



Medical Marijuana

A Guide for Patients, Caregivers and Physicians

Understanding the Oregon Medical Marijuana Act

The Oregon Medical Marijuana Act (OMMA) was passed by voters in November 1998 as Measure 67 and amended by the 1999 Oregon Legislature through House Bill 3052. The 2005 Legislative Session passed SB-1085 which became effective January 1, 2006.

This information gives a general explanation of how the law works with a discussion of the best ways for doctors and their patients to comply with the law.

While the information provided should provide a clear road map for most patients and doctors to follow in complying with OMMA, individual situations vary greatly.

If you are unsure, consult your physician and/or seek the advice of an attorney who is familiar with this important new law.

We, at the Stormy Ray Cardholders' Foundation will also be available to provide information and support to patients, caregivers and physicians. **SRCF** has developed a network of patients and professionals who are working together to make the Oregon Medical Marijuana Act a success.

We encourage you to take advantage of our resources and help us reach out to others in need.

What does OMMA do?

- 1) Creates an exemption in state law for people using medical marijuana under certain defined conditions. This exemption extends to a patient's designated caregiver, and the person responsible for a grow site, if the patient chooses one.
- 2) Creates a permit system administered by the Oregon Health Division making it easier for law enforcement to identify legitimate medical marijuana patients. To receive protection afforded by OMMA, patients must either possess a registry card or be in the process of obtaining one.
- 3) Medical marijuana patients who choose not to apply for a card may also be exempt from prosecution, using either an "affirmative defense" or "choice of evils" defense. But this course of action will not prevent you from being arrested, paying for an attorney and going to court.

What OMMA does NOT do.

OMMA did not legalize marijuana in Oregon. It simply shields certain patients from prosecution.

OMMA did not have any effect on federal laws against marijuana.

OMMA did not contain any mechanism for providing patients with medical marijuana. Patients are responsible for growing or obtaining their own medicine.

OMMA does not allow patients to travel with marijuana outside of Oregon because OMMA is an Oregon Law.

What conditions are covered?

- 1) Must have been diagnosed with a "debilitating medical condition," and,
- 2) Been advised by a physician that the use of medical marijuana " might mitigate" the effects of that condition.

Under the law "debilitating medical condition" means:

(a) Cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or treatment for these conditions;

(b) A medical condition or treatment for a medical condition that produces for a specific patient, one or more of the following:

(i) Cachexia; (ii) Severe pain; (iii) Severe nausea; (iv) Seizures, including but not limited to seizures caused by epilepsy, or

(v) Persistent muscle spasms, including but not limited to, spasms caused by multiple sclerosis, or

(c) Any other medical condition or treatment for a medical condition adopted by the Oregon Health Division by rule or approved by the Division.

What is a Designated Caregiver?

For the purposes of OMMA, a caregiver is a person who helps you to grow, obtain or use your medicine. In many cases this will be a spouse, parent, or friend. Your attending physician is not a caregiver.

You do not have to designate a caregiver at the time of your application to the state. If you choose to name a caregiver later, it's easy to add the name to your application and get your caregiver card.

What is written documentation?

Only Oregon MD's (Medical Doctors) and DO's (Doctors of Osteopathy) may recommend medical marijuana under OMMA. Any one of the following three types of "written documentation" from a licensed physician will satisfy OMMA's permit requirements:

- 1) A letter signed by a doctor saying the patient has "a debilitating medical condition and that medical marijuana might mitigate the effects of that condition."
- 2) The Oregon Health Division includes a form in all OMMA application packets that doctors may complete in lieu of writing the note themselves. This form includes all the language required by the law. All a doctor has to do is check a box and sign it. The forms were created with input from the Oregon Medical Association to lessen the apprehension of doctors concerning federal laws against marijuana.
- 3) Another widely used form of written documentation is a chart note. According to standard medical practice, doctors are supposed to make notations on a patient's chart following every visit. If you talk to your doctor about the possible use of medical marijuana as part of your care, that conversation should be noted on the chart. If your doctor says medical marijuana "might help," that should also be noted on the chart. A signed copy of that chart note is enough to satisfy the requirements of the law, and is the method recommended by the Oregon Medical Association.

Important: Never discuss where you intend to acquire marijuana with your doctor, and never ask your doctor to help you acquire marijuana.

How Do I Receive a Permit?

To receive a permit to use medical marijuana from the Oregon Health Division, you will need to:

1) Request an application packet by calling:

971-673-1226

The Oregon Health Division Medical Marijuana Act Program

Packet includes valuable information and forms for registering with OMMA.

2) Fill out and mail application and the annual registration fee to OHD with "**certified receipt return requested**" postage.

3) Place your mail receipt with your application copy. **This is your valid temporary registration until you receive your card.**

(Keep your temporary registration papers with you.)

To request an application packet by mail:

Oregon Health Division
800 NE Oregon St. Suite 640
Portland, OR 97232

<http://oregon.gov/DHS/ph/ommp/index.shtml>

This information is brought to you by:
The Stormy Ray Cardholders' Foundation
www.stormyray.org

A Personal Story *by Stormy Ray*

I'm a grandmother of seven who grew up believing that marijuana had no place in my life. I was a Type-A personality with a career, children, and a keen mistrust of drugs.

In 1985, I was diagnosed with Multiple Sclerosis, and by 1991 my body was shutting down fast, both from MS and from all the pharmaceuticals I was given to mask the symptoms.

I was wasting away, physically drained, unable to eat, my body was continually contorted from pain and muscle spasms. I was not going to live much longer, my family had begun preparing for my death.

It was at this point, during the lowest period of my life, that a friend held something to my lips and told me to breathe in. The relief was almost instantaneous. The smoke had barely reached my lungs when I began to relax and the pain subsided. Since that day, I have been able to control the brunt of the pain with medical marijuana alone.

- In 1998, Stormy was asked to be the Chief Petitioner for Measure 67 along with Dr. Rick Bayer. In November of 1998 voters proclaimed Oregon would not put patients in jail for using medical marijuana, and a month later OMMA became law.