Usable marijuana by itself;
- (B) A cannabinoid concentrate by itself;
- (C) A cannabinoid extract by itself; or
- (D) Industrial hemp, as defined in ORS 571.269.

(16) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475C.833 or a site for which an applicant has submitted an application for registration under ORS 475C.833.

(17) "Medical use of marijuana" means the production, processing, possession, delivery or administration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the symptoms or effects of a debilitating medical condition.

(18) "Person designated to produce marijuana by a registry identification cardholder" means a person designated to produce marijuana by a registry identification cardholder under ORS 475C.792 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

(19) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(20) "Production" means:

- (a) Planting, cultivating, growing, trimming or harvesting marijuana; or
- (b) Drying marijuana leaves or flowers.

(21) "Registry identification card" means a document issued by the Oregon Health Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver.

(22) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475C.783.

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

(b) "Usable marijuana" does not include:

- (A) The seeds, stalks and roots of marijuana; or
- (B) Waste material that is a by-product of producing marijuana.

(24) "Written documentation" means a statement signed by the attending provider of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

SECTION 5. ORS 475C.791 is amended to read:

475C.791. (1) Notwithstanding ORS 475C.789, an organization that provides hospice, palliative or home health care services, or a residential facility as defined in ORS 443.400, that has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition may be designated, in addition to an individual designated pursuant to ORS 475C.789, as an additional caregiver for a registry identification cardholder in the same manner that an individual is designated as the primary caregiver for a registry identification cardholder under ORS 475C.789.

(2) An organization or residential facility that is designated under this section has all the duties, functions and powers of a designated primary caregiver as prescribed by ORS 475C.770 to 475C.919 or a rule adopted under ORS 475C.770 to 475C.919.

(3)(a) Except as provided in paragraph (b) of this subsection, an organization or residen-

1 **tial facility designated under this section shall comply with the requirements of section 3 of**
 2 **this 2026 Act.**

3 **(b) A hospital, as defined in ORS 442.015, or a hospital-affiliated clinic, as defined in ORS**
 4 **442.612, that is designated as an additional caregiver under this section is not subject to the**
 5 **requirements of section 3 of this 2026 Act.**

6 **SECTION 6.** ORS 475C.792 is amended to read:

7 475C.792. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site
 8 registration system to track and regulate the production of marijuana by a registry identification
 9 cardholder or a person designated by the registry identification cardholder to produce marijuana for
 10 the registry identification cardholder.

11 (b) Except as provided in paragraph (c) of this subsection, a person may not produce marijuana
 12 unless the person is registered under this section.

13 (c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided
 14 in ORS 475C.005 to 475C.525 or as otherwise provided for by the statutory laws of this state.

15 (2) Rules adopted under this section must require an applicant for a registry identification card,
 16 or a registry identification cardholder who produces marijuana or who designates another person
 17 to produce marijuana, to submit an application to the authority containing the following information
 18 at the time of making an application under ORS 475C.783 (2), renewing a registry identification card
 19 under ORS 475C.783 (6)(b), or notifying the authority of a change under ORS 475C.783 (6)(a):

20 (a) The name of the person responsible for the marijuana grow site;

21 (b) Proof that the person is 21 years of age or older;

22 (c) The information required under ORS 475C.831;

23 (d) The address of the marijuana grow site; and

24 (e) Any other information that the authority considers necessary to track the production of
 25 marijuana under ORS 475C.770 to 475C.919.

26 (3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person
 27 whose name is submitted under this section as the person responsible for a marijuana grow site.

28 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
 29 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or
 30 be designated a person responsible for a marijuana grow site for two years from the date of con-
 31 viction.

32 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
 33 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
 34 not act as or be designated a person responsible for a marijuana grow site.

35 (4) Subject to subsection (11) of this section, the authority shall issue a marijuana grow site
 36 registration card if the requirements of subsections (2) and (3) of this section and ORS 475C.831 are
 37 met.

38 (5) A person who holds a marijuana grow site registration card under this section must display
 39 the card at the marijuana grow site at all times.

40 (6) A marijuana grow site registration card must be obtained and posted for each registry
 41 identification cardholder for whom marijuana is being produced at a marijuana grow site.

42 (7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-
 43 sociated with the production of marijuana for a registry identification cardholder by a person re-
 44 sponsible for a marijuana grow site are the property of the registry identification cardholder.

45 (b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana asso-

1 ciated with the production of marijuana for a registry identification cardholder by a person re-
 2 sponsible for a marijuana grow site must be transferred to the registry identification cardholder
 3 upon the request of the registry identification cardholder.

4 (c) All usable marijuana associated with the production of marijuana for a registry identification
 5 cardholder by a person responsible for a marijuana grow site must be transferred to a marijuana
 6 processing site upon the request of the registry identification cardholder. For purposes of this par-
 7 agraph, a request to transfer usable marijuana constitutes an assignment of the right to possess the
 8 usable marijuana.

9 (d) All seeds, immature marijuana plants and usable marijuana associated with the production
 10 of marijuana for a registry identification cardholder by a person responsible for a marijuana grow
 11 site must be transferred to a medical marijuana dispensary upon request of the registry identifica-
 12 tion cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana
 13 plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature
 14 marijuana plants or usable marijuana.

15 (e) Information related to transfers made under this subsection must be submitted to the au-
 16 thority in the manner required by ORS 475C.795.

17 (8) A registry identification cardholder, or the designated **primary** caregiver of a registry
 18 identification cardholder, may reimburse a person responsible for a marijuana grow site for all costs
 19 associated with the production of marijuana for the registry identification cardholder.

20 (9) The authority may inspect:

21 (a) The marijuana grow site of a person designated to produce marijuana by a registry identifi-
 22 cation cardholder to ensure compliance with this section and ORS 475C.795 and 475C.806 and any
 23 rule adopted under this section and ORS 475C.795 and 475C.806; and

24 (b) The records of the marijuana grow site of a person designated to produce marijuana by a
 25 registry identification cardholder to ensure compliance with this section and ORS 475C.795 and any
 26 rule adopted under this section and ORS 475C.795.

27 (10) The authority may refuse to register a registry identification cardholder or a designee under
 28 this section or may suspend or revoke the registration of a person responsible for a marijuana grow
 29 site if the authority determines that the applicant or the person responsible for a marijuana grow
 30 site violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to
 31 475C.919 or an ordinance adopted pursuant to ORS 475C.827.

32 (11) The authority may require a person responsible for a marijuana grow site, prior to issuing
 33 a marijuana grow site registration card under subsection (4) of this section, to pay a fee reasonably
 34 calculated to pay costs incurred under this section and ORS 475C.795 and 475C.856.

35 (12) When submitting an application for renewal of registration under this section, the applicant
 36 or person responsible for the marijuana grow site shall, if the applicant or person is not the owner
 37 of the premises for which the registration is being renewed, submit with the application the owner's
 38 written signature, witnessed by a notary public, confirming ownership of the premises and consent-
 39 ing to the applicant's or person's use of the premises for the purpose of a marijuana grow site, if
 40 the owner's consent to the use of the premises is expired.

41 **SECTION 7.** ORS 475C.883 is amended to read:

42 475C.883. Except as provided in ORS 475C.886, a person, **or an organization or residential**
 43 **facility described in ORS 475C.791**, engaged in or assisting in the medical use of marijuana is ex-
 44 empt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aid-
 45 ing and abetting another in the possession, delivery or manufacture of marijuana, or any other

1 criminal offense in which possession, delivery or manufacture of marijuana is an element if:

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

3 (2) The person has applied for a registry identification card under ORS 475C.783 and the person
4 has proof of written documentation described in ORS 475C.783 (2)(a) and proof of the date on which
5 the person submitted the application to the Oregon Health Authority. An exemption under this
6 subsection applies only until the authority approves or denies the application.

7 (3)(a) The person is designated as a primary caregiver under ORS 475C.789.

8 **(b) The organization or residential facility is designated as an additional caregiver under**
9 **ORS 475C.791, or the person is employed by or has been contracted with an organization or**
10 **residential facility that is designated as an additional caregiver under ORS 475C.791.**

11 (4) The person is responsible for or is employed by a marijuana grow site registered under ORS
12 475C.792.

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

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

15 **SECTION 8.** ORS 475C.916 is amended to read:

16 475C.916. A nurse licensed under ORS 678.040 to 678.101 may discuss the medical use of
17 marijuana with a person with whom the nurse has a patient-provider relationship. **The Oregon**
18 **State Board of Nursing may not impose a civil penalty or take other disciplinary action**
19 **against a nurse who engages in a discussion as described in this section.**

20 **SECTION 9.** (1) Prior to the operative date specified in section 10 of this 2026 Act, the
21 Oregon Health Authority may conditionally designate an organization or residential facility
22 described in ORS 475C.791 as an additional caregiver.

23 (2) An organization or residential facility described in ORS 475C.791 or conditionally des-
24 ignated under subsection (1) of this section shall:

25 (a) Create the written policy required under section 3 of this 2026 Act not later than June
26 30, 2027; and

27 (b) Make available to staff the educational training required under section 3 of this 2026
28 Act not later December 31, 2027.

29 (3) If an organization or residential facility designated under ORS 475C.791 or condi-
30 tionally designated under subsection (1) of this section does not meet the requirements of
31 subsection (2) of this section, the authority shall remove the designation from the organiza-
32 tion or residential facility.

33 **SECTION 10.** (1) Sections 2 and 3 of this 2026 Act and the amendments to ORS 475C.777,
34 475C.791, 475C.792, 475C.883 and 475C.916 by sections 4 to 8 of this 2026 Act become operative
35 on January 1, 2027.

36 (2) The Oregon Health Authority may take any action before the operative date specified
37 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
38 after the operative date specified in subsection (1) of this section, all of the duties, functions
39 and powers conferred on the authority by sections 2 and 3 of this 2026 Act and the amend-
40 ments to ORS 475C.777, 475C.791, 475C.792, 475C.883 and 475C.916 by sections 4 to 8 of this
41 2026 Act.

42 **SECTION 11.** This 2026 Act takes effect on the 91st day after the date on which the 2026
43 regular session of the Eighty-third Legislative Assembly adjourns sine die.