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ARCHIVES DIVISION

MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 14-2017
CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

10/27/2017 2:27 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Medical marijuana records

EFFECTIVE DATE: 10/27/2017 THROUGH 01/01/2018

AGENCY APPROVED DATE: 10/26/2017

CONTACT: Brittany Hall

503-449-9808

publichealth.rules@state.or.us

800 NE Oregon St. Suite 930

Portland, OR 97232

Filed By:

Brittany Hall

Rules Coordinator

NEED FOR THE RULE(S):

The Oregon Medical Marijuana Program will be waiving the replacement card fee and the grow site fee for patients who are designating a new grower or grow site address due to changes made by HB 2198 (Oregon Laws 2017, chapter 613) passed in the 2017 legislative session, which makes changes to plant limits. Prior to the passage of this bill, a grow site address where a patient who was growing for themselves at their residence was able to grow more than 12 mature plants if their zoning allowed additional plants or if they applied and received "grandfather" approval by the program. This enabled grow sites to have a maximum of 48 – 96 mature plants at the grow site. The changes made in HB 2198, which were effective upon passage, suddenly made these grow site addresses unable to grow more than 12 mature plants, even if the site received grandfather approval by the program or zoning permitted this plant limit. In order to continue growing more than 12 mature plants, a patient would be able submit a change form to address the compliance issues from the new legislation. This change in registration status would result in a change fee up to \$100 and a grow site fee of \$200. The program will waive the change fee and grow site fee until January 1, 2018 to allow grow sites to modify their registrations and to maintain their existing plant counts to serve their patients and not incur a financial hardship through this action.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and medical marijuana patients. These rules need to be adopted promptly so that the replacement card fee and grow site fee are waived for patients who need to change their grower or grow site address. This will allow grow sites that were suddenly out of compliance with plant limits due to the passage of HB 2198 in the 2017 legislative session be compliant again.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Revised Statutes chapter 475B

https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html

HB 2198

<https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2198/Enrolled>

ADOPT: 333-008-9901

RULE TITLE: Medical Marijuana Records: Waiver of Replacement Card Fee

RULE SUMMARY: The Oregon Medical Marijuana Program will be waiving the replacement card fee and grow site fee for patients who are designating a new grower or grow site address due to changes made from HB 2198 (Oregon Laws 2017, chapter 613) passed in the 2017 legislative session, which makes changes to plant limits.

RULE TEXT:

Notwithstanding OAR 333-008-0021(5) or 333-008-0047(1)(b), and OAR 333-008-0021(4) until January 1, 2018, the Authority will not impose or collect a replacement card fee or a \$200 grow site fee if the reason for the replacement card is that the patient is designating a new PRMG or new grow site address.

STATUTORY/OTHER AUTHORITY: ORS 475B.415, 475B.420, 475B.525

STATUTES/OTHER IMPLEMENTED: ORS 475B.415