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TAG

12 July 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum #143 (Joint) – Oregon Medical Marijuana

1. This memorandum establishes the Oregon National Guard policy regarding medical marijuana use and supersedes the 20 August 2007 version.
2. The mission of the National Guard includes the responsibility to train and deploy in support of state, local, and national emergencies and missions. In particular, the cornerstone of the National Guard mission is to respond at a moment's notice to local or national emergencies. At all times of military service, Servicemembers must maintain fitness, military bearing, and abide by military regulations. In addition, it is the duty of all Guardsmen to be physically and mentally alert and prepared for such emergency responses.
3. The Oregon Medical Marijuana Act authorizes persons holding a registry identification card (RID) to use marijuana for medical purposes. ORS 475.306(1). It also exempts those persons from state criminal liability for manufacturing, delivering, and possessing marijuana, provided that certain conditions are met. ORS 475.309(1). The Federal Controlled Substances Act, 21 USC § 801 *et seq.*, prohibits the manufacture, distribution, dispensation, and possession of marijuana even when state law authorizes its use to treat medical conditions. *Gonzales v. Raich*, 545 U.S. 1, 29 (2005). **The Oregon Supreme Court held in April 2010 that because marijuana, medical or otherwise, is illegal under federal law, Oregon employers are not required to accommodate its use in the workplace. See *Emerald Steel v. Bureau of Labor and Industries*, 348 Or. 159 (2010).**
4. Department of Defense policy is that drug use is incompatible with readiness, the maintenance of high standards of performance, and military discipline. As such, the Oregon National Guard will not accommodate Servicemember use of medical marijuana. Accordingly, any Servicemember that tests positive for marijuana or any other illegal drug will be processed for separation from military service, even when marijuana use is accompanied by the possession of a valid RID.
5. State law allows for the possession of a medical marijuana RID only for debilitating medical conditions which could make an individual physically unqualified for continued military service.

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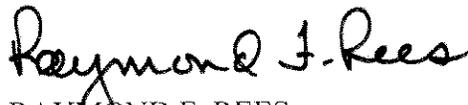
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Accordingly, all Oregon National Guard Servicemembers have an affirmative duty to disclose to their commander both the possession of a RID and the debilitating medical condition.

Servicemembers may be referred to medical command or the local medical group to ensure they meet medical retention standards. Medical referral is not intended as punishment; rather, it is solely to provide the command with an impartial medical evaluation of physical fitness and the debilitating medical condition.

6. Servicemembers who fail to comply with the directives of this policy memorandum may be subject to disciplinary action under Article 92, Oregon Code of Military Justice.

7. Post this policy memorandum on your bulletin boards.



RAYMOND F. REES

Major General

The Adjutant General

DISTRIBUTION:

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