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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**  
06/13/2018 8:25 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Medical Marijuana updates related to Grow Site Administrators, Cannabis Tracking System and SB 1544 implementation

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/31/2018 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.*

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Filed By:  
Brittany Hall  
Rules Coordinator

HEARING(S)

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

DATE: 07/26/2018

TIME: 10:00 AM

OFFICER: Jana Fussell

ADDRESS: Portland State Office

Building

800 NE Oregon St. Room 1E

Portland, OR 97232

NEED FOR THE RULE(S):

Rules for a Grow Site Administrator who is responsible for using the Cannabis Tracking System (CTS) are being permanently adopted. These rules clarify requirements for implementation and use of CTS for qualifying grow sites. The Oregon Health Authority (Authority), Public Health Division, Oregon Medical Marijuana Program, in coordination with the Oregon Liquor Control Commission (OLCC), is further implementing the requirements for certain grow sites to track the propagation and production of medical marijuana in the CTS to allow for the agency's data systems to work together. The rules clarify who is required to use CTS, the requirement that each grow site subject to CTS tracking have a grow site administrator, a deadline for when tracking in CTS must happen, how tracking is to occur, and clarifying how and when the CTS fee is to be paid. The rules also outline how to designate and change a grow site administrator for CTS tracking.

Rules being amended also clarify it is a violation to transfer usable marijuana to an OLCC licensed processor site or licensed wholesaler without a valid assignment of rights from the patient, produce marijuana at an invalid USPS address, and to produce marijuana if the PRMG or grow site do not meet the qualifications for registration under statute or the rules. In addition, a registration may be suspended or revoked if a patient, PRMG, or grow site no longer meet the

qualifications for registration.

In addition, Senate Bill 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session, made changes to the Oregon Medical Marijuana Act. These are the major components of the bill that are reflected in the proposed rules:

- Outlines the form of an address that may be submitted to register a medical marijuana grow site.
- Allows the Authority to establish in rule the number of immature plants that are below 24 inches at a registered grow site.
- Increases the number of patients that a grower may grow for from 4 to 8.
- Makes changes to clarify which grow sites registered under the medical marijuana program are required to use CTS.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS chapter 475B - [https://www.oregonlegislature.gov/bills\\_laws/ors/ors475B.html](https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html)

SB 1544 - <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/SB1544/Enrolled>

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#### FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact to the Authority. Changes made in SB 1544 clarified the number of registered medical grow sites needing to use the Cannabis Tracking System. The net effect was a reduction in the number of grow sites projected to use CTS from approximately 2,500 to approximately 2,100. The change addressed a grower population that should not have needed to use CTS and reduced the fiscal impact on grow sites.

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#### 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) There is no direct impact on local governments as a result of these proposed rules. The Oregon Liquor Control Commission has been tasked with implementing the tracking system for processing sites, dispensaries and some medical growers. This has required hiring additional staff to oversee the regulatory work as well as modification of the vendor's application to include medical registrants. There is no known impact on members of the public. Medical marijuana growers will be impacted by being limited in the variety of immature plants that are 24 inches or less in height that can be established. These limits may make it more difficult for breeders who have specialized cultivars to have the variety of clones or strains to work from or sell. A cultivar is a plant variety that has been produced in cultivation by selective breeding.

(2)(a) While medical growers do not fit the legal definition of a small business, approximately 18,000 growers could be impacted through the implementation of a limit on immature plants under 24".

(b) The Grow Site Administrator will have additional record keeping as they are responsible for all entries for the grow site into the Cannabis Tracking System. Some grow site administrators may hire staff to complete the required tracking.

(c) Grow site administrators will have to understand and comply with the Oregon Liquor Control Commission's rules on the use of the Cannabis Tracking System (CTS). They will also need to ensure other growers, if applicable, at the grow site cooperate with them to ensure reporting into CTS is accurate.

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

Small business representatives and industry members participated in the Rules Advisory Committee. The committee consisted of registered medical patients, growers, a processor owner and a dispensaries owner. Some members had experience with both the medical and recreational cannabis market.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

333-008-0020, 333-008-0021, 333-008-0025, 333-008-0033, 333-008-0520, 333-008-0530, 333-008-0540, 333-008-0550, 333-008-0560, 333-008-0600, 333-008-0635, 333-008-0638, 333-008-0720, 333-008-0730, 333-008-1070, 333-008-1200, 333-008-1690, 333-008-1740, 333-008-2180

AMEND: 333-008-0020

RULE SUMMARY: Modifying language regarding the way a grow site address may be submitted on an application as outlined in SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Also, clarifying the ways a grow site fee may be paid to the program.

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, signed and dated by the applicant. ¶¶

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

(c) An APS or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition. ¶¶

(d) Proof of residency in accordance with OAR 333-008-0022. ¶¶

(e) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for a person under 18 years of age, signed and dated by the minor's parent or legal guardian. ¶¶

(f) An application fee as specified in OAR 333-008-0021. ¶¶

(g) If applicable, documentation required in OAR 333-008-0021 to qualify for a reduced fee. ¶¶

(2) If the applicant is designating a primary caregiver, the applicant must complete the caregiver portion of the application and submit a legible copy of the designated primary caregiver's valid government issued photographic identification that includes the caregiver's last name, first name, and date of birth. The applicant may also designate an organization that provides hospice, palliative or home health care services, or a residential facility as defined in ORS 443.400, under ORS 475B.419807, as an additional caregiver. ¶¶

(3) If an applicant intends to produce marijuana for themselves or designate another person to produce marijuana for him or her, the applicant or the individual designated to be the PRMG must complete the grow site registration portion of the application and submit: ¶¶

(a) A legible copy of the designated PRMG's valid government issued photographic identification that includes the last name, first name, and date of birth. ¶¶

- (b) The grow site address. If a grow site has a United States Postal Service (USPS) physical address, that address must be used in the application. If there is no USPS physical address a grow site address location may also be established by providing either:¶¶
- ~~(A) A tax lot number, city or county and zip code, and a:¶¶~~
- ~~(A) An assessor's map number with a map attached, showing the exact location of the marijuana grow site; or¶¶~~
- ~~(B) The exact location of the marijuana grow site using one or more of the following, along with an assessor's map number and map showing the exact location of the marijuana grow site, including city or county and zip code: 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; or¶¶~~
- ~~(iii) Global positioning system coordinates; or¶¶~~
- ~~(iv) The tax lot number.¶¶~~
- (c) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.¶¶
- (d) Except for a patient producing marijuana for themselves at the patient's residence, the grow site registration fee as specified in OAR 333-008-0021(4), unless the Authority has established an online payment system for grow site registration in which case the fee must be paid online in accordance with instructions from the Authority.¶¶
- ~~(4) If the Authority establishes an online payment system for payment of a grow site registration fee the Authority must notify the person designated on the application as the PRMG with instructions for how to pay the fee online and the deadline by which the fee must be paid must be paid online as outlined in OAR 333-008-0021(7).¶¶~~
- (54) Applications must be mailed to the address listed in section (65) of this rule or hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, unless the Authority has established an electronic application process at which time applications and accompanying documentation must be submitted electronically.¶¶
- (65) The application forms referenced in this rule may be downloaded at [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp) or obtained by contacting OMMP at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.¶¶
- (76) 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 475B.415797](#), [475B.419807](#), [475B.525949](#)
- Statutes/Other Implemented: [ORS 475B.415797](#)

AMEND: 333-008-0021

RULE SUMMARY: Clarifying the ways fees may be paid to the program.

CHANGES TO RULE:

333-008-0021

Patient and PRMG New and Renewal Fees ¶¶

(1) All fees referenced in this rule are non-refundable.¶¶

(2) New and Renewal Application Fee. A patient must pay a \$200 application fee unless the applicant qualifies for a reduced fee under section (3) of this rule.¶¶

(3) Reduced Fees.¶¶

(a) An applicant receiving SSI benefits: \$20. In order to qualify for the reduced fee the applicant must submit at the time of application a copy of a current monthly SSI benefit statement showing dates of coverage.¶¶

(b) An applicant enrolled in OHP: \$50. In order to qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.¶¶

(c) An applicant receiving food stamp benefits through the Oregon SNAP: \$60. In order to qualify for the reduced fee the applicant must submit at the time of application current proof of his or her food stamp benefits.¶¶

(d) An applicant who has served in the Armed Forces of the United States: \$20. In order to qualify for the reduced fee the applicant must provide proof of having served in the Armed Forces, such as but not limited to, submitting a Veteran's Administration form DD-214.¶¶

(e) The Authority shall notify an applicant who submits a reduced application fee if the applicant is not eligible for the reduced fee and will allow the applicant 14 calendar days from the date of notice to pay the correct application fee or submit current valid proof of eligibility for a reduced fee.¶¶

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

(5) CTS User Fee: \$480.¶¶

(6) Replacement Card Fees. If a patient, designated primary caregiver or PRMG needs to obtain a replacement card the fee is \$100. If the patient qualifies for a reduced application fee of \$20, the fee to receive any of the replacement cards is \$20.¶¶

(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 ~~and~~.¶¶

(a) Patient application fees may be paid 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.¶¶

~~(8b) The Authority shall notify an applicant who submits a reduced application fee if the applicant is not eligible for the reduced fee and will allow the applicant 14 calendar days from the date of notice to pay the correct application fee or submit current valid proof of eligibility for a reduced fee~~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 475B.415797, 475B.42810, 475B.525949

Statutes/Other Implemented: ORS 475B.415797

AMEND: 333-008-0025

RULE SUMMARY: Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018.

CHANGES TO RULE:

333-008-0025

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

(1) In order to be a PRMG an individual must: ¶

(a) Be 21 years of age or older. ¶

(b) Not have been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II: ¶

(A) Within the previous two years; or ¶

(B) More than once. ¶

(2) In addition to the application review required in OAR 333-008-0023 the Authority must: ¶

(a) Conduct a criminal background check on any PRMG. ¶

(b) Verify the PRMG's age. ¶

(c) Verify the zoning of the grow site address if the grow site is within city limits. ¶

(d) Determine the number of plants that are permitted at the grow site address. ¶

(3) Unless the Authority has received a request for a grandfathered grow site address under OAR 333-008-0500, and except as provided in section (4) of this rule the grow site plant limits are as follows: ¶

(a) ~~A maximum of 12~~ For a grow site location within city limits and zoned residential, a maximum of: ¶

~~(A) Twelve mature marijuana plants and 24;~~ ¶

~~(B) Twenty-four immature marijuana plants that are 24 inches or more in height if the;~~ and ¶

~~(C) Effective October 1, 2018, 72 immature marijuana plants that are less than 24 inches in height. ¶~~

~~(b) For a grow site location is within city limits and but not zoned residential; or ¶~~

~~(b) A maximum of 48~~ outside city limits, a maximum of: ¶

~~(A) Forty-eight mature marijuana plants and 96;~~ ¶

~~(B) Ninety-six immature marijuana plants that are 24 inches or more in height if the grow site location is within city limits but not zoned residential or outside city limits. ¶~~

~~(4) Effective August 2, 2017, a; and ¶~~

~~(C) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height. ¶~~

~~(4) A grow site located at a patient's residence where the patient or the patient's designated primary caregiver produces marijuana may not have more than 12 mature marijuana plants and 24 immature marijuana plants and cannot be a grandfathered grow site. The marijuana plant numbers include any plants permitted under ORS 475B.245301. ¶~~

(5) The Authority must notify a patient if a PRMG or a grow site address is ineligible for registration and the patient will be allowed 14 calendar days to identify another PRMG or grow site address in accordance with OAR 333-008-0047.

Statutory/Other Authority: ORS 475B.42810, 475B.525949

Statutes/Other Implemented: ORS 475B.42810

AMEND: 333-008-0033

RULE SUMMARY: Removing expired rule language.

CHANGES TO RULE:

333-008-0033

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

- (1) The Authority must register a PRMG and a grow site address listed on an application, except as provided in section (7) 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 475B.400 to 475B.525, ORS 475B.580, ORS 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500; and¶
    - (D) Pays the applicable fee.¶
  - (b) The grow site address does not exceed the plant limits in ORS 475B.428(3) or (4).¶
- (2) If the Authority registers a marijuana grow site it will issue an identification card and a grow site registration card that contains at least the following information:¶
- (a) The PRMG's name, address, date of birth, and identification card number.¶
  - (b) The effective date, date of issuance, and expiration date of the identification card.¶
  - (c) The grow site address.¶
  - (d) The patient's registry identification card number.¶
- (3) A PRMG, except for a patient growing only for themself 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.¶
- (4) A PRMG is responsible for knowing how many immature and mature marijuana plants are legally permitted at the grow site address.¶
- (5) The Authority shall also notify a patient if the PRMG and grow site address has been approved.¶
- (6) The Authority may only register one grow site per patient, and may only register grow sites in Oregon.¶
- (7) If a grow site fails to ~~make an election under Oregon Laws 2017, chapter 183, section 41(2) by January 1, 2018, or fails to begin tracking in CTS on or before July 1, 2018, as provided in Oregon Laws 2017, chapter 183, section 41(1)(d) and (3),~~ RS 475B.895 the Authority may not renew the registration of the grow site.
- Statutory/Other Authority: ORS 475B.42810, 475B.525, OL 2017, Ch. 183, Sec. 40-41949, 475B.895
- Statutes/Other Implemented: ORS 475B.42810, OL 2017, Ch. 183, Sec. 40-41475B.895

AMEND: 333-008-0520

RULE SUMMARY: Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018.

CHANGES TO RULE:

333-008-0520

Approval of Petition for Grandfathered Grow Site ¶

(1) The Authority will grant a petition for a grandfathered grow site if, based on the information in the petition and the Authority's review of the petition:¶

(a) The grow site address is currently registered with the Authority;¶

(b) The petition includes all PRMGs currently growing at the grow site address;¶

(c) With the exception of any PRMG whose designation was revoked under OAR 333-008-0510(2), the PRMGs listed in the petition are qualified to be a PRMG;¶

(d) All qualified PRMGs listed in the petition were registered at the grow site address on December 31, 2014, and were all continuously registered there at the time the petition was submitted; and¶

(e) The number of patients registered at the grow site address would not result in the grow site address exceeding:¶

(A) 24For a grow site location within city limits and zoned residential:¶

(i) Twenty-four mature marijuana plants ~~and 48~~;¶

(ii) Forty-eight immature marijuana plants that are 24 inches or more in height ~~if th~~; and ¶

(iii) Effective October 1, 2018, 144 immature marijuana plants that are less than 24 inches in height. ¶

(B) ~~For a grow site location is within city limits and~~but not zoned residential; or outside city limits:¶

(Bi) ~~96~~Ninety-six mature marijuana plants ~~and 192~~;¶

(ii) One hundred and ninety-two 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~~; and ¶

(iii) Effective October 1, 2018, 576 immature marijuana plants that are less than 24 inches in height.¶

(2) The actual grow site address plant limit is based on the number of patients registered at the grow site address on December 31, 2014, assuming there were six mature plants per patient and 12 immature marijuana plants that are 24 inches or more in height. Based on the number of mature plants permitted, the grow site may have:¶

(a) Twice as many immature marijuana plants 24 inches or more in height as there are mature plants; and ¶

(b) Effective October 1, 2018, six times as many immature marijuana plants less than 24 inches in height as there are mature plants.¶

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

(4) ~~Effective August 2, 2017, a~~A grow site located at a patient's residence where the patient or the patient's designated primary caregiver produces marijuana may no longer be a grandfathered grow site, may not be approved as a grandfathered grow site, and the grow site may not be used to produce more than 12 mature marijuana plants and 24 immature marijuana plants. The marijuana plant numbers include any plants permitted under ORS 475B.301.

Statutory/Other Authority: ORS 475B.525, OL 2017, Ch. 613, Sec. 11831, ORS 475B.949

Statutes/Other Implemented: ORS 475B.428831



AMEND: 333-008-0530

RULE SUMMARY: Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018.

CHANGES TO RULE:

333-008-0530

Denial of Petition for Grandfathered Grow Site ¶

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

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

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

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

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

(e) The number of patients registered at the grow site address exceed the plant limits in ORS 475B.428831(3)(b) or 475B.428831(4)(b).¶

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

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

(a) ~~12~~For a grow site location within city limits and zoned residential: ¶

~~(A) Twelve~~ Twelve mature marijuana plants ~~and 24;~~¶

~~(B) Twenty-four~~ Twenty-four immature marijuana plants that are 24 inches or more in height ~~if th;~~ and ¶

~~(C) Effective October 1, 2018, 72~~ Effective October 1, 2018, 72 immature marijuana plants that are less than 24 inches in height.¶

~~(b) For a grow site location is within city limits and but not zoned residential; or not within city limits:~~ ¶

~~(bA) 48~~ Forty-eight mature marijuana plants ~~and 96;~~¶

~~(B) Ninety-six~~ Ninety-six 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; and~~ ¶

~~(C) Effective October 1, 2018, 288~~ Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.

Statutory/Other Authority: ORS 475B.525949

Statutes/Other Implemented: ORS 475B.428831

AMEND: 333-008-0540

RULE SUMMARY: Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018.

CHANGES TO RULE:

333-008-0540

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

(1) A grandfathered grow site may only have the number of plants authorized by the Authority, based on the number of patients designating the address as a grow site on December 31, 2014. A PRMG producing marijuana at a grandfathered grow site may replace an existing patient with a new patient unless the person's designation has been terminated under ORS 475B.~~428831~~(6).¶

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

(a) For a grow site location within city limits that is zoned residential, a maximum of:¶

(aA) ~~12~~Twelve mature marijuana plants and ~~24~~;¶

(B) Twenty-four immature marijuana plants that are 24 inches or more in height if th; and ¶

(C) Effective October 1, 2018, 72 immature marijuana plants that are less than 24 inches in height. ¶

(b) For a grow site location is within city limits and but not zoned residential; or outside city limits, a maximum of:¶

(bA) ~~48~~Forty-eight mature marijuana plants and ~~96~~;¶

(B) Ninety-six 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.; and ¶

(C) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.¶

(3) If a patient terminates the designation of a PRMG that person may not be designated to produce marijuana by another patient at the grandfathered grow site address and may not produce marijuana at any other grow site address that is authorized to have more than ~~48~~:¶

(a) Forty-eight mature marijuana plants and ~~96~~;¶

(b) Ninety-six immature marijuana plants that are 24 inches or more in height; and ¶

(c) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.¶

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

(a) For a grow site location within city limits that is zoned residential:¶

(aA) ~~12~~Twelve mature marijuana plants and ~~24~~;¶

(B) Twenty-four immature marijuana plants that are 24 inches or more in height if th; and ¶

(C) Effective October 1, 2018, 72 immature marijuana plants that are less than 24 inches in height; or ¶

(b) For a grow site location is within city limits and but not zoned residential; or outside city limits:¶

(bA) ~~48~~Forty-eight mature marijuana plants and ~~96~~;¶

(B) Ninety-six 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; and ¶

(C) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.

Statutory/Other Authority: ORS 475B.~~525949~~

Statutes/Other Implemented: ORS 475B.~~428831~~

AMEND: 333-008-0550

RULE SUMMARY: Increased the number of patients a PRMG may grow for at any one time from four to eight. Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103). Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018. Clarifying that assignment of rights from patient must be obtained before transferring usable marijuana, seeds or immature plants to a medical dispensary or processing site or OLCC wholesaler or processor.

CHANGES TO RULE:

333-008-0550

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

- (1) A PRMG may not grow marijuana for more than four~~eight~~ patients at any one time.¶
- (2) A PRMG must display a marijuana grow site registration card at the marijuana grow site at all times for each patient for whom marijuana is being produced.¶
- (3) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a patient by a PRMG are the property of the patient and must be provided to the patient upon request, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.~~425-~~822.¶
- (4) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the PRMG ceases producing marijuana for the patient, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.~~425-~~822.¶
- (5) All usable marijuana associated with the production of marijuana for a patient must be transferred to a marijuana processing site upon the patient's request.¶
- (6) All seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a patient must be transferred to a medical marijuana dispensary upon the patient's request.¶
- (7) If a patient terminates the designation of a PRMG that PRMG may not be designated to produce marijuana by another patient unless the grow site address is authorized to have no more than ~~48~~;
  - (a) ~~Forty-eight~~ mature marijuana plants and ~~96~~;
  - (b) ~~Ninety-six~~ immature marijuana plants that are 24 inches or more in height; and
  - (c) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.¶
- (8) A PRMG must return the grow site registration card to the Authority when the person's designation has been terminated by a patient or the person ceases producing marijuana for themselves or another patient.¶
- (9) Except for a patient growing only for themselves at the patient's residence and not transferring usable marijuana, seeds or immature plants to a registered processing site or dispensary, or a PRMG that produces marijuana at a grow site that is subject to CTS tracking, a PRMG must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.¶
- (10) A PRMG must comply with the advertising restrictions in OAR 333-008-2070 and must remove any sign, display or advertisement if the Authority determines the PRMG has violated OAR 333-008-2070.¶
- (11) A PRMG who transfers or sells usable marijuana to a registered processing site or sells or transfers seeds, immature plants or usable marijuana to a registered dispensary must maintain and use a weighing device that is licensed by the Oregon Department of Agriculture (ODA). Licensed weighing devices must be used by a PRMG whenever marijuana items are:
  - (a) Transferred from the PRMG to a registered processing site or dispensary and the transfer is by weight;
  - (b) Packaged for transfer by weight to a registered processing site or dispensary;
  - (c) Weighed for purposes of documenting information required in OAR 333-008-0630 for transfers to registered processing sites or dispensaries; or
  - (d) Weighed for purposes of reporting information required in OAR 333-008-0630 or for the purposes of

reporting information into CTS under OAR 333-008-0635.¶

(12) PRMGs at a grow site may collectively use one weighing device licensed by ODA. If there is no weighing device licensed by ODA at a grow site all PRMGs registered at the grow site will be in violation of this rule.¶

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

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

(a) A failed pesticide test;¶

(b) Information provided by any other state agency;¶

(c) A grow site inspection; or¶

(d) The receipt of a complaint alleging unlawful pesticide use.¶

(15) If the Authority determines that a violation of section (13) of this rule has occurred, it may provide information obtained by the Authority to the Oregon Department of Agriculture in accordance with ORS 475B.460882(5).¶

(16) A PRMG must comply with laws pertaining to water use as administered by the Oregon Water Resources Department and shall maintain records as necessary to demonstrate compliance. The PRMG shall provide evidence of a legal source of water to the Oregon Water Resources Department and Oregon Health Authority upon request.¶

(17) A PRMG must comply with applicable land use and zoning requirements related to the production of marijuana.¶

(18) A PRMG must obtain an assignment of rights from their patient before transferring usable marijuana, seeds, or immature marijuana plants to a registered dispensary, processing site, or an OLCC licensed processor or wholesaler, as follows: ¶

(a) For any usable marijuana, seeds, or immature marijuana plants that will be transferred to a registered dispensary or registered processing site, the PRMG must obtain an Authorization to Transfer form as prescribed by the Authority or a personal agreement as described in ORS 475B.822.¶

(b) For usable marijuana that will be transferred under ORS 475B.825 to a licensed processor or licensed wholesaler the PRMG must obtain a personal agreement as described in ORS 475B.822. ¶

(c) The authorization to transfer form or personal agreement must be made available to the Authority or Commission upon request. ¶

(d) A model personal agreement form is available on the Authority's website, at [healthoregon.org/ommp](http://healthoregon.org/ommp).

Statutory/Other Authority: ORS 475B.42810 - 475B.428831, 475B.525949

Statutes/Other Implemented: ORS 475B.42810 - 475B.428831

AMEND: 333-008-0560

RULE SUMMARY: Adding limits for immature marijuana plants that are less than 24 inches in height that may be located at a registered marijuana grow site as authorized by SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session. Plant limit for immature plants that are less than 24 inches in height will go into effect October 1, 2018.

CHANGES TO RULE:

333-008-0560

Grow Site Plant Limits ¶

(1) A PRMG may not produce more than ~~the following per patient, subject to the overall grow site plant limits:~~¶

~~(a) Six mature marijuana plants and 12;~~¶

~~(b) Twelve immature marijuana plants that are 24 inches or more in height per patient; and~~¶

~~(c) Effective October 1, 2018, 36 immature marijuana plants that are less than 24 inches in height.~~¶

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

~~(a) For a grow site location within city limits that is zoned residential:~~¶

~~(aA) 12 Twelve mature marijuana plants and 24;~~¶

~~(B) Twenty-four immature marijuana plants that are 24 inches or more in height if th; and~~¶

~~(C) Effective October 1, 2018, 72 immature marijuana plants that are less than 24 inches in height.~~¶

~~(b) For a grow site location is within city limits and but not zoned residential; or outside city limits:~~¶

~~(bA) 48 Forty-eight mature marijuana plants and 96;~~¶

~~(B) Ninety-six 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; and~~¶

~~(C) Effective October 1, 2018, 288 immature marijuana plants that are less than 24 inches in height.~~

Statutory/Other Authority: ORS 475B.428831, 475B.525949

Statutes/Other Implemented: ORS 475B.428831

AMEND: 333-008-0600

RULE SUMMARY: Changed rule reference for labeling rules to OAR chapter 845, division 25 and outlined labeling requirements that must be met by a PRMG.

CHANGES TO RULE:

333-008-0600

PRMG Labeling, Packaging and Testing Requirements ¶

(1) A PRMG who transfers usable marijuana to a registered processing site or dispensary must comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060, and packaging requirements adopted by the Commission in OAR chapter 845, division 25 and the testing requirements in OAR 333-007-0300 to 333-007-0500, including but not limited to assigning and documenting a unique batch number for each batch of usable marijuana, and providing that batch number to registered processing sites and dispensaries at the time of transfer or sale. ¶

(2) In accordance with rules adopted by the Commission in OAR chapter 845, division 25 a PRMG must: ¶

(a) Comply with the Commission's packaging and labeling pre-approval process under OAR chapter 845, division 25; and ¶

(b) Keep all records related to the label pre-approval process for two years from the date of approval and provide those records at the request of the Authority. ¶

(3) A PRMG may not transfer usable marijuana or seeds that are subject to the Commission's packaging and labeling requirements unless the packaging and label have been pre-approved or pre-approval is not required.

Statutory/Other Authority: ORS 475B.555

Statutes/Other Implemented: ORS 475B.555

AMEND: 333-008-0635

RULE SUMMARY: Repealing temporary rule and amending permanent rule language. Modifying which grow sites are required to use the Cannabis Tracking System per SB 1544 (Oregon Laws 2018, chapter 103) passed in the 2018 legislative session.

CHANGES TO RULE:

333-008-0635

PRMG Grow Site CTS Tracking

~~(1) A grow site location and PRMG's producing marijuana at a grow site location that is subject to tracking under Oregon Laws 2017, chapter 183, sections 40-41, that meets the following criteria must track the transfer, propagation and production of marijuana in CTS in accordance with OAR chapter 845, division 25 and pay the required CTS fee in OAR 333-008-0021 in accordance with instructions from the Authority, except as provided in section (3) of this rule.~~

~~(2) A grow site located at an address where there are no patients growing marijuana, even if there are 12 or fewer mature marijuana plants or 24 or fewer immature marijuana:~~

~~(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 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 under OAR 333-008-0638 and is responsible for:~~

~~(a) Paying the CTS non-refundable user fee; and~~

~~(b) Ensuring compliance is subject to CTS tracking.~~

~~(3) This rule does not apply to a marijuana grow site located at an address where a patient grows marijuana and no more than 12 mature marijuana plants and 24 immature marijuana plants are grown at the address.~~

~~(4) All PRMGs growing marijuana at a grow site location that is subject to CTS tracking must begin tracking on or before July 1, 2018, unless ce 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 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) If a license application was submitted to the Commission for the grow site address on or before January 1, 2018, and the Commission has not yet acted on the application, in which case the PRMG's must continue to comply with OAR 333-008-0630 the grow site is not required to comply with CTS tracking until the Commission acts on the application.~~

~~(5) To comply with this rule each; however, the PRMGs at the grow site location that is subject to CTS tracking must comply with any instructions and deadlines must continue to comply with reporting requirements under OAR 333-008-0630.~~

~~(5) 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, including but not limited to:~~

~~(a) Paying the required CTS user fee; regarding the following:~~

~~(ba) Setting up and activating a CTS user account;~~

~~(eb) Successfully completing all required CTS training; and~~

~~(dc) Ordering Unique Identification Tags and tagging all plants and inventory.~~

~~(6) If the Commission considers the marijuana items.~~

~~(6) A grow site administrator and each PRMG at a grow site must cooperate with an inspection or investigation conducted by the Commission under ORS 475B.895(6).~~

~~(7) A PRMG producing marijuana at a grow site application incomplete or proposes to deny a grow site's~~

application for a producer license all PRMG's registered at the grow site must pay the CTS user fee and begin 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.

(8) If a grow site administrator or any PRMG at a grow site location that is subject to CTS tracking within 30 days of the date the Commission mailed notification of the incomplete application or mailed the notice of proposed denial of the appliunder 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.

(79) A PRMG mustgrow site administrator is legally responsible for compliyance with this rule anyd applicable CTS rules in OAR chapter 845, division 25 and cooperate with any inspection or investigation conducted by the Commission under Oregon laws 2017, chapter 183, section 40(6).

(8) A PRMG producing marijuana at a grow site location that is subject to CTS tracking may not transfer a marijuana item on or after July 1, 2018, unless the PRMG has an active CTS user account, has UID tags, has tagged all plants and inventory and is capable of entering required information into CTS.

(9) ~~||~~ CTS tracking requirements as described in OAR 845-025-2110 and 845-025-2150.

(10) Each PRMG at a grow site location must cooperate with the approved grow site administrator 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.

(11) The Authority may revoke the grow site registration and the registration of any~~||~~ PRMGs at a grow site location that is subject to CTS tracking under this rule is not complying with this rule, the Authority may revoke the registration of the grow site and the registration of all PRMGs registered at that grow site locationif the grow site does not have a GSA or is not using CTS tracking as is required by these rules.

(12) 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: OL 2017, Ch. 183, Sec. 40-41RS 475B.895

Statutes/Other Implemented: OL 2017, Ch. 183, Sec. 40-41RS 475B.895, 475B.949



ADOPT: 333-008-0638

RULE SUMMARY: Repealing temporary rule and adopting permanent rule language. Removing rule language and dates what will be expired when rules are permanently adopted.

CHANGES TO RULE:

333-008-0638

Grow Site Administrators for CTS Tracking

(1) Designation of Grow Site Administrator for CTS.

(a) On and after May 31, 2018, a grow site that is subject to CTS tracking under OAR 333-008-0635(1) must have a designated grow site administrator.

(b) If a grow site that is subject to CTS tracking under OAR 333-008-0635(1) applied for a producer license with the Commission on or before January 1, 2018, and the Commission on or after [insert effective date of these rules] declares the license application incomplete or proposes to deny a grow site's application for a producer license, a PRMG at the grow site must submit a request to be designated the grow site administrator to the Authority in a form and manner prescribed by the Authority, along with the required CTS non-refundable user fee, within 15 calendar days of the date of the Commission's action finding the application incomplete or proposing denial.

(c) If a patient submits an application listing a grow site and the new application makes the grow site subject to CTS tracking criteria under OAR 333-008-0635(1) the Authority will notify all PRMGs at the grow site that a grow site administrator must be designated. The PRMG designated as the grow site administrator has 15 calendar days from the date of the Authority's notice to submit a grow site administrator request to the Authority in a form and manner prescribed by the Authority, along with the CTS non-refundable user fee.

(2) If a grow site administrator request is not submitted to the Authority by the deadlines established in this rule the Authority may revoke the registration of each PRMG at the grow site location and revoke the grow site registration.

(3) If more than one grow site administrator request is received for the same grow site location, and the Authority approves a request, the Authority will not review any additional requests.

(4) The Authority shall review and act on grow site administrator requests in the order they are received.

(5) The Authority will approve a request to be designated the grow site administrator if:

(a) The request is complete;

(b) The PRMG is in good standing with the Authority and the Commission. For purposes of this section "in good standing" means the PRMG has not been subjected to discipline by the Authority or the Commission; and

(c) The PRMG requesting approval as the grow site administrator has authorized the Authority to provide the administrator's contact information to all other PRMGs registered at the grow site or who become registered at the grow site and all patients for whom a PRMG is producing marijuana at the grow site, upon approval.

(6) The Authority will notify the approved grow site administrator of the approval or denial and will notify the Commission of all approved grow site administrators so the Commission can begin the process of setting up the grow site's CTS account.

(7) Withdrawal of grow site administrator approval.

(a) If the approved grow site administrator fails to remain registered with the Authority, fails to remain in good standing with the Authority or the Commission, or if the administrator's registration has been suspended or revoked by the Authority, the Authority shall withdraw the administrator's approval. The Authority shall notify the administrator of the withdrawal and cite the reasons for the withdrawal, in writing. The Authority shall notify the Commission when a grow site administrator approval is withdrawn.

(b) If the Authority withdraws its approval of the administrator it shall notify all PRMGs at the grow site location that a new grow site administrator must be designated. The PRMG designated as the grow site administrator has 15 calendar days from the date of the Authority's notice to submit a grow site administrator request to the Authority in a form and manner prescribed by the Authority, along with the CTS non-refundable user fee, if applicable. The request for approval of a new grow site administrator shall be conducted in accordance with sections (5) and (6) of this rule.

(8) Change of grow site administrator.¶¶

(a) An approved grow site administrator may submit a notice of resignation in a form and manner prescribed by the Authority, that the administrator is resigning as the administrator. The administrator may, at the same time, request a replacement grow site administrator for the grow site location. The PRMG designated as the grow site administrator has 15 calendar days from the date of the Authority's notice to submit a grow site administrator request to the Authority in a form and manner prescribed by the Authority, along with the CTS non-refundable user fee, if applicable. The Authority will act on the new request in accordance with sections (5) and (6) of this rule.¶¶

(b) Any PRMG at a grow site location may submit a request to the Authority to change the approved grow site administrator, in a form and manner prescribed by the Authority.¶¶

(A) The request to change the grow site administrator must include the reasons for the requested change. The requestor must provide the approved grow site administrator a copy of the request.¶¶

(B) In addition to the request to change the approved grow site administrator, at least one PRMG at the grow site must submit a request to be approved as the grow site administrator to the Authority in a form and manner prescribed by the Authority, along with the required CTS non-refundable user fee, if needed.¶¶

(C) The Authority will notify the approved grow site administrator of the change request and allow the grow site administrator 15 calendar days to submit a written response to the change request, to the Authority.¶¶

(D) If the approved grow site administrator does not respond to the Authority or does not object to the change and if the PRMG requesting to become the new grow site administrator is qualified for approval under section (5) of this rule, the Authority will notify the administrator that the administrator's approval has been withdrawn and notify the new grow site administrator of the approval in accordance with section (6) of this rule. If the PRMG requesting to become the new grow site administrator is not qualified for approval under section (5) of this rule the request to change the approved grow site administrator will be denied.¶¶

(E) If the approved administrator responds to the change request in a timely manner and objects to the change the Authority will review all of the information submitted and determine if there is good cause to withdraw approval of the current administrator and approve a new administrator. For purposes of this rule "good cause" means the approved administrator is not complying with the rules of the Authority or the Commission with regard to CTS tracking or cannot for other legal reasons comply with such rules.¶¶

(i) If the Authority determines there is not good cause to withdraw approval of the approved grow site administrator the Authority shall notify the person who submitted the change request and the approved grow site administrator, in writing, of the Authority's decision and the reasons for the decision.¶¶

(ii) If the Authority determines there is good cause to withdraw approval of the currently approved grow site administrator the Authority shall notify the approved grow site administrator of the withdrawal in writing and the reasons for the withdrawal, and notify the Commission. The request for approval of a new grow site administrator shall be conducted in accordance with sections (5) and (6) of this rule.¶¶

(9) No PRMG at a grow site that is subject to OAR 333-008-0635 may transfer any seeds, immature medical plants or usable medical marijuana unless the grow site has an approved grow site administrator and an active CTS account.¶¶

(10) The CTS non-refundable user fee must be paid by the approved grow site administrator on an annual basis. A request to be designated the grow site administrator under section (8) of this rule must be accompanied by a CTS nonrefundable user fee if the request is made within 45 days of the due date for the annual CTS non-refundable user fee.

Statutory/Other Authority: ORS 475B.895, 475B.949

Statutes/Other Implemented: ORS 475B.895

AMEND: 333-008-0720

RULE SUMMARY: Adding language to clarify that it is a violation to transfer usable marijuana to an OLCC licensed processor site or licensed wholesaler without a valid assignment of rights from a patient, to produce marijuana at an invalid USPS address, and to produce marijuana if the PRMG or grow site do not meet the qualifications outlined in rule.

CHANGES TO RULE:

333-008-0720

OMMP Monitoring, Investigation, and Enforcement: Violations ¶¶

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

(1) For a PRMG:¶¶

(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 an OLCC licensed processor site or licensed wholesaler without a valid assignment of rights from a patient through a personal agreement under ORS 475B.822.¶¶

(c) To produce marijuana at an invalid USPS address.¶¶

(d) To produce marijuana if the PRMG or the grow site do not meet the qualifications for registration under ORS 475B.810 or 475B.813 or rule adopted thereunder.¶¶

(2) To fail to cooperate with the 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, 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.

Statutory/Other Authority: ORS 475B.525, ORS 475B.825

Statutes/Other Implemented: ORS 475B.525, ORS 475B.825

AMEND: 333-008-0730

RULE SUMMARY: Clarifying language to state that the Authority may suspend or revoke the registration of a patient or PRMG if they no longer meet the qualifications for registration outlined in rule and statute. Suspended or revoked registration cards must be returned to the Authority.

CHANGES TO RULE:

333-008-0730

OMMP Monitoring, Investigation, and Enforcement: Suspension and Revocation ¶

(1) Patient Suspension or Revocation.¶

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

(A) Provided false information; ~~or~~¶

(B) Violated a provision of ORS 475B.400785 to 475B.525949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules; ~~or~~¶

(C) No longer meets the qualifications for registration.¶

(b) If a patient's card is revoked, any designated primary caregiver issued under ORS 475B.415797(5)(b) or PRMG identification card or grow site registration card issued under ORS 475B.42810 shall also be revoked.¶

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

(2) Designated Primary Caregiver Suspension or Revocation.¶

(a) The Authority may suspend or revoke a caregiver's identification card issued under ORS 475B.415797(5)(b) if the Authority determines that the designated primary caregiver violated a provision of ORS 475B.400785 to 475B.525949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.¶

(b) An individual whose designated primary caregiver identification card has been revoked under this rule may not be designated as a primary caregiver under ORS 475B.418804 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 the Authority determines that a PRMG violated a provision of ORS 475B.400785 to 475B.525949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.500928, or the grow site or PRMG no longer meets the qualifications in ORS 475B.810 or 475B.813 or rules adopted thereunder¶

(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 location 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.

Statutory/Other Authority: ORS 475B.415797, 475B.42810, 475B.525949, 475B.580

Statutes/Other Implemented: ORS 475B.415797, 475B.42810, 475B.580

AMEND: 333-008-1070

RULE SUMMARY: Clarifying language for dispensaries around using CTS.

CHANGES TO RULE:

333-008-1070

#### Expiration and Renewal of Dispensary Registration ¶

- (1) A dispensary's registration expires one year following the date of application approval.¶
- (2) A dispensary registrant must submit not more than 90 but at least 30 calendar days before the registration expires:¶
  - (a) A renewal application on a form prescribed by the Authority;¶
  - (b) Renewal fee and CTS user fees; if due at time of renewal;¶
  - (c) For each individual named in the renewal application:¶
    - (A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;¶
    - (B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020;¶
    - (C) An Individual History Form and any information identified in the form that is required to be submitted; and¶
    - (d) Current proof of business registration with the Secretary of State, including all DBA (doing business as) registrations.¶
- (3) A dispensary registrant who files a completed renewal application, fees and all the information required in section (2) of this rule with the Authority prior to the expiration date of the registration may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.¶
- (4) A dispensary registrant that does not submit timely renewal application, fees, and all the information required under section (2) of this rule may be denied or subject to the imposition of civil penalties.¶
- (5) The Authority may notify a dispensary registrant who, prior to the registration's expiration, submits an incomplete application and may give the registrant 10 calendar days to submit the missing information. The Authority may deny the renewal application of a registrant who fails to comply with this section.¶
- (6) Renewals will be processed in accordance with OAR 333-008-1040 to 333-008-1060, as applicable.¶
- (7) A renewal applicant may be required to submit a Readiness Form, as described in OAR 333-008-1040 and may be subject to inspection prior to the Authority acting on a renewal application.¶
- (8) For purposes of this rule a renewal application is considered complete when the Authority receives the completed application form, fees and information required in section (2) of this rule.¶
- (9) The Authority may not renew the registration of a dispensary if the registrant ~~has not complied~~is not complying with the ~~election~~CTS tracking requirements in ~~Oregon Laws 2017, chapter 183, section 41(1) on or before January 1, 2018~~ AR 333-008-1252 and OAR chapter 845, division 25, applicable to dispensaries.

Statutory/Other Authority: ~~ORS 475B.450, 475B.525, OL 2017, Ch. 183, Sec. 41, 475B.895~~

Statutes/Other Implemented: ~~ORS 475B.450, OL 2017, Ch. 183, Sec. 41, 475B.895~~

AMEND: 333-008-1200

RULE SUMMARY: Changed rule reference for labeling rules to OAR chapter 845, division 25 and outlined labeling requirements that must be met by a dispensary.

CHANGES TO RULE:

333-008-1200

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

(1) Policies and Procedures. In order to obtain a registration and to retain registration a dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:¶¶

(a) Security;¶¶

(b) Transfers of marijuana items to and from the dispensary;¶¶

(c) Operation of a registered dispensary;¶¶

(d) Required record keeping;¶¶

(e) Testing requirements, including review of testing results prior to accepting transfers of marijuana items;¶¶

(f) Packaging and labeling requirements;¶¶

(g) Employee training;¶¶

(h) Compliance with these rules, including but not limited to violations and enforcement; and¶¶

(i) Roles and responsibilities for employees and PRDs in assisting the Authority during inspections or investigations.¶¶

(2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.¶¶

(3) Standardized Scales. In order to obtain a registration and to retain registration a dispensary registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a registered dispensary whenever marijuana items are:¶¶

(a) Transferred to or from the dispensary and the transfer is by weight;¶¶

(b) Packaged for transfer by weight; or¶¶

(c) Weighed for purposes of documenting information required in:¶¶

(A) OAR 333-008-1230, 333-008-1245, and 333-008-1247.¶¶

(B) OAR 333-008-1248, if the dispensary is still required to report to the Authority and is not yet subject to CTS tracking.¶¶

(C) CTS.¶¶

(4) Inventory Tracking and Point of Sale System: In order to obtain a registration and to retain registration a registered dispensary must have an installed and fully operational integrated inventory tracking and point of sale system that can and does, at a minimum:¶¶

(a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;¶¶

(b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;¶¶

(c) Capture all information electronically that is required to be documented in OAR 333-008-1230 and 333-008-1245;¶¶

(d) Generate inventory, transaction, and transfer reports viewable in excel format; and¶¶

(e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248, if the dispensary is still required to report to the Authority and not yet subject to CTS tracking.¶¶

(5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.¶¶

(6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account

for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.¶

(7) Testing. A dispensary registrant may not accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0500 or that has failed a test under OAR 333-007-0450.¶

(8) Packaging and Labeling. A dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the ~~labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.~~ Commission's labeling and packaging requirements in OAR chapter 845, division 25. A dispensary that packages or labels marijuana items must comply with the Commission's pre-approval process in OAR chapter 845, division 25 and keep all records related to the label pre-approval process for two years from the date of approval and provide those records at the request of the Authority.¶

(9) Oregon Department of Agriculture Licensure. A registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or a cannabinoid concentrate, extract or product intended for human consumption as that term is defined in OAR 333-007-0020, must be licensed by the Oregon Department of Agriculture under ORS 616.706.¶

(10) Industrial Hemp Products.¶

(a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.¶

(b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.¶

(11) Tobacco and Nicotine. A dispensary may not offer or sell tobacco or nicotine products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, cigarillos as that is defined in OAR 333-015-0030, liquid nicotine containers as that is defined in OAR 333-007-0305 or pre-filled nicotine inhalant delivery devices.¶

(12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.

Statutory/Other Authority: ORS 475B.450858, 475B.525949

Statutes/Other Implemented: ORS 475B.450858

AMEND: 333-008-1690

RULE SUMMARY: Clarifying language for processing sites around using CTS.

CHANGES TO RULE:

333-008-1690

Medical Marijuana Processors: Expiration and Renewal of Registration for Processing Site ¶

- (1) A processing site's registration expires one year following the date of application approval.¶
- (2) A processing site registrant must submit not more than 90 but at least 30 calendar days before the registration expires:¶
  - (a) A renewal application on a form prescribed by the Authority;¶
  - (b) Renewal fee and CTS user fees, ~~if due at time of renewal~~;¶
  - (c) For each individual named in the renewal application:¶
    - (A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;¶
    - (B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and¶
    - (C) An Individual History Form and any information identified in the form that is required to be submitted; and¶
    - (d) Current proof of business registration with the Secretary of State, including all DBA (doing business as) registrations.¶
- (3) A processing site registrant who files a completed renewal application, fees, and all the information required in section (2) of this rule with the Authority prior to the expiration date of the registration may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.¶
- (4) A processing site registrant that does not submit a timely application, fees and all the information required in section (2) of this rule may be denied or subject to the imposition of civil penalties.¶
- (5) The Authority may notify a processing site registrant who, prior to the registration's expiration, submits an incomplete application and may give the registrant 10 calendar days to submit the missing information. The Authority may deny the renewal application of a registrant who fails to comply with this section.¶
- (6) Renewals will be processed in accordance with OAR 333-008-1650 to 333-008-1670, as applicable.¶
- (7) A renewal applicant may be required to submit a Readiness Form, as described in OAR 333-008-1650(9) and may be subject to inspection prior to the Authority acting on a renewal application.¶
- (8) For purposes of this rule, a renewal application is considered complete when the Authority receives the completed application form, fees and information required in section (2) of this rule.¶
- (9) The Authority may not renew the registration of a processing site if the registrant ~~has not complied~~is not complying with the ~~election~~CTS tracking requirements in ~~Oregon Laws 2017, chapter 183, section 41(1) on or before January 1, 2018~~AR 333-008-1825 and OAR chapter 845, division 25, applicable to processing sites.

Statutory/Other Authority: ORS 475B.~~435~~840

Statutes/Other Implemented: ORS 475B.~~435~~840



AMEND: 333-008-1740

RULE SUMMARY: Changed rule reference for labeling rules to OAR chapter 845, division 25 and outlined labeling requirements that must be met by a processing site.

CHANGES TO RULE:

333-008-1740

Medical Marijuana Processors: Operation of Registered Processing Site ¶

- (1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:¶
- (a) Instructions for making each medical cannabinoid product, concentrate or extract.¶
  - (b) The ingredients and the amount of each ingredient for each process lot.¶
  - (c) The process for making each product.¶
  - (d) The number of servings in a process lot.¶
  - (e) The intended amount of THC per serving and in a unit of sale of the product.¶
  - (f) The process for ensuring that the amount of THC is consistently distributed throughout each process lot.¶
  - (g) If processing a cannabinoid concentrate or extract:¶
    - (A) Conducting necessary safety checks prior to commencing processing; and¶
    - (B) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract.¶
  - (h) Procedures for cleaning all equipment, counters and surfaces thoroughly.¶
  - (i) Proper handling and storage of any solvent, gas or other chemical used in processing or on the processing site premises in accordance with material safety data sheets and any other applicable laws.¶
  - (j) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations.¶
  - (k) Quality control procedures designed to, at a minimum, ensure that the amount of THC is consistently distributed throughout each process lot and that potential product contamination is minimized.¶
  - (l) Appropriate use of any necessary safety or sanitary equipment.¶
  - (m) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.¶
  - (n) Security.¶
  - (o) Transfers of marijuana items to and from the processing site.¶
  - (p) Testing.¶
  - (q) Packaging and labeling if the processor intends to or is packaging and labeling marijuana items after transfer to the processing site.¶
  - (r) Employee training.¶
  - (s) Compliance with these rules, including but not limited to violations and enforcement.¶
  - (t) Roles and responsibilities for employees and PRPs in assisting the Authority during inspections or investigations.¶
- (2) Prohibitions. A registered processing site may not process or transfer a marijuana item:¶
- (a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:¶
    - (A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or¶
    - (B) Products in the shape of an animal, vehicle, person or character.¶
  - (b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.¶
  - (c) That contains dimethyl sulfoxide (DMSO).¶
- (3) Employees. A registered processing site may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, processing site employees must be 21 years of age or older.¶
- (4) Standardized Scales. In order to obtain a registration and to retain registration a processing site registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a processing site whenever marijuana items are:¶

- (a) Transferred to or from the processing site and the transfer is by weight;¶
- (b) Packaged for transfer by weight; or¶
- (c) Weighed for purposes of documenting information required in:¶
  - (A) OAR 333-008-1760, 333-008-1770, and 333-008-1820.¶
  - (B) OAR 333-008-1830, if the processing site is still required to report to the Authority and is not yet subject to CTS tracking.¶
  - (C) CTS.¶
- (5) Inventory Tracking and Point of Sale System: A registered processing site must have an integrated inventory tracking and point of sale system that can and does, at a minimum:¶
  - (a) Produce bar codes or similar unique identification numbers for each lot of usable marijuana transferred to a registered processing site and for each lot of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary;¶
  - (b) Capture all information required to be documented in OAR 333-008-1760 and 333-008-1770;¶
  - (c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in PDF format; and¶
  - (d) Produce all the information required to be submitted to the Authority pursuant to OAR 333-008-1830, if the processing site is still required to report to the Authority and is not yet subject to CTS tracking.¶
- (6) Online Verification of Registration Status. A registered processing site must verify an individual's or processing site's registration status with the Authority when receiving a transfer of a marijuana item if the Authority has available an online system for such verification.¶
- (7) Transfers from and to patients or designated primary caregivers.¶
  - (a) A registered marijuana processing site may transfer a medical cannabinoid product, concentrate or extract to a patient, or a patient's designated primary caregiver if the patient or the patient's designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, concentrate or extract and the marijuana processing site receives no compensation for the transfer of the marijuana.¶
  - (b) A registered processing site must document each transfer of marijuana by a patient or the patient's designated primary caregiver to the processing site in accordance with OAR 333-008-1760 and 333-008-1770.¶
  - (c) A registered processing site must document each transfer of a cannabinoid product, concentrate or extract to a patient or the patient's designated primary caregiver in accordance with OAR 333-008-1760 and 333-008-1770.¶
  - (d) A registered processing site may be compensated by the patient or the patient's designated primary caregiver for all costs associated with the processing of marijuana for the patient.¶
- (8) Inventory On-Site. Marijuana items must be kept on-site at the registered processing site. The Authority may take enforcement action against a registered processing site if during an inspection a processing site cannot account for its inventory or if the amount of usable marijuana at the processing site is not within five percent of the documented inventory.¶
- (9) Testing. ~~On and after October 1, 2016, a~~ registered processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0490 and may not:¶
  - (a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.¶
  - (b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.¶
- (10) Packaging and Labeling. ~~On and after October 1, 2016, a~~ registered processing site must comply with the ~~labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000~~ Commission's labeling and packaging requirements in OAR chapter 845, division 25. A processing site:¶
  - (a) Must comply with the Commission's pre-approval process for packaging and labeling in OAR chapter 845.

division 25.

(b) Must keep all records related to the pre-approval process for two ~~845-025-7020~~ and ~~845-025-7060~~-years from the date of approval and provide those records at the request of the Authority.

(c) May not transfer a marijuana item unless the package and label have been pre-approved by the Commission or pre-approval is not required under the Commission's rules.

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

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

(13) For purposes of this rule:

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

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

Statutory/Other Authority: ORS 475B.~~435840~~, 475B.440849

Statutes/Other Implemented: ORS 475B.~~435840~~, 475B.440849

AMEND: 333-008-2180

RULE SUMMARY: Changed rule reference for labeling rules to OAR chapter 845, division 25.

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 or the Oregon Liquor Control 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 ~~475B.435840~~ to 475B.443852, 475B.450858 to 475B.453867, 475B.555, 475B.605, 475B.615, these rules, or OAR chapter 333, division 7;¶¶
  - (k) Alter or falsify a laboratory test report or result;¶¶
  - (l) Alter or falsify a receipt issued under OAR 333-008-0023 or 333-008-0040;¶¶
  - (m) Submit false or misleading information to the Commission for the purpose of pre-approval of packaging and labeling as required by OAR ~~333-007-0100~~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.¶¶
- (2) It is a violation of ORS ~~475B.450858~~ and these rules to operate a dispensary without being registered by the Authority.¶¶
- (3) It is a violation of ORS ~~475B.435840~~ and these rules to operate a processing site without being registered by the Authority unless an exemption applies.

Statutory/Other Authority: ORS ~~475B.435840~~, ~~475B.450858~~, ~~475B.525949~~

Statutes/Other Implemented: ORS ~~475B.435840~~, ~~475B.450858~~