

A-Engrossed
House Bill 3460

Ordered by the House June 20
Including House Amendments dated June 20

Sponsored by Representative BUCKLEY, Senator PROZANSKI; Representative FREDERICK, Senator DINGFELDER

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.

Directs Oregon Health Authority to establish registration system for medical marijuana facilities for transferring usable marijuana **and immature marijuana plants** from registry identification cardholders, designated primary caregivers of registry identification cardholders or marijuana grow sites to medical marijuana facilities and from medical marijuana facilities to registry identification cardholders or designated primary caregivers of registry identification cardholders.

Limits expenditures for biennium beginning July 1, 2013, from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by authority for expenses incurred in implementing Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309,
3 475.320, 475.323 and 475.331; limiting expenditures; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 475.300 to**
6 **475.346.**

7 **SECTION 2. (1) The Oregon Health Authority shall establish by rule a medical marijuana**
8 **facility registration system to authorize the transfer of usable marijuana and immature**
9 **marijuana plants from:**

10 (a) **A registry identification cardholder, the designated primary caregiver of a registry**
11 **identification cardholder, or a person responsible for a marijuana grow site to the medical**
12 **marijuana facility; or**

13 (b) **A medical marijuana facility to a registry identification cardholder or the designated**
14 **primary caregiver of a registry identification cardholder.**

15 (2) **The registration system established under subsection (1) of this section must require**
16 **a medical marijuana facility to submit an application to the authority that includes:**

17 (a) **The name of the person responsible for the medical marijuana facility;**

18 (b) **The address of the medical marijuana facility;**

19 (c) **Proof that the person responsible for the medical marijuana facility is a resident of**
20 **Oregon;**

21 (d) **Documentation, as required by the authority by rule, that demonstrates the medical**
22 **marijuana facility meets the qualifications for a medical marijuana facility as described in**
23 **subsection (3) of this section; and**

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 (e) Any other information that the authority considers necessary.

2 (3) To qualify for registration under this section, a medical marijuana facility:

3 (a) Must be located in an area that is zoned for commercial, industrial or mixed use or
4 as agricultural land and may not be located at the same address as a marijuana grow site;

5 (b) Must be registered as a business or have filed a pending application to register as a
6 business with the Office of the Secretary of State;

7 (c) Must not be located within 1,000 feet of the real property comprising a public or pri-
8 vate elementary, secondary or career school attended primarily by minors;

9 (d) Must not be located within 1,000 feet of another medical marijuana facility; and

10 (e) Must comport with rules adopted by the authority related to:

11 (A) Installing a minimum security system, including a video surveillance system, alarm
12 system and safe; and

13 (B) Testing for pesticides, mold and mildew and the processes by which usable marijuana
14 and immature marijuana plants that test positive for pesticides, mold or mildew must be
15 returned to the registry identification cardholder, the cardholder's designated primary
16 caregiver or the cardholder's registered grower.

17 (4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person
18 whose name is submitted as the person responsible for a medical marijuana facility under
19 subsection (2) of this section.

20 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for
21 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not
22 be the person responsible for a medical marijuana facility for five years from the date the
23 person is convicted.

24 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752
25 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule
26 II may not be the person responsible for a medical marijuana facility.

27 (5) If a person submits the application required under subsection (2) of this section, the
28 medical marijuana facility identified in the application meets the qualifications for a medical
29 marijuana facility described in subsection (3) of this section and the person responsible for
30 the medical marijuana facility passes the criminal records check required under subsection
31 (4) of this section, the authority shall register the medical marijuana facility and issue the
32 person responsible for the medical marijuana facility proof of registration. The person re-
33 sponsible for the medical marijuana facility shall display the proof of registration on the
34 premises of the medical marijuana facility at all times when usable marijuana or immature
35 marijuana plants are being transferred as described in subsection (1) of this section.

36 (6)(a) A registered medical marijuana facility may receive usable marijuana or immature
37 marijuana plants only from a registry identification cardholder, designated primary caregiver
38 or person responsible for a marijuana grow site if the registered medical marijuana facility
39 obtains authorization, on a form prescribed by the authority by rule and signed by a registry
40 identification cardholder, to receive the usable marijuana or immature marijuana plants.

41 (b) A registered medical marijuana facility shall maintain:

42 (A) A copy of each authorization form described in paragraph (a) of this subsection; and

43 (B) Documentation of each transfer of usable marijuana or immature marijuana plants.

44 (7) A medical marijuana facility registered under this section may possess usable
45 marijuana and immature marijuana plants in excess of the limits imposed on registry iden-

1 **tification cardholders and designated primary caregivers under ORS 475.320.**

2 **(8) The authority may inspect:**

3 **(a) The premises of an applicant for a medical marijuana facility or a registered medical**
4 **marijuana facility to ensure compliance with the qualifications for a medical marijuana fa-**
5 **ility described in subsection (3) of this section; and**

6 **(b) The records of a registered medical marijuana facility to ensure compliance with**
7 **subsection (6)(b) of this section.**

8 **(9)(a) A registry identification cardholder or the designated primary caregiver of a reg-**
9 **istry identification cardholder may reimburse a medical marijuana facility registered under**
10 **this section for the normal and customary costs of doing business, including costs related**
11 **to transferring, handling, securing, insuring, testing, packaging and processing usable**
12 **marijuana and immature marijuana plants and the cost of supplies, utilities and rent or**
13 **mortgage.**

14 **(b) A medical marijuana facility may reimburse a person responsible for a marijuana**
15 **grow site under this section for the normal and customary costs of doing business, including**
16 **costs related to transferring, handling, securing, insuring, testing, packaging and processing**
17 **usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent**
18 **or mortgage.**

19 **(10) The authority may revoke the registration of a medical marijuana facility registered**
20 **under this section for failure to comply with ORS 475.300 to 475.346 or rules adopted under**
21 **ORS 475.300 to 475.346. The authority may release to the public a final order revoking a**
22 **medical marijuana facility registration.**

23 **(11) The authority shall adopt rules to implement this section, including rules that:**

24 **(a) Require a medical marijuana facility registered under this section to annually renew**
25 **that registration; and**

26 **(b) Establish fees for registering and renewing registration for a medical marijuana fa-**
27 **ility under this section.**

28 **SECTION 3.** ORS 475.302 is amended to read:

29 475.302. As used in ORS 475.300 to 475.346:

30 (1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary
31 responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

32 (2) "Authority" means the Oregon Health Authority.

33 (3) "Debilitating medical condition" means:

34 (a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human
35 immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

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

38 (A) Cachexia;

39 (B) Severe pain;

40 (C) Severe nausea;

41 (D) Seizures, including but not limited to seizures caused by epilepsy; or

42 (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

43 or

44 (c) Any other medical condition or treatment for a medical condition adopted by the authority
45 by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

1 (4)(a) “Delivery” has the meaning given that term in ORS 475.005.

2 (b) “Delivery” does not include transfer of:

3 (A) Marijuana by a registry identification cardholder to another registry identification
4 cardholder if no consideration is paid for the transfer[.];

5 (B) Usable marijuana or immature marijuana plants from a registry identification
6 cardholder, the designated primary caregiver of a registry identification cardholder or a
7 marijuana grow site to a medical marijuana facility registered under section 2 of this 2013
8 Act; or

9 (C) Usable marijuana or immature marijuana plants from a medical marijuana facility
10 registered under section 2 of this 2013 Act to a registry identification cardholder or the
11 designated primary caregiver of a registry identification cardholder.

12 (5) “Designated primary caregiver” means an individual 18 years of age or older who has sig-
13 nificant responsibility for managing the well-being of a person who has been diagnosed with a dis-
14 abilitating medical condition and who is designated as such on that person’s application for a registry
15 identification card or in other written notification to the authority. “Designated primary
16 caregiver” does not include the person’s attending physician.

17 (6) “Marijuana” has the meaning given that term in ORS 475.005.

18 (7) “Marijuana grow site” means a location where marijuana is produced for use by a registry
19 identification cardholder and that is registered under the provisions of ORS 475.304.

20 (8) “Medical use of marijuana” means the production, possession, delivery, or administration of
21 marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of
22 a person to mitigate the symptoms or effects of the person’s debilitating medical condition.

23 (9) “Production” has the meaning given that term in ORS 475.005.

24 (10) “Registry identification card” means a document issued by the authority that identifies a
25 person authorized to engage in the medical use of marijuana and the person’s designated primary
26 caregiver, if any.

27 (11) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family
28 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed
29 in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the
30 plant.

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

33 **SECTION 4.** ORS 475.304 is amended to read:

34 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-
35 tration system to authorize production of marijuana by a registry identification cardholder, a des-
36 ignated primary caregiver who grows marijuana for the cardholder or a person who is responsible
37 for a marijuana grow site. The marijuana grow site registration system adopted must require a
38 registry identification cardholder to submit an application to the authority that includes:

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

40 (b) The address of the marijuana grow site;

41 (c) The registry identification card number of the registry cardholder for whom the marijuana
42 is being produced; and

43 (d) Any other information the authority considers necessary.

44 (2) The authority shall issue a marijuana grow site registration card to a registry identification
45 cardholder who has met the requirements of subsection (1) of this section.

1 (3) A person who has been issued a marijuana grow site registration card under this section
2 must display the registration card at the marijuana grow site at all times when marijuana is being
3 produced.

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

6 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana
7 for a registry identification cardholder by a person responsible for a marijuana grow site are the
8 property of the registry identification cardholder and must be provided to the registry identification
9 cardholder, **or, if the marijuana is usable marijuana or an immature marijuana plant, trans-**
10 **ferred to a medical marijuana facility registered under section 2 of this 2013 Act,** upon re-
11 quest.

12 (6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person
13 whose name is submitted as a person responsible for a marijuana grow site.

14 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
15 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued
16 a marijuana grow site registration card or produce marijuana for a registry identification cardholder
17 for five years from the date of conviction.

18 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
19 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
20 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-
21 cation cardholder.

22 (7) A registry identification cardholder or the designated primary caregiver of the cardholder
23 may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities
24 associated with the production of marijuana for the registry identification cardholder. No other
25 costs associated with the production of marijuana for the registry identification cardholder, includ-
26 ing the cost of labor, may be reimbursed.

27 (8) The authority may adopt rules imposing a fee in an amount established by the authority for
28 registration of a marijuana grow site under this section.

29 **SECTION 5.** ORS 475.309 is amended to read:

30 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-
31 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,
32 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-
33 duction of marijuana or any other criminal offense in which possession, delivery or production of
34 marijuana is an element if the following conditions have been satisfied:

35 (a)(A) The person holds a registry identification card issued pursuant to this section, has applied
36 for a registry identification card pursuant to subsection (9) of this section, is the designated primary
37 caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that
38 is producing marijuana for the cardholder and is registered under ORS 475.304; and

39 [(b)] (B) The person who has a debilitating medical condition, the person's primary caregiver
40 and the person responsible for a marijuana grow site that is producing marijuana for the cardholder
41 and is registered under ORS 475.304 are collectively in possession of, delivering or producing
42 marijuana for medical use in amounts allowed under ORS 475.320[.]; **or**

43 **(b) The person is responsible for or employed by a medical marijuana facility registered**
44 **under section 2 of this 2013 Act and does not commit any of the acts described in this sub-**
45 **section anywhere other than at the medical marijuana facility.**

1 (2) The Oregon Health Authority shall establish and maintain a program for the issuance of
2 registry identification cards to persons who meet the requirements of this section. Except as pro-
3 vided in subsection (3) of this section, the authority shall issue a registry identification card to any
4 person who pays a fee in the amount established by the authority and provides the following:

5 (a) Valid, written documentation from the person's attending physician stating that the person
6 has been diagnosed with a debilitating medical condition and that the medical use of marijuana may
7 mitigate the symptoms or effects of the person's debilitating medical condition;

8 (b) The name, address and date of birth of the person;

9 (c) The name, address and telephone number of the person's attending physician;

10 (d) The name and address of the person's designated primary caregiver, if the person has des-
11 igned a primary caregiver at the time of application; and

12 (e) A written statement that indicates whether the marijuana used by the cardholder will be
13 produced at a location where the cardholder or designated primary caregiver is present or at an-
14 other location.

15 (3) The authority shall issue a registry identification card to a person who is under 18 years of
16 age if the person submits the materials required under subsection (2) of this section, and the custo-
17 dial parent or legal guardian with responsibility for health care decisions for the person under 18
18 years of age signs a written statement that:

19 (a) The attending physician of the person under 18 years of age has explained to that person
20 and to the custodial parent or legal guardian with responsibility for health care decisions for the
21 person under 18 years of age the possible risks and benefits of the medical use of marijuana;

22 (b) The custodial parent or legal guardian with responsibility for health care decisions for the
23 person under 18 years of age consents to the use of marijuana by the person under 18 years of age
24 for medical purposes;

25 (c) The custodial parent or legal guardian with responsibility for health care decisions for the
26 person under 18 years of age agrees to serve as the designated primary caregiver for the person
27 under 18 years of age; and

28 (d) The custodial parent or legal guardian with responsibility for health care decisions for the
29 person under 18 years of age agrees to control the acquisition of marijuana and the dosage and
30 frequency of use by the person under 18 years of age.

31 (4) A person applying for a registry identification card pursuant to this section may submit the
32 information required in this section to a county health department for transmittal to the authority.
33 A county health department that receives the information pursuant to this subsection shall transmit
34 the information to the authority within five days of receipt of the information. Information received
35 by a county health department pursuant to this subsection shall be confidential and not subject to
36 disclosure, except as required to transmit the information to the authority.

37 (5)(a) The authority shall verify the information contained in an application submitted pursuant
38 to this section and shall approve or deny an application within thirty days of receipt of the appli-
39 cation.

40 (b) In addition to the authority granted to the authority under ORS 475.316 to deny an applica-
41 tion, the authority may deny an application for the following reasons:

42 (A) The applicant did not provide the information required pursuant to this section to establish
43 the applicant's debilitating medical condition and to document the applicant's consultation with an
44 attending physician regarding the medical use of marijuana in connection with such condition, as
45 provided in subsections (2) and (3) of this section;

1 (B) The authority determines that the information provided was falsified; or

2 (C) The applicant has been prohibited by a court order from obtaining a registry identification
3 card.

4 (c) Denial of a registry identification card shall be considered a final authority action, subject
5 to judicial review. Only the person whose application has been denied, or, in the case of a person
6 under the age of 18 years of age whose application has been denied, the person's parent or legal
7 guardian, shall have standing to contest the authority's action.

8 (d) Any person whose application has been denied may not reapply for six months from the date
9 of the denial, unless so authorized by the authority or a court of competent jurisdiction.

10 (6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3)
11 of this section and none of the reasons for denial listed in subsection (5)(b) of this section is appli-
12 cable, the authority shall issue a serially numbered registry identification card within five days of
13 verification of the information. The registry identification card shall state:

14 (A) The cardholder's name, address and date of birth;

15 (B) The date of issuance and expiration date of the registry identification card;

16 (C) The name and address of the person's designated primary caregiver, if any;

17 (D) Whether the marijuana used by the cardholder will be produced at a location where the
18 cardholder or designated primary caregiver is present or at another location; and

19 (E) Any other information that the authority may specify by rule.

20 (b) When the person to whom the authority has issued a registry identification card pursuant
21 to this section has specified a designated primary caregiver, the authority shall issue an identifica-
22 tion card to the designated primary caregiver. The primary caregiver's registry identification card
23 shall contain the information provided in paragraph (a) of this subsection.

24 (7)(a) A person who possesses a registry identification card shall:

25 (A) Notify the authority of any change in the person's name, address, attending physician or
26 designated primary caregiver.

27 (B) If applicable, notify the designated primary caregiver of the cardholder, *[and]* the person
28 responsible for the marijuana grow site that produces marijuana for the cardholder **and any person**
29 **responsible for a medical marijuana facility that transfers usable marijuana or immature**
30 **marijuana plants to the cardholder under section 2 of this 2013 Act** of any change in status
31 including, but not limited to:

32 (i) The assignment of another individual as the designated primary caregiver of the cardholder;

33 (ii) The assignment of another individual as the person responsible for a marijuana grow site
34 producing marijuana for the cardholder; or

35 (iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

36 (C) Annually submit to the authority:

37 (i) Updated written documentation from the cardholder's attending physician of the person's
38 debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or
39 effects of the person's debilitating medical condition; and

40 (ii) The name of the person's designated primary caregiver if a primary caregiver has been
41 designated for the upcoming year.

42 (b) If a person who possesses a registry identification card fails to comply with this subsection,
43 the card shall be deemed expired. If a registry identification card expires, the identification card of
44 any designated primary caregiver of the cardholder shall also expire.

45 (8)(a) A person who possesses a registry identification card pursuant to this section and who

1 has been diagnosed by the person's attending physician as no longer having a debilitating medical
 2 condition or whose attending physician has determined that the medical use of marijuana is
 3 contraindicated for the person's debilitating medical condition shall return the registry identification
 4 card and any other associated Oregon Medical Marijuana Program cards to the authority within 30
 5 calendar days of notification of the diagnosis or notification of the contraindication.

6 (b) If, due to circumstances beyond the control of the registry identification cardholder, a
 7 cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility
 8 to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has
 9 expired, the authority may grant the cardholder additional time to obtain a second opinion before
 10 requiring the cardholder to return the registry identification card and any associated cards.

11 (9) A person who has applied for a registry identification card pursuant to this section but
 12 whose application has not yet been approved or denied, and who is contacted by any law enforce-
 13 ment officer in connection with the person's administration, possession, delivery or production of
 14 marijuana for medical use may provide to the law enforcement officer a copy of the written docu-
 15 mentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of
 16 the date of mailing or other transmission of the documentation to the authority. This documentation
 17 shall have the same legal effect as a registry identification card until such time as the person re-
 18 ceives notification that the application has been approved or denied.

19 (10)(a) A registry identification cardholder has the primary responsibility of notifying the **des-**
 20 **ignated** primary caregiver [*and*], **the** person responsible for the marijuana grow site that produces
 21 marijuana for the cardholder **and any person responsible for a medical marijuana facility that**
 22 **transfers usable marijuana or immature marijuana plants to the cardholder under section 2**
 23 **of this 2013 Act** of any change in status of the cardholder.

24 (b) If the authority is notified by the cardholder that a primary caregiver or person responsible
 25 for a marijuana grow site has changed, the authority shall notify the primary caregiver or the per-
 26 son responsible for the marijuana grow site by mail at the address of record confirming the change
 27 in status and informing the caregiver or person **responsible for the marijuana grow site** that their
 28 card is no longer valid and must be returned to the authority.

29 (11) The authority shall revoke the registry identification card of a cardholder if a court has
 30 issued an order that prohibits the cardholder from participating in the medical use of marijuana or
 31 otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.
 32 The cardholder shall return the registry identification card to the authority within seven calendar
 33 days of notification of the revocation. If the cardholder is a patient, the patient shall return the
 34 patient's card and all other associated Oregon Medical Marijuana Program cards.

35 (12) **The authority shall revoke the registration of a medical marijuana facility registered**
 36 **under section 2 of this 2013 Act if a court has issued an order that prohibits the person re-**
 37 **sponsible for the medical marijuana facility from participating in the Oregon Medical**
 38 **Marijuana Program under ORS 475.300 to 475.346.**

39 [(12)] (13) The authority and employees and agents of the authority acting within the course and
 40 scope of their employment are immune from any civil liability that might be incurred or imposed for
 41 the performance of or failure to perform duties required by this section.

42 **SECTION 6.** ORS 475.320 is amended to read:

43 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the
 44 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

45 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has

1 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or
2 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder
3 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana
4 at any given time for a period of five years from the date of the conviction.

5 (2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

6 (a) May produce marijuana for and provide marijuana:

7 (A) To a registry identification cardholder or *[that person's]* a **cardholder's** designated primary
8 caregiver as authorized under this section[.]; **or**

9 (B) **If the marijuana is usable marijuana or an immature marijuana plant and the regis-**
10 **try identification cardholder authorizes the person responsible for the marijuana grow site**
11 **to transfer the usable marijuana or immature marijuana plant to a medical marijuana facil-**
12 **ity registered under section 2 of this 2013 Act, to the medical marijuana facility.**

13 (b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each
14 cardholder or caregiver for whom marijuana is being produced.

15 (c) May produce marijuana for no more than four registry identification cardholders or desig-
16 nated primary caregivers concurrently.

17 (d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304
18 for each registry identification cardholder or designated primary caregiver for whom marijuana is
19 being produced.

20 (e) Must provide all marijuana produced for a registry identification cardholder or designated
21 primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana
22 grow site ceases producing marijuana for the cardholder or caregiver.

23 (f) Must return the marijuana grow site registration card to the registry identification
24 cardholder to whom the card was issued when requested to do so by the cardholder or when the
25 person responsible for a marijuana grow site ceases producing marijuana for the cardholder or
26 caregiver.

27 (3) Except as provided in subsections (1) and (2) of this section, a registry identification
28 cardholder, the designated primary caregiver of the cardholder and the person responsible for a
29 marijuana grow site producing marijuana for the registry identification cardholder may possess a
30 combined total of up to six mature plants and 24 ounces of usable marijuana for that registry iden-
31 tification cardholder.

32 (4)(a) A registry identification cardholder and the designated primary caregiver of the
33 cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule
34 of the Oregon Health Authority.

35 (b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or
36 starts as defined by rule of the authority for each registry identification cardholder for whom the
37 person responsible for the marijuana grow site is producing marijuana.

38 **SECTION 7.** ORS 475.323 is amended to read:

39 475.323. (1) Possession of a registry identification card [*or*], designated primary caregiver iden-
40 tification card pursuant to ORS 475.309 **or proof of registration as a medical marijuana facility**
41 **under section 2 of this 2013 Act** does not alone constitute probable cause to search the person
42 or property of the cardholder or otherwise subject the person or property of the cardholder to in-
43 spection by any governmental agency. **However, the Oregon Health Authority may inspect a**
44 **medical marijuana facility registered under section 2 of this 2013 Act at any reasonable time**
45 **to determine whether the facility is in compliance with ORS 475.300 to 475.346.**

1 (2) Any property interest possessed, owned or used in connection with the medical use of
 2 marijuana or acts incidental to the medical use of marijuana that has been seized by state or local
 3 law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession
 4 of any law enforcement agency. A law enforcement agency has no responsibility to maintain live
 5 marijuana plants lawfully seized. No such property interest may be forfeited under any provision of
 6 law providing for the forfeiture of property other than as a sentence imposed after conviction of a
 7 criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized
 8 by any law enforcement office shall be returned immediately upon a determination by the district
 9 attorney in whose county the property was seized, or the district attorney's designee, that the per-
 10 son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled
 11 to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for
 12 example, by a decision not to prosecute, the dismissal of charges or acquittal.

13 **SECTION 8.** ORS 475.331 is amended to read:

14 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
 15 whom the authority has issued registry identification cards, the names of any designated primary
 16 [*caregivers and the addresses of authorized marijuana grow sites.*] **caregivers, the names of persons**
 17 **responsible for a medical marijuana facility registered under section 2 of this 2013 Act, the**
 18 **addresses of authorized marijuana grow sites and the addresses of registered medical**
 19 **marijuana facilities.** Except as provided in subsection (2) of this section, the list shall be confi-
 20 dential and not subject to public disclosure.

21 (b) The authority shall develop a system by which authorized employees of state and local law
 22 enforcement agencies may verify at all times that: [*a person is a lawful possessor of a registry*
 23 *identification card or the designated primary caregiver of a lawful possessor of a registry identification*
 24 *card or that a location is an authorized marijuana grow site.*]

25 **(A) A person is a lawful possessor of a registry identification card;**

26 **(B) A person is the designated primary caregiver of a lawful possessor of a registry**
 27 **identification card;**

28 **(C) A location is an authorized marijuana grow site;**

29 **(D) A location is a registered medical marijuana facility; or**

30 **(E) A person is the person listed as the person responsible for a registered medical**
 31 **marijuana facility.**

32 (2) Names and other identifying information from the list established pursuant to subsection (1)
 33 of this section may be released to:

34 (a) Authorized employees of the authority as necessary to perform official duties of the
 35 authority.[: *and*]

36 (b) Authorized employees of state or local law enforcement agencies, **who provide to the au-**
 37 **thority adequate identification, such as a badge number or similar authentication of au-**
 38 **thority,** only as necessary to verify that: [*a person is a lawful possessor of a registry identification*
 39 *card or the designated primary caregiver of a lawful possessor of a registry identification card or that*
 40 *a location is an authorized marijuana grow site. Prior to being provided identifying information from*
 41 *the list, authorized employees of state or local law enforcement agencies shall provide to the authority*
 42 *adequate identification, such as a badge number or similar authentication of authority.*]

43 **(A) A person is a lawful possessor of a registry identification card;**

44 **(B) A person is the designated primary caregiver of a lawful possessor of a registry**
 45 **identification card;**

1 (C) A location is an authorized marijuana grow site;

2 (D) A location is a registered medical marijuana facility; or

3 (E) A person is the person listed as the person responsible for a registered medical
4 marijuana facility.

5 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-
6 formation from the list as authorized under this section may not release or use the information for
7 any purpose other than verification that: *[a person is a lawful possessor of a registry identification*
8 *card or the designated primary caregiver of a lawful possessor of a registry identification card or that*
9 *a location is an authorized marijuana grow site.]*

10 (a) A person is a lawful possessor of a registry identification card;

11 (b) A person is the designated primary caregiver of a lawful possessor of a registry
12 identification card;

13 (c) A location is an authorized marijuana grow site;

14 (d) A location is a registered medical marijuana facility; or

15 (e) A person is the person listed as the person responsible for a registered medical
16 marijuana facility.

17 **SECTION 9.** (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302,
18 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become operative
19 on March 1, 2014.

20 (2) The Oregon Health Authority may take any action before the operative date specified
21 in subsection (1) of this section to enable the authority to exercise, on and after the operative
22 date specified in subsection (1) of this section, all of the duties, functions and powers
23 conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS
24 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

25 (3) Notwithstanding the operative date specified in subsection (1) of this section, a person
26 who owns or is employed by a medical marijuana facility that transfers usable marijuana as
27 described in section 2 (1) of this 2013 Act and that meets the qualifications for a medical
28 marijuana facility described in section 2 (3)(a) to (c) of this 2013 Act is excepted from the
29 criminal laws of this state for possession, delivery or production of marijuana, aiding or
30 abetting another in the possession, delivery or production of marijuana or any other criminal
31 offense in which possession, delivery or production of marijuana is an element as described
32 in ORS 475.309 (1) until the operative date specified in subsection (1) of this section.

33 **SECTION 10.** Notwithstanding any other law limiting expenditures, the amount of
34 \$803,276 is established for the biennium beginning July 1, 2013, as the maximum limit for
35 payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,
36 but excluding lottery funds and federal funds, collected or received by the Oregon Health
37 Authority for administrative and operating expenses incurred in implementing section 2 of
38 this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331
39 by sections 3 to 8 of this 2013 Act.

40 **SECTION 11.** This 2013 Act being necessary for the immediate preservation of the public
41 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
42 on its passage.