



Oregon Board of Massage Therapists

Board Policy

SUBJECT: Topical Product Use Policy

Effective: May 20, 2016

Revised: May 20, 2019

Policy/Purpose:

The purpose of this policy is to provide Licensees with direction regarding the use of topical products.

Please Note: This is not intended to be legal advice and Licensees should consult their own legal counsel for any questions surrounding this matter.

Authority:

ORS 475B regulation and recreational use of cannabis
ORS 687 details the scope of practice for massage therapists.
ORS 676 details the requirements of LMT's duty to report
ORS 571 details the use of industrial hemp products
OAR 333 Division 7 entitled Marijuana labeling, concentration limits, and testing
OAR 845 Division 25 details the use of Recreational Marijuana
OAR 603 Division 48 Industrial Hemp

Applicability:

This policy applies to all Licensees of the Oregon Board of Massage Therapists.

Definitions:

OAR means "Oregon Administrative Rule"
ORS means "Oregon Revised Statute"
LMT means "Licensed Massage Therapist" (Actively Licensed in the state of Oregon)

"**Marijuana**" as defined in ORS 475B.015 and OAR 845-025-1015 means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

“Industrial hemp” is defined in ORS 571.300 as all non-seed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis. (b) Means any Cannabis seed: (A) That is part of a crop; (B) That is retained by a grower for future planting; (C) That is agricultural hemp seed; (D) That is for processing into or for use as agricultural hemp seed; or (E) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination. (c) Does not mean industrial hemp commodities or products.

“Cannabinoid topical” is defined in OAR 845-025-3200 (1) as “a cannabinoid product intended to be applied to the skin or hair”.

“Cannabinoid product” as defined in ORS 475B.015 as well as in OAR 845-025-1015 is a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers. “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.

"CBD" means cannabidiol per OAR 333-007-0020 (8).

Guidelines:

1. Topical preparations may be used for the purposes of massage, massage therapy or bodywork as defined in ORS 687.011 (4) (a).
2. Topical preparations are used for but not limited to:
 - a. Lubricating and minimizing friction,
 - b. Warming or cooling an area,
 - c. Minimizing pain,
 - d. Addressing inflammation.

3. **Cannabinoid topical products including products containing CBD only:**

LMTs may purchase and use cannabinoid topical products including products containing CBD as defined in OAR 845-025-3200 (1) as well as topical products derived from industrial hemp as long as those products meet the following criteria.

- a. Cannabinoid Topicals including products containing CBD only must be tested by a laboratory licensed by the Oregon Liquor Control Commission and accredited by the Oregon Health Authority "Laboratory" means a laboratory that is accredited under ORS 438.605 to 438.620 to sample or conduct tests on marijuana items and licensed by the Oregon Liquor Control Commission under ORS 475B.560.

- b. Cannabinoid Topicals including products containing CBD only must test under 0.3% THC content.
- c. Cannabinoid Topicals including products containing CBD only with 0.3% THC content or above must be handled as marijuana products and the LMT must follow the guidelines set forth in this policy as items 4 and 5, as well as all other applicable laws and rules that apply to the possession and use of regulated products.

4. **Medical Marijuana:**

OAR 334-010-0025 (b) states that massage therapy does not include the use of equipment or devices that require a prescription or (c) making a medical diagnosis.

Dispensing or applying medication is **not** within the scope of practice of a Licensed Massage Therapist.

THC-infused massage oils obtained by or through a medical marijuana cardholder are considered medicines under state law. Therefore, a licensee is prohibited from recommending or applying THC-infused massage oils obtained by or through a client who is a medical marijuana cardholder.

5. **Recreational Marijuana including Cannabinoid and CBD only Topicals that test over 0.3% THC:**

LMTs can purchase and use topical products that contain Marijuana only if:

- 1) The topical product is appropriately labeled and approved by the Oregon Liquor Control Commission, and
 - 2) Both the Massage Client and the LMT are 21 years of age or older and the client gives written consent to the use of the topical product that includes marijuana, and
 - 3) The LMT, per Oregon law, does not charge extra for the use of the marijuana infused topical, and
 - 4) The LMT may not use transdermal patches, and
 - 5) The LMT must wear protective gloves or other barrier protection while applying any marijuana infused topical to a client.
6. The Oregon Board of Massage Therapists expects that any LMT using a topical preparation understands the safe application, indications, and contraindications as they apply to each client. Informed consent protocol must be followed.

7. LMTs are reminded that they need appropriate knowledge and education that may be beyond their initial training when utilizing topical preparations.
8. As per ORS 676.150, duty to report, licensees are required to report all violations of this policy to the Oregon Board of Massage Therapists.