



AGENDA
November 25, 2013, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: **Time:** _____

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan STARTING VOTE		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Vacant		

3. Special Orders of Business: (pages 4-5)

a. Worldwide Candle Lighting Day Proclamation

4. Consent Calendar (separate packet)

Minutes for October 2012, and June 2013 meetings (sent separately)

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing (pages 7-13)

a. Dangerous Building Hearing
94270 Button Lane

7. Citizen Requested Agenda Items (pages 14-42)

- a. Bob and Diane Williams-parking on 10th Street
- b. Earl Crumrine-HB 3460
- c. Citizen request through the Mayor-activity at Buffington Park

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

None scheduled

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

10. Miscellaneous Items (including policy discussions and determinations)

(pages 43-49)

- a. Info breakdown on the health district ballot measures
- b. October financials/YTD 1st Qtr FY 13-14
Bills paid for November (financials sent separately)
- c. Update on land use writ of mandamus
- d. Upcoming meetings and trainings

11. City Administrator's Report

To be presented at meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Lyndsey Dixon

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

An executive session will be held at 6PM prior to the regular meeting. A separate agenda has been prepared for the Executive Session.

The next scheduled meeting of the Gold Beach City Council is Monday, December 9, 2013 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call 541-247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of discrimination should be sent to: USDA, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

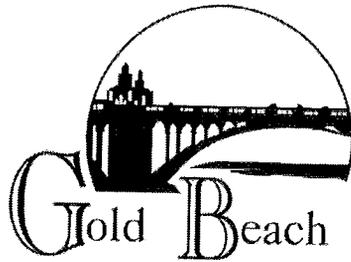


TABLE OF CONTENTS

Agenda Item	Page
Agenda	1-2
Table of Contents	3
3. Special Orders of Business	4-5
a. Worldwide Candle Lighting Day Proclamation	5
4. Consent Calendar	6
6. Public Hearing-Dangerous Building	7-13
7. Citizen Requested Agenda Items	14-42
a. Bob & Diane Williams	15-16
b. Earl Crumrine	17-42
c. Request from Mayor for a citizen	
10. Misc. Items	43-49
a. Election info breakdown from health district	45-46
b. 1 st Quarter financials	Separate packet
c. Update on land use write of mandamus	
d. Upcoming meetings and trainings	47-49



SPECIAL ORDERS OF BUSINESS



**PROCLAMATION
Designating the second Sunday in December 2013, as
Worldwide Candle Lighting Day**

WHEREAS every year in the United States nearly 150,000 infants, children, teens, and young adults die and countless tens of thousands are born still or are miscarried, and;

WHEREAS, we recognize that our children are our country's, our state's, and our city's most valuable resource, and;

WHEREAS, the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, siblings, and grandparents can work through their grief with the help of others traveling the same road, and;

WHEREAS, The Compassionate Friends Worldwide Candle Lighting the second Sunday in December has become a symbolic day when these children are remembered around the globe.

NOW, THEREFORE, BE IT RESOLVED that I, Karl Popoff, Mayor of the City of Gold Beach, hereby declare and proclaim the second Sunday of December 2013, as Worldwide Candle Lighting Day for the City of Gold Beach.

BE IT FURTHER RESOLVED that all residents are encouraged to observe this day by lighting a candle for one hour at 7 p.m. the second Sunday of December in support of bereaved families in the City of Gold Beach and participate in other appropriate activities in remembrance of all children who have died.

In witness whereof, I hereunto set my hand on this 25th day of November, 2013.



**The
Compassionate
Friends**
Supporting Family After a Child Dies

Karl Popoff, Mayor



CONSENT CALENDAR

(Minutes for October 2012
and June 2013 meetings)



PUBLIC HEARING

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 a.

TITLE: Dangerous Building Hearing 94270 Button Lane

SUMMARY AND BACKGROUND:

FROM OCTOBER AGENDA REPORT: Pursuant to City Code Section 5.365 staff conducted an inspection of property located at 94270 Button Lane. Staff is of the opinion that the structure on the subject property meets the definition of Dangerous Building (5.350(1)(d)). Staff is reporting that opinion to the Council for the purpose of determining whether the Dangerous Building Hearing process should be initiated.

NOVEMBER AGENDA REPORT:

Pursuant to the provisions of the Dangerous Buildings section of the City Code, notice was provided to the owner and published in the paper.

The Council must decide at the hearing whether the building meets the definition of dangerous:

- (1) The term "dangerous buildings" shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.

As mentioned above, staff is of the opinion that the building meets the definition of dangerous building in subsection (d). Another site inspection was conducted today and the property is in the same condition as reported last month.

In making the determination the Council may order the building to be removed, or may order the building to be made safe and shall have the power to prescribe what acts or things must be done to make the building "safe".

FINANCIAL IMPACT:

None at this time, but large potential if the City is forced to abate the property. A lien would be recorded for the cost of the abatement.

DOCUMENTS ATTACHED:

- Published notice
- City Code: Dangerous Buildings
- Photographs of structure (separate document)

REQUESTED MOTION/ACTION:

Determination as to the Dangerous Building status of the building.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

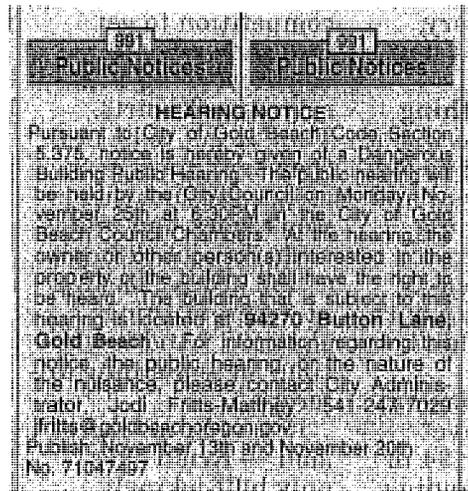
Police Chief Dixon Andrews

Public Works Superintendent Will Newdall

HEARING NOTICE

Pursuant to City of Gold Beach Code Section 5.375, notice is hereby given of a Dangerous Building Public Hearing. The public hearing will be held by the City Council on Monday, November 25th at 6:30PM in the City of Gold Beach Council Chambers. At the hearing, the owner or other person(s) interested in the property or the building shall have the right to be heard. The building that is subject to this hearing is located at **94270 Button Lane, Gold Beach**. For information regarding this notice, the public hearing, or the nature of the nuisance, please contact City Administrator, Jodi Fritts-Matthey: 541-247-7029 jfritts@goldbeachoregon.gov

Publish: November 13th and November 20th



Pilot

Legal and Public Notice

HEARING NOTICE

Pursuant to City of Gold Beach Code Section 5.375, notice is hereby given of a Dangerous Building Public Hearing. The public hearing will be held by the City Council on Monday, November 25th at 6:30PM in the City of Gold Beach Council Chambers. At the hearing, the owner or other person(s) interested in the property or the building shall have the right to be heard. The building that is subject to this hearing is located at **94270 Button Lane, Gold Beach**. For information regarding this notice, the public hearing, or the nature of the nuisance, please contact City Administrator, Jodi Fritts-Matthey: 541-247-7029 jfritts@goldbeachoregon.gov

Published: November 13 & 20, 2013; in the Curry County Reporter, Gold Beach, Oregon.

Reporter

City Code Section 5.350-5.398

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

- (1) The term “dangerous buildings” shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.
- (2) The term “person” shall include every natural person, firm, partnership, association or corporation.
- (3) “City official” means any Councilor, mayor, city employee, or any agency or employee of any agency under contract to the City for services.

5.355 General Regulations.

- (1) Administration. The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) Inspections. The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.

- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance; and the same may be abated by the procedures herein specified, or a suit for abatement thereof may be brought by the City.

5.365 Initial Action.

Whenever a city official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the City Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

5.370 Hearing; Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing. A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

5.375 Published and Posted Notices.

Ten (10) days' notice of any hearing shall be published in a newspaper of general circulation in the City or by posting notices thereof in three (3) public places in the City. If the last-mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

5.380 Council Orders; Notice.

Five (5) days' notice of findings made by the Council at a hearing and any orders made by the Council shall be given to the owner of the building, the owner's agent or other person

controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five (5) days), then the Council shall have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

In the event that the Council orders are not complied with, the Council must specify with convenient certainty the work to be done and shall file a statement thereof with the City Administrator, and shall advertise for bids for the doing of the working the manner provided for advertising for bids for street improvement work. Bids shall be received, opened and the contract let.

5.390 Assessment.

The Council shall ascertain and determine the probable cost of the work and assess the same against the property upon which the building is situated. The assessment shall be entered in the docket of city liens and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

5.395 Summary Abatement.

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

5.398 Penalty.

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, may be fined a maximum amount as set by resolution of the City Council for the first and all subsequent offenses. Each day's violation of a provision of this Code constitutes a separate offense.



CITIZEN REQUESTED AGENDA ITEMS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 7 a.

TITLE: 10th Street Parking

SUMMARY AND BACKGROUND:

For some number of years there have been No Parking signs on 10th Street. The Police Chief and I both received information requests regarding why there was not parking on 10th. I was unable to find any information as to why there was no parking. I spoke with the Public Works Superintendent and he was unable to find any information in the PW records.

At my request he and the city engineer examined 10th street to determine why there was no parking. Was it an engineering issue—was the road too narrow—to many accesses, etc.? Their findings were the paved surface of the road is 28'. They could find no engineering or public works reason why parking should be prohibited. They recommended that I speak with Chief Andrews since is the city Traffic Safety Officer. Chief Andrews felt the no parking prohibition was a violation of the Americans with Disabilities Act since there was no traffic safety or engineering reason to have no parking. A specific request had been made by a handicap driver to have an exception to park their van on the street in order to be able to ingress/egress their vehicle when visiting friends that live on 10th.

After talking to all the staff mentioned, I directed the public works department to remove the no parking signs and post the speed at 20 MPH (recommendation of the engineer).

Once the signs were removed we received complaints. The Williams have made a request to address the council regarding the parking issue.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Redacted Citizen Request Council Agenda Form

REQUESTED MOTION/ACTION:

No requested action from staff

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

Police Chief Dixon Andrews

Public Works Superintendent Will Newdall



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

Monday, Nov. 25, 2013

NAME: Bob & Diane Williams

ADDRESS: [REDACTED] - 10th St. Gold Beach, OR

PHONE: [REDACTED] EMAIL: [REDACTED]

Representing:

I will be representing myself

I will be representing (Organization Name) _____

NATURE OF BUSINESS TO BE PRESENTED: To replace the No Parking signs that were removed from 10th St.

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7 b.

TITLE: HB 3460

SUMMARY AND BACKGROUND:

A request from Earl Crumrine was received to discuss HB 3460 with the Council. Ironically, the same day he made his request an article about the bill appeared in the Medford Tribune. I have attached a copy of the article and the material Mr. Crumrine requested that I provide to the Council.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Redacted Citizen Request Council Agenda Form and Mr. Crumrine's information
- Copy of article from the Medford Tribune

REQUESTED MOTION/ACTION:

No requested action from staff

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

Police Chief Dixon Andrews

Oregon towns prep for pot battle

Medford is among cities that are fighting state-OK'd marijuana dispensaries

By NIGEL DUARA
The Associated Press

PORTLAND — Oregon officials are only months away from accepting applications for the state's first medical marijuana dispensaries under a newly enacted law.

But local leaders who want to keep pot shops out of their communities are clearing the ground for a fight.

In Myrtle Creek, the town's police chief and mayor both oppose dispensaries within city limits. And in Medford, the City Council made a rule change to say that business licenses could be revoked for violating the federal prohibition on the drug. There's no way "to prevent the wholesale distribution of marijuana through dispensaries," said Medford City Councilman Chris Corcoran.

Marijuana activists, who support the law signed by Gov. John Kitzhaber in August, say plans to ban dispensaries run contrary to legislative intent — even if they realize that local authorities will likely have the final say.

"There will be dry counties," said Allen St. Pierre, head of the nation's foremost marijuana advocacy group, likening areas that take steps to ban pot to those that prohibit the sale of alcohol.

Oregon voters rejected dispensaries in 2010, but legislators passed a bill this year and set in motion a nine-month review process during which the laws implementing the dispensaries would be determined by a committee that includes law enforcement, marijuana advocates, botanists and legislators. In less than five months, applications are set to start coming in.

"If they don't want people to have retail access to marijuana or massive production of it, there is almost no doubt that no cities or towns can be forced to go that route," said St. Pierre, executive director of the National Organization for the Reform of Marijuana Laws.

Oregon law has allowed for medical marijuana since 1998, but there has been a catch for patients: They could legally possess the drug, but they had to find their own producer or grow it themselves. For patients unwilling or unable to do so, that left options that included the

black market.

Marijuana advocates pitched the dispensary law as a course correction. The pot shops, they said, provide safe access to patients and create a viable system of reimbursement to the growers and a more accurate market for marijuana prices by taking pot out of the hands of illicit dealers.

Oregon voters rejected dispensaries in 2010, but legislators passed a bill this year and set in motion a nine-month review process during which the laws implementing the dispensaries would be determined by a committee that includes law enforcement, marijuana advocates, botanists and legislators. In less than five months, applications are set to start coming in.

Cities and counties have at least two options for keeping dispensaries out of their backyards. Like Medford, they can choose not to issue business licenses to dispensaries. Or they can take the matter to federal court, where marijuana is considered a prohibited substance.

A 9th Circuit U.S. Court of Appeals decision in 2012 sympathized with patients who say they need marijuana, but ultimately sided with the federal government's prohibition. In

that case, a group of California plaintiffs alleged that the cities of Costa Mesa and Lake Forest violated the Americans with Disabilities Act by taking steps to close dispensaries.

"We recognize that the plaintiffs are gravely ill, and that their request for (Disability Act) relief implicates not only their right to live comfortably, but also their basic human dignity," wrote Judge Raymond C. Fisher. "(However) federal law does not authorize the plaintiffs' medical marijuana use."

Rep. Peter Buckley, D-Ashland, who shepherded the law through the Legislature, said the Oregon Health Authority has final say over the dispensaries, not the cities and counties in which they're based.

His advice to cities taking action to oppose dispensaries: "Take a deep breath and work on the rulemaking process, and then see what you think about it."

But the man who oversees the state's pharmaceutical drug programs — and the committee charged with making the dispensary laws — said cities can set their own rules.

"I would assume that a city is going to have existing law," said Tom Burns of the Oregon Health Authority "and that city will do what that city wants."

Snutterino WiFi frustrates 110 students



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

RECEIVED

OCT 21 2013

CITY OF GOLDBEACH

CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

NAME: Earl Crumrine

ADDRESS: [REDACTED] Hunter Creek Ht's

PHONE: [REDACTED] EMAIL: [REDACTED]

Representing:

I will be representing myself

I will be representing (Organization Name) Club sockeye club

NATURE OF BUSINESS TO BE PRESENTED: _____

Please notify of the November meeting @
541. [REDACTED]

about 3460 Bill.

Oregon Health Authority



About Us

HB 3460: Oregon's medical marijuana dispensary law

Contact Us

Newsroom

On August 14, 2013, Governor Kitzhaber signed House Bill 3460 into law, authorizing the Oregon Health Authority to establish procedures to license and regulate medical marijuana dispensaries.

Oregon Health Authority

- Read [House Bill 3460](#)
- Read [Governor Kitzhaber's statement upon signing HB 3460](#)
- **Note: The registration system for Oregon's medical marijuana dispensaries will be in place by March 1, 2014**

Oregon Health Policy Board

Health Reform in Oregon

What's next?

The Oregon Health Authority will appoint a rules advisory committee (RAC) to broadly engage stakeholders and the general public in the rulemaking process. The committee will be appointed in September and hold its first meeting soon thereafter.

OHA Programs

OHA from A To Z

OHA Legislative Activity and Budgets

Sign up here

To be notified as the rulemaking process moves forward and more information becomes available, please send an e-mail to medmj.dispensaries@state.or.us.

Calendar

Committees and Policy Development

Questions?

Please send questions to medmj.dispensaries@state.or.us

Cover Oregon

Media inquiries only:

Please call Karynn Fish at (503) 602-4074

Incentive Metrics

Materials and Resources

Reports and Data

[« Return to the Oregon Medical Marijuana Program \(OMMP\)](#)

Office of Forecasting and Research Analysis

OHA Rule Making

Questions and Comments

OREGON.GOV

State Directories
Agencies A to Z
Oregon Administrative Rules
Oregon Revised Statutes
Oregon - an Equal Opportunity Employer
About Oregon.gov

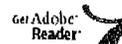
OWA
VETERANS
Are you a veteran? Find benefits here.

WEB SITE LINKS

Text Only Site
Accessibility
Oregon.gov
File Formats
Privacy Policy
Site Map
Web Site Feedback

PDF FILE ACCESSIBILITY

Adobe Reader, or equivalent, is required to view PDF files. Click the "Get Adobe Reader" image to get a free download of the reader from Adobe.



Enrolled
House Bill 3460

Sponsored by Representative BUCKLEY, Senator PROZANSKI; Representative FREDERICK, Senator DINGFELDER

CHAPTER

AN ACT

Relating to medical marijuana; creating new provisions; amending ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331; limiting expenditures; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 475.300 to 475.346.

SECTION 2. (1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:

(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility; or

(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

(2) The registration system established under subsection (1) of this section must require a medical marijuana facility to submit an application to the authority that includes:

(a) The name of the person responsible for the medical marijuana facility;

(b) The address of the medical marijuana facility;

(c) Proof that the person responsible for the medical marijuana facility is a resident of Oregon;

(d) Documentation, as required by the authority by rule, that demonstrates the medical marijuana facility meets the qualifications for a medical marijuana facility as described in subsection (3) of this section; and

(e) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a medical marijuana facility:

(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site;

(b) Must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State;

(c) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;

(d) Must not be located within 1,000 feet of another medical marijuana facility; and

(e) Must comport with rules adopted by the authority related to:

(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and

(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 of a person whose name is submitted as the person responsible for a medical marijuana facility under subsection (2) of this section.

(b) A person convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility for five years from the date the person is convicted.

(c) A person convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be the person responsible for a medical marijuana facility.

(5) If a person submits the application required under subsection (2) of this section, the medical marijuana facility identified in the application meets the qualifications for a medical marijuana facility described in subsection (3) of this section and the person responsible for the medical marijuana facility passes the criminal records check required under subsection (4) of this section, the authority shall register the medical marijuana facility and issue the person responsible for the medical marijuana facility proof of registration. The person responsible for the medical marijuana facility shall display the proof of registration on the premises of the medical marijuana facility at all times when usable marijuana or immature marijuana plants are being transferred as described in subsection (1) of this section.

(6)(a) A registered medical marijuana facility may receive usable marijuana or immature marijuana plants only from a registry identification cardholder, designated primary caregiver or person responsible for a marijuana grow site if the registered medical marijuana facility obtains authorization, on a form prescribed by the authority by rule and signed by a registry identification cardholder, to receive the usable marijuana or immature marijuana plants.

(b) A registered medical marijuana facility shall maintain:

- (A) A copy of each authorization form described in paragraph (a) of this subsection; and
- (B) Documentation of each transfer of usable marijuana or immature marijuana plants.

(7) A medical marijuana facility registered under this section may possess usable marijuana and immature marijuana plants in excess of the limits imposed on registry identification cardholders and designated primary caregivers under ORS 475.320.

(8) The authority may inspect:

(a) The premises of an applicant for a medical marijuana facility or a registered medical marijuana facility to ensure compliance with the qualifications for a medical marijuana facility described in subsection (3) of this section; and

(b) The records of a registered medical marijuana facility to ensure compliance with subsection (6)(b) of this section.

(9)(a) A registry identification cardholder or the designated primary caregiver of a registry identification cardholder may reimburse a medical marijuana facility registered under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(b) A medical marijuana facility may reimburse a person responsible for a marijuana grow site under this section for the normal and customary costs of doing business, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.

(10) The authority may revoke the registration of a medical marijuana facility registered under this section for failure to comply with ORS 475.300 to 475.346 or rules adopted under ORS 475.300 to 475.346. The authority may release to the public a final order revoking a medical marijuana facility registration.

(11) The authority shall adopt rules to implement this section, including rules that:

(a) Require a medical marijuana facility registered under this section to annually renew that registration; and

(b) Establish fees for registering and renewing registration for a medical marijuana facility under this section.

SECTION 3. ORS 475.302 is amended to read:

475.302. As used in ORS 475.300 to 475.346:

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

(2) "Authority" means the Oregon Health Authority.

(3) "Debilitating medical condition" means:

(a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

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

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

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

(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

or

(c) Any other medical condition or treatment for a medical condition adopted by the authority by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

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

(b) "Delivery" does not include transfer of:

(A) Marijuana by a registry identification cardholder to another registry identification cardholder if no consideration is paid for the transfer[.];

(B) Usable marijuana or immature marijuana plants from a registry identification cardholder, the designated primary caregiver of a registry identification cardholder or a marijuana grow site to a medical marijuana facility registered under section 2 of this 2013 Act; or

(C) Usable marijuana or immature marijuana plants from a medical marijuana facility registered under section 2 of this 2013 Act to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.

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

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

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

(8) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.

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

(10) "Registry identification card" means a document issued by the authority that identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

(11) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

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

SECTION 4. ORS 475.304 is amended to read:

475.304. (1) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to authorize production of marijuana by a registry identification cardholder, a designated primary caregiver who grows marijuana for the cardholder or a person who is responsible for a marijuana grow site. The marijuana grow site registration system adopted must require a registry identification cardholder to submit an application to the authority that includes:

- (a) The name of the person responsible for the marijuana grow site;
- (b) The address of the marijuana grow site;
- (c) The registry identification card number of the registry cardholder for whom the marijuana is being produced; and
- (d) Any other information the authority considers necessary.

(2) The authority shall issue a marijuana grow site registration card to a registry identification cardholder who has met the requirements of subsection (1) of this section.

(3) A person who has been issued a marijuana grow site registration card under this section must display the registration card at the marijuana grow site at all times when marijuana is being produced.

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

(5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site are the property of the registry identification cardholder and must be provided to the registry identification cardholder, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a medical marijuana facility registered under section 2 of this 2013 Act, upon request.

(6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person whose name is submitted as a person responsible for a marijuana grow site.

(b) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder for five years from the date of conviction.

(c) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.

(7) A registry identification cardholder or the designated primary caregiver of the cardholder may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities associated with the production of marijuana for the registry identification cardholder. No other costs associated with the production of marijuana for the registry identification cardholder, including the cost of labor, may be reimbursed.

(8) The authority may adopt rules imposing a fee in an amount established by the authority for registration of a marijuana grow site under this section.

SECTION 5. ORS 475.309 is amended to read:

475.309. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or assisting in the medical use of marijuana is excepted from the criminal laws of the state for possession, delivery or production of marijuana, aiding and abetting another in the possession, delivery or production of marijuana or any other criminal offense in which possession, delivery or production of marijuana is an element if the following conditions have been satisfied:

(a)(A) The person holds a registry identification card issued pursuant to this section, has applied for a registry identification card pursuant to subsection (9) of this section, is the designated primary caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that is producing marijuana for the cardholder and is registered under ORS 475.304; and

[(b)] (B) The person who has a debilitating medical condition, the person's primary caregiver and the person responsible for a marijuana grow site that is producing marijuana for the cardholder and is registered under ORS 475.304 are collectively in possession of, delivering or producing marijuana for medical use in amounts allowed under ORS 475.320[.]; or

(b) The person is responsible for or employed by a medical marijuana facility registered under section 2 of this 2013 Act and does not commit any of the acts described in this subsection anywhere other than at the medical marijuana facility.

(2) The Oregon Health Authority shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section. Except as provided in subsection (3) of this section, the authority shall issue a registry identification card to any person who pays a fee in the amount established by the authority and provides the following:

(a) Valid, written documentation from the person's attending physician stating that the person has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition;

(b) The name, address and date of birth of the person;

(c) The name, address and telephone number of the person's attending physician;

(d) The name and address of the person's designated primary caregiver, if the person has designated a primary caregiver at the time of application; and

(e) A written statement that indicates whether the marijuana used by the cardholder will be produced at a location where the cardholder or designated primary caregiver is present or at another location.

(3) The authority shall issue a registry identification card to a person who is under 18 years of age if the person submits the materials required under subsection (2) of this section, and the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement that:

(a) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(c) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(d) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

(4) A person applying for a registry identification card pursuant to this section may submit the information required in this section to a county health department for transmittal to the authority. A county health department that receives the information pursuant to this subsection shall transmit the information to the authority within five days of receipt of the information. Information received by a county health department pursuant to this subsection shall be confidential and not subject to disclosure, except as required to transmit the information to the authority.

(5)(a) The authority shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within thirty days of receipt of the application.

(b) In addition to the authority granted to the authority under ORS 475.316 to deny an application, the authority may deny an application for the following reasons:

(A) The applicant did not provide the information required pursuant to this section to establish the applicant's debilitating medical condition and to document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with such condition, as provided in subsections (2) and (3) of this section;

(B) The authority determines that the information provided was falsified; or

(C) The applicant has been prohibited by a court order from obtaining a registry identification card.

(c) Denial of a registry identification card shall be considered a final authority action, subject to judicial review. Only the person whose application has been denied, or, in the case of a person under the age of 18 years of age whose application has been denied, the person's parent or legal guardian, shall have standing to contest the authority's action.

(d) Any person whose application has been denied may not reapply for six months from the date of the denial, unless so authorized by the authority or a court of competent jurisdiction.

(6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3) of this section and none of the reasons for denial listed in subsection (5)(b) of this section is applicable, the authority shall issue a serially numbered registry identification card within five days of verification of the information. The registry identification card shall state:

(A) The cardholder's name, address and date of birth;

(B) The date of issuance and expiration date of the registry identification card;

(C) The name and address of the person's designated primary caregiver, if any;

(D) Whether the marijuana used by the cardholder will be produced at a location where the cardholder or designated primary caregiver is present or at another location; and

(E) Any other information that the authority may specify by rule.

(b) When the person to whom the authority has issued a registry identification card pursuant to this section has specified a designated primary caregiver, the authority shall issue an identification card to the designated primary caregiver. The primary caregiver's registry identification card shall contain the information provided in paragraph (a) of this subsection.

(7)(a) A person who possesses a registry identification card shall:

(A) Notify the authority of any change in the person's name, address, attending physician or designated primary caregiver.

(B) If applicable, notify the designated primary caregiver of the cardholder, *[and]* the person responsible for the marijuana grow site that produces marijuana for the cardholder **and any person responsible for a medical marijuana facility that transfers usable marijuana or immature marijuana plants to the cardholder under section 2 of this 2013 Act** of any change in status including, but not limited to:

(i) The assignment of another individual as the designated primary caregiver of the cardholder;

(ii) The assignment of another individual as the person responsible for a marijuana grow site producing marijuana for the cardholder; or

(iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

(C) Annually submit to the authority:

(i) Updated written documentation from the cardholder's attending physician of the person's debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition; and

(ii) The name of the person's designated primary caregiver if a primary caregiver has been designated for the upcoming year.

(b) If a person who possesses a registry identification card fails to comply with this subsection, the card shall be deemed expired. If a registry identification card expires, the identification card of any designated primary caregiver of the cardholder shall also expire.

(8)(a) A person who possesses a registry identification card pursuant to this section and who has been diagnosed by the person's attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the person's debilitating medical condition shall return the registry identification card and any other associated Oregon Medical Marijuana Program cards to the authority within 30 calendar days of notification of the diagnosis or notification of the contraindication.

(b) If, due to circumstances beyond the control of the registry identification cardholder, a cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has expired, the authority may grant the cardholder additional time to obtain a second opinion before requiring the cardholder to return the registry identification card and any associated cards.

(9) A person who has applied for a registry identification card pursuant to this section but whose application has not yet been approved or denied, and who is contacted by any law enforcement officer in connection with the person's administration, possession, delivery or production of marijuana for medical use may provide to the law enforcement officer a copy of the written documentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of the date of mailing or other transmission of the documentation to the authority. This documentation shall have the same legal effect as a registry identification card until such time as the person receives notification that the application has been approved or denied.

(10)(a) A registry identification cardholder has the primary responsibility of notifying the **designated** primary caregiver [*and*], the person responsible for the marijuana grow site that produces marijuana for the cardholder **and any person responsible for a medical marijuana facility that transfers usable marijuana or immature marijuana plants to the cardholder under section 2 of this 2013 Act** of any change in status of the cardholder.

(b) If the authority is notified by the cardholder that a primary caregiver or person responsible for a marijuana grow site has changed, the authority shall notify the primary caregiver or the person responsible for the marijuana grow site by mail at the address of record confirming the change in status and informing the caregiver or person **responsible for the marijuana grow site** that their card is no longer valid and must be returned to the authority.

(11) The authority shall revoke the registry identification card of a cardholder if a court has issued an order that prohibits the cardholder from participating in the medical use of marijuana or otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The cardholder shall return the registry identification card to the authority within seven calendar days of notification of the revocation. If the cardholder is a patient, the patient shall return the patient's card and all other associated Oregon Medical Marijuana Program cards.

(12) The authority shall revoke the registration of a medical marijuana facility registered under section 2 of this 2013 Act if a court has issued an order that prohibits the person responsible for the medical marijuana facility from participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346.

[(12)] (13) The authority and employees and agents of the authority acting within the course and scope of their employment are immune from any civil liability that might be incurred or imposed for the performance of or failure to perform duties required by this section.

SECTION 6. ORS 475.320 is amended to read:

475.320. (1)(a) A registry identification cardholder or the designated primary caregiver of the cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, the registry identification

cardholder or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.

(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

(a) May produce marijuana for and provide marijuana:

(A) To a registry identification cardholder or *[that person's]* a **cardholder's** designated primary caregiver as authorized under this section[.]; or

(B) If the marijuana is usable marijuana or an immature marijuana plant and the registry identification cardholder authorizes the person responsible for the marijuana grow site to transfer the usable marijuana or immature marijuana plant to a medical marijuana facility registered under section 2 of this 2013 Act, to the medical marijuana facility.

(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each cardholder or caregiver for whom marijuana is being produced.

(c) May produce marijuana for no more than four registry identification cardholders or designated primary caregivers concurrently.

(d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304 for each registry identification cardholder or designated primary caregiver for whom marijuana is being produced.

(e) Must provide all marijuana produced for a registry identification cardholder or designated primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.

(f) Must return the marijuana grow site registration card to the registry identification cardholder to whom the card was issued when requested to do so by the cardholder or when the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.

(3) Except as provided in subsections (1) and (2) of this section, a registry identification cardholder, the designated primary caregiver of the cardholder and the person responsible for a marijuana grow site producing marijuana for the registry identification cardholder may possess a combined total of up to six mature plants and 24 ounces of usable marijuana for that registry identification cardholder.

(4)(a) A registry identification cardholder and the designated primary caregiver of the cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon Health Authority.

(b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or starts as defined by rule of the authority for each registry identification cardholder for whom the person responsible for the marijuana grow site is producing marijuana.

SECTION 7. ORS 475.323 is amended to read:

475.323. (1) Possession of a registry identification card [or], designated primary caregiver identification card pursuant to ORS 475.309 **or proof of registration as a medical marijuana facility under section 2 of this 2013 Act** does not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection by any governmental agency. **However, the Oregon Health Authority may inspect a medical marijuana facility registered under section 2 of this 2013 Act at any reasonable time to determine whether the facility is in compliance with ORS 475.300 to 475.346.**

(2) Any property interest possessed, owned or used in connection with the medical use of marijuana or acts incidental to the medical use of marijuana that has been seized by state or local law enforcement officers may not be harmed, neglected, injured or destroyed while in the possession of any law enforcement agency. A law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. No such property interest may be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized by any law enforcement office shall be returned immediately upon a determination by the district attorney in whose county the property was seized, or the district attorney's designee, that the per-

son from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for example, by a decision not to prosecute, the dismissal of charges or acquittal.

SECTION 8. ORS 475.331 is amended to read:

475.331. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to whom the authority has issued registry identification cards, the names of any designated primary *[caregivers and the addresses of authorized marijuana grow sites.] caregivers, the names of persons responsible for a medical marijuana facility registered under section 2 of this 2013 Act, the addresses of authorized marijuana grow sites and the addresses of registered medical marijuana facilities.* Except as provided in subsection (2) of this section, the list shall be confidential and not subject to public disclosure.

(b) The authority shall develop a system by which authorized employees of state and local law enforcement agencies may verify at all times that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site.]*

(A) **A person is a lawful possessor of a registry identification card;**

(B) **A person is the designated primary caregiver of a lawful possessor of a registry identification card;**

(C) **A location is an authorized marijuana grow site;**

(D) **A location is a registered medical marijuana facility; or**

(E) **A person is the person listed as the person responsible for a registered medical marijuana facility.**

(2) Names and other identifying information from the list established pursuant to subsection (1) of this section may be released to:

(a) Authorized employees of the authority as necessary to perform official duties of the authority. *]; and]*

(b) Authorized employees of state or local law enforcement agencies, **who provide to the authority adequate identification, such as a badge number or similar authentication of authority,** only as necessary to verify that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site. Prior to being provided identifying information from the list, authorized employees of state or local law enforcement agencies shall provide to the authority adequate identification, such as a badge number or similar authentication of authority.]*

(A) **A person is a lawful possessor of a registry identification card;**

(B) **A person is the designated primary caregiver of a lawful possessor of a registry identification card;**

(C) **A location is an authorized marijuana grow site;**

(D) **A location is a registered medical marijuana facility; or**

(E) **A person is the person listed as the person responsible for a registered medical marijuana facility.**

(3) Authorized employees of state or local law enforcement agencies that obtain identifying information from the list as authorized under this section may not release or use the information for any purpose other than verification that: *[a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site.]*

(a) **A person is a lawful possessor of a registry identification card;**

(b) **A person is the designated primary caregiver of a lawful possessor of a registry identification card;**

(c) **A location is an authorized marijuana grow site;**

(d) **A location is a registered medical marijuana facility; or**

(e) **A person is the person listed as the person responsible for a registered medical marijuana facility.**

SECTION 9. (1) Sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act become operative on March 1, 2014.

(2) The Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section to enable the authority to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority by sections 1 and 2 of this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

SECTION 10. Notwithstanding any other law limiting expenditures, the amount of \$803,276 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Health Authority for administrative and operating expenses incurred in implementing section 2 of this 2013 Act and the amendments to ORS 475.302, 475.304, 475.309, 475.320, 475.323 and 475.331 by sections 3 to 8 of this 2013 Act.

SECTION 11. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House June 24, 2013

Received by Governor:

Repassed by House July 6, 2013

.....M,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M,....., 2013

.....
Tina Kotek, Speaker of House

.....
John Kitzhaber, Governor

Passed by Senate July 3, 2013

Filed in Office of Secretary of State:

.....
Peter Courtney, President of Senate

.....M,....., 2013

.....
Kate Brown, Secretary of State

OREGON MEDICAL MARIJUANA ACT

475.300 Findings. The people of the state of Oregon hereby find that:

(1) Patients and doctors have found marijuana to be an effective treatment for suffering caused by debilitating medical conditions, and therefore, marijuana should be treated like other medicines;

(2) Oregonians suffering from debilitating medical conditions should be allowed to use small amounts of marijuana without fear of civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them and when other reasonable restrictions are met regarding that use;

(3) ORS 475.300 to 475.346 are intended to allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to be able to discuss freely with their doctors the possible risks and benefits of medical marijuana use and to have the benefit of their doctor's professional advice; and

(4) ORS 475.300 to 475.346 are intended to make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. [1999 c.4 §2]

Note: 475.300 to 475.346 were adopted by the people by initiative petition but were not added to or made a part of ORS chapter 475 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

475.302 Definitions for ORS 475.300 to 475.346. As used in ORS 475.300 to 475.346:

(1) "Attending physician" means a physician licensed under ORS chapter 677 who has primary responsibility for the care

and treatment of a person diagnosed with a debilitating medical condition.

(2) "Authority" means the Oregon Health Authority.

(3) "Debilitating medical condition" means:

(a) Cancer, glaucoma, agitation due to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

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

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

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

(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis; or

(c) Any other medical condition or treatment for a medical condition adopted by the authority by rule or approved by the authority pursuant to a petition submitted pursuant to ORS 475.334.

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

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

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

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

(8) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.

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

(10) "Registry identification card" means a document issued by the authority that identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

(11) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae, and any mixture or preparation thereof, that are appropriate for medical use as allowed in ORS 475.300 to 475.346. "Usable marijuana" does not include the seeds, stalks and roots of the plant.

(12) "Written documentation" means a statement signed by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records. [1999 c.4 §3; 2001 c.900 §205; 2003 c.14 §305; 2005 c.22 §346; 2005 c.822 §1; 2007 c.573 §1; 2009 c.595 §964]

Note: See note under 475.300.

475.303 Advisory Committee on Medical Marijuana. (1) There is created the Advisory Committee on Medical Marijuana in the Oregon Health Authority,

consisting of 11 members appointed by the Director of the Oregon Health Authority.

(2) The director shall appoint members of the committee from persons who possess registry identification cards, designated primary caregivers of persons who possess registry identification cards and advocates of the Oregon Medical Marijuana Act.

(3) The committee shall advise the director on the administrative aspects of the Oregon Medical Marijuana Program, review current and proposed administrative rules of the program and provide annual input on the fee structure of the program.

(4) The committee shall meet at least four times per year, at times and places specified by the director.

(5) The authority shall provide staff support to the committee.

(6) All agencies of state government, as defined in ORS 174.111, are directed to assist the committee in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice that the members of the committee consider necessary to perform their duties. [2005 c.822 §7; 2009 c.595 §965]

Note: See note under 475.300. 475.303 was added to and made a part of 475.300 to 475.346 by legislative action.

475.304 Marijuana grow site registration system; rules. (1) The Oregon Health Authority shall establish by rule a marijuana grow site registration system to authorize production of marijuana by a registry identification cardholder, a designated primary caregiver who grows marijuana for the cardholder or a person who is responsible for a marijuana grow site. The marijuana grow site registration system adopted must require a registry identification cardholder to submit an application to the authority that includes:

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

(b) The address of the marijuana grow site;

(c) The registry identification card number of the registry cardholder for whom the marijuana is being produced; and

(d) Any other information the authority considers necessary.

(2) The authority shall issue a marijuana grow site registration card to a registry identification cardholder who has met the requirements of subsection (1) of this section.

(3) A person who has been issued a marijuana grow site registration card under this section must display the registration card at the marijuana grow site at all times when marijuana is being produced.

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

(5) All usable marijuana, plants, seedlings and seeds associated with the production of marijuana for a registry identification cardholder by a person responsible for a marijuana grow site are the property of the registry identification cardholder and must be provided to the registry identification cardholder upon request.

(6)(a) The authority shall conduct a criminal records check under ORS 181.534 of any person whose name is submitted as a person responsible for a marijuana grow site.

(b) A person convicted of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a marijuana grow site registration card or produce marijuana for a registry identification

cardholder for five years from the date of conviction.

(c) A person convicted more than once of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.

(7) A registry identification cardholder or the designated primary caregiver of the cardholder may reimburse the person responsible for a marijuana grow site for the costs of supplies and utilities associated with the production of marijuana for the registry identification cardholder. No other costs associated with the production of marijuana for the registry identification cardholder, including the cost of labor, may be reimbursed. [2005 c.822 §8; 2007 c.573 §2; 2009 c.595 §966]

Note: Section 7, chapter 573, Oregon Laws 2007, provides:

Sec. 7. The amendments to ORS 475.304 and 475.320 by sections 2 and 5 of this 2007 Act apply only to a person convicted after January 1, 2006, of a Class A or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II. [2007 c.573 §7]

Note: See note under 475.300. 475.304 was added to and made a part of 475.300 to 475.346 by legislative action.

475.305 [1977 c.636 §1; 1979 c.674 §1; repealed by 1993 c.571 §30]

475.306 Medical use of marijuana; rules. (1) A person who possesses a registry identification card issued pursuant to ORS 475.309 may engage in, and a designated primary caregiver of such a person may assist in, the medical use of marijuana only as justified to mitigate the symptoms or effects of the person's debilitating medical condition.

(2) A person who is a registry identification cardholder must possess the registry identification card when using or transporting marijuana in a location other than the residence of the cardholder.

(3) The Oregon Health Authority shall define by rule when a marijuana plant is mature and when it is immature. The rule shall provide that a plant that has no flowers and that is less than 12 inches in height and less than 12 inches in diameter is a seedling or a start and is not a mature plant. [1999 c.4 §7; 2005 c.822 §2; 2009 c.595 §967]

Note: See note under 475.300.

475.309 Registry identification card; issuance; eligibility; duties of cardholder; immunity. (1) Except as provided in ORS 475.316, 475.320 and 475.342, a person engaged in or assisting in the medical use of marijuana is excepted from the criminal laws of the state for possession, delivery or production of marijuana, aiding and abetting another in the possession, delivery or production of marijuana or any other criminal offense in which possession, delivery or production of marijuana is an element if the following conditions have been satisfied:

(a) The person holds a registry identification card issued pursuant to this section, has applied for a registry identification card pursuant to subsection (9) of this section, is the designated primary caregiver of the cardholder or applicant, or is the person responsible for a marijuana grow site that is producing marijuana for the cardholder and is registered under ORS 475.304; and

(b) The person who has a debilitating medical condition, the person's primary caregiver and the person responsible for a marijuana grow site that is producing marijuana for the cardholder and is registered under ORS 475.304 are

collectively in possession of, delivering or producing marijuana for medical use in amounts allowed under ORS 475.320.

(2) The Oregon Health Authority shall establish and maintain a program for the issuance of registry identification cards to persons who meet the requirements of this section. Except as provided in subsection (3) of this section, the authority shall issue a registry identification card to any person who pays a fee in the amount established by the authority and provides the following:

(a) Valid, written documentation from the person's attending physician stating that the person has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition;

(b) The name, address and date of birth of the person;

(c) The name, address and telephone number of the person's attending physician;

(d) The name and address of the person's designated primary caregiver, if the person has designated a primary caregiver at the time of application; and

(e) A written statement that indicates whether the marijuana used by the cardholder will be produced at a location where the cardholder or designated primary caregiver is present or at another location.

(3) The authority shall issue a registry identification card to a person who is under 18 years of age if the person submits the materials required under subsection (2) of this section, and the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement that:

(a) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of

age the possible risks and benefits of the medical use of marijuana;

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(c) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(d) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

(4) A person applying for a registry identification card pursuant to this section may submit the information required in this section to a county health department for transmittal to the authority. A county health department that receives the information pursuant to this subsection shall transmit the information to the authority within five days of receipt of the information. Information received by a county health department pursuant to this subsection shall be confidential and not subject to disclosure, except as required to transmit the information to the authority.

(5)(a) The authority shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within thirty days of receipt of the application.

(b) In addition to the authority granted to the authority under ORS 475.316 to deny an application, the authority may deny an application for the following reasons:

(A) The applicant did not provide the information required pursuant to this section to establish the applicant's debilitating

medical condition and to document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with such condition, as provided in subsections (2) and (3) of this section;

(B) The authority determines that the information provided was falsified; or

(C) The applicant has been prohibited by a court order from obtaining a registry identification card.

(c) Denial of a registry identification card shall be considered a final authority action, subject to judicial review. Only the person whose application has been denied, or, in the case of a person under the age of 18 years of age whose application has been denied, the person's parent or legal guardian, shall have standing to contest the authority's action.

(d) Any person whose application has been denied may not reapply for six months from the date of the denial, unless so authorized by the authority or a court of competent jurisdiction.

(6)(a) If the authority has verified the information submitted pursuant to subsections (2) and (3) of this section and none of the reasons for denial listed in subsection (5)(b) of this section is applicable, the authority shall issue a serially numbered registry identification card within five days of verification of the information. The registry identification card shall state:

(A) The cardholder's name, address and date of birth;

(B) The date of issuance and expiration date of the registry identification card;

(C) The name and address of the person's designated primary caregiver, if any;

(D) Whether the marijuana used by the cardholder will be produced at a location where the cardholder or designated primary caregiver is present or at another location; and

(E) Any other information that the authority may specify by rule.

(b) When the person to whom the authority has issued a registry identification card pursuant to this section has specified a designated primary caregiver, the authority shall issue an identification card to the designated primary caregiver. The primary caregiver's registry identification card shall contain the information provided in paragraph (a) of this subsection.

(7)(a) A person who possesses a registry identification card shall:

(A) Notify the authority of any change in the person's name, address, attending physician or designated primary caregiver.

(B) If applicable, notify the designated primary caregiver of the cardholder and the person responsible for the marijuana grow site that produces marijuana for the cardholder of any change in status including, but not limited to:

(i) The assignment of another individual as the designated primary caregiver of the cardholder;

(ii) The assignment of another individual as the person responsible for a marijuana grow site producing marijuana for the cardholder; or

(iii) The end of the eligibility of the cardholder to hold a valid registry identification card.

(C) Annually submit to the authority:

(i) Updated written documentation from the cardholder's attending physician of the person's debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition; and

(ii) The name of the person's designated primary caregiver if a primary caregiver has been designated for the upcoming year.

(b) If a person who possesses a registry identification card fails to comply with this subsection, the card shall be deemed expired. If a registry identification card

expires, the identification card of any designated primary caregiver of the cardholder shall also expire.

(8)(a) A person who possesses a registry identification card pursuant to this section and who has been diagnosed by the person's attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the person's debilitating medical condition shall return the registry identification card and any other associated Oregon Medical Marijuana Program cards to the authority within 30 calendar days of notification of the diagnosis or notification of the contraindication.

(b) If, due to circumstances beyond the control of the registry identification cardholder, a cardholder is unable to obtain a second medical opinion about the cardholder's continuing eligibility to use medical marijuana before the 30-day period specified in paragraph (a) of this subsection has expired, the authority may grant the cardholder additional time to obtain a second opinion before requiring the cardholder to return the registry identification card and any associated cards.

(9) A person who has applied for a registry identification card pursuant to this section but whose application has not yet been approved or denied, and who is contacted by any law enforcement officer in connection with the person's administration, possession, delivery or production of marijuana for medical use may provide to the law enforcement officer a copy of the written documentation submitted to the authority pursuant to subsection (2) or (3) of this section and proof of the date of mailing or other transmission of the documentation to the authority. This documentation shall have the same legal effect as a registry identification card until such time as the

person receives notification that the application has been approved or denied.

(10) A registry identification cardholder has the primary responsibility of notifying the primary caregiver and person responsible for the marijuana grow site that produces marijuana for the cardholder of any change in status of the cardholder. If the authority is notified by the cardholder that a primary caregiver or person responsible for a marijuana grow site has changed, the authority shall notify the primary caregiver or the person responsible for the marijuana grow site by mail at the address of record confirming the change in status and informing the caregiver or person that their card is no longer valid and must be returned to the authority.

(11) The authority shall revoke the registry identification card of a cardholder if a court has issued an order that prohibits the cardholder from participating in the medical use of marijuana or otherwise participating in the Oregon Medical Marijuana Program under ORS 475.300 to 475.346. The cardholder shall return the registry identification card to the authority within seven calendar days of notification of the revocation. If the cardholder is a patient, the patient shall return the patient's card and all other associated Oregon Medical Marijuana Program cards.

(12) The authority and employees and agents of the authority acting within the course and scope of their employment are immune from any civil liability that might be incurred or imposed for the performance of or failure to perform duties required by this section. [1999 c.4 §4; 1999 c.825 §2; 2003 c.14 §306; 2005 c.822 §3; 2007 c.573 §3; 2009 c.595 §968]

Note: See note under 475.300.

475.312 Designated primary caregiver. (1) If a person who possesses a

registry identification card issued pursuant to ORS 475.309 chooses to have a designated primary caregiver, the person must designate the primary caregiver by including the primary caregiver's name and address:

- (a) On the person's application for a registry identification card;
- (b) In the annual updated information required under ORS 475.309; or
- (c) In a written, signed statement submitted to the Oregon Health Authority.

(2) A person described in this section may have only one designated primary caregiver at any given time. [1999 c.4 §13; 2009 c.595 §969]

Note: See note under 475.300.

475.315 [1977 c.636 §2; 1979 c.674 §2; repealed by 1993 c.571 §30]

475.316 Limitations on cardholder's immunity from criminal laws involving marijuana. (1) No person authorized to possess, deliver or produce marijuana for medical use pursuant to ORS 475.300 to 475.346 shall be excepted from the criminal laws of this state or shall be deemed to have established an affirmative defense to criminal charges of which possession, delivery or production of marijuana is an element if the person, in connection with the facts giving rise to such charges:

- (a) Drives under the influence of marijuana as provided in ORS 813.010;
- (b) Engages in the medical use of marijuana in a public place as that term is defined in ORS 161.015, or in public view or in a correctional facility as defined in ORS 162.135 (2) or youth correction facility as defined in ORS 162.135 (6);
- (c) Delivers marijuana to any individual who the person knows is not in possession of a registry identification card;

(d) Delivers marijuana for consideration to any individual, even if the individual is in possession of a registry identification card;

(e) Manufactures or produces marijuana at a place other than a marijuana grow site authorized under ORS 475.304; or

(f) Manufactures or produces marijuana at more than one address.

(2) In addition to any other penalty allowed by law, a person who the Oregon Health Authority finds has willfully violated the provisions of ORS 475.300 to 475.346, or rules adopted under ORS 475.300 to 475.346, may be precluded from obtaining or using a registry identification card for the medical use of marijuana for a period of up to six months, at the discretion of the authority. [1999 c.4 §5; 1999 c.825 §3; 2005 c.822 §13; 2007 c.573 §4; 2009 c.595 §970]

Note: See note under 475.300.

475.319 Affirmative defense to certain criminal laws involving marijuana; notice. (1) Except as provided in ORS 475.316 and 475.342, it is an affirmative defense to a criminal charge of possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, that the person charged with the offense is a person who:

(a) Has been diagnosed with a debilitating medical condition within 12 months prior to arrest and been advised by the person's attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition;

(b) Is engaged in the medical use of marijuana; and

(c) Possesses or produces marijuana only in amounts permitted under ORS 475.320.

(2) It is not necessary for a person asserting an affirmative defense pursuant to this section to have received a registry

identification card in order to assert the affirmative defense established in this section.

(3) No person engaged in the medical use of marijuana who claims that marijuana provides medically necessary benefits and who is charged with a crime pertaining to such use of marijuana shall be precluded from presenting a defense of choice of evils, as set forth in ORS 161.200, or from presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition, provided that the amount of marijuana at issue is no greater than permitted under ORS 475.320 and the patient has taken a substantial step to comply with the provisions of ORS 475.300 to 475.346.

(4) Any defendant proposing to use the affirmative defense provided for by this section in a criminal action shall, not less than five days before the trial of the cause, file and serve upon the district attorney a written notice of the intention to offer such a defense that specifically states the reasons why the defendant is entitled to assert and the factual basis for such affirmative defense. If the defendant fails to file and serve such notice, the defendant is not permitted to assert the affirmative defense at the trial of the cause unless the court for good cause orders otherwise. [1999 c.4 §6; 1999 c.825 §4; 2005 c.22 §347; 2005 c.822 §12]

Note: See note under 475.300.

475.320 Limits on amounts possessed. (1)(a) A registry identification cardholder or the designated primary caregiver of the cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.

(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has been convicted of a Class A

or Class B felony under ORS 475.840 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.

(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:

(a) May produce marijuana for and provide marijuana to a registry identification cardholder or that person's designated primary caregiver as authorized under this section.

(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each cardholder or caregiver for whom marijuana is being produced.

(c) May produce marijuana for no more than four registry identification cardholders or designated primary caregivers concurrently.

(d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304 for each registry identification cardholder or designated primary caregiver for whom marijuana is being produced.

(e) Must provide all marijuana produced for a registry identification cardholder or designated primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.

(f) Must return the marijuana grow site registration card to the registry identification cardholder to whom the card was issued when requested to do so by the cardholder or when the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.

(3) Except as provided in subsections (1) and (2) of this section, a registry

identification cardholder, the designated primary caregiver of the cardholder and the person responsible for a marijuana grow site producing marijuana for the registry identification cardholder may possess a combined total of up to six mature plants and 24 ounces of usable marijuana for that registry identification cardholder.

(4)(a) A registry identification cardholder and the designated primary caregiver of the cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon Health Authority.

(b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or starts as defined by rule of the authority for each registry identification cardholder for whom the person responsible for the marijuana grow site is producing marijuana. [2005 c.822 §9; 2007 c.573 §5; 2009 c.595 §971]

Note: See first note under 475.304.

Note: See note under 475.300, 475.320 was added to and made a part of 475.300 to 475.346 by legislative action.

475.323 Effect of possession of registry identification card or designated primary caregiver card on search and seizure rights.

(1) Possession of a registry identification card or designated primary caregiver identification card pursuant to ORS 475.309 does not alone constitute probable cause to search the person or property of the cardholder or otherwise subject the person or property of the cardholder to inspection by any governmental agency.

(2) Any property interest possessed, owned or used in connection with the medical use of marijuana or acts incidental to the medical use of marijuana that has been seized by state or local law enforcement officers may not be harmed,

neglected, injured or destroyed while in the possession of any law enforcement agency. A law enforcement agency has no responsibility to maintain live marijuana plants lawfully seized. No such property interest may be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense. Usable marijuana and paraphernalia used to administer marijuana that was seized by any law enforcement office shall be returned immediately upon a determination by the district attorney in whose county the property was seized, or the district attorney's designee, that the person from whom the marijuana or paraphernalia used to administer marijuana was seized is entitled to the protections contained in ORS 475.300 to 475.346. The determination may be evidenced, for example, by a decision not to prosecute, the dismissal of charges or acquittal. [1999 c.4 §8; 1999 c.825 §5; 2005 c.22 §348]

Note: See note under 475.300.

475.324 Limits on confiscation of marijuana. A law enforcement officer who determines that a registry identification cardholder is in possession of amounts of usable marijuana or numbers of marijuana plants in excess of the amount or number authorized by ORS 475.320 may confiscate only any usable marijuana or plants that are in excess of the amount or number authorized. [2005 c.822 §10]

Note: See note under 475.300. 475.324 was added to and made a part of 475.300 to 475.346 by legislative action.

475.325 [1977 c.636 §3; 1979 c.674 §3; repealed by 1993 c.571 §30]

475.326 Attending physician; limitation on civil liability and

professional discipline. No attending physician may be subjected to civil penalty or discipline by the Oregon Medical Board for:

(1) Advising a person whom the attending physician has diagnosed as having a debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed under ORS chapter 677, about the risks and benefits of medical use of marijuana or that the medical use of marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, provided the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition; or

(2) Providing the written documentation necessary for issuance of a registry identification card under ORS 475.309, if the documentation is based on the attending physician's personal assessment of the applicant's medical history and current medical condition and the attending physician has discussed the potential medical risks and benefits of the medical use of marijuana with the applicant. [1999 c.4 §9; 2005 c.822 §11]

Note: See note under 475.300.

475.328 Limits on professional licensing board's authority to sanction licensee for medical use of marijuana; authorizes licensed health care professional to administer medical marijuana. (1) No professional licensing board may impose a civil penalty or take other disciplinary action against a licensee based on the licensee's medical use of marijuana in accordance with the provisions of ORS 475.300 to 475.346 or actions taken by the licensee that are necessary to carry out the licensee's role as a designated primary caregiver to a person who possesses a lawful registry identification card.

(2)(a) A licensed health care professional may administer medical marijuana to a person who possesses a registry identification card and resides in a licensed health care facility if the administration of pharmaceuticals is within the scope of practice of the licensed health care professional. Administration of medical marijuana under this subsection may not take place in a public place as defined in ORS 161.015 or in the presence of a person under 18 years of age. If the medical marijuana administered under this subsection is smoked, adequate ventilation must be provided.

(b) Nothing in this subsection requires:

(A) A licensed health care professional to administer medical marijuana; or

(B) A licensed health care facility to make accommodations for the administration of medical marijuana. [1999 c.4 §10; 2005 c.822 §4]

Note: See note under 475.300.

475.331 List of persons issued registry identification cards, designated primary caregivers and authorized grow sites; disclosure. (1)(a) The Oregon Health Authority shall create and maintain a list of the persons to whom the authority has issued registry identification cards, the names of any designated primary caregivers and the addresses of authorized marijuana grow sites. Except as provided in subsection (2) of this section, the list shall be confidential and not subject to public disclosure.

(b) The authority shall develop a system by which authorized employees of state and local law enforcement agencies may verify at all times that a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site.

(2) Names and other identifying information from the list established pursuant to subsection (1) of this section may be released to:

(a) Authorized employees of the authority as necessary to perform official duties of the authority; and

(b) Authorized employees of state or local law enforcement agencies, only as necessary to verify that a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site. Prior to being provided identifying information from the list, authorized employees of state or local law enforcement agencies shall provide to the authority adequate identification, such as a badge number or similar authentication of authority.

(3) Authorized employees of state or local law enforcement agencies that obtain identifying information from the list as authorized under this section may not release or use the information for any purpose other than verification that a person is a lawful possessor of a registry identification card or the designated primary caregiver of a lawful possessor of a registry identification card or that a location is an authorized marijuana grow site. [1999 c.4 §12; 2005 c.822 §5; 2009 c.595 §972]

Note: See note under 475.300.

475.334 Adding diseases or conditions that qualify as debilitating medical conditions; rules. Any person may submit a petition to the Oregon Health Authority requesting that a particular disease or condition be included among the diseases and conditions that qualify as debilitating medical conditions under ORS 475.302. The authority shall adopt rules establishing the manner in which the authority will evaluate

petitions submitted under this section. Any rules adopted pursuant to this section shall require the authority to approve or deny a petition within 180 days of receipt of the petition by the authority. Denial of a petition shall be considered a final authority action subject to judicial review. [1999 c.4 §14; 2009 c.595 §973]

Note: See note under 475.300.

475.335 [1977 c.636 §4; 1979 c.674 §4; repealed by 1993 c.571 §30]

475.338 Rules. The Oregon Health Authority shall adopt all rules necessary for the implementation and administration of ORS 475.300 to 475.346. [1999 c.4 §15; 2009 c.595 §974]

Note: See note under 475.300.

475.340 Limitations on reimbursement of costs and employer accommodation. Nothing in ORS 475.300 to 475.346 shall be construed to require:

(1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana; or

(2) An employer to accommodate the medical use of marijuana in any workplace. [1999 c.4 §16]

Note: See note under 475.300.

475.342 Limitations on protection from criminal liability. Nothing in ORS 475.300 to 475.346 shall protect a person from a criminal cause of action based on possession, production, or delivery of marijuana that is not authorized by ORS 475.300 to 475.346. [1999 c.4 §11]

Note: See note under 475.300.

475.345 [1977 c.636 §5; 1979 c.674 §5; repealed by 1993 c.571 §30]

475.346 Short title. ORS 475.300 to 475.346 shall be known as the Oregon Medical Marijuana Act. [1999 c.4 §1]

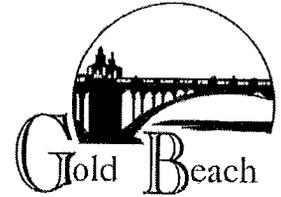
Note: See note under 475.300.

475.355 [1977 c.636 §6; 1979 c.674 §6; repealed by 1993 c.571 §30]

475.360 [1979 c.674 §10; repealed by 1993 c.571 §30]

475.365 [1977 c.636 §7; 1979 c.674 §7; repealed by 1993 c.571 §30]

475.375 [1977 c.636 §8; 1979 c.674 §8; repealed by 1993 c.571 §30]



MISC. ITEMS

(INCLUDING POLICY DISCUSSIONS AND
DETERMINATIONS)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

TITLE: Info from health district PAC

SUMMARY AND BACKGROUND:

This was an email I received from one of the gentlemen on the health district PAC. He did a breakdown of the three health district measures that have been on the ballot over the years. It's just interesting reading. No action required. .

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Info from health district PAC

REQUESTED MOTION/ACTION:

No requested action from staff

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

Jodi Fritts

From: Vista Ridge Farm - Hanoverians/Dale & Jo Ann Thomas [REDACTED]
Sent: Thursday, November 07, 2013 11:08 AM
To: [REDACTED]
Subject: Fw: Ballot Results Comparison
Attachments: PACBallotComparison.xls

Hi all, This is an email that I shared with the Hospital PAC on the election results that might be of interest to you. Dale

Hello PAC members,

Attached is a spread sheet of the three most recent hospital elections. Print in Landscape position.

Remember that Shore pines was not a tax, but a referendum to get the USDA monies.

When you compare the 1998 tax measure to this election, we gained in percentage votes in every area except Agness. Agness also voted only 35% for Public Safety, along with 35% in Cape Ferrelo and Winchuck, the lowest three of any towns for Public Safety.

If everyone who voted for us would have voted for Public Safety (not likely since many folks told us this was the first time they ever voted for a tax increase), the Public Safety measure would have still failed by 603 votes instead of 1311. They needed to carry Brookings-Harbor better. The Public Safety measure got 46.7% in Port Orford, slightly better than the hospital's 44%. Public Safety won in Floras Lake and East Harbor and was close in Port Orford-West, and won in 1 of 11 Brookings City precincts. The Public Safety vote in non-Health District areas was 39.8%. In the Health District it was 44.7%, without Port Orford in Health District it was 43.5%.

Even with the hospital on the ballot, Public Safety did better in the Health District than Public Safety did out of the Health District.

Since Port Orford voted for the local police measure, the Brookings-Harbor area was the only area of Curry County not to pass any tax increase.

We probably did hurt the Fire Truck measure in Gold Beach, but it can be placed on the ballot next year, and would only slow the seven year cycle purchase of a new fire engine by one year. They will soon be buying a new truck with funds from the previous seven years and this fire truck measure was to start a new seven year cycle.

Dale

CHD BALLOT ISSUES

2013 New Hospital

2000 Shore Pines

1998 Repair Bond

	<u>TOTAL</u>	<u>YES</u>	<u>NO</u>	<u>%</u>	<u>YES</u>	<u>NO</u>	<u>%</u>	<u>YES</u>	<u>NO</u>	<u>%</u>
Agness	43	23	20	53%	43	14	75%	34	18	65%
Port Orford	846	371	475	44%	339	393	46%	295	454	39%
Ophir/NB	354	254	100	72%	235	78	78%	161	137	54%
Wedderburn	593	423	170	71%	385	121	76%	339	176	66%
Gold Beach	1136	865	271	76%	767	216	78%	693	281	71%
Hunter Creek	167	116	51	69%	102	40	78%	91	45	67%
Pistol River	109	77	32	71%	76	21	78%	63	28	69%
Sub Totals		2129	1119	66%	1947	883	69%	1676	1139	60%
Total Votes	3248				2830			2815		

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10. d.

TITLE: Upcoming Meetings and Trainings

DATE	TIME	EVENT	LOCATION
November 28-29		Thanksgiving Holiday City Hall CLOSED	
December 4	8:30-4:00	Rural Tourism Studio session 6 Nature-Based Outdoor Recreation	Port Orford Community Center

Wild Rivers Coast: Bandon, Langlois,
Port Orford, Cold Beach, Brookings

Rural Tourism Studio

DON'T MISS
THESE
WORKSHOPS

- Oct 8 Community Tourism Visioning Event!
- October 9 Community Tourism Planning
- Nov 5 Culinary and Agri-Tourism Development
- Nov 6 Bicycle Tourism Development
- Dec 3 Nature-Based Outdoor Recreation Development Part 1
- Dec 4 Nature-Based Outdoor Recreation Development Part 2
- Jan 7 Rural Tourism Marketing Part 1
- Jan 8 Rural Tourism Marketing Part 2
- Jan 28 Teaming for Success
- Jan 28 Community Tourism Kickoff Event!

Register online at:
[Industry.TravelOregon.com/
WildRiversCoast](http://Industry.TravelOregon.com/WildRiversCoast)

Questions? Please contact:

Bandon

Julie Miller, Bandon Chamber of Commerce
(541) 347-9616
bandoncc@mycompaspan.com

Langlois & Port Orford

Tyson Rasor, Port Orford Ocean Rescue Team
(541) 332-0627
tyson@oceanresourceteam.org

Gold Beach

Jodi Fritts-Matthey, City of Gold Beach
(541) 247-7029
jfritts@goldbeachoregon.gov

Brookings

Janice Scanlon, Chetco Activity Center
(541) 469-6822
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All workshops will take place in Port Orford and Gold Beach. Event locations TBA. There is a \$5 fee for each workshop to help cover meal costs. Register for all 8 workshops for \$35! Events are free.

Participants who attend all 8 workshops will receive a certificate of completion from Travel Oregon.

Space is limited to 50 participants per workshop. The program has been designed specifically for residents of and organizations operating in Bandon, Langlois, Port Orford, Cold Beach and Brookings.

This program brought to you by Travel Oregon with support from a local steering committee including representatives from Bandon Chamber of Commerce, Bandon Dunes, Brookings-Harbor Chamber of Commerce, City of Gold Beach, City of Brookings, Curry County Board of Commissioners, Curry County Economic Development, Cold Beach Chamber of Commerce, Oregon Coast Visitors Association, Oregon Sea Grant, Port Orford Main Street Program, Port Orford Ocean Resource Team, Redfish Rocks Community Team, South Coast Watershed Council, Southern Oregon Visitors Association, Wild Rivers Coast Alliance, US Forest Service Rogue River-Siskiyou National Forest, Chetco Activity Center, Bandon Dunes Golf Resort, Greater Bandon Association, Ford Family Foundation, Oregon Sea Grant



RURAL TOURISM STUDIO

Oregon's Rural Tourism Studio

A series of workshops offered by Travel Oregon this winter along the *Wild Rivers Coast* – including Bandon, Langlois, Port Orford, Gold Beach and Brookings, is now open for registration! This professional development program designed to bolster your community's tourism economy offers hands-on skill-building, planning and product development workshops rich in information and networking opportunities.

The program opens with an overview of the tourism industry, important trends, and sustainable tourism best practices to stimulate new thinking about your destination. The core of this program will guide participants in developing strategies for culinary and agri-tourism, cycling tourism and nature-based outdoor recreation. The program concludes with specific training on how to market your tourism business, develop effective action teams, and access funds for tourism projects.

Sustainable tourism can stimulate the local economy, protect and enhance local resources, and foster community pride. Community leaders, tourism entrepreneurs, tour operators, lodging property owners, cycling enthusiasts, restaurateurs and anyone with an interest in strengthening the local economy through tourism are invited to participate in the program!

Top Notch Trainers and Workshop Topics Include:

- Creating a powerful vision for your community's future in tourism with David Beurle of **Future iQ Partners**
- Developing a local plan for sustainable tourism and outdoor recreation experiences with Kristin Dahl of **Travel Oregon**
- Tapping into the growing market of bicycle travel with Scott Bricker of **Bricker Consulting**
- Learning rural tourism marketing strategies with **Travel Oregon's** Global Marketing Team
- Teaming up for success with Maurizio Valerio of **Rural Development Initiatives**

The following workshops and events will be offered as part of the program:

- Oct 8, 2013 Community Tourism Visioning Event!**
4pm-8pm
Port Orford
Determine the essence of this destination, create the future and galvanize community members in working toward the fulfillment of this common purpose
- Oct 9**
9am-4pm
Port Orford
Community Tourism Planning
Set a path for sustainable tourism based on current trends and local assets
- Nov 5**
9am-4pm
Gold Beach
Culinary and Agri-Tourism Development
Create ways for better connecting your local agricultural markets with the visitor industry to strengthen your local economy
- Nov 6**
9am-4pm
Gold Beach
Bicycle Tourism Development
Tap into the growing segment of bicycle travelers – develop new cycling experiences & learn how to attract them
- Dec 3**
TBD
Port Orford
Nature-Based Outdoor Recreation - Part 1
Discover new ways to connect visitors with nature's adventures, including a memorable field experience
- Dec 4**
9am-4pm
Port Orford
Nature-Based Outdoor Recreation - Part 2
Work collaboratively to design strategies and business opportunities to develop the nature-based tourism economy
- Jan 7, 2014**
4pm-8pm
Gold Beach
Rural Tourism Marketing -- Part 1
Learn from Travel Oregon about state and regional marketing programs to help you market your tourism business and the region
- Jan 8**
9am-4pm
Gold Beach
Rural Tourism Marketing -- Part 2
An in-depth session to review tools, techniques, & partner programs to market your tourism business and the region
- Jan 28**
9am-4pm
Port Orford
Teaming for Success
Finalize your community's tourism vision and establish powerful action teams
- Jan 28**
5pm-7pm
Langlois
Community Tourism Kickoff Event!
Participants share their vision of tourism for the region and celebrate completion

