

HB 3369 A STAFF MEASURE SUMMARY

Senate Committee On Health Care

Prepared By: Brian Nieubuurt, LPRO Analyst

Meeting Dates: 4/28, 5/10

WHAT THE MEASURE DOES:

Authorizes licensed nurse to discuss medical use of marijuana with person with whom the nurse has a patient-provider relationship. Authorizes health care providers to issue written documentation required of registry cardholder applications. Defines “provider” as physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, and naturopathic physician. Prohibits Oregon Board of Naturopathic Medicine, Oregon Medical Board, and Oregon State Board of Nursing from imposing civil penalties or taking disciplinary action on provider for advising on medical use of marijuana or issuing written documentation required of registry cardholder applications.

House Vote: *Passed. Ayes, 47; Nays, 5 (Bonham, Breese-Iverson, Post, Reschke, Stark); Excused, 6 (Levy, Lively, Morgan, Nearman, Reynolds, Wallan); Excused for Business of the House, 2 (Boshart Davis, Nosse)*

REVENUE: *No revenue impact*

FISCAL: *Has minimal fiscal impact*

ISSUES DISCUSSED:

- Nurses' authority to prescribe drugs
- Current statutory restrictions on discussing medical marijuana
- Potential impact on access to medical marijuana

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon voters approved Ballot Measure 67 in 1998 allowing the medical use of marijuana in Oregon within specified limits. Qualified patients (“registry identification cardholders”) may grow plants for themselves, designate a grower and grow site on their behalf, or purchase marijuana items from medical marijuana dispensaries or licensed recreational retail establishments.

ORS 475B.797 sets the requirements by which an applicant may be issued a registry identification card by the Oregon Health Authority (OHA) for the medical use of marijuana. One requirement for applicants age 18 and older is written documentation from the applicant’s attending physician stating that the attending physician has diagnosed the applicant as having a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the applicant’s debilitating medical condition. If the applicant is under 18 years of age, the applicant’s parent or legal guardian must submit to the OHA a written statement attesting that the applicant’s attending physician has explained to the applicant and to the parent or legal guardian the possible risks and benefits of the medical use of marijuana.

House Bill 3369 A authorizes a licensed nurse to discuss the medical use of marijuana with a person with whom the nurse has a patient-provider relationship, and authorizes health care providers to issue the written documentation required of registry cardholder applications. The measure defines a “provider” as a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or naturopathic physician. The measure also prohibits the Oregon Board of Naturopathic Medicine, Oregon Medical

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Board, and Oregon State Board of Nursing from imposing civil penalties or taking disciplinary action on a provider for advising on the medical use of marijuana or issuing the written documentation required of registry cardholder applications.

PRELIMINARY