

## DIVISION 8

### MEDICAL MARIJUANA

#### 333-008-0010

##### Definitions

For the purposes of OAR chapter 333, division 8 the following definitions apply unless otherwise indicated:

- (1) "Advertising" means publicizing the trade name of a PRMG, registered processing site or dispensary together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a medical cannabinoid product, concentrate or extract in any medium.
- (2) "Applicant" means, as applicable to the registration being applied for:
  - (a) An individual applying for a registry identification card under ORS 475B.415.
  - (b) An individual applying for a grow site registration under ORS 475B.420.
  - (c) A person applying for a marijuana processing site registration under ORS 475B.435.
  - (d) A person applying for a medical marijuana dispensary registration under ORS 475B.450.
- (3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.
- (4) "Attending physician statement" or "APS" means the form, prescribed by the Authority and signed by an attending physician, that states the individual has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.
- (5) "Authority" means the Oregon Health Authority.
- (6) "Business day" means Monday through Friday excluding legal holidays.
- (7) "CBD" means cannabidiol.
- (8) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
- (9) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:
  - (a) A mechanical extraction process;
  - (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
  - (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
  - (d) Any other process authorized in these rules.
- (10) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.
- (11) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:
  - (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; or
  - (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure.
- (12) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:

- (a) The use of comically exaggerated features;
  - (b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
  - (c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.
- (13) "Commission" means the Oregon Liquor Control Commission.
- (14) "Common ownership" means any commonality between individuals or legal entities named as applicants or persons with a financial interest in a registration or a business proposed to be registered.
- (15) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- (16) "Database" means the electronic system established pursuant to ORS 475B.458, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.
- (17) "Debilitating medical condition" means:
- (a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of those medical conditions;
  - (b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
    - (A) Cachexia;
    - (B) Severe pain;
    - (C) Severe nausea;
    - (D) Seizures, including but not limited to seizures caused by epilepsy; or
    - (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;
  - (c) Post-traumatic stress disorder; or
  - (d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition filed under OAR 333-008-0090.
- (18) "Delivery" has the meaning given that term in ORS 475B.410.
- (19)(a) "Designated primary caregiver" means an individual who:
- (A) Is 18 years of age or older;
  - (B) Has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and
  - (C) Is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.
- (b) "Designated primary caregiver" does not include a person's attending physician.
- (20) "Direct interest" means an interest that is held in the name of the individual.
- (21) "Domicile" means the place an individual intends as his or her fixed place of abode or habitation where he or she intends to remain and to which, if absent, the individual intends to return.
- (22) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.
- (23) "Employee":

- (a) Means any individual, including an alien, employed for remuneration or under a contract of hire, written or oral, express or implied, by an employer.
- (b) Does not mean an individual who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as adequate consideration for the services performed for a religious or charitable institution or a governmental entity.
- (24) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.
- (25) "Grandfathered grow site" means a grow site registered by the Authority that has been approved by the Authority under OAR 333-008-0520 that can have up to:
- (a) 24 mature marijuana plants if the location is within city limits and zoned residential; or
- (b) 96 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
- (26) "Grow site" means a location registered under ORS 475B.420 where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site or dispensary.
- (27) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.
- (28) "Immature marijuana plant" means a marijuana plant that is not flowering.
- (29) "Indirect interest" means:
- (a) An interest that is owned by a business entity that is owned, in whole or in part and either directly or indirectly, through one or more other intermediate business entities, by the individual; or
- (b) An interest held in the name of another but the benefits of ownership of which, the individual is entitled to receive.
- (30) "Individual who has a financial interest" in a business entity that owns a processing site or dispensary means:
- (a) If the business entity is a corporation:
- (A) Stockholders: Any individual who owns, directly or indirectly, 10 percent or more of the outstanding stock of such corporation.
- (B) Directors: Any director of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.
- (C) Officers: Any officer of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.
- (b) If the business entity is a trust:
- (A) Trustees: Any individual who is a trustee of the trust and who receives compensation for acting in that capacity and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a trustee of the trust and that receives compensation for acting in that capacity.
- (B) Beneficiaries: Any individual who is entitled to receive, directly or indirectly, income or benefit from the trust.
- (c) If the business entity is a partnership:
- (A) General Partners: Any individual who is a general partner of the partnership and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10

percent or more of the ownership interests of a business entity that is a general partner of the partnership and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the partnership.

(B) Limited Partners: Any individual who is a limited partner of the partnership and who owns 10 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a limited partner of the partnership and that owns 10 percent or more the ownership interests of the partnership.

(d) If the business entity is a joint venture: Any individual who is entitled to receive, directly or indirectly, income or benefit from the joint venture.

(e) If the business entity is a limited liability company:

(A) Managers: Any individual who is a manager of the limited liability company and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a manager of the limited liability company and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the limited liability company.

(B) Members: Any individual who is a member of the limited liability company and who owns 10 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a member of the limited liability company and that owns 10 percent or more of the ownership interests of the limited liability company.

(f) Immediate family members: Any person, 18 years of age or older, involved in a marijuana processing site or dispensary, in any capacity, who is a member of the immediate family of any individual who otherwise has a financial interest in the business entity that owns the marijuana processing site or dispensary. A person is a member of the immediate family of the individual if the person receives more than 50 percent of his or her financial support from that individual.

(g) Landlord: Any individual who is a landlord of a processing site or dispensary and who is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as a part of lease payments or rent, any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a landlord of a processing site or dispensary and that is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as part of lease payments or rent, and any individual who the Authority finds, based on reasonably reliable information, exerts influence over the operation of the marijuana processing site or dispensary through a landlord-tenant relationship and receives a portion of the proceeds from that marijuana processing site or dispensary.

(h) Other forms of business organization: If the form of business entity is not expressly addressed in subsections (a) to (g) of this section, the Authority will, in determining individuals who have a financial interest in the business entity, apply the portions of this definition applicable to the business entity that are most similar to the subject business entity, interpreting the terminology and concepts of this definition in the context of the subject business entity as necessary or appropriate.

(31) "Indoor production" for purposes of OAR 333-008-0580 means producing marijuana in any manner:

(a) Utilizing artificial lighting on mature marijuana plants; or

(b) Other than "outdoor production" as that is defined in this rule.

- (32) "Limited access area" means:
- (a) For a dispensary a building, room, or other contiguous area on a dispensary premises where a marijuana item is present but does not include the area where marijuana items are transferred to a patient or designated primary caregiver.
  - (b) For a processing site a building, room, or other contiguous area on a processing site premises where a marijuana item is present.
- (33)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.
- (34) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.
- (35) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475B.435 or a site for which an applicant has submitted an application for registration under ORS 475B.435.
- (36) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.
- (37)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.
- (b) "Medical cannabinoid product" does not include:
    - (A) Usable marijuana by itself;
    - (B) A cannabinoid concentrate by itself;
    - (C) A cannabinoid extract by itself; or
    - (D) Industrial hemp, as defined in ORS 571.300.
- (38) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.450 or a site for which an applicant has submitted an application for registration under ORS 475B.450.
- (39) "Medical use of marijuana" means the production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition.
- (40) "Minor" means an individual under the age of 18.
- (41) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.
- (42) "OMMP" means the section within the Authority that administers the provisions of ORS 475B.400 to 475B.525, the applicable provisions of 475B.550 to 475B.590, 475B.600 to 475B.655, and the rules in OAR chapter 333, divisions 7 and 8.
- (43) "Outdoor production" for purposes of OAR 333-008-0580 means producing marijuana:
- (a) In an expanse of open or cleared ground open to the air; or
  - (b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.
- (44) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.
- (45) "Patient" has the same meaning as "registry identification cardholder."
- (46) "Person designated to produce marijuana by a registry identification cardholder" or "person designated to produce marijuana by a patient" mean a person designated to produce marijuana by a patient under ORS 475B.420 who produces marijuana for that patient at an address:
- (a) Other than the address where the patient resides; or

- (b) Where more than 12 mature marijuana plants are produced.
- (47) "Person responsible for a marijuana grow site," or "PRMG" means any individual designated by a patient to produce marijuana for the patient, including a patient who identifies him or herself as a person responsible for the marijuana grow site, who has been registered as a PRMG by the Authority under OAR 333-008-0033.
- (48) "Personal agreement" means a document, as described in ORS 475B.425 signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.
- (49) "Point of sale" means a specific location within a point of sale area at which the transfer of a marijuana item occurs.
- (50) "Point of sale area" means a secure area where a registered dispensary transfers a marijuana item to a patient or caregiver.
- (51) "Premises" means a location registered by the Authority as a processing site or dispensary under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.
- (52) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:
- (a) Provides primary health care to the patient; or
  - (b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or
  - (c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS chapter 678; and
  - (d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.
- (53) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- (54) "Production" or "growing" means:
- (a) Planting, cultivating, growing, trimming or harvesting marijuana; or
  - (b) Drying marijuana leaves or flowers.
- (55) "Registry identification card" means a document issued by the Authority under ORS 475B.415 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a designated primary caregiver under ORS 475B.418, the person's designated primary caregiver.
- (56) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475B.415(5)(a) and has the same meaning as patient.
- (57) "Remuneration" means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.
- (58) "Replacement card" means a new card issued in the event that:
- (a) A patient's registry identification card, a designated primary caregiver's or a PRMG's identification card, or grow site registration card is lost or stolen; or
  - (b) A patient's designation of primary caregiver, PRMG or grow site has changed.
- (59) "Resident" means an individual who has primary domicile within this state.

(60) "Safe" means:

(a) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered premises that:

(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or  
(B) Weighs more than 750 pounds.

(b) A vault; or

(c) A refrigerator or freezer capable of being locked for storing edibles or other finished products that require cold storage that:

(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or  
(B) Weighs more than 750 pounds; and

(C) If it has a glass that makes up part or all of the door or exterior walls, the glass is rated unbreakable.

(61) "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes those institutions that provide junior high schools which include 9th grade.

(62) "Secure area" means a room:

(a) With doors that are kept locked and closed at all times except when the doors are in use;

(b) Where access is only permitted as authorized in these rules; and

(c) Not visible from outside the room or within public view.

(63) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.

(64) "These rules" means OAR 333-008-0010 to 333-008-0750.

(65) "THC" means tetrahydrocannabinol.

(66)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing marijuana.

(67) "Vault" means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.

(68) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.

(69) "Zoned for residential use" means the only primary use allowed outright in the designated zone is residential.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.400 – 475B.525

### **333-008-0020**

#### **New Registry Identification Card Application Process**

(1) To apply for a registry identification card an individual must submit the following:

(a) An application form, prescribed by the Authority, signed and dated by the applicant.

(b) A legible copy of the individual's valid government issued photographic identification that includes the applicant's last name, first name, and date of birth.

- (c) An APS or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition.
- (d) Proof of residency in accordance with OAR 333-008-0022.
- (e) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for a person under 18 years of age, signed and dated by the minor's parent or legal guardian.
- (f) An application fee as specified in OAR 333-008-0021.
- (g) If applicable, documentation required in OAR 333-008-0021 to qualify for a reduced fee.
- (2) If the applicant is designating a primary caregiver, the applicant must complete the caregiver portion of the application and submit a legible copy of the designated primary caregiver's valid government issued photographic identification that includes the caregiver's last name, first name, and date of birth. The applicant may also designate an organization that provides hospice, palliative or home health care services, or a residential facility as defined in ORS 443.400, under ORS 475B.419, as an additional caregiver.
- (3) If an applicant intends to produce marijuana for him or herself or designate another person to produce marijuana for him or her, the applicant or the individual designated to be the PRMG must complete the grow site registration portion of the application and submit:
  - (a) A legible copy of the designated PRMG's valid government issued photographic identification that includes the last name, first name, and date of birth.
  - (b) The grow site address.
  - (c) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.
  - (d) Except for a patient producing marijuana for him or herself at his or her residence, the grow site registration fee as specified in OAR 333-008-0021(4), unless the Authority has established an online payment system for grow site registration in which case the fee must be paid online in accordance with instructions from the Authority.
- (4) If the Authority establishes an online payment system for payment of a grow site registration fee the Authority must notify the person designated on the application as the PRMG with instructions for how to pay the fee online and the deadline by which the fee must be paid.
- (5) Applications must be mailed to the address listed in section (6) of this rule or hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, unless the Authority has established an electronic application process at which time applications and accompanying documentation must be submitted electronically.
- (6) The application forms referenced in this rule may be downloaded at [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp) or obtained by contacting OMMP at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.
- (7) Acceptable forms of current government issued photographic identification include but are not limited to:
  - (a) Driver's license;
  - (b) State identification card;
  - (c) Passport; or
  - (d) Military identification card.



Stat. Auth.: ORS 475B.415, 475B.419, 475B.525  
Stats. Implemented: ORS 475B.415

### **333-008-0021**

#### **Patient and PRMG New and Renewal Fees**

- (1) All fees referenced in this rule are non-refundable.
- (2) New and Renewal Application Fee. A patient must pay a \$200 application fee unless the applicant qualifies for a reduced fee under section (3) of this rule.
- (3) Reduced Fees.
  - (a) An applicant receiving SSI benefits: \$20. In order to qualify for the reduced fee the applicant must submit at the time of application a copy of a current monthly SSI benefit statement showing dates of coverage.
  - (b) An applicant enrolled in OHP: \$50. In order to qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.
  - (c) An applicant receiving food stamp benefits through the Oregon SNAP: \$60. In order to qualify for the reduced fee the applicant must submit at the time of application current proof of his or her food stamp benefits.
  - (d) An applicant who has served in the Armed Forces of the United States: \$20. In order to qualify for the reduced fee the applicant must provide proof of having served in the Armed Forces, such as but not limited to, submitting a Veteran's Administration form DD-214.
- (4) Grow Site Registration Fee: \$200.
- (5) Replacement Card Fees. If a patient, designated primary caregiver or PRMG needs to obtain a replacement card the fee is \$100. If the patient qualifies for a reduced application fee of \$20, the fee to receive any of the replacement cards is \$20.
- (6) All fees must be paid at the time a new or renewal application is submitted, or when an application to add or change a PRMG is submitted under OAR 333-008-0047 and may be paid in the form of bank check, money order, or personal check, unless the Authority has established an online payment system in which case payments must be made online. The Authority does not accept responsibility for payments that are lost in the mail or stolen in transit.
- (7) The Authority shall notify an applicant who submits a reduced application fee if the applicant is not eligible for the reduced fee and will allow the applicant 14 calendar days from the date of notice to pay the correct application fee or submit current valid proof of eligibility for a reduced fee.

Stat. Auth.: ORS 475B.415, 475B.420, 475B.525  
Stats. Implemented: ORS 475B.415

### **333-008-0022**

#### **Proof of Residency**

- (1) If an applicant for a registry identification card does not have a valid Oregon driver license or Oregon identification card, the applicant must submit documentation that shows the applicant is a resident of Oregon, such as but not limited to a current lease agreement or current utility bill that has the applicant's name and address.
- (2) Residency must be maintained by patients while registered with the Authority.

Stat. Auth.: ORS 475B.415, 475B.420, 475B.525  
Stats. Implemented: ORS 475B.415

### **333-008-0023**

#### **Patient Application Review Process**

- (1) The Authority must review a patient application to determine if it is complete.
- (2) If an applicant does not provide all the information required in OAR 333-008-0020(1) or pay the applicable fee the Authority will reject the application as incomplete.
- (3) If an applicant does not provide all the information required in OAR 333-008-0020(2) and (3), the Authority must notify the applicant of the information that is missing and allow the applicant 14 calendar days to submit the missing information.
- (4) The Authority may verify the information on each application, verify any accompanying documentation submitted with an application, or request additional information from the applicant or other individuals named on the application.
- (5) If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010 the applicant will be allowed 30 days to submit a new APS or written documentation from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475B.415(8) and OAR 333-008-0035.
- (6) If an applicant fails to submit information necessary for the Authority to verify information on the application, fails to submit information necessary to verify any accompanying documentation submitted with an application, or fails to cooperate with the Authority in obtaining information, such as but not limited to refusing to sign an authorization for disclosure of medical records within timeframes established by the Authority, the Authority will reject the application as incomplete.
- (7) An applicant whose application is rejected as incomplete may reapply at any time. If the individual reapplies within a year the application fee may be applied toward a new application.
- (8) Upon receipt of a complete application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant.
- (9) The Authority shall approve or deny an application within 30 days after receiving a complete application.

Stat. Auth.: ORS 475B.415, 475B.525

Stats. Implemented: ORS 475B.415

### **333-008-0025**

#### **Person Responsible for a Marijuana Grow Site Criteria; Grow Site Registration Application Review Process**

- (1) In order to be a PRMG an individual must:
  - (a) Be 21 years of age or older.
  - (b) Not have been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II:
    - (A) Within the previous two years; or
    - (B) More than once.
- (2) In addition to the application review required in OAR 333-008-0023 the Authority must:
  - (a) Conduct a criminal background check on any PRMG.
  - (b) Verify the PRMG's age.
  - (c) Verify the zoning of the grow site address if the grow site is within city limits.

- (d) Determine the number of plants that are permitted at the grow site address.
  - (3) Unless the Authority has received a request for a grandfathered grow site address under OAR 333-008-0500, the grow site plant limits, on and after March 1, 2016, are as follows:
    - (a) A maximum of 12 mature marijuana plants if the grow site location is within city limits and zoned residential; or
    - (b) A maximum of 48 mature marijuana plants if the grow site location is within city limits but not zoned residential or outside city limits.
  - (4) The Authority must notify a patient if a PRMG or a grow site address is ineligible for registration and the patient will be allowed 14 calendar days to identify another PRMG or grow site address in accordance with OAR 333-008-0047.
- Stat. Auth.: ORS 475B.420, 475B.525  
Stats. Implemented: ORS 475B.420

### **333-008-0030**

#### **Approval of New and Renewal Patient Applications**

- (1) If the Authority approves a patient application, the Authority shall issue a serially numbered registry identification card to the patient within five business days.
  - (2) The registry identification card must include, but is not limited to:
    - (a) The patient's name, address, and date of birth;
    - (b) The effective date, date of issuance, and expiration date of the registry identification card; and
    - (c) The designated primary caregiver's name, address, and date of birth, if applicable.
  - (3) If a patient has specified a designated primary caregiver the Authority shall issue an OMMP identification card for the designated primary caregiver.
- Stat. Auth.: ORS 475B.415, 475B.525  
Stats. Implemented: ORS 475B.415

### **333-008-0033**

#### **Approval of New or Renewal PRMG and Grow Site Application; Change of PRMG**

- (1) The Authority must register a PRMG and a grow site address listed on an application if:
  - (a) The PRMG:
    - (A) Meets the age requirements;
    - (B) Passes the criminal background check;
    - (C) Has not violated a provision of ORS 475B.400 to 475B.525, ORS 475B.580, ORS 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500; and
    - (D) Pays the applicable fee.
  - (b) The grow site address does not exceed the plant limits in ORS 475B.428(3) or (4).
- (2) If the Authority registers a marijuana grow site it will issue an identification card and a grow site registration card that contains at least the following information:
  - (a) The PRMG's name, address, date of birth, and identification card number.
  - (b) The effective date, date of issuance, and expiration date of the identification card.
  - (c) The grow site address.
  - (d) The patient's registry identification card number.
- (3) A PRMG, except for a patient growing only for him or herself at his or her residence who is not transferring usable marijuana, seeds or immature plants to a registered processing site or

dispensary, must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.

(4) A PRMG is responsible for knowing how many immature and mature marijuana plants are legally permitted at the grow site address.

(5) The Authority shall also notify a patient if the PRMG and grow site address has been approved.

(6) The Authority may only register one grow site per patient, and may only register grow sites in Oregon.

Stat. Auth.: ORS 475B.420, 475B.525

Stats. Implemented: ORS 475B.420

### **333-008-0035**

#### **Denial of Patient Application**

(1) The Authority may deny a new or renewal patient application if:

(a) The applicant or patient did not provide the information required to be submitted in OAR 333-008-0020;

(b) The Authority determines that the information provided was falsified;

(c) The Authority determines that the applicant or patient violated a provision of ORS 475B.400 to 475B.525, ORS 475B.580, ORS 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500.

(2) An individual whose application is denied may not reapply for at least six months from the date of the denial unless otherwise authorized by the Authority.

Stat. Auth.: ORS 475B.415, 475B.525

Stats. Implemented: ORS 475B.415

### **333-008-0037**

#### **Denial of Designation of Caregiver or Person Responsible for a Marijuana Grow Site; Denial of Grow Site Registration**

(1) The Authority may deny a designation of a primary caregiver made under ORS 475B.418 if the Authority determines that the designee or the patient violated a provision of ORS 475B.400 to 475B.525, ORS 475B.580, 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500.

(2) A person whose designation has been denied may not be designated as a primary caregiver under ORS 475B.418 for six months from the date of the denial unless otherwise authorized by the Authority.

(3) The Authority may deny a designation of a PRMG if the Authority determines that the applicant or the PRMG violated a provision of ORS 475B.400 to 475B.525, 475B.580, 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500.

(4) The Authority may deny the registration of a PRMG and grow site address if the grow site registration fee has not been paid.

Stat. Auth.: ORS 475B.415, 475B.420 & 475B.525

Stats. Implemented: ORS 475B.415, 475B.420

### **333-008-0040**

#### **Annual Renewal**

- (1) A patient shall register on an annual basis to maintain active registration status by submitting:
  - (a) A renewal application prescribed by the Authority;
  - (b) An APS signed by the patient's attending physician within 90 days prior to the expiration date of the patient's current card, reconfirming the patient's debilitating medical condition and that the medical use of marijuana mitigates the symptoms of the patient's debilitating medical condition, except as provided in section (2) of this rule; and
  - (c) The additional information and fees required in OAR 333-008-0020.
- (2) A patient who meets the following criteria and provides documentation of meeting the criteria in accordance with instructions on the renewal application form is not required to submit an APS as described in subsection (1)(b) of this rule:
  - (a) Has been assigned a total and permanent disability rating for compensation that rates the veteran as unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities as described in 38 C.F.R. 4.16; or
  - (b) Has a United States Department of Veterans Affairs total disability rating of 100 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service and who received a discharge or release under other than dishonorable conditions.
- (3) A renewal application may be submitted by mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232.
- (4) Between 60 to 90 calendar days prior to expiration, the Authority shall notify the patient of the upcoming expiration date.
- (5) If a renewal application and accompanying information is not received by the expiration date on the patient's card, the patient's card and all other associated OMMP identification cards, if any, are expired. The expiration date may be extended, due to personal hardship, at the discretion of the Authority.
- (6) Upon receipt of a complete renewal application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete renewal application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant.
- (7) The Authority shall review and verify the renewal application information in the same manner as specified in OAR 333-008-0023 and 333-008-0025 and shall approve or deny the application in accordance with OAR 333-008-0030 to 333-008-0037, as applicable.

Stat. Auth.: ORS 475B.415, 475B.418, 475B.420, 475B.525

Stats. Implemented: ORS 475B.415, 475B.418, 475B.420

### **333-008-0045**

#### **Notification of Changes**

- (1) Patient notification responsibilities.

- (a) A patient must notify the Authority within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending physician, designated primary caregiver, PRMG, grow site address or residency, on a form prescribed by the Authority.
- (b) If the patient is designating a caregiver for the first time or designating a different caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.

(c) If a patient is adding or changing a PRMG or grow site address the patient must comply with OAR 333-008-0047.

(2) Caregiver notification responsibilities. A designated primary caregiver must notify the Authority within 10 calendar days of any change in the caregiver name, mailing address, electronic mail address, or telephone number.

(3) Person responsible for a marijuana grow site notification responsibilities. A PRMG must notify the Authority within 10 calendar days of:

(a) Any change in the person's name, mailing address, electronic mail address, or telephone number.

(b) A conviction of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(4) If the Authority is notified by the patient that the patient has terminated the designation of a primary caregiver or a PRMG the Authority must notify the individuals confirming the termination, informing the individual that his or her card is no longer valid, and requesting that the card be returned to the Authority within seven calendar days. In addition the Authority must notify the PRMG whether the termination affects the person's ability to produce marijuana for other patients at the grow site address, in accordance with ORS 475B.428(6).

(5) Change in Medical Condition.

(a) If an attending physician notifies the Authority that a patient no longer has a debilitating medical condition or that the medical use of marijuana is contraindicated for the patient's debilitating medical condition, the Authority must notify the patient that the patient's registry identification card will be invalid 30 days from the date of the notification unless the patient submits within 30 calendar days an APS or written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending physician within the previous 90 days, which states the individual has been diagnosed with a debilitating medical condition and that the use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.

(b) If, due to circumstances beyond the patient's control he or she is unable to submit the documentation in subsection (a) of this section, the Authority may, upon receiving a written request from the patient, grant the patient additional time to obtain a second opinion. The Authority must notify the patient how much additional time the patient has to submit the documentation.

(6) If a patient does not intend to submit the information or does not submit the information required in section (5) of this rule within the timeframes established by the Authority, the Authority must notify:

(a) The patient that the patient's card must be returned within seven calendar days; and

(b) If applicable, the patient's designated primary caregiver and PRMG that those identification cards must be returned within seven calendar days.

(7) The Authority will review and deny a caregiver designation or register a caregiver in accordance with OAR 333-008-0023 to 333-008-0037, as applicable.

(8) Change forms may only be submitted to the Authority via mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232 and must be accompanied by any applicable fee as specified in OAR 333-008-0021. Stat. Auth.: ORS 475B.415, 475B.418, 475B.420 & 475B.525

Stats. Implemented: ORS 475B.415, 475B.418 & 475B.420

### **333-008-0047**

#### **Interim Addition or Change of Person Responsible for a Marijuana Grow Site or Grow Site Address**

(1) If a patient is adding a PRMG and grow site address at any time other than when applying for a new or renewal registry identification card, or if a patient is changing a PRMG or grow site address at any time other than when submitting a renewal application for a patient identification card, the patient must:

(a) Submit a PRMG and grow site registration change application, on a form prescribed by the Authority, that includes all the information and documentation specified in the form and required under OAR 333-008-0020(3); and

(b) Pay the fee required in OAR 333-008-0021 unless the PRMG is a patient growing only for him or herself.

(2) A PRMG and grow site registration change application shall be reviewed in accordance with OAR 333-008-0025 and approved or denied in accordance with OAR 333-008-0033 or 333-008-0037.

Stat. Auth.: ORS 475B.415, 475B.418, 475B.420 & 475B.525

Stats. Implemented: ORS 475B.415, 475B.418, & 475B.420

### **333-008-0049**

#### **Timely Submission to the Oregon Health Authority**

If an applicant, patient, designated primary caregiver, or PRMG is required to submit information or documentation to the Authority by a particular deadline it must be received by the Authority, regardless of the method used, by 5 p.m. Pacific Time.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.525

### **333-008-0080**

#### **Permissible Amounts of Medical Marijuana for Patients and Caregivers**

(1) A patient or the patient's designated primary caregiver may jointly possess up to six mature marijuana plants and 24 ounces of usable marijuana.

(2) A patient or the patient's designated primary caregiver may only possess cannabinoid products, concentrates or extracts in the amounts described in ORS 475B.245.

(3) A patient and designated primary caregiver must have, in his or her possession, his or her registry identification card or OMMP identification card when transporting marijuana.

(4) A patient must have, in his or her possession, his or her registry identification card when using marijuana in a location other than the residence of the cardholder.

Stat. Auth.: ORS 475B.430

Stats. Implemented: ORS 475B.430

### **333-008-0090**

#### **Addition of Qualifying Diseases or Medical Conditions**

(1) For the purposes of this rule, the following definitions apply:

(a) DSM means the latest published edition of Diagnostic and Statistical Manual of Mental Disorders.

(b) ICD means the most recent revision of the International Classification of Diseases published by the United Nations-sponsored World Health Organization that provides codes, up to six

characters long, to classify diseases and a variety of signs, symptoms, abnormal findings, complaints, social circumstances, and external causes of injury or disease.

(c) Peer-reviewed published scientific study means that a study has been cited by the Cochrane Review, the Institute of Medicine, or PubMed Central.

(d) Petitioner means an individual who has filed a petition in accordance with ORS 475B.517 and this rule.

(e) State Public Health Officer (SPHO) means the individual appointed by the Director of the Authority in accordance with ORS 431.045, or his or her designee.

(2) The Authority shall accept a written petition from any person requesting that a particular disease or condition be included among the diseases and conditions that qualify as a debilitating medical condition under ORS 475B.410.

(a) A petition may only request a single disease or condition be added as a debilitating medical condition. A separate petition must be submitted for each disease or condition proposed to be added as a debilitating medical condition.

(b) A petition must be submitted by mail using a form prescribed by the Authority and must include, along with the form, the following in an electronic format (e.g. compact disc (CD) or thumb drive):

(A) A specific description of the disease or condition proposed to be added and its characteristics, including the applicable ICD code or the specific diagnosis as described in the DSM;

(B) A general explanation of how or why the petitioner believes marijuana would mitigate the symptoms or effects of the disease or condition that is the subject of the petition; and

(C) At least one peer-reviewed published scientific study showing the efficacy in humans for use of medical marijuana for the disease or condition that is the subject of the petition.

(c) A petitioner may also include with the information required to be submitted in subsection (2)(b) of this rule letters of support from physicians or other licensed health care professionals knowledgeable about the disease or condition proposed to be added, and any other information the petitioner believes the SPHO should review in considering the petition.

(d) If a petitioner submits a petition to add the same or a substantially equivalent disease or condition that was the subject of a petition that was denied by the SPHO within the last five years from the date a new petition is submitted, a petitioner must submit at least one peer-reviewed published scientific study that was published since the date the SPHO denied the previous petition for the same or substantially equivalent disease or condition.

(e) A petition may not contain individually identifiable health information as that is defined in ORS 433.443 unless any individual identified in relation to health information submits an Authorization for Use and Disclosure of Information on a form prescribed by the Authority. A petition that contains individually identifiable health information that is submitted without the required authorization must be returned to the petitioner as incomplete.

(f) A petition that does not contain all the information required by section (2) of this rule shall be returned to the petitioner as incomplete. A petition returned as incomplete is not considered a denial for purposes of subsection (2)(d) of this rule.

(3) If the petitioner has submitted a petition with all the information required in section (2) of this rule, the SPHO must:

(a) Assign a petition number to the petition;

(b) Notify the petitioner by certified mail that the petition has been accepted;



- (c) Post a notice, a copy of the petition and materials submitted by the petitioner on the Authority's website announcing that the petition has been accepted and is under consideration, and solicit information from individuals or organizations concerning experts in cannabis therapeutics and scientific studies, including but not limited to peer-reviewed published scientific studies;
- (d) Notify the Advisory Committee on Medical Marijuana (ACMM) by electronic mail that the petition is under consideration, and request from the ACMM recommendations regarding relevant experts and information pertinent to the petition;
- (e) Conduct an investigation that may, as the SPHO determines necessary, include:
  - (A) Consulting with one or more experts in cannabis therapeutics and one or more experts on the disease or condition that is the subject of the petition;
  - (B) Requesting a literature review and a summary of peer-reviewed published scientific studies related to the use of marijuana for the disease or condition that is the subject of the petition, from neutral persons knowledgeable about conducting such reviews; and
  - (C) Gathering any other information the SPHO believes relevant to making a decision on the petition.
- (f) Hold a public hearing at a time and place determined by the SPHO. At the public hearing the petitioner shall have the opportunity to address the SPHO in person or by telephone. Written comments shall be accepted by the SPHO for one week following the close of the public hearing.
- (4) Following the investigation identified in subsection (3)(e) of this rule and the close of the public comment period specified in subsection (3)(f) of this rule, the SPHO must issue a Notice of Intent to either approve or deny the petition.
  - (a) The SPHO must issue a Notice of Intent to Approve the petition if, based on the evidence presented to and considered by the SPHO, the SPHO finds that:
    - (A) Marijuana is efficacious for the disease or condition that is the subject of the petition or marijuana may mitigate the symptoms or effects of the disease or condition that is the subject of the petition; and
    - (B) Any risk of physical or mental harm from using marijuana for the disease or condition that is the subject of the petition is outweighed by the physical or mental benefit of using marijuana for that disease or condition.
  - (b) The SPHO must issue a Notice of Intent to Deny the petition if the SPHO determines that the evidence presented to and considered by the SPHO does not meet the standards established in subsection (4)(a) of this rule.
  - (c) The Notice of Intent must be in writing and must describe all evidence and information upon which the decision of the SPHO is based, including the identity and credentials of all experts relied upon.
  - (d) If the Authority issues a Notice of Intent to Deny the petitioner is entitled to a contested case hearing as provided under ORS chapter 183. The petitioner has 30 days to request a hearing.
  - (5) At a contested case hearing, the petitioner has the burden of proving the decision of the SPHO was without a reasonable basis in fact.
  - (6) The SPHO must issue a final order within 180 days of receipt of a complete petition.
  - (7) A petitioner may withdraw his or her petition without prejudice at any time prior to the public hearing specified in subsection (3)(f) of this rule. A petition withdrawn after the public hearing specified in subsection (3)(f) of this rule shall be deemed denied for purposes of this rule.

Stat. Auth.: ORS 475B.517 & 475B.525  
Stats. Implemented: ORS 475B.517

### **333-008-0110**

#### **Advisory Committee on Medical Marijuana**

- (1) The Advisory Committee on Medical Marijuana (ACMM) shall advise the Director of the Authority on the administrative aspects of ORS 475B.400 to 475B.525, including rules and fees adopted and proposed for adoption under ORS 475B.400 to 475B.525.
- (2) The Authority will provide staff support to the ACMM by assisting with the scheduling of meetings, recording of minutes, and dissemination of meeting-related materials.
- (3) The ACMM will adopt a Charter and By-Laws that detail:
  - (a) How meetings will be conducted;
  - (b) The election of presiding officers; and
  - (c) The scheduling of at least four public meetings per year.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

### **333-008-0500**

#### **Request for Grandfathered Grow Site**

- (1) An individual or group of individuals may submit a petition, on a form prescribed by the Authority, requesting that a grow site address be approved as a grandfathered grow site.
- (2) A petition submitted under section (1) of this rule must include:
  - (a) For all individuals currently growing at the grow site address:
    - (A) Names and contact information.
    - (B) Copies of legible and valid government issued photographic identification that includes last name, first name, and date of birth.
    - (C) Copies of all current grow site registration cards issued to the PRMG for the grow site address.
    - (D) An attestation that the PRMG was registered at the grow site address on December 31, 2014, and has continuously been registered at the grow site address since that date.
  - (b) The physical address of the grow site where marijuana is being produced or intending to be produced.
  - (c) Documentation from a local government that indicates whether the address is within city limits and if so, the zoning designation for the address.
  - (d) The names and registry identification card numbers for all patients for whom each PRMG is producing at the grow site address.
  - (e) How many patients each PRMG was growing for on December 31, 2014.
- (3) A petition that does not contain all the required information or is not accompanied by all of the documentation required to be submitted in section (2) of this rule is incomplete and will be returned to the applicant.
- (4) A petition that does not include all the PRMGs currently growing at the grow site address may be considered by the Authority to be incomplete and may be returned to the applicant.
- (5) Acceptable forms of current government issued photographic identification include but are not limited to:
  - (a) Driver's license;
  - (b) State identification card;

- (c) Passport; or
  - (d) Military identification card.
- Stat. Auth.: ORS 475B.525  
Stats. Implemented: ORS 475B.428

### **333-008-0510**

#### **Review of Petition For Grandfathered Grow Site**

- (1) Once the Authority has determined that a petition is complete it must:
- (a) Conduct a criminal background check on all PRMGs listed on the application;
  - (b) Verify that:
    - (A) Each person listed on the application is 21 years of age or older;
    - (B) Each person has a current valid registration card and is currently registered at the grow site address;
    - (C) All the patients listed on the application have valid cards; and
    - (D) All persons were registered with the Authority on December 31, 2014, at the grow site address listed on the application and have been continuously registered at the grow site since the petition was submitted; and
  - (c) Verify the number of patients each PRMG was producing marijuana for, at that address on December 31, 2014.
- (2) If a PRMG listed on a petition does not meet the age requirements or is disqualified to be a PRMG based on criminal convictions, the Authority must notify:
- (a) The PRMG that his or her designation is revoked; and
  - (b) The patient that the patient's PRMG is ineligible and that the patient may submit a change form, in accordance with OAR 333-008-0047 designating a new PRMG and grow site address.
- Stat. Auth.: ORS 475B.525  
Stats. Implemented: ORS 475B.428

### **333-008-0520**

#### **Approval of Petition for Grandfathered Grow Site**

- (1) The Authority will grant a petition for a grandfathered grow site if, based on the information in the petition and the Authority's review of the petition:
- (a) The grow site address is currently registered with the Authority;
  - (b) The petition includes all PRMGs currently growing at the grow site address;
  - (c) With the exception of any PRMG whose designation was revoked under OAR 333-008-0510(2), the PRMGs listed in the petition are qualified to be a PRMG;
  - (d) All qualified PRMGs listed in the petition were registered at the grow site address on December 31, 2014, and were all continuously registered there at the time the petition was submitted; and
  - (e) The number of patients registered at the grow site address would not result in the grow site address exceeding:
    - (A) 24 mature marijuana plants if the location is within city limits and zoned residential; or
    - (B) 96 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
- (2) The actual grow site address plant limit is based on the number of patients registered at the grow site address on December 31, 2014, assuming six mature plants per patient.

(3) If a grow site address is approved under this rule the Authority may not register any additional PRMG at that address unless the grandfathered grow site approval has been terminated.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.428

### **333-008-0530**

#### **Denial of Petition for Grandfathered Grow Site**

(1) The Authority must deny a petition for a grandfathered grow site if based on the information in the petition and the Authority's review of the petition:

(a) The grow site address is not currently registered with the Authority;

(b) The petition does not include all PRMGs currently producing marijuana at the grow site address;

(c) None of the PRMGs listed in the petition are qualified or the number of PRMGs eligible to produce marijuana at the grow site address would result in the grow site address exceeding the maximum plant limits, depending on the location of the grow site address;

(d) Not all of the qualified PRMGs listed in the petition were registered at the grow site address on December 31, 2014, or were not all continuously registered there at the time the petition was submitted; or

(e) The number of patients registered at the grow site address exceed the plant limits in ORS 475B.428(3)(b) or 475B.428(4)(b).

(2) An individual or group of individuals whose petition is denied may resubmit a petition at any time.

(3) If a petition is denied the maximum plant limits at the grow site address for which the petition was filed are:

(a) 12 mature marijuana plants if the location is within city limits and zoned residential; or

(b) 48 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.428

### **333-008-0540**

#### **Requirements for Grandfathered Grow Sites; Termination of PRMG Designation; Suspension or Revocation of PRMG Registration**

(1) A grandfathered grow site may only have the number of plants authorized by the Authority, based on the number of patients designating the address as a grow site on December 31, 2014. A PRMG producing marijuana at a grandfathered grow site may replace an existing patient with a new patient unless the person's designation has been terminated under ORS 475B.428(6).

(2) If the Authority suspends or revokes the registration of a PRMG that is producing marijuana at a grandfathered grow site the PRMG may not continue to grow at that address or any other grow site address that has more than:

(a) 12 mature marijuana plants if the location is within city limits and zoned residential; or

(b) 48 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.

(3) If a patient terminates the designation of a PRMG that person may not be designated to produce marijuana by another patient at the grandfathered grow site address and may not

produce marijuana at any other grow site address that is authorized to have more than 48 mature marijuana plants.

(4) Approval of a grandfathered grow site is terminated once the number of mature marijuana plants, based on number of PRMGs who have been authorized to produce medical marijuana at the grow site address and the number of patients each person is producing for is less than:

(a) 12 mature marijuana plants if the location is within city limits and zoned residential; or

(b) 48 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.428

### **333-008-0550**

#### **General Person Responsible for a Marijuana Grow Site Requirements**

(1) A PRMG may not grow marijuana for more than four patients at any one time.

(2) A PRMG must display a marijuana grow site registration card at the marijuana grow site at all times for each patient for whom marijuana is being produced.

(3) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a patient by a PRMG are the property of the patient and must be provided to the patient upon request, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.425.

(4) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the PRMG ceases producing marijuana for the patient, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.425.

(5) All usable marijuana associated with the production of marijuana for a patient must be transferred to a marijuana processing site upon the patient's request.

(6) All seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a patient must be transferred to a medical marijuana dispensary upon the patient's request.

(7) If a patient terminates the designation of a PRMG that PRMG may not be designated to produce marijuana by another patient unless the grow site address is authorized to have no more than 48 mature marijuana plants.

(8) A PRMG must return the grow site registration card to the Authority when the person's designation has been terminated by a patient or the person ceases producing marijuana for him or herself or another patient.

(9) A PRMG registered with the Authority, except for a patient growing only for him or herself at his or her own residence and not transferring usable marijuana, seeds or immature plants to a registered processing site or dispensary, must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.

(10) A PRMG must comply with the advertising restrictions in OAR 333-008-2070 and must remove any sign, display or advertisement if the Authority determines the PRMG has violated OAR 333-008-2070.

(11) On and after July 1, 2017, a PRMG who transfers or sells usable marijuana to a registered processing site or sells or transfers seeds, immature plants or usable marijuana to a registered

dispensary must own, maintain and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a PRMG whenever marijuana items are:

- (a) Transferred to or from the PRMG to a registered processing site or dispensary and the transfer is by weight;
- (b) Packaged for transfer by weight to a registered processing site or dispensary; or
- (c) Weighed for purposes of documenting information required in OAR 333-008-0630 for transfers to registered processing sites or dispensaries.

(12) A PRMG may only use pesticides in accordance with ORS chapter 634 and OAR chapter 603, division 57.

(13) The Authority may investigate any violation of this rule based on:

- (a) A failed pesticide test;
- (b) Information provided by any other state agency;
- (c) A grow site inspection; or
- (d) The receipt of a complaint alleging unlawful pesticide use.

(14) If the Authority determines that a violation of section (12) of this rule has occurred, it may provide information obtained by the Authority to the Oregon Department of Agriculture in accordance with ORS 475B.460(5).

Stat. Auth.: ORS 475B.420 - 475B.428 & 475B.525

Stats. Implemented: ORS 475B.420 - 475B.428

### **333-008-0560**

#### **Grow Site Plant Limits**

(1) A PRMG may not produce more than six mature marijuana plants per patient.

(2) Unless a petition has been granted under OAR 333-008-0520 or except as authorized under Oregon Laws 2016, chapter 83, section 2, a grow site address may not have more than:

- (a) 12 mature marijuana plants if the location is within city limits and zoned residential; or
- (b) 48 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.

(3) For purposes of determining plant limits the Authority presumes that a PRMG grows six mature plants for each patient.

Stat. Auth.: ORS 475B.428, 475B.525

Stats. Implemented: ORS 475B.428

### **333-008-0570**

#### **Designation of Plants at Grow Site Address**

(1) A PRMG producing marijuana at a grow site where multiple PRMGs are registered must:

(a) Physically identify the marijuana plants at a grow site address that are being grown by that PRMG by either:

(A) Tagging each marijuana plant with the PRMG's name, identification card number and patient identification number; or

(B) Fencing or cordoning off the PRMG's marijuana plants and posting all grow site registration cards at the location where the plants are located; or

(b) Post a plot plan or graphic matrix depicting the plant layout configuration within the grow site and the PRMG and patient associated with each plant. For purposes of such grow site mapping, a keyed or alphanumeric legend must be included that includes means to confirm the

assigned PRMG name and identification number and the patient name and identification number for each plant.

(2) If during an investigation the Authority determines that marijuana plants have not been designated by a PRMG in accordance with section (1) of this rule or there are marijuana plants at the grow site designated by an individual who is not authorized to produce marijuana at that grow site the Authority may suspend or revoke the registration of the grow site address for all PRMGs at that grow site and all the PRMG's identification cards.

(3) If during an investigation the Authority determines that a PRMG is producing marijuana plants in excess of the number of plants allowed in ORS 475B.428 the Authority may suspend or revoke the registration of the PRMG for each patient who has designated the PRMG.

(4) Each PRMG registered at a grow site is jointly and severally responsible for ensuring compliance with ORS 475B.428.

Stat. Auth.: ORS 475B.428, 475B.525

Stats. Implemented: ORS 475B.428

### **333-008-0580**

#### **Usable Marijuana Possession Limits for a Person Designated to Produce Marijuana by a Patient**

(1) Subject to section (2) of this rule, a person designated to produce marijuana by a patient may possess the amount of usable marijuana that the person harvests from his or her mature marijuana plants, provided that the person may not possess usable marijuana in excess of the amount of usable marijuana in the person's possession as reported to the Authority under OAR 333-008-0630.

(2) A person designated to produce marijuana by a patient may not possess usable marijuana in excess of:

(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature marijuana plant; or

(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature marijuana plant.

(3) Unless a PRMG falls within the definition of a person designated to produce marijuana by a patient the PRMG may only possess the amount of usable marijuana that is permitted under ORS 475B.245.

(4) A PRMG producing marijuana at a grow site where there are multiple PRMGs registered must physically segregate the usable marijuana at the grow site address that is the property of the PRMG or the PRMG's patients by placing the usable marijuana in a receptacle or multiple receptacles and attaching a label to the receptacle that includes the PRMG's name, identification card number and patient identification number.

(5) If during an investigation the Authority determines that usable marijuana has not been segregated in accordance with section (4) of this rule or that usable marijuana at the grow site is identified as belonging to an individual who is not registered at the grow site, the Authority may suspend or revoke the registration of the grow site address for all PRMGs producing at that grow site and the PRMG's cards.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.430

### **333-008-0600**

### **PRMG Labeling, Packaging and Testing Requirements**

A PRMG who transfers usable marijuana to a registered processing site or dispensary must comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060, and the testing requirements in OAR 333-007-0300 to 333-007-0500, including but not limited to assigning and documenting a unique batch number for each batch of usable marijuana, and providing that batch number to registered processing sites and dispensaries at the time of transfer or sale .

Stat. Auth.: ORS 475B.555

Stats. Implemented: ORS 475B.555

### **333-008-0630**

#### **PRMG Documentation Requirements**

- (1) The reporting requirements in this rule do not apply to a patient growing only for him or herself at his or her residence, unless the patient is transferring usable marijuana to a registered processing site or dispensary.
- (2) Beginning in June 2016, and on a monthly basis thereafter, no later than the 10th day of each month, a PRMG, who is not a person designated to produce marijuana by a patient, as that is defined in OAR 333-008-0010, must submit the following information to the Authority:
  - (a) The number of immature and mature marijuana plants and amount of usable marijuana transferred to each patient for whom the PRMG is producing marijuana;
  - (b) The amount of usable marijuana transferred to each registered marijuana processing site through an agreement with the patient; and
  - (c) The number of seeds or immature plants and the amount of usable marijuana transferred to each registered dispensary through an agreement with the patient.
- (3) Beginning in June 2016, and on a monthly basis thereafter, no later than the 10th day of each month, a person designated to produce marijuana by a patient as that term is defined in OAR 333-008-0010, must submit the following information to the Authority:
  - (a) The number of mature marijuana plants and immature marijuana plants, the amount of marijuana leaves and flowers being dried, and the amount of usable marijuana, in the person's possession;
  - (b) The number of mature marijuana plants and immature marijuana plants, and the amount of usable marijuana transferred to each patient for whom the person produces marijuana, or that patient's designated primary caregiver during the previous month;
  - (c) The amount of usable marijuana transferred to each marijuana processing site during the previous month; and
  - (d) The number of immature marijuana plants, and the amount of usable marijuana transferred to each medical marijuana dispensary during the previous month.
- (4) The information required to be submitted under this rule must be submitted electronically in a manner prescribed by the Authority.
- (5) In addition to submitting the information as required in section (3) of this rule a person designated to produce marijuana by a patient must keep a record of the information described in section (3) of this rule for two years after the date on which the person submits the information to the Authority.
- (6) A person designated to produce marijuana by a patient, as that term is defined in OAR 333-008-0010, may delegate his or her duty to report information under section (3) of this rule to



another person designated to produce marijuana by a patient if the marijuana grow site addresses are the same.

(a) The person to whom the duty is delegated must submit a notice, on a form prescribed by the Authority, of the delegation.

(b) A delegation under this section does not relieve a person designated to produce marijuana by a patient, who delegates the duty to report, from complying with any of these rules, except for the duty to report.

(c) If a person to whom the reporting duty has been delegated fails to report in accordance with section (3) of this rule the Authority may suspend or revoke the registration of the person to whom the reporting duty was delegated.

(d) If the person to whom the reporting duty has been delegated fails to report in accordance with section (3) of this rule for any person designated to produce marijuana by a patient the delegation is void and the person who delegated the reporting duty must report the information to the Authority within 10 business days of being informed by the Authority of the failure to report.

Stat. Auth.: ORS 475B.420, 475B.423, 475B.525

Stats. Implemented: ORS 475B.420, 475B.423

### **333-008-0640**

#### **PRMG Security Requirements**

A PRMG must effectively prevent public access and obscure from public view all areas where marijuana is being produced.

Stat. Auth.: ORS 475B.525

Stats. Implemented: 475B.525

### **333-008-0700**

#### **Monitoring and Investigations**

(1) The Authority may, at any time, contact a patient, designated primary caregiver, PRMG, or a patient's attending physician by telephone, mail or in person to verify the current accuracy of information included in the registration system.

(2) The Authority may, when it has reasonable basis for believing a violation of ORS 475B.400 through 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules has occurred, either conduct an investigation or arrange for this responsibility to be assumed by the proper state or local authorities.

(3) A patient, designated primary caregiver or PRMG must cooperate with the Authority during an investigation.

(4) If the Authority records show that any one physician is the attending physician of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the physician do one of the following:

(a) Provide information for each new patient over the 450 threshold, including:

(A) Documentation that the patient's medical records have been reviewed;

(B) Patient chart notes documenting the patient was examined by the physician and the date of the examination; and

(C) Documentation showing provided or planned follow-up care;

(b) Provide a letter from a clinic at which the physician provides care requesting that the physician be exempted from this section and provide documentation from the clinic that it:

- (A) Has clear systems for ensuring medical records are reviewed and that each patient is examined by a physician;
- (B) Provides follow-up care for patients;
- (C) Maintains a record system documenting the review of medical records, physician examination, and follow-up care; and
- (D) Will allow on-site inspections by the Authority to confirm compliance; or
- (c) Provide a written statement explaining why the physician should be released from the requirements in this section, for example, an explanation that the physician:
  - (A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;
  - (B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or
  - (C) Has multiple practice sites and at one of the practice sites the physician clearly meets the attending physician definition.
- (5) If the Authority receives a request from a physician to be exempted from the requirement in section (4) of this rule, the Authority shall provide the physician a decision, in writing, explaining whether the physician is or is not exempted from the requirement in section (4) of this rule. The Authority's written decision shall explain the basis for the Authority's decision.
- (6) The Authority shall refer criminal complaints against a patient, designated primary caregiver, or PRMG; or medical practice complaints against an attending physician to the appropriate state or local authorities.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.415 - 475B.420

### **333-008-0710**

#### **Grow Site Inspections**

The Authority may inspect the following to ensure compliance with ORS 475B.420, 475B.423 and 475B.428, and any rule adopted under ORS 475B.420, 475B.423 and 475B.428:

- (1) The marijuana grow site of a person designated to produce marijuana by a patient; and
- (2) The records of a person designated to produce marijuana by a patient.

Stat. Auth.: ORS 475B.420 & 475B.490

Stats. Implemented: ORS 475B.420 & 475B.490

### **333-008-0720**

#### **Violations**

In addition to failure to comply with any applicable provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules, it is a violation:

- (1) For a PRMG to transfer seeds, immature plants or usable marijuana to a registered processing site or dispensary without a valid patient authorization or personal agreement.
- (2) To fail to cooperate with the Authority during an inspection or investigation.
- (3) To fail to pay a civil penalty.

Stat. Auth.: ORS 475B.525

Stats. Implemented: ORS 475B.525

### **333-008-0730**

#### **Suspension and Revocation**

(1) Patient Suspension or Revocation.

(a) The Authority may suspend or revoke a patient's card if the Authority determines that the patient:

(A) Provided false information; or

(B) Violated a provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.

(b) If a patient's card is revoked, any designated primary caregiver issued under ORS 475B.415(5)(b) or PRMG identification card or grow site registration card issued under ORS 475B.420 shall also be revoked.

(c) An individual whose registry identification card is revoked under this rule may not reapply for a registry identification card for six months from the date of the revocation unless otherwise authorized by the Authority.

(2) Designated Primary Caregiver Suspension or Revocation.

(a) The Authority may suspend or revoke a caregiver's identification card issued under ORS 475B.415(5)(b) if the Authority determines that the designated primary caregiver violated a provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.

(b) An individual whose designated primary caregiver identification card has been revoked under this rule may not be designated as a primary caregiver under ORS 475B.418 for six months from the date of the revocation unless otherwise authorized by the Authority.

(3) Person Responsible for a Marijuana Grow Site Suspension or Revocation.

(a) The Authority may suspend or revoke the registration of a PRMG if the Authority determines that a PRMG violated a provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.500.

(b) If the Authority suspends or revokes the registration of a PRMG the person's registration is suspended or revoked for all patients the person is producing marijuana for and the person must:

(A) Return all marijuana that is the property of the person's patients, to the patients; or

(B) If the patient agrees, transfer usable marijuana to a marijuana registered processing site or transfer seeds, immature plants or usable marijuana to a registered dispensary.

(c) A PRMG must document the information, including how much was transferred, the date of transfer, and to whom the transfer was made, and provide that documentation to the Authority upon request.

(d) Failure to comply with the return, transfer, or documentation requirements is a violation and may result in further enforcement action.

Stat. Auth.: ORS 475B.415, 475B.420, 475B.525, 475B.580

Stats. Implemented: ORS 475B.415, 475B.420, 475B.580

### **333-008-0740**

#### **Civil Penalties**

In addition to any other liability or penalty provided by law, the Authority may impose for each violation of a provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, or for each violation of these rules, a civil penalty that does not exceed \$500 for each day that the violation occurs.

Stat. Auth.: ORS 475B.495, 475B.525, 475B.585, 475B.655  
Stats. Implemented: ORS 431A.010, 475B.495, 475B.585, 475B.655

### **333-008-0750**

#### **General Powers**

The Authority may possess, seize or dispose of marijuana or usable marijuana as is necessary for the Authority to ensure compliance with and enforce the provisions of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, and these rules.

Stat. Auth.: ORS 431A.010, 475B.360, 475B.510

Stats. Implemented: ORS 431A.010, 475B.360, 475B.510

### **333-008-1000**

#### **Applicability**

(1) A person may not establish, conduct, maintain, manage or operate an establishment for the purpose of providing the services in ORS 475B.450(1)(a) unless the person is registered by the Authority under these rules.

(2) Nothing in these rules exempts a dispensary registrant or dispensary representative from complying with any other applicable state or local laws.

(3) Registration of a dispensary does not protect a dispensary registrant or dispensary representative from possible criminal prosecution under federal law.

(4) Registration by the Authority is not a guarantee that a dispensary is permitted to operate under applicable land use or other local government laws where the dispensary is located.

(5) These rules apply to any initial or renewal application filed on or after June 24, 2016, and to any application filed prior to June 24, 2016 that the Authority has not approved or denied.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1010**

#### **Definitions**

For the purposes of OAR 333-008-1000 through 333-008-2200 the following definitions apply:

(1) "Dispensary representative" means an owner, director, officer, PRD, manager, employee, agent or other representative of a registered medical marijuana dispensary, to the extent that the person acts in a representative capacity.

(2) "Dispensary registrant" means:

(a) An individual who owns a registered medical marijuana dispensary or, if a business entity owns the registered medical marijuana dispensary, each individual who has a financial interest in the registered medical marijuana dispensary; and

(b) Any PRD.

(3) "Person responsible for a medical marijuana dispensary" or "PRD" means an individual who is directly involved in the day-to-day operations of a dispensary and is identified as a PRD on an application.

(4) "Primary PRD" means a PRD designated by the owner of the dispensary as the primary point of contact for the Authority and who is authorized to receive any and all communications and legal notices from the Authority.

(5) "These rules" means OAR 333-008-1000 to 333-008-1248 and 333-008-2000 to 333-008-2200.

Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1020**

#### **Medical Marijuana Dispensaries: Application for Medical Marijuana Dispensary Registration**

- (1) To register a medical marijuana dispensary a person must:
- (a) Submit an initial application on a form prescribed by the Authority that includes but is not limited to:
    - (A) The name of the individual who owns the dispensary or, if a business entity owns the dispensary, the name of each individual who has a financial interest in the dispensary;
    - (B) The name of the individual or individuals responsible for the dispensary, if different from the name of the individual who owns the dispensary, with one of the individuals responsible for the dispensary identified as the primary PRD;
    - (C) The physical and mailing address of the medical marijuana dispensary; and
  - (b) Application and registration fee.
- (2) An initial application for the registration of a dispensary must be submitted electronically via the Authority's website, [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp).
- (3) If an initial application is submitted along with the required fees the Authority will notify the applicant in writing that the application has been received and that within 30 calendar days of the date the written notice is mailed or sent electronically the following information must be received by the Authority:
- (a) For each individual named in the application:
    - (A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
    - (B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and
    - (C) An Individual History Form and any information identified in the form that is required to be submitted;
  - (b) A written statement from an authorized official of the local government that the proposed location of the dispensary is not located in an area that is zoned for residential use as that term is defined in OAR 333-008-0010;
  - (c) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State, including proof of registration for any DBA (doing business as) registration;
  - (d) Documentation, in a format prescribed by the Authority that the proposed location of the dispensary is not within 1,000 feet of:
    - (A) The real property comprising a public or private elementary or secondary school, except as provided in Oregon Laws 2016, chapter 83, section 29; or
    - (B) A registered dispensary.
  - (e) A scaled site plan of the parcel on which the premises proposed for registration is located, including:
    - (A) Cardinal directional references;
    - (B) Bordering streets and the names of the streets;
    - (C) Identification of the building or buildings in which the proposed dispensary is to be located;
    - (D) The dimensions of the proposed premises of the dispensary;

- (E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and
- (F) Identification of any residences on the parcel or tax lot.
- (f) A scaled floor plan of all enclosed areas of the premises at the proposed location that will be used in the business with the overall dimensions of the dispensary and the dimensions of interior rooms and spaces, a description of the intended uses of all spaces and clear identification and location of:
  - (A) Walls;
  - (B) Partitions;
  - (C) Counters;
  - (D) Windows;
  - (E) Safes;
  - (F) All areas of ingress and egress;
  - (G) All limited access areas;
  - (H) Secure rooms; and
  - (I) Designated limited access areas or designated areas required under OAR 333-008-1110(12); and
- (g) Documentation that shows the applicant has lawful possession of the proposed location of the dispensary.
- (4) The documentation required in section (3) of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.
  - (a) If documentation is mailed it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the initial application was received or the application will be considered incomplete.
  - (b) If documentation is submitted electronically it must be received by the Authority by 5 p.m. Pacific Time within 30 calendar days of the date the Authority mailed the notice to the applicant that the initial application was received or the application will be considered incomplete.
- (5) Application and registration fees must be paid online at the time of application.
- (6) Criminal background check fees must be paid by check or money order and must be mailed to the Oregon Medical Marijuana Program, PO Box 14116, Portland, OR 97293, and must be received by the Authority in accordance with provisions in section (4) of this rule.
- (7) If the Authority does not receive a complete application, including all documentation required in sections (1) and (3) of this rule, and all required fees within the time frames established in this rule, the application will be declared incomplete.
- (8) If an applicant provides the documentation required in section (3) of this rule the Authority will review the information to determine if it is sufficient.
  - (a) If the documentation required under section (3) of this rule is not complete or is insufficient the Authority must notify the applicant in writing and the applicant will have 10 calendar days from the date such written notice is mailed or sent electronically by the Authority to provide the additional documentation.
  - (b) If the applicant does not provide the additional documentation within 10 calendar days or if any responsive documents are incomplete, insufficient or otherwise do not demonstrate compliance with ORS 475B.450 and these rules the application will be declared incomplete.

(9) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in sections (1) and (3) of this rule for each location.

(10) An application that is declared incomplete is treated by the Authority as if it was never received.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1030**

#### **Dispensary Fees**

(1) The initial fees for the registration of a dispensary are:

- (a) A non-refundable application fee of \$500; and
- (b) A \$3,500 registration fee.

(2) The annual renewal fees for the registration of a dispensary are:

- (a) A \$500 non-refundable renewal fee; and
- (b) A \$3,500 registration fee.

(3) The criminal background check fee is \$35 per individual.

(4) The Authority must return the registration fee if:

- (a) An application is incomplete; or
- (b) An applicant withdraws an application.

(5) The Authority may return the registration fee if an application is denied.

(6) For an application received on or after May 31, 2017 the Authority may not refund a registration fee if the Authority has issued the applicant a 60-day letter under OAR 333-008-1040(6) and the applicant subsequently withdraws the application or the applicant does not comply with the 60-day deadline or an extension deadline under OAR 333-0080-1040(7) or (8).

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1040**

#### **Dispensary Application Review**

(1) Applications will be reviewed in the order they are received by the Authority. An application is considered received as of the date and time that payment of application and registration fees is authorized by the entity that issued the credit or debit card used to pay the fees.

(2) Once the Authority has determined that an application is complete it will review an application to the extent necessary to determine compliance with ORS 475B.450 and these rules.

(3) The Authority may, in its discretion, prior to acting on an application:

(a) Contact any individual listed on the application and request additional documentation or information;

(b) Inspect the premises of the proposed dispensary; or

(c) Verify any information submitted by the applicant.

(4) Prior to making a decision whether to approve or deny an application the Authority must:

(a) Review the criminal background check results for each individual named on the application;

(b) Determine whether the proposed location of the dispensary is the same location as a registered grow site under OAR 333-008-0025;

- (c) Review documentation submitted by the applicant to determine, based on the information provided by the applicant, whether the proposed location of the dispensary is located within 1,000 feet of:
  - (A) The real property comprising a public or private elementary or secondary school, except as provided in Oregon Laws 2016, chapter 83, section 29; or
  - (B) Another registered dispensary;
- (d) Verify that the applicant is registered as a business with the Office of the Secretary of State; and
- (e) Verify that the proposed location of the dispensary is not:
  - (A) Located in an area that is zoned for residential use; or
  - (B) In a city or county that has adopted an ordinance under ORS 475B.800 or section 133 chapter 614, Oregon Laws 2015, prohibiting dispensaries.
- (5) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority may declare the application incomplete or issue a notice of denial under OAR 333-008-1060.
- (6) The Authority will notify the applicant in writing that the applicant has 60 calendar days from the date of the written notice to submit a Readiness Form, prescribed by the Authority, indicating that the applicant is prepared for an inspection and is in compliance with these rules if:
  - (a) There is no basis for denial under OAR 333-008-1060;
  - (b) The proposed dispensary is in compliance with ORS 475B.450(3)(a) through (e);
  - (c) Each individual named in the application passes the criminal background check; and
  - (d) Each individual named as a PRD in the application meets age requirements.
- (7) If the Authority does not receive the Readiness Form in accordance with section (6) of this rule the applicant's application will be declared incomplete, unless an extension has been granted under section (8) of this rule.
- (8) An applicant may request one extension of the 60-day deadline in section (6) of this rule if the applicant can demonstrate to the Authority that the deadline cannot be met for reasons outside of the applicant's control, such as but not limited to the applicant's inability to obtain local government building permits.
  - (a) A request for an extension must be in writing, must be received within 60 calendar days of the notice described in section (6) of this rule and must explain and provide documentation that shows the applicant cannot, for reasons outside of the applicant's control, meet the 60-day deadline, and must specify when the applicant believes it can submit the Readiness Form.
  - (b) A request for an extension tolls the 60-day deadline.
  - (c) The Authority will review the request and provide, in writing to the applicant, its decision and the reason for the decision.
  - (d) If an extension is granted the Authority must inform the applicant of the new deadline for submission of the Readiness Form, but in any case an extension may not exceed 60 calendar days.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1050**

#### **Dispensary Pre-Approval Inspection; Approval of Application**



- (1) The Authority must perform a site visit within 30 days of receiving a timely Readiness Form, as that is described in OAR 333-008-1040 to determine whether the applicant and dispensary are in compliance with these rules.
  - (2) If, after the site visit the Authority determines that the applicant and dispensary are in compliance with these rules the Authority must provide the primary PRD with proof of registration that includes a unique registration number, and notify the primary PRD in writing that the dispensary may operate.
  - (3) If, after the site visit the Authority determines that the dispensary is not in compliance with these rules the Authority may:
    - (a) Give the applicant 10 business days to come into compliance;
    - (b) Propose to deny the application in accordance with OAR 333-008-1060; or
    - (c) Consider the application to be incomplete.
  - (4) A registered dispensary must at all times display proof of registration in a prominent place inside the dispensary so that proof of registration is easily visible to individuals authorized to transfer marijuana items to the dispensary and individuals who are authorized to receive a transfer of marijuana items from the dispensary.
  - (5) A registered dispensary may not use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration on any signs at the dispensary, on its website, or in any advertising or social media.
  - (6) A dispensary's registration:
    - (a) Is only valid for the location indicated on the proof of registration.
    - (b) May not be transferred to another location.
- Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1060**

#### **Denial of Dispensary Application**

- (1) The Authority must deny an application if:
  - (a) An application, supporting documentation provided by the applicant, or other information obtained by the Authority shows that the qualifications for a dispensary in ORS 475B.450 or these rules have not been met; or
  - (b) An individual named in an application has been:
    - (A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date the application was received by the Authority; or
    - (B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
  - (c) The city or county in which the facility is located has prohibited dispensaries in accordance with sections 133 chapter 614, Oregon Laws 2015, or ORS 475B.800, unless the dispensary meets the criteria in sections 133(6), chapter 614, Oregon Laws 2015 or ORS 475B.800(6).
- (2) The Authority may deny an applicant if it determines that the applicant, the owner of the dispensary, a PRD, or an employee of the medical marijuana dispensary:
  - (a) Submitted intentionally false or misleading information to the Authority; or
  - (b) Violated at any time a provision of ORS 475B.400 to 475B.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.500.

(3) If an individual named in an application is not qualified based on age or the criminal background check, the Authority will permit a change form to be submitted in accordance with OAR 333-008-1078 or 333-008-2030, along with the applicable criminal background check fee. If the individual named in the change form is not qualified the Authority must deny the application in accordance with section (1) of this rule.

(4) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1063**

#### **Withdrawal of Dispensary Application**

An applicant may withdraw an initial or renewal application at any time prior to the Authority acting on the application unless the Authority has determined that the applicant submitted false or misleading information or there is a pending investigation or enforcement action in which case the Authority may refuse to accept the withdrawal and may issue a notice of proposed denial in accordance with OAR 333-008-1060.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1070**

#### **Expiration and Renewal of Dispensary Registration**

(1) A dispensary's registration expires one year following the date of application approval.

(2) A dispensary registrant must submit not more than 90 but at least 30 calendar days before the registration expires:

(a) A renewal application on a form prescribed by the Authority;

(b) Renewal fees;

(c) For each individual named in the renewal application:

(A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;

(B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020;

(C) An Individual History Form and any information identified in the form that is required to be submitted; and

(d) Current proof of business registration with the Secretary of State, including all DBA (doing business as) registrations.

(3) A dispensary registrant who files a completed renewal application, fees and all the information required in section (2) of this rule with the Authority prior to the expiration date of the registration may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.

(4) A dispensary registrant that does not submit timely renewal application, fees, and all the information required under section (2) of this rule may be denied or subject to the imposition of civil penalties.

(5) The Authority may notify a dispensary registrant who, prior to the registration's expiration, submits an incomplete application and may give the registrant 10 calendar days to submit the

missing information. The Authority may deny the renewal application of a registrant who fails to comply with this section.

(6) Renewals will be processed in accordance with OAR 333-008-1040 to 333-008-1060, as applicable.

(7) A renewal applicant may be required to submit a Readiness Form, as described in OAR 333-008-1040 and may be subject to inspection prior to the Authority acting on a renewal application.

(8) For purposes of this rule a renewal application is considered complete when the Authority receives the completed application form, fees and information required in section (2) of this rule.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1075**

#### **PRD Criteria and Responsibilities**

(1) A PRD must:

(a) Be 21 years of age or older;

(b) Have legal authority to act on behalf of the dispensary; and

(c) Be responsible for ensuring the registered dispensary complies with applicable laws.

(2) A PRD may not:

(a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date of application; or

(b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(3) At least one PRD must be on site at a dispensary during Authority inspections or investigations at the time of the inspection or investigation or within one hour of being notified that an inspection or investigation is taking place.

(4) A PRD is accountable for any intentional or unintentional action of registrant representatives, with or without the knowledge of the PRD, who violate ORS 475B.450, 475B.453 or these rules, and is responsible for any unlawful conduct that occurs on the premises of the dispensary or any property outside the registered dispensary that is owned by or under the control of the dispensary registrant.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1078**

#### **Removal, Addition, Change, Designation or Assignment of PRD**

(1) If an owner of a registered dispensary is adding or changing a PRD or primary PRD, an individual with legal authority to act on behalf of the registered dispensary must submit:

(a) A form, prescribed by the Authority;

(b) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;

(c) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-2020; and

(d) A criminal background check fee of \$35.

(2) A PRD who is designating or assigning the responsibilities of a PRD to another individual must submit the information and fees required in section (1) of this rule. The responsibilities of a primary PRD may not be designated or assigned.

- (3) The Authority will review and approve the addition or change of a PRD or primary PRD if the individual meets the requirements in OAR 333-008-1075.
  - (4) The Authority will review and approve the designation or assignment of the responsibilities of a PRD to another individual if that individual meets the requirements in OAR 333-008-1075. An individual to whom a designation or assignment is made, and who is approved by the Authority, has the same legal obligations as a PRD.
  - (5) An individual may not act in the capacity of a PRD without approval from the Authority.
  - (6) If the Authority denies the request to add or change a PRD or primary PRD, or denies the request to designate or assign the responsibilities of a PRD to another individual, the Authority must notify the individual that submitted the request of the denial and the current primary PRD, and describe the reason for the denial.
  - (7) A registered dispensary may not be open for business or receive or transfer any marijuana items without at least one Authority approved PRD and a primary PRD.
- Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1110**

#### **Medical Marijuana Dispensaries: Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and Requirements**

- (1) A dispensary may not be located:
  - (a) In an area that is zoned for residential use.
  - (b) At the same address as a registered marijuana grow site;
  - (c) Within 1,000 feet of the real property comprising a public or private elementary or secondary school, except as provided in Oregon Laws 2016, chapter 83, section 29; or
  - (d) Within 1,000 feet of another medical marijuana dispensary.
- (2) For purposes of implementing ORS 475B.450(3)(d), the Authority will consider a location to be a school if it has at least the following characteristics:
  - (a) Is a public or private elementary or secondary school as those terms are defined OAR 333-008-0010;
  - (b) There is a building or physical space where students gather together for education purposes on a regular basis;
  - (c) A curriculum is provided;
  - (d) Attendance is compulsory under ORS 339.020 or children are being taught as described in ORS 339.030(1)(a); and
  - (e) Individuals are present to teach or guide student education.
- (3) For purposes of determining the distance between a dispensary and a school "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public or private elementary or secondary school to the closest point of the premises of a dispensary. If any portion of the premises of a proposed or registered dispensary is within 1,000 feet of a public or private elementary or secondary school it may not be registered.
- (4) For purposes of determining the distance between a dispensary and another registered dispensary "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a registered dispensary to the closest point anywhere on the premises of a proposed dispensary. If any portion

of the premises of a proposed dispensary is within 1,000 feet of a registered dispensary it may not be registered.

(5) In order to be registered a dispensary must operate at a particular location as specified in the application and may not be mobile.

(6) Minors on Premises. A dispensary registrant may not permit a minor to be present in any limited access or point of sale area of a registered dispensary.

(7) On Premises Consumption.

(a) A dispensary registrant may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the registered dispensary, except as described in subsection (b) of this section.

(b) An employee of a registered dispensary who is a patient may consume a marijuana item during his or her work shift on the premises of the registered dispensary as necessary for his or her medical condition, if the employee is:

(A) Alone and in a closed room where no dispensary marijuana items are present;

(B) Not visible to patients or caregivers on the premises of the registered dispensary to receive a transfer of a marijuana item; and

(C) Not visible to the public outside the dispensary.

(c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(8) General Public and Visitor Access. The general public is not permitted on the premises of a registered dispensary, except as permitted by OAR 333-008-1500 and in accordance with this rule.

(a) In addition to registrant representatives, the following visitors are permitted on the premises of a dispensary, including limited access areas, subject to the requirements in section (9) of this rule:

(A) Laboratory personnel, if the laboratory is accredited by the Authority;

(B) A contractor authorized by a registrant representative to be on the premises; or

(C) Individuals authorized to transfer marijuana items to a registered dispensary.

(b) A registered dispensary may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered dispensary, including limited access areas, subject to the requirements in section (9) of this rule.

(9) Visitor Escort, Log and Badges.

(a) Prior to entering the premises of a registered dispensary all visitors permitted by section (8) of this rule must be documented and issued a visitor identification badge from a registrant representative that must remain visible while on the premises. All visitors described in section (8) of this rule must be accompanied by a registrant representative at all times.

(b) A dispensary registrant must maintain a log of all visitor activity and the log must contain the first and last name and date of birth of every visitor, and the date they visited.

(10) Government Access. Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the premises or a dispensary registrant to be on the premises.

(a) A visitor badge is not required for government officials.

(b) A dispensary must log every government official that enters the premises but the dispensary may not request that the government official provide a date of birth for the log.

(11) Limited Access Areas.

(a) All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.

(b) An applicant or registered dispensary may request, in writing, an exception from the Authority from the requirement to have a floor to ceiling wall. The request must include the reason the exception is being sought, pictures of the area in question, and a description of an alternative barrier that accomplishes the goal of providing a significant physical barrier between the general public and any marijuana items on the premises of the dispensary.

(12) A dispensary must have:

(a) A designated limited access area or areas where transfers of marijuana items are received and such an area may not be accessible to patients or designated primary caregivers on the premises to receive the transfer of a marijuana item or the general public; and

(b) A designated area within the premises where patients and designated primary caregivers and other visitors enter the dispensary and are checked in.

(13) The areas described in section (12) of this rule must be clearly marked on the scaled floor plan required in OAR 333-008-1020.

(14) Point of Sale Areas.

(a) All point of sale areas must be physically separated from any area where the general public is permitted by a floor to ceiling wall that prevents physical access between a point of sale area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.

(b) An applicant or registrant may request, in writing, an exception from the Authority from the requirement under subsection (a) of this section to have a floor to ceiling wall. The request must include the reason the exception is being sought, pictures of the area in question, and a description of an alternative barrier that accomplishes the goal of providing a significant physical barrier between the general public and any marijuana items on the premises of the dispensary.

(c) All areas where marijuana items are available for transfer to a patient or designated primary caregiver must be supervised by a dispensary representative at all times when a patient or designated primary caregiver is present.

(d) A dispensary may not transfer a marijuana item to a patient or designated primary caregiver through a drive-through window.

(15) A dispensary may not sublet or share with any other business any portion of the dispensary premises, except a registered processing site under common ownership.

(16) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the dispensary premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the dispensary premises and any other use, occupancy or tenant space, except as follows:

(a) A dispensary may share a premises with a registered marijuana processing site that is under common ownership, in accordance with section (17) of this rule and OAR 333-008-2080.

(b) A dispensary is permitted to have a door from the dispensary premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (17) of this rule.

- (17) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (16) of this rule ingress or egress is permitted, every means of ingress and egress must be:
- (a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.
  - (b) Posted with signage in accordance with OAR 333-008-1205, as applicable.
  - (c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.
- (18) Residential occupancy of a dispensary premises is prohibited.  
Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1200**

#### **Medical Marijuana Dispensaries: Operation of Registered Dispensaries**

- (1) Policies and Procedures. In order to obtain a registration and to retain registration a dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:
- (a) Security;
  - (b) Transfers of marijuana items to and from the dispensary;
  - (c) Operation of a registered dispensary;
  - (d) Required record keeping;
  - (e) Testing requirements, including review of testing results prior to accepting transfers of marijuana items;
  - (f) Packaging and labeling requirements;
  - (g) Employee training;
  - (h) Compliance with these rules, including but not limited to violations and enforcement; and
  - (i) Roles and responsibilities for employees and PRDs in assisting the Authority during inspections or investigations.
- (2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.
- (3) Standardized Scales. In order to obtain a registration and to retain registration a dispensary registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a registered dispensary whenever marijuana items are:
- (a) Transferred to or from the dispensary and the transfer is by weight;
  - (b) Packaged for transfer by weight; or
  - (c) Weighed for purposes of documenting information required in OAR 333-008-1230, 333-008-1245, 333-008-1247 and 333-008-1248.
- (4) Inventory Tracking and Point of Sale System: In order to obtain a registration and to retain registration a registered dispensary must have an installed and fully operational integrated inventory tracking and point of sale system that can and does, at a minimum:
- (a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;
  - (b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;

- (c) Capture all information electronically that is required to be documented in OAR 333-008-1230 and 333-008-1245;
  - (d) Generate inventory, transaction, and transfer reports viewable in excel format; and
  - (e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248.
  - (5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.
  - (6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.
  - (7) Testing. A dispensary registrant may not accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0500 or that has failed a test under OAR 333-007-0450.
  - (8) Packaging and Labeling. A dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.
  - (9) Oregon Department of Agriculture Licensure. A registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or a cannabinoid concentrate, extract or product intended for human consumption as that term is defined in OAR 333-007-0020, must be licensed by the Oregon Department of Agriculture under ORS 616.706.
  - (10) Industrial Hemp Products.
    - (a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.
    - (b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.
  - (11) Tobacco and Nicotine. A dispensary may not offer or sell tobacco or nicotine products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, cigarillos as that is defined in OAR 333-015-0030, liquid nicotine containers as that is defined in OAR 333-007-0305 or pre-filled nicotine inhalant delivery devices.
  - (12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.
- Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1205**

#### **Registered Dispensary Signage**

- (1) In order to obtain a registration and to retain registration a dispensary registrant must post:
  - (a) At every entrance to the dispensary:
    - (A) "Medical Marijuana Patients Only".
    - (B) "No On-Site Consumption of Marijuana".



- (b) At all areas of ingress to a limited access area signs that reads:
    - (A) "Restricted Access Area — Authorized Personnel Only".
    - (B) "No Minors Allowed".
  - (c) At all areas of ingress to a point of sale area a sign that reads: "Restricted Access Area — No Minors Allowed".
  - (d) At the point of sale, the following posters prescribed by the Authority, measuring 22 inches high by 17 inches wide that can be downloaded at [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp):
    - (A) A Pregnancy Warning Poster; and
    - (B) A Poisoning Prevention Poster.
  - (2) All signs required by this rule must be:
    - (a) Legible, not less than 8 1/2 inches by and 11 inches, composed of letters not less than one-half inch in height;
    - (b) In English and Spanish, if a Spanish version is available through the Authority; and
    - (c) Posted in a conspicuous location where the signs can be easily read by individuals entering or on the dispensary premises.
  - (3) All signs may be downloaded at [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp).
- Stat. Auth.: ORS 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.450

### **333-008-1230**

#### **Medical Marijuana Dispensaries: Transfers to a Registered Dispensary**

- (1) Transfer of Usable Marijuana, Seeds and Immature Plants. A patient, caregiver, or PRMG may transfer usable marijuana, seeds and immature plants produced by a PRMG to a registered dispensary, subject to the requirements in this rule.
  - (a) A registered dispensary may only accept a transfer of usable marijuana, seeds or immature marijuana plants from a caregiver or PRMG if the individual transferring the usable marijuana, seeds or immature plants provides the original or a copy of a valid:
    - (A) Authorization to Transfer form prescribed by the Authority; or
    - (B) Personal agreement as that is defined in OAR 333-008-0010.
  - (b) Authorization to Transfer Forms. In order to be valid an Authorization to Transfer form must include at least:
    - (A) The patient's name, OMMP card number or receipt number and expiration date and contact information;
    - (B) The name and contact information of the individual who is authorized to transfer the usable marijuana, seeds or immature marijuana plants to the registered dispensary and that individual's OMMP card number and expiration date;
    - (C) The name and address of the registered dispensary that is authorized to receive the usable marijuana, seeds or immature marijuana plants; and
    - (D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.
  - (c) Personal Agreements. In order to be valid a personal agreement must include at least:
    - (A) The patient's name, OMMP card number and expiration date and contact information;
    - (B) The name and contact information of the PRMG to whom the patient's property rights have been assigned and the producer's OMMP card number and expiration date, and the grow site address;

- (C) The portion of the patient's rights to possess seeds, immature plants and usable marijuana that is being assigned to the producer.
- (2) A registered dispensary may accept the transfer of usable marijuana from a producer licensed by the Commission under ORS 475B.070 who is also registered by the Commission to produce marijuana for a patient. The Commission licensed producer must provide the registered dispensary with:
- (a) Proof of licensure under ORS 475B.070; and
  - (b) A copy of the patient agreement as described in OAR 845-025-2510.
- (3) Transfer of medical cannabinoid products, concentrates, and extracts. A registered dispensary may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered medical marijuana processing site. The individual transferring the products, concentrates or extracts must provide the dispensary with a Processing Site Authorization to Transfer form prescribed by the Authority. In addition to retaining a copy of the Processing Site Authorization to Transfer form the dispensary must obtain a copy of the photo identification of the individual transferring the cannabinoid product, concentrate or extract as required in paragraph (4)(b)(B) of this rule.
- (4) Transfer Records. At the time a marijuana item is transferred to a dispensary the dispensary registrant must:
- (a) Document, on a form prescribed by the Authority, as applicable:
    - (A) The weight in metric units of all usable marijuana received by the registered dispensary;
    - (B) The number of seeds and immature plants received by the registered dispensary;
    - (C) The amount of a medical cannabinoid product, concentrate, or extract received by the registered dispensary, including, as applicable, the weight in metric units, or the number of units;
    - (D) The name of the marijuana item;
    - (E) The date the marijuana item was received;
    - (F) The harvest or process lot numbers, and batch numbers; and
    - (G) The amount paid by the registered dispensary.
  - (b) Obtain and maintain a copy of, as applicable:
    - (A) Documents required in sections (1) and (2) of this rule including the date it was received;
    - (B) The photo identification of the individual transferring the marijuana item to the dispensary, if such a copy is not already on file;
    - (C) The OMMP card of the individual transferring usable marijuana, seeds or immature plants;
    - (D) The medical marijuana processing site registration; and
    - (E) Test results for marijuana items transferred to the dispensary.
  - (c) Review laboratory testing results and confirm that the:
    - (A) Test results are associated with the marijuana items being transferred; and
    - (B) Marijuana item has passed all required testing.
- (5) Nothing in these rules requires a dispensary registrant to accept a transfer of a marijuana item.
- (6) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system or the electronic data management system described in OAR 333-008-1247.

Stat. Auth.: ORS 475B.450 & 475B.525  
 Stats. Implemented: ORS 475B.450

**333-008-1245**

### **Transfers From a Registered Dispensary to a Patient or Designated Primary Caregiver**

(1) A dispensary registrant must, prior to permitting an individual to enter a point of sale area on the dispensary premises verify that the individual is a current patient or designated primary caregiver.

(2) A registered dispensary must, prior to transferring a marijuana item to a patient or a designated primary caregiver:

(a) Verify the individual is currently registered with the Authority by viewing the individual's government issued photo identification and Authority issued patient or caregiver card, or the patient's receipt, as described in OAR 333-008-0023(6) or OAR 333-008-0040(5) and making sure the identities match.

(b) Obtain and retain, if not already on file, a copy of the patient's or caregiver's:

(A) OMMP identification card or receipt; and

(B) Government issued photo identification.

(c) Document:

(A) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers a marijuana item;

(B) If the marijuana item was transferred to a designated primary caregiver, the patient's name and registration number for whom the caregiver was receiving the transfer;

(C) The amount of usable marijuana transferred in metric units, if applicable;

(D) The number of seeds or immature plants transferred, if applicable;

(E) The amount of a medical cannabinoid product concentrate, or extract, if applicable;

(F) The brand name of the marijuana item and a description of what was transferred;

(G) The date of the transfer; and

(H) The amount of money paid by the patient or designated primary caregiver for the transfer.

(3) A dispensary registrant may not transfer at any one time to a patient or designated primary caregiver, within one day, more than:

(a) 24 ounces of usable marijuana;

(b) 16 ounces of a medical cannabinoid product in solid form;

(c) 72 ounces of a medical cannabinoid product in liquid form;

(d) 16 ounces of a cannabinoid concentrate whether sold alone or contained in an inhalant delivery system;

(e) Five grams of a cannabinoid extract whether sold alone or contained in an inhalant delivery system;

(f) Four immature marijuana plants; and

(g) 50 seeds.

(4) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system or the electronic data management system described in OAR 333-008-1247.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1247**

#### **Registered Dispensary Record Keeping**

(1) In order to obtain a registration and to retain registration a PRD must have an installed and fully operational electronic data management system that is either the same as or different than

the integrated inventory tracking and point of sale system required in OAR 333-008-1200 capable of maintaining:

(a) All copies of documents required to be obtained and retained in OAR 333-008-1230 and 333-008-1245;

(b) Any revocation of an Authorization to Transfer form or personal agreement; and

(c) All other information required to be documented and retained by these rules if such information is not contained in the inventory tracking and point of sale system required in OAR 333-008-1200.

(2) A dispensary registrant must maintain all information required to be documented in these rules in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily accessed and retrievable by the Authority upon request, either at the registered dispensary or online.

(3) The electronic data management system described in section (1) of this rule must:

(a) Provide for an off-site or secondary backup system; and

(b) Provide security measures to ensure patient records are kept confidential.

(4) Documents and information required to be maintained in these rules must be retained by a PRD for at least two years.

(5) A dispensary registrant must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1248**

#### **Registered Dispensary Reporting to the Authority**

(1) A PRD must submit to the Authority electronically in a manner specified by the Authority, by the 10th of each month, the following information:

(a) The amount of usable marijuana transferred to and by the medical marijuana dispensary during the previous month.

(b) The amount and type of medical cannabinoid products transferred to and by the medical marijuana dispensary during the previous month. For purposes of this section "type" means:

(A) Cannabinoid edibles;

(B) Cannabinoid topicals;

(C) Cannabinoid tinctures;

(D) Cannabinoid capsules;

(E) Cannabinoid suppositories;

(F) Cannabinoid transdermal patches and

(G) Cannabinoid product other than products listed in paragraphs (A) to (F) of this subsection.

(c) The amount and type of cannabinoid concentrates transferred to and by the medical marijuana dispensary during the previous month. For purposes of this section "type" means:

(A) Cannabinoid concentrate in solid form; and

(B) Cannabinoid concentrate in liquid form.

(d) The amount and type of cannabinoid extracts transferred to and by the medical marijuana dispensary during the previous month. For purposes of this section "type" means:

(A) Cannabinoid extract in solid form; and

(B) Cannabinoid extract in liquid form.

(e) The quantity of immature marijuana plants transferred to and by the medical marijuana dispensary during the previous month.

(f) The quantity of seeds transferred to and by the medical marijuana dispensary during the previous month.

(2) Information submitted to the Authority under this rule must:

(a) List each type of marijuana item separately;

(b) Provide the total aggregate amount of a type of marijuana item transferred to a dispensary by each patient, designated primary caregiver, PRMG, processing site or Commission licensed producer during the previous month; and

(c) Provide the total aggregate amount of a type of marijuana item transferred by a dispensary to each patient or designated primary caregiver during the previous month.

(3) In addition to submitting the information as required by section (1) of this rule, a person responsible for a dispensary must keep a record of the information described in section (1) of this rule for two years after the date on which the person submits the information to the Authority.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1255**

#### **Medical Marijuana Dispensaries: Non-Profit Dispensaries**

(1) A registered dispensary owned by a nonprofit corporation organized under ORS chapter 65, registered with the Secretary of State as a nonprofit organization, and registered with the Oregon Department of Justice as a charitable organization, if applicable, may receive by gift, devise or bequest:

(a) Usable marijuana, immature marijuana plants and seeds from patients, designated primary caregivers, PRMGs, persons who hold a producer license under ORS 475B.070 and persons who hold a research certificate under ORS 475B.235; and

(b) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites, persons who hold a processor license under ORS 475B.090 and persons who hold a research certificate under ORS 475B.235.

(2) Prior to accepting a gift, devise, or bequest as described in section (1) of this rule a registered dispensary owned by a nonprofit corporation must:

(a) Provide the Authority with proof that the dispensary is owned by a nonprofit corporation organized under ORS chapter 65;

(b) Have written policies and procedures for providing free or discounted marijuana items to a patient with an annual income at or below the federal poverty guidelines or to such a patient's designated primary caregiver, that include but are not limited to:

(A) How the dispensary will determine a patient's eligibility for free or discounted marijuana items;

(B) Whether marijuana items will be provided free of charge or at a discounted price; and

(C) How the dispensary will determine who is eligible for free marijuana items and who is eligible for discounted marijuana items, as applicable.

(c) Post a sign at the entrance to the dispensary that reads: Nonprofit Dispensary – Free or Discounted Marijuana Items Available for Eligible OMMP Patients.

(d) Post a sign that can easily be seen at every point of sale that describes:

(A) The proof a patient or a patient's designated primary caregiver must provide to be eligible for free or discounted marijuana items; and

- (B) What marijuana items are free or available at a discounted price to eligible patients.
- (3) In addition to the record keeping requirements in OAR 333-008-1230, 333-008-1245, and 333-008-1247, a dispensary owned by a nonprofit corporation organized under ORS chapter 65 must specifically document:
- (a) The receipt of a marijuana item that is a gift, devise or bequest; and
  - (b) The transfer of a marijuana item to a patient or a patient's designated primary caregiver free or at a discounted price because the patient has an annual income at or below the federal poverty level, and the proof of income provided to the dispensary by the patient or the patient's designated primary caregiver.
- (4) A registered dispensary owned by a nonprofit corporation organized under ORS chapter 65 must provide to the Authority at the time a renewal application is submitted a report that shows:
- (a) The amount or number of marijuana items, by type, received by gift, devise or bequest;
  - (b) The amount or number of marijuana items received by gift, devise or bequest by each registration, license, or certificate type;
  - (c) The amount or number of marijuana items transferred for free to eligible patients or designated primary caregivers in accordance with this rule; and
  - (d) The amount or number of marijuana items by type transferred at a discounted price to eligible patients or designated primary caregivers in accordance with this rule, broken down by the amount discounted.
- (5) The report submitted by a dispensary under section (4) of this rule may not contain any individually identifiable information.
- (6) Nothing in this rule prohibits a dispensary from providing free or discounted marijuana items to any patient or designated primary caregiver.

Stat. Auth.: OL 2016, ch. 23, sec. 22

Stats. Implemented: OL 2016, ch. 23, sec. 22

### **333-008-1600**

#### **Applicability**

- (1) OAR 333-008-1600 to 333-008-2200 applies to any person processing marijuana for transfer to a registered dispensary.
- (2) A person may not process marijuana unless the person is registered in accordance with these rules, except for a person:
  - (a) Processing marijuana under a license issued by the Commission under ORS 475B.090; or
  - (b) Who has been designated as a primary caregiver under ORS 475B.418 who processes a medical cannabinoid product or a cannabinoid concentrate for the caregiver's patient and who does not transfer medical cannabinoid product or cannabinoid concentrate to a dispensary.

Stat. Auth.: ORS 475B.435, 475B.445

Stats. Implemented: ORS 475B.435, 475B.445

### **333-008-1610**

#### **Definitions**

For purposes of OAR 333-008-1600 to 333-008-2200:

- (1) "Cannabinoid capsule" means a small soluble container, usually made of gelatin, that encloses a dose of a cannabinoid product, concentrate or extract intended for human ingestion.
- (2) "Cannabinoid edible" means a food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

- (3) "Cannabinoid suppository" means a small soluble container designed to melt at body temperature within a body cavity other than the mouth, especially the rectum or vagina, containing a cannabinoid product, concentrate or extract.
- (4) "Cannabinoid tincture" means a solution of alcohol, cannabinoid concentrate or extract, and perhaps other ingredients intended for human consumption or ingestion, and that is exempt from the Liquor Control Act under ORS 471.035.
- (5) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.
- (6) "Cannabinoid transdermal patch" means an adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.
- (7) "Food" means a raw, cooked, or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (8) "Person responsible for the marijuana processing site" or "PRP" means an individual who is directly involved in the day-to-day operation of a processing site and is identified as a PRP on an application.
- (9) "Primary PRP" means a PRP designated by the owner of the processing site as the primary point of contact for the Authority and who is authorized to receive any and all communications and legal notices from the Authority.
- (10) "Processing site representative" means an owner, director, officer, PRP, manager, employee, agent or other representative of a registered processing site, to the extent that the person acts in a representative capacity.
- (11) "Processing site registrant" means:
- (a) An individual who owns a registered processing site or if a business entity owns the registered processing site, each individual who has a financial interest in the registered processing site; and
  - (b) Any PRP.
- (12) "These rules" means OAR 333-008-1600 to 333-008-2200.  
Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1620**

#### **Medical Marijuana Processors: Application for Medical Marijuana Processing Site Registration**

- (1) This rule applies to any initial application filed on or after May 31, 2017 and to any initial application filed prior to May 31, 2017 that the Authority has not yet approved or denied.
- (2) To register a medical marijuana processing site a person must:
- (a) Submit an initial application on a form prescribed by the Authority that includes but is not limited to:
    - (A) The name of the individual who owns the processing site or, if a business entity owns the processing site, the name of each individual who has a financial interest in the processing site;
    - (B) The name of the individual or individuals responsible for the processing site, if different from the name of the individual who owns the processing site, with one of the individuals responsible for the processing site identified as the primary PRP;
    - (C) The physical and mailing address of the marijuana processing site; and
  - (b) Application and registration fees.
  - (c) An initial application for the registration of a processing site must be submitted electronically via the Authority's website, [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp).

(3) If an initial application is submitted along with the required fees the Authority will notify the applicant that the initial application has been received and that within 30 calendar days of the date the written notice is mailed or sent electronically the following information must be received by the Authority:

(a) For each individual named in the application:

(A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;

(B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and

(C) An Individual History Form and any information identified in the form that is required to be submitted.

(b) If the applicant intends to process extracts, proof from the local government that the proposed location of the processing site is not located in an area that is zoned for residential use;

(c) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State, including proof of registration of any DBA (doing business as) registration;

(d) A scaled site plan of the parcel or premises on which the premises proposed for registration, is located, including:

(A) Cardinal directional references;

(B) Bordering streets and the names of the streets;

(C) Identification of the building or buildings in which the proposed processing site is to be located;

(D) The dimensions of the proposed premises of the processing site;

(E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and

(F) Identification of any residences on the parcel or tax lot.

(e) A scaled floor plan of all enclosed areas of the premises at the proposed location that will be used in the business with the overall dimensions of the dispensary and the dimensions of the interior rooms and spaces, a description of the intended uses of all spaces and clear identification and location of:

(A) Walls;

(B) Partitions;

(C) Counters;

(D) Windows;

(E) Safes;

(F) All areas of ingress and egress;

(G) All limited access areas;

(H) Secure rooms; and

(I) Designated limited access areas or designated areas required under OAR 333-008-1730(8);

(f) Documentation that shows the applicant has lawful possession of the proposed location of the processing site;

(g) A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates on a form prescribed by the Authority; and

(h) The proposed endorsements as described in OAR 333-008-1700.



- (4) The information and documentation required in section (3) of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.
- (a) If documentation is mailed, it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.
- (b) If documentation is submitted electronically it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.
- (5) Application and registration fees must be paid online at the time of application.
- (6) Criminal background check fees must be paid by check or money order and must be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293 and must be received by the Authority in accordance with provisions in section (4) of this rule.
- (7) If the Authority does not receive a complete application, all documentation required in sections (2) and (3) of this rule, and all required fees within the time frames established in this rule, the application will be declared incomplete.
- (8) If the applicant provides the documentation required in section (3) of this rule, the Authority will review the information to determine if it is sufficient.
- (a) If the documentation required under section (3) of this rule is not complete or is insufficient the Authority must notify the applicant in writing and the applicant will have 10 calendar days from the date such written notice is mailed or sent electronically by the Authority to provide the additional documentation.
- (b) If the applicant does not provide the additional documentation within 10 calendar days or if any responsive documents are incomplete, insufficient or otherwise do not demonstrate compliance with ORS 475B.450 and these rules the application will be declared incomplete.
- (9) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in sections (2) and (3) of this rule for each location.
- (10) An application that is declared incomplete is treated by the Authority as if it was never received.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1630**

#### **Processing Site Fees**

- (1) The initial fees for the registration of a processing site are:
- (a) A non-refundable application fee of \$500; and
- (b) A \$3,500 registration fee.
- (2) The annual renewal fees for the registration of a processing site are:
- (a) A \$500 non-refundable renewal fee; and
- (b) A \$3,500 registration fee.
- (3) The criminal background check fee is \$35 per individual.
- (4) The Authority must return the registration fee if:
- (a) An application is incomplete; or
- (b) An applicant withdraws an application.

- (5) The Authority may return the registration fee if an application is denied.
- (6) For an application received on or after May 31, 2017 the Authority may not refund a registration fee if the Authority has issued the applicant a 60-day letter under OAR 333-008-1650(6) and the applicant subsequently withdraws the application or the applicant does not comply with the 60-day deadline or an extension deadline under OAR 333-0080-1650(7) or (8).  
Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1650**

#### **Processing Site Application Review**

- (1) Applications will be reviewed in the order they are received by the Authority. An application is considered received as of the date and time that payment of fees is authorized by the entity that issued the credit or debit card used to pay the fees.
- (2) Once the Authority has determined that an application is complete it will review an application to the extent necessary to determine compliance with ORS 475B.435 and these rules.
- (3) The Authority may, in its discretion, prior to acting on an application:
- (a) Contact any individual listed on the application and request additional documentation or information;
  - (b) Inspect the premises of the proposed processing site; or
  - (c) Verify any information submitted by the applicant.
- (4) Prior to making a decision whether to approve or deny an application the Authority must:
- (a) Review the criminal background check results for each individual named on the application;
  - (b) Verify that the applicant is registered as a business with the Office of the Secretary of State; and
  - (c) Verify that the proposed location of the processing site is not located:
    - (A) In an area that is zoned for residential use if the processor intends to make extracts; and
    - (B) Is not in a city or county that has adopted an ordinance under ORS 475B.800 or section 133, chapter 614, Oregon Laws 2015, prohibiting processing sites.
- (5) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority may declare the application incomplete or deny the application in accordance with OAR 333-008-1670.
- (6) The Authority will notify the applicant in writing that the applicant has 60 calendar days from the date of the written notice to submit a Readiness Form, prescribed by the Authority, indicating that the applicant is prepared for an inspection and is in compliance with these rules if:
- (a) There is no basis for denial under OAR 333-008-1670;
  - (b) The proposed processing site is in compliance with ORS 475B.435 and these rules;
  - (c) Each individual named in the application passes the criminal background check; and
  - (d) Each individual named as a PRP in the application meets the age requirement.
- (7) If the Authority does not receive the Readiness Form in accordance with section (6) of this rule the applicant's application will be declared incomplete, unless an extension has been granted under section (8) of this rule.
- (8) An applicant may request one extension of the 60-day deadline in section (6) of this rule if the applicant can demonstrate to the Authority that the deadline cannot be met for reasons outside of the applicant's control, such as but not limited to the applicant's inability to obtain local government building permits.

(a) A request for an extension must be in writing, must be received within 60 calendar days of the notice described in section (6) of this rule, and must explain and provide documentation that shows the applicant cannot, for reasons outside of the applicant's control, meet the 60-day deadline.

(b) A request for an extension tolls the 60-day deadline.

(c) The Authority will review the request and provide, in writing to the applicant, its decision and the reason for the decision.

(d) If an extension is granted the Authority must inform the applicant of the new deadline for submission of the Readiness Form, but in any case an extension may not exceed 60 calendar days.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1660**

#### **Processing Site Pre-Approval Inspection; Approval of Application**

(1) The Authority must perform a site visit within 30 days of receiving a timely Readiness Form, as that is described in OAR 333-008-1650 to determine whether the applicant and processing site are in compliance with these rules.

(2) If, after the site visit the Authority determines that the applicant and processing site are in compliance with these rules the Authority must provide the primary PRP with proof of registration that includes a unique registration number, and notify the primary PRP in writing that the processing site may operate, and issue any applicable endorsements.

(3) If, after the site visit the Authority determines that the processing site is not in compliance with these rules the Authority may:

(a) Give the applicant 10 business days to come into compliance;

(b) Propose to deny the application in accordance with OAR 333-008-1670; or

(c) Consider the application to be incomplete.

(4) A processing site must at all times display proof of registration in a prominent place inside the processing site so that proof of registration is easily visible to individuals authorized to be on the premises of the processing site.

(5) A registered processing site may not use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration on any signs at the processing site, on its website, or in any advertising or social media.

(6) A processing site's registration:

(a) Is only valid for the location indicated on the proof of registration.

(b) May not be transferred to another location.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1670**

#### **Denial of Processing Site Application**

(1) The Authority must deny an application for the registration of a processing site if:

(a) An application, supporting documentation provided by the applicant, or other information obtained by the Authority shows that the qualifications for a processing site in ORS 475B.435 or these rules have not been met; or

(b) An individual named in an application has been:

- (A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date the application was received by the Authority; or
  - (B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
  - (c) The city or county in which the facility is located has prohibited processing sites in accordance with ORS 475B.800 or section 133, chapter 614, Oregon Laws 2015.
- (2) The Authority may deny an applicant if it determines that the applicant, the owner of the processing site, a PRP, or an employee of the processing site:
- (a) Submitted false or misleading information to the Authority; or
  - (b) Violated a provision of ORS 475B.400 to 475.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.500.
- (3) If an individual named in an application is not qualified based on age, or the criminal background check, the Authority will permit a change form to be submitted in accordance with OAR 333-008-1720 or 333-008-2030, along with the applicable criminal background check fee. If the individual named in the change form is not qualified the Authority must deny the application in accordance with section (1) of this rule.
- (4) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.
- Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1680**

#### **Withdrawal of Processing Site Application**

An applicant for a processing site registration may withdraw an initial or renewal application at any time prior to the Authority acting on the application unless the Authority has determined that the applicant submitted false or misleading information or there is a pending investigation or enforcement action in which case the Authority may refuse to accept the withdrawal and may issue a notice of proposed denial in accordance with OAR 333-008-1670.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1690**

#### **Expiration and Renewal of Registration for Processing Site**

- (1) A processing site's registration expires one year following the date of application approval.
- (2) A processing site registrant must submit not more than 90 but at least 30 calendar days before the registration expires:
  - (a) A renewal application on a form prescribed by the Authority;
  - (b) Renewal fees;
  - (c) For each individual named in the renewal application:
    - (A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
    - (B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and
    - (C) An Individual History Form and any information identified in the form that is required to be submitted; and

- (d) Current proof of business registration with the Secretary of State, including all DBA (doing business as) registrations.
- (3) A processing site registrant who files a completed renewal application, fees, and all the information required in section (2) of this rule with the Authority prior to the expiration date of the registration may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.
- (4) A processing site registrant that does not submit a timely application, fees and all the information required in section (2) of this rule may be denied or subject to the imposition of civil penalties.
- (5) The Authority may notify a processing site registrant who, prior to the registration's expiration, submits an incomplete application and may give the registrant 10 calendar days to submit the missing information. The Authority may deny the renewal application of a registrant who fails to comply with this section.
- (6) Renewals will be processed in accordance with OAR 333-008-1650 to 333-008-1670, as applicable.
- (7) A renewal applicant may be required to submit a Readiness Form, as described in OAR 333-008-1650(9) and may be subject to inspection prior to the Authority acting on a renewal application.
- (8) For purposes of this rule, a renewal application is considered complete when the Authority receives the completed application form, fees and information required in section (2) of this rule.
- Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1700**

#### **Processing Site Endorsements**

- (1) A marijuana processor may only process and transfer medical cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Authority for that type of processing activity. Endorsements types are:
- (a) Cannabinoid edible processor;
  - (b) Cannabinoid topical processor;
  - (c) Cannabinoid concentrate processor;
  - (d) Cannabinoid extract processor; and
  - (e) Cannabinoid tincture, capsule, suppository, or transdermal patch processor.
- (2) An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time following registration.
- (3) In order to apply for an endorsement an applicant or processing site registrant must submit a form prescribed by the Authority that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- (4) Only one application and registration fee is required regardless of how many endorsements an applicant or registrant requests or at what time the request is made.
- (5) A processing site registrant may hold multiple endorsements.
- (6) For the purposes of endorsements any cannabinoid product that is intended to be consumed orally is considered a cannabinoid edible.

(7) If a processor is no longer going to process the product for which the processor is endorsed the processor must notify the Authority in writing and provide the date on which the processing of that product will cease.

Stat. Auth.: ORS 475B.435, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1710**

#### **PRP Criteria and Responsibilities**

(1) A PRP must:

- (a) Be 21 years or age or older;
- (b) Have legal authority to act on behalf of the registered processing site; and
- (c) Be responsible for ensuring the registered processing site complies with applicable laws.

(2) A PRP may not:

- (a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date of application; or
- (b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(3) At least one PRP must be on site at a processing site during Authority inspections or investigations at the time of the inspection or investigation or within one hour of being notified that an inspection or investigation is taking place.

(4) A PRP is accountable for any intentional or unintentional action of a processing site representative, with or without the knowledge of the PRP, who violates ORS 475B.435 to 475B.440 or these rules, and is responsible for any unlawful conduct that occurs on the premises of the processing site or any property outside the registered processing site that is owned by or under the control of the processing site registrant.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1720**

#### **Removal, Addition, Change, Designation or Assignment of PRP**

(1) If an owner of a registered processing site is adding or changing a PRP or primary PRP, an individual with legal authority to act on behalf of the registered processing site must submit:

- (a) A form, prescribed by the Authority;
- (b) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
- (c) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-2020; and
- (d) A criminal background check fee of \$35.

(2) A PRP who is designating or assigning the responsibilities of a PRP to another individual must submit the information and fees required in section (1) of this rule. The duties of a primary PRP may not be designated or assigned.

(3) The Authority will review and approve the addition or change of a PRP or primary PRP if the individual meets the requirements in OAR 333-008-1710.

(4) The Authority will review and approve the designation or assignment of the responsibilities of a PRP to another individual if that individual meets the requirements in OAR 333-008-1710.

An individual to whom a designation or assignment is made, and who is approved by the Authority, has the same legal obligations as a PRP.

(5) An individual may not act in the capacity of a PRP without approval from the Authority.

(6) If the Authority denies the request to add or change a PRP or primary PRP, or denies the request to designate or assign the responsibilities of a PRP to another individual, the Authority must notify the individual that submitted the request of the denial and the current primary PRP and describe the reason for the denial.

(7) A registered processing site may not process marijuana or receive or transfer any marijuana items without at least one Authority approved PRP and a primary PRP.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1730**

#### **Medical Marijuana Processors: Registered Processing Site Premises Restrictions and Requirements**

(1) A registered processing site may not be located in an area that is zoned for residential use if the processing site is endorsed to make cannabinoid extracts.

(2) In order to be registered a processing site must operate at a particular location as specified in the application and may not be mobile.

(3) Minors on Premises. A registered processing site may not permit a minor to be present in any limited access area of a registered processing site.

(4) On Premises Consumption.

(a) A registered processing site may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site, except as described in subsection (b) of this section.

(b) An employee of a registered processing site who is a patient may consume a marijuana item during his or her work shift on the premises of the registered processing site as necessary for his or her medical condition, if the employee is:

(A) Alone and in a closed room where no processing site marijuana items are present; and

(B) Not visible to the public outside the registered processing site.

(c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(5) General Public and Visitor Access. The general public is not permitted on the premises of registered processing site, except as permitted by this rule.

(a) In addition to registrant representatives, the following visitors are permitted on the premises of a processing site, including limited access areas, subject to the requirements in section (6) of this rule:

(A) Laboratory personnel, if the laboratory is accredited by the Authority;

(B) A contractor authorized by a registrant representative to be on the premises; or

(C) Individuals authorized to transfer marijuana items to a registered processing site.

(b) A registered processing site may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered processing site, including limited access areas, subject to the requirements in section (6) of this rule.

(6) Visitor Escort, Log and Badges.

(a) Prior to entering the premises of a registered processing site all visitors permitted by section

- (5) of this rule must be documented and issued a visitor identification badge from a registrant representative that must remain visible while on the premises. A visitor badge is not required for government officials. All visitors described in section (5) of this rule must be accompanied by a registrant representative at all times.
- (b) A processing site registrant must maintain a log of all visitor activity and the log must contain the first and last name and date of birth of every visitor, and the date they visited.
- (7) Government Access. Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the premises or a registered processing site to be on the premises.
- (a) A visitor badge is not required for government officials.
- (b) A processing site must log every government official that enters the premises but the processing site may not request that the government official provide a date of birth for the log.
- (8) A registered processing site must have:
- (a) A designated limited access area or areas where transfers of marijuana items are received; and
- (b) A designated area where visitors enter the processing site premises and are checked in. All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a processing site when the door is not immediately in use.
- (9) The areas described in section (8) of this rule must be clearly marked on the scaled floor plan required in OAR 333-008-1620.
- (10) Signage. A registered processing site must post:
- (a) At every entrance to the processing site a sign that reads: "No On-Site Consumption of Marijuana".
- (b) At all areas of ingress to a limited access area signs that reads:
- (A) "Restricted Access Area — Authorized Personnel Only".
- (B) "No Minors Allowed".
- (11) A processing site may not sublet or share with any other business any portion of the processing site premises, except:
- (a) As permitted in OAR 333-008-1790; or
- (b) A registered dispensary under common ownership.
- (12) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the processing site premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the processing site premises and any other use, occupancy or tenant space, except as follows:
- (a) A processing site may share a premises with a registered marijuana dispensary that is under common ownership, in accordance with section (13) of this rule and OAR 333-008-2080.
- (b) A processing site is permitted to have a door from the processing site premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (13) of this rule.
- (13) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (12) of this rule ingress or egress is permitted, every means of ingress and egress must be:



- (a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.
- (b) Posted with signage in accordance with OAR 333-008-1730, as applicable.
- (c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.
- (14) Residential occupancy of a processing site premises is prohibited.  
Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1740**

#### **Medical Marijuana Processors: Operation of Registered Processing Site**

- (1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:
  - (a) Instructions for making each medical cannabinoid product, concentrate or extract.
  - (b) The ingredients and the amount of each ingredient for each process lot.
  - (c) The process for making each product.
  - (d) The number of servings in a process lot.
  - (e) The intended amount of THC per serving and in a unit of sale of the product.
  - (f) The process for ensuring that the amount of THC is consistently distributed throughout each process lot.
  - (g) If processing a cannabinoid concentrate or extract:
    - (A) Conducting necessary safety checks prior to commencing processing; and
    - (B) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract.
  - (h) Procedures for cleaning all equipment, counters and surfaces thoroughly.
  - (i) Proper handling and storage of any solvent, gas or other chemical used in processing or on the processing site premises in accordance with material safety data sheets and any other applicable laws.
  - (j) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations.
  - (k) Quality control procedures designed to, at a minimum, ensure that the amount of THC is consistently distributed throughout each process lot and that potential product contamination is minimized.
  - (l) Appropriate use of any necessary safety or sanitary equipment.
  - (m) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.
  - (n) Security.
  - (o) Transfers of marijuana items to and from the processing site.
  - (p) Testing.
  - (q) Packaging and labeling if the processor intends to or is packaging and labeling marijuana items after transfer to the processing site.
  - (r) Employee training.
  - (s) Compliance with these rules, including but not limited to violations and enforcement.
  - (t) Roles and responsibilities for employees and PRPs in assisting the Authority during inspections or investigations.
- (2) Prohibitions. A registered processing site may not process or transfer a marijuana item:

- (a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
  - (A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
  - (B) Products in the shape of an animal, vehicle, person or character.
- (b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
- (c) That contains dimethyl sulfoxide (DMSO).
- (3) Employees. A registered processing site may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, processing site employees must be 21 years of age or older.
- (4) Standardized Scales. In order to obtain a registration and to retain registration a processing site registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a processing site whenever marijuana items are:
  - (a) Transferred to or from the processing site and the transfer is by weight;
  - (b) Packaged for transfer by weight; or
  - (c) Weighed for purposes of documenting information required in OAR 333-008-1760, 333-008-1770, 333-008-1820, and 333-008-1830.
- (5) Inventory Tracking and Point of Sale System: A registered processing site must have an integrated inventory tracking and point of sale system that can and does, at a minimum:
  - (a) Produce bar codes or similar unique identification numbers for each lot of usable marijuana transferred to a registered processing site and for each lot of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary;
  - (b) Capture all information required to be documented in OAR 333-008-1760 and 333-008-1770;
  - (c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in PDF format; and
  - (d) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1830.
- (6) Online Verification of Registration Status. A registered processing site must verify an individual's or processing site's registration status with the Authority when receiving a transfer of a marijuana item if the Authority has available an online system for such verification.
- (7) Transfers from and to patients or designated primary caregivers.
  - (a) A registered marijuana processing site may transfer a medical cannabinoid product, concentrate or extract to a patient, or a patient's designated primary caregiver if the patient or the patient's designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, concentrate or extract and the marijuana processing site receives no compensation for the transfer of the marijuana.
  - (b) A registered processing site must document each transfer of marijuana by a patient or the patient's designated primary caregiver to the processing site in accordance with OAR 333-008-1760 and 333-008-1770.
  - (c) A registered processing site must document each transfer of a cannabinoid product, concentrate or extract to a patient or the patient's designated primary caregiver in accordance with OAR 333-008-1760 and 333-008-1770.
  - (d) A registered processing site may be compensated by the patient or the patient's designated primary caregiver for all costs associated with the processing of marijuana for the patient.

(8) Inventory On-Site. Marijuana items must be kept on-site at the registered processing site. The Authority may take enforcement action against a registered processing site if during an inspection a processing site cannot account for its inventory or if the amount of usable marijuana at the processing site is not within five percent of the documented inventory.

(9) Testing. On and after October 1, 2016, a registered processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0490 and may not:

(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.

(b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.

(10) Packaging and Labeling. On and after October 1, 2016, a registered processing site must comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(11) Industrial Hemp Products. A processing site may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(12) Sampling. A registered processing site may provide a sample of a medical cannabinoid product, concentrate or extract to a dispensary for the purpose of the dispensary determining whether to purchase the product, concentrate or extract but the product, concentrate or extract may not be consumed on the processing site. Any sample provided to a dispensary must be recorded in the database.

(13) For purposes of this rule:

(a) "Lot of usable marijuana" means a quantity of usable marijuana transferred to a registered processing site from the same harvest lot as that term is defined in OAR 333-007-0020; and

(b) "Lot of medical cannabinoid products, concentrates or extracts" means a quantity of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary at one time and that is from the same process lot as that term is defined in OAR 333-007-0020.

Stat. Auth.: ORS 475B.435, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1750**

#### **Processor Training Requirements**

(1) In order to be registered and remain registered a processing site must have a comprehensive training program that includes, at a minimum, the following topics:

(a) The standard operating policies and procedures.

(b) The hazards presented by all solvents or other chemicals used in processing and on the registered premises as described in the material safety data sheet for each solvent or chemical.

(c) Applicable Authority statutes and rules.

(2) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a medical cannabinoid product, concentrate or extract must be trained in accordance with the processing site's training program.

Stat. Auth.: ORS 475B.435, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1760**

#### **Medical Marijuana Processors: Transfers to a Registered Processing Site**

(1) Transfers of Marijuana by a Patient or Designated Primary Caregiver to Process for Return to a Patient. A patient or designated primary caregiver may transfer marijuana to a registered processing site for no compensation for the purpose of the registered processing site processing the marijuana into a cannabinoid product, concentrate or extract and returning the product, concentrate or extract to the patient or designated primary caregiver.

(a) If a designated primary caregiver is transferring the marijuana, a registered processing site may only accept a transfer of marijuana under this section if the caregiver provides the original or a copy of a valid Authorization to Transfer form prescribed by the Authority.

(b) In order to be valid an Authorization to Transfer form must include at least:

(A) The patient's name, OMMP card number, OMMP receipt number if applicable and expiration date and contact information;

(B) The name and contact information of the individual who is authorized to transfer the usable marijuana to the registered processing site and that individual's OMMP card number and expiration date;

(C) The name and address of the registered processing site that is authorized to receive the usable marijuana; and

(D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card or receipt.

(2) Transfer of Usable Marijuana. A patient, caregiver, or PRMG may transfer usable marijuana to a registered processing site, for no consideration, subject to the requirements in this rule.

(a) A registered processing site may only accept a transfer of usable marijuana if the individual transferring the usable marijuana provides the original or a copy of a valid:

(A) Authorization to Transfer form prescribed by the Authority; or

(B) Personal agreement as that is defined in OAR 333-008-0010.

(b) Authorization to Transfer Forms. In order to be valid an Authorization to Transfer form must include at least:

(A) The patient's name, OMMP card number and expiration date and contact information;

(B) The name and contact information of the individual who is authorized to transfer the usable marijuana to the registered processing site and that individual's OMMP card number and expiration date;

(C) The name and address of the registered processing site that is authorized to receive the usable marijuana; and

(D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.

(c) Personal Agreements. In order to be valid a personal agreement must include at least:

(A) The patient's name, OMMP card number and expiration date and contact information;

(B) The name and contact information of the PRMG to whom the patient's property rights have been assigned and the producer's OMMP card number and expiration date;

(C) The portion of the patient's rights to possess usable marijuana that is being assigned to the producer.

(3) A registered processing site may accept the transfer of usable marijuana from a producer licensed by the Commission under ORS 475B.070 who is also registered by the Commission to produce marijuana for a patient. The Commission licensed producer must provide the registered dispensary with:

- (a) Proof of licensure under ORS 475B.070; and
  - (b) A copy of the patient agreement as described in OAR 845-025-2510.
  - (4) Transfer of medical cannabinoid products, concentrates or extracts. A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from another registered medical marijuana processing site.
  - (5) A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered processing site that provides a Processing Site Authorization to Transfer form, prescribed by the Authority. In addition the registered processing site must obtain a copy of the photo identification of the individual transferring the product, concentrate or extract as required in section (5)(b)(B) of this rule.
  - (6) Transfer Records. At the time marijuana, usable marijuana or a medical cannabinoid product, concentrate or extract is transferred to a registered processing site a processing site representative must:
    - (a) Document, on a form prescribed by the Authority, as applicable:
      - (A) The weight in metric units of all usable marijuana received by the processing site;
      - (B) The amount of a medical cannabinoid product, concentrate or extract received by the processing site, including, as applicable, the weight in metric units, or the number of units;
      - (C) The name of the usable marijuana or medical cannabinoid product, concentrate or extract;
      - (D) The date the usable marijuana or medical cannabinoid product, concentrate or extract was received;
      - (E) The harvest or process lot numbers; and
      - (F) The amount paid by the registered processing site.
    - (b) Obtain and maintain a copy of, as applicable:
      - (A) Documents required in sections (1) through (3) of this rule including the date it was received;
      - (B) The photo identification of the individual transferring the usable marijuana or medical cannabinoid product, concentrate or extract to the registered processing site, if such a copy is not already on file;
      - (C) The OMMP card of the individual transferring usable marijuana;
      - (D) The medical marijuana processing site registration; and
      - (E) Test results for marijuana items transferred to the processing site unless the processing site plans to arrange for the testing of the marijuana item.
  - (7) Nothing in these rules requires a registered processing site to accept a transfer of a marijuana item.
  - (8) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system.
- Stat. Auth.: ORS 475B.435, 475B.440  
 Stats. Implemented: ORS 475B.435, 475B.440, 475B.443

### **333-008-1770**

#### **Medical Marijuana Processors: Transfers from a Registered Processing Site**

- (1) A registered processing site must, in addition to the completing a Processing Site Authorization to Transfer form, prescribed by the Authority, document the following for transfers to a registered dispensary or registered processing site, on a form prescribed by the Authority:
  - (a) The name, address, and registration number of the dispensary or processing site to which a medical cannabinoid product, concentrate or extract was transferred;

- (b) The amount of medical cannabinoid product, concentrate, or extract transferred;
  - (c) The name of the medical cannabinoid product, concentrate, or extract transferred;
  - (d) The process lot numbers associated with the transfer;
  - (e) The date of the transfer; and
  - (f) The amount of money paid by the registered dispensary or processing site for the transfer.
- (2) A registered processing site must document the following for the transfer of a medical cannabinoid product, concentrate or extract to a patient or designated primary caregiver pursuant to ORS 475B.443(1)(b) and (c):
- (a) The name and registration number or OMMP receipt number of the patient or designated primary caregiver to which a medical cannabinoid product, concentrate or extract was transferred;
  - (b) If the medical cannabinoid product, concentrate or extract was transferred to a designated primary caregiver, the patient's name and registration number for whom the caregiver was receiving the transfer;
  - (c) The amount of medical cannabinoid product, concentrate, or extract transferred;
  - (d) The name of the medical cannabinoid product, concentrate, or extract transferred;
  - (e) The date of the transfer; and
  - (f) The amount of money paid by the patient or designated primary caregiver for the transfer.
- (3) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system.
- Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1780**

#### **General Processing Site Health and Safety Requirements**

- (1) A processing site must:
- (a) Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.
  - (b) Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.
  - (c) Maintain the processing site in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.
- (2) A processing site may not treat or otherwise adulterate a medical cannabinoid product, concentrate or extract with any additives that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, alcohol, caffeine, or chemicals that increase carcinogenicity.
- Stat. Auth.: ORS 475B.435, 475B.440  
Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1790**

#### **Cannabinoid Edible Processor Requirements**

- (1) A processing site endorsed to make cannabinoid edibles may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with

the applicable provisions of OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

(2) A processing site endorsed to make cannabinoid edibles may not:

(a) Engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS chapter 624;

(b) Share a food establishment with a person not registered with the Authority as a cannabinoid edible processor;

(c) Process cannabinoid edibles and food in the same food establishment; or

(d) Use a cannabinoid concentrate or extract in a cannabinoid edible unless that concentrate or extract was processed in a food establishment licensed by ODA under OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

(3) A processing site endorsed to make cannabinoid edibles may share a food establishment with another Authority registered cannabinoid edible processor if:

(a) The schedule, with specific hours and days that each processor will use the food establishment, is prominently posted at the entrance to the food service establishment.

(b) Each registrant designates a separate area to secure, in accordance with OAR 333-008-2080 any marijuana, medical cannabinoid products, concentrates or extracts that a registrant stores at the food establishment. If a cannabinoid edible processor does not store marijuana, medical cannabinoid products, concentrates or extracts at the food establishment those items must be stored on a registered processing site under the processor's control.

(4) A food establishment used by a processing site endorsed to make cannabinoid edibles is considered a registered processing site and must meet the security and other premises requirements in these rules.

(5) A processing site endorsed to make cannabinoid edibles is strictly liable for any violation found at a shared food establishment during that processor's scheduled time, as reflected on the posted schedule or within that processor's designated area in the food establishment.

(6) If the Authority cannot determine by viewing the schedule or video surveillance footage who was responsible for the violation, each processor at the shared food establishment is individually and jointly liable for any documented violations.

(7) A processing site must make cannabinoid edibles in a manner that results in the THC being distributed consistently throughout the edible.

Stat. Auth.: ORS 475B.435 & 475B.440

Stats. Implemented: ORS 475B.435 & 475B.440

### **333-008-1800**

#### **Cannabinoid Concentrate and Extract Processor Requirements**

(1) Cannabinoid Concentrates or Extracts. A processing site endorsed to make cannabinoid concentrates or extracts:

(a) May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 FR 67377).

(b) Must:

(A) Only use a hydrocarbon-based solvent that is at least 99 percent purity.

(B) Only use a non-hydrocarbon-based solvent that is food-grade.

- (C) Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
  - (D) Use only potable water and ice made from potable water in processing.
  - (E) If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor.
- (2) Cannabinoid Extracts. A processing site endorsed to make cannabinoid extracts:
- (a) May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products
  - (b) Must:
    - (A) Process in a:
      - (i) Fully enclosed room clearly designated on the current diagram of the registered premises.
      - (ii) Room and with equipment, including all electrical installations, that meet the requirements of the Oregon Structural Specialty Code, related Oregon Specialty Codes and the Oregon Fire Code..
    - (B) Use a commercially manufactured professional grade closed loop extraction system designed to recover the solvents and built to recognized and generally accepted good engineering standards, such as those of:
      - (i) American National Standards Institute (ANSI);
      - (ii) Underwriters Laboratories (UL); or
      - (iii) The American Society for Testing and Materials (ASTM).
    - (C) If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of 600 pounds per square inch.
    - (D) For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the Oregon State Board of Examiners for Engineering and Land Surveying, unless an exemption under ORS 672.060 applies;
    - (E) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.
    - (F) Have all applicable material safety data sheets readily available to personnel working for the processor.
- (3) Cannabinoid Concentrates. A processing site endorsed to make cannabinoid concentrates:
- (a) May not:
    - (A) Use denatured alcohol.
    - (B) If using carbon dioxide, apply high heat or pressure.
  - (b) Must only use or store dry ice in a well ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.
  - (c) May use:
    - (A) A mechanical extraction process;
    - (B) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or
    - (C) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use heat over 180 degrees or pressure.
- Stat. Auth.: ORS 475B.435, 475B.440  
 Stats. Implemented: ORS 475B.435, 475B.440



### **333-008-1810**

#### **Cannabinoid Topical, Tincture, Capsule, Suppository or Transdermal Patch Processor**

(1) A processing site endorsed to make cannabinoid topicals, tinctures, capsules, suppositories or transdermal patches may not engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS chapter 624.

(2) A registered processing site making cannabinoid capsules and tinctures may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with the applicable provisions of OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

Stat. Auth.: ORS 475B.435 & 475B.440

Stats. Implemented: ORS 475B.435 & 475B.440

### **333-008-1820**

#### **Medical Marijuana Processors: Registered Processing Site Recordkeeping**

(1) In addition to other record keeping required in these rules a registered processing site must keep records documenting the following:

(a) How much marijuana is in each process lot, as that term is defined in OAR 333-007-0020.

(b) For usable marijuana used in a process lot, the harvest lot number associated with that usable marijuana.

(c) For cannabinoid concentrates, extracts or products used in a process lot, the process lot number associated with that concentrate, extract or product.

(d) If a product is returned by a registered dispensary, how much product is returned and why.

(e) If a defective product was reprocessed, how the defective product was reprocessed.

(f) Each training provided in accordance with OAR 333-008-1750, the names of employees who participated in the training, and a summary of the information provided in the training.

(g) All testing results.

(2) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.

(3) If the Authority requires a processor to submit or produce documents to the Authority that the processor believes falls within the definition of a trade secret as defined in ORS 192.501, the processor must mark each document "confidential" or "trade secret".

Stat. Auth.: ORS 475B.435, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1830**

#### **Registered Marijuana Processing Site Required Reporting to the Authority**

(1) The individual or individuals responsible for a marijuana processing site shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts and must submit to the Authority electronically, by the 10th of each month, the following information:

(a) The amount of usable marijuana transferred to the marijuana processing site during the previous month.

(b) The amount and type of a medical cannabinoid concentrate or extract transferred by another registered processing site during the previous month. For purposes of this section "type" means:

- (A) Cannabinoid concentrate in solid form; and
  - (B) Cannabinoid concentrate in liquid form.
- (c) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a dispensary. For purposes of this section "type" means:
- (A) Cannabinoid edibles;
  - (B) Cannabinoid topicals;
  - (C) Cannabinoid tinctures;
  - (D) Cannabinoid capsules;
  - (E) Cannabinoid suppositories;
  - (F) Cannabinoid transdermal patches; and
  - (G) Cannabinoid product other than products listed in paragraphs (A) to (F) of this subsection.
- (d) The amount and type of cannabinoid concentrates transferred by the marijuana processing site during the previous month. For purposes of this section "type" means:
- (A) Cannabinoid concentrate in solid form; and
  - (B) Cannabinoid concentrate in liquid form.
- (e) The amount and type of cannabinoid extracts transferred by the marijuana processing site during the previous month. For purposes of this section "type" means:
- (A) Cannabinoid extract in solid form; and
  - (B) Cannabinoid extract in liquid form.
- (f) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means:
- (A) Cannabinoid edibles;
  - (B) Cannabinoid topicals;
  - (C) Cannabinoid tinctures;
  - (D) Cannabinoid capsules;
  - (E) Cannabinoid suppositories;
  - (F) Cannabinoid transdermal patches; and
  - (G) Cannabinoid product other than products listed in paragraphs (A) to (F) of this subsection.
- (g) The amount and type of cannabinoid concentrates or extracts transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means:
- (A) Cannabinoid concentrate or extract in liquid form; and
  - (B) Cannabinoid concentrate or extract in solid form.
- (2) Information submitted to the Authority under this rule must:
- (a) List each type of marijuana item separately;
  - (b) Provide the total aggregate amount of a type of marijuana item transferred to a processing site by a patient, designated primary caregiver, PRMG, other registered processing site, or Commission licensed producer during the previous month; and
  - (c) Provide the total aggregate amount of a type of marijuana item transferred from a processing site to a registered dispensary, patient, designated primary caregiver, or other registered processing site during the previous month.
- (3) In addition to submitting the information as required by section (1) of this rule, a person responsible for a processing site must keep a record of the information described in section (1) of this rule for two years after the date on which the person submits the information to the Authority.

Stat. Auth.: ORS 475B.438

Stats. Implemented: ORS 475B.438

### **333-008-2000**

#### **Definitions**

For purposes of OAR 333-008-2000 to 333-008-2200:

- (1) "Applicant" means a person applying for a new or renewal registration for a dispensary or processing site.
- (2) "Registrant" means a registered dispensary or registered processing site.
- (3) "Registrant representative" means an owner, director, officer, PRD, PRP manager, employee, agent or other representative of a registrant to the extent that the person acts in a representative capacity.
- (4) "These rules" means OAR 333-008-2000 to 333-008-2200.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2010**

#### **Communication with the Oregon Health Authority**

If an applicant or registrant is required to or elects to submit information or documentation to the Authority by a particular deadline it must be received, regardless of the method used to submit the writing, by 5 p.m. Pacific Time.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2020**

#### **Criminal Background Checks**

(1) An individual named in a new or renewal application as required by OAR 333-008-1020 or 333-008-1620, or if otherwise required by these rules, must provide to the Authority:

(a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:

- (A) First, middle and last name;
- (B) Any aliases;
- (C) Date of birth; and
- (D) Address and recent residency information.

(b) Fingerprints in accordance with the instructions on the Authority's webpage: [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp).

(c) A copy of the individual's driver license.

(2) The Authority may request that an individual disclose his or her Social Security Number if notice is provided that:

- (a) Indicates the disclosure of the Social Security Number is voluntary; and
- (b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the individual during the criminal records check process.

(3) The Authority shall conduct a criminal records check in order to determine whether the individual has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in any state.

(4) If an individual wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through a contested case process.

(5) Any criminal background information received by the Authority during the criminal background check process is confidential and is not subject to disclosure without a court order. Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2030**

#### **Notification of Changes**

(1) A registrant must notify the Authority within 10 calendar days of any of the following:

(a) The conviction for the manufacture or delivery of a controlled substance in Schedule I or Schedule II of any individual named in the application;

(b) A change in any contact information for anyone listed in an application or subsequently identified as an owner, an individual with a financial interest, a PRD or a PRP;

(c) A decision to remove a PRD, PRP, primary PRD or primary PRP;

(d) A decision to permanently close the dispensary or processing site at that location;

(e) For a dispensary, the location of a public or private elementary or secondary school within 1,000 feet of the dispensary; and

(f) The suspected theft of marijuana items.

(2) The notification required in section (1) of this rule must include a description of what has changed or the event and any documentation necessary for the Authority to determine whether the dispensary or processing site or dispensary or processing site registrant is still in compliance with ORS 475B.435, 475B.450 and these rules including but not limited to, as applicable:

(a) A copy of the criminal judgment or order;

(b) The location of the school that has been identified as being within 1,000 feet of the dispensary; or

(c) A copy of the police report documenting that the suspected theft of marijuana items was reported to law enforcement, if it was reported.

(3) Changes in Ownership, Financial Interest or Business Structure. A registrant that proposes to change its corporate structure, ownership structure or change who has a financial interest in the business must submit a form prescribed by the Authority, any information identified in the form to be submitted, and criminal background check fees, if applicable, to the Authority, prior to making such a change.

(a) The Authority must review the form and other information submitted and will approve the change if the change would not result in an initial or renewal application denial under OAR 333-008-1060 or 333-008-1670, or serve as the basis of a registration suspension or revocation.

(b) If the Authority denies the change but the registrant proceeds with the change the registrant must surrender the registration or the Authority will propose to suspend or revoke the registration.

(4) Failure of a registrant to notify the Authority in accordance with this rule may result in the imposition of civil penalties or the suspension or revocation of a dispensary or processing site's registration.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2040**

#### **Changing, Altering, or Modifying Licensed Premises**

- (1) A registrant may not make any physical changes to the premises that materially or substantially alters the premises or the usage of the premises from the plans originally reviewed by the Authority, without the Authority's prior written approval.
- (2) A registrant intending to make any material or substantial changes to the premises must submit a form prescribed by the Authority, and submit any information identified in the form to be submitted, to the Authority, prior to making any such changes.
- (3) The Authority must review the form and other information submitted under section (2) of this rule, and will approve the changes if the changes would not result in an initial or renewal application denial under OAR 333-008-1060 or OAR 333-008-1670.
- (4) If the Authority denies the change but the registrant proceeds with the change the registrant must surrender the registration or the Authority will propose to suspend or revoke the registration.
- (5) For purposes of this rule a material or substantial change requiring approval includes, but is not limited to:
  - (a) Any increase or decrease in the total physical size or capacity of the premises;
  - (b) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway or passage alters or changes limited access areas, such as the areas in which the transfer of marijuana items occurs within the premises; or
  - (c) Any physical change that would require the installation of additional video surveillance cameras or a change in the security system.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2050**

#### **Change in Location**

- (1) A registrant that wishes to change its location must submit a new application that complies with OAR 333-008-1020 or 333-008-1620.
- (2) A registrant may not operate at a new location unless it is registered by the Authority.
- (3) If a registrant is applying for a registration at a new location because the registrant wishes to change the location of the currently registered dispensary, and the new location is within 1,000 feet of the currently registered dispensary, the Authority will not deny the application based on the new location being within 1,000 feet of a registered dispensary. The Authority shall condition approval of the registration at the new location on the surrender of the registration at the current location.
- (4) A dispensary or processing site that is approved to operate at a new location must comply with any instructions provided by the Authority for transferring marijuana items from the previous location to the new location.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2060**

#### **Secretary of State Registration Required**

A registrant must maintain a current registration as a business with the Office of the Secretary of State in order to receive or maintain registration.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2070**

#### **Advertising Restrictions**

(1) A registrant may not have advertising that:

(a) Contains statements that are deceptive, false, or misleading;

(b) Contains any content that can reasonably be considered to target minors including but not limited to cartoon characters, toys, or similar images and items typically marketed towards minors;

(c) Specifically encourages the transportation of marijuana items across state lines;

(d) Asserts that marijuana items are safe or safer for reasons including but not limited to because they are regulated by the Authority or have been tested by a certified laboratory;

(e) Make claims that a marijuana item has curative or therapeutic effects unless the claim is supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner consistent with generally recognized scientific procedures and principles) and for which there is significant scientific agreement among experts qualified by scientific training and experience to evaluate such claims; or

(f) Display consumption of marijuana items.

(2) A registrant may not make any deceptive, false, or misleading assertions or statements on any product, any sign, or any document provided to a patient, caregiver, or to an individual as that term is defined in OAR 333-008-1500.

(3) A registrant must include the following statement on all advertising:

(a) "Do not operate a vehicle or machinery under the influence of marijuana".

(b) "Keep marijuana out of the reach of children".

(4) A registrant must remove any sign, display, or advertisement if the Authority finds it violates this rule.

(5) The Authority will notify the registrant and specify a reasonable time period for the registrant to remove any sign, display or advertisement that the Authority finds objectionable.

Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525

Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2080**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries: Security Requirements**

In order to be registered and remain registered a registrant must:

(1) Have an installed and fully operational security alarm system, installed by an alarm installation company, activated at all times when the premises is closed for business on all:

(a) Entry or exit points to and from the premises; and

(b) Perimeter windows, if applicable.

(2) Have a security alarm system that:

(a) Detects movement inside the premises;

- (b) Is programmed to notify a security company that will notify a registrant representative or his or her designee in the event of a breach; and
- (c) Has at least two operational "panic buttons" located inside the premises that are linked with the alarm system that notifies a security company.
- (3) Have commercial grade, non-residential door locks installed on every external door of a registered premises where marijuana items are present.
- (4) During all hours when the registrant is not operating:
  - (a) Securely lock all entrances to and exits from the registered premises and ensure any keys or key codes to the enclosed area remain in the possession of the registrant or registrant representative;
  - (b) Have a safe or vault as those terms are defined in OAR 333-008-0010 for the purpose of securing all marijuana items as required by these rules, except that a registered processing site may keep all usable marijuana, cut and drying mature marijuana plants, cannabinoid concentrates, extracts or products on the premises in a secure area.
- (5) Have a password protected network infrastructure.
- (6) Have an electronic back-up system for all electronic records.
- (7) Keep all video recordings and archived required records not stored electronically in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered business is open.
- (8) Notwithstanding OAR 333-008-2090 to 333-008-2120 a registered processing site and registered dispensary under common ownership that share a premises are not required to install redundant security systems if the premises are directly accessible to each other by an adjoining door. If a shared security system is utilized:
  - (a) Any point of common ingress and egress between the premises shall be treated as an external door, for purposes of this rule, and must have security coverage in accordance with sections (1) and (3) of this rule; and
  - (b) The registrants must maintain the system and provide access to the Authority in accordance with these rules.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2090**

#### **Video Surveillance Equipment**

In order to be registered and remain registered a registrant must:

- (1) Have an installed and fully operational video surveillance recording system with video surveillance equipment that at a minimum:
  - (a) Consists of:
    - (A) Digital or network video recorders;
    - (B) Cameras capable of meeting the requirements of OAR 333-008-2110 and this rule;
    - (C) Video monitors;
    - (D) Digital archiving devices;
    - (E) A minimum of one monitor on premises capable of viewing video; and
    - (F) A color printer capable of producing still photos.
  - (b) Is equipped with a failure notification system that immediately notifies a registrant representative of any surveillance interruption or failure that is longer than five minutes; and

- (c) Has sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
- (2) Have a video surveillance system capable of recording all pre-determined surveillance areas in any lighting conditions.
- (3) Have, in limited access and point of sale areas, cameras that have minimum resolution of 1280 x 720 pixels (px) and record at 10 fps (frames per second).
- (4) Have, in exterior perimeter and non-limited access areas (except for restrooms) cameras that have a minimum resolution of 1280 x 720 px and record at least 5 fps, except where coverage overlaps any limited access areas such as entrances or exits and in those overlap areas cameras must record at 10 fps.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2100**

#### **Required Camera Coverage and Camera Placement**

In order to be registered and remain registered a registrant must:

- (1) Have security camera coverage for:
  - (a) All secure and limited access areas;
  - (b) All areas where marijuana items will be and are transferred to or from a registered premises;
  - (c) All areas where the general public is permitted (except for restrooms);
  - (d) All points of entry to and exit from limited access areas and areas where marijuana items will be and are transferred to or from a registered premises; and
  - (e) All points of entry to and exit from the premises.
- (2) Have cameras that are positioned so that they capture clear and certain images of any individual and activity occurring:
  - (a) Within 15 feet both inside and outside of all points of entry to and exit from the premises;
  - (b) Anywhere within a secure or limited access area on the premises; and
  - (c) Anywhere within an area where marijuana items will be and are transferred to or from a registered premises.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2110**

#### **Video Recording Requirements**

- (1) In order to be registered and remain registered a registrant must:
  - (a) Have cameras that are installed, operational, and continuously record 24 hours a day in all areas where marijuana items will be or are on the premises, including areas where the general public is permitted (except restrooms).
  - (b) Use cameras that record at a minimum resolution of 1280 x 720 px;
  - (c) Have an installed and operational surveillance system that:
    - (A) Can produce a color still photograph from any camera image; and
    - (B) Embeds the date and time on all surveillance recordings without significantly obscuring the picture;
- (2) A registrant must:
  - (a) Keep all surveillance recordings a minimum of 45 calendar days and in a format that can be easily accessed for viewing;



- (b) Archive video recordings in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place;
- (c) Provide video surveillance records and recordings immediately upon request to the Authority for the purpose of ensuring compliance with ORS 475B.450 and these rules;
- (d) Keep surveillance recordings for periods exceeding 45 calendar days upon request of the Authority; and
- (e) Immediately notify the Authority of any equipment failure or system outage lasting 30 minutes or more.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2120**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries Location and Maintenance of Surveillance Equipment**

(1) A registrant must:

(a) Have the surveillance recording equipment housed in a designated secure area or other locked enclosure with access limited to:

(A) The registrant and authorized personnel of the registrant;

(B) Employees of the Authority;

(C) State or local law enforcement agencies for any other state or local law enforcement purpose; and

(D) Service personnel or contractors.

(b) Keep a current list of all authorized personnel and service personnel who have access to the surveillance system and room on the registered premises.

(c) Keep a surveillance equipment maintenance activity log on the registered premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.

(2) A registrant may store video recordings offsite as long as a PRD or PRP can demonstrate that the recordings are secure and protected, that the recordings are kept for a minimum of 45 calendar days as required in OAR 333-008-2110 and that the Authority can access the video recordings upon request.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2140**

#### **State and Local Safety Inspections**

(1) A registered premises may be subject to inspection by state or local government officials to determine compliance with state or local health and safety laws.

(2) A person responsible for a registered marijuana processing site must contact any utility provider to ensure that the registrant complies with any local ordinance or utility requirements such as water use, discharge into the sewer system, or electrical use.

(3) The Authority may require a registered processing site or dispensary to obtain a certificate of occupancy issued by a local building official or the Department of Consumer and Business Services Building Codes Division, if the Authority has concerns about the public health and safety of the registered premises.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2150**

#### **General Sanitary Requirements**

(1) A registrant must:

(a) Prohibit any individual working on the registered premises who has or appears to have a communicable disease, open or draining skin lesion infected with *Staphylococcus aureus* or *Streptococcus pyogenes* or any illness accompanied by diarrhea or vomiting for whom there is a reasonable possibility of contact with marijuana items from having contact with a marijuana item until the condition is corrected;

(b) Require all persons who work in direct contact with marijuana items to conform to hygienic practices while on duty, including but not limited to:

(A) Maintaining adequate personal cleanliness; and

(B) Washing hands thoroughly in an adequate hand-washing area before starting work, prior to having contact with a marijuana item and at any other time when the hands may have become soiled or contaminated;

(c) Provide hand-washing facilities adequate and convenient, furnished with running water at a suitable temperature and provided with effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying device;

(d) Properly remove all litter and waste from the registered premises and maintain the operating systems for waste disposal in an adequate manner so that they do not constitute a source of contamination in areas where marijuana items are exposed;

(e) Provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and

(f) Hold marijuana items that can support the rapid growth of undesirable microorganisms in a manner that prevents the growth of these microorganisms.

(2) For purposes of this rule "communicable disease" includes but is not limited to: diphtheria, measles, *Salmonella enterica* serotype Typhi infection, shigellosis, Shiga-toxigenic *Escherichia coli* (STEC) infection, hepatitis A, and tuberculosis.

Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525

Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2160**

#### **Foreclosure; Cessation of Operations**

In the event that a registrant is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as defined in ORS 79.0102, may continue operations at the marijuana processing site or dispensary upon submitting to the Authority proof, on a form prescribed by the Authority, that the secured party or, if the secured party is a business entity, any individual who has a financial interest in the secured party, meets the requirements and restrictions set forth in:

(1) For marijuana processing sites, ORS 475B.435 (2)(d) and (4); or

(2) For dispensaries, ORS 475B.450 (2)(d) and (4).

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2170**

#### **Inspections**

- (1) The Authority must conduct a routine inspection of every registrant at least every year.
  - (2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registrant or registrant representative is in violation of ORS 475B.435, ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
  - (3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registrant or registrant representative is in violation of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
  - (4) The Authority may inspect the following to ensure compliance with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules:
    - (a) The premises of a proposed marijuana processing site or dispensary, or registered marijuana processing site or dispensary; and
    - (b) The records of a registered marijuana processing site or dispensary.
  - (5) Registrant representatives must cooperate with the Authority during an inspection.
  - (6) If an individual at a registered dispensary or processing site fails to permit the Authority to conduct an inspection or if the Authority requires access to a dispensary or processing site and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431A.010.
  - (7) The Authority may purchase, possess or seize a marijuana item as necessary for the Authority to determine compliance with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
- Stat. Auth.: ORS 431A.010, 475B.435, 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2180**

#### **Violations**

- (1) It is a violation for an applicant for a registration, registrant or registrant representative to:
  - (a) Fail to cooperate with an inspection;
  - (b) Submit false or misleading information to the Authority;
  - (c) If the registrant is a dispensary, transfer a marijuana item to an individual who is not a patient or a designated primary caregiver;
  - (d) If the registrant is a processing site, transfer a medical cannabinoid product, concentrate or extract to anyone who is not a registered processing site representative, a registered dispensary representative, a patient or a designated primary caregiver, as permitted under these rules;
  - (e) Accept the transfer of a marijuana item from an individual who is not registered with the Authority;
  - (f) Accept the transfer of a marijuana item that was produced or processed in another state;
  - (g) Possess a mature marijuana plant;
  - (h) Fail to submit a plan of correction in accordance with OAR 333-008-2190;
  - (i) Fail to comply with an emergency suspension order or final order of the Authority, including failing to pay a civil penalty;
  - (j) Fail to comply with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, these rules, or OAR chapter 333, division 7;

- (k) Alter or falsify a laboratory test report or result;
  - (l) Alter or falsify a receipt issued under OAR 333-008-0023 or 333-008-0040;
  - (m) Submit false or misleading information to the Commission for the purpose of pre-approval of packaging and labeling as required by OAR 333-007-0100; and
  - (n) Submit false or misleading information to a laboratory for the purpose of compliance testing under OAR 333-007-0300 to 333-007-0500.
- (2) It is a violation of ORS 475B.450 and these rules to operate a dispensary without being registered by the Authority.
- (3) It is a violation of ORS 475B.435 and these rules to operate a processing site without being registered by the Authority unless an exemption applies.
- Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2190**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries Enforcement**

- (1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7, the Authority may issue a written Notice of Violation to a registrant that cites the laws alleged to have been violated and the facts supporting the allegations.
- (b) A registrant must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed by the Authority. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.
- (c) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the registrant in writing and request that the plan of correction be modified and resubmitted no later than 10 business days from the date the letter of non-acceptance was mailed.
- (d) If the written plan of correction is acceptable, the Authority must notify the registrant in writing and specify a date by which the registrant must come into compliance.
- (e) If the registrant does not come into compliance by the date specified by the Authority the Authority may propose to suspend or revoke the registrant's registration or impose civil penalties.
- (f) The Authority may conduct an inspection at any time to determine whether a registrant has corrected the deficiencies in a Notice of Violation.
- (2) Formal Enforcement. If, during an inspection or based on other information the Authority determines that a registrant is in violation of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7 the Authority may issue:
- (a) A Notice of Proposed Suspension or Revocation in accordance with ORS 183.411 through 183.470.
  - (b) A Notice of Imposition of Civil Penalties in accordance with OAR 333-008-2200.
  - (c) An Order of Emergency Suspension pursuant to ORS 183.430.
- (3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the registrant has a history of violations.

- (4) The Authority must issue a Notice of Proposed Revocation if the registrant no longer meets the criteria in ORS 475B.450(3)(a) to (d) or ORS 475B.435(3)(a) or (b).
- (5) The Authority may issue civil penalties or maintain a civil action against an establishment providing the services of a processing site or dispensary but is not registered in accordance with ORS 475B.450, ORS 475B.435 and these rules.
- (6) The Authority may revoke the registration of a registrant for failure to comply with an ordinance adopted by a city or county pursuant to ORS 475B.500, if the city or county:
  - (a) Has provided the registrant with due process substantially similar to the due process provided to a registration holder under the Administrative Procedures Act, ORS 183.413 to 183.470; and
  - (b) Provides the Authority with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes the registrant is in violation of the local ordinance.
- (7) The Authority must post a final order revoking the registration of a registrant on the Authority's website.
- (8) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.
- (9) If the registration of a registrant is revoked the owner or an authorized representative of the owner must:
  - (a) Make arrangements to return the marijuana items still possessed at the location to the person who transferred the marijuana item, document the return, and provide this information in writing within one business day of the transfer, to the Authority; or
  - (b) Dispose of the marijuana items in a manner specified by the Authority.
- (10) The Authority is not required to accept the surrender of a registration and may proceed with an enforcement action even if a registrant has surrendered the registration.
- (11) Notwithstanding OAR 333-008-3000 if the Authority suspends or revokes a registration or otherwise takes disciplinary action against the registrant the Authority must provide that information to a law enforcement agency.
- (12) The Authority may possess, seize or dispose of marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts as is necessary for the Authority to ensure compliance with and enforce the provisions of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7.

Stat. Auth.: ORS 431A.010, 475B.435, 475B.450 & 475B.525

Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2200**

#### **Civil Penalties**

- (1) In addition to any other liability or penalty provided by law, the Authority may impose, against any person, a civil penalty that does not exceed \$500 per day, for each violation of a provision of:
  - (a) ORS 475B.450, 475B.453, or any rules adopted thereunder;
  - (b) ORS 475B.435, 475B.440, 475B.443 or any rules adopted thereunder; or
  - (c) OAR 333-008-1000 to 333-008-2180 or OAR chapter 333, division 7.
- (2) The Authority shall impose civil penalties under this section in the manner provided by ORS 183.745.

Stat. Auth.: ORS 431A.010, 475B.435, 475B.450, 475B.495, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450, 475B.495

### **333-008-2210**

#### **Penalty Matrix**

- (1) The Authority has established Category I, II, III and IV violations with Category I violations posing the highest risk to public health and safety, and category IV violations being generally technical in nature.
- (2) The Authority may allege multiple violations in a single notice or may count violations alleged in notices issued within the previous two year period toward the total number of violations. In calculating the total number of violations, the Authority may consider a proposed violation for which the Authority has not yet issued a final order.
- (3) If the Authority finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. The Authority may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.
- (4) The Authority may consider the following mitigating circumstances when determining what sanction to impose:
  - (a) Making a good faith effort to prevent a violation.
  - (b) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.
- (5) The Authority may consider the following aggravating circumstances when determining what sanction to impose:
  - (a) Receiving a prior warning about one or more compliance problems.
  - (b) Repeated failure to comply with laws.
  - (c) Efforts by person or registrant to conceal a violation.
  - (d) Intentionally committing a violation.
  - (e) A violation involving more than one consumer or employee.
  - (f) A violation involving a transfer of a marijuana item to anyone other than a patient, designated primary caregiver, grower or registrant.
  - (g) A violation resulting in injury or death.
  - (h) Three or more violations within a two-year-period, regardless of the category, where the number of the proposed or final violations indicate a disregard for the law or failure to control the premises.
- (6) A registrant may not avoid the sanction for a violation or the application of the provision for successive violations by changing the corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

Stat. Auth.: ORS 475B.025

Stats. Implemented: ORS 475B.210, 475B.295, 475B.560 & 475B.635

### **333-008-3000**

#### **Medical Marijuana Confidentiality**

- (1) Patient, Designated Primary Caregiver and Grow Site List.
  - (a) The Authority shall create and maintain a list of patients, designated primary caregivers, and grow site addresses.

(b) Except as provided in subsection (c) of this section, the list is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(c) Names, addresses and other identifying information made confidential under subsection (1)(b) of this rule may be released to:

(A) Authorized employees of the Authority as necessary to perform official duties of the Authority, including the production of any reports of aggregate (non-identifying) data or statistics;

(B) Authorized employees of state or local law enforcement agencies who provide to the Authority adequate identification but only as necessary to verify:

(i) That a person is or was a lawful possessor of a registry identification card;

(ii) That a person is or was a designated primary caregiver; or

(iii) That the address is or was a registered grow site; or

(C) Other persons (such as, but not limited to, employers, lawyers, family members) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or PRMG. The release of information must specify what information the Authority is authorized to release and to whom.

(d) In addition to releasing information to authorized employees of state or local law enforcement agencies for purposes of verifying information under paragraph (1)(c)(B) of this rule, the Authority may release to authorized employees of state or local law enforcement agencies the minimum amount of information necessary to enable an employee to determine whether an individual or location is in compliance with a provision of ORS 475B.400 to 475B.525 or these rules.

(2) Database.

(a) Subject to subsection (2)(b) of this rule the Authority may provide information that is stored in the database to:

(A) A law enforcement agency.

(B) The regulatory agencies of a city or county.

(b) The Authority may not disclose the following information that may be stored in the database:

(A) Any personally identifiable information, as defined in ORS 432.005, related to a patient or a designated primary caregiver.

(B) Any personally identifiable information, as defined in ORS 432.005, submitted to the Authority under ORS 475B.423, 475B.438 or 475B.453 or pursuant to ORS 475B.458.

(C) Any information related to the amount and type of usable marijuana, medical cannabinoid products, or cannabinoid concentrates and extracts transferred to or by a PRMG, medical marijuana processing site or medical marijuana dispensary.

(3) Personally identifiable information in grow site, medical marijuana processor or medical marijuana dispensary applications. Any personally identifiable information, as defined in ORS 432.005, other than a name of an individual or an address submitted with an application under ORS 475B.435 or ORS 475B.450 that the Authority requires to be submitted and maintains for purposes of registering a marijuana grow site, a marijuana processing site or a medical marijuana dispensary is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(4) Disclosure to designees. The Authority may provide personally identifiable information to a person registered under ORS 475B.400 to 475B.525 if the registrant requests the information and the information is related to a designation made under ORS 475B.400 to 475B.525.

(5) Medical marijuana dispensary security information. Any record that the Authority keeps or maintains for purposes related to the installation or maintenance of a security system by a

medical marijuana processing site or dispensary pursuant to OAR 333-008-2080 to 333-008-2120 is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(6) Disclosure following investigation. Notwithstanding any of the confidentiality provisions of this rule if the Authority determines, after conducting an investigation or receiving a complaint of an alleged violation of a provision of ORS 475B.400 to 475B.525 or any rule adopted thereunder, that a violation of a provision of ORS 475B.400 to 475B.525 or any rule adopted thereunder has occurred, the Authority may provide any information obtained by the Authority, except for information related to a patient's debilitating condition, to:

(a) Authorized employees of state or local law enforcement agencies; or

(b) Another state or local government agency with jurisdiction over the matter.

(7) Subpoenas. Notwithstanding any of the confidentiality provisions of this rule, the Authority may disclose information requested pursuant to a lawfully issued subpoena from a law enforcement agency.

(8) Disclosure following disciplinary action. Notwithstanding section (3) of this rule, if the Authority suspends or revokes the registration of the marijuana grow site, a PRMG, a marijuana processing site or a medical marijuana dispensary, or otherwise takes disciplinary action concerning a medical marijuana grow site, medical marijuana processing site, or a medical marijuana dispensary, the Authority must provide that information to a law enforcement agency.

Stat. Auth.: ORS 475B.458 - 475B.464, 475B.525

Stats. Implemented: ORS 475B.458 - 475B.464, 475B.525

### **333-008-3010**

#### **System to Allow Verification of Data at All Times**

(1) The Authority shall establish an interactive method to allow authorized employees of state and local law enforcement agencies to use the Oregon State Police Law Enforcement Data System (LEDS) to query an OMMP data file in order to verify at any time whether a particular patient, designated primary caregiver, or grow site location is listed or registered with the Authority.

(2) LEDS access will only allow a yes or no answer to the query and the information obtained may not be used for any other purpose other than verification.

(3) The Authority may allow the release of reports related to verification if it is without identifying data.

(4) The Authority shall have staff available by phone to verify law enforcement agency employee questions during regular business hours in case the electronic verification system is down, and in the event the system is expected to be down for more than two business days, the Authority shall ensure program staff are available by phone for verification purposes.

Stat. Auth.: ORS 475B.460 & 475B.525

Stats. Implemented: ORS 475B.460