

# House Bill 3214

Sponsored by Representatives CHAICHI, TRAN; Representative LIVELY (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that some entities have to write a policy and teach their staff about the medical use of marijuana. (Flesch Readability Score: 60.6).

Expands the definition of "debilitating medical condition" for the medical use of marijuana. Requires an organization or residential facility that is designated as an additional caregiver for a medical marijuana cardholder to create and maintain a written policy and provide education to staff regarding the medical use of marijuana. Protects an organization or residential facility and its employees and contractors from certain criminal liability related to the medical use of marijuana. Prohibits the Oregon State Board of Nursing from taking disciplinary action against a nurse for discussing the medical use of marijuana with a patient.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to marijuana for medical use; creating new provisions; amending ORS 475C.770, 475C.777,  
3 475C.791, 475C.792, 475C.883 and 475C.916; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 475C.770 is amended to read:

6 475C.770. The people of the State of Oregon find that:

7 (1) Patients and [*doctors*] **attending providers** have found marijuana to be an effective treat-  
8 ment for suffering caused by debilitating medical conditions and, therefore, marijuana must be  
9 treated like other medicines;

10 (2) Oregonians suffering from debilitating medical conditions should be allowed to use marijuana  
11 without fear of civil or criminal penalties when [*a doctor*] **an attending provider** advises that using  
12 marijuana may provide a medical benefit and when other reasonable restrictions are met regarding  
13 that use;

14 (3) ORS 475C.770 to 475C.919 are intended to allow Oregonians with debilitating medical condi-  
15 tions who may benefit from the medical use of marijuana to be able to freely discuss with [*doctors*]  
16 **attending providers** the possible risks and benefits associated with the medical use of marijuana  
17 and to have the benefit of professional medical advice; and

18 (4) ORS 475C.770 to 475C.919 are intended to protect patients and [*doctors*] **attending providers**  
19 from criminal and civil penalties and are not intended to change current civil and criminal laws  
20 governing the use of marijuana for nonmedical purposes.

21 **SECTION 2.** ORS 475C.777, as amended by section 105, chapter 73, Oregon Laws 2024, is  
22 amended to read:

23 475C.777. As used in ORS 475C.770 to 475C.919:

24 (1) "Attending provider" means one of the following health care providers who has primary re-  
25 sponsibility for the care and treatment of a person diagnosed with a debilitating medical condition:

26 (a) A physician licensed under ORS chapter 677;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (b) A physician associate licensed under ORS 677.505 to 677.525;
- 2 (c) A nurse practitioner licensed under ORS 678.375 to 678.390;
- 3 (d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;
- 4 (e) A certified registered nurse anesthetist as defined in ORS 678.010; or
- 5 (f) A naturopathic physician licensed under ORS chapter 685.
- 6 (2) “Cannabinoid” means any of the chemical compounds that are the active constituents of
- 7 marijuana.
- 8 (3) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from
- 9 marijuana by:
- 10 (a) A mechanical extraction process;
- 11 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable
- 12 glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
- 13 (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided
- 14 that the process does not involve the use of high heat or pressure; or
- 15 (d) Any other process identified by the Oregon Health Authority, in consultation with the
- 16 Oregon Liquor and Cannabis Commission, by rule.
- 17 (4) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate,
- 18 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.
- 19 (5) “Cannabinoid extract” means a substance obtained by separating cannabinoids from
- 20 marijuana by:
- 21 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
- 22 or propane;
- 23 (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the
- 24 process uses high heat or pressure; or
- 25 (c) Any other process identified by the Oregon Health Authority, in consultation with the
- 26 Oregon Liquor and Cannabis Commission, by rule.
- 27 (6) “Debilitating medical condition” means:
- 28 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
- 29 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
- 30 the treatment of those medical conditions;
- 31 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
- 32 tient, one or more of the following:
- 33 (A) Cachexia;
- 34 (B) Severe pain;
- 35 (C) Severe nausea;
- 36 (D) Seizures, including seizures caused by epilepsy; or
- 37 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;
- 38 (c) Post-traumatic stress disorder; [or]
- 39 **(d) The need for hospice, palliative care, comfort care or other symptom management,**
- 40 **including comprehensive pain management; or**
- 41 [(d)] (e) Any other medical condition or side effect related to the treatment of a medical condi-
- 42 tion adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a
- 43 petition filed under ORS 475C.913.
- 44 (7)(a) “Delivery” has the meaning given that term in ORS 475.005.
- 45 (b) “Delivery” does not include transfer of marijuana by a registry identification cardholder to

1 another registry identification cardholder if no consideration is paid for the transfer.

2 (8)(a) “Designated primary caregiver” means an individual:

3 (A) Who is 18 years of age or older;

4 (B) Who has significant responsibility for managing the well-being of a person who has been  
5 diagnosed with a debilitating medical condition; and

6 (C) Who is designated as the person responsible for managing the well-being of a person who  
7 has been diagnosed with a debilitating medical condition on that person’s application for a registry  
8 identification card or in other written notification submitted to the authority.

9 (b) “Designated primary caregiver” does not include a person’s attending provider.

10 (9) “High heat” means a temperature exceeding 180 degrees.

11 (10) “Immature marijuana plant” means a marijuana plant that is not flowering.

12 (11)(a) “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant  
13 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

14 (b) “Marijuana” does not include:

15 (A) Industrial hemp, as defined in ORS 571.269; or

16 (B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one  
17 or more cannabinoids, that are approved by the United States Food and Drug Administration and  
18 dispensed by a pharmacy, as defined in ORS 689.005.

19 (12) “Marijuana grow site” means a location registered under ORS 475C.792 where marijuana  
20 is produced for use by a registry identification cardholder.

21 (13) “Marijuana processing site” means a marijuana processing site registered under ORS  
22 475C.815 or a site for which an applicant has submitted an application for registration under ORS  
23 475C.815.

24 (14) “Mature marijuana plant” means a marijuana plant that is not an immature marijuana  
25 plant.

26 (15)(a) “Medical cannabinoid product” means a cannabinoid edible and any other product in-  
27 tended for human consumption or use, including a product intended to be applied to a person’s skin  
28 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

29 (b) “Medical cannabinoid product” does not include:

30 (A) Usable marijuana by itself;

31 (B) A cannabinoid concentrate by itself;

32 (C) A cannabinoid extract by itself; or

33 (D) Industrial hemp, as defined in ORS 571.269.

34 (16) “Medical marijuana dispensary” means a medical marijuana dispensary registered under  
35 ORS 475C.833 or a site for which an applicant has submitted an application for registration under  
36 ORS 475C.833.

37 (17) “Medical use of marijuana” means the production, processing, possession, delivery or ad-  
38 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the  
39 symptoms or effects of a debilitating medical condition.

40 (18) “Person designated to produce marijuana by a registry identification cardholder” means a  
41 person designated to produce marijuana by a registry identification cardholder under ORS 475C.792  
42 who produces marijuana for a registry identification cardholder at an address other than the address  
43 where the registry identification cardholder resides or at an address where more than 12 mature  
44 marijuana plants are produced.

45 (19) “Process” means the compounding or conversion of marijuana into medical cannabinoid

1 products, cannabinoid concentrates or cannabinoid extracts.

2 (20) "Production" means:

3 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or

4 (b) Drying marijuana leaves or flowers.

5 (21) "Registry identification card" means a document issued by the Oregon Health Authority  
6 under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana  
7 and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated  
8 primary caregiver.

9 (22) "Registry identification cardholder" means a person to whom a registry identification card  
10 has been issued under ORS 475C.783.

11 (23)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

12 (b) "Usable marijuana" does not include:

13 (A) The seeds, stalks and roots of marijuana; or

14 (B) Waste material that is a by-product of producing marijuana.

15 (24) "Written documentation" means a statement signed by the attending provider of a person  
16 diagnosed with a debilitating medical condition or copies of the person's relevant medical records.

17 **SECTION 3.** ORS 475C.791 is amended to read:

18 475C.791. (1) Notwithstanding ORS 475C.789, an organization that provides hospice, palliative  
19 or home health care services, or a residential facility as defined in ORS 443.400, that has significant  
20 responsibility for managing the well-being of a person who has been diagnosed with a debilitating  
21 medical condition may be designated, in addition to an individual designated pursuant to ORS  
22 475C.789, as an additional caregiver for a registry identification cardholder in the same manner that  
23 an individual is designated as the primary caregiver for a registry identification cardholder under  
24 ORS 475C.789.

25 (2) An organization or residential facility that is designated under this section has all the duties,  
26 functions and powers of a designated primary caregiver as prescribed by ORS 475C.770 to 475C.919  
27 or a rule adopted under ORS 475C.770 to 475C.919.

28 **(3) An organization or residential facility designated under this section shall:**

29 **(a) Create and maintain a written policy regarding the procurement, on-site storage, ad-**  
30 **ministration and disposal of marijuana and medical cannabinoid products that:**

31 **(A) Defines clear protocols for acquiring and handling marijuana and medical cannabinoid**  
32 **products;**

33 **(B) Addresses patient safety by ensuring the proper storage and accurate administration**  
34 **of marijuana and medical cannabinoid products; and**

35 **(C) Establishes procedures for the responsible disposal of unused marijuana and medical**  
36 **cannabinoid products; and**

37 **(b) Provide virtual or in-person education to staff of the organization or residential fa-**  
38 **cility that covers at least:**

39 **(A) Cannabis pharmacology and the use of marijuana and medical cannabinoid products**  
40 **in treating medical conditions;**

41 **(B) Dosing strategies and delivery modalities, including cannabinoid edibles, cannabinoid**  
42 **extracts and the vaporization of cannabinoids; and**

43 **(C) Identifying potential contraindications for the use of marijuana and medical**  
44 **cannabinoid products and potential drug interactions.**

45 **SECTION 4.** ORS 475C.792 is amended to read:

1 475C.792. (1)(a) The Oregon Health Authority shall establish by rule a marijuana grow site  
 2 registration system to track and regulate the production of marijuana by a registry identification  
 3 cardholder or a person designated by the registry identification cardholder to produce marijuana for  
 4 the registry identification cardholder.

5 (b) Except as provided in paragraph (c) of this subsection, a person may not produce marijuana  
 6 unless the person is registered under this section.

7 (c) Paragraph (b) of this subsection does not apply to the production of marijuana as provided  
 8 in ORS 475C.005 to 475C.525 or as otherwise provided for by the statutory laws of this state.

9 (2) Rules adopted under this section must require an applicant for a registry identification card,  
 10 or a registry identification cardholder who produces marijuana or who designates another person  
 11 to produce marijuana, to submit an application to the authority containing the following information  
 12 at the time of making an application under ORS 475C.783 (2), renewing a registry identification card  
 13 under ORS 475C.783 (6)(b), or notifying the authority of a change under ORS 475C.783 (6)(a):

14 (a) The name of the person responsible for the marijuana grow site;

15 (b) Proof that the person is 21 years of age or older;

16 (c) If the registry identification cardholder or the person responsible for the marijuana grow site  
 17 is not the owner of the premises of the marijuana grow site, signed informed consent from the owner  
 18 of the premises to register the premises as a marijuana grow site;

19 (d) The address of the marijuana grow site; and

20 (e) Any other information that the authority considers necessary to track the production of  
 21 marijuana under ORS 475C.770 to 475C.919.

22 (3)(a) The authority shall conduct a criminal records check under ORS 181A.195 of any person  
 23 whose name is submitted under this section as the person responsible for a marijuana grow site.

24 (b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the  
 25 manufacture or delivery of a controlled substance in Schedule I or Schedule II may not act as or  
 26 be designated a person responsible for a marijuana grow site for two years from the date of con-  
 27 viction.

28 (c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to  
 29 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may  
 30 not act as or be designated a person responsible for a marijuana grow site.

31 (4) Subject to subsection (11) of this section, the authority shall issue a marijuana grow site  
 32 registration card if the requirements of subsections (2) and (3) of this section are met.

33 (5) A person who holds a marijuana grow site registration card under this section must display  
 34 the card at the marijuana grow site at all times.

35 (6) A marijuana grow site registration card must be obtained and posted for each registry  
 36 identification cardholder for whom marijuana is being produced at a marijuana grow site.

37 (7)(a) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana as-  
 38 sociated with the production of marijuana for a registry identification cardholder by a person re-  
 39 sponsible for a marijuana grow site are the property of the registry identification cardholder.

40 (b) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana asso-  
 41 ciated with the production of marijuana for a registry identification cardholder by a person re-  
 42 sponsible for a marijuana grow site must be transferred to the registry identification cardholder  
 43 upon the request of the registry identification cardholder.

44 (c) All usable marijuana associated with the production of marijuana for a registry identification  
 45 cardholder by a person responsible for a marijuana grow site must be transferred to a marijuana

1 processing site upon the request of the registry identification cardholder. For purposes of this par-  
 2 agraph, a request to transfer usable marijuana constitutes an assignment of the right to possess the  
 3 usable marijuana.

4 (d) All seeds, immature marijuana plants and usable marijuana associated with the production  
 5 of marijuana for a registry identification cardholder by a person responsible for a marijuana grow  
 6 site must be transferred to a medical marijuana dispensary upon request of the registry identifica-  
 7 tion cardholder. For purposes of this paragraph, a request to transfer seeds, immature marijuana  
 8 plants or usable marijuana constitutes an assignment of the right to possess the seeds, immature  
 9 marijuana plants or usable marijuana.

10 (e) Information related to transfers made under this subsection must be submitted to the au-  
 11 thority in the manner required by ORS 475C.795.

12 (8) A registry identification cardholder, or the designated **primary** caregiver of a registry  
 13 identification cardholder, may reimburse a person responsible for a marijuana grow site for all costs  
 14 associated with the production of marijuana for the registry identification cardholder.

15 (9) The authority may inspect:

16 (a) The marijuana grow site of a person designated to produce marijuana by a registry identifi-  
 17 cation cardholder to ensure compliance with this section and ORS 475C.795 and 475C.806 and any  
 18 rule adopted under this section and ORS 475C.795 and 475C.806; and

19 (b) The records of the marijuana grow site of a person designated to produce marijuana by a  
 20 registry identification cardholder to ensure compliance with this section and ORS 475C.795 and any  
 21 rule adopted under this section and ORS 475C.795.

22 (10) The authority may refuse to register a registry identification cardholder or a designee under  
 23 this section or may suspend or revoke the registration of a person responsible for a marijuana grow  
 24 site if the authority determines that the applicant or the person responsible for a marijuana grow  
 25 site violated a provision of ORS 475C.770 to 475C.919, a rule adopted under ORS 475C.770 to  
 26 475C.919 or an ordinance adopted pursuant to ORS 475C.827.

27 (11) The authority may require a person responsible for a marijuana grow site, prior to issuing  
 28 a marijuana grow site registration card under subsection (4) of this section, to pay a fee reasonably  
 29 calculated to pay costs incurred under this section and ORS 475C.795 and 475C.856.

30 **SECTION 5.** ORS 475C.883 is amended to read:

31 475C.883. Except as provided in ORS 475C.886, a person, **or an organization or residential**  
 32 **facility described in ORS 475C.791**, engaged in or assisting in the medical use of marijuana is ex-  
 33 empt from the criminal laws of this state for possession, delivery or manufacture of marijuana, aid-  
 34 ing and abetting another in the possession, delivery or manufacture of marijuana, or any other  
 35 criminal offense in which possession, delivery or manufacture of marijuana is an element if:

36 (1) The person holds a registry identification card.

37 (2) The person has applied for a registry identification card under ORS 475C.783 and the person  
 38 has proof of written documentation described in ORS 475C.783 (2)(a) and proof of the date on which  
 39 the person submitted the application to the Oregon Health Authority. An exemption under this  
 40 subsection applies only until the authority approves or denies the application.

41 (3)(a) The person is designated as a primary caregiver under ORS 475C.789.

42 (b) **The organization or residential facility is designated as a primary caregiver under**  
 43 **ORS 475C.791, or the person is employed by or has been contracted with an organization or**  
 44 **residential facility that is designated as a primary caregiver under ORS 475C.791.**

45 (4) The person is responsible for or is employed by a marijuana grow site registered under ORS

1 475C.792.

2 (5) The person owns, is responsible for, or is employed by, a marijuana processing site.

3 (6) The person owns, is responsible for, or is employed by, a medical marijuana dispensary.

4 **SECTION 6.** ORS 475C.916 is amended to read:

5 475C.916. A nurse licensed under ORS 678.040 to 678.101 may discuss the medical use of  
6 marijuana with a person with whom the nurse has a patient-provider relationship. **The Oregon  
7 State Board of Nursing may not impose a civil penalty or take other disciplinary action  
8 against a nurse who engages in a discussion as described in this section.**

9 **SECTION 7.** An organization or residential facility described in ORS 475C.791 shall:

10 (1) Create the written policy required under ORS 475C.791 not later than June 30, 2026;  
11 and

12 (2) Make available to staff the education required under ORS 475C.791 not later than  
13 December 31, 2026.

14 **SECTION 8.** (1) The amendments to ORS 475C.770, 475C.777, 475C.791, 475C.792, 475C.883  
15 and 475C.916 by sections 1 to 6 of this 2025 Act become operative on January 1, 2026.

16 (2) The Oregon Health Authority and the Oregon State Board of Nursing may take any  
17 action before the operative date specified in subsection (1) of this section that is necessary  
18 to enable the authority to exercise, on and after the operative date specified in subsection  
19 (1) of this section, all of the duties, functions and powers conferred on the authority and the  
20 board by the amendments to ORS 475C.770, 475C.777, 475C.791, 475C.792, 475C.883 and 475C.916  
21 by sections 1 to 6 of this 2025 Act.

22 **SECTION 9.** This 2025 Act takes effect on the 91st day after the date on which the 2025  
23 regular session of the Eighty-third Legislative Assembly adjourns sine die.

24