

SB 176 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/24

WHAT THE MEASURE DOES:

The measure removes Oregon Health Authority's regulatory oversight of medical marijuana cardholders' ("cardholder") personal production of marijuana, requires electronic registration cards, creates an exclusive medical marijuana producer designation from the Oregon Liquor and Cannabis Commission, defines marijuana grow sites and acts permitted, and prohibits health and employment discrimination based on cardholder status.

Detailed Summary

- Directs the OHA and OLCC to consolidate data collection regarding medical marijuana use and adult use cannabis items and make the data publicly available.
- Renames the Oregon Medical Marijuana Act the Oregon Medical Cannabis Act.
- Requires retailers that sell cannabinoid items to offer a selection of medical grade products.

OLCC designation for persons responsible for medical marijuana grow sites.

- Directs the OLCC to create a "designation" for a person responsible for a marijuana grow site that produces marijuana for three or more cardholders as an exclusively medical producer, where the designation involves a similar application process, requirements, and rights and responsibilities as other cannabis production licenses.
- Prohibits the OLCC from requiring designees to use security systems at the marijuana grow site and caps the fee OLCC may charge for a designation at \$500.

OHA registration and regulation.

- Requires the OHA to issue electronic medical registration cards, and permits the issuance of permanent registration cards for which renewal is not required.
- Caps registration card application and renewal fees at \$20 for persons who can prove qualification for federal Social Security Disability benefits.
- Clarifies that OHA's tracking system is for persons designated to produce marijuana for two or less cardholders.
- Removes cardholders who produce marijuana from OHA grow site oversight and reporting requirements, removes restrictions on how much cardholders can grow, and removes tracking requirements for transfers to a cardholder from a person responsible for a marijuana grow site.

Medical marijuana grow sites.

- Defines marijuana grow site to include locations where medical marijuana is grown on behalf of a cardholder but excludes OMMP-registered marijuana grow sites that produce marijuana for two or less cardholders.
- Requires the OHA to issue electronic form of proof of registration for medical marijuana grow site, processors, and dispensaries.
- Increases the amount from 20 pounds to 45 pounds that a marijuana grow site may transfer to marijuana processor or wholesaler.
- Allows a person responsible for a marijuana grow site to make transfers to a processor on behalf of a cardholder, and for the processor to transfer the product to the cardholder.
- Permits a person responsible for a marijuana grow site to continue to produce marijuana at a grow site located within the boundaries of a city or county that prohibits the establishments of marijuana producers,

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unless the registration or designation is revoked.

Discrimination based on cardholder status.

- Prohibits discrimination by a health care provider or health care facility based on a person being a medical marijuana cardholder.
- Prohibits an employer from making an employment decision based solely on the basis that the person is a medical marijuana cardholder, or is a cardholder who tested positive for cannabinoids. Allows employers to make an employment decision on reasonable suspicion of impairment due to intoxication while at work, if not solely based on testing positive for cannabinoids.

Operative dates and effective date.

- Makes substantive changes in statute operative January 1, 2026, but permits OHA and OLCC to take action upon the effective date to enable the measure's changes.
- Effective on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 1998, Oregon voters approved Ballot Measure 67, which allowed cannabis possession for medical use for individuals with a qualifying illness and a doctor's recommendation to apply for medical marijuana registration card and allowed cultivation for medical use. The Oregon Health Authority (OHA) oversees and regulates Oregon Medical Marijuana Program (OMMP), the medical marijuana registration card system and the tracking system for grow sites where two or fewer OMMP patients are registered. The Oregon Liquor and Control Commission (OLCC) regulates the production, processing, transfer and sale of recreational cannabis and marijuana grow sites where three or more OMMP patients are registered.

House Bill 2198 (2017) established the Oregon Cannabis Commission (OCC) and assigned tasks later amended by Senate Bill 1544 (2018). The OCC's tasks include providing advice to OHA on OMMP administration; providing advice to the OLCC to the extent its regulation involves medical registration cardholders and caregivers; developing a long-term strategic plan for ensuring therapeutic cannabis options and affordability; and studying federal laws and regulations regarding marijuana. For example, it produced a November 2023 [report](#) with recommendations to the OLCC and OHA regarding OMMP patient access to therapeutic levels of marijuana at affordable costs. Senate Bill 179 addresses some of those points but is not brought by the OCC, which lacks authority to make recommendations directly to the Legislative Assembly.