



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

10/21/2025 11:53 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Medical Marijuana rule revisions related to patients, caregivers, growers, dispensaries, and processing sites

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Margaret Flerchinger
503-679-6458
publichealth.rules@odhsoha.oregon.gov

800 NE Oregon St.
Portland, OR 97232

Filed By:
Public Health Division
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2025

TIME: 11:00 AM

OFFICER: Staff

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-2343

CONFERENCE ID: 995995237

SPECIAL INSTRUCTIONS:

This hearing is being held remotely via Microsoft Teams. To provide oral (spoken) testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to register and receive the link for the Microsoft Teams video conference via calendar appointment, or you may access the hearing using the meeting URL above. Alternatively, you may dial 971- 277-2343, Phone Conference ID 995 995 237# for audio (listen) only. This hearing will close no later than 12:00 PM but may close as early as 11:30AM if everyone who signs up to provide testimony has been heard from.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services, please contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.

NEED FOR THE RULE(S)

The Oregon Health Authority (OHA), Public Health Division, Oregon Medical Marijuana Program (OMMP) is proposing to permanently adopt, amend, and repeal administrative rules in chapter 333, division 8.

Senate Bill 907 (OL 2025, Ch. 236) further expands requirements around written consent from the property owner to use a property to produce medical marijuana at a grow site. The consent form must now be signed witnessed by a notary public and includes requiring processing sites to also obtain consent if the applicant is not the owner of the property.

Senate Bill 1522 (OL 2022, Ch. 81), now codified at ORS 475C.840, added that medical marijuana dispensaries may not be within 1000 feet of a public prekindergarten, kindergarten program, or parochial program. Rules have not been amended since the bill's passage.

New definitions are proposed for adoption. They include “adulterated”, “grow site administrator”, and “medical marijuana plot”. In addition, an update to Oregon Revised Statute numbering is being made for the definition of industrial hemp. The definition of “these rules” is being expanded to include the new recall rule that is being adopted with this rulemaking.

The adoption of the following rules are being proposed:

- The adoption of new rules related to the co-location of licensed hemp and medical marijuana at the same location are being added to align with existing rules in place with the Oregon Department of Agriculture (ODA). This will allow for clarity and understanding of the separate areas at the grow site location to ensure compliance of ODA and medical marijuana rules during the inspection process.
- The adoption of new rules related to product recalls. These rules mirror rules already in place with the Oregon Liquor and Cannabis Commission and the Oregon Department of Agriculture. These rules are needed in the event that a marijuana item is deemed to not meet requirements in division 8 and failure to meet those requirements poses a public health and safety risk, or minimum standards established by OAR chapter 333, division 7 when testing is required, needs to be recalled. The rules outline what is expected of a grower, dispensary, or processing site in the event of a recall.

Housekeeping rule changes are being made to clarify rules related to patients, caregivers, medical marijuana growers (PRMG), and grow sites.

- Allowing the caregiver or PRMG to request to remove themselves from a registration. The registration will not be considered terminated until the Oregon Health Authority provides notification to the requesting individual confirming the termination.
- Clarifying which Cannabis Tracking System rules a PRMG must follow.

The repeal of OAR 333-008-0630(7), PRMG Documentation Requirements, is due to there being no medical marijuana grow sites that submitted an application with the Oregon Liquor and Cannabis Commission (OLCC) on or by January 1, 2018, that is still waiting to be processed by the OLCC. Under SB 1057 (2017), registered medical marijuana grow sites, processing sites and dispensaries had to either elect to be subject to tracking under OMMP or apply for licensure to OLCC on or before January 1, 2018.

OMMP's process for receiving applications and payments for a medical marijuana dispensary or processing site is being changed due to the costs related to maintaining a database system that is not being highly utilized. While OMMP may register dispensaries and processing sites no one is choosing to do so at this time. To save money and reduce operating costs, OMMP is adopting an internal manual process. In addition, it is being proposed that the registration fee for a dispensary or processing site will not be returned unless the application is considered incomplete or the applicant withdraws before a 60 day letter is sent.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 475C https://www.oregonlegislature.gov/bills_laws/ors/ors475c.html

SB 907 (OL 2025, Ch. 236)

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB907/Enrolled>

SB 1057 (OL 2017, Ch. 183)

<https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1057/Enrolled>

SB 1522 (OL 2022, CH. 81)

<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1522/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed changes to the rules could have several impacts on racial equity.

Requirements to obtain notary witnessed signed consent from property owners for using their property to produce medical marijuana could potentially create additional barriers for individuals, particularly those from marginalized communities who may already face challenges in securing property for cultivation. The additional step of having a notary witness the signing of the consent form could lead to property owner's refusing to perform this additional step and therefore providing written consent.

Prohibiting dispensaries and processing sites from being within 1000 feet of pre-kindergarten, kindergarten, or parochial programs places restrictions that might limit the availability of dispensaries in certain areas, potentially affecting communities with fewer resources and access to transportation. In addition, since there is no source or list of all pre-kindergarten or kindergarten program found in Oregon, nor will this information be added to the current school map held by the Oregon Liquor and Cannabis Commission, this creates a challenge for the OMMP to locate and track these locations. This challenge could lead to a violation after a registration has already been issued causing a large financial hardship on the applicant.

Implementing rules for product recalls ensures that all products meet safety standards and that unethical practices are penalized. This can protect patients, including those from vulnerable communities, from unsafe products and unfair practices.

Overall, there will be an indeterminate impact on racial equity as the rules will affect different communities in different ways. While some measures aim to enhance clarity, safety, and flexibility, others might introduce new barriers.

FISCAL AND ECONOMIC IMPACT:

The adoption of these rules will result in a small fiscal and economic impact. For those applying for a grow site or processing site, there could be a small cost associated with needing to pay a notary to witness the signature of the property owner consent form.

New rules for the co-location of licensed hemp and medical marijuana, as well as product recalls, aim to streamline operations and ensure compliance. While these rules could initially increase compliance costs, they may ultimately reduce legal and operational risks, potentially saving money in the long run.

The shift to a more manual process for applying for a dispensary or processing site registration is intended to reduce

costs associated with maintaining a database system that is underutilized. This will save the OMMP money.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) It is not anticipated that the rule change will have a fiscal impact for state agencies (other than OHA), local governments, or the public. OHA - OMMP, will have a cost savings related to not having to maintain a database that is not being highly utilized and instead opting to use a more manual process for tracking dispensary and processing site applications.

(2)(a) There are currently no medical marijuana dispensaries or processing sites registered with the Oregon Medical Marijuana Program. While medical growers do not fit the definition of a small business, there are approximately 2,659 growers registered with the program.

(b) Patients, growers, or processors who do not grow or process marijuana on their own property will see an increase cost associated with administrative activities of having a notary public witness the signing of consent for using a property for medical marijuana growing or processing. A notary may not charge more than \$10 for their services in person, and no more than \$25 if using remote online notarization.

(c) A grower, dispensary or processing site could have costs associated with equipment, supplies, labor and increased administration required due to needing to manage a recall. That cost is unknown as it would depend on the size of the recall and how many people would be affected.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule advisory committee (RAC) consisted of patients, caregivers and growers in addition to members from the Oregon Cannabis Commission, which advises the OMMP.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

333-008-0010, 333-008-0020, 333-008-0021, 333-008-0033, 333-008-0045, 333-008-0085, 333-008-0570, 333-008-0630, 333-008-0635, 333-008-0700, 333-008-0720, 333-008-0730, 333-008-1010, 333-008-1020, 333-008-1030, 333-008-1040, 333-008-1110, 333-008-1245, 333-008-1610, 333-008-1620, 333-008-1630, 333-008-2030, 333-008-2180, 333-008-2190, 333-008-5000

AMEND: 333-008-0010

RULE SUMMARY: OAR 333-008-0010 Definitions

A new definition for “adulterated” is being added to clarify what it would mean if a marijuana item is adulterated and may be subject to a recall. “Grow Site Administrator” (GSA) is being added to clarify the responsibilities of a GSA. In addition, reference to the ORS for “Industrial hemp” is being updated to align with a statutory numbering change that occurred. A new definition for “medical marijuana plot” is being added to clarify the term. Lastly, modifying the OARs referenced in the definition of “these rules” to include all references to the new recall rule being adopted.

CHANGES TO RULE:

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 person responsible for a marijuana grow site (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) "Adulterated" means to make a marijuana item impure by adding or applying foreign or inferior ingredients or substances, including but not limited to if the marijuana item:¶¶

(a) In the Oregon Health Authority's (Authority's) judgment, bears or contains any poisonous or deleterious substance in a quantity rendering it injurious in a manner that may pose a risk to human health, including but not limited to tobacco or nicotine;¶¶

(b) Bears or contains any added poisonous or deleterious substance exceeding a safe tolerance if such tolerance has been established;¶¶

(c) Consists in whole or in part of any filthy, putrid, or decomposed substance, or otherwise is unfit for human consumption;¶¶

(d) Is processed, prepared, packaged, or is held under improper time-temperature conditions or under other conditions increasing the probability of contamination with excessive microorganisms or physical contaminants;¶¶

(e) Is processed, prepared, packaged, or held under insanitary conditions increasing the probability of contamination or cross-contamination;¶¶

(f) Is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health;¶¶

(g) Any substance has been substituted wholly or in part therefor;¶¶

(h) Damage or inferiority has been concealed in any manner; or¶¶

(i) Any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is. ¶¶

(3) "Adult use cannabinoid" includes, but is not limited to, tetrahydrocannabinols, tetrahydrocannabinolic acids that are artificially or naturally derived, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, the optical isomers of delta-8-tetrahydrocannabinol or delta-9 tetrahydrocannabinol and any artificially derived cannabinoid that is reasonably determined to have an intoxicating effect.-¶¶

(34) "Applicant" means, as applicable to the registration being applied for:¶¶

(a) An individual applying for a registry identification card under ORS 475C.783.¶¶

(b) An individual applying for a grow site registration under ORS 475C.792.¶¶

(c) A person applying for a marijuana processing site registration under ORS 475C.815.¶¶

(d) A person applying for a medical marijuana dispensary registration under ORS 475C.833.¶¶

(45) "Attending provider" means one of the following health care providers who have primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:¶¶

(a) A Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677;¶¶

(b) A physician associate licensed under ORS 677.505 to 677.525;¶¶

(c) A nurse practitioner licensed under ORS 678.375 to 678.390;¶¶

(d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;¶¶

(e) A certified registered nurse anesthetist as defined in ORS 678.245; or¶¶

(f) A naturopathic physician licensed under ORS chapter 685.¶¶

(56) "Attending provider statement" or "APS" means the form, prescribed by the Authority and signed by an attending provider, 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.¶¶

(67) "Authority" means the Oregon Health Authority.¶¶

(78) "Business day" means Monday through Friday excluding legal holidays.¶¶

(89) "CBD" means cannabidiol.¶¶

(910) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.¶¶

(101) "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.¶¶

(112) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid

extract or dried leaves or flowers of marijuana have been incorporated.¶

(123) "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.¶

(134) "Cannabis Tracking System" or "CTS" means the Oregon Liquor and Cannabis Commission's system for tracking the transfer of marijuana items and other information as authorized by ORS 475C.177.¶

(145) "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.¶

(156) "Commission" means the Oregon Liquor and Cannabis Commission.¶

(167) "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.¶

(178) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.¶

(189) "Database" means the electronic system established pursuant to ORS 475C.856, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.¶

(1920) "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.¶

(201) "Delivery" has the meaning given that term in ORS 475C.777.¶

(212)(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 provider.¶

(223) "Direct interest" means an interest that is held in the name of the individual.¶

(234) "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.¶

(245) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.¶

(256) "Employee":¶

- (a) Means any individual, including a non-citizen, 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.¶

(267) "Flowering" means that a marijuana plant has formed a mass of pistils measuring greater than two centimeters wide at its widest point.¶

(278) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS

411.806 through 411.845.¶

(289) "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 and 48 immature marijuana plants that are 24 inches or more in height if the location is within city limits and zoned residential; or¶

(b) 96 mature marijuana plants and 192 immature marijuana plants that are 24 inches or more in height if the location is within city limits but not zoned residential or not within city limits.¶

(2930) "Grow site" means a grow site area registered under ORS 475C.792 identified by the grow site address where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site, registered dispensary, or Commission licensees as permitted by OAR chapter 825, division 25.¶

(301) "Grow site address" is the identifier of the grow site.¶

(342) "Grow site administrator" (GSA) means a PRMG registered to grow for a patient at a grow site address required to use CTS, who has been designated to be responsible for ensuring compliance with all CTS requirements at the grow site. ¶

(33) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.¶

(324) "Harvest lot" means a specifically identified quantity of marijuana that is cultivated utilizing the same growing practices, harvested within a 72-hour period at the same location and cured under uniform conditions.¶

(335) "Human consumption" means to ingest, generally through the mouth, food, drink or other substances such that the substance enters the human body but does not include inhalation.¶

(346) "Immature marijuana plant" means a marijuana plant that is not flowering.¶

(357) "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.¶

(368) "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, five 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, five 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 five 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 five 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 five 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 five 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.¶¶

(379) "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.¶¶

(3840) "Inhalable cannabinoid product" means a cannabinoid product that is intended for human inhalation.-¶¶

(3941) "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.¶¶

(402)(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:¶¶

(A) Industrial hemp, as defined in ORS 571.300269; or¶¶

(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United States Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.¶¶

(413) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.¶¶

(424) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475C.815 or a site for which an applicant has submitted an application for registration under ORS 475C.815.¶¶

(435) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.¶¶

(446)(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 571.300269.¶¶

(457) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475C.833 or a site for which an applicant has submitted an application for registration under ORS 475C.833.¶¶

(468) "Medical marijuana plot" or "plot" means an area designated at a medical marijuana grow site for producing cannabis plants under a medical marijuana grower registration.¶¶

(49) "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.¶¶

(4750) "Minor" means an individual under the age of 18.¶¶

(4851) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.¶

(4952) "OMMP" means the section within the Authority that administers the provisions of ORS 475C.770 to 475C.919, the applicable provisions of 475C.540 to 475C.586, 475C.600 to 475C.644, and the rules in OAR chapter 333, divisions 7 and 8.¶

(503) "Organization or facility caregiver" means:¶

(a) An organization that provides hospice, palliative or home health care services that:¶

(A) Is licensed under ORS 443.014 to 443.105, 443.305 to 443.355, or 443.850 to 443.869;¶

(B) Has significant responsibility for managing the well-being of a patient; and¶

(C) Is designated by the Authority as an additional caregiver for a patient; or¶

(b) A residential facility as defined in ORS 443.400 that:¶

(A) Is licensed under ORS 443.400 to 443.455;¶

(B) Has significant responsibility for managing the well-being of a patient: and¶

(C) Is designated by the Authority as an additional caregiver for a patient.¶

(514) "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.¶

(525) "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.¶

(536) "Patient" has the same meaning as "registry identification cardholder."¶

(547) "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 475C.792 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.¶

(558) "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 themselves as a person responsible for the marijuana grow site, who has been registered as a PRMG by the Authority under OAR 333-008-0033.¶

(569) "Personal agreement" means a document, as described in ORS 475C.798 signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.¶

(5760) "Point of sale" means a specific location within a point of sale area at which the transfer of a marijuana item occurs.¶

(5861) "Point of sale area" means a secure area where a registered dispensary transfers a marijuana item to a patient or caregiver.¶

(5962) "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.¶

(603) "Primary responsibility" as that term is used in relation to an attending provider means that the provider:¶

(a) Provides primary health care to the patient; or¶

(b) Provides medical specialty care and treatment to the patient; 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 ~~associate~~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.¶

(614) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.¶

(625) "Process lot" means:¶

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or¶

(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract as defined in subsection (a) of this section.¶

(636) "Production" or "growing" means:¶

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or¶

(b) Drying marijuana leaves or flowers.¶

(647) "Registry identification card" means a document issued by the Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver.¶¶

(658) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475C.783(5)(a) and has the same meaning as patient.¶¶

(669) "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.¶¶

(670) "Replacement card" means a new card issued in the event that:¶¶

(a) A patient's registry identification card, a designated primary caregiver's identification card, an organization or facility caregiver's identification card or a PRMG's identification card or grow site registration card is lost or stolen; or¶¶

(b) A patient's designation of primary caregiver, organization or facility caregiver, PRMG or grow site address has changed.¶¶

(6871) "Residence" means the real property inhabited by a patient for a majority of a calendar year or, if a patient maintains multiple residences, real property inhabited by a patient for the greatest percentage of time within a calendar year.¶¶

(6972) "Resident" means an individual who has primary domicile within this state.¶¶

(703) "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.¶¶

(714) "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.¶¶

(725) "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.¶¶

(736) "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.¶¶

(747) "These rules" means OAR 333-008-0010 to 333-008-0750 and 333-008-5000.¶¶

(758) "THC" means tetrahydrocannabinol.¶¶

(769)(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.¶¶

(7780) "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.¶¶

(781) "Written documentation" means a statement signed and dated by the attending provider 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.¶¶

(7982) "Zoned for residential use" means the only primary use allowed outright in the designated zone is residential.

Statutory/Other Authority: ORS 475C.919

Statutes/Other Implemented: ORS 475C.770 - 475C.919

AMEND: 333-008-0020

RULE SUMMARY: OAR 333-008-0020 New Registry Identification Card Application Process

Modifying language around grow site consent to align with new requirements per SB 907 (2025) which include having the grow site consent form be signed witnessed by a notary public if the patient or grower is not the property owner.

CHANGES TO RULE:

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~~Oregon Health Authority (Authority), signed and dated by the applicant.¶
- (b) A legible copy of the individual's valid and current government issued photographic identification that includes the applicant's last name, first name, and date of birth. In lieu of photographic identification, the Authority may in its discretion accept valid and current government issued identification that includes the applicant's last name, first name, and date of birth from applicants under the age 18 or who have demonstrated barriers to accessing services to obtain a photographic identification. The Authority may request additional documentation to authenticate the non-photographic identification.¶
- (c) An attending provider statement (APS) or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending provider 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.¶
- (3) The applicant may also designate an organization or facility caregiver in addition to a designated primary caregiver. To designate an organization or facility caregiver the applicant must submit a completed application on a form provided by the Authority available at www.healthoregon.org/ommp. The application must be submitted to OHA/OMMP PO Box 14450, Portland, OR 97293-0450, and contain at least the following:¶
 - (a) The organization or facility's name, license number and the name of the state agency that licenses the organization or facility;¶
 - (b) An attestation signed by an individual who has legal authority to act on behalf of the organization or facility that the organization or facility agrees to the designation;¶
 - (c) The name, title, and phone number of the individual signing the attestation; and¶
 - (d) The name, title, and phone number of the individual, if different from the individual signing the attestation, who is authorized to purchase or transport marijuana on the patient's behalf. An individual who is authorized to purchase or transport marijuana on the patient's behalf must be 18 years of age or older and must submit a legible copy of the individual's valid government issued photographic identification that includes the last name, first name, and date of birth.¶
- (4) If an applicant intends to produce marijuana for themselves or designate another person to produce marijuana for them, the applicant or the individual designated to be the person responsible for a marijuana grow site (PRMG) must complete the grow site registration portion of the application and submit to the Authority.¶
 - (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) Information to establish the grow site address. If a grow site has a United States Postal Service (USPS) physical address, that address must be included in the application. If there is no USPS physical address, a grow site address may also be established by providing documentation of:¶
 - (A) An assessor's map number with a map showing the exact location of the grow site;¶
 - (B) The name of the city, or if outside of a city, the name of the county in which the grow site is located;¶
 - (C) The zip code for the location; and¶
 - (D) One or more of the following for the location:¶
 - (i) Longitude and latitude coordinates;¶

- (ii) Township coordinates;¶
- (iii) Global positioning system coordinates; or¶
- (iv) The tax lot number.¶
- (c) Information to establish the entirety of the physical location that corresponds to the grow site in accordance with OAR 333-008-0025, that may include but is not limited to the information listed in subsection (4)(b) of this rule.¶
- (d) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.¶
- (e) Grow site consent.¶
- (A) If the applicant or PRMG is not the owner of the premises of the grow site to be registered, submit to the Authority with the application a statement accurately identifying the legal address and owner of the premises of the grow site, an informed consent form prescribed by the Authority. The consent form:¶
- (A) Is valid for only the grower's legal representative. ¶
- (B) If the applicant or PRMG is not the owner of the premises of the grow site to be registered, the applicant or PRMG shall obtain a consent form prescribed by the Authority identifying the legal address and owner of the premises. The consent form must confirm ownership of the premises and the owner or growers named's consent to the applicant or PRMG's use of the consent form.¶
- (B) Must be signed by the owner of the premises or the property owner's legal representative for the grow site and must not have been terminated prior to its receipt by the Authority. location for the purpose of a medical marijuana grow site for at least one annual registration and must be signed by the owner of the premises, witnessed by a notary public. This requirement must be satisfied by using the form designed and published by the Authority on its website. ¶
- (C) A grow site consent form received by the Authority as outlined in paragraph (A) or (B) of this subsection is only valid for the grower or growers named on the consent form and must not have been terminated prior to its receipt by the Authority. ¶
- (D) For purposes of this rule "premises" means the entirety of the physical location that corresponds to the grow site. ¶
- (f) Except for a patient producing marijuana for themselves at the patient's residence, the grow site registration fee as specified in OAR 333-008-0021(4), by check and mailed or paid online as outlined in OAR 333-008-0021(7).¶
- (5) Applications must be mailed to the address listed in section (6) of this rule, hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, or submitted electronically through the Authority's electronic application system available at <https://ommpsystem.oregon.gov/> along with accompanying documentation.¶
- (6) The application forms referenced in this rule may be downloaded at 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.

Statutory/Other Authority: ORS 475C.783, 475C.791, 475C.919

Statutes/Other Implemented: ORS 475C.783

AMEND: 333-008-0021

RULE SUMMARY: OAR 333-008-0021 Patient and Person Responsible for a Marijuana Grow Site (PRMG) New and Renewal Fees

Modifying language to indicate a medical marijuana patient may pay application fees online in a manner prescribed on the Oregon Health Authority's website. Also, clarifying that an application being submitted electronically through the Oregon Medical Marijuana Online System must be paid online.

CHANGES TO RULE:

333-008-0021

Patient and Person Responsible for a Marijuana Grow Site (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 or waived fee under section (3) of this rule.¶

(3) Reduced Fees.¶

(a) An applicant receiving supplemental security income (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 Oregon Health Plan (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 Supplemental Nutrition Assistance Program (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.¶

(e) An applicant who served in the Armed Forces of the United States and has a total disability rating of at least 50 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: \$0. To qualify for the fee waiver the applicant must provide proof of meeting the qualifications for the waived fee, such as but not limited to submitting a Veteran's Administration Summary of Benefits letter. This only applies to applications received by OMMP on and after January 1, 2022.¶

(f) The Authority shall notify an applicant who submits a reduced or waived application fee if the applicant is not eligible for the reduced or waived 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 or waived fee.¶

(4) Grow Site Registration Fee: \$200.¶

(5) Cannabis Tracking System (CTS) User Fee: \$480.¶

(6) Replacement Card Fees. If a patient, designated primary caregiver or person responsible for a marijuana grow site (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. If the patient qualifies for a waived fee, the fee to receive any of the replacement cards is waived.¶

(7) All application 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.¶

(a) Patient application fees may be paid ~~by check~~.¶

~~(A) In the form of bank check, money order, or personal check and be sent by mail to the address found in OAR 333-008-0020(5), 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.~~¶

~~(B) Online in a manner prescribed on the Authority's website, www.healthoregon.org/ommp. Applications being submitted electronically through the Oregon Medical Marijuana Online System must be paid online.~~¶

(b) Grow site registration fees may be paid by check and be sent by mail or paid online by going to <https://ommpsystem.oregon.gov/>.¶

(8) When required, the CTS User Fee is to be paid annually online by going to <https://ommpsystem.oregon.gov/>. Statutory/Other Authority: ORS 475C.783, 475C.792, 475C.919

Statutes/Other Implemented: ORS 475C.783

AMEND: 333-008-0033

RULE SUMMARY: OAR 333-008-0033 Approval of New or Renewal Person Responsible for a Marijuana Grow Site (PRMG) and Grow Site Application; Change of PRMG

Removing the word “informed” in front of consent due to SB 907 (2025) changing the language around obtaining consent from the property owner for growing medical marijuana at an address.

CHANGES TO RULE:

333-008-0033

Approval of New or Renewal Person Responsible for a Marijuana Grow Site (PRMG) and Grow Site Application; Change of PRMG ¶¶

- (1) An individual is not authorized to produce marijuana for a patient at a grow site until the Authority Oregon Health Authority (Authority) has registered the grow site and issued a grow site registration card and a person responsible for a marijuana grow site (PRMG) identification card.¶¶
- (2) The Authority must register a PRMG and a grow site listed on an application, except as provided in section (8) of this rule, if:¶¶
- (a) The PRMG:¶¶
- (A) Meets the age requirements;¶¶
- (B) Passes the criminal background check;¶¶
- (C) Has not violated a provision of ORS 475C.770 to 475C.919, ORS 475C.574, ORS 475C.640, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475C.897; and¶¶
- (D) Pays the applicable fee.¶¶
- (b) The applicant submits sufficient evidence to establish the grow site address and the entirety of the physical location that corresponds to the grow site address.¶¶
- (c) The owner of the premises or the property owner's legal representative of the grow site signed an ~~informed~~ consent form in accordance with OAR 333-008-0020(4)(e), as applicable.¶¶
- (3) 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, date of birth, and identification card number.¶¶
- (b) The effective date and expiration date of the identification card.¶¶
- (c) The grow site address.¶¶
- (d) The patient's registry identification card number.¶¶
- (4) A PRMG, except for a patient growing only for themselves at the patient's 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.¶¶
- (5) A PRMG is responsible for knowing how many immature and mature marijuana plants are legally permitted at the grow site address.¶¶
- (6) The Authority shall also notify a patient if the PRMG and grow site have been approved.¶¶
- (7) The Authority may only register one grow site per patient, and may only register grow sites in Oregon.¶¶
- (8) A grow site that has failed to track in the Cannabis Tracking System (CTS) as provided in ORS 475C.871 and these rules may be denied renewal.

Statutory/Other Authority: ORS 475C.792, 475C.919, 475C.871

Statutes/Other Implemented: ORS 475C.792, 475C.871

RULE SUMMARY: OAR 333-008-0045 Notification of Changes

Clarifying language to state that a caregiver or a Person Responsible for a Marijuana Grow Site may remove themselves from a registration by notifying the Oregon Health Authority (Authority) and returning their card within seven calendar days. The Authority does not have to process the request immediately and the person is not considered removed until confirmation is received from the Authority.

Also adding new language that states a patient, caregiver, or organization or facility caregiver must notify the Authority within 10 days if their Oregon Medical Marijuana Program (OMMP) card is lost or stolen. This is being done so OMMP can invalidate the card in its system since cards can be validated online by a dispensary or retail shop.

CHANGES TO RULE:

333-008-0045

Notification of Changes ¶¶

(1) Patient notification responsibilities.¶¶

(a) A patient must notify the ~~Authority~~ Oregon Health Authority (Authority) within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending provider, designated primary caregiver, organization or facility caregiver, person responsible for a marijuana grow site (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 the patient is designating an organization or facility caregiver for the first time or designating a different organization or facility caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.¶¶

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

(e) Any change in ownership of the premises where the grow site is located if the patient or PRMG is not the owner of the premises or is no longer the owner of the premises.¶¶

(f) A patient must notify the Authority in writing within 10 calendar days if their registry identification card is lost or stolen.¶¶

(2) Caregiver notification responsibilities. A designated primary caregiver must notify the Authority within 10 calendar days ~~of~~:¶¶

(a) Of any change in the caregiver name, mailing address, electronic mail address, or telephone number.¶¶

(b) If their Oregon Medical Marijuana Program (OMMP) identification card is lost or stolen.¶¶

(3) Organization or facility caregiver notification responsibilities. An organization or facility caregiver must notify the Authority within 10 calendars days ~~of~~:¶¶

(a) Of any change to information required on the application in OAR 333-008-0020(3).¶¶

(b) If their OMMP identification card is lost or stolen.¶¶

(4) 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.¶¶

(c) Any change in ownership of the premises where the grow site is located if the PRMG or the patient is not the owner of the premises or is no longer the owner of the premises.¶¶

(5) Request to terminate registration.¶¶

(a) If the Authority is notified in writing 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 475C.806(6).¶¶

(b) If the Authority is notified in writing by a patient's caregiver or PRMG that they wish to be removed from the patient's registration the Authority will notify the individual and their patient confirming the removal of registration and request that the card of the person being terminated be returned to the Authority within seven

calendar days.¶

(c) A registration is not terminated until the Authority provides notification to the requesting individual confirming the termination.¶

(6) Change in Medical Condition.¶

(a) If an attending provider 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 attending provider statement (APS) or written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending provider 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.¶

(7) Change in grow site ownership.¶

(a) If the Authority is notified of a change in ownership described in subsection (1)(d) or (3)(c) of this rule, the patient or PRMG must submit a signed consent form as described in OAR 333-008-0020(4)(e). The consent form must be received by the Authority within 30 days of the change in ownership.¶

(b) If a consent form is not timely submitted as described in subsection (a) of this section:¶

(A) The Authority shall notify the patient that the grow site is ineligible for registration and the patient will be allowed 14 calendar days to identify another PRMG or grow site in accordance with OAR 333-008-0047;¶

(B) If the patient does not designate another grow site as described in paragraph (A) of this subsection, the Authority shall revoke the PRMG's registration and grow site registration.¶

(8) If a patient does not intend to submit the information or does not submit the information required in section (6) 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, organization or facility caregiver, and PRMG that those identification cards must be returned within seven calendar days.¶

(9) The Authority will review and approve or deny a caregiver designation or change in caregiver designation requested under this rule in accordance with OAR 333-008-0023 to 333-008-0037, as applicable.¶

(10) 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.

Statutory/Other Authority: ORS 475C.783, 475C.789, ORS 475C.792, 475C.919

Statutes/Other Implemented: ORS 475C.783, 475C.789, 475C.792

AMEND: 333-008-0085

RULE SUMMARY: OAR 333-008-0085 Designated Primary Caregiver and Organization or Facility Caregiver
Clarifying rule language to indicate that a caregiver may only use their Oregon Medical Marijuana Program (OMMP) card to make purchases for the patient that designated them as their caregiver.

CHANGES TO RULE:

333-008-0085

Designated Primary Caregivers and Organization or Facility Caregivers

(1) A designated primary caregiver may assist their patient with any matter related to the medical use of marijuana, including:¶

(a) The production of marijuana at the address provided by the patient to the Oregon Health Authority pursuant to ORS 475C.783(2)(f); and¶

(b) The processing of marijuana into cannabinoid concentrates or medical cannabinoid products.¶

(2) If a designated primary caregiver is primarily responsible for the production of marijuana for the patient, the caregiver must also be designated as the patient's person responsible for a marijuana grow site (PRMG).¶

(3) A designated primary caregiver may not:¶

(a) Process marijuana extracts for a patient unless the caregiver is registered as a processing site under ORS 475C.815.¶

(b) Transfer cannabinoid concentrates or cannabinoid products to a dispensary or a medical marijuana processor, except as permitted under ORS 475C.827.¶

(c) Make a purchase at a dispensary or marijuana retailer using their Oregon Medical Marijuana Program (OMMP) registry card for someone other than the patient that designated them as their caregiver. ¶

(4) Unless otherwise specified in ORS 475C.770 to 475C.919 or these rules, an organization or facility caregiver:¶

(a) Has all the duties, functions and powers of a designated primary caregiver as prescribed by ORS 475C.770 to 475C.919; and¶

(b) Is subject to rules applicable to a designated primary caregiver.

Statutory/Other Authority: ORS 475C.919

Statutes/Other Implemented: ORS 475C.786, ORS 475C.827

AMEND: 333-008-0570

RULE SUMMARY: OAR 333-008-0570 Designation of Plants at Grow Site Address

Adding new rule language to align with existing rule language found under the Oregon Department of Agriculture regarding requirements for a grow site if a hemp license is located at the same address as a medical marijuana grow site registration.

CHANGES TO RULE:

333-008-0570

Designation of Plants at Grow Site Address ¶

- (1) A person responsible for a marijuana grow site (PRMG) producing marijuana at a grow site where multiple PRMGs are registered must:¶
- (a) Physically identify the marijuana plants at a grow site 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~~Oregon Health Authority (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 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 475C.806 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 475C.806.¶
- (5) A PRMG who is producing marijuana at a grow site that is also licensed by the Oregon Department of Agriculture to produce hemp must:¶
- (a) Provide a copy of the control plan required under OAR 603-048-0520 to an inspector of the Authority when requested; ¶
- (b) Ensure that plants grown pursuant to the industrial hemp license are grown only in licensed hemp production areas and plants grown pursuant to a medical marijuana grower registration are grown only in medical marijuana plots;¶
- (c) Post a grow site plan that identifies the location of the hemp production areas and medical marijuana plots; and¶
- (d) Visually demarcate the boundaries of hemp production areas and medical marijuana plots through signs, fencing, or cordoning.¶
- (6) A PRMG that stores cannabis grown pursuant to a medical marijuana grower registration or under ORS 475C.305 must ensure that the harvested cannabis is segregated from its harvested industrial hemp. The PRMG must:¶
- (a) Comply with the storage requirements in OAR 603-048-0540; and¶
- (b) Label all cannabis harvested from plants grown pursuant to a medical marijuana grower registration or under ORS 475C.305 with the following:¶
- (A) Identification as to whether the cannabis was grown pursuant to a medical marijuana grower registration or as cannabis from a "personal grow" under ORS 475C.305; and¶
- (B) The date the cannabis was harvested.

Statutory/Other Authority: ORS 475C.806, 475C.919

Statutes/Other Implemented: ORS 475C.806

AMEND: 333-008-0630

RULE SUMMARY: OAR 333-008-0630 Person Responsible for a Marijuana Grow Site (PRMG) Documentation Requirements

Removing rule language due to there being no medical marijuana grow sites that submitted an application with the Oregon Liquor and Cannabis Commission (OLCC) on or by January 1, 2018, that is still waiting to be processed by the OLCC. Under SB 1057 (2017), registered medical marijuana grow sites, processing sites and dispensaries had to either elect to be subject to tracking under OMMP or apply for licensure to OLCC on or before January 1, 2018.

CHANGES TO RULE:

333-008-0630

Person Responsible for a Marijuana Grow Site (PRMG) Documentation Requirements ¶¶

(1) The reporting requirements in this rule do not apply to:¶¶

(a) A patient growing only for themselves at the patient's residence, unless the patient is transferring usable marijuana to a registered processing site or dispensary; or¶¶

(b) A person responsible for a marijuana grow site (PRMG) that produces marijuana at a grow site that is subject to the Cannabis Tracking System (CTS) tracking requirements in ORS 475C.871, as provided in OAR 333-008-0635.¶¶

(2) 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:~~ Oregon Health Authority (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) 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.¶

~~(7) A PRMG who has applied for licensure with the Commission under Oregon Laws 2017, chapter 183, section 41(1)(c), and whose application has not yet been considered incomplete, proposed for denial or granted, must continue to report under this rule until the Commission acts on the application.~~

Statutory/Other Authority: 475C.795, 475C.919, ORS 475C.792, 475C.797

Statutes/Other Implemented: ORS 475C.792, ORS 475C.795

AMEND: 333-008-0635

RULE SUMMARY: OAR 333-008-0635 Grow Site Cannabis Tracking System (CTS) Tracking

Modifying existing rule language to more broadly reference which rules around CTS tracking for persons responsible for a marijuana grow site (PRMGs) found under the Oregon Liquor and Cannabis Commission's rules must be followed.

CHANGES TO RULE:

333-008-0635

Grow Site Cannabis Tracking System (CTS) Tracking

- (1) A grow site location that meets the following criteria must track the transfer, propagation and production of marijuana in the Cannabis Tracking System (CTS) in accordance with OAR chapter 845, division 25:¶
- (a) The grow site has more than 12 mature medical marijuana plants and more than 24 immature medical marijuana plants; or¶
- (b) There are more than two persons responsible for a marijuana grow site (PRMGs) registered at the grow site location; or¶
- (c) There are more than two patients registered at the grow site location.¶
- (2) One PRMG at a grow site location must be approved as the designated grow site administrator by the Authority Oregon Health Authority (Authority) under OAR 333-008-0638 and is responsible for:¶
- (a) Paying the CTS non-refundable user fee; and¶
- (b) Ensuring compliance with the CTS tracking requirements for all PRMGs at the grow site location.¶
- (3) A grow site administrator at a grow site subject to tracking must activate the CTS account assigned by the Commission Oregon Liquor and Cannabis Commission (Commission) within 10 calendar days of notification by the Commission that activation is required and must enter all inventory within 10 calendar days of activating the CTS account.¶
- (4) The grow site administrator must comply with OAR 845-025-2110 and 845-025-2120 and any additional instructions provided by the Authority or the Commission regarding the following:¶
- (a) Setting up and activating a CTS user account;¶
- (b) Successfully completing all required CTS training; and¶
- (c) Ordering Unique Identification (UID) Tags and tagging all marijuana items.¶
- (5) A grow site administrator and each PRMG at a grow site must cooperate with an inspection or investigation conducted by the Commission under ORS 475C.871(6).¶
- (6) A PRMG producing marijuana at a grow site location that is subject to CTS tracking may not transfer a marijuana item, unless the grow site has:¶
- (a) An approved grow site administrator capable of entering required information into CTS;¶
- (b) An active CTS user account;¶
- (c) UID tags; and¶
- (d) All medical marijuana items tagged with UID tags and all inventory recorded in accordance with OAR 845-025-2110 and OAR 845-025-2120.¶
- (7) If a grow site administrator or any PRMG at a grow site location that is subject to CTS tracking under this rule does not comply with this rule, the Authority may revoke the registration of the grow site and the registration of all PRMGs registered at that grow site location.¶
- (8) A grow site administrator is legally responsible for compliance with this rule and all CTS tracking requirements as described in OAR 845-025-2110 and 845-025-2150 chapter 845, division 025.¶
- (9) Each PRMG at a grow site location must cooperate with the approved grow site administrator (GSA) to ensure that the grow site and the grow site administrator complies with this rule and the Commission's CTS rules that apply to registrants. Failure to cooperate with a grow site administrator is a violation of this rule and may result in a PRMG's registration being revoked.¶
- (10) The Authority may revoke the grow site registration and the registration of all PRMGs at a grow site if the grow site does not have a GSA or is not using CTS tracking as is required by these rules.¶
- (11) Nothing in this rule is intended to prohibit the Commission from permitting other authorized users from entering information into CTS for a grow site location in accordance with its own rules and policies.

Statutory/Other Authority: ORS 475C.871

Statutes/Other Implemented: ORS 475C.871, ORS 475C.919

AMEND: 333-008-0700

RULE SUMMARY: OAR 333-008-0700 OMMP Monitoring, Investigation, and Enforcement: Monitoring and Investigations

Clarifying rule language to indicate that any attending provider over the 450 threshold for the number of patients will need to submit the additional documentation requirements outlined in rule for each patient.

CHANGES TO RULE:

333-008-0700

Oregon Medical Marijuana Program (OMMP) Monitoring, Investigation, and Enforcement: Monitoring and Investigations ¶

(1) The ~~Authority~~Oregon Health Authority (Authority) may, at any time, contact a patient, designated primary caregiver, person responsible for a marijuana grow site (PRMG), or a patient's attending provider 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 475C.770 through 475C.919, 475C.544, 475C.604, 475C.612, 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 attending provider is the attending provider of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the attending provider 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 attending provider 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 attending provider provides care requesting that the attending provider 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 an attending provider;¶

(B) Provides follow-up care for patients;¶

(C) Maintains a record system documenting the review of medical records, attending provider 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 attending provider should be released from the requirements in this section, for example, an explanation that the attending provider:¶

(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 attending provider clearly meets the attending provider definition.¶

(5) If the Authority receives a request from a provider to be exempted from the requirement in section (4) of this rule, the Authority shall provide the attending provider a decision, in writing, explaining whether the attending provider 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 provider to the appropriate state or local authorities.¶

(7) The Authority may reject a registrant's surrender of a registration if there is an ongoing investigation or a pending enforcement action.

Statutory/Other Authority: ORS 475C.919

Statutes/Other Implemented: ORS 475C.783 - 475C.792

AMEND: 333-008-0720

RULE SUMMARY: OAR 333-008-0720 Oregon Medical Marijuana Program (OMMP) Monitoring, Investigation, and Enforcement: Violations

Adding new rule language to outline that a patient, caregiver, or grower may not misrepresent a marijuana item.

CHANGES TO RULE:

333-008-0720

Oregon Medical Marijuana Program (OMMP) Monitoring, Investigation, and Enforcement: Violations ¶

In addition to failure to comply with any applicable provision of ORS 475C.770 to 475C.919, 475C.544, 475C.604, 475C.612, OAR chapter 333, division 7 or these rules, it is a violation:¶

(1) For a person responsible for a marijuana grow site (PRMG):¶

(a) To transfer seeds, immature plants or usable marijuana to a registered processing site or dispensary without a valid patient authorization or personal agreement.¶

(b) To transfer usable marijuana to a ~~Commission~~ Oregon Liquor and Cannabis Commission (Commission) licensed processor site or licensed wholesaler without a valid assignment of rights from a patient through a personal agreement under ORS 475C.798.¶

(c) To produce marijuana at a grow site area that has been artificially subdivided into separate grow sites.¶

(d) To produce marijuana if the PRMG or the grow site do not meet the qualifications for registration under ORS 475C.792 or 475C.794 or rule adopted thereunder.¶

(2) To fail to cooperate with the ~~Authority~~ Oregon Health Authority (Authority) during an inspection or investigation. Failure to cooperate includes but is not limited to:¶

(a) Failure to provide directions to a grow site.¶

(b) Refusal to grant access to any and all portions of the registered grow site that the Authority has reason to believe are used in the production, harvesting, curing, storing, or packaging of marijuana.¶

(c) Failure to meet Authority staff within a reasonable period of time at the registered grow site after being notified of an on-site inspection.¶

(d) Failure to provide confirmation, upon request by the Authority, of the presence or absence of hazards or dangerous conditions at a grow site.¶

(e) Failure to provide to the Authority, upon request, information concerning compliance with these rules.¶

(3) To fail to pay a civil penalty.¶

(4) To submit false or misleading information to the Authority or the Commission.¶

(5) To provide marijuana to a patient, designated primary caregiver, organization or facility caregiver, employee, or other person to have the marijuana tested for pesticides on behalf of the PRMG without disclosing to the laboratory the PRMG's OMMP number.¶

(6) For a patient, caregiver or PRMG to misrepresent any marijuana item to a patient, caregiver, PRMG, dispensary, processing site, Commission licensed processor or wholesaler, or laboratory licensee, including:¶

(a) To misrepresent the contents of a marijuana item.¶

(b) To misrepresent the testing results of a marijuana item.¶

(c) To misrepresent the potency of a marijuana item.¶

(d) To treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight, or smell or that has the effect or intent of increasing potency, toxicity, or addictiveness.¶

(e) To supply adulterated marijuana items.

Statutory/Other Authority: ORS 475C.919, ORS 475C.800

Statutes/Other Implemented: ORS 475C.919, ORS 475C.800

AMEND: 333-008-0730

RULE SUMMARY: OAR 333-008-0730 Oregon Medical Marijuana Program (OMMP) Monitoring, Investigation, and Enforcement: Suspension and Revocation

Clarifying rule language to indicate that a patient may have their registration card suspended or revoked if they use it to make purchases for anyone but themselves.

CHANGES TO RULE:

333-008-0730

Oregon Medical Marijuana Program (OMMP) Monitoring, Investigation, and Enforcement: Suspension and Revocation

(1) Patient Suspension or Revocation.

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

(A) Provided false information;

(B) Violated a provision of ORS 475C.770 to 475C.919, 475C.544, 475C.604, 475C.612, OAR chapter 333, division 7 or these rules; or

(C) No longer meets the qualifications for registration; or

(D) Made a purchase at a dispensary or marijuana retailer using their Oregon Medical Marijuana Program (OMMP) registry identification card for someone other than themselves.

(b) If a patient's card is revoked, any caregiver card issued under ORS 475C.783(5)(b) or 475C.791 or person responsible for a marijuana grow site (PRMG) identification card or grow site registration card issued under ORS 475C.792 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 and Organization or Facility Caregiver Suspension or Revocation.

(a) The Authority may suspend or revoke a caregiver's identification card issued under ORS 475C.783(5)(b) or ORS 475C.791 if the Authority determines that the caregiver violated a provision of ORS 475C.770 to 475C.919, 475C.544, 475C.604, 475C.612, OAR chapter 333, division 7 or these rules.

(b) An individual whose caregiver identification card has been revoked under this rule may not be designated as a caregiver under ORS 475C.789 or ORS 475C.791 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 at a registered grow site if:

(A) The Authority determines that a PRMG violated a provision of ORS 475C.770 to 475C.919, 475C.544, 475C.604, 475C.612, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475C.897; or

(B) The grow site or PRMG no longer meets the qualifications in ORS 475C.792 or OAR 333-008-0033 for registration; or

(C) The owner of the premises or the property owner's legal representative where the grow site is located notifies the Authority in writing that they have withdrawn consent for the PRMG to produce marijuana at the grow site location.

(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 at the identified grow site 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; and

(C) Return all suspended or revoked PRMG registration and grow site registration cards to the Authority.

(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 or denial of future applications.

Statutory/Other Authority: ORS 475C.783, 475C.792, 475C.919, 475C.574

Statutes/Other Implemented: ORS 475C.783, 475C.792, 475C.574

AMEND: 333-008-1010

RULE SUMMARY: OAR 333-008-1010 Medical Marijuana Dispensaries: Definitions

Modifying the OARs referenced in the definition of "these rules" to include all references to dispensary related rules and the new recall rule being adopted.

CHANGES TO RULE:

333-008-1010

Medical Marijuana Dispensaries: 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, person responsible for a medical marijuana dispensary (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~~Oregon Health Authority (Authority) and who is authorized to receive any and all communications and legal notices from the Authority.¶¶

(5) "Residence" means real property in which an individual lives or resides.¶¶

(6) "These rules" means OAR 333-008-1000 to 333-008-1248 ~~and 55~~, 333-008-2000 to 333-008-2200 and 333-008-5000.

Statutory/Other Authority: ORS 475C.833, 475C.919

Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1020

RULE SUMMARY: OAR 333-008-1020 Medical Marijuana Dispensaries: Application for Medical Marijuana Dispensary Registration

Modifying language around how a dispensary may submit an application and pay the required fees. In addition, adding language related to SB 1522 (2022) which outlines a dispensary may not be within 1,000 feet of a public prekindergarten, kindergarten, or parochial school.

CHANGES TO RULE:

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~~Oregon Health Authority (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 person responsible for a medical marijuana dispensary (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~~as prescribed on the Authority's website, 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) A building where a public prekindergarten or kindergarten program is provided by a school district or an education service district;¶

(B) The real property comprising a public, parochial, or private elementary or secondary school, except as provided in ORS 475C.840; 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 prescribed by the Authority within five business days of the applicant submitting the initial application.¶
 - (6) Criminal background check fees must be paid as prescribed by the ~~check or money order and must be mailed to the Oregon Medical Marijuana Program, PO Box 14116, Portland, OR 97293~~ Authority on its website, www.healthoregon.org/ommp, 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 475C.833 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.
- Statutory/Other Authority: ORS 475C.833, 475C.919
- Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1030

RULE SUMMARY: OAR 333-008-1030 Dispensary Fees

Modifying rule language around when a refund for a dispensary registration fee may be refunded.

CHANGES TO RULE:

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) CTS user fee: \$480.-¶¶

~~(5) The Authority may annablis Tracking System (CTS) user fee: \$480.¶¶~~

(5) The Oregon Health Authority (Authority) may not return the registration fee if:-unless:¶¶

(a) An application is incomplete; or-¶¶

(b) An applicant withdraws an application.-¶¶

~~(6) The Authority may return the registration fee if an application is denied.¶¶~~

~~(7) T~~Notwithstanding section (5) of this rule, 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).

Statutory/Other Authority: ORS 475C.833, 475C.919

Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1040

RULE SUMMARY: OAR 333-008-1040 Medical Marijuana Dispensaries: Dispensary Application Review

Adding rule language related to SB 1522 (2022) which outlines a dispensary may not be within 1,000 feet of a public prekindergarten, kindergarten, or parochial school.

CHANGES TO RULE:

333-008-1040

Medical Marijuana Dispensaries: Dispensary Application Review ¶¶

- (1) Applications will be reviewed in the order they are received by the ~~Authority~~Oregon Health Authority (~~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 475C.833 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) A building where a public prekindergarten or kindergarten program is provided by a school district or an education service district;¶¶
 - (B) The real property comprising a public, parochial, or private elementary or secondary school, except as provided in ORS 475C.840; 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 475C.950, 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 475C.833(3)(a) through (e);¶¶
 - (c) Each individual named in the application passes the criminal background check; and¶¶
 - (d) Each individual named as a person responsible for a medical marijuana dispensary (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.

Statutory/Other Authority: ORS 475C.833, 475C.919

Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1110

RULE SUMMARY: OAR 333-008-1110 Medical Marijuana Dispensaries: Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and Requirements

Adding rule language related to SB 1522 (2022) which outlines a dispensary may not be within 1,000 feet of a public prekindergarten, kindergarten, or parochial school.

CHANGES TO RULE:

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 prekindergarten or kindergarten program that is provided by a school district or an education service district;¶

(d) Within 1,000 feet of the real property comprising a public, parochial, or private elementary or secondary school, except as provided in ORS 475C.840; or¶

~~(de)~~ Within 1,000 feet of another medical marijuana dispensary.¶

(2) For purposes of implementing ORS 475C.833(3)(d), the ~~Authority~~Oregon Health Authority (Authority) will consider a location to be a school if it has at least the following characteristics:¶

(a) Is a public, parochial, 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 or building described in ORS 475C.833(3)(d)(A) "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, parochial, 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, parochial, 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.
- Statutory/Other Authority: ORS 475C.833, 475C.919
- Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1245

RULE SUMMARY: OAR 333-008-1245 Transfers From a Registered Dispensary to a Patient or Designated Primary Caregiver

Modifying rule language around how much a dispensary may transfer to a patient to align with what the Oregon Liquor and Cannabis Commission allows.

CHANGES TO RULE:

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~~Oregon Health Authority (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) Oregon Medical Marijuana Program (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~~10 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.
- Statutory/Other Authority: ORS 475C.833, 475C.919
- Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1610

RULE SUMMARY: OAR 333-008-1610 Medical Marijuana Processors: Definitions

Modifying the OARs referenced in the definition of "these rules" to include the new recall rule being adopted.

CHANGES TO RULE:

333-008-1610

Medical Marijuana Processors: Definitions ¶¶

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

(1) "Cannabinoid capsule" means a small soluble pill, tablet, or container that contains liquid or powdered cannabinoid product, concentrate or extract and is 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 liquid cannabinoid product packaged in a container of four fluid ounces or less that consists of either:¶¶

(a) A non-potable solution of at least 25 percent non-denatured alcohol, in addition to cannabinoid concentrate, extract, or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion that is exempt from the Liquor Control Act under ORS 471.035; or¶¶

(b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup, cannabinoid concentrate, extract or usable marijuana; and perhaps other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.¶¶

(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~~Oregon Health Authority (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 and 333-008-5000.

Statutory/Other Authority: ORS 475C.815

Statutes/Other Implemented: ORS 475C.815

AMEND: 333-008-1620

RULE SUMMARY: OAR 333-008-1620 Medical Marijuana Processors: Application for Medical Marijuana Processing Site Registration

Adding rule language related to SB 1522 (2022) which outlines a processing site may not be within 1,000 feet of a public prekindergarten, kindergarten, or parochial school.

Modifying rule language around how a processing site may submit an application and pay the required fees.

Adding rule language related to SB 907 (2025) requiring a processing site to obtain consent from the property owner to use the property as a processing site.

CHANGES TO RULE:

333-008-1620

Medical Marijuana Processors: Application for Medical Marijuana Processing Site Registration ¶¶

(1) To register a medical marijuana processing site a person must:¶¶

(a) Submit an initial application on a form prescribed by the ~~Authority~~Oregon Health Authority (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~~person responsible for the marijuana processing site (PRP); and¶¶

(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~~as prescribed on the Authority's website, www.healthoregon.org/ommp.¶¶

(2) 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.¶
 - (i) Consent for use of the premises. ¶
 - (A) If the applicant is the owner of the premises of the medical marijuana processing site to be registered, submit to the Authority with the application a statement accurately identifying the legal address and owner of the premises or the property owner's legal representative. ¶
 - (B) If the applicant is not the owner of the premises of the medical marijuana processing site to be registered, the applicant shall obtain a consent form prescribed by the Authority identifying the legal address and owner of the premises. The consent form must confirm ownership of the premises and the owner's consent to the applicant's use of the location for the purpose of a medical marijuana processing site for at least one annual license term and must be signed by the owner of the premises, witnessed by a notary public. This requirement must be satisfied by using the designed form published by the Authority on its website. ¶
 - (C) The consent form outlined in paragraph (A) or (B) of this subsection is valid for only the medical marijuana processing site named on the consent form and must not have been terminated prior to its receipt by the Authority. ¶
 - (3) 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.¶
 - (4) Application and registration fees must be paid online at the time of application.¶
 - ~~(5) 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 97293s prescribed by the Authority within five business days of the applicant submitting the initial application.¶~~
 - (5) Criminal background check fees must be paid as prescribed by the Authority on its website, www.healthoregon.org/ommp, and must be received by the Authority in accordance with provisions in section (4) of this rule.¶
 - (6) If the Authority does not receive a complete application, all documentation required in sections (1) and (2) of this rule, and all required fees within the time frames established in this rule, the application will be declared incomplete.¶
 - (7) If the applicant provides the documentation required in section (2) of this rule, the Authority will review the information to determine if it is sufficient.¶
 - (a) If the documentation required under section (2) 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 475C.833 and these rules the application will be declared incomplete.¶
 - (8) 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 (2) of this rule for each location.¶
 - (9) An application that is declared incomplete is treated by the Authority as if it was never received.
- Statutory/Other Authority: ORS 475C.815
- Statutes/Other Implemented: ORS 475C.815

AMEND: 333-008-1630

RULE SUMMARY: OAR 333-008-1630 Medical Marijuana Processors: Processing Site Fees

Modifying rule language around when a refund for a processor site registration fee may be refunded.

CHANGES TO RULE:

333-008-1630

Medical Marijuana Processors: 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) CTS user fee: \$480.-¶¶

~~(5) The Authority may annabits Tracking System (CTS) user fee: \$480.¶¶~~

(5) The Oregon Health Authority (Authority) may not return the registration fee if: unless:¶¶

(a) An application is incomplete; or-¶¶

(b) An applicant withdraws an application.-¶¶

~~(6) The Authority may return the registration fee if an application is denied.¶¶~~

~~(7) T~~Notwithstanding section (5) of this rule, 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).

Statutory/Other Authority: ORS 475C.815

Statutes/Other Implemented: ORS 475C.815

RULE SUMMARY: OAR 333-008-2030 General Requirements for Medical Marijuana Processing Sites and Dispensaries: Notification of Changes

Adding new rule language to outline that an applicant for a registration, registrant or registrant representative may not misrepresent a marijuana item to a patient, caregiver, person responsible for a marijuana grow site (PRMG), another registrant, laboratory licensee or the public.

New rule language is being added to indicate that a registrant must notify the Oregon Health Authority if there is a change in ownership for a processing site, and for a dispensary, if the location is located within 1,000 feet of a public prekindergarten or kindergarten program

CHANGES TO RULE:

333-008-2030

General Requirements for Medical Marijuana Processing Sites and Dispensaries: Notification of Changes ¶

(1) A registrant must notify the ~~Authority~~Oregon Health Authority (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 person responsible for a medical marijuana dispensary (PRD) or a person responsible for the marijuana processing site (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 prekindergarten or kindergarten program is provided by a school district or an education service district, public, parochial, or private elementary or secondary school within 1,000 feet of the dispensary; ~~and~~¶

(f) The suspected theft of marijuana items; ~~and~~¶

(g) Any change in ownership of the premises where the processing site is located if the applicant is not the owner or is no longer the owner of the property. ¶

(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 475C.815, 475C.833 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, public prekindergarten or kindergarten program is provided by a school district or an education service district 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) Closure. If the dispensary or processing site is closing, the notification required under subsection (1)(d) of this rule must include a detailed description of what the dispensary or processing site intends to do with the marijuana items on the premises and the date on which the dispensary or processing site intends to relinquish their registration. The dispensary or processing site may transfer or sell marijuana items as permitted by these rules or destroy the marijuana items. Any transfer, sale or destruction must be in accordance with the notification required under subsection (1)(d) of this rule.¶

(4) 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 a change of processing site ownership is submitted to the Authority, the new processing site owner must submit a signed consent form as described in OAR 333-008-1620(2)(i) if they are not the owner of the property where the processing site is located. ¶

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

Statutory/Other Authority: ORS 475C.815, 475C.833, 475C.919

Statutes/Other Implemented: ORS 475C.815, 475C.833

AMEND: 333-008-2180

RULE SUMMARY: OAR 333-008-2180 Violations

Adding new rule language to indicate that it is a violation for a registered dispensary or processing site to misrepresent a marijuana item.

CHANGES TO RULE:

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 or investigation by the ~~Authority~~Oregon Health Authority (Authority) or the Oregon Liquor and Cannabis Commission (Commission). Failure to cooperate includes but is not limited to:¶¶
 - (A) Refusal to grant access to any and all portions of the registered premises.¶¶
 - (B) Failure to provide to the Authority or the Commission, upon request, information concerning compliance with these rules.¶¶
 - (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 475C.815 to 475C.827, 475C.833 to 475C.843, 475C.544, 475C.604, 475C.612, 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 chapter 845, division 25;¶¶
 - (n) Submit false or misleading information to a laboratory for the purpose of compliance testing under OAR 333-007-0300 to 333-007-0500; and¶¶
 - (o) To provide marijuana to a patient, designated primary caregiver, employee, or other person to have the marijuana tested for pesticides on behalf of the processing site or dispensary without disclosing to the laboratory the processing site or dispensary registration number.¶¶
 - (p) Misrepresent any marijuana item to a patient, caregiver, person responsible for a marijuana grow site (PRMG), registrant, laboratory licensee, or the public, including:¶¶
 - (A) Misrepresenting the contents of a marijuana item;¶¶
 - (B) Misrepresenting the testing results of a marijuana item; or¶¶
 - (C) Misrepresenting the potency of a marijuana item.¶¶
 - (q) Treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight, or smell or that has the effect or intent of increasing potency, toxicity, or addictiveness.¶¶
 - (r) Supply adulterated marijuana items.¶¶
- (2) It is a violation of ORS 475C.833 and these rules to operate a dispensary without being registered by the Authority.¶¶
- (3) It is a violation of ORS 475C.815 and these rules to operate a processing site without being registered by the Authority unless an exemption applies.
- Statutory/Other Authority: ORS 475C.815, 475C.833, 475C.919
- Statutes/Other Implemented: ORS 475C.815, 475C.833

AMEND: 333-008-2190

RULE SUMMARY: OAR 333-008-2190 General Requirements for Medical Marijuana Processing Sites and Dispensaries Enforcement

Adding new rule language to indicate that the Oregon Health Authority may revoke a registration for a processing site if the property owner withdraws consent for the processing site's use of the location.

CHANGES TO RULE:

333-008-2190

General Requirements for Medical Marijuana Processing Sites and Dispensaries Enforcement ¶¶

- (1)(a) Informal Enforcement. If, during an inspection the ~~Authority~~Oregon Health Authority (Authority) documents violations of ORS 475C.815 to 475C.827, 475C.833 to 475C.843, 475C.544, 475C.604, 475C.612, 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 475C.815 to 475C.827, 475C.833 to 475C.843, 475C.544, 475C.604, 475C.612, 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 475C.833(3)(a) to (d) or ORS 475C.815(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 475C.833, ORS 475C.815 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 475C.897, 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 may revoke the registration of a processing site if the owner of the premises or the property owner's legal representative where the processing site is located notifies the Authority in writing that they have withdrawn consent for the processing site's use of the location. ¶¶
- (8) The Authority must post a final order revoking the registration of a registrant on the Authority's website.¶¶
- (89) 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.¶¶
- (910) 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.¶¶

(101) 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.¶¶

(112) 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.¶¶

(123) 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 475C.815 to 475C.827, 475C.833 to 475C.843, 475C.544, 475C.604, 475C.612, any of these rules or OAR chapter 333, division 7.

Statutory/Other Authority: ORS 431A.010, 475C.815, 475C.833, 475C.919

Statutes/Other Implemented: ORS 475C.815, 475C.919

RULE SUMMARY: OAR 333-008-5000 Product Recall

Adopting new rules related to how a product recall is to be conducted if it is determined that the marijuana item possesses a threat to public health and safety.

CHANGES TO RULE:

333-008-5000

Product Recall

(1) The Oregon Health Authority (Authority) may request or require a patient, caregiver, person responsible for a marijuana grow site (PRMG), dispensary, or processing site to recall any marijuana item that they have sold or transferred that does not meet the requirements in OAR chapter 333, division 8 or the minimum standards established by OAR chapter 333, division 7 when testing a marijuana item is required including but not limited to when there is evidence that:

(a) Pesticides were used in the production of marijuana in violation of ORS chapter 634 or OAR chapter 603, division 57 or pesticides not on the Department of Agriculture's guideline or approved by the U.S. Environmental Protection Agency (EPA) were used in the production of marijuana;

(b) A marijuana item is adulterated, contaminated, may pose a risk to public health and safety, or is otherwise unfit for human use, consumption, or application;

(c) Marijuana was not produced by a PRMG;

(d) A marijuana item was not processed by a processing site, was processed using marijuana that was not produced by a PRMG, or was processed using a marijuana item not processed by a processing site, except as explicitly allowed under OAR chapter 333, division 8; or

(e) A marijuana item is labeled or packaged in a manner that poses a risk to public health and safety.

(2) If a product is being recalled, the Authority:

(a) May notify, or require the patient, caregiver, PRMG, dispensary, or processing site to notify, anyone that received the product of the recall;

(b) May require the dispensary or processing site to notify anyone to whom a marijuana item was sold; and

(c) May require that the patient, caregiver, PRMG, dispensary, or processing site destroy the recalled product.

(3) If the Authority requests or requires the patient, caregiver, PRMG, dispensary, or processing site to initiate a recall pursuant to this rule, the Authority must provide the reason for the recall and any other information necessary for the recall to be initiated.

(4) A patient, caregiver, PRMG, dispensary, or processing site conducting a voluntary or required recall must:

(a) Have a product removal strategy appropriate to the threat and location of the recalled product;

(b) Identify the scope of impacted product and establish a process for identifying affected product subject to a recall, which must include the following:

(A) Distribution list. When identifying products subject to a recall, the patient, caregiver, PRMG, dispensary, or processing site must create a distribution list that includes the following information:

(i) The name, registration number, and address of the dispensary or processing site, and anyone that received the product subject to the recall;

(ii) Manifest or transfer date for each product subject to the recall; and

(iii) Contact information for each person that received product subject to the recall, including names and telephone numbers.

(B) Product information. When identifying each product subject to a recall, the patient, caregiver, PRMG, dispensary, or processing site must document the following product information:

(i) Product description;

(ii) If applicable, a photograph of the principle display panel;

(iii) If applicable, the label identification number required by OAR 333-008-0600, OAR 333-008-1200, or OAR 333-008-1740;

(iv) If applicable, the name and Oregon Medical Marijuana Program (OMMP) identification card number of the PRMG that produced the marijuana;

(v) If applicable, the registration number of the processing site that manufactured the product subject to the recall; and

(vi) Date or date range of the manufacture or harvest of the product subject to the recall.

(c) Provide notification to the following:

(A) The Authority, within 24 hours of initiating the recall.

(B) Each patient, caregiver, PRMG, dispensary and processing site identified on the distribution list under paragraph (4)(b)(A) of this rule that includes the following information:

(i) Product description for the product subject to the recall;¶

(ii) The reason for recall and related hazards, if any. If the product is being removed for quality rather than public health and safety reasons, the notice may state that the product does not meet internal specifications and is being removed from distribution;¶

(iii) The name and OMMP identification card number of the PRMG that produced the marijuana subject to the recall;¶

(iv) The registration number, name, and trade name of the processing site that manufactured the product subject to the recall;¶

(v) Expiration date(s) for the product subject to the recall, if applicable;¶

(vi) Date or date range of the manufacture or harvest of the product subject to the recall; and¶

(vii) Instructions regarding the disposition of the affected product subject to the recall.¶

(C) No later than 48 hours from issuing a recall notice under paragraph (B) of this subsection, notify patients and caregivers of the recall using the most effective method available, which may include any of the following methods or combination of methods:¶

(i) An electronic mail to those affected.¶

(ii) An alert on the dispensary's or processing site's website.¶

(iii) A warning that is clearly and visibly posted on the premises of a dispensary.¶

(iv) A press release to notify patients and caregivers.¶

(d) Make all reasonable efforts to remove the affected products from circulation. Affected products that are either still in control of a patient, caregiver, PRMG, dispensary, or processing site must be secured, segregated, clearly labeled not for sale or distribution, and separated from any other non-affected products.¶

(e) Complete recall effectiveness checks to verify that all dispensaries or processing sites have been notified and have taken the appropriate action, including:¶

(A) Confirming having received the recall notification;¶

(B) Determining whether the recalled marijuana item was handled as instructed in the recall notification; and¶

(C) If the product was further transferred by a receiving dispensary or processing site before receipt of the recall notification, and if so, were they notified.¶

(5) Prior to the recall being initiated, the Authority may require the patient, caregiver, PRMG, dispensary, or processing site to submit any information required by this rule.¶

(6) If the Authority issues a Notice of Intent to Recall the patient, caregiver, PRMG, dispensary, or processing site is entitled to a contested case hearing as provided under ORS chapter 183.

Statutory/Other Authority: ORS 475C.824, ORS 475C.903, ORS 475C.919

Statutes/Other Implemented: ORS 475C.824, ORS 475C.903, ORS 475C.919