DATE: December 18, 2025

TO: Hearing Attendees and Commenters –
Oregon Administrative Rules chapter 333, division 8: Medical marijuana rule revisions related to patients, caregivers, growers, dispensaries, and processing sites

FROM: Brittany Hall, Hearing Officer and Administrative Rules Coordinator

cc: Megan Lockwood, Section Manager
Oregon Medical Marijuana Program

SUBJECT: Presiding Hearing Officer's Report on Rulemaking Hearing and Public Comment

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Date of Hearing: November 18, 2025 via Microsoft Teams

Purpose of Hearing: The purpose of this hearing was to hear public testimony on the Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program's (OMMP's) proposed permanent adoption and amendment of Oregon Administrative Rules in chapter 333, division 8.

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

Senate Bill 1522 (OL 2022, Ch. 81) added that medical marijuana dispensaries may not be within 1000 feet of a public prekindergarten, kindergarten program, or parochial program.

Additional amendments being proposed include co-location of licensed hemp and medical marijuana at the same location. These rules are to align with rules recently adopted by the Oregon Department of Agriculture and will allow for clarity and understanding of the separate areas at the grow site location to ensure compliance with both agencies' requirements. Also, a new rule around product recalls is also being proposed to be adopted. The product recall rule is indicated to apply to patients, caregivers and growers who are required to test their products per OAR chapter 333, division 7, and also to dispensaries and processing sites.
OMMP is modifying rules related to how an application and when payment is to be submitted for dispensary and processing sites. In addition, rules around when a refund of the registration fee could be made to dispensaries and processing sites are changing.

Housekeeping changes include clarifying which cannabis tracking system rules a grower must follow and language around terminating of registrations. Lastly, OAR 333-008-0630(7) is being repealed.

Hearing Officer: Brittany Hall

Testimony Received: No individuals provided testimony at the hearing.

Other Comments: One person submitted written comments during the rule advisory committee (RAC) process. One individual submitted written comments to OHA within the period allotted for public comment, which closed at 5:00 PM on November 21, 2025. Written comments are attached to this report as **EXHIBIT 1**. Written comments are summarized below, in no particular order.

Summary of Comments and Agency Responses:

In written comments during the RAC process, OHA heard the request to exchange "license" with "registrant" in OAR 333-008-0020(4)(e)(B)

Agency response:
The Oregon Medical Marijuana Program (OMMP) reviewed this suggestion and made the change from "license" to registrant" under this rule section.

Pertaining to OAR 333-008-0570(6)(b) “Designation of Plants at Grow Site Address,” OHA received written comments during the RAC process that questioned whether ORS 475C.806(1)(b)(B) needed to be cited in rule “which prohibits personal cannabis plants allowed under ORS 475C.305 (‘305 plants’) unless a non-patient also resides at the registered address.”

Agency response:
OMMP determined that an additional rule reference about when personal cannabis plants may be allowed at a grow site was not needed. This section of the rules is specific to how plants should be designated at a grow site address and not if personal cannabis plants may be grown. The clarification around when personal cannabis plants may be grown is made in other sections of the rules related to plant possession limits.

Pertaining to OAR 333-008-5000 “Product Recall,” OHA received written comments during the RAC process that stated concerns about the impact of the recall requirements on OMMP patients, caregivers and growers, “particularly those who do not conduct testing of cannabis flower or other items.” Written comments further opined that “the documentation required under the proposed rules would make the recall process unnecessarily complicated and burdensome for patients, caregivers, and small-scale growers.” Written comments requested that patients, caregivers and growers “who are not transferring product to the medical or adult-use market should be exempt from recall requirements” for reasons outlined in Exhibit 1.

Agency response:
OMMP reviewed this section with these comments in mind and added language to help clarify which registrants are impacted by this rule. Specifically, the bolded language was added:

(1) The Oregon Health Authority (Authority) may request or require a patient, caregiver, person responsible for a marijuana grow site (PRMG), dispensary, or processing site to recall any marijuana item that they have sold or transferred that

does not meet the requirements in OAR chapter 333, division 8 **or the minimum standards established by OAR chapter 333, division 7** when testing a marijuana item is required including but not limited to when there is evidence that:

In written comments OHA heard concern about new rules that will require an existing business location to move and opined that "there should be carve outs for those businesses."

Agency response:
The rule changes requiring an existing business to move align with Senate Bill 1522 passed in the 2022 session. This is a statutory requirement and OMMP does not have the ability to add a carve out to allow a dispensary to stay in an existing location. OMMP currently does not have any registered dispensaries, as all dispensaries in Oregon are licensed by the Oregon Liquor and Cannabis Commission (OLCC).

EXHIBIT 1

Written Comments

OHA Rules Advisory Committee on amending Division 8 Administrative Rules

OAR 333-008-0020(4)e(B).

Exchange 'license' with 'registrant'.

333-008-0570 Designation of Plants at Grow Site Address

333-008-0570(6)(b)A Identification as to whether the cannabis was grown pursuant to a medical marijuana grower registration or as cannabis from a "personal grow" under ORS 475C.305;

I am wondering if there needs to be a caveat here referencing ORS 475C.806(1)(b)(B) which prohibits the '305 plants' unless a non-patient also resides at the registered address. Perhaps, "Identification as to whether the cannabis was grown pursuant to a medical marijuana grower registration or as cannabis from a "personal grow" under ORS 475C.305 "*and in accordance with ORS 475C.806(1)(b)(B)*"

333-008-5000 Product Recall

As I raised during the RAC discussions, I remain concerned about the impact of recall requirements on OMMP patients, caregiver and growers, particularly those who do not conduct testing of cannabis flower or other items. The documentation required under the proposed rules would make the recall process unnecessarily complicated and burdensome for patients, caregivers, and small-scale growers.

Concerns with Section 4

Section 4 requires that even a voluntary recall include extensive documentation such as a product removal strategy and other records that would be difficult—if not impossible—for a patient or caregiver to provide. Requesting paperwork that is rarely available and requiring it to be kept in anticipation of a possible request by the Authority, places an undue burden on growers who are not operating in the regulated retail market.

Patient and Grower Distinctions

A distinction between patient growers and GSA growers is unnecessary. Both categories are already required to report transfers to identifiable patients. While transfers can be tracked back to a patient, whether the grower has recorded precisely which product was transferred cannot be guaranteed. Even GSA growers, though reporting transfers, are not testing unless they are moving product into the regulated market.

Adverse Events

In any case where a patient experiences an adverse event from a cannabis item transferred by an OMMP grower, the OHA already has the authority and responsibility to confiscate the product, test it, and determine whether it was the cause of the adverse effect or misrepresented in some way. The agency would then take appropriate steps to mitigate the issue, ensuring patient safety without the need for duplicative documentation requirements.

Recommendation

Patients, caregivers at growers who are not transferring product to the medical or adult-use market should be exempt from recall requirements for the folllowing.

- A patient will not be transferring products.
- A caregiver, who is simply facilitating a transfer on behalf of the patient, should only be responsible for referring the Authority to the grower.
- Undue burden on small scale growers.

From: Michelle Suffian-Chilton
To: Public Health Rules
Subject: OAR chapter 333, division 8: Medical marijuana rule revisions related to patients, caregivers, growers, dispensaries, and processing sites
Date: Thursday, October 23, 2025 10:51:59 AM

COMMENT

I find no rational explanation for crequiring an existing location to move. There should be carve outs for those business.

New rules must take into account those businesses who have been at their location and under rules that make it more difficult or more expensive to grow and produce and create and sell edible products.

A new rule should allow the sale of a created ingestible product to be sold from the existing location with a separation between the grow location, the production, creating, cooking and sales of the final product/edible/ingestible all on the existing property wherever possible.

Sincerely,
Michelle Suffian

[redacted]
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Phone: [redacted]