

House Bill 3460

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 **as introduced**.

Directs Oregon Health Authority to establish registration system for medical marijuana facilities for transferring usable marijuana 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.

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; 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, subject to sub-**
9 **section (6) of this section, 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) **Documentation, as required by the authority by rule, that demonstrates the medical**
20 **marijuana facility meets the qualifications for a medical marijuana facility as described in**
21 **subsection (3) of this section; and**

22 (d) **Any other information that the authority considers necessary.**

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

24 (A) **Must be located in an area that is zoned for commercial or industrial use or as ag-**
25 **ricultural land;**

26 (B) **Must be a facility that is open to registry identification cardholders and designated**
27 **primary caregivers as a business;**

28 (C) **Must not be located within 1,000 feet of the real property comprising a public or pri-**

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 vate elementary, secondary or career school attended primarily by minors;

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

3 (E) Must comport with rules adopted by the authority related to:

4 (i) Installing a minimum security system, including a video surveillance system, alarm
5 system and safe; and

6 (ii) Testing for pesticides, mold and mildew.

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

10 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for
11 the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not
12 be the person responsible for a medical marijuana facility for five years from the date the
13 person completes the sentence for the crime for which the person has been convicted under
14 this paragraph.

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

18 (5) If a person submits the application required under subsection (2) of this section, the
19 medical marijuana facility identified in the application meets the criteria described in sub-
20 section (3) of this section and the person responsible for the medical marijuana facility
21 passes the criminal records check required under subsection (4) of this section, the authority
22 shall register the medical marijuana facility and issue the person responsible for the medical
23 marijuana facility proof of registration. The person responsible for the medical marijuana
24 facility shall display the proof of registration on the premises of the medical marijuana fa-
25 cility at all times when usable marijuana is being transferred as described in subsection (1)
26 of this section.

27 (6) Registration under this section is invalid if a medical marijuana facility does not:

28 (a) Obtain authorization from a registry identification cardholder to:

29 (A) Receive from a marijuana grow site usable marijuana that belongs to the registry
30 identification cardholder if medical marijuana is to be transferred to the medical marijuana
31 facility from a marijuana grow site; and

32 (B) Transfer to a registry identification cardholder or the designated primary caregiver
33 of the registry identification cardholder usable marijuana; or

34 (b) Keep and maintain a list of:

35 (A) All persons responsible for a marijuana grow site from whom the medical marijuana
36 facility has received usable marijuana; and

37 (B) All registry identification cardholders and designated primary caregivers to whom the
38 medical marijuana facility transfers usable marijuana under this section and the amount of
39 usable marijuana transferred in each instance.

40 (7) A medical marijuana facility registered under this section may possess marijuana in
41 excess of the limits imposed on registry identification cardholders and designated primary
42 caregivers under ORS 475.320.

43 (8) The authority may inspect:

44 (a) The premises of an applicant for a medical marijuana facility or a registered medical
45 marijuana facility to ensure compliance with subsection (3) of this section; and

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

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

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

12 **(10) The authority may adopt rules imposing a fee in an amount established by the au-**
 13 **thority for registering a medical marijuana facility under this section.**

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

15 475.302. As used in ORS 475.300 to 475.346:

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

18 (2) “Authority” means the Oregon Health Authority.

19 (3) “Debilitating medical condition” means:

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

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

24 (A) Cachexia;

25 (B) Severe pain;

26 (C) Severe nausea;

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

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

29 or

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

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

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

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

36 (B) Usable marijuana from a registry identification cardholder, the designated primary
 37 caregiver of a registry identification cardholder or a marijuana grow site to a medical
 38 marijuana facility registered under section 2 of this 2013 Act; or

39 (C) Usable marijuana from a medical marijuana facility registered under section 2 of this
 40 2013 Act to a registry identification cardholder or the designated primary caregiver of a
 41 registry identification cardholder.

42 (5) “Designated primary caregiver” means an individual 18 years of age or older who has sig-
 43 nificant responsibility for managing the well-being of a person who has been diagnosed with a de-
 44 bilitating medical condition and who is designated as such on that person’s application for a registry
 45 identification card or in other written notification to the authority. “Designated primary

1 caregiver” does not include the person’s attending physician.

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

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

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

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

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

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

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

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

19 475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site regis-
20 tration system to authorize production of marijuana by a registry identification cardholder, a des-
21 ignated primary caregiver who grows marijuana for the cardholder or a person who is responsible
22 for a marijuana grow site. The marijuana grow site registration system adopted must require a
23 registry identification cardholder to submit an application to the authority that includes:

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

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

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

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

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

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

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

36 (5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana
37 for a registry identification cardholder by a person responsible for a marijuana grow site are the
38 property of the registry identification cardholder and must be provided to the registry identification
39 cardholder, **or, if the marijuana is usable marijuana, transferred to a medical marijuana fa-**
40 **ility registered under section 2 of this 2013 Act**, upon request.

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

43 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the
44 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued
45 a marijuana grow site registration card or produce marijuana for a registry identification cardholder

1 for five years from the date of conviction.

2 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to
 3 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may
 4 not be issued a marijuana grow site registration card or produce marijuana for a registry identifi-
 5 cation cardholder.

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

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

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

14 475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or as-
 15 sisting in the medical use of marijuana is excepted from the criminal laws of the state for possession,
 16 delivery or production of marijuana, aiding and abetting another in the possession, delivery or pro-
 17 duction of marijuana or any other criminal offense in which possession, delivery or production of
 18 marijuana is an element if the following conditions have been satisfied:

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

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

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

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

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

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

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

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

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

44 (3) The authority shall issue a registry identification card to a person who is under 18 years of
 45 age if the person submits the materials required under subsection (2) of this section, and the custo-

1 dial parent or legal guardian with responsibility for health care decisions for the person under 18
 2 years of age signs a written statement that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (B) If applicable, notify the designated primary caregiver of the cardholder, [and] the person
12 responsible for the marijuana grow site that produces marijuana for the cardholder **and any person**
13 **responsible for a medical marijuana facility that transfers usable marijuana to the**
14 **cardholder under section 2 of this 2013 Act** of any change in status including, but not limited to:

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

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

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

19 (C) Annually submit to the authority:

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

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

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

28 (8)(a) A person who possesses a registry identification card pursuant to this section and who
29 has been diagnosed by the person's attending physician as no longer having a debilitating medical
30 condition or whose attending physician has determined that the medical use of marijuana is
31 contraindicated for the person's debilitating medical condition shall return the registry identification
32 card and any other associated Oregon Medical Marijuana Program cards to the authority within 30
33 calendar days of notification of the diagnosis or notification of the contraindication.

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

39 (9) A person who has applied for a registry identification card pursuant to this section but
40 whose application has not yet been approved or denied, and who is contacted by any law enforce-
41 ment officer in connection with the person's administration, possession, delivery or production of
42 marijuana for medical use may provide to the law enforcement officer a copy of the written doc-
43 umentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of
44 the date of mailing or other transmission of the documentation to the authority. This documentation
45 shall have the same legal effect as a registry identification card until such time as the person re-

1 ceives notification that the application has been approved or denied.

2 (10)(a) A registry identification cardholder has the primary responsibility of notifying the **des-**
 3 **ignated** primary caregiver [*and*], **the** person responsible for the marijuana grow site that produces
 4 marijuana for the cardholder **and any person responsible for a medical marijuana facility that**
 5 **transfers usable marijuana to the cardholder under section 2 of this 2013 Act** of any change
 6 in status of the cardholder.

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

12 (c) **If the authority is notified by the cardholder that a medical marijuana facility au-**
 13 **thorized to transfer usable marijuana to the cardholder has changed, the authority shall**
 14 **notify each person responsible for a medical marijuana facility authorized to transfer usable**
 15 **marijuana to the cardholder by mail at the address of record confirming the change in status**
 16 **and informing the person responsible for the medical marijuana facility that the person is**
 17 **no longer authorized to transfer usable marijuana to the cardholder.**

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

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

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

28 475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the
 29 cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

30 (b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has
 31 been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or
 32 delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder
 33 or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana
 34 at any given time for a period of five years from the date of the conviction.

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

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

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

39 (B) **If the marijuana is usable marijuana and the registry identification cardholder re-**
 40 **quests that the person responsible for the grow site transfer the usable marijuana to a**
 41 **medical marijuana facility registered under section 2 of this 2013 Act, to the medical**
 42 **marijuana facility.**

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

45 (c) May produce marijuana for no more than four registry identification cardholders or desig-

1 nated primary caregivers concurrently.

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

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

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

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

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

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

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

24 475.323. (1) Possession of a registry identification card [*or*], designated primary caregiver iden-
 25 tification card pursuant to ORS 475.309 **or proof of registration under section 2 of this 2013 Act**
 26 does not alone constitute probable cause to search the person or property of the cardholder or
 27 otherwise subject the person or property of the cardholder to inspection by any governmental
 28 agency.

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

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

42 475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to
 43 whom the authority has issued registry identification cards, the names of any designated primary
 44 caregivers and the addresses of authorized marijuana grow sites **and medical marijuana facilities**
 45 **registered under section 2 of this 2013 Act.** Except as provided in subsection (2) of this section,

1 the list shall be confidential 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 a person is a lawful possessor of a registry iden-
 4 tification card or the designated primary caregiver of a lawful possessor of a registry identification
 5 card or that a location is an authorized marijuana grow site **or registered medical marijuana fa-
 6 cility.**

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

9 (a) Authorized employees of the authority as necessary to perform official duties of the author-
 10 ity; and

11 (b) Authorized employees of state or local law enforcement agencies, only as necessary to verify
 12 that a person is a lawful possessor of a registry identification card or the designated primary
 13 caregiver of a lawful possessor of a registry identification card or that a location is an authorized
 14 marijuana grow site **or registered medical marijuana facility.** Prior to being provided identifying
 15 information from the list, authorized employees of state or local law enforcement agencies shall
 16 provide to the authority adequate identification, such as a badge number or similar authentication
 17 of authority.

18 (3) Authorized employees of state or local law enforcement agencies that obtain identifying in-
 19 formation from the list as authorized under this section may not release or use the information for
 20 any purpose other than verification that a person is a lawful possessor of a registry identification
 21 card or the designated primary caregiver of a lawful possessor of a registry identification card or
 22 that a location is an authorized marijuana grow site **or registered medical marijuana facility.**

23 **SECTION 9. (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302,
 24 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become opera-
 25 tive on January 1, 2014.**

26 **(2) The Oregon Health Authority may take any action before the operative date specified
 27 in subsection (1) of this section to enable the authority to exercise, on and after the opera-
 28 tive date specified in subsection (1) of this section, all of the duties, functions and powers
 29 conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS
 30 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.**

31 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public
 32 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
 33 on its passage.**

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