

# Senate Bill 755

Sponsored by Senator FERRIOLI

## 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**.

Restricts amount of cannabinoid products that medical marijuana facility may transfer during 24-hour period to registry identification cardholder or cardholder's designated primary caregiver.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to restricting the amount of cannabinoid products that may be transferred; creating new  
3 provisions; amending ORS 475.302; and declaring an emergency.

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

5 **SECTION 1.** ORS 475.302 is amended to read:

6 475.302. As used in ORS 475.300 to 475.346:

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

9 [(2) "*Authority*" means the Oregon Health Authority.]

10 (2)(a) "**Cannabinoid concentrate**" means a product meant to be ingested, vaporized or  
11 smoked that contains cannabinoids extracted from the plant Cannabis family Moraceae by  
12 using a solvent to dissolve the cannabinoids or sieves or screens to separate trichomes from  
13 the plant.

14 (b) "**Cannabinoid concentrate**" does not include cannabinoid edibles.

15 (3) "**Cannabinoid edible**" means a food or drink product into which a cannabinoid con-  
16 centrate or the dried leaves or flowers of the plant Cannabis family Moraceae have been in-  
17 corporated.

18 (4) "**Cannabinoid product**" means a cannabinoid concentrate or a cannabinoid edible.

19 [(3)] (5) "Debilitating medical condition" means:

20 (a) Cancer, glaucoma, agitation incident to Alzheimer's disease, positive status for human  
21 immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the  
22 treatment of these medical conditions;

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

25 (A) Cachexia;

26 (B) Severe pain;

27 (C) Severe nausea;

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

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

30 (c) Post-traumatic stress disorder; or

31 (d) Any other medical condition or side effect related to the treatment of a medical condition

**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 adopted by the authority by rule or approved by the authority pursuant to a petition submitted un-  
 2 der ORS 475.334.

3 [(4)(a)] (6) “Delivery” has the meaning given that term in ORS 475.005.

4 [(b) “Delivery” does not include transfer of:]

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

7 [(B) Usable marijuana or immature marijuana plants from a registry identification cardholder, the  
 8 designated primary caregiver of a registry identification cardholder or a marijuana grow site to a  
 9 medical marijuana facility registered under ORS 475.314; or]

10 [(C) Usable marijuana or immature marijuana plants from a medical marijuana facility registered  
 11 under ORS 475.314 to a registry identification cardholder or the designated primary caregiver of a  
 12 registry identification cardholder.]

13 [(5)] (7) “Designated primary caregiver” means an individual 18 years of age or older who has  
 14 significant responsibility for managing the well-being of a person who has been diagnosed with a  
 15 debilitating medical condition and who is designated as such on that person’s application for a reg-  
 16 istry identification card or in other written notification to the authority. “Designated primary  
 17 caregiver” does not include the person’s attending physician.

18 [(6)] (8) “Marijuana” has the meaning given that term in ORS 475.005.

19 [(7)] (9) “Marijuana grow site” means a location registered under ORS 475.304 where marijuana  
 20 is produced for use by a registry identification cardholder.

21 [(8)] (10) “Medical use of marijuana” means the production, possession, delivery, distribution or  
 22 administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the  
 23 exclusive benefit of a person to mitigate the symptoms or effects of the person’s debilitating medical  
 24 condition.

25 [(9)] (11) “Production” has the meaning given that term in ORS 475.005.

26 [(10)] (12) “Registry identification card” means a document issued by the authority that identi-  
 27 fies a person authorized to engage in the medical use of marijuana and, if the person has a desig-  
 28 nated primary caregiver under ORS 475.312, the person’s designated primary caregiver.

29 [(11)] (13) “Usable marijuana” means the dried leaves and flowers of the plant Cannabis family  
 30 Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed  
 31 in ORS 475.300 to 475.346. “Usable marijuana” does not include the seeds, stalks and roots of the  
 32 plant.

33 [(12)] (14) “Written documentation” means a statement signed by the attending physician of a  
 34 person diagnosed with a debilitating medical condition or copies of the person’s relevant medical  
 35 records.

36 **SECTION 2. Section 3 of this 2015 Act is added to and made a part of ORS 475.300 to**  
 37 **475.346.**

38 **SECTION 3. (1) Except as provided in subsection (2) of this section, a medical marijuana**  
 39 **facility registered under ORS 475.314 may not transfer, during a 24-hour period, a**  
 40 **cannabinoid product, or any combination of cannabinoid products, to a registry identification**  
 41 **cardholder or the designated primary caregiver of the registry identification cardholder in**  
 42 **excess of the following amounts:**

43 (a) For cannabinoid concentrates, \_\_\_\_ avoirdupois ounces;

44 (b) For solid cannabinoid edibles, \_\_\_\_ avoirdupois ounces; or

45 (c) For liquid cannabinoid edibles, \_\_\_\_ fluid ounces.

1       **(2) If the Oregon Health Authority determines that the transfer of cannabinoid products**  
2 **in a quantity allowed under subsection (1) of this section creates a risk of harm to the public**  
3 **health and safety, the authority may adopt rules that reduce the quantity of cannabinoid**  
4 **products that may be transferred during a 24-hour period from a registered medical**  
5 **marijuana facility to a registry identification cardholder or the designated primary caregiver**  
6 **of the registry identification cardholder.**

7       **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**  
8 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
9 **on its passage.**

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