

CBD and Consumable Hemp Items: Information on **No Sales to Minors**















To: Oregon Businesses Selling CBD and Consumable Hemp Items

From: Oregon Department of Agriculture (ODA), Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC)

Date: July 22, 2021

Subject: <u>No Sales to Minors!</u> - Change in Oregon law that restricts the sale of specific consumable hemp products to anyone under the age of 21.

This information is for all Oregon businesses that sell products containing processed hemp to be aware of a change in Oregon law (<u>House Bill 3000</u>) that restricts the sale of specific consumable hemp items to anyone under the age of 21. Consumable hemp items include anything that is made to eat, drink, or inhale.

With the growing popularity of these products, it is important that you are able to distinguish which products are off limits to minors; this is done by determining the amount of THC in milligrams (weight) in the products, *not* the overall percentage of THC contained in the product.

Follow the guidance below to ensure a hemp product can be sold to a minor:

- Under the new law a business that wants to sell a processed hemp item to a minor must **determine the milligrams of THC in the product prior to sale**, not just the percentage of THC it contains.
- Some hemp-based items are being marketed to contain Delta-8-THC. **Delta-8-THC is an intoxicating form of THC** and the *THC determination* requirements apply to all forms of THC.
- A hemp item is required to have less than 0.5 milligrams (weight) of Total THC to be sold to a minor.
- Do not confuse **Total THC levels** with a hemp item that lists its THC below 0.3%. **The 0.3% THC level does not account for the weight of the item**; this is why it is important to determine the milligrams of THC in the product based on its weight.
- Hemp products <u>made from the hemp seed and textiles</u> do not contain THC and <u>can be sold to</u> <u>minors</u>.

Included with this notice is additional information on the new law and examples to help you determine how much THC is in a hemp item and if it is defined as an adult-use cannabis item.

If you are unsure about the THC content in a hemp item, we recommend you do not sell the item to a person under the age of 21 and risk breaking the law.

We appreciate your responsiveness and cooperation ensuring products that contain THC are not sold to people under the age of 21. If you have questions or comments on the new law please contact: <u>OLCC.Hemp@oregon.gov</u>.

Frequently Asked Questions

Is CBD a hemp item?

Yes, CBD is usually derived from hemp and could contain THC.

What is an "adult-use cannabis item"?

An adult-use cannabis item includes a product that meets any of the following criteria:

- Hemp item that contains more than 0.5 milligrams of THC or THCA, including Delta-8-THC and Delta-9-THC;
- Hemp item where the testing **was not sensitive enough to determine** whether there is **less than 0.5 milligrams of THC** in the item;
- Hemp item that **advertises intoxicating effects**.

Can I sell products made from hemp seed and hemp textiles to minors?

Yes, the prohibition on sales to minors only applies to products that are made for consumption or inhalation and contain cannabinoids like THC.

How do I determine the number of milligrams of THC item?

- Request the **Certificate of Analysis (COA)** from the vendor for the product. The COA should be a printed or electronic document showing the test results for the item. The COA will include total THC, CBD, and the Limit of Quantification (LOQ).
- COAs are officially accepted documentation that show tests conducted on a product and the results of those tests. The COA should report the **amount or percentage of THC contained** in the sample.
- You will need verify the Limit of Quantification, is low enough to detect whether the THC content is at or below 0.5 mg THC. If it is not, the product cannot be sold to minors. <u>To perform the calculation:</u>
 - Review the COA for "THC" in mass (mg/g) and multiply this by the weight of the item listed on the package.
 - For example, a hemp item weighs **1** gram and the **THC** is **3.3** mg/g, the total THC would be **3.3** mg (**3.3** x **1**) and could not be sold to a minor.
 - <u>An example of a COA and how to determine total milligrams of THC in a product is</u> included with this notice.

What is a consumable hemp item?

A consumable hemp item is anything that is made for human consumption - to eat, drink, or inhale.

What if the product is labeled to have less than 0.3% THC?

You will still need to request a COA to determine the amount of THC in milligrams contained in the product.

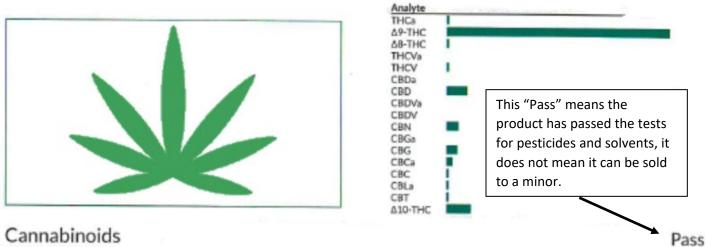
If the product is listed as "Zero THC" or "THC Free" do I need to request a COA?

Yes, the COA will verify whether a lab detected THC and at what level it was tested.

This is an example of what a Certificate of Analysis (COA) may look like.

Jack Herer Cartridge (1g) Concentrates & Extracts, Other

Harvest Process Lot: ; METRC Batch. METRC Sample:



Cannabinoids

307 HPLC6 20210127-1

| 54.95% Total THC* (Calculated Decarboxylated Potential) | | | Analyte | LOQ | Mass | Mass | |
|---|--|--|--|--|--|---|--|
| | | | | mg/g | % | mg/g | |
| | | | THCa | 1.8 | 0.33 | 3.3 | |
| | 4.98% | | A9-THC | 1.8 | 54.67 | 546.7 | |
| | | | AS THE | 1.8 | 0.22 | 2.2 | |
| | | | THCVa | 1.8 | <loq< td=""><td><loq< td=""><td></td></loq<></td></loq<> | <loq< td=""><td></td></loq<> | |
| | | | THCV | 1.8 | 0.28 | 2.8 | |
| | | | CBDa CBD | 1.8 | <loq< td=""><td><loq< td=""><td></td></loq<></td></loq<> | <loq< td=""><td></td></loq<> | |
| | Total CBD** (Calculated Decarboxylated Potential) | | CBDVa | 1.8 | 4.98 | 49.8 | |
| | | | CBDV | 1.8 | <loq <loq< td=""><td><loq <loq< td=""><td></td></loq<></loq </td></loq<></loq | <loq <loq< td=""><td></td></loq<></loq | |
| | | | CBN | 1.8 | 2.86 | 28.6 | |
| 74.53% | | | CBGa | 1.8 | <loq< td=""><td><loq< td=""><td></td></loq<></td></loq<> | <loq< td=""><td></td></loq<> | |
| | Water | | CBG | 1.8 | 2.50 | 25.0 | |
| | Moisture | Activity | CBCa | 1.8 | 1.45 | 14.5 | |
| | | | CBC | 1.8 | 0.31 | 3.1 | |
| | NR | NR | CBLa | 1.8 | 0.52 | 5.2 | |
| | | | CBT | 1.8 | 0.48 | 4.8 | |
| | Limit | 0.655 Limit | A10-THC | 1.8 | 5.94 | 59.4 | |
| | | 1 | Exo-THC | 1.8 | <loq< td=""><td><loq< td=""><td></td></loq<></td></loq<> | <loq< td=""><td></td></loq<> | |
| | | | Total | 1 | 74.53 | 745.3 | |
| Total Cannabinoids Analyzed | Microbia | Potential | Method: CH SOP "Total THC - THC Quantification: N | 400 a*0.877 + d9-1 R = Not Reports | HC "Total C | RD + CRD + 10.877 + CRD |). LOQ = Limi |
| Total Cannabinoids Analyzed | Microbia | Potential | "Total THC = THC | 400 a*0.877 + d9-1 R = Not Reports | HC "Total C | RD + CRD + 10.877 + CRD |). LOQ = Limi |
| / | | Potential | "Total THC - THC Quantification: N | R = Not Reports | THC. **Total Ci sd; ND = Not D | RD + CRD + 10.877 + CRD | |
| The first column are examp | oles The | e second colum | Total THC - THC Quantification N | R = Not Reports | NC. **TotalCI st; ND - Not D The la | BD + CBI + * 0.877 + CBD betected | the |
| The first column are examp of different versions of TH | oles C, Qu | e second colum antification (LC | in lists the Limi | t of ing | The la | BD - CBL * 0.877 + CBD etected | the in mg/g |
| The first column are examp of different versions of TH | oles C, Qu me | e second colum antification (LC thod. This num | in lists the Limi | t of ing | The la conce | BD - CBN * 0.877 - CBD etected ast column lists t entration of THC etermine the am | the in mg/g ount of |
| The first column are examp of different versions of TH | oles C, Qu me | e second colum antification (LC | in lists the Limi | t of ing | The la conce | BD - CBL * 0.877 + CBD etected | the in mg/g ount of |
| The first column are examp of different versions of TH | oles C, be | e second colum antification (LC thod. This num | in lists the Limit OQ) for the test ober is required show that the | t of ing to | The la conce THC i | BD - CBN * 0.877 - CBD etected ast column lists t entration of THC etermine the am | the in mg/g ount of ultiply th |
| The first column are examp of different versions of TH | oles C, be pro | e second colum antification (LC thod. This num low enough to oduct contains | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m | t of ing I to g for | The la conce THC i conce | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC | the in mg/g ount of Iltiply th in mg/g |
| Total Cannabinoids Analyzed The first column are examp of different versions of THO highlighted in orange. | oles C, be pro any | e second colum antification (LC thod. This num low enough to oduct contains y product that i | In lists the Limit DQ) for the test aber is required show that the less than 0.5 m s sold to a min | t of ing I to g for | The la conce THC i conce THC i conce by th | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i | the in mg/g ount of ultiply th in mg/g tem in |
| The first column are examp of different versions of TH | oles C, | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th | In lists the Limit OQ) for the test aber is required show that the less than 0.5 m s sold to a min be LOQ is low | t of ing I to g for or. | The la conce THC i conce THC i conce by th gram | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typica | the in mg/g ount of ultiply th in mg/g tem in ally be |
| The first column are examp of different versions of TH | oles C, The Qu me be pro any To end | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th ough, you mult | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m s sold to a min he LOQ is low iply the total w | t of ing I to g for or. reight | The la conce THC i conce THC i conce by th gram listed | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typica on the package | the in mg/g ount of iltiply th in mg/g tem in ally be). |
| The first column are examp of different versions of TH | oles C, The Qu me be pro any To end | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m s sold to a min he LOQ is low iply the total w | t of ing I to g for or. reight | The la conce THC i conce THC i conce by th gram listed | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typica | the in mg/g ount of iltiply th in mg/g tem in ally be). |
| The first column are examp of different versions of TH | oles C, The Qu me be pro any To end of t | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th ough, you mult the product in g | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m s sold to a min be LOQ is low iply the total w grams (this will | t of ing t to g for or. veight | The la conce THC i conce THC i conce by th gram listed For e | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typication on the package xample: If this it | the in mg/g ount of iltiply th in mg/g tem in ally be). em |
| The first column are examp of different versions of TH | oles C, The Qu me be pro any To end of t typ | e second colum antification (LC othod. This num low enough to oduct contains y product that i determine if th ough, you mult the product in g ically be listed | In lists the Limit OQ) for the test ober is required show that the less than 0.5 m s sold to a min be LOQ is low iply the total w grams (this will on the package | t of ing I to g for or. veight e) by | The la conce THC i conce THC i conce by th gram listed For e weigh | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typica on the package xample: If this it ns 1 gram. Line 1 | the in mg/g ount of ultiply th in mg/g tem in ally be). em . lists the |
| The first column are examp of different versions of TH | oles C, The Qu me be pro any To end of t typ the | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th ough, you mult the product in g ically be listed toQ listed (in | in lists the Limi OQ) for the test ober is required show that the less than 0.5 m is sold to a min be LOQ is low iply the total will on the package mg/g). If the re | t of ing i to g for or. veight e) by esult | The la conce To de THC i conce by th gram listed For e weigl amou | ast column lists freetration of THC extermine the am n milligrams, mu entration of THC e weight of the i s (this will typica on the package xample: If this it ns 1 gram. Line 1 unt of THCA as 3 | the in mg/g ount of iltiply th in mg/g tem in ally be). em . lists the .3 mg/g. |
| The first column are examp of different versions of TH | oles C, | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th ough, you mult the product in g ically be listed the listed (in nore than 0.5, f | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m is sold to a min be LOQ is low iply the total w grams (this will on the package mg/g). If the re the LOQ is not | t of ing t to g for or. reight e) by esult low | The la conce To de THC i conce by th gram listed For e weigh amou 3.3 m | ast column lists t entration of THC etermine the am n milligrams, mu entration of THC e weight of the i s (this will typica on the package xample: If this it ns 1 gram. Line 1 unt of THCA as 3 ng/g × 1 g= 3.3 m | the in mg/g ount of iltiply th in mg/g tem in ally be). em . lists the .3 mg/g. ng THCA. |
| The first column are examp of different versions of TH | oles C, | e second colum antification (LC thod. This num low enough to oduct contains y product that i determine if th ough, you mult the product in g ically be listed toQ listed (in | in lists the Limi DQ) for the test ober is required show that the less than 0.5 m is sold to a min be LOQ is low iply the total w grams (this will on the package mg/g). If the re the LOQ is not | t of ing t to g for or. reight e) by esult low | The la conce To de THC i conce by th gram listed For e weigh amou 3.3 m | ast column lists freetration of THC extermine the am n milligrams, mu entration of THC e weight of the i s (this will typica on the package xample: If this it ns 1 gram. Line 1 unt of THCA as 3 | the in mg/g ount of iltiply th in mg/g tem in ally be). em . lists the .3 mg/g. ng THCA |