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RULES:

333-008-0010, 333-008-0020, 333-008-0022, 333-008-0023, 333-008-0025, 333-008-0030, 333-008-0033, 333-008-0037, 333-008-0040, 333-008-0045, 333-008-0047, 333-008-0049, 333-008-0080, 333-008-0085, 333-008-0500, 333-008-0510, 333-008-0520, 333-008-0530, 333-008-0540, 333-008-0550, 333-008-0560, 333-008-0570, 333-008-0580, 333-008-0585, 333-008-0590, 333-008-0595, 333-008-0638, 333-008-0700, 333-008-0720, 333-008-0730, 333-008-1200, 333-008-1230, 333-008-1248, 333-008-1252, 333-008-1730, 333-008-1740, 333-008-1760, 333-008-1830, 333-008-1835, 333-008-2030

AMEND: 333-008-0010

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0010 – Amending definition of marijuana to match new statutory definition per HB 2098 (OL 2019, Ch. 391) passed in the 2019 legislative session. Also, amending definition of grow site and adding a definition of grow site address to clarify language around registering a grow site.

CHANGES TO RULE:

333-008-0010

Definitions ¶¶

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

(1) "Advertising" means publicizing the trade name of a PRMG, registered processing site or dispensary together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a medical cannabinoid product, concentrate or extract in any medium. ¶¶

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

(a) An individual applying for a registry identification card under ORS 475B.797. ¶¶

(b) An individual applying for a grow site registration under ORS 475B.810. ¶¶

(c) A person applying for a marijuana processing site registration under ORS 475B.840. ¶¶

- (d) A person applying for a medical marijuana dispensary registration under ORS 475B.858.
- (3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.
- (4) "Attending physician statement" or "APS" means the form, prescribed by the Authority and signed by an attending physician, that states the individual has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.
- (5) "Authority" means the Oregon Health Authority.
- (6) "Business day" means Monday through Friday excluding legal holidays.
- (7) "CBD" means cannabidiol.
- (8) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
- (9) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:
- (a) A mechanical extraction process;
 - (b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
 - (c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
 - (d) Any other process authorized in these rules.
- (10) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.
- (11) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:
- (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; or
 - (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure.
- (12) "Cannabis Tracking System" or "CTS" means the Oregon Liquor Control Commission's system for tracking the transfer of marijuana items and other information as authorized by ORS 475B.177.
- (13) "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.
- (14) "Commission" means the Oregon Liquor Control Commission.
- (15) "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.
- (16) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- (17) "Database" means the electronic system established pursuant to ORS 475B.879, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.
- (18) "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.¶
- (19) "Delivery" has the meaning given that term in ORS 475B.791.¶
- (20)(a) "Designated primary caregiver" means an individual who:¶
 - (A) Is 18 years of age or older;¶
 - (B) Has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and¶
 - (C) Is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.¶
- (b) "Designated primary caregiver" does not include a person's attending physician.¶
- (21) "Direct interest" means an interest that is held in the name of the individual.¶
- (22) "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.¶
- (23) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.¶
- (24) "Employee":¶
 - (a) Means any individual, including an alien, employed for remuneration or under a contract of hire, written or oral, express or implied, by an employer.¶
 - (b) Does not mean an individual who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as adequate consideration for the services performed for a religious or charitable institution or a governmental entity.¶
- (25) "Flowering" means that a marijuana plant has formed a mass of pistils measuring greater than two centimeters wide at its widest point.¶
- (26) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.¶
- (27) "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.¶
- (28) "Grow site" means a ~~location~~grow site area registered under ORS 475B.810 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 ~~or dispensary.~~¶
- ~~(29, registered dispensary, or Commission licensees as permitted by OAR chapter 825, division 25.¶~~
- (29) "Grow site address" is the identifier of the grow site.¶
- (30) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.¶
- (301) "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.¶
- (312) "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.¶
- (323) "Immature marijuana plant" means a marijuana plant that is not flowering.¶

(334) "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.-¶

(345) "Individual who has a financial interest" in a business entity that owns a processing site or dispensary means:¶

(a) If the business entity is a corporation:-¶

(A) Stockholders: Any individual who owns, directly or indirectly, 10 percent or more of the outstanding stock of such corporation.-¶

(B) Directors: Any director of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.-¶

(C) Officers: Any officer of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.-¶

(b) If the business entity is a trust:-¶

(A) Trustees: Any individual who is a trustee of the trust and who receives compensation for acting in that capacity and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a trustee of the trust and that receives compensation for acting in that capacity.-¶

(B) Beneficiaries: Any individual who is entitled to receive, directly or indirectly, income or benefit from the trust.-¶

¶

(c) If the business entity is a partnership:-¶

(A) General Partners: Any individual who is a general partner of the partnership and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a general partner of the partnership and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the partnership.-¶

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

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

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

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

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

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

(g) Landlord: Any individual who is a landlord of a processing site or dispensary and who is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as a part of lease payments or

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

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

(356) "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.

(367) "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.

(378)(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 571.300; 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 State Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.

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

(3940) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475B.840 or a site for which an applicant has submitted an application for registration under ORS 475B.840.

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

(412)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

(b) "Medical cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate by itself;

(C) A cannabinoid extract by itself; or

(D) Industrial hemp, as defined in ORS 571.300.

(423) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.858 or a site for which an applicant has submitted an application for registration under ORS 475B.858.

(434) "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.

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

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

(467) "OMMP" means the section within the Authority that administers the provisions of ORS 475B.785 to

475B.949, the applicable provisions of 475B.550 to 475B.590, 475B.600 to 475B.655, and the rules in OAR chapter 333, divisions 7 and 8.

(47)

(48) "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.

(49) "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.

(4850) "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.

(4951) "Patient" has the same meaning as "registry identification cardholder."

(502) "Person designated to produce marijuana by a registry identification cardholder" or "person designated to produce marijuana by a patient" mean a person designated to produce marijuana by a patient under ORS 475B.810 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.

(513) "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.

(524) "Personal agreement" means a document, as described in ORS 475B.822 signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.

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

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

(557) "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.

(568) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:

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

(b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or

(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS chapter 678; and

(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.

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

(5860) "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.¶

(5961) "Production" or "growing" means:¶

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

(b) Drying marijuana leaves or flowers.¶

(602) "Registry identification card" means a document issued by the Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated primary caregiver.¶

(613) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475B.797(5)(a) and has the same meaning as patient.¶

(624) "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.¶

(635) "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.¶

(646) "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.¶

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

(668) "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.¶

(679) "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.¶

(6870) "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.¶

(6971) "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.¶

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

(713) "THC" means tetrahydrocannabinol.¶

(724)(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.-¶¶

(735) "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.-¶¶

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

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

Statutory/Other Authority: ORS 475B.949

Statutes/Other Implemented: ORS 475B.785 - 475B.949

AMEND: 333-008-0020

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0020 – Adding new language regarding how to register an organization as an additional caregiver. Clarifying language for registering a grow site and that applications may be submitted online. Adding language about providing informed signed consent from the property owner per HB 3200 (OL 2019, Ch. 145) passed in the 2019 legislative session.

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. ¶¶

(3) The applicant may also designate an organization that provides hospice, pallor facility caregiver in addition to a designated primary caregiver. To designate an organization or facility caregiver the applicant must submit a completed applicative or home health care services, or a residential facility as defined in ORS 443.400, under ORS 475B.807, as an additional caregiver 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.¶¶

~~(34)~~ If an applicant intends to produce marijuana for themself or designate another person to produce marijuana for ~~him or them~~, 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) 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 location 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) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.~~

~~(d) 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) For applications received on and after January 1, 2020, if the applicant or PRMG is not the 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 or growers named on 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.~~

~~(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) must be, by check and mailed or paid online as outlined in OAR 333-008-0021(7).~~

~~(45) Applications must be mailed to the address listed in section (56) 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 or submitted electronically through the Authority's electronic application system available at <https://ommpsystem.oregon.gov/> along with accompanying documentation.~~

~~(56) 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.~~

~~(67) 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.797, 475B.807, 475B.949, OL 2019, Ch. 145

Statutes/Other Implemented: ORS 475B.797

AMEND: 333-008-0022

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0022 – Clarifying language around a patient submitting proof of residency with their application.

CHANGES TO RULE:

333-008-0022

Proof of Residency ¶¶

(1) In order to be approved for a registry identification card, an applicant must be a resident of Oregon. ¶¶

(2) If an applicant for a registry identification card does not have a valid Oregon driver license or Oregon identification card, the applicant must ~~submit documentation that shows~~ demonstrate that they applicant is a resident of Oregon; by submitting sufficient documentation such as but not limited to a current lease agreement or current utility bill that has the applicant's name and address. ¶¶

(23) Residency must be maintained by patients while registered with the Authority.

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

Statutes/Other Implemented: ORS 475B.415797

AMEND: 333-008-0023

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0023 – Clarifying that a 30-day receipt provided to a patient, upon submitting a complete application, applies to only the patient.

CHANGES TO RULE:

333-008-0023

Patient Application Review Process ¶¶

- (1) The Authority must review a patient application to determine if it is complete.¶
 - (2) If an applicant does not provide all the information required in OAR 333-008-0020(1) or pay the applicable fee the Authority will reject the application as incomplete.¶
 - (3) If an applicant does not provide all the information required in OAR 333-008-0020(2) and (3), the Authority must notify the applicant of the information that is missing and allow the applicant 14 calendar days to submit the missing information.¶
 - (4) The Authority may verify the information on each application, verify any accompanying documentation submitted with an application, or request additional information from the applicant or other individuals named on the application.¶
 - (5) If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010 the applicant will be allowed 30 days to submit a new APS or written documentation from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475B.415797(8) and OAR 333-008-0035.¶
 - (6) If an applicant fails to submit information necessary for the Authority to verify information on the application, fails to submit information necessary to verify any accompanying documentation submitted with an application, or fails to cooperate with the Authority in obtaining information related to the application review process, such as but not limited to refusing to sign an ~~authorization for disclosure of medical records~~ disclosure authorization within timeframes established by the Authority, the Authority will reject the application as incomplete.¶
 - (7) An applicant whose application is rejected as incomplete may reapply at any time. If the individual reapplies within a year the application fee may be applied toward a new application.¶
 - (8) Upon receipt of a complete application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant. A receipt is only valid for the individual that submitted the application and not a proposed designated primary caregiver, proposed organization or facility caregiver, or proposed PRMG. ¶
 - (9) The Authority shall approve or deny an application within 30 days after receiving a complete application.
- Statutory/Other Authority: ORS 475B.415797, 475B.525949
Statutes/Other Implemented: ORS 475B.415797

AMEND: 333-008-0025

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0025 – Outlining how a Person Responsible for a Grow Site (PRMG) or a grow site can be ineligible to be designated. Stating that OMMP may verify the owner of the grow site location signed the informed consent form submitted during an application. Eliminating dates in rule that have passed.

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) An applicant is ineligible to be designated as a PRMG if the individual fails to satisfy all of the requirements in section (1) of this rule. ¶

(3) Prior to approval, an applicant must establish with the Authority the entirety of the physical location that corresponds to the grow site address. ¶

(a) A physical location may not be artificially subdivided into separate grow sites with different grow site addresses. ¶

(b) An applicant may submit documentation from the local government to demonstrate that a location is lawfully recognized as a separate occupancy.¶

(4) The Authority may not designate a grow site if the applicant fails to provide sufficient evidence to establish the entirety of the physical location that corresponds to the grow site address.¶

(5) The Authority may reevaluate the entirety of the physical location that corresponds to the grow site address of a registered grow site at any time.¶

(6) A physical location may correspond to only one grow site address. ¶

(7) 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.¶

(38) For applications received on and after January 1, 2020, the Authority may verify that the owner of the grow site location signed the form consenting to the grow site registration submitted pursuant to OAR 333-008-0020(4)(e). ¶

(9) Unless the Authority has received a request for a grandfathered grow site address under OAR 333-008-0500, and except as provided in section (410) of this rule the grow site plant limits are as follows:¶

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

(A) Twelve mature marijuana plants;¶

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

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

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

(A) Forty-eight mature marijuana plants;¶

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

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

(410) 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.301.¶

(511) The Authority must notify a patient if a PRMG or a grow site ~~address is ineligible~~ fails to satisfy any of the requirements 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. If the patient does not identify another PRMG or grow site eligible for registration under these rules the Authority will issue the patient's card without a designated PRMG or grow site.¶

(12) The Authority shall consider the PRMG and grow site registration portion of the application to be incomplete if:¶

(a) The grow site registration fee is not paid at the time of application or within 14 calendar days of the Authority notifying the PRMG that payment is due.¶

(b) An informed consent form is not submitted at the time of application if required by OAR 333-008-0047 20(4)(e).

Statutory/Other Authority: ORS 475B.810, 475B.949, OL 2019, Ch. 145

Statutes/Other Implemented: ORS 475B.810

AMEND: 333-008-0030

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0030 – Clarifying that a primary caregiver, additional caregiver, and grower are not considered legally protected or registered until a card has been issued to them by the program.

CHANGES TO RULE:

333-008-0030

Approval of New and Renewal Patient Applications ¶

(1) If the Authority approves a patient application, the Authority shall issue a serially numbered registry identification card to the patient within five business days.¶

(2) The registry identification card must include, but is not limited to:¶

(a) The patient's name, address, and date of birth;¶

(b) The effective date, date of issuance, and expiration date of the registry identification card; and¶

(c) The designated primary caregiver's name, address, and date of birth, if applicable.¶

(3) If a patient has specified a designated primary caregiver the Authority shall issue an OMMP identification card for the designated primary caregiver.¶

(4) If a patient has specified an organization or facility caregiver the Authority shall issue an OMMP identification card for the organization or facility caregiver.¶

(5) An individual designated by a patient as a designated primary caregiver or an organization or facility caregiver designated under OAR 333-008-0020(3) may not exercise any duty, function or power under ORS 475B.785 to 475B.949 until the Authority has issued the individual, organization or facility an OMMP identification card under section (3) of this rule.

Statutory/Other Authority: ORS 475B.415, 797, ORS 475B.949, ORS 475B.525-807

Statutes/Other Implemented: ORS 475B.415-797

AMEND: 333-008-0033

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0033 – Clarifying language around approving a PRMG for a new or renewal registration when named in a patient application.

CHANGES TO RULE:

333-008-0033

Approval of New or Renewal 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 has registered the grow site and issued a grow site registration card and a PRMG identification card. ¶

(2) The Authority must register a PRMG and a grow site address-listed on an application, except as provided in section (78) 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~~785~~ to 475B.525~~949~~, ORS 475B.580, ORS 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500~~928~~; and¶

(D) Pays the applicable fee.¶

(b) The grow site address does not exceed the plant limits in ORS 475B.428(3) or (4) 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.¶

(23) 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.¶

(34) 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.¶

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

(56) The Authority shall also notify a patient if the PRMG and grow site address have been approved.¶

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

(78) If a grow site that has failed to begin tracking in CTS on or before July 1, 2018, as provided in ORS 475B.895 the Authority may not renew the registration of the grow site and these rules may be denied renewal.

Statutory/Other Authority: ORS 475B.810, 475B.949, 475B.895, OL 2019, Ch. 145

Statutes/Other Implemented: ORS 475B.810, 475B.895

AMEND: 333-008-0037

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0037 – Amending rule to include organizational or facility caregiver. Removing language regarding denying a grower if the fee is not paid timely. This is captured in OAR 333-008-0025.

CHANGES TO RULE:

333-008-0037

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

(1) The Authority may deny a designation of a primary caregiver made under ORS 475B.418804 or an organization or facility caregiver made under ORS 475B.807 if the Authority determines that the designee or the patient violated a provision of ORS 475B.400785 to 475B.525949, ORS 475B.580, 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500928.¶

(2) A person whose designation has been denied may not be designated as a ~~primary~~ caregiver under ORS 475B.418804 or 475B.807 for six months from the date of the denial unless otherwise authorized by the Authority.¶

(3) The Authority may deny a designation of a PRMG if the Authority determines that the applicant or the PRMG violated a provision of ORS 475B.400785 to 475B.525949, 475B.580, 475B.650, OAR chapter 333, division 7, these rules, or an ordinance adopted pursuant to ORS 475B.500.¶

~~(4) The Authority may deny the registration of a PRMG and grow site address if the grow site registration fee has not been paid~~928.

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

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

AMEND: 333-008-0040

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0040 – Clarifying that a renewal application may be submitted online. Removing language regarding extending a registration past the expiration date for a patient. Clarifying that a renewal registration is considered protected if an application and fees are received by OMMP before the registration expires.

CHANGES TO RULE:

333-008-0040

Annual Renewal ¶¶

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

Statutory/Other Authority: ORS 475B.415797, 475B.418804, 475B.42810, 475B.525949

Statutes/Other Implemented: ORS 475B.415797, 475B.418804, 475B.42810

RULE SUMMARY: Amend OAR 333-008-0045 – Adopting language regarding notification of changes for additional caregivers and change of ownership at a medical marijuana grow site.

CHANGES TO RULE:

333-008-0045

Notification of Changes ¶

(1) Patient notification responsibilities.¶

(a) A patient must notify the Authority within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending physician, designated primary caregiver, organization or facility caregiver, PRMG, grow site address or residency, on a form prescribed by the Authority.¶

(b) If the patient is designating a caregiver for the first time or designating a different caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.¶

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

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

~~(3) 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) For applications received on or after January 1, 2020, 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.¶~~

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

~~(3) Organization or facility caregiver notification responsibilities. An organization or facility caregiver must notify the Authority within 10 calendars days of any change to information required on the application in OAR 333-008-0020(3).¶~~

~~(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.¶~~

~~(4c) For applications received on or after January 1, 2020, 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) If the Authority is notified by the patient that the patient has terminated the designation of a primary caregiver or a PRMG the Authority must notify the individuals confirming the termination, informing the individual that his or her card is no longer valid, and requesting that the card be returned to the Authority within seven calendar days. In addition, the Authority must notify the PRMG whether the termination affects the person's ability to produce marijuana for other patients at the grow site address, in accordance with ORS 475B.428831(6).¶~~

~~(56) Change in Medical Condition.¶~~

~~(a) If an attending physician notifies the Authority that a patient no longer has a debilitating medical condition or~~

that that the medical use of marijuana is contraindicated for the patient's debilitating medical condition, the Authority must notify the patient that the patient's registry identification card will be invalid 30 days from the date of the notification unless the patient submits within 30 calendar days an APS or written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending physician within the previous 90 days, which states the individual has been diagnosed with a debilitating medical condition and that the use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.¶¶

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

(67) 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 333-0020(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 (5) ¶ of this rule within the timeframes established by the Authority, the Authority must notify:¶¶

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

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

(79) 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.¶¶

(810) 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 475B.415797, 475B.418804, 475B.42810, 475B.52949, OL 2019, Ch. 145

Statutes/Other Implemented: ORS 475B.415797, 475B.418804, 475B.42810

AMEND: 333-008-0047

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0047 – Updating rule reference to match updates to the rules.

CHANGES TO RULE:

333-008-0047

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

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

(a) Submit a PRMG and grow site registration change application, on a form prescribed by the Authority, that includes all the information and documentation specified in the form and required under OAR 333-008-0020(~~34~~); and¶¶

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

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

Statutory/Other Authority: ORS 475B.~~415797~~, 475B.~~418804~~, 475B.~~42810~~, 475B.~~525949~~

Statutes/Other Implemented: ORS 475B.415797, 475B.418804, 475B.42810

AMEND: 333-008-0049

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0049 – Adding additional caregiver to rule.

CHANGES TO RULE:

333-008-0049

Timely Submission to the Oregon Health Authority ¶

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

Statutory/Other Authority: ORS 475B.~~525~~949

Statutes/Other Implemented: ORS 475B.~~525~~949

AMEND: 333-008-0080

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0080 – Adding additional caregiver to rule.

CHANGES TO RULE:

333-008-0080

Permissible Amounts of Medical Marijuana for Patients and Caregivers ¶¶

(1) A patient ~~or~~, the patient's designated primary caregiver or organization or facility caregiver may jointly possess up to six mature marijuana plants, 12 immature marijuana plants, and 24 ounces of usable marijuana. ¶¶

(2) A patient or the patient's designated primary caregiver or organization or facility caregiver may only possess cannabinoid products, concentrates or extracts in the amounts described in ORS 475B.245-~~301~~. ¶¶

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

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

Statutory/Other Authority: ORS 475B.430~~834~~

Statutes/Other Implemented: ORS 475B.430~~834~~

AMEND: 333-008-0085

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0085 – Adding additional caregiver to rule.

CHANGES TO RULE:

333-008-0085

Designated Primary Caregivers and Organization or Facility Caregivers

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

(a) The production of marijuana at the address provided by the ~~registry identification cardholder~~patient to the Oregon Health Authority pursuant to ORS 475B.~~415~~797(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 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 475B.~~435~~840.¶

(b) Transfer cannabinoid concentrates or cannabinoid products to a dispensary or a medical marijuana processor, except as permitted under ~~Oregon Laws 2016, chapter 23, section 18~~RS 475B.852.¶

(4) Unless otherwise specified in ORS 475B.785 to 475B.949 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 475B.785 to 475B.949; and¶

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

Statutory/Other Authority: ORS 475B.~~525~~949

Statutes/Other Implemented: ~~OL 2017, Ch. 613, Sec. 10, OL 2016, Ch. 23, Sec. 18~~RS 475B.801, ORS 475B.852

AMEND: 333-008-0500

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0500 – Removing the word “address” when followed by “grow site” to match the updated definition of “grow site”.

CHANGES TO RULE:

333-008-0500

Request for Grandfathered Grow Site ¶¶

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

Statutory/Other Authority: ORS 475B.525949

Statutes/Other Implemented: ORS 475B.428831

AMEND: 333-008-0510

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0510 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site".

CHANGES TO RULE:

333-008-0510

Review of Petition For Grandfathered Grow Site ¶¶

(1) Once the Authority has determined that a petition is complete it must:¶¶

(a) Conduct a criminal background check on all PRMGs listed on the application;¶¶

(b) Verify that:¶¶

(A) Each person listed on the application is 21 years of age or older;¶¶

(B) Each person has a current valid registration card and is currently registered at the grow site ~~address~~;¶¶

(C) All the patients listed on the application have valid cards; and¶¶

(D) All persons were registered with the Authority on December 31, 2014, at the grow site ~~address~~ listed on the application and have been continuously registered at the grow site since the petition was submitted; and¶¶

(c) Verify the number of patients each PRMG was producing marijuana for, at that ~~address~~ grow site on December 31, 2014.¶¶

(2) If a PRMG listed on a petition does not meet the age requirements or is disqualified to be a PRMG based on criminal convictions, the Authority must notify:¶¶

(a) The PRMG that his or her designation is revoked; and¶¶

(b) The patient that the patient's PRMG is ineligible and that the patient may submit a change form, in accordance with OAR 333-008-0047 designating a new PRMG and grow site ~~address~~.

Statutory/Other Authority: ORS 475B.525949

Statutes/Other Implemented: ORS 475B.428831

AMEND: 333-008-0520

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0520 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site". Eliminating dates in rule that have passed.

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

(i) Twenty-four mature marijuana plants;¶

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

(iii) ~~Effective October 1, 2018, 144~~ One hundred and forty-four immature marijuana plants that are less than 24 inches in height. ¶

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

(i) Ninety-six mature marijuana plants;¶

(ii) One hundred and ninety-two immature marijuana plants that are 24 inches or more in height; and ¶

(iii) ~~Effective October 1, 2018, 576~~ Five hundred and seventy-six 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. 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, s~~ 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) 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.831, ORS 475B.949

Statutes/Other Implemented: ORS 475B.831

AMEND: 333-008-0530

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0530 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site". Eliminating dates in rule that have passed.

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.831(3)(b) or 475B.831(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) For a grow site location within city limits and zoned residential: ¶

(A) Twelve mature marijuana plants;¶

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

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

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

(A) Forty-eight mature marijuana plants;¶

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

(C) ~~Effective October 1, 2018, 288~~ Two hundred and eighty-eight immature marijuana plants that are less than 24 inches in height.

Statutory/Other Authority: ORS 475B.949

Statutes/Other Implemented: ORS 475B.831

AMEND: 333-008-0540

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0540 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site". Eliminating dates in rule that have passed.

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.831(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~~grow site or any other grow site ~~address~~ that has:¶

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

(A) Twelve mature marijuana plants;¶

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

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

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

(A) Forty-eight mature marijuana plants;¶

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

(C) ~~Effective October 1, 2018, 288~~Two hundred and eighty-eight 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:¶

(a) Forty-eight mature marijuana plants;¶

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

(c) ~~Effective October 1, 2018, 288~~Two hundred and eighty-eight 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~~ed~~ within city limits that is zoned residential:¶

(A) Twelve mature marijuana plants;¶

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

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

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

(A) Forty-eight mature marijuana plants;¶

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

(C) ~~Effective October 1, 2018, 288~~Two hundred and eighty-eight immature marijuana plants that are less than 24 inches in height.

Statutory/Other Authority: ORS 475B.949

Statutes/Other Implemented: ORS 475B.831

RULE SUMMARY: Amend OAR 333-008-0550 – Clarifying language around transfer requirements and personal agreements for a Person Responsible for a Marijuana Grow Site (PRMG). Eliminating dates in rule that have passed.

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 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~~ or the patient's designated primary caregiver upon the patient's 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.822 and OAR 333-008-0585.¶
- (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.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~~ submits a request to the Authority to change their PRMG or grow site resulting in the removal of the PRMG as a registered PRMG for that patient that PRMG may not be designated to produce marijuana by another patient unless the grow site ~~address~~ is authorized to have no more than:¶
 - (a) Forty-eight mature marijuana plants;¶
 - (b) Ninety-six immature marijuana plants that are 24 inches or more in height; and¶
 - (c) ~~Effective October 1, 2018, 288~~ Two hundred and eighty-eight 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 (132) of this rule has occurred, it may provide information obtained by the Authority to the Oregon Department of Agriculture in accordance with ORS 475B.882(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~~ personal agreement from their patient in accordance with OAR 333-008-0585 before transferring usable marijuana, seeds, or immature marijuana plants to a registered dispensary, processing site, or ~~an OLCC Commission~~ 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~~ Commission licensed producer, processor or wholesaler in accordance with OAR chapter 845, division 25 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. ¶
 - (e) A PRMG may only possess and transfer usable marijuana, seeds or immature plants transferred from a patient in accordance with ORS 475B.785 to 475B.949.¶
 - (f) A PRMG may only transfer in accordance with OAR 333-008-0590. ¶
- (19) Failure to comply with the return, transfer, or documentation requirements in this rule is a violation and may result in further enforcement action or the denial of future applications or designations.

Statutory/Other Authority: ORS 475B.810 - 475B.831, 475B.949

Statutes/Other Implemented: ORS 475B.810 - 475B.831

AMEND: 333-008-0560

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0560 – Eliminating dates that have passed in rule.

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;¶¶

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

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

(2) Unless a petition has been granted under OAR 333-008-0520 a grow site address may not have more than:¶¶

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

(A) Twelve mature marijuana plants;¶¶

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

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

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

(A) Forty-eight mature marijuana plants;¶¶

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

(C) ~~Effective October 1, 2018, 288~~ Two hundred and eighty-eight immature marijuana plants that are less than 24 inches in height.

Statutory/Other Authority: ORS 475B.831, 475B.949

Statutes/Other Implemented: ORS 475B.831

AMEND: 333-008-0570

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0570 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site".

CHANGES TO RULE:

333-008-0570

Designation of Plants at Grow Site Address ¶¶

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

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

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

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

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

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

(3) If during an investigation the Authority determines that a PRMG is producing marijuana plants in excess of the number of plants allowed in ORS 475B.428831 the Authority may suspend or revoke the registration of the PRMG for each patient who has designated the PRMG.¶¶

(4) Each PRMG registered at a grow site is jointly and severally responsible for ensuring compliance with ORS 475B.428831.

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

Statutes/Other Implemented: ORS 475B.428831

AMEND: 333-008-0580

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0580 - Removing the word "address" when followed by "grow site" to match the updated definition of "grow site". Also clarifying marijuana produced at a registered grow site may only be stored there unless it is being transferred as outlined in rule.

CHANGES TO RULE:

333-008-0580

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

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

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

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

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

(3) Unless a PRMG falls within the definition of a person designated to produce marijuana by a patient the PRMG may only possess the amount of usable marijuana that is permitted under ORS 475B.245301.¶¶

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

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

(6) Once harvested, all marijuana and usable marijuana produced by a PRMG may only be stored at the registered grow site unless it is in the process of being transferred to:¶¶

(a) The PRMG's patient, the patient's designated primary caregiver, or organization or facility caregiver;¶¶

(b) A registered processing site or dispensary; ¶¶

(c) A laboratory licensed and accredited in accordance with ORS 475B.550 to 475B.590; or ¶¶

(d) A Commission licensee if such a transfer is permitted under OAR chapter 845, division 25 and these rules.

Statutory/Other Authority: ORS 475B.525949

Statutes/Other Implemented: ORS 475B.430834

ADOPT: 333-008-0585

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Adopt OAR 333-008-0585 – Adoption of new rule language regarding a personal agreement which outlines who a personal agreement may be between, what information it must contain and other general conditions that personal agreements are subject to.

CHANGES TO RULE:

333-008-0585

Personal Agreement

(1) Notwithstanding ORS 475B.810(7), a PRMG may enter into a personal agreement with a patient under which the patient assigns to the PRMG a portion of the right to possess the seeds, immature marijuana plants and usable marijuana that are the property of the patient.¶

(2) A personal agreement described in section (1) of this rule may only be between a patient and the PRMG designated to produce marijuana on their behalf.¶

(3) A personal agreement described in section (1) must be agreed to in writing by both the patient and the PRMG using either:¶

(a) The personal agreement form provided by the Authority at www.healthoregon.org/ommp; or ¶

(b) Another document that includes the same information included in the form described in subsection (a) of this section including but not limited to:¶

(A) Patient name, phone number, registry identification card number and the card's expiration date;¶

(B) PRMG name, phone number, OMMP identification card number, the card's expiration date, and grow site address; ¶

(C) The amount or quantity with the unit of measure of the marijuana items assigned to the PRMG. Marijuana items must be specified as usable marijuana, seeds, immature plants 24 inches or more in height, and immature plants under 24 inches in height;¶

(D) A statement that the patient understands that the marijuana items will no longer be the patient's property; ¶

(E) The date the agreement expires that is on or before the expiration of the patient's registry identification card; ¶

(F) Patient's and PRMG's signature; and¶

(G) Whether and under what terms the agreement may be revoked. ¶

(4) A personal agreement is not transferable. ¶

(5) A personal agreement does not continue upon renewal of a patient's registry identification card. A patient may enter into a new personal agreement upon renewing their OMMP registration.¶

(6) Marijuana in the PRMG's possession pursuant to a personal agreement is subject to all of the restrictions and requirements of ORS chapter 475B and these rules, including but not limited to the following: ¶

(a) Marijuana may only be stored at the grow site where the PRMG is designated to produce marijuana for the patient;¶

(b) A PRMG may only make transfers of marijuana in accordance with OAR 333-008-0590.¶

(7) The patient and PRMG must both retain a copy of the personal agreement. ¶

(a) The PRMG must maintain a copy of the personal agreement at the grow site. ¶

(b) The patient and the PRMG must make the personal agreement available to the Authority or Commission upon request. ¶

(c) The patient and the PRMG must keep the personal agreement on file for at least three years.

Statutory/Other Authority: ORS 475B.949, ORS 475B.822, ORS 475B.831, ORS 475B.834

Statutes/Other Implemented: ORS 475B.822, ORS 475B.831, ORS 475B.834

ADOPT: 333-008-0590

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Adopt OAR 333-008-0590 – Adoption of new rule language regarding permissible transfers of marijuana that may be performed by patient, caregivers and growers.

CHANGES TO RULE:

333-008-0590

Permissible Transfers of Marijuana

(1) Registrants may only transfer marijuana:¶

(a) As permitted under this rule or in ORS 475B.785 to 475B.949. ¶

(b) That was produced or processed for a patient as permitted under these rules.¶

(2) A patient may transfer for no financial consideration:¶

(a) Usable marijuana to a registered medical processor for processing into a cannabinoid product, cannabinoid concentrate or cannabinoid extract that will be returned to the patient, the patient's designated primary caregiver, or organization or facility caregiver; or¶

(b) Usable marijuana, marijuana seeds, or immature plants to another registered patient.¶

(3) A designated primary caregiver or organization or facility caregiver may transfer:¶

(a) Mature plants or marijuana items to their designated patient for no consideration:¶

(b) As permitted by a valid authorization from their patient, usable marijuana for no consideration to a registered processing site for processing into a cannabinoid product, cannabinoid concentrate or cannabinoid extract that will be returned to the patient or designated primary caregiver; ¶

(c) As permitted by a valid authorization from their patient, usable marijuana, marijuana seeds, or immature plants to a registered medical dispensary; or ¶

(d) As permitted by a valid authorization from their patient, usable marijuana to a registered processing site for processing into a cannabinoid product, cannabinoid concentrate or cannabinoid extract that will not be returned to the patient or designated primary caregiver. ¶

(4) A PRMG may transfer:¶

(a) Usable marijuana, marijuana seeds, immature plants, or mature plants to their designated patient or the patient's caregiver:¶

(b) As permitted by a valid personal agreement under OAR 333-008-0585, or as authorized by the patient, usable marijuana to a registered processing site; or¶

(c) As permitted by a valid personal agreement under OAR 333-008-0585, or as authorized by the patient, usable marijuana, marijuana seeds, or immature plants to a registered medical dispensary. ¶

(d) As permitted by a valid personal agreement under OAR 333-008-0585, usable marijuana to a Commission licensed wholesaler or processor in accordance with ORS 475B.825 and OAR chapter 845, division 25. ¶

(5) Any transfers under this rule are subject to the possession limits in ORS 475B.301, ORS 475B.834, OAR 333-008-0080, 333-008-0560 and 333-008-0580 including during transportation.¶

(6) All transfers under this rule must be reported pursuant to OAR 333-008-0630 or tracked pursuant to OAR 333-008-0635 as applicable to the PRMG.¶

(7) Failure to comply with this rule is a violation and may result in enforcement action including denial of future applications or designations.

Statutory/Other Authority: ORS 475B.949, ORS 475B.301, ORS 475B.834, ORS 475B.810

Statutes/Other Implemented: ORS 475B.301, ORS 475B.834, ORS 475B.810

ADOPT: 333-008-0595

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Adopt OAR 333-008-0595 – Adoption of new rule language regarding transfers that may occur from an OLCC licensee to an OMMP registrant.

CHANGES TO RULE:

333-008-0595

Transfers from Commission Licensees

(1) PRMGs, patients, and designated primary caregivers may receive immature marijuana plants from a Commission licensed marijuana producer registered under ORS 475B.136 in accordance with OAR chapter 845, division 25.

(2) Any transfer under this rule is subject to:

(a) Grow site plant limitations under OAR 333-008-0025, 333-008-0520 to 333-008-0560; and

(b) Possession limits under OAR 333-008-0080.

Statutory/Other Authority: OL 2018, Ch. 103, ORS 475B.949

Statutes/Other Implemented: OL 2018, Ch. 103

AMEND: 333-008-0638

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0638 - Removing the word "location" when followed by "grow site" to match the updated definition of "grow site". Removing dates that have passed in rule.

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~~ 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 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 within the previous three years; 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 for that grow site, 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.¶

(c) The Authority may, but is not required, to accept a grow site administrator's notice of resignation. The resignation is not effective until the authority informs the grow site administrator, in writing, that the resignation has been accepted. ¶

(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, ~~ORS 475B.949~~

Statutes/Other Implemented: ORS 475B.895

AMEND: 333-008-0700

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0700 – Adopting language that states OMMP can reject a registrant's surrender of registration if there is an ongoing investigation or pending enforcement action. Also, adding an additional caregiver must cooperate with an investigation.

CHANGES TO RULE:

333-008-0700

OMMP Monitoring, Investigation, and Enforcement: Monitoring and Investigations ¶¶

- (1) The Authority may, at any time, contact a patient, designated primary caregiver, PRMG, or a patient's attending physician by telephone, mail or in person to verify the current accuracy of information included in the registration system.¶¶
- (2) The Authority may, when it has reasonable basis for believing a violation of ORS 475B.400~~785~~785 through 475B.525~~949~~949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules has occurred, either conduct an investigation or arrange for this responsibility to be assumed by the proper state or local authorities.¶¶
- (3) A patient, designated primary caregiver or PRMG must cooperate with the Authority during an investigation.¶¶
- (4) If the Authority records show that any one physician is the attending physician of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the physician do one of the following:¶¶
 - (a) Provide information for each new patient over the 450 threshold, including:¶¶
 - (A) Documentation that the patient's medical records have been reviewed;¶¶
 - (B) Patient chart notes documenting the patient was examined by the physician and the date of the examination; and¶¶
 - (C) Documentation showing provided or planned follow-up care;¶¶
 - (b) Provide a letter from a clinic at which the physician provides care requesting that the physician be exempted from this section and provide documentation from the clinic that it:¶¶
 - (A) Has clear systems for ensuring medical records are reviewed and that each patient is examined by a physician;¶¶
 - (B) Provides follow-up care for patients;¶¶
 - (C) Maintains a record system documenting the review of medical records, physician examination, and follow-up care; and¶¶
 - (D) Will allow on-site inspections by the Authority to confirm compliance; or¶¶
 - (c) Provide a written statement explaining why the physician should be released from the requirements in this section, for example, an explanation that the physician:¶¶
 - (A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;¶¶
 - (B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or¶¶
 - (C) Has multiple practice sites and at one of the practice sites the physician clearly meets the attending physician definition.¶¶
- (5) If the Authority receives a request from a physician to be exempted from the requirement in section (4) of this rule, the Authority shall provide the physician a decision, in writing, explaining whether the physician is or is not exempted from the requirement in section (4) of this rule. The Authority's written decision shall explain the basis for the Authority's decision.¶¶
- (6) The Authority shall refer criminal complaints against a patient, designated primary caregiver, or PRMG; or medical practice complaints against an attending physician to the appropriate state or local authorities.¶¶
- (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 475B.525~~949~~949

Statutes/Other Implemented: ORS 475B.415~~797~~797 - 475B.428~~10~~10

AMEND: 333-008-0720

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0720 – Clarifying that it is a violation for a PRMG to produce marijuana at a grow site area that has been artificially subdivide into separate grow sites.

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~~785~~ to 475B.525~~949~~, 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~~ Commission 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~~ 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 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, 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.

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

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

AMEND: 333-008-0730

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-0730 – Clarifying that OMMP can suspend or revoke the registration of a PRMG if the owner of the grow site withdraws their consent for the PRMG at the grow site.

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;¶¶

(B) Violated a provision of ORS 475B.785 to 475B.949, 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 card issued under ORS 475B.797(5)(b) or 475B.807 or PRMG identification card or grow site registration card issued under ORS 475B.810 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 475B.797(5)(b) or ORS 475B.807 if the Authority determines that the ~~designated primary~~ caregiver violated a provision of ORS 475B.785 to 475B.949, 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.804 or ORS 475B.807 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 ~~it~~:¶¶

(A) The Authority determines that a PRMG violated a provision of ORS 475B.785 to 475B.949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.928, or ~~it~~;¶¶

(B) The grow site or PRMG no longer meets the qualifications in ORS 475B.810 or ~~475B.810~~ OAR 333-008-0033 f or rules adopted thereunder 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 ~~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 or denial of future applications.

Statutory/Other Authority: ORS 475B.797, 475B.810, 475B.949, 475B.580, OL 2019, Ch. 145

Statutes/Other Implemented: ORS 475B.797, 475B.810, 475B.580

AMEND: 333-008-1200

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1200 – Removing language requiring a dispensary to report into the Oregon Medical Marijuana Online System (OMMOS). Reporting into CTS is required for all dispensaries.

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; and¶¶

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

~~(e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-008-1248, if the dispensary is still required to report to the Authority and not yet subject to CTS tracking and PDF format.¶¶~~

(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 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 333-0078-00210, 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 333-00715-0305 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 333-0078-00210.

Statutory/Other Authority: ORS 475B.858, 475B.949

Statutes/Other Implemented: ORS 475B.858

AMEND: 333-008-1230

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1230 – Clarifying language around personal agreements by referencing the new personal agreement rule being adopted (OAR 333-008-0585).

CHANGES TO RULE:

333-008-1230

Medical Marijuana Dispensaries: Transfers to a Registered Dispensary ¶¶

(1) Transfer of Usable Marijuana, Seeds and Immature Plants. A patient, caregiver, or PRMG may transfer usable marijuana, seeds and immature plants produced by a PRMG to a registered dispensary, subject to the requirements in this rule.¶¶

(a) A registered dispensary may only accept a transfer of usable marijuana, seeds or immature marijuana plants from a caregiver or PRMG if the individual transferring the usable marijuana, seeds or immature plants provides the original or a copy of a valid:¶¶

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

(B) Personal agreement as that is defined in OAR 333-008-0010 and OAR 333-008-0585.¶¶

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

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

(B) The name and contact information of the individual who is authorized to transfer the usable marijuana, seeds or immature marijuana plants to the registered dispensary and that individual's OMMP card number and expiration date;¶¶

(C) The name and address of the registered dispensary that is authorized to receive the usable marijuana, seeds or immature marijuana plants; and¶¶

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

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

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

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

~~(C) The portion of the patient's rights to possess seeds, immature plants and usable marijuana that is being assigned to the producer.¶¶~~

(2) Transfer of medical cannabinoid products, concentrates, and extracts. A registered dispensary may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered medical marijuana processing site. The individual transferring the products, concentrates or extracts must provide the dispensary with a Processing Site Authorization to Transfer form prescribed by the Authority. In addition to retaining a copy of the Processing Site Authorization to Transfer form the dispensary must obtain a copy of the photo identification of the individual transferring the cannabinoid product, concentrate or extract as required in paragraph (3)(b)(B) of this rule.¶¶

(3) Transfer Records. At the time a marijuana item is transferred to a dispensary the dispensary registrant must:¶¶

(a) Document, on a form prescribed by the Authority, as applicable:¶¶

(A) The weight in metric units of all usable marijuana received by the registered dispensary;¶¶

(B) The number of seeds and immature plants received by the registered dispensary;¶¶

(C) The amount of a medical cannabinoid product, concentrate, or extract received by the registered dispensary, including, as applicable, the weight in metric units, or the number of units;¶¶

(D) The name of the marijuana item;¶¶

(E) The date the marijuana item was received;¶¶

(F) The harvest or process lot numbers, and batch numbers; and¶¶

(G) The amount paid by the registered dispensary.¶¶

(b) Obtain and maintain a copy of, as applicable:¶¶

(A) Documents required in section (1) of this rule including the date it was received;¶¶

(B) The photo identification of the individual transferring the marijuana item to the dispensary, if such a copy is not already on file;¶¶

(C) The OMMP card of the individual transferring usable marijuana, seeds or immature plants;¶¶

(D) The medical marijuana processing site registration; and¶¶

(E) Test results for marijuana items transferred to the dispensary.¶¶

(c) Review laboratory testing results and confirm that the:¶¶

(A) Test results are associated with the marijuana items being transferred; and¶¶

(B) Marijuana item has passed all required testing.¶¶

(4) Nothing in these rules requires a dispensary registrant to accept a transfer of a marijuana item.¶¶

(5) 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 475B.~~450858~~, 475B.~~525949~~

Statutes/Other Implemented: ORS 475B.450858

REPEAL: 333-008-1248

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Repeal OAR 333-008-1248 – Repealing rule because dispensaries are no longer required to report in OMMOS, instead they must report in the Cannabis Tracking System (CTS).

CHANGES TO RULE:

~~333-008-1248~~

~~Registered Dispensary Reporting to the Authority ¶¶~~

~~(1) Unless a dispensary is subject to CTS tracking, a PRD must submit to the Authority electronically in a manner specified by the Authority, by the 10th of each month, the following information: ¶¶~~

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

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

~~(A) Cannabinoid edibles; ¶¶~~

~~(B) Cannabinoid topicals; ¶¶~~

~~(C) Cannabinoid tinctures; ¶¶~~

~~(D) Cannabinoid capsules; ¶¶~~

~~(E) Cannabinoid suppositories; ¶¶~~

~~(F) Cannabinoid transdermal patches and ¶¶~~

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

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

~~(A) Cannabinoid concentrate in solid form; and ¶¶~~

~~(B) Cannabinoid concentrate in liquid form. ¶¶~~

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

~~(A) Cannabinoid extract in solid form; and ¶¶~~

~~(B) Cannabinoid extract in liquid form. ¶¶~~

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

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

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

~~(a) List each type of marijuana item separately; ¶¶~~

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

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

~~(3) In addition to submitting the information as required by section (1) of this rule, a person responsible for a dispensary must keep a record of the information required to be reported under section (1) of this rule for two years after the date on which the person submitted the information to the Authority. ¶¶~~

~~(4) A registered dispensary that 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: ORS 475B.450, 475B.525~~

~~Statutes/Other Implemented: ORS 475B.450~~

AMEND: 333-008-1252

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1252 – Removing rule language exempting a dispensary from reporting in CTS if they filed an application with the OLCC before January 1, 2018.

CHANGES TO RULE:

333-008-1252

Dispensary CTS Tracking

~~(1) On or before July 1, 2018, a~~All registered dispensaries must track the transfers of usable marijuana, immature marijuana plants, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts to and from the dispensary in CTS in accordance with OAR chapter 845, division 25 and pay the required CTS fee in OAR 333-008-1030 in accordance with instructions from the Authority,~~unless the dispensary filed an application with the Oregon Liquor Control Commission on or before January 1, 2018, and the Commission has not yet acted on the application.~~

~~(2) If the Commission denies a registered dispensary's application for a license the dispensary must pay the CTS user fee and begin 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 application.~~

~~(3)~~

(2) A dispensary must comply with any applicable CTS requirements 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~~RS 475B.895(6).

(4) To comply with this rule a registered dispensary must comply with any instructions and deadlines provided by the Authority or the Commission, including but not limited to:

(a) Paying the required CTS user fee;

(b) Setting up and activating a CTS user account;

(c) Successfully completing all required CTS training; and

(d) Ordering Unique Identification (UID) Tags and tagging all inventory.

(5) A registered dispensary may not accept or make any transfers of marijuana items ~~on or after July 1, 2018,~~ unless the dispensary has an active CTS user account, has UID tags, has tagged all inventory and is capable of entering required information into CTS.

Statutory/Other Authority: ~~OL 2017, Ch. 183, Sec. 40-41~~RS 475B.895

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

AMEND: 333-008-1730

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1730 – Modifying rule language around sign requirements.

CHANGES TO RULE:

333-008-1730

Medical Marijuana Processors: Registered Processing Site Premises Restrictions and Requirements ¶¶

- (1) A registered processing site may not be located in an area that is zoned for residential use if the processing site is endorsed to make cannabinoid extracts.¶¶
- (2) In order to be registered a processing site must operate at a particular location as specified in the application and may not be mobile.¶¶
- (3) Minors on Premises. A registered processing site may not permit a minor to be present in any limited access area of a registered processing site.¶¶
- (4) On Premises Consumption.¶¶
 - (a) A registered processing site may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site, except as described in subsection (b) of this section.¶¶
 - (b) An employee of a registered processing site who is a patient may consume a marijuana item during his or her work shift on the premises of the registered processing site as necessary for his or her medical condition, if the employee is:¶¶
 - (A) Alone and in a closed room where no processing site marijuana items are present; and¶¶
 - (B) Not visible to the public outside the registered processing site.¶¶
 - (c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.¶¶
- (5) General Public and Visitor Access. The general public is not permitted on the premises of registered processing site, except as permitted by this rule.¶¶
 - (a) In addition to registrant representatives, the following visitors are permitted on the premises of a processing site, including limited access areas, subject to the requirements in section (6) of this rule:¶¶
 - (A) Laboratory personnel, if the laboratory is accredited by the Authority;¶¶
 - (B) A contractor authorized by a registrant representative to be on the premises; or¶¶
 - (C) Individuals authorized to transfer marijuana items to a registered processing site.¶¶
 - (b) A registered processing site may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered processing site, including limited access areas, subject to the requirements in section (6) of this rule.¶¶
- (6) Visitor Escort, Log and Badges.¶¶
 - (a) Prior to entering the premises of a registered processing site all visitors permitted by section¶¶
 - (5) of this rule must be documented and issued a visitor identification badge from a registrant representative that must remain visible while on the premises. A visitor badge is not required for government officials. All visitors described in section (5) of this rule must be accompanied by a registrant representative at all times.¶¶
 - (b) A processing site registrant must maintain a log of all visitor activity and the log must contain the first and last name and date of birth of every visitor, and the date they visited.¶¶
- (7) Government Access. Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the premises or a registered processing site to be on the premises.¶¶
 - (a) A visitor badge is not required for government officials.¶¶
 - (b) A processing site must log every government official that enters the premises but the processing site may not request that the government official provide a date of birth for the log.¶¶
- (8) A registered processing site must have:¶¶
 - (a) A designated limited access area or areas where transfers of marijuana items are received; and¶¶

(b) A designated area where visitors enter the processing site premises and are checked in. All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a processing site when the door is not immediately in use.¶

(9) The areas described in section (8) of this rule must be clearly marked on the scaled floor plan required in OAR 333-008-1620.¶

(10) Signage. A registered processing site must post:¶

(a) At every entrance to the processing site a sign that reads: "No On-Site Consumption of Marijuana".¶

(b) At all areas of ingress to a limited access area signs that reads:¶

(A) "Restricted Access Area - Authorized Personnel Only".¶

(B) "No Minors Allowed".¶

(c) The signs described in subsection (a) and (b) of this section must:¶

(A) Be posted in English and Spanish;¶

(B) Contain legible font, with letters not less than one-half inch in height; ¶

(C) Be at least 8-1/2 inches by 11 inches in size; and¶

(D) Be posted in a conspicuous location where the sign can be easily read by individuals entering or on the processing site premises. ¶

(11) A processing site may not sublet or share with any other business any portion of the processing site premises, except:¶

(a) As permitted in OAR 333-008-1790; or¶

(b) A registered dispensary under common ownership.¶

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

(a) A processing site may share a premises with a registered marijuana dispensary that is under common ownership, in accordance with section (13) of this rule and OAR 333-008-2080.¶

(b) A processing site is permitted to have a door from the processing site premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (13) of this rule.¶

(13) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (12) of this rule ingress or egress is permitted, every means of ingress and egress must be:¶

(a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.¶

(b) Posted with signage in accordance with OAR 333-008-1730, as applicable.¶

(c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.¶

(14) Residential occupancy of a processing site premises is prohibited.

Statutory/Other Authority: ORS 475B.435840

Statutes/Other Implemented: ORS 475B.435840

AMEND: 333-008-1740

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1740 - Removing language requiring a processing site to report into the Oregon Medical Marijuana Online System (OMMOS). Reporting into CTS is required for all processors.

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; and

(c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in Excel and 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. 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. A registered processing site must comply with the 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 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 333-0078-00210; 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 333-0078-00210.
- Statutory/Other Authority: ORS 475B.840, 475B.849
- Statutes/Other Implemented: ORS 475B.840, 475B.849

AMEND: 333-008-1760

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1760 - Clarifying language around personal agreements by referencing the new personal agreement rule being adopted (OAR 333-008-0585).

CHANGES TO RULE:

333-008-1760

Medical Marijuana Processors: Transfers to a Registered Processing Site ¶

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

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

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

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

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

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

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

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

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

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

(B) Personal agreement as that is defined in OAR 333-008-0010: and OAR 333-008-0585.¶

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

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

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

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

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

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

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

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

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

(3) Transfer of medical cannabinoid products, concentrates or extracts. A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from another registered medical marijuana processing site.¶

(4) A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered processing site that provides a Processing Site Authorization to Transfer form,

prescribed by the Authority. In addition the registered processing site must obtain a copy of the photo identification of the individual transferring the product, concentrate or extract as required in paragraph (5)(b)(B) of this rule.

(5) Transfer Records. At the time marijuana, usable marijuana or a medical cannabinoid product, concentrate or extract is transferred to a registered processing site a processing site representative must:

(a) Document, on a form prescribed by the Authority, as applicable:

(A) The weight in metric units of all usable marijuana received by the processing site;

(B) The amount of a medical cannabinoid product, concentrate or extract received by the processing site, including, as applicable, the weight in metric units, or the number of units;

(C) The name of the usable marijuana or medical cannabinoid product, concentrate or extract;

(D) The date the usable marijuana or medical cannabinoid product, concentrate or extract was received;

(E) The harvest or process lot numbers; and

(F) The amount paid by the registered processing site.

(b) Obtain and maintain a copy of, as applicable:

(A) Documents required in sections (1) through (3) of this rule including the date it was received;

(B) The photo identification of the individual transferring the usable marijuana or medical cannabinoid product, concentrate or extract to the registered processing site, if such a copy is not already on file;

(C) The OMMP card of the individual transferring usable marijuana;

(D) The medical marijuana processing site registration; and

(E) Test results for marijuana items transferred to the processing site unless the processing site plans to arrange for the testing of the marijuana item.

(6) Nothing in these rules requires a registered processing site to accept a transfer of a marijuana item.

(7) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system.

Statutory/Other Authority: ORS [475B.435840](#), [475B.440849](#)

Statutes/Other Implemented: ORS [475B.435840](#), [475B.440849](#), [475B.443852](#)

RULE SUMMARY: Repeal OAR 333-008-1830 - Repealing rule because processing sites are no longer required to report in OMMOS, instead they must report in the Cannabis Tracking System (CTS).

CHANGES TO RULE:

~~333-008-1830~~

~~Medical Marijuana Dispensaries: Registered Marijuana Processing Site Required Reporting to the Authority ¶¶~~

~~(1) Unless a processing site is subject to CTS tracking, the individual or individuals responsible for a marijuana processing site must submit to the Authority electronically, by the 10th of each month, the following information:~~

~~¶¶~~

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

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

~~(A) Cannabinoid concentrate in solid form; and ¶¶~~

~~(B) Cannabinoid concentrate in liquid form. ¶¶~~

~~(c) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a dispensary. For purposes of this section "type" means: ¶¶~~

~~(A) Cannabinoid edibles; ¶¶~~

~~(B) Cannabinoid topicals; ¶¶~~

~~(C) Cannabinoid tinctures; ¶¶~~

~~(D) Cannabinoid capsules; ¶¶~~

~~(E) Cannabinoid suppositories; ¶¶~~

~~(F) Cannabinoid transdermal patches; and ¶¶~~

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

~~(d) The amount and type of cannabinoid concentrates transferred by the marijuana processing site during the previous month. For purposes of this section "type" means: ¶¶~~

~~(A) Cannabinoid concentrate in solid form; and ¶¶~~

~~(B) Cannabinoid concentrate in liquid form. ¶¶~~

~~(e) The amount and type of cannabinoid extracts transferred by the marijuana processing site during the previous month. For purposes of this section "type" means: ¶¶~~

~~(A) Cannabinoid extract in solid form; and ¶¶~~

~~(B) Cannabinoid extract in liquid form. ¶¶~~

~~(f) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means: ¶¶~~

~~(A) Cannabinoid edibles; ¶¶~~

~~(B) Cannabinoid topicals; ¶¶~~

~~(C) Cannabinoid tinctures; ¶¶~~

~~(D) Cannabinoid capsules; ¶¶~~

~~(E) Cannabinoid suppositories; ¶¶~~

~~(F) Cannabinoid transdermal patches; and ¶¶~~

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

~~(g) The amount and type of cannabinoid concentrates or extracts transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means; ¶¶~~

~~(A) Cannabinoid concentrate or extract in liquid form; and ¶¶~~

(B) Cannabinoid concentrate or extract in solid form. ¶

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

(a) List each type of marijuana item separately; ¶

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

(c) Provide the total aggregate amount of a type of marijuana item transferred from a processing site to a registered dispensary, patient, designated primary caregiver, or other registered processing site during the previous month. ¶

(3) In addition to submitting the information as required by section (1) of this rule, a person responsible for a processing site must keep a record of the information required to be submitted under section (1) of this rule for two years after the date on which the person submits the information to the Authority. ¶

(4) A registered processing site that 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: ORS 475B.438

Statutes/Other Implemented: ORS 475B.438

AMEND: 333-008-1835

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-1835 – Removing rule language exempting a processing site from reporting in CTS if they filed an application with the OLCC before January 1, 2018.

CHANGES TO RULE:

333-008-1835

Medical Marijuana Processors: Processing Site CTS Tracking

(1) ~~On or before July 1, 2018, a~~All registered processing sites must track the transfers of marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts to and from the processing site in CTS in accordance with OAR chapter 845, division 25 and pay the required CTS fee in OAR 333-008-1030, ~~unless the processing site filed an application with the Oregon Liquor Control Commission on or before January 1, 2018, and the Commission has not yet acted on the application.~~

(2) ~~If the Commission considers the application incomplete or proposes to deny the application for a license the processing site must pay the CTS user fee and begin 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 application.~~

~~(3)~~

(2) A processing site must comply with any 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~~RS 475B.895(6).

(43) To comply with this rule a registered processing site must comply with any instructions and deadlines provided by the Authority or the Commission, including but not limited to:

(a) Paying the required CTS user fee;

(b) Setting up and activating a CTS user account;

(c) Successfully completing all required CTS training; and

(d) Ordering Unique Identification (UID) Tags and tagging all inventory.

(54) A registered processing site may not accept or make any transfers of marijuana items ~~on or after July 1, 2018,~~ unless the processing site has an active CTS user account, has UID tags, has tagged all inventory and is capable of entering required information into CTS.

Statutory/Other Authority: ~~OL 2017, Ch. 183, Sec. 40-41~~RS 475B.895

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

AMEND: 333-008-2030

NOTICE FILED DATE: 09/29/2019

RULE SUMMARY: Amend OAR 333-008-2030 – Adopting language regarding what a dispensary or processing site may do if it is closing.

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 within 10 calendar days of any of the following:¶

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

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

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

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

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

(f) The suspected theft of marijuana items.¶

(2) The notification required in section (1) of this rule must include a description of what has changed or the event and any documentation necessary for the Authority to determine whether the dispensary or processing site or dispensary or processing site registrant is still in compliance with ORS 475B.435840, 475B.450858 and these rules including but not limited to, as applicable:¶

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

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

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

(3) 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 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.¶

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

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

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