

# DRAFT

## SUMMARY

Adds post-traumatic stress disorder to definition of “debilitating medical condition” for purposes of statutes authorizing medical use of marijuana.

### A BILL FOR AN ACT

1  
2 Relating to medical marijuana; amending ORS 475.302.

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

4 **SECTION 1.** ORS 475.302 is amended to read:

5 475.302. As used in ORS 475.300 to 475.346:

6 (1) “Attending physician” means a physician licensed under ORS chapter  
7 677 who has primary responsibility for the care and treatment of a person  
8 diagnosed with a debilitating medical condition.

9 (2) “Authority” means the Oregon Health Authority.

10 (3) “Debilitating medical condition” means:

11 (a) Cancer, glaucoma, agitation [*due*] **incident** to Alzheimer’s disease,  
12 positive status for human immunodeficiency virus or acquired immune defi-  
13 ciency syndrome, or a **side effect related to the** treatment [*for*] **of** these  
14 **medical** conditions;

15 (b) A medical condition or treatment for a medical condition that  
16 produces, for a specific patient, one or more of the following:

17 (A) Cachexia;

18 (B) Severe pain;

19 (C) Severe nausea;

20 (D) Seizures, including [*but not limited to*] seizures caused by epilepsy; or

21 (E) Persistent muscle spasms, including [*but not limited to*] spasms caused

1 by multiple sclerosis; [or]

2 **(c) Post-traumatic stress disorder; or**

3 [(c)] **(d) Any other medical condition or side effect related to the**  
4 **treatment [for] of a medical condition adopted by the authority by rule or**  
5 **approved by the authority pursuant to a petition submitted [pursuant to]**  
6 **under ORS 475.334.**

7 (4) "Delivery" has the meaning given that term in ORS 475.005.  
8 "Delivery" does not include transfer of marijuana by a registry identification  
9 cardholder to another registry identification cardholder if no consideration  
10 is paid for the transfer.

11 (5) "Designated primary caregiver" means an individual 18 years of age  
12 or older who has significant responsibility for managing the well-being of a  
13 person who has been diagnosed with a debilitating medical condition and  
14 who is designated as such on that person's application for a registry iden-  
15 tification card or in other written notification to the authority. "Designated  
16 primary caregiver" does not include the person's attending physician.

17 (6) "Marijuana" has the meaning given that term in ORS 475.005.

18 (7) "Marijuana grow site" means a location **registered under ORS**  
19 **475.304** where marijuana is produced for use by a registry identification  
20 cardholder [*and that is registered under the provisions of ORS 475.304*].

21 (8) "Medical use of marijuana" means the production, possession, delivery,  
22 **distribution** or administration of marijuana, or paraphernalia used to ad-  
23 minister marijuana, as necessary for the exclusive benefit of a person to  
24 mitigate the symptoms or effects of the person's debilitating medical condi-  
25 tion.

26 (9) "Production" has the meaning given that term in ORS 475.005.

27 (10) "Registry identification card" means a document issued by the au-  
28 thority that identifies a person authorized to engage in the medical use of  
29 marijuana and, **if the person has a designated primary caregiver under**  
30 **ORS 475.312**, the person's designated primary caregiver[, *if any*].

31 (11) "Usable marijuana" means the dried leaves and flowers of the plant

1 Cannabis family Moraceae, and any mixture or preparation thereof, that are  
2 appropriate for medical use as allowed in ORS 475.300 to 475.346. "Usable  
3 marijuana" does not include the seeds, stalks and roots of the plant.

4 (12) "Written documentation" means a statement signed by the attending  
5 physician of a person diagnosed with a debilitating medical condition or  
6 copies of the person's relevant medical records.

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