

House Bill 2781

Sponsored by Representative PARRISH (Pre-session 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**.

Prohibits Office of Child Care from certifying, registering, recording or providing state funds to child care facility when person with regular presence at facility possesses medical marijuana card. Prohibits child care facility from hiring, employing or otherwise engaging services of person who possesses medical marijuana card as person with regular presence at facility.

Directs Office of Child Care to create system whereby owners and operators of child care facilities may apply to receive information about persons with regular presence at child care facility who possess medical marijuana cards. Authorizes office to charge maximum fee of \$25 for information.

A BILL FOR AN ACT

1
2 Relating to prohibition against registry identification card holders at child care facilities; creating
3 new provisions; and amending ORS 329A.275 and 475.331.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 329A.250 to**
6 **329A.450.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Child care facility" means:

9 (A) A child care facility that has been certified under ORS 329A.280;

10 (B) A family child care home that has been registered under ORS 329A.330;

11 (C) A preschool recorded program that has become recorded under ORS 329A.255;

12 (D) A school-age recorded program that has become recorded under ORS 329A.257; or

13 (E) Any other child care facility as defined in ORS 329A.250 that receives state funds for
14 the operation of the facility.

15 (b) "Person with a regular presence at a child care facility" means a person who is an
16 owner, operator, employee, worker or volunteer at a child care facility or another person
17 who will have contact with children at a child care facility.

18 (c) "Registry identification card" has the meaning given that term in ORS 475.302.

19 (2)(a) The Office of Child Care may not certify, register, record or provide state funds to
20 a child care facility to operate in this state when any person with a regular presence at a
21 child care facility possesses a currently valid registry identification card.

22 (b) A child care facility may not hire, employ or otherwise engage the services of a per-
23 son that possesses a currently valid registry identification card if that person would be a
24 person with a regular presence at the child care facility.

25 (3) The Office of Child Care shall verify through the list created and maintained by the
26 Oregon Health Authority under ORS 475.331 whether any person with a regular presence at
27 a child care facility possesses a currently valid registry identification card before certifying,
28 registering, recording or providing state funds to the child care facility.

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 (4)(a) The Office of Child Care must develop a system whereby the owner or operator of
 2 a child care facility may verify whether any person with a regular presence at the child care
 3 facility possesses a currently valid registry identification card.

4 (b) The owner or operator of a child care facility may obtain the information under this
 5 subsection by submitting an application form and a nonrefundable fee as established by the
 6 office. The office must determine and apply the fee through rules adopted by the Early
 7 Learning Council under ORS 329A.275. Fees obtained under this subsection must be deposited
 8 in the Child Care Fund established under ORS 329A.010 (4) to be used for the administration
 9 of this section.

10 (c) The office shall provide the information requested no later than seven business days
 11 after submission of an accurate, complete application under this subsection.

12 **SECTION 3.** ORS 329A.275 is amended to read:

13 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for:

14 (a) Certification, registration and recording under ORS 329A.250 to 329A.450; and

15 (b) **Applications to obtain registry identification card information under section 2 of this**
 16 **2015 Act.**

17 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report
 18 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established
 19 under ORS 181.534, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering the
 20 program of the Office of Child Care pertaining to the purpose for which the fee is established, as
 21 authorized by the Legislative Assembly within the budget of the office.

22 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the
 23 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to
 24 329A.450 may not exceed:

25 (a) For Certified Family Child Care Home Initial Certification, \$25;

26 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

27 (c) For Child Care Center Initial Certification, \$100;

28 (d) For Child Care Center Annual Fee Per Certified Space, \$2;

29 (e) For Registered Family Child Care Home Registration, \$30;

30 (f) For Preschool Recorded Program Recording, \$20;

31 (g) For School-Age Recorded Program Recording, \$20;

32 (h) For administering a class on child care abuse and neglect issues, \$10; [and]

33 (i) For enrollment in the Central Background Registry, the cost of administering the program,
 34 including fees for:

35 (A) Duplicate enrollment in the Central Background Registry;

36 (B) Law Enforcement Data System criminal records check; and

37 (C) Federal Bureau of Investigation fingerprint check; and

38 (j) **For registry identification card information applications under section 2 of this 2015**
 39 **Act, \$25.**

40 **SECTION 4.** ORS 475.331 is amended to read:

41 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
 42 whom the authority has issued registry identification cards, the names of any designated primary
 43 caregivers, the names of persons responsible for a medical marijuana facility registered under ORS
 44 475.314, the addresses of authorized marijuana grow sites and the addresses of registered medical
 45 marijuana facilities. Except as provided in subsection (2) of this section, the list shall be confidential

1 and not subject to public disclosure.

2 (b) The authority shall develop a system by which authorized employees of state and local law
3 enforcement agencies may verify at all times that:

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

5 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
6 tion card;

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

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

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

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

13 (a) Authorized employees of the authority as necessary to perform official duties of the author-
14 ity.

15 (b) Authorized employees of state or local law enforcement agencies, who provide to the au-
16 thority adequate identification, such as a badge number or similar authentication of authority, only
17 as necessary to verify that:

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

19 (B) A person is the designated primary caregiver of a lawful possessor of a registry identifica-
20 tion card;

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

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

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

25 **(c) The Office of Child Care in accordance with section 2 of this 2015 Act.**

26 (3) Authorized employees of state or local law enforcement agencies **or the Office of Child**
27 **Care** that obtain identifying information from the list as authorized under this section may not re-
28 lease or use the information for any purpose other than verification that:

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

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

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

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

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

36 **SECTION 5. Section 2 of this 2015 Act applies to child care facilities that are certified,**
37 **registered, recorded or provided state funds by the Office of Child Care and to persons with**
38 **a regular presence at child care facilities who are hired or employed or whose services are**
39 **otherwise engaged on or after the effective date of this 2015 Act.**

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