

SB 758 -1 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/17, 3/24, 3/31

WHAT THE MEASURE DOES:

Changes “Oregon Medical Marijuana Act” to “Oregon Medical and Therapeutic Cannabis Act.” Allows person designated to produce marijuana by registry identification cardholder to enter into agreement with registry identification cardholder to transfer marijuana to another registry identification cardholder or primary caregiver. Directs Oregon Health Authority to adopt policies and make public statement regarding equitable access to marijuana for medical use. Directs Oregon Health Authority (OHA) to adopt policies regarding equitable access to marijuana for medical use. Allows medical marijuana dispensary to transfer marijuana to individual who holds valid out-of-state medical marijuana patient card. Requires OHA, in consultation with the Oregon Liquor Control Commission (OLCC) and other state agencies, to ensure cybersecurity of personally identifiable information in authority databases and electronic systems. Clarifies definitions of "attending provider" and "debilitating medical condition" for medical marijuana use and registration purposes. Directs OHA to issue permanent registry identification card to individual with lifetime debilitating medical condition. Clarifies acceptable documentation for issuance of registry identification card. Requires organizations designated as primary caregivers to allow consumption of marijuana for medical use. Provides that persons possessing 12 or fewer mature marijuana plants are not subject to reporting requirements. Provides that certain marijuana grow sites are not subject to tracking requirements or marijuana plant limits. Removes criminal records check requirement for medical marijuana dispensary registration applications. Requires OHA and OLCC to study and report to the Legislative Assembly by December 31, 2022, methods for anonymously providing information regarding transfer of marijuana items from retailers to registry identification cardholders. Requires marijuana retailers and medical marijuana dispensaries to publish test results, including complete terpene profiles beginning January 1, 2022. Requires OLCC to collaborate with OHA and the Oregon Cannabis Commission to establish a registry identification cardholder care and accommodation program to ensure that registry identification cardholders have long-term access to marijuana for medical use from marijuana retailers. Allows certain recreational marijuana processors to receive marijuana from medical marijuana grow site for purposes of processing marijuana. Requires Oregon Cannabis Commission to report to the Legislative Assembly by September 2 in each odd-numbered year on the long-term strategic plan for ensuring that cannabis will remain a therapeutic option for persons with debilitating medical conditions. Exempts out-of-state medical marijuana patient from taxation on retail sale of marijuana items. Updates distribution percentages for moneys in Oregon Marijuana Account for purposes of administering medical marijuana program. Takes effect on 91st day following adjournment sine die.

REVENUE: *May have revenue impact, but no statement yet issued.*

FISCAL: *May have fiscal impact, but no statement yet issued.*

ISSUES DISCUSSED:

- History of medical and recreational marijuana in Oregon
- Current overlap of recreational and medical marijuana regulation
- Expansion and protection of providers allowed to authorize medical marijuana use
- Lack of insurance coverage for medical marijuana
- Medical marijuana fees
- Residency requirements for medical marijuana

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- Number of medical marijuana users and growers

EFFECT OF AMENDMENT:

-1 Replaces measure. Clarifies agreements to transfer marijuana between designated producer and registry identification cardholder. Clarifies Oregon Health Authority website requirements. Clarifies definition of "attending provider." Removes requirement that registry identification application include indication whether applicant is on medical assistance. Removes requirement that organization and residential facilities allow consumption of medical marijuana. Adds exemption from grow site registration for sites who produce marijuana only for the use of registration identification cardholders. Clarifies calculation of allowable possession and production amounts of medical marijuana. Clarifies applicability of prohibition on health professional regulatory boards against licensees that recommend or discuss medical marijuana to patients. Requires OHA and the Oregon Cannabis Commission to identify specified modifications to registry identification cardholder system and process. Clarifies duties of Oregon Cannabis Commission.

BACKGROUND:

In 1998, Oregon voters passed Measure 67 (the Oregon Medical Marijuana Act), allowing the cultivation, possession, and use of marijuana under a doctor's recommendation for certain medical conditions. The Oregon Health Authority administers the Oregon Medical Marijuana Program which, as of January, 2021, registered 22,603 patients, 8,592 caregivers, 8,245 growers, and 6,895 grow sites.

In 2014, Oregon voters passed Measure 91 legalizing recreational marijuana for people ages 21 and older. The Oregon Liquor Control Commission oversees the regulation of recreational marijuana sales in Oregon.

Senate Bill 758 changes the "Oregon Medical Marijuana Act" to the "Oregon Medical and Therapeutic Cannabis Act" and updates regulation of marijuana cultivation, possession, and use for medicinal purposes.