

Oregon Medical Marijuana Act Handbook
Prepared by the Advisory Committee on Medical Marijuana*

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2 *The Advisory Committee on Medical Marijuana is a statutorily approved body (ORS 475.303)
3 that provides the Department of Human Services with advice on the administrative aspects of
4 the Oregon Medical Marijuana Program. The work of the committee does not necessarily
5 represent the views of the Department.

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7 "The (state) Act neither protects marijuana users from seizures nor individuals from
8 prosecution if the federal government chooses to take action against patients, caregivers, or
9 growers under the federal Controlled Substance Act."

10

11 **WHO IS ELIGIBLE FOR THE OREGON MEDICAL MARIJUANA PROGRAM?**

12 Any Oregon resident with a current diagnosis of a qualifying debilitating medical condition from
13 an Oregon licensed doctor of medicine (MD) or doctor of osteopathy (DO), and a statement
14 from that doctor that says "marijuana may mitigate the symptoms or effects of the person's
15 debilitating medical condition."

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17 Those conditions that currently qualify are:

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19 Alzheimer's Agitation,

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21 Cancer,

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23 Glaucoma,

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25 HIV/AIDS,

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or treatment for any of the following conditions;

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28 Cachexia (wasting syndrome,)

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30 Severe Pain,

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32 Severe Nausea,

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34 Seizures, not limited to Epilepsy; or

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36 Persistent Muscle Spasms, not limited to Multiple Sclerosis.

37 If the patient is under eighteen (18) years of age, the custodial parent or the legal guardian with
38 authority to make medical decisions for the minor must give written, notarized approval and
39 must agree to serve as the designated primary caregiver, and must agree to control the
40 acquisition of marijuana and the minor's dosage of frequency of use.

1 For detailed information about eligibility and to receive an application packet, contact the
2 Department of Human Services (DHS)/ Oregon Medical Marijuana Program (OMMP) by phone
3 at 971.673.1234 or www.healthoregon.org/mm

5 **WHAT IS THE FEE TO REGISTER?**

6 Currently the application or renewal fee is \$100.00 or \$20.00 if you can provide proof of Oregon
7 Health Plan (OHP) eligibility or that you are receiving Supplemental Security Income (SSI).
8 These fees are subject to change.

10 **WHAT ROLE DOES MY DOCTOR PLAY?**

11 **A doctor of medicine (MD) or doctor of osteopathy (DO), licensed in Oregon,** reports the
12 patient has been diagnosed with a current qualifying debilitating condition and offers the opinion
13 that “medical marijuana may mitigate the symptoms or effects of the person’s debilitating
14 medical condition.”

15 **To renew a patient application, the patient must submit written documentation from the**
16 **attending physician of the person’s debilitating medical condition and that the medical**
17 **use of marijuana may mitigate the symptom or effects of the person’s debilitating**
18 **medical condition. Either an OMMP renewal form or recent chart notes stating the**
19 **debilitating condition and that the medical use of marijuana may mitigate the symptom**
20 **with the physician’s signature can be used.** The doctor’s information must be current. The
21 program will deny the application if the doctor’s information is dated more than 90 days prior to
22 submission of the applications.

23 **Before any card can be issued, the OMMP will contact the physician to verify that**
24 **information provided is accurate and the physician is willing to be the patient's attending**
25 **physician for medical marijuana.**

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1 **WHAT IF MY DOCTOR WON'T HELP ME?**

2 A number of patients who qualify for protection under the Oregon Medical Marijuana Act
3 (OMMA) have physicians who are unwilling to provide the required written statement that
4 medical marijuana might mitigate the symptoms or effects of the qualifying debilitating medical
5 condition. The OMMP information packet contains a copy of a federal court ruling (*Conant v.*
6 *Walters*) (this information is available online at www.healthoregon.org/mm) that prohibits the
7 federal government from interfering with a physician recommending medical cannabis to their
8 patient. This federal court ruling is the law throughout the 9th Circuit, which includes Oregon.
9 Knowing that the federal government cannot prosecute or otherwise interfere with your
10 physician's participation in the OMMP may help you in speaking with your physician.

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12 If your physician will not sign your application, you must find a different attending physician in
13 order to enroll.
14 OMMP cannot provide physician referrals.

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16 **DO I NEED A CAREGIVER OR OTHER DESIGNATED PERSON TO GROW MY MEDICINE?**

17 A patient may grow his or her own medicine or designate an individual, 18 or older, to grow it for
18 him or her. A patient can also choose to have his or her medicine grown by a third party.
19 Whoever is growing the medicine is designated the "person responsible for a medical marijuana
20 grow site" whether it is the 'patient', the 'caregiver' or 'other', as indicated on the application
21 form. The "person responsible for a medical marijuana grow site" must complete the criminal
22 history background request to determine if, since January 1st, 2006, they have been convicted of
23 delivery or manufacturing of a Schedule I or Schedule II controlled substance in violation of
24 ORS 475.840 to 475.920.
25 Many patients do choose to designate a 'Caregiver', to help them with medicating, or with his or
26 her medical garden. If a patient has a spouse, partner or housemate who frequently helps him

1 or her medicate and/or grow the garden, it might be helpful to designate him or her as a
2 caregiver. There is no additional charge to designate a caregiver or grower.

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4 **PATIENTS, CAREGIVERS AND GROWERS RIGHTS AND RESPONSIBILITIES**

5 All usable marijuana plants, seedlings and seeds associated with the production of marijuana
6 for a patient by the person responsible for a grow site are the property of the patient and must
7 be provided to the patient upon request. It is important to have a clear understanding with your
8 caregiver or the person responsible for your garden about your mutual expectations. Some
9 people write out an informal agreement so there is no misunderstanding later. Although helpful
10 to avoid misunderstandings, these agreements are probably not legally enforceable.

11

12 A person authorized to produce marijuana at a grow site may produce marijuana for no more
13 than four patients concurrently.

14 Patients are cautioned to limit the size of their gardens and the number of people whose
15 gardens are at a single location because of both security concerns, and because at some point
16 an otherwise legal medical garden becomes an issue for the federal government. Oregon
17 Medical Marijuana Act (OMMA) does not protect marijuana users from seizures nor individuals
18 from federal government prosecution.

19 When choosing someone, it is important to consider carefully:

- 20 • How well do I know this person?
- 21 • Is s/he trustworthy, law-abiding and reliable?
- 22 • How much medicine do I need?
- 23 • Does s/he have the time and gardening expertise to sustain growing medicine for me?

24 It is important to have a clear understanding with your caregiver and person responsible for your
25 garden about your mutual expectations. Be sure to discuss such things as:

- 26 • Who will obtain cuttings or seeds?

- 1 • Who will care for the plants?
- 2 • Who will purchase the grow lights?
- 3 • Who will prepare the site if you are growing outdoors?
- 4 • Who will pay the for cost of supplies and utilities associated with the production of medicine for
- 5 the patient?
- 6 • If your crop fails or is stolen, is there a back up plan?
- 7 • What if one of you becomes dissatisfied with the arrangement?

8 **LEGAL REQUIREMENTS FOR CARDHOLDERS AND GARDENS**

9 Patients must notify the OMMP of any changes in contact information, caregivers, or grow site
10 within 30 days of the change by contacting OMMP and filling out a “Change Form”. Patients
11 may add or change the person responsible for their garden by submitting a completed “Change
12 Request Form”. Currently there is no charge for these changes.

13 You will receive a wallet-sized registry card from OMMP for yourself, your caregiver and the
14 person responsible for your garden, which you must deliver to him or her. This card protects
15 them while possessing and transporting medical marijuana for you. The grower card also
16 protects the person responsible for the grow site for while growing medical marijuana for you.
17 Every patient, caregiver and person responsible for growing must carry his or her wallet-sized
18 registry identification card at all times when him or her are in public and have medical marijuana
19 with him or her.

20 The “placard” which accompanies the card for “the person responsible for the grow site” must
21 be displayed at the garden. If the patient changes either his or her caregiver or grower, the
22 patient must return to the OMMP the old caregiver or grower cards and the placard.

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24 If the patient changes the caregiver or the person responsible for the grow site, **the patient**
25 must inform the person that they are being replaced. Once you have made the changes, the
26 person who was helping you is now subject to arrest, prosecution and forfeiture and needs to

1 know of the change to protect him or herself from these possibilities. Also, the OMMA does not
2 protect marijuana users from seizures or individuals from federal government prosecution.

3
4 Medicine must be provided to patients for “no consideration,” which means no money or
5 anything of value may be charged. ORS 475.304(7) A patient or the patient’s designated
6 primary caregiver of the cardholder may reimburse the person responsible for a
7 marijuana grow site for the costs of supplies and utilities associated with the production
8 of marijuana for the patient. No other costs associated with the production of marijuana
9 for the patient, including the cost of labor, may be reimbursed. [2005 c.822 §8]Your
10 garden may contain eighteen (18) seedlings or starts which are less than twelve (12) inches in
11 both height and diameter, and which do not have flowers. It may contain six (6) plants, which
12 are twelve (12) inches or larger in either height or diameter or have flowers.

13 The patient, caregiver, or person responsible for the garden may **collectively possess** or
14 transport up to twenty-four (24) ounces of medical marijuana, however the medicine may be
15 cultivated only at the registered grow site.

16

17 **WHERE CAN I USE MY MEDICATION?**

18 The law specifies that medical cannabis must not be used in public view, in a public place, or in
19 a jail, prison, or youth correctional facility. It is easier to be discreet with smokeless cannabis
20 preparations.

21

22 **IF I AM UNABLE TO GROW MY OWN, HOW CAN I GET MEDICINE?**

23 Purchasing medical marijuana is illegal and is discouraged, as it is unregulated and may be
24 contaminated or not even the correct medicine. Patients are allowed to share medicine with
25 other patients, so long as the sharing is in private, not in a public place, the delivery is not for

1 consideration (money or other things of value) and the quantity within the limits of the law.

2 Cardholders often meet to share starter plants and medicine. New patients are encouraged to
3 join and participate with patient advocacy groups, which provide assistance.

4

5 **HOW DO I INTERACT WITH MY LANDLORD?**

6 Growing medical marijuana with an OMMP registry card protects both the person and the
7 property from arrest, prosecution and forfeiture under state law. However, your landlord may
8 have valid concerns about the property and the safety and comfort of other tenants. Some
9 patients who live in federally assisted housing have experienced significant difficulties when the
10 building manager learned they were OMMP patients. Others have been successful in defending
11 their rights to possess and grow marijuana under state law.

12 When speaking with your landlord:

- 13 • Be honest.
- 14 • Be prepared with information, such as your OMMP registration card and this handbook.

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16 **HOW DO I INTERACT WITH THE POLICE?**

17 The guidelines set out by the state Attorney General provide that local and state police should
18 contact the OMMP before visiting a suspected cannabis garden to make sure it is not a legal
19 medical garden. The law gives the police access to OMMP verification 24 hours a day, 7 days a
20 week to be able to verify whether a patient, designated primary caregiver or person responsible
21 for a grow site is registered or not registered so the police can always ascertain if the garden is
22 protected by the OMMA. The purpose is for verification only.

23 In any police encounter, explain that you are a medical cannabis patient. Show him or her your
24 registry card, the garden “placard,” and any other related paperwork. Although the police may
25 request to see your garden, to make sure you have only the legal number of plants, you are not
26 required to let him or her in unless he or she has a search warrant. Police may confiscate any

1 plants, seedlings or starts over the legal limit and charge you with a felony. You have the right
2 to insist on a search warrant, but if you consent to a search you waive that right.

3 Remember that you may not be under the influence of medical cannabis while driving. When
4 transporting medicine, be discreet. You are required to carry and present your registry card to
5 the police if requested, so keep it with you if you carry medicine in public.

6 If your plants or medicine are stolen, report the theft immediately to local law enforcement.

7 Cannabis can interact with other medicines you may be taking, so you are encouraged to seek
8 information regarding any such interaction.

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11 producing this handbook approved on 03-29-07