

HB 4139-2
(LC 6)
2/4/26 (SCT/ps)

Requested by Representative WALLAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4139**

1 On page 1 of the printed bill, line 2, after “cannabis;” delete the rest of
2 the line and delete lines 3 through 5 and insert “amending ORS 475C.728 and
3 475C.777.”.

4 Delete lines 7 through 21 and delete pages 2 through 20 and insert:

5 **“SECTION 1.** ORS 475C.728 is amended to read:

6 “475C.728. Notwithstanding ORS 475C.726, before making any other dis-
7 tribution from the Oregon Marijuana Account established under ORS
8 475C.726, the Department of Revenue shall first distribute quarterly from the
9 account the following:

10 “(1) \$875,000 to the Oregon Liquor and Cannabis Commission for deposit
11 in the Marijuana Control and Regulation Fund established under ORS
12 475C.297; and

13 “(2) [\$750,000] **\$3 million** to the Oregon Criminal Justice Commission for
14 deposit into the Illegal Marijuana Market Enforcement Grant Program Fund
15 established under ORS 475C.535 for the purposes of paying the costs incurred
16 by the commission in carrying out the provisions of ORS 475C.531.

17 **“SECTION 2.** ORS 475C.777 is amended to read:

18 “475C.777. As used in ORS 475C.770 to 475C.919:

19 “(1) ‘Attending provider’ means one of the following health care providers
20 who has primary responsibility for the care and treatment of a person diag-
21 nosed with a debilitating medical condition:

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

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

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

11 “(a) A mechanical extraction process;

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

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

18 “(d) Any other process identified by the Oregon Health Authority, in
19 consultation with the Oregon Liquor and Cannabis Commission, by rule.

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

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

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

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

29 “(c) Any other process identified by the Oregon Health Authority, in
30 consultation with the Oregon Liquor and Cannabis Commission, by rule.

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

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

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

8 “(A) Cachexia;

9 “(B) Severe pain;

10 “(C) Severe nausea;

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

12 “(E) Persistent muscle spasms, including spasms caused by multiple
13 sclerosis;

14 “(c) Post-traumatic stress disorder; or

15 “(d) Any other medical condition or side effect related to the treatment
16 of a medical condition [*adopted by the Oregon Health Authority by rule or*
17 *approved by the authority pursuant to a petition filed under ORS 475C.913*]
18 **that an attending provider determines, in accordance with evidence-
19 based practice and professional judgment, might be mitigated by the
20 medical use of marijuana.**

21 “(7)(a) ‘Delivery’ has the meaning given that term in ORS 475.005.

22 “(b) ‘Delivery’ does not include transfer of marijuana by a registry iden-
23 tification cardholder to another registry identification cardholder if no con-
24 sideration is paid for the transfer.

25 “(8)(a) ‘Designated primary caregiver’ means an individual:

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

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

29 “(C) Who is designated as the person responsible for managing the well-
30 being of a person who has been diagnosed with a debilitating medical con-

1 dition on that person's application for a registry identification card or in
2 other written notification submitted to the authority.

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

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

6 "(10) 'Immature marijuana plant' means a marijuana plant that is not
7 flowering.

8 "(11)(a) 'Marijuana' means the plant Cannabis family Cannabaceae, any
9 part of the plant Cannabis family Cannabaceae and the seeds of the plant
10 Cannabis family Cannabaceae.

11 "(b) 'Marijuana' does not include:

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

13 "(B) Prescription drugs, as that term is defined in ORS 689.005, including
14 those containing one or more cannabinoids, that are approved by the United
15 States Food and Drug Administration and dispensed by a pharmacy, as de-
16 fined in ORS 689.005.

17 "(12) 'Marijuana grow site' means a location registered under ORS
18 475C.792 where marijuana is produced for use by a registry identification
19 cardholder.

20 "(13) 'Marijuana processing site' means a marijuana processing site reg-
21 istered under ORS 475C.815 or a site for which an applicant has submitted
22 an application for registration under ORS 475C.815.

23 "(14) 'Mature marijuana plant' means a marijuana plant that is not an
24 immature marijuana plant.

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

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

30 "(A) Usable marijuana by itself;

1 “(B) A cannabinoid concentrate by itself;

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

3 “(D) Industrial hemp, as defined in ORS 571.269.

4 “(16) ‘Medical marijuana dispensary’ means a medical marijuana
5 dispensary registered under ORS 475C.833 or a site for which an applicant
6 has submitted an application for registration under ORS 475C.833.

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

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

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

20 “(20) ‘Production’ means:

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

22 “(b) Drying marijuana leaves or flowers.

23 “(21) ‘Registry identification card’ means a document issued by the
24 Oregon Health Authority under ORS 475C.783 that identifies a person au-
25 thorized to engage in the medical use of marijuana and, if the person has a
26 designated primary caregiver under ORS 475C.789, the person’s designated
27 primary caregiver.

28 “(22) ‘Registry identification cardholder’ means a person to whom a reg-
29 istry identification card has been issued under ORS 475C.783.

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

1 marijuana.

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

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

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

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

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