

## **Bylaws of the Advisory Committee on Medical Marijuana (Volume 4.1)**

### **Article I—Name**

The name of this advisory group will be the Oregon Advisory Committee on Medical Marijuana (ACMM).

### **Article II—Objectives**

#### **(1) Creation of the Advisory Committee on Medical Marijuana**

The Advisory Committee on Medical Marijuana is established subject to Senate Bill 1085, that was passed in the 2005 legislative session and became effective January 1, 2006, and is incorporated into the existing statutes for the Oregon Medical Marijuana Program (OMMP), ORS 475.300 to ORS 475.346. The advisory committee will exercise and carry out all powers, rights and privileges that are expressly conferred upon it.

#### **(2) Mission**

The mission of the Committee is to advise the Director, Oregon Health Authority (OHA) on the administrative aspects of the Oregon Medical Marijuana Program (OMMP), review current and proposed administrative rules of the program and provide annual input on the fee structure of the program.

### **Article III—Members**

#### **(1) Composition of the Advisory Committee**

The Advisory Committee on Medical Marijuana will consist of 11 members who will be appointed by the OHA Director. Membership on the board will represent registered patients, designated primary caregivers, persons responsible for a grow site, and advocates of the Oregon Medical Marijuana Act (OMMA). Members will demonstrate interest, knowledge or experience in the OMMA and the OMMP.

#### **(2) Terms of Office**

The term of office of each member appointed by the Director is four years; except for the initial appointment when there will be staggered terms to promote continuity. Before the expiration of the term of a member, the Director will appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment and may serve for two full terms.

"Full term" means a period of four years. Terms of office fewer than four years shall not be considered "full terms."

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If there is a vacancy for any cause other than expiration of the term of office, the Director will make an appointment to become effective immediately for the unexpired term. Whenever a vacancy occurs, the Committee will nominate a slate of candidates and will forward the recommended candidates to the Director for consideration.

Notwithstanding the term of office specified above, of the members first appointed to the Oregon Advisory Committee on Medical Marijuana:

- (1) Three will serve for terms ending December 31, 2007;
- (2) Four will serve for terms ending December 31, 2008; and
- (3) Four will serve for terms ending December 31, 2009.

### **(3) Removal of Members**

- a) The Director may remove any member of the board at any time at the pleasure of the Director, but not more than five members will be removed within a period of three years, unless it is for corrupt conduct in office.
- b) The Committee may remove a member only for violation of one or more of the duties or responsibilities of a member, including, but not limited to those listed in Article III (4). Removal of a member may occur only after he/she is given notice in writing and is given an opportunity to address the Committee in person or in writing. If a member does not request an opportunity to be heard within 10 days after receipt of notice, the member is deemed to have waived the right to address the Committee prior to the vote on removal. Removal of a member shall require a two-thirds vote of the entire Advisory Committee.

### **(4) Duties and responsibilities of a member:**

- a) A member is expected to attend all regularly scheduled, special and emergency Committee meetings from beginning to end unless excused by the chair. An excused absence includes but is not limited to emergencies or pre-planned vacations. More than two consecutive absences in one calendar year may cause the Committee to consider a member incapable of performing the duties as a Committee member and may result in removal from the Committee.
- b) In the course of conducting Committee business, a member is expected to work in furtherance of health and safety rather than the interest of any profession, institution, or individual.
- c) A member must notify a Committee official if contacted by a member of the media concerning committee business. A member is expected to defer to the Chair as the official spokesperson of the Committee for media contacts. A member may voice his/her perspective to the media but only if it is specifically noted to be an individual rather than a Committee position.
- d) A member is expected to prepare in advance for all scheduled meetings, including reading all agenda packet materials.

- f) A member is expected to participate fully in all meetings and in the completion of committee assignments.
- g) A member is expected to respond in a timely manner to Committee officers and/or the chair on issues that arise between meetings.
- h) If a member agrees to act as Committee liaison, he/she is expected to attend and participate in all related meetings and to report any pertinent issues to the Committee at its next meeting.
- i) A member will work through the Chair when seeking feedback from OHA, the Administrator, Program manager, or when seeking legal counsel from the Assistant Attorney General assigned to OMMP/ACMM.

No voting member of the Committee may be an employee of the OMMP or of the OHA.

#### **Article IV—Officers and their duties**

The officers of the Committee will be a chairperson and a vice chairperson.

##### **(1) Selection of Officers**

Each officer will be elected by a majority vote of the Committee for a one year term or until a successor is elected. A term of office begins at the close of the meeting at which he/she is elected. Officers will be eligible for no more than two terms in the same office. A vacancy, which occurs before the expiration of a term of office, can be filled by a majority vote at any regular meeting of the Committee.

##### **(2) Duties and responsibilities of the chairperson:**

- a) The Chair has all rights, duties, and responsibilities of a regular Committee member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the Committee while presiding.
- b) The Chair will act as official spokesperson for the Committee. The Chair will inform all members of contact with the media concerning committee business.
- c) The Chair will work closely with the Administrator, OHA Office of Community Health and Health Planning. The Chair will give advice to the Administrator and assist with problems and functions of the Committee.
- d) The Chair will work through the Administrator and or Program manager when seeking feedback from OHA, seeking legal counsel from the Assistant Attorney General assigned to OMMP/ACMM, or developing the ACMM meeting agenda.

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- e) The Chair will review the Committee meeting agenda prepared by the Administrator and redraft as he/she feels necessary.
- f) The Chair will preside over Committee meetings, with the assistance of the Administrator and other staff. In case of a scheduled absence of both the Chair and Vice-chair, the Chair will select another member to preside over that upcoming meeting.
- g) The Chair will delegate tasks to staff or other Committee members as necessary.

### **(3) Duties and responsibilities of the vice chairperson:**

- a) The Vice-Chair has all the rights, duties and responsibilities of a regular Committee member, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.
- b) The Vice-Chair will act for the Chair in the Chair's absence.
- c) The Vice-Chair will assist the Chair in performing Committee duties as delegated by the Chair.
- d) The Vice-Chair will work with the Chair, through the Administrator and or Program manager when seeking feedback from OHA, obtaining legal counsel from the OHA Assistant Attorney General for ACMM business, or developing the ACMM meeting agenda.

### **Article V—Administrator**

The Committee will work closely with the Administrator of the Office of Community Health and Health Planning or his or her designee. The Administrator has authority to direct the affairs of the OMMP and act as OHA spokesperson regarding medical marijuana issues. The administrator may not be a voting member of the board.

The Administrator, or his or her designee, will attend all Committee meetings; report on progress, and answer questions. The administrator will prepare an annual budget for review by the Committee to obtain input on fees structure, involve the Committee in the development of new OMMP administrative rules, and bring substantive OMMP administrative issues to the Committee for advice.

### **Article VI—Meetings and Public Records**

#### **(1) Frequency of meetings**

The Committee will hold at least four regular public meetings per year. At least one meeting per year will be held outside of the Portland-Salem metropolitan area.

#### **(2) Public meeting law**

The Oregon Public Meetings Law ORS 192.610-192.690 applies to meetings of the Committee.

### **(3) Public records law**

The Oregon Public Records Law ORS 192.410 to 192.505 applies to public records created or maintained by the Committee.

### **(4) Quorum**

Six (6) board members constitute a quorum.

### **(5) Committee Action**

At least six (6) votes by board members are required for the committee to approve an action, unless the bylaws require additional votes for approval.

### **(6) Special meetings**

Special meetings may be scheduled as decided by a majority vote of the Committee during a public meeting, or through email correspondence, which reflects that a majority of the Committee believes an additional meeting to be necessary. All Committee members shall be notified in writing not less than forty-eight hours in advance of the special meeting. Such notification shall include time, place and purpose of the special meeting. All public meeting laws will apply to special meetings.

## **Article VII—Committees**

### **(1) Types of Committees**

The Committee may appoint subcommittees and advisory groups as needed to assist the Committee. Technical advisory groups will include professionals with specialty knowledge and experience as necessary to assist the Committee.

### **(2) Selection of Committees**

- a) The creation of subcommittees and advisory groups requires approval of the committee.
- b) Appointments to subcommittees and advisory groups may be nominated by any member and requires approval of the committee.
- c) Unless otherwise specified appointments to subcommittees and advisory will be for one year.

d) Vacancies on subcommittees and advisory groups will be filled by the Chair.

### **Article VIII—Parliamentary Authority**

The current edition of the Standard Code of Parliamentary Procedure will govern the meetings of Committee unless inconsistent with these bylaws or Oregon law.

### **Article IX —Adoption and Amendment of Bylaws**

These bylaws will become effective upon approval of the committee at a duly convened meeting. Members must be given notice of such a vote prior to the meeting.

These bylaws may be amended by a two-thirds (8 committee members) vote of the entire Committee. An amendment is in order only if it has been included in the written agenda provided to Committee members prior to the meeting.

### **Article X—Travel and Subsistence**

Members of the Committee may claim reimbursement for actual and necessary travel expenses incurred in the performance of their official duties, including the attendance at Committee and OMMA-related meetings. Such reimbursement will be subject to policies and guidelines adopted by the OHA. Reimbursement amounts will use state of Oregon per diem meal and lodging allowances and follow state travel expense rules. Expense claims will be paid, subject to availability, from OMMP funds.

Only ACMM members participating in a Subcommittee meeting may submit travel expenses for reimbursement by the OMMP when:

1. The specified subcommittee meeting has an agenda, list of attendees, and has been approved by the Chair of the ACMM and submitted to the OMMP.
2. The subcommittee is meeting for business purposes only, travel expensed reimbursement is not intended for subcommittee meetings that include public education or public advocacy sessions.
3. Each subcommittee is allowed only four meetings per year that may qualify for travel expense reimbursement.

### **Article XI – Ethical Conduct, Conflict of Interest**

While acting as members of the Committee, members will adhere to the highest standards of ethical conduct and will be responsible for understanding and acting in accord with the provisions of ORS chapter 244, including the code of ethics.

Adopted: March 23, 2006

Revised: February 18, 2011

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Revised by the ACMM: January 21, 2011