

HB 3214 -1 STAFF MEASURE SUMMARY

House Committee On Behavioral Health and Health Care

Prepared By: Brian Nieuburt, LPRO Analyst

Meeting Dates: 3/11

WHAT THE MEASURE DOES:

The measure expands the definition of "debilitating medical condition" for the medical use of marijuana. It makes specified organizations and residential care facilities to maintain written policies and provide staff education regarding the medical use of marijuana.

Detailed Summary:

- Expands definition of "debilitating medical condition" to include the need for hospice, palliative care, comfort care, or other symptom management, including comprehensive pain management.
- Requires organizations that provides hospice, palliative, or home health care services, and residential facilities to maintain a written policy regarding the procurement, on-site storage, administration, and disposal of medical marijuana. Requires policies to be created by June 30, 2026. Requires organizations and residential facilities to provide staff education that covers specified information regarding medical marijuana. Requires education to be available to staff by December 31, 2026.
- Exempts organizations and residential facilities from criminal liability for offenses in which possession, delivery or manufacture of marijuana is an element.
- Prohibits the Oregon State Board of Nursing (OSBN) from imposing civil penalty or other disciplinary action against nurse who discusses the medical use of marijuana with a patient.
- Takes effect on 91st day following adjournment sine die.

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

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

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

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- Clarifies ability of specified entities to be designated as an additional caregiver for a medical marijuana registry identification cardholder.
- Clarifies entities eligible to be designated as an additional caregiver.
- Requires entity designated as additional caregiver require patient to provide entity a copy of the patient's government-issued identification and registry identification card.
- Permits entity to prohibit medical use of marijuana in instances of specified federal action.
- Prohibits entity from prohibiting the medical use of marijuana solely because of federal limitations, including designation as a controlled substance.

BACKGROUND:

In 1998 Oregon votes passed Ballot Measure 67, the Oregon Medical Marijuana Act, permitting the cultivation, production, sales, and use of marijuana for medical purposes. To be eligible for the Oregon Medical Marijuana Program (OMMP), a person must have a qualifying debilitating condition that has been diagnosed by a qualified "attending provider." Current debilitating medical conditions include: cancer, HIV/AIDS, degenerative neurological conditions, glaucoma, post-traumatic stress disorder (PTSD), cachexia, severe pain, multiple sclerosis, and

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persistent muscle spasms. Qualified "attending providers" include: medical doctors (MDs), naturopathic physicians, clinical nurse specialists, registered nurse anesthetists, physician associates (PAs), and nurse practitioners (NPs). According to the U.S. Centers for Disease Control and Prevention (CDC), as of February 2024, 47 states and the District of Columbia allow for the medical use of marijuana.

House Bill 3214 expands the definition of "debilitating medical condition" for the medical use of marijuana and makes specified organizations maintain written policies and provide staff education regarding the medical use of marijuana.