



## Oregon Board of Parole and Post-Prison Supervision

<b>Title: Medical Marijuana Use</b>	<b>Policy:</b>
<b>Effective Date: 2-1-17</b>	<b>Supersedes: March 25, 2011</b>
<b>Signature:</b> <i>Michael Wu</i>	

### I. PURPOSE

To establish policy and procedures governing the possession and use of marijuana by offenders who have a valid medical marijuana card.

### II. DEFINITIONS:

- A. Offender: A person who is serving a period of parole or post-prison supervision under the authority of the Oregon Board of Parole and Post-Prison Supervision.
- B. General Condition 2: Condition of supervision that states offender is not to use or possess controlled substances except pursuant to a medical prescription.
- C. General Condition 10: Condition of supervision that states offender must obey all laws, municipal, county, state and federal.
- D. Medical marijuana card: A registry identification card issued by the Oregon Health Authority under ORS 475B.415.
- E. Special Condition: A condition of supervision specifically written to apply to an individual offender.

### III. POLICY:

Board policy is to treat medical marijuana the same as a prescription drug if the offender has a valid medical marijuana card. An offender who holds a valid medical marijuana card may use medical marijuana unless the Board imposes a Special Condition to preclude it.

Effective 02/01/2017

The Board will not find a violation, or support a local violation, that is based only on a finding that a valid card-holding offender's use of medical marijuana violates federal law and, in turn, General Condition #10 or General Condition #2.

The Board will restrict the use of marijuana by offenders who have a valid medical marijuana card by adding a Special Condition to the Orders of Supervision Conditions if individual circumstances make it appropriate and the condition is supported by the record. This Special Condition will be imposed in the same manner as the conditions of supervision of a person sentenced to probation or post-prison supervision related to prescription drugs.

When a supervising officer is aware that an offender is using medical marijuana and has obtained a medical marijuana card or is intending to apply for a medical marijuana card, the supervising officer may request that the board amend the offender's Order of Supervision by adding the new special condition after having the offender sign a *Consent to Modify* form for that purpose. The request to amend the offender's order of supervision to add this new special condition must include information addressing why the offender's use of medical marijuana would have a negative impact on the offender's reformation or on public safety. If the offender refuses to sign the consent form, the supervising officer will issue notice to appear to conduct a show cause hearing for the offender to show why the condition should not be added.

Some of the reasons a Special Condition prohibiting medical marijuana use or possession will be imposed include, but are not limited to: marijuana use is prohibited by the offender's treatment program; marijuana would be a significant criminogenic risk factor; or marijuana use was a significant factor in the offender's commission of any crime of conviction.

The policy is intended as a permissive one. An individual county may determine how it wants to handle the medical use of marijuana, and each offender's individual circumstances will help determine whether a specific condition violation is alleged by the supervising officer. The Board will support a local violation of the Special Condition if it is alleged by the supervising officer and otherwise substantiated.