

OREGON MEDICAL MARIJUANA ACT

Statutes: ORS 475.300 through 475.346
Administrative Rules: 333-008-000 through 333-008-0120

DEFINITIONS:

“Patient” - means a person who has been diagnosed by an attending physician with a debilitating condition and for who the use of medical marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition.

“Primary Caregiver” – means a person 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 the person’s application for a registry identification card or in other written notification to the Department of Health.

“Person Responsible for Marijuana Grow Site” – means the person who has been selected by the patient to grow their medical marijuana, and who has been registered with the Health Department for this purpose. The patient can assign their grow site card to themselves, to their designated caregiver, or to another person who will be responsible for their grow site.

“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 the patient to mitigate the symptoms or effects of his or her debilitating condition.

“Seedling or Start” – means a plant that has no flowers, is less than 12 inches wide and is less than 12 inches tall. All three criteria must be met to be a seedling or start.

“Mature Plant” – means any plant that does not fall within the definition of a seedling or start. A mature plant can be in either the vegetative, or the flowering stage of growth.

FREQUENTLY ASKED QUESTIONS

Q. Are there different kinds of medical marijuana cardholders?

A. There are now three classes of cardholders - (1) the patient; (2) the primary caregiver; and (3) the person responsible for the marijuana grow site (grower).

Q. Does a cardholder have to carry identification with them when using or transporting medical marijuana at a place other than his or her residence?

A. A person who is a cardholder (either a patient, primary caregiver, or grower) must be in possession of their OMMP registry identification card or written documentation when using or transporting medical marijuana.

Q. Does a grow site have to be marked in some way?

A. The person responsible for the marijuana grow site must have the “grow site registration card” posted at all times at the location where medical marijuana is being produced. The Grow Site Card is issued to the patient and then posted at the grow site.

Q. Who can ingest or consume medical marijuana?

A. **Only the patient may ingest or consume medical marijuana.** The caregiver and grower are prohibited from ingesting or consuming medical marijuana unless they are also cardholding patients.

Q. Do cardholders have to update information with the Department of Human Services, Medical Marijuana program?

A. Cardholders are required to update their information annually, or when any changes occur.

Q. How much medical marijuana can cardholders possess?

A. The patient, primary caregiver and grower may possess in combination up to 24 ounces of useable medical marijuana. The patient decides where their medicinal marijuana will be kept. The patient can choose to store the entire 24 ounces at their location.

The patient, primary caregiver or grower may possess in combination up to 6 mature plants and 18 seedlings or starts. The mature plants and seedlings or starts can only be grown at one location (registered grow site) and cannot be spread amongst the patient, caregiver or grower. The medical marijuana, plants, and grow site card, are the property of the patient regardless of the garden location.

Q. Can a patient share their medical marijuana?

A. The patient can only give excess medical marijuana to another patient who is a cardholder. The patient is prohibited from giving excess medical marijuana to anyone else. A caregiver may transport medical marijuana that a patient is giving to another patient.

Q. Who does medical marijuana belong to?

A. Medical marijuana is the property of the patient, not the caregiver or the grower. The caregiver or grower must give the medical marijuana to the patient any time it is requested. The patient **may** reimburse the grower for costs of supplies and utilities associated with the production of medical marijuana, but it is not required. **Growers are prohibited from requiring a patient to pay for the marijuana.**

Q. Can medical marijuana be purchased or sold?

A. The purchasing or selling of medical marijuana is unlawful at all times; there are no exceptions.

Q. Are there affirmative defenses available to someone who gets charged with a marijuana related criminal offense?

A. The provision that allowed a person to claim that their debilitating condition required they use more marijuana than the limits of the law, if recommended by their doctor, was repealed during the 2005 legislative session. All cardholders are now bound by OMMA possession limits regardless of their debilitating condition.

The affirmative defense remains where a person can claim a qualifying debilitating condition but that has not applied for a card.

SOURCE:

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