

INFORMATION BULLETIN 2015-04

September 10, 2015

To: PRFs of Approved Dispensaries, Applicants, and other Concerned Parties

From: Steven A. Wagner, Administrator, Center for Health Protection

Subject: New Regulations Regarding Early Retail Sales in Medical Marijuana Dispensaries

Effective October 1, 2015 registered medical marijuana dispensaries may sell limited marijuana products (seeds, dried leaves and flowers, and immature marijuana plants). These products may be sold only to individuals 21 years or older after their age on their government issued ID has been verified. Dispensaries must operate in accordance with OAR 333-008-1000 through 333-008-1502; OAR 333-008-1500 to -1502 will be released on or before September 24, 2015.

Medical marijuana dispensaries must notify the Medical Marijuana Dispensary Program **5 or more days before starting retail sales** in order to sell limited retail marijuana products. On or before September 24, 2015, a form will be available at mmj.oregon.gov.

If a dispensary is located in a city or county that has adopted an ordinance prohibiting retail sales or early retail sales of marijuana, the dispensary is not eligible to participate in early sales of limited marijuana products. For a list of cities and counties that have opted out, please see the program's website: mmj.oregon.gov.

The use of delivery or courier services is not allowed.

If you are planning on changing your floor plan, per OAR 333-008-1080 you are required to notify the Authority within 10 calendar days of any changes.

A copy of the final rules regarding early sales, the notification form, and information on where to download the required posters are expected to be released on September 24th, 2015. An email notification will be sent when this information is available.

New General Requirements:

- Only one quarter ounce of dried leaves and flower may be purchased by a retail customer in one day. There is no limit on the number or amount of seeds that can be sold to a customer.
- A medical marijuana dispensary may only sell 4 immature marijuana plants to the same individual between October 1, 2015 and December 31, 2016.
- **Concentrates, extracts, edibles, topicals and other marijuana products may only be sold to OMMP patients and caregivers.**
- Free giveaways, samples or otherwise giving or sharing marijuana products to retail customers is not allowed inside or outside of the dispensary.
- Each retail customer's valid government issued ID must be checked to ensure that the individual is 21 or older before entry into the dispensary and before a purchase is made.
- A dispensary must collect a tax of 25% on all limited retail marijuana product sales starting January 4, 2016 under rules to be adopted by the Department of Revenue.

Requirements for Documentation of Transactions:

- A dispensary is not required to document the name of the retail customer to whom a limited marijuana product was sold.
- A dispensary must **develop a written policy that specifically outlines the steps** it will take to ensure that no more than the allowed amount of retail marijuana product is sold to one person in a day.
- The transaction must be captured in the Point of Sale system and include the following:
 - o The type of marijuana product sold
 - o The amount of marijuana product sold
 - o The birth date of the individual who bought the product
 - o The sale price
 - o The date of the sale

Required Signage and Information to be Distributed:

A registered dispensary must post the applicable signs, in bold, 80 point Times New Roman typeface and affixed to the exterior of the dispensary in a conspicuous location that can be easily seen by the public from outside the dispensary at any point of public entry.

- If a dispensary is only transferring marijuana and immature plants to OMMP patients and caregivers, the dispensary must post a sign that reads:

"Medical Marijuana Patients Only"

- If a dispensary has properly notified the Authority that it intends to sell limited marijuana retail products, the dispensary must post signs that read:

"Medical Marijuana Patients and Persons 21 and Older Permitted"

and

"NO PERSON UNDER 21 PERMITTED ON THE PREMISES WITHOUT AN OMMP CARD".

A registered dispensary that has properly notified the Authority that it intends to sell limited marijuana retail products must also:

- Post at the point of sale:
 - The Pregnancy Warning and Poisoning Prevention Posters measuring 22 inches high by 17 inches wide that can be downloaded at www.healthoregon.org/marijuana on or before September 24, 2015
 - A color copy of the "Educate Before You Recreate" flyer measuring 22 inches high by 17 inches wide that can be downloaded at whatslegaloregon.com.
- Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Authority, measuring 3.5 inches high by 5 inches long that can be downloaded at www.healthoregon.org/marijuana on or before September 24, 2015.

Violations and Enforcement:

Any dispensary that is found to be violating any of the new early retail sales rules will be prohibited from continuing to sell limited retail marijuana products to individuals. In addition, a dispensary's registration may be suspended or revoked.

Medical dispensaries will not be able to sell limited retail marijuana products after December 31, 2016.

If you have any questions or comments, please contact the Medical Marijuana Dispensary program at 855-244-9580 or medmj.dispensaries@state.or.us.