

A-Engrossed

House Bill 4139

Ordered by the House February 16
Including House Amendments dated February 16

Sponsored by Representatives WALLAN, MARSH, Senator REYNOLDS; Representatives LEVY B, LEWIS, MCINTIRE, RESCHKE (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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act gives more money to the IMMEGP fund. The Act also changes what the phrase "debilitating medical condition" means. (Flesch Readability Score: 61.3).

[*Digest: The Act says what the term "industrial hemp-derived cannabinoid product" means. The Act tells the OLCC and the ODA to inspect some premises and to have law enforcement join the OLCC and the ODA for the inspections. The Act also makes changes to other laws that regulate cannabis. (Flesch Readability Score: 60.1.)*]

[*Defines "container" and "industrial hemp-derived cannabinoid product." Changes the definition of "adult use cannabis item." Imposes a retail sales tax on industrial hemp-derived cannabinoid products. Directs the Oregon Liquor and Cannabis Commission to immediately suspend a license to produce marijuana for specified reasons. Directs the commission to inspect a premises licensed by the commission without advance notice for specified reasons and to request that law enforcement accompany the commission to the premises.*]

[*Requires the State Department of Agriculture to complete a criminal records check on an applicant for an industrial hemp handler license. Requires an applicant for an industrial hemp grower license to provide a land use compatibility statement and information related to land ownership to the department. Directs the department to inspect a premises licensed by the department without advance notice for specified reasons and to request that law enforcement accompany the department to the premises.*]

Increases quarterly distributions to the Oregon Criminal Justice Commission for deposit into the Illegal Marijuana Market Enforcement Grant Program Fund from \$750,000 to \$3 million.

Expands the definition of "debilitating medical condition" to include medical conditions that an attending provider determines might be mitigated by the medical use of marijuana.

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

A BILL FOR AN ACT

1 Relating to cannabis; amending ORS 475C.728 and 475C.777; repealing ORS 475C.913; and prescribing
2 an effective date.

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

4 **SECTION 1.** ORS 475C.728 is amended to read:

5 475C.728. Notwithstanding ORS 475C.726, before making any other distribution from the Oregon
6 Marijuana Account established under ORS 475C.726, the Department of Revenue shall first distrib-
7 ute quarterly from the account the following:

8 (1) \$875,000 to the Oregon Liquor and Cannabis Commission for deposit in the Marijuana Con-
9 trol and Regulation Fund established under ORS 475C.297; and

10 (2) [*\$750,000*] **\$3 million** to the Oregon Criminal Justice Commission for deposit into the Illegal
11 Marijuana Market Enforcement Grant Program Fund established under ORS 475C.535 for the pur-
12 poses of paying the costs incurred by the commission in carrying out the provisions of ORS
13 475C.531.

14 **SECTION 2.** ORS 475C.777 is amended to read:

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

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

4 (a) A physician licensed under ORS chapter 677;
5 (b) A physician associate licensed under ORS 677.505 to 677.525;
6 (c) A nurse practitioner licensed under ORS 678.375 to 678.390;
7 (d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;
8 (e) A certified registered nurse anesthetist as defined in ORS 678.010; or
9 (f) A naturopathic physician licensed under ORS chapter 685.

10 (2) "Cannabinoid" means any of the chemical compounds that are the active constituents of
11 marijuana.

12 (3) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from
13 marijuana by:

14 (a) A mechanical extraction process;
15 (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable
16 glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
17 (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided
18 that the process does not involve the use of high heat or pressure; or
19 (d) Any other process identified by the Oregon Health Authority, in consultation with the
20 Oregon Liquor and Cannabis Commission, by rule.

21 (4) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate,
22 cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

23 (5) "Cannabinoid extract" means a substance obtained by separating cannabinoids from
24 marijuana by:

25 (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane
26 or propane;
27 (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the
28 process uses high heat or pressure; or
29 (c) Any other process identified by the Oregon Health Authority, in consultation with the
30 Oregon Liquor and Cannabis Commission, by rule.

31 (6) "Debilitating medical condition" means:

32 (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for
33 human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to
34 the treatment of those medical conditions;

35 (b) A medical condition or treatment for a medical condition that produces, for a specific pa-
36 tient, one or more of the following:

37 (A) Cachexia;
38 (B) Severe pain;
39 (C) Severe nausea;
40 (D) Seizures, including seizures caused by epilepsy; or
41 (E) Persistent muscle spasms, including spasms caused by multiple sclerosis;

42 (c) Post-traumatic stress disorder; or

43 (d) Any other medical condition or side effect related to the treatment of a medical condition
44 *[adopted by the Oregon Health Authority by rule or approved by the authority pursuant to a petition
45 filed under ORS 475C.913]* **that an attending provider determines, in accordance with**

1 **evidence-based practice and professional judgment, might be mitigated by the medical use**
2 **of marijuana.**

3 (7)(a) "Delivery" has the meaning given that term in ORS 475.005.

4 (b) "Delivery" does not include transfer of marijuana by a registry identification cardholder to
5 another registry identification cardholder if no consideration is paid for the transfer.

6 (8)(a) "Designated primary caregiver" means an individual:

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

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

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

13 (b) "Designated primary caregiver" does not include a person's attending provider.

14 (9) "High heat" means a temperature exceeding 180 degrees.

15 (10) "Immature marijuana plant" means a marijuana plant that is not flowering.

16 (11)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant
17 Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

18 (b) "Marijuana" does not include:

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

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

23 (12) "Marijuana grow site" means a location registered under ORS 475C.792 where marijuana
24 is produced for use by a registry identification cardholder.

25 (13) "Marijuana processing site" means a marijuana processing site registered under ORS
26 475C.815 or a site for which an applicant has submitted an application for registration under ORS
27 475C.815.

28 (14) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana
29 plant.

30 (15)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product in-
31 tended for human consumption or use, including a product intended to be applied to a person's skin
32 or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

33 (b) "Medical cannabinoid product" does not include:

34 (A) Usable marijuana by itself;

35 (B) A cannabinoid concentrate by itself;

36 (C) A cannabinoid extract by itself; or

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

38 (16) "Medical marijuana dispensary" means a medical marijuana dispensary registered under
39 ORS 475C.833 or a site for which an applicant has submitted an application for registration under
40 ORS 475C.833.

41 (17) "Medical use of marijuana" means the production, processing, possession, delivery or ad-
42 ministration of marijuana, or use of paraphernalia used to administer marijuana, to mitigate the
43 symptoms or effects of a debilitating medical condition.

44 (18) "Person designated to produce marijuana by a registry identification cardholder" means a
45 person designated to produce marijuana by a registry identification cardholder under ORS 475C.792

1 who produces marijuana for a registry identification cardholder at an address other than the address
2 where the registry identification cardholder resides or at an address where more than 12 mature
3 marijuana plants are produced.

4 (19) "Process" means the compounding or conversion of marijuana into medical cannabinoid
5 products, cannabinoid concentrates or cannabinoid extracts.

6 (20) "Production" means:

7 (a) Planting, cultivating, growing, trimming or harvesting marijuana; or
8 (b) Drying marijuana leaves or flowers.

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

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

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

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

17 (A) The seeds, stalks and roots of marijuana; or
18 (B) Waste material that is a by-product of producing marijuana.

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

21 **SECTION 3. ORS 475C.913 is repealed.**

22 **SECTION 4. This 2026 Act takes effect on the 91st day after the date on which the 2026**
23 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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