

Testimony before Senate Judiciary: SB 794, Relating to Medical Marijuana.

Submitted April 18, 2013 by Anthony Taylor, Director, Compassionate Oregon.

Chairman Prozanski, members of the Committee.

My name is Anthony Taylor. I am Director of Compassionate Oregon. Thank you for the opportunity to testify today in favor of SB 794.

Mr. Chairman,

Four states currently allow non-resident medical marijuana patients to use, or possess, medical marijuana when in their states. These states are Arizona, Maine, Michigan, and Rhode Island and are listed for your review, along with their relevant statute in my submitted testimony. Montana had also included reciprocity in its original statute but has since repealed most of its medical marijuana law including reciprocity.

The state statutes shown in the chart are similar yet simple. Non-resident patients who meet the conditions of the medical marijuana laws of their own state, may use or possess medical marijuana in another state that has adopted its own medical marijuana laws.

As noted at the bottom of the chart provided, Oregon does not have a reciprocity law per se, but we do allow non-residents to obtain a registry identification card through the Oregon Medical Marijuana Program. This of course requires any non-resident patient to go through the same process in obtaining the necessary authorization and subsequent card that any Oregon patient would be required to go through. This process may take up to 60 days or more making it impractical for any patients simply passing through, visiting friends and family, or just spending time enjoying our great state.

With this in mind it seems like a simple step to allow patients visiting Oregon the courtesy this bill would offer. We are bordered by three states that allow medical marijuana not the least of which is Washington and we are not asking for the state to allow Washington or Colorado residents to come into Oregon with recreational marijuana. We are asking you to make an allowance for their medical marijuana patients.

We ask you to pass SB 794.

States with Reciprocity Statutes*

<u>State</u>	<u>Citation</u>	<u>Statute</u>
Arizona	A.R.S. § 36 – 2804.03 § 36-2804.03. Issuance of registry identification cards	C. A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth or insular possession of the United States that allows a visiting qualifying patient to possess or use marijuana for medical purposes in the jurisdiction of issuance has the same force and effect when held by a visiting qualifying patient as a registry identification card issued by the department, except that a visiting qualifying patient is not authorized to obtain marijuana from a nonprofit medical marijuana dispensary.
Maine	22 M.R.S.A § 2423-D § 2423-D. Authorized conduct by a visiting qualifying patient.	A qualifying patient from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a valid written certification as described in section 2423-B from the patient's treating physician and a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter.
Michigan	M.C.L.A. 333.26424 333. 26424. Protections for qualifying patients, primary caregivers, physicians, and other persons regarding medical use of marijuana; seizure and forfeiture of marijuana, paraphernalia, etc., sale of marijuana	Sec. 4 (j) A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marijuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marijuana, shall have the same force and effect as a registry identification card issued by the department.
Rhode Island	R.I. Gen. Laws §21-28.6-4(m) § 21-28.6-4. Protections for the medical use of marijuana	(m) A registry identification card, or its equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia to permit the medical use of marijuana by a patient with a debilitating medical condition, or to permit a person to assist with the medical use of marijuana by a patient with a debilitating medical condition, shall have the same force and effect as a registry identification card issued by the department.

Oregon law does not include a reciprocity provision. However, the Oregon Court of Appeals has ruled (and the Oregon Medical Marijuana Program has confirmed) that patients from out of state are permitted to register with the Oregon Medical Marijuana Program to obtain a registry identification card, the same as an Oregon resident, which will protect them from arrest or prosecution while in Oregon. These out of state patients are required to obtain a recommendation for the medical use of marijuana from an Oregon Licensed physician. *State v. Berringer, 234 Or. App. 665, 229 P3d 615, rev. den. (2010)*

*Prepared by Bradley Steinman, 3L, Lewis & Clark Law School