

Patients, Growers and Caregivers.

What HB 3400 means to you.

A synopsis of changes made to the Oregon Medical Marijuana Program including effective dates, plant & possession limits, residency requirements and timeline.

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HB 3400: Effective dates and other requirements

In response to the many questions being received by clinics and dispensaries Compassionate Oregon has prepared the following clarifications. HB 3400 establishes effective dates throughout the bill. We have listed the dates below for the OMMP and OMMDP and additional information to help answer some of these questions.

Residency requirement:

- As of July 1, 2015, **new** patient applicants who are registering or renewing a grow site must submit, in addition to their patient application, a residency form completed by their grower (available at the OMMP website). (OAR 333-008-XXXX). Section 173 of HB 3400 requires proof of residency for any person listed on the application to register or renew a grow site, however, the temporary rules and residency form issued by OHA only require residency for the grower. To date no residency requirement has been required by rules for patients.
- If you were first registered as a grower on or before January 1, 2015, the residency requirement for a grower is **one year**. If you were not registered as a grow site before January 1, 2015, the residency requirement is **two years**. If a person is **renewing** their grow site registration this information is not required until January 1, 2016. (HB3400 §173.) After March 1, 2016, and until January 1, 2020, the residency requirement for a grower will be two years and you must be 21 years of age.
- Beginning March 1, 2016, under §81 HB3400, patient growers or persons designated to produce marijuana for a patient may not produce marijuana unless registered under this section.*

*Section 81 establishes the tracking and regulating process for the production of marijuana by a patient or a person designated to produce marijuana for a patient and everyone so doing must register their grow site in addition to registering as a patient. The new residency requirement for growers will be two years and they must be at least 21 years of age. Section 81a establishes the monthly reporting requirements for those producers. There is one exemption. If you growing at an address with no more than 12 plants you are exempt from reporting.

Plant & Possession Limits:

Effective March 1, 2016:

- **For growers within city limits in areas zoned for residential use, you are now restricted to 12 plants.** If you were growing up to and including 24 plants on December 31, 2014, you may continue to do so but if you lose a patient you cannot replace them with a new patient.
- **For growers within city limits not zoned for residential use and other zoned areas, no more than 48 plants may be grown.** If you were growing up to and including 96 plants, you may continue to do so but again, if you lose a patient you cannot replace them with a new patient.
- If you have more than the allowed number of patients signed up you may continue to provide for them provided you do not exceed a 48 plant limit.
- Growers may now be reimbursed for **all** costs of doing business **including labor**.
- 12" rule and limits on immature plants are now removed and immature plants are now defined as non-flowering.

Plant & Possession Limits/Effective March 1, 2016 cont'd:

- Growers may now keep what they produce up to 12 pounds/plant outdoor and 6 pounds/plant indoor.
- Seed sales allowed in dispensaries.
- \$20 card for all Veterans with Post Traumatic Stress Disorder

Timeline:

Important: Recent letters sent out by OHA to growers and clinics and the temporary rules they have adopted fall under Sec. 173 of HB 3400 as it currently applies and were effective upon passage.

Sec. 179 of HB 3400 establishes March 1, 2016 as the effective date for most other changes to OMMA. These include residency and minimum age requirements, patient/plant limits, reporting requirements and the new possession limits.

Effective upon Passage:

- Report by the OLCC to the legislature whether the supply of marijuana in this state is commensurate with the demand. (§170) Report due on or before February 1, of odd-numbered years. Secs. 171 – 174 are also effective on passage.
- Establishment of the “Task Force on Cannabis Environmental Best Practices.” A thirteen member Task Force appointed by the Governor to study the use of electricity and water by and the agricultural practices associated with the growing of cannabis. The first report is due to an interim committee of the Legislative Assembly no later than September 15, 2016.

August 25, 2015.

- Residency requirements for growers go into effect. (Letter from OHA; Temporary rules released August 19).

October 1, 2015.

- Early sales of recreational marijuana through medical dispensaries begin. (SB460 §(2))

November 15, 2015.

- Research Program begins (HB 3400 §113)

January 1, 2016.

- All persons included on patient registration form must prove they meet residency requirements. (HB 3400 §173(1))
- New testing requirements become operative. (HB 3400 §91 – 99)
- New Packaging and Labeling requirements become operative. (HB 3400 §100 -112) (OLCC will have final approval on all labeling for both medical and recreational).
- Cannabinoid Edibles. Dept. of Ag. criteria (HB 3400 §114, 115)

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- Opt-in to recreational program participation becomes operative.(HB 3400 §116)*

January 4, 2016.

- Dispensaries must begin collecting 25% tax on all non-patient sales. Expires December 31, 2016.

February 1, 2016.

- OHA, State Board of Education, and Alcohol and Drug Policy Commission must report to the legislature on public information and education programs developed regarding marijuana abuse and prevention curricula for students, parents, teachers, administrators and school board members. (HB 3400 §117, 118)

March 1, 2016.

- Residency requirements and designated growers must be over 21.
- Patients with a designated grower or growing for self must begin registering grow site with tracking and reporting system or discontinue growing under Section 81.
- Designated growers who are growing at a site where more than 12 plants are grown must report monthly on:
 - The number of immature and mature plants, flowers and leaves being dried, and usable marijuana in grower's possession.
 - The number of immature and mature plants and the amount of usable marijuana transferred to each cardholder and the amount of usable marijuana transferred to a processing site and/or dispensary. (§81a)
- OMMP processors licenses may be applied for. All non-flower transfers to dispensaries require a processors license. This means all infused product manufacturers and concentrate and extract manufacturers must have a processors license to sell to an OMMDP dispensary. **Patients and caregivers may process and exchange without registering as a processor.** (OLCC will also issue a processors license under Measure 91)
- OHA Database for production and manufacturing must be up and running.
- OHA inspections of grow sites and records and may begin assessing \$500/day fines for violations of ORS 475.300 to 475.346.
- Seed sales allowed in dispensaries.
- \$20 card for all Veterans with Post Traumatic Stress Disorder

December 31, 2016.

- Early sales of recreational marijuana through medical dispensaries ends. (SB 460)

***Opt-in for medical growers:**

- If a medical grower wishes to sell to OLCC licensed outlets they may apply for a license to do so on January 1, 2016. A grower must:
 - Agree to background checks,
 - Agree to be subject to the provisions for producers under Measure 91,
 - Submit proof of having obtained permission to apply for OLCC licensure by each individual you grower is growing for at the address of the marijuana grow site.
 - A grower cannot possess any more than allowed under OMMP and must allow each plant to be tracked in the OLCC system.
 - You may only sell excess and may transfer marijuana and usable marijuana to other OMMP registrants.

This provision will not exempt you from any duties required of you as a grower under OMMP except you will be exempt from reporting or tracking by OHA.

***Sections 88a & 88b.**

- Upon request the State Dept. of Agriculture and the OLCC pursuant to an agreement or otherwise, shall assist the OHA in implementing and enforcing the provisions of ORS 475.300 to 475.346 and rules adopted under the provisions of ORS 475.300 to 475.346.
- The OHA, the State Dept. of Ag. and the OLCC may possess, seize or dispose of marijuana, usable marijuana, medical cannabinoid products, concentrates and extracts as is necessary for the authority to ensure compliance with and enforce the provisions of ORS 475.300 to 475.346 and any rule adopted under ORS 475.300 to 475.346.