



Advancing Legal Medical Marijuana Therapeutics and Research

To: Oregon House Health Committee
From: Americans for Safe Access
Re: Section by Section Analysis of OR HB 3460 (2013), intro version (3/15/13)
Date: April 8, 2013

Summary:

Oregon HB 3460 would create a dispensary system that would fit into the existing medical cannabis program of the state. The bill would likely only cause minimal, if any, disruptions to the existing program. In short, the bill would allow those presently authorized to grow medical cannabis in OR to sell “usable marijuana” to a “medical marijuana facility” (facility), and would in turn allow facilities to sell to patients or their registered caregiver. The bill would compel the the Oregon Health Authority (OHA) to issue regulations concerning facilities. The bill would require facilities to be in the state’s registry system, and would afford dispensaries the same level of privacy protection with regard to the registry.

ASA supports HB 3460, and would request that the following amendments be considered to make the proposed bill work in an optimal fashion.

Section 2(3)(D):

*(D) Must not be located within 1,000 feet of another medical marijuana facility;
and*

Issue: The present wording does not establish priority for when multiple new applicants simultaneously apply for medical marijuana facilities within 1,000.

Recommendation: Replace with the following, which would clearly state that the department is to award at least 1 facility within a 1,000 radius when applicants simultaneously apply for overlapping areas.

*(D) Must:
(i) Not be located within 1,000 feet of a pre-existing medical marijuana facility,
or
(ii) If multiple parties submit applications that are simultaneously being considered for medical marijuana facilities within 1,000 feet of another applicant, only a single medical marijuana facility may be approved, based on additional criteria the authority considers necessary; and*

Section 2(10):

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(10) The authority may adopt rules imposing a fee in an amount established by the authority for registering a medical marijuana facility under this section.

Issue: While it is necessary to levy fees in order to maintain a financially sustainable program, fees should be limited to amount necessary to successfully operate the program without setting them to be too high and ultimately impact patients financially.

Recommendation: Insert the following language.

*(10) The authority may adopt rules imposing a **reasonable fee**:*

(i) In an amount established by the authority for registering a medical marijuana facility under this section, and

(ii) All monies generated by any fee established by the authority may only be used to carry out the duties necessary by the act and may not be used or transferred to the general fund or any other agency.

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