NEED FOR THE RULE(S):
The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program (OMMP) is adopting a
temporary rule in response the COVID-19 pandemic. The infectious disease and accompanying social distancing
measurements have made certain application and program requirements more difficult or impossible to implement.
The temporary rule adjusts program requirements to facilitate both patients’ applications and OMMP’s review and
approval process of applications. The temporary rule provides more time in the application process for patients,
caregivers or growers to submit additional or missing information to the Authority. The rule also recognizes that OMMP
will notify patients of upcoming registration expiration to the extent possible as impacts from the COVID-19 pandemic
may prevent the program from performing this in-person onsite function. The rule allows OMMP to accept government
ID cards that expired in 2020 whenever the current rules require a valid government ID is required to be submitted due
to the expected difficulty in renewing government identification cards during the pandemic. The temporary rule allows
OMMP to accept un-notarized documents that current rule requires notarization.

In addition, the temporary rule waives the replacement card fee for patients who currently do not have a caregiver and
are designating a new caregiver to assist the patient with obtaining or administering medical marijuana. Current rules
require a patient to submit a change form and a fee of $100 in order to add a new caregiver if their application has
already been approved. Designating a caregiver at the time of application does not incur this additional fee. The
unforeseeable pandemic may require patients to rely on caregivers when those patients would otherwise obtain or
administer medical marijuana themselves. Therefore, the temporary rule waives the fee to allow a patient to modify
their registration to add a caregiver to assist them and not incur a financial hardship through this action.

The temporary rule is effective only during the Governor’s Executive Order No. 20-03 declaring a state of emergency or
a public health emergency due to the COVID-19 outbreak in Oregon and will be suspended when the declared
emergency is terminated. This temporary rulemaking reduces the burden on OMMP patients when applying to the
program while following the Governor’s Executive Order No. 20-12 requiring individuals to stay home unless travel is
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. The COVID-19 pandemic and associated social distancing requirements create barriers to medical marijuana patients' ability to obtain certain documentation required for application. It also may impact OMMP’s ability to perform certain functions that require action onsite. These rules need to be adopted promptly so that medical marijuana patients can continue to register with the program and minimize the burden of COVID-19 on their ability to register.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon Revised Statutes chapter 475B
https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html

Governor's Executive Orders No. 20-03 and 20-12: https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx

ADOPT: 333-008-9902

RULE TITLE: OMMP Operations During Declared Emergency

RULE SUMMARY: Temporary adoption of OAR 333-008-9902:

- Adjusts program requirements to facilitate both patients' applications and OMMP's review and approval process of applications.
- Provides more time in the application process for patients, caregivers or growers to submit additional or missing information to the Authority.
- Recognizes that OMMP will notify patients of upcoming registration expiration to the extent possible as impacts from the COVID-19 pandemic may prevent the program from performing this in-person onsite function.
- Allows OMMP to accept government ID cards that expired in 2020 whenever the current rules require a valid government ID is required to be submitted due to the expected difficulty in renewing government identification cards during the pandemic.
- Allows OMMP to accept un-notarized documents that current rule requires notarization.
- Waives the replacement card fee for patients who currently do not have a caregiver and are designating a new caregiver to assist the patient with obtaining or administering medical marijuana. Current rules require a patient to submit a change form and a fee of $100 in order to add a new caregiver if their application has already been approved. Designating a caregiver at the time of application does not incur this additional fee. The unforeseeable pandemic may require patients to rely on caregivers when those patients would otherwise obtain or administer medical marijuana themselves. Therefore, the temporary rule waives the fee to allow a patient to modify their registration to add a caregiver to assist them and not incur a financial hardship through this action.

RULE TEXT:

(1) During a state of emergency declared by the Governor under ORS 401.165, or a public health emergency declared under ORS 433.441, the Authority may:

(a) Accept government issued photographic identification that expired in 2020 as valid government issued photographic identification.

(b) Accept an APS or written documentation that may consist of relevant portions of the applicant's medical record,
signed by the applicant's attending physician within 120 days of the date of receipt by the Authority.
(c) Accept as timely any submission received within 21 calendar days after notification by the Authority any time the
rules require submission within 14 calendar days after notification by the Authority.
(d) Accept as valid documents and forms without notarization.
(e) Waive the replacement card fee if the patient does not have a caregiver and is designating a new caregiver.
(f) Accept as valid any documentation demonstrating proof of eligibility for a reduced fee described in OAR 333-008-0021(3) if it demonstrates the applicant received the applicable benefit at any time in 2020.
(2) During a state of emergency declared by the Governor under ORS 401.165, or a public health emergency declared
under ORS 433.441, the Authority shall to the extent reasonably possible notify patients of an upcoming expiration
date before expiration, notwithstanding the notification requirements in OAR 333-008-0040(4), if staffing shortages,
social distancing recommendations, or the Authority's emergency response efforts prevent notification in accordance
with that rule.
(3) This rule will be suspended when the state of emergency or public health emergency is terminated.
STATUTORY/OTHER AUTHORITY: ORS 475B.797, 475B.804, 475B.810, 475B.949, Governor's Executive Order No.
20-03, Governor's Executive Order No. 20-12
STATUTES/OTHER IMPLEMENTED: ORS 475B.797, 475B.804, 475B.810, 475B.949, Governor's Executive Order No.
20-03, Governor's Executive Order No. 20-12