

HB 3214 -4 STAFF MEASURE SUMMARY

House Committee On Behavioral Health and Health Care

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Meeting Dates: 3/11, 4/8

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:

- Potential of cannabis as a pain relief alternative to opioids during end of life
- Concern about potential loss of federal funding to facilities
- Ryan's Law (California Senate Bill 311)

EFFECT OF AMENDMENT:

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- Titles Act as Ryan's Law.
- Requires hospice organizations, palliative and home health care organizations, and residential facilities to allow patients and residents to engage in medical use of marijuana on premises.
- Requires organizations and facilities to create and maintain written policies specifying procurement, storage, administration, storage of medical marijuana, and education to staff.
- Exempts home health agencies and home hospice programs.
- Permits the Oregon Health Authority to conditionally designate an organization or facility as an additional care giver.
- Becomes operative on January 1, 2026.

BACKGROUND:

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In 1998 Oregon voters 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 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.