3/26/2025 – Draft

OREGON LIQUOR & CANNABIS COMMISSION
CHAPTER 845
PROPOSED RULES

Note: This draft of proposed rules has been prepared for the Rules Advisory Committee scheduled for April 2, 2025, to discuss changes required by House Bill 4121.

845-026-6000
Hemp Registry Definitions

For the purposes of OAR 845-026-6000 to 845-026-6120, unless otherwise specified:

(1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a hemp item.

(2) "Added substance" means any component or ingredient added to a hemp item during or after processing that is present in the final hemp cannabinoid product, including but not limited to flavors, non-cannabis additives, and any substances used to change the viscosity or consistency of the hemp cannabinoid product.

(3) "Address of a publicly accessible website" means the uniform resource locator (URL) that provides a specific location for a particular resource on the internet that is publicly accessible. This can include a quick response or QR code.

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

(5) "Adult use cannabis item" has the meaning given that term in OAR 845-026-0100.

(6) "Adulterated" means to make a hemp item impure by adding foreign or inferior ingredients or substances.

(a) A hemp item may be considered to be adulterated if in the Commission's discretion, the hemp item:

(A) Bears or contains any poisonous or deleterious substance, including but not limited to, tobacco or nicotine, in a quantity rendering the hemp item injurious in a manner that may pose a risk to human health, or that exceeds any established safe tolerance.

(B) Contains any added substance that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. This includes, but is not limited to nicotine, caffeine, polyethylene glycol, or any chemicals that increase carcinogenicity or cardiac effects.

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

(D) Is processed, prepared, packaged, or held under improper or insanitary conditions or under conditions that increase the probability of contamination with excessive microorganisms or physical contamination or of cross-contamination;

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

(F) Includes any substitute substance;

(G) Is damaged or inferior;

(H Includes any substance intended to increase the bulk or weight of the hemp item, reduce the quality or strength of the hemp item, or make the hemp item appear better or of greater value; or

(I) Does not meet the relevant minimum standards provided by the laws of this state.

(b) A hemp item is considered adulterated under paragraph (a)(A) of this section if:

(A) The hemp item is intended for human inhalation and includes a non-cannabis additive containing any amount of:

(i) Squalene;

(ii) Squalane;

(iii) Vitamin E acetate;

(iv) Triglycerides, including but not limited to medium-chain triglyceride (MCT) oil; or

(v) Propylene glycol.

(B) The hemp item is intended for human inhalation and includes a non-cannabis additive, and the manufacturer does not affirmatively state the product is for use in a product intended for human inhalation.

(C) The hemp item contains any additive or substance that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. This includes, but is not limited to nicotine, caffeine, polyethylene glycol, or any chemicals that increase carcinogenicity or cardiac effects.

(7)(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant Cannabis family Cannabaceae.

(b) "Artificially derived cannabinoid" does not include:

(A) A naturally occurring chemical substance that is separated from the plant Cannabis family Cannabaceae by a chemical or mechanical extraction process;

(B) Cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst; or

(C) Any other chemical substance identified by the Commission, in consultation with the Oregon Health Authority and ODA, by rule.

(8) "Batch" means a specific quantity of a hemp item that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(9) "Batch number" means any distinctive combination of letters, numbers, or symbols, or any combination of them, from which the complete history of the manufacture, processing, packing, labeling, holding, and distribution of a batch or lot of a hemp item can be determined.

(10) "Cannabinoid" means any of the chemical compounds that are the active constituents derived from industrial hemp.

(11) "CBD" means cannabidiol, Chemical Abstracts Service Number 13956-29-1.

(12) "CBDA" means cannabidiolic acid, Chemical Abstracts Service Number 1244-58-2.

(13) "Consumer" means a person who purchases, acquires, owns, holds, or uses hemp items that contain cannabinoids intended for human or animal consumption or use other than for the purpose of resale.

(14) "Container"

(a) Means a sealed, hard or soft-bodied receptacle in which a hemp item is placed and any outer receptacle intended to display a hemp item for sale to a consumer.

(b) Does not mean:

(A) Inner wrapping or lining; or

(B) A shipping vessel used to transfer hemp items in bulk.

(15) "Date of harvest" means the day the last mature industrial hemp plant in the harvest lot was harvested.

(16) "Delta-8-tetrahydrocannabinol" or "delta-8-THC" means (6aR, 10aR)-6,6,9-trimethyl-3-pentyl6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol, Chemical Abstracts Service Number 5957-75-5.

(17) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H- benzo[c]chromen-1-ol., Chemical Abstracts Service Number 1972-08-3.

(18) "Delta-9-tetrahydrocannabinolic acid" or "delta-9-THCA" means (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-2- carboxylic acid, Chemical Abstracts Service Number 23978-85-0.

(19) "Food" means a raw, cooked, or processed edible substance or ingredient used or intended for use or for sale in whole or in part for human consumption or animal consumption, or chewing gum and includes beverages.

(20) "Harvest lot" has the meaning given that term in OAR 603-048-0010.

(21) "Health claim" means any claim made on the label that expressly states or implies a relationship between a substance and a disease or health-related condition.

(22) "Hemp" has the same meaning as "industrial hemp."

(23) "Hemp cannabinoid product"

(a) Means a hemp edible or any other industrial hemp commodity or product intended for human or animal consumption or use that contains cannabinoids from industrial hemp or the dried leaves or flowers of hemp.

(b) Includes:

(A) Usable hemp, industrial hemp extracts, or industrial hemp concentrates that have been combined with an added substance; or

(B) Any combination of usable hemp, industrial hemp extracts, or industrial hemp concentrates.

(c) Does not include:

(A) Usable hemp by itself;

(B) Hemp stalk by itself;

(C) A hemp concentrate or extract by itself;

(D) Hemp seed incapable of germination by itself;

(E) Other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients; or

(F) A cannabinoid product as that is defined in OAR 845-025-1015.

(24) "Hemp capsule"

(a) Means a small, soluble pill, tablet, or container that contains liquid or powdered hemp cannabinoid product, industrial hemp concentrate, or industrial hemp extract and is intended for human ingestion or animal ingestion.

(25) "Hemp concentrate or extract" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269.

(26) "Hemp edible"

(a) Means a food or potable liquid into which industrial hemp, an industrial hemp concentrate, an industrial hemp extract, or the dried leaves or flowers of hemp have been incorporated.

(b) Does not mean hemp seed incapable of germination by itself or other products derived only from hemp seeds incapable of germination that may include other non-cannabis ingredients.

(c) For purposes of labeling, includes any usable hemp, hemp concentrate, hemp extract, or hemp cannabinoid product that is intended for human or animal consumption or marketed in a manner that implies the item is for human or animal consumption.

(d) For purposes of labeling "hemp edible" does not include a hemp tincture or hemp capsule.

(27) "Hemp item"

(a) Means any of the following that contain cannabinoids:

(A) Usable hemp;

(B) Hemp stalk as defined in OAR 603-048-2310;

(C) A hemp cannabinoid product; or

(D) A hemp concentrate or extract as defined in OAR 603-048-2310.

(b) Does not mean:

(A) Industrial hemp processed through retting or other processing such that it is suitable fiber for textiles, rope, paper, hempcrete, or other building or fiber materials;

(B) Industrial hemp seed processed such that it is incapable of germination and processed such that is suitable for human consumption; or

(C) Industrial hemp seed pressed or otherwise processed into oil.

(28) "Hemp products that contain cannabinoids" mean hemp items as defined in this rule.

(29) "Hemp tincture" means a liquid hemp cannabinoid product packaged in a container of four fluid ounces or less that consists of either:

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

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

(30) "Hemp topical" means a hemp cannabinoid product intended to be applied to skin or hair.

(31) "Hemp symbol" means the American Society for Testing and Materials International Intoxicating Cannabis Product Symbol (D8441/D8441M).

(32) "Industrial hemp" has the meaning given that term in ORS 571.269.

(33) "Industrial hemp commodity or product" has the meaning given that term in OAR 603-048-0010.

(34) "Industrial hemp concentrate" has the meaning given that term in ORS 571.269.

(35) "Industrial hemp extract" has the meaning given that term in ORS 571.269.

(36) "Inhalable hemp cannabinoid product" means a hemp cannabinoid product that is intended for human inhalation.

(37) "Intended for animal consumption" means intended for an animal to eat, drink, or otherwise put in the mouth but does not mean intended for human consumption or intended for human use.

(38) "Intended for animal use" means intended to be used by animal inhalation or otherwise consuming the product except through the mouth.

(39) "Intended for human consumption" means intended for a human to eat, drink, or otherwise put in the mouth but does not mean intended for human inhalation or human use.

(40) "Intended for human use" means intended to be used by inhalation or otherwise consuming the hemp item except through the mouth.

(41) "Label" means any display of written, printed, or graphic matter printed on or affixed to any container, wrapper, liner, or insert accompanying the hemp item.

(42) "Limit of quantification" or "LOQ" means the minimum levels, concentrations, or quantities of a target variable, for example, an analyte that can be reported by a laboratory with a specified degree of confidence.

(43) "Major food allergen" means an ingredient that contains any of the foods or food groups listed in subsections (a) to (i) of this section or an ingredient that contains protein derived from one of the foods listed in subsections (a) to (i) of this section:

(a) Milk.

(b) Egg.

(c) Fish.

(d) Crustacean shellfish.

(e) Tree nuts.

(f) Wheat.

(g) Peanuts.

(h) Soybeans.

(i) Sesame.

(44) “Manufacturer” means a person who is responsible for making a hemp item in its final form for sale, transfer, or delivery to a consumer.

(45) “Net quantity of contents” means a statement on the principal display panel of the net weight or net volume of the hemp item expressed in the terms of weight, measure, or numerical count.

(46) “Net volume” means the fluid measure of a liquid hemp item expressed as milliliters and fluid ounces.

(47) “Net weight”

(a) Means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams.

(b) Includes, as applied to pre-rolled usable hemp, the dried hemp leaves and flowers, the rolling paper, and the filter or tip.

(c) Hemp items labeled according to OAR 845-026-6080, the net weight does not include the filter or tip.

(48) “Non-cannabis additive” means a substance or group of substances that are derived from a source other than industrial hemp.

(a) “Non-cannabis additive” includes but is not limited to purified compounds, essential oils, oleoresins, essences or extractives, protein hydrolysates, distillates, or isolates.

(b) “Non-cannabis additive” does not include plant material that is in the whole, broken, or ground form.

(49) “ODA” means the Oregon Department of Agriculture.

(50) “Person” has the meaning given that term in ORS 174.100.

(51) “Place of address” means the name, physical address, city, state, and zip code of the manufacturer who made the hemp item or the person who packaged the hemp item.

(52) “Principal display panel” means the part of a label on a container that is most likely to be displayed, presented, shown, or seen under customary conditions of display for sale or transfer.

(53) “Product identity” means a truthful or common name of the hemp item that is contained in the package.

(54) “Responsible party” means any person within or outside this state that is responsible for the manufacturing, packaging, or delivery of a hemp item that is sold, transferred, or delivered to a consumer or retailer in this state.

(55) “Retailer” means a person, that engages, or purports to engage, in the offer or sale of hemp items to a consumer in this state, including but not limited to exchanging hemp items and distribution for low or no cost.

(56) “Serving” or “serving size” means an amount of hemp item that is suggested for use by a consumer trying the item for the first time.

(57) “Total CBD” means the sum of the concentration or mass of CBDA multiplied by 0.877 plus the concentration or mass of CBD.

(58) “Total THC” means total delta-9-tetrahydrocannabinol, calculated as the sum of the concentration or mass of delta-9-THCA multiplied by 0.877 plus the concentration or mass of delta-9-THC.

(59) “These rules” means OAR 845-026-6000 to 845-026-6120.

(60) "Unit of sale" means an amount of a hemp item commonly packaged for transfer or sale to a consumer or capable of being packaged for transfer or sale to a consumer.

(61) “Usable hemp”

(a) Means the flowers and leaves of industrial hemp intended for human or animal consumption or use that does not fall within the meaning of industrial hemp concentrate, industrial hemp extract, hemp edible, or hemp cannabinoid product.

(b) Includes, for purposes of these rules, pre-rolled hemp as long as the pre-roll consists of only dried hemp leaves and flowers, an unflavored rolling paper, and a filter or tip.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OLC Ch. 16 Sec 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6010
Fees

(1) The Commission shall charge the following fees:

(a) Hemp item registration: $420.

(b) Hemp item registration renewal: $420.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11

845-026-6020
Scope and Effective Date

(1) These rules do not apply to hemp items that:

(a) Do not contain cannabinoids;

(b) Are intended only for topical use;

(c) Are an industrial hemp grain or fiber product that does not contain added cannabinoids;

(d) Are a commercial feed product for animals registered under ORS 633.006 to 633.089; or

(e) Are transported through this state en route to a final destination in another state.

(2) These rules become effective on January 1, 2026.

(a) On and after January 1, 2026, a person may not sell, transfer, or deliver to a consumer in this state a hemp item that is not registered or labeled in accordance with these rules.

(b) On and after January 1, 2026, a person may not sell, transfer, or deliver to a retailer in this state a hemp item that is not registered or labeled in accordance with these rules.

(3) Registration applications may be submitted on and after January 1, 2026.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6030
Labeling for Sale to Consumer

(1) A label required by these rules must:

(a) Be printed on or affixed to the container holding the hemp item and printed on or affixed to any outer package or container that is used to display the hemp item for sale or transfer to a consumer;

(b) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2025), Uniform Packaging and Labeling Regulation, incorporated by reference;

(c) Contain all required information in any typed, legible font that is easy to read and contrasts sufficiently with the background and is at least one-sixteenth of an inch in height based on the uppercase "K";

(d) Include all required information in English, but may additionally provide the same information in other languages; and

(e) Be unobstructed and conspicuous.

(2) A label may not contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the consensus of publicly available scientific evidence, including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles, and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

(3) Principal Display Panel.

(a) Every container that holds a hemp item must have a principal display panel.

(b) If a container holding the hemp item is placed within another container for sale or transfer to a consumer, both containers must have a principal display panel as that term is defined in OAR 845-026-6000 in addition to the other labeling requirements provided in these rules.

(c) The principal display panel must include the product identity, net quantity of contents, and hemp symbol.

(d) If the package or container is a jar and is 1.75 inches or less in height and has a lid with a width of two inches or less, then the principal display panel must be on the top of the lid.

(4) Product Identity

(a) The product identity must be in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel, and shall be parallel to the base on which the package rests as it is designed and displayed.

(b) The product identity must clearly identify that the item is derived from hemp.

(c) The product identity for hemp extracts and concentrates must correctly identify whether the product is an extract or a concentrate.

(5) Net Quantity Declaration.

(a) The net quantity of contents provided on the principal display panel must be the average net quantity of contents of all of the packages in the batch.

(b) The net quantity declaration shall be in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.

(c) The net quantity declaration shall be a distinct item separated from other printed label information on all sides by at least a space equal to the height of the lettering used in the declaration. The declaration shall be presented in bold type in the bottom 30 percent of the principal display panel and in lines generally parallel with the base of the container.

(6) Potency Labeling. The total THC and total CBD amounts required to be on a label must be the value calculated by the laboratory that tested the batch in accordance with ORS 571.339.

(a) A label may not have a total THC value that exceeds the applicable maximum concentration limit by over 10 percent as specified in OAR 845-026-0400.

(b) If the potency value for total THC or total CBD is reported by the laboratory as less than the limit of quantification, the value on the label must be listed as "<LOQ."

(c) For hemp edibles, hemp tinctures, and hemp capsules, if the delta-9-THC is less than 90% of the total THC, the label must separately identify the quantity of delta-9-THC and THCA.

(d) In addition to total THC and total CBD, the label shall list the cannabinoid contents of the hemp item as reported by the laboratory that tested the batch.

(7) Hemp symbol. The hemp symbol must be at least 0.48 inches wide by 0.35 high. Other than the size, which cannot be below the minimum size in this rule, the hemp symbol may not be modified, including but not limited to, color and shape.

(8) A hemp item may have one or more label panels printed on or affixed to the container or packaging.

(9) Small Container Label. A hemp item that is in a container that because of its size does not have sufficient space for a label that contains all the information required for compliance with these rules:

(a) May, in lieu of a label that has all the information required in OAR 845-026-6030 to 845-026-6090, have a label printed on or affixed to the container holding the hemp item that includes at least the following:

(A) A principal display panel containing the net weight or volume, product identity, and hemp symbol;

(B) Manufacturer business or trade name, and if applicable ODA hemp handler or grower license number;

(C) Batch number;

(D) Concentration or amount of total THC and total CBD in the container as required by (6) of this rule; and

(E) Required warnings.

(i) For a hemp item that is an adult use cannabis item, the following warning is required on the label: "For use only by adults 21 and older. Keep out of reach of children and pets."

(ii) For a hemp item that is not an adult use cannabis item, the following warning is required to be on the label: "This product contains cannabinoids. Keep out of reach of children and pets."

(b) Must include all required label information on an outer container or other required label information not listed in subsection (a) of this section on a hangtag attached to the hemp item.

(c) May use a peel-back or accordion label with the information required in subsection (b) of this section on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a consumer as containing important information.

(10) The outer container used to display the hemp item for sale or transfer to a consumer must comply with the labeling requirements in subsections (1)-(8); (11-16) of this rule, even if an inner container qualifies for the exception under section (9) of this rule.

(11) A hemp item that simultaneously falls within more than one category must comply with the labeling requirements that apply to each category, with the exception of the "DO NOT EAT" warning if the product is intended for human consumption or the "BE CAUTIOUS" warning if the effects of the product are customarily felt immediately. For example, a hemp concentrate that is intended for human or animal consumption must comply with the labeling requirements that apply to both hemp concentrates and hemp edibles.

(12)(a) A hemp item that contains an ingredient consisting of two or more sub ingredients must either:

(A) Use the common name of the ingredient followed by a parenthetical listing of all ingredients in a descending order of predominance; or

(B) List all sub ingredients as individual ingredients in descending order of predominance.

(b) The list of ingredients must include any substance used in processing, preparing, manufacturing, packaging, or holding the hemp item that is present in the final hemp edible, including any cooking or release spray.

(c) The list of ingredients must correctly identify the type of hemp item used to make the hemp edible.

(13) A hemp edible that contains only a single serving may omit the servings per container declaration if the label clearly states that the package contains a single serving.

(14) A hemp edible shall use one of the nutrition information formats listed in Table 1, incorporated herein by reference.

(15) A cartridge or vaporizing device containing a hemp concentrate, hemp extract, or hemp cannabinoid product intended for use with an inhalant delivery system as that is defined in ORS 431A.175 is not required to be labeled in accordance with these rules except that the cartridge or device must have a label with the hemp symbol, as appropriate. All the remaining label requirements must be included on the packaging as required by these rules.

(16) Once a hemp item is registered with the Commission, the label identification number provided by the Commission must be prominently displayed on the label of the outermost container using the format "Label ID:" followed by the label identification number.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6040
Usable Hemp Labeling Requirements

Prior to selling, transferring, or delivering usable hemp to a consumer or retailer, the responsible party must label the container holding the usable hemp with following information:

(1) Manufacturer's business or trade name and if applicable, ODA hemp grower license number;

(2) Business or trade name of the person that packaged the hemp item, if different from the manufacturer;

(3) Batch number;

(4) Date of harvest;

(5) Name of strain;

(6) Net weight in grams and ounces;

(7) For pre-rolled usable hemp, weight of usable hemp used in the product in grams;

(8) Concentration of total THC and total CBD expressed as a percentage on a dry weight basis as reported by the laboratory that tested the batch;

(9) If other cannabinoids are present, cannabinoids expressed as a percentage on a dry weight basis as reported by the laboratory that tested the batch;

(10) Name of the laboratory that performed any test and any test analysis date;

(11) Hemp symbol;

(12) Product identity;

(13) The address of a publicly accessible website that would enable a reasonable person to reliably locate the certificate of analysis for the specific batch of the hemp item in the container;

(14) For usable hemp that are an adult use cannabis item, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children and pets."

(b) "This product may impair the ability to drive or operate heavy machinery."

(c) "This product is derived from hemp and may contain THC."

(d) "Do not consume during pregnancy or while breastfeeding."

(15) For usable hemp for sale to a consumer that is not an adult use cannabis item, a statement that reads: "Children or those who are pregnant or breastfeeding should avoid using the product prior to consulting with a health care professional about its safety."

(16) For usable hemp for sale to a consumer that is not an adult use cannabis item, a warning that states: "This product contains cannabinoids. Keep out of reach of children and pets."

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6050
Hemp Edible Labeling Requirements

Prior to selling, transferring, or delivering a hemp edible to a consumer or retailer, the responsible party must label the container holding the edible with the following information:

(1) Manufacturer's business or trade name, place of address, and if applicable, ODA hemp handler license number;

(2) Business or trade name and place of address of the person that packaged the hemp item, if different from the manufacturer;

(3) Product identity;

(4) Batch number;

(5) Date the edible was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Serving size and number of servings per container;

(8) Amount, in milligrams, of total THC and total CBD in each serving and in the container as reported by the laboratory that tested the batch;

(9) If other cannabinoids are present, the amount in milligrams of cannabinoids in each serving and in the container as reported by the laboratory that tested the batch.

(10) List of all ingredients in descending order of predominance by weight or volume used to process the hemp edible;

(11) List of potential major food allergens:

(a) Using a "contains" statement list the name of the food source of any major food allergen at the end of or immediately adjacent to the ingredient list; or

(b) Placing the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen;

(12) The amount of calories, sodium, protein, added sugars, cholesterol, total carbohydrates, total fat per serving, nutrient, vitamin, and mineral information, in grams or milligrams as required by 21 CFR 101.9(c) for the labeling of food. Optional nutrient, vitamin, and mineral information as allowed in 21 CFR 101.9(c) may be listed as appropriate;

(13) If the edible is perishable, a statement that the edible must be refrigerated or kept frozen;

(14) Name of the laboratory that performed any test and any test analysis date;

(15) Activation time, expressed in words or through a pictogram;

(16) Hemp symbol;

(17) The address of a publicly accessible website that would enable a reasonable person to reliably locate the certificate of analysis for the specific batch of the hemp item in the container;

(18) For hemp edibles that are adult use cannabis items, a statement that reads:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(19) For hemp edibles that are adult use cannabis items, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children and pets."

(b) "This product is derived from hemp and may contain THC."

(c) "This product may impair the ability to drive or operate heavy machinery."

(d) "BE CAUTIOUS" in bold, capital letters, followed by "Hemp edibles can take up to 2 hours or more to take effect."

(e) "Do not consume during pregnancy or while breastfeeding."

(20) For hemp edibles that are not adult use cannabis items, statements that read:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(b) "Children or those who are pregnant or breastfeeding should avoid using the product prior to consulting with a health care professional about its safety."

(21) For hemp edibles that are not adult use cannabis items, a warning that states: "This product contains cannabinoids. Keep out of reach of children and pets."

(22) For all beverage containers that require a refund value under ORS 459A.702, the label must contain "OR 10¢."

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6060
Hemp Concentrate and Extract Labeling Requirements

Prior to selling, transferring, or delivering a hemp concentrate or extract to a consumer or retailer, the responsible party must label the container holding the concentrate or extract with the following information:

(1) Manufacturer's business or trade name and if applicable, ODA hemp handler license number;

(2) Business or trade name of the person that packaged the hemp item, if different from the manufacturer;

(3) Batch number;

(4) Product identity that correctly identifies the item as either a concentrate or extract;

(5) Date the concentrate or extract was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Serving size and number of servings per container;

(8) Amount, in milligrams, of total THC and total CBD in each serving and in the container as reported by the laboratory that tested the batch;

(9) If other cannabinoids are present, the amount in milligrams of cannabinoids in each serving and in the container as reported by the laboratory that tested the batch;

(10) Activation time, expressed in words or through a pictogram;

(11) Name of the laboratory that performed any test and any test analysis date;

(12) Hemp symbol;

(13) The address of a publicly accessible website that would enable a reasonable person to reliably locate the certificate of analysis for the specific batch of the hemp item in the container;

(14) For hemp concentrates and extracts that are adult use cannabis items, a statement that reads:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(15) For hemp concentrates and extracts that are adult use cannabis items, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children and pets."

(b) "This product is derived from hemp and may contain THC."

(c) "This product may impair the ability to drive or operate heavy machinery."

(d) "DO NOT EAT" in bold, capital letters.

(e) "Do not consume during pregnancy or while breastfeeding."

(16) For hemp extracts or concentrates that are not adult use cannabis items, statements that read:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(b) "Children or those who are pregnant or breastfeeding should avoid using the product prior to consulting with a health care professional about its safety."

(17) For hemp extracts or concentrates that are not adult use cannabis items, warnings that state:

(a) "This product contains cannabinoids. Keep out of reach of children and pets."

(b) "DO NOT EAT" in bold, capital letters.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6070
Hemp Tincture and Capsule Labeling Requirements

Prior to selling, transferring, or delivering a hemp tincture or capsule to a consumer or retailer, the responsible party must label the container holding the tincture or capsule with the following information:

(1) Manufacturer's business or trade name, place of address and if applicable, ODA hemp handler license number;

(2) Business or trade name and place of address of the person that packaged the hemp item, if different from the manufacturer;

(3) Product identity;

(4) Batch number;

(5) Date the product was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Serving size and number of servings per container;

(8) Amount, in milligrams, of total THC and total CBD in each serving and in the container as reported by the laboratory that tested the batch;

(9) If other cannabinoids are present, the amount in milligrams of cannabinoids in each serving and in the container as reported by the laboratory that tested the batch;

(10) List of all ingredients in descending order of predominance by weight or volume used to process the hemp edible;

(11) Name of the laboratory that performed any test and any test analysis date;

(12) Hemp symbol;

(13) Activation time expressed in words or through a pictogram;

(14) The address of a publicly accessible website that would enable a reasonable person to reliably locate the certificate of analysis for the specific batch of the hemp item in the container;

(15) For hemp tinctures and capsules for sale to a consumer that are adult use cannabis items, a statement that reads:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(16) For hemp tinctures and capsules for sale to a consumer that are adult use cannabis items, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children and pets."

(b) This product is derived from hemp and may contain THC."

(c) "This product may impair the ability to drive or operate heavy machinery."

(d) "BE CAUTIOUS" in bold, capital letters, followed by "Hemp cannabinoid products can take up to 2 hours or more to take effect."

(e) "Do not consume during pregnancy or while breastfeeding."

(17) For hemp tinctures and capsules that are not adult use cannabis items, statements that read:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(b) "Children or those who are pregnant or breastfeeding should avoid using the product prior to consulting with a health care professional about its safety."

(18) For hemp tinctures and capsules that are not adult use cannabis items, a warning that states: "This product contains cannabinoids. Keep out of reach of children and pets."

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6080
Hemp Cannabinoid Products Other than Hemp Edibles, Tinctures, or Capsules.

Prior to a selling, transferring, or delivering hemp cannabinoid product other than a hemp edible, hemp tincture, or hemp capsule to a consumer, the responsible party must label the container holding the hemp item with the following information:

(1) Manufacturer' business or trade name, license number, place of address, and if applicable, ODA hemp handler license number;

(2) Business or trade name of the person and place of address that packaged the hemp item, if different from the manufacturer;

(3) Product identity;

(4) Batch number;

(5) Date the product was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Serving size and number of servings per container;

(8) Amount, in milligrams, of total THC and total CBD in each serving and in the container as reported by the laboratory that tested the batch;

(9) If other cannabinoids are present, the amount in milligrams of cannabinoids in each serving and in the container as reported by the laboratory that tested the batch;

(10) List of all ingredients in descending order of predominance by weight or volume used to process the hemp cannabinoid product;

(11) Name of the laboratory that performed any test and any test analysis date;

(12) Hemp symbol;

(13) Activation time expressed in words or through a pictogram;

(14) The address of a publicly accessible website that would enable a reasonable person to reliably locate the certificate of analysis for the specific batch of the h in the container;

(15) For hemp cannabinoid products that are adult use cannabis items, a statement that reads:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(16) For hemp cannabinoid products that are adult use cannabis items, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children and pets."

(b) This product is derived from hemp and may contain THC."

(c) "This product may impair the ability to drive or operate heavy machinery."

(d) "DO NOT EAT" in bold, capital letters.

(e) "Do not consume during pregnancy or while breastfeeding."

(17) For hemp cannabinoid products that are not adult use cannabis items, statements that read:

(a) "This product is not approved by the FDA to treat, cure, or prevent any disease."

(b) "Children or those who are pregnant or breastfeeding should avoid using the product prior to consulting with a health care professional about its safety."

(18) For hemp cannabinoid products that are not adult use cannabis items, warnings that states:

(a) "This product contains cannabinoids. Keep out of reach of children and pets."

(b) "DO NOT EAT" in bold, capital letters.

(19) For inhalable hemp cannabinoid products that contain non-cannabis additives:

(a) The product identity must clearly identify that the product contains non-cannabis additives and, in addition to the other requirements of OAR 845-026-6000 through 845-026-6100, must include the words "non-cannabis additive."

(b) In addition to the other ingredients in the inhalable hemp cannabinoid product, for each non-cannabis additive used, the ingredient listing must contain the words "non-cannabis additive" in a manner that clearly distinguishes each additive from any other additives.

(c) All of the ingredients in the non-cannabis additive:

(A) Must be included on the list of ingredients required by OAR 845-026-6100;

(B) Must be listed either alphabetically or in descending order of predominance by weight or volume; and

(C) Must be listed on:

(i) The label's ingredient list as sub-ingredients of the ingredient term "non-cannabis additive"; or

(ii) An insert within the inhalable hemp cannabinoid product's container that clearly indicates that the ingredients listed are contained within the inhalable hemp cannabinoid product.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6090
Artificially Derived Cannabinoid Labeling

Prior to selling, transferring, or delivering a hemp item that contains an artificially derived cannabinoid allowed by OAR 845-025-1310, the responsible party must ensure the label complies with these additional requirements:

(1) In addition to the requirements of OAR 845-026-6000 through 845-026-6100, the product identity must clearly identify that the hemp item contains an artificially derived cannabinoid and must include the words "artificially derived cannabinoid."

(2) The ingredient listing must identify any artificially derived cannabinoid by its full name and use the words "artificially derived" in the description of the specific ingredient.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 14a
Statutes/Other Implemented:

845-026-6100
Hemp Item Registration Process

(1) Prior to selling, offering for sale, or transferring a hemp item to a consumer or retailer in this state, a responsible party must submit a registration application to the Commission, and receive Commission approval. The initial registration application shall be submitted electronically.

(2) A registration application must include the following:

(a) A fee as specified in OAR 845-026-6010; and

(b) Information including but not limited to:

(A) The name and type of the hemp item.

(B) The name, physical address, and mailing address of the manufacturer of the hemp item.

(C) If different from the manufacturer, the responsible party's name, physical address, and mailing address.

(D) A certificate of analysis for a batch of the hemp item that complies with the testing requirements in ORS 571.339.

(E) A copy of the label for the hemp item.

(F) A statement whether the hemp item is an adult use cannabis item.

(G) For registrations for inhalable hemp cannabinoid products that contain non-cannabis additives:

(i) The non-cannabis additive's list of ingredients from the manufacturer of the non-cannabis additive that:

(a) Displays the name of the non-cannabis additive and the business name of the manufacturer of the non-cannabis additive;

(b) Includes a statement that the non-cannabis additive is for use in a product intended for human inhalation;

(ii) In a form and manner prescribed by the Commission, information regarding the manufacturer of the non-cannabis additive, the additive or additives being used by the manufacturer of the inhalable hemp cannabinoid product , and attestation by the manufacturer of the inhalable hemp cannabinoid products of the accuracy of the information submitted for registration.

(H) For registrations for hemp items that contain an artificially derived cannabinoid allowed by OAR 845-025-1310:

(i) The applicable documentation required by OAR 845-025-1310(1);

(ii) A copy of the food establishment license issued by the ODA to the creator of the artificially derived cannabinoid or other documentation that the manufacturer complies with food safety laws and rules in its jurisdiction that meets requirements substantially similar to requirements established under ORS 616.695 to 616.75; and

(iii) In a form and manner prescribed by the Commission, citations to the peer reviewed studies as required by OAR 845-025-1310(1), and attestation by the responsible party of the accuracy of the information submitted for registration.

(3) If a responsible party submits a list of ingredients to the Commission to comply with paragraph (2)(b)(G) of these rules, and believes the list of ingredients is a trade secret as defined in ORS 192.345, the responsible party must mark the information "confidential - trade secret." in order for the Commission to consider whether the documents would be exempt from disclosure under Oregon's Public Records Act, ORS 192.345.

(4) The Commission will review the registration application and determine whether it is complete.

(5) The Commission may refuse to register a hemp item if:

(a) The registration application or the hemp product does not comply with these rules or 2024 OL Ch. 16 Sec. 11.

(b) The registration application, or packaging or labeling of the hemp product contains untruthful or misleading content.

(c) The hemp item is adulterated or the information in the application indicates that the hemp item is adulterated.

(d) The hemp item violates or the information in the application indicates that the hemp item violates the concentration or serving size limits established in OAR 845-026-0300 and OAR 845-026-0400.

(e) The sale of the hemp item is prohibited by 2024 OL Ch. 16 Sec 12 or the information in the application indicates that the sale of the hemp item is prohibited by 2024 OL Ch. 16, Sec 12.

(f) The sale of the hemp item is prohibited by Commission rule or the information in the application indicates that the sale of the hemp item is prohibited by Commission rule.

(6) If a responsible party's registration application fails to comply with these rules, it must correct the deficiencies and resubmit the application. Failure to correct the deficiencies within any deadline established by the Commission will result in the application being considered incomplete.

(a) If an application is found deficient for a third time, the application will be denied and the responsible party shall be given the right to a hearing under the procedures in ORS Chapter 183.

(b) Reconsideration. A responsible party may submit a written request for reconsideration of a registration's inactivation pursuant to (6) of this rule. Such a request must be received by the Commission within 10 days of the date the inactivation notice was sent to the responsible party. The Commission shall give the responsible party the opportunity to be heard if an application is inactivated pursuant to (6) of this rule. A hearing under this section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(7) A responsible party may submit a registration application for a hemp item with different flavors, colors, or sizes, if the hemp item is otherwise identical. Registrations under this section are subject to a single application fee.

(8) A person is not required to comply with this rule if another person has submitted a registration, received approval for the registration, and the hemp item is consistent with the previously submitted information.

(a) For the purposes of this section, only the following information may change on the approved registration and be considered consistent with the previously submitted information:

(A) Harvest or processing date;

(B) Strain;

(C) Test results, including the certificate of analysis for the batch of the hemp item;

(D) Net weight or volume; or

(E) Batch number.

(b) The deletion of any non-mandatory label information.

(c) The addition, deletion, or change in the:

(A) UPC barcodes or 2D mobile barcodes (QR codes);

(B) Website address, phone number, fax number, or place of address of the manufacturer.

(9) A registration applies only to hemp items that match the information submitted in the approved registration application, except that the information listed in subsection 8 of this rule may vary.

(10) Annual Registration.

(a) A hemp item that has been registered with the Commission must be annually renewed and the fee specified by OAR 845-026-6010 must be paid upon the time of renewal. A registration application must be received no later than 395 days after the date the registration was approved by the Commission.

(b) A hemp item will be removed from the list of OLCC approved registrations if a complete renewal application is not received within 395 days from the date the registration was previously approved by the Commission.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec 14a
Statutes/Other Implemented:

845-026-6110
Hemp Registry Civil Penalties

(1) The following conduct is prohibited:

(a) Failure to comply with any provision of 2024 OL Ch. 16 Sec. 11, 12 or 13 or these rules.

(b) Civil penalties are assessed as follows:

(A) Except as provided in paragraphs (B) to (D) of this subsection, violations of OAR 845-026-6000 to 845-026-6100 will be assessed up to $500 per violation with an overall cap of $10,000 for all violations charged concurrently in a single notice.

(B) Violations of OAR 845-026-6030(2) will be assessed up to $1,000 per violation with an overall cap of $50,000 for all violations charged concurrently in a single notice.

(C) Knowing violations of OAR 845-026-6030(2) will be assessed up to $2,000 per violation with an overall cap of $100,000 for all violations charged concurrently in a single notice.

(D) Notwithstanding paragraphs (A) to (C) of this subsection, violations that create a present or substantial likelihood of a threat to public health or safety will be assessed up to $5,000 per violation with an overall cap of $500,000 for all violations that are charged concurrently in a single notice.

(E) If a responsible party has within the previous two years been assessed a civil penalty for any violation of 2024 OL Ch. 16 Sec. 11, 12, or 13 or these rules, the Commission may assess the maximum of $2,000 per violation with an overall cap of double the overall cap amounts described in paragraphs (A) to (D) of this subsection for all violations charged concurrently in a single notice.

(F) The Commission may consider mitigating or aggravating factors to assess a lesser or greater civil penalty. Mitigating factors may decrease the civil penalty, but will not dismiss the violation. The Commission may decrease or increase a civil penalty to prevent inequity or to take account of particular circumstances in the case.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec 14, 2024 OL Ch. 16 Sec. 14a

845-026-6120
Embargo and Seizure

(1) If the Commission has reasonable cause to believe that any quantity or lot of hemp items that is intended for human or animal consumption or use is sold, transferred, or delivered in violation of 2024 OL Ch. 16 Sec. 11 or 12 or these rules, the Commission may issue and enforce an order to prohibit the disposal, distribution, or use in any manner of the quantity of lot.

(2) The Commission may seize any quantity or lot that do not comply with 2024 OL Ch. 16 Sec. 11 or 12 and these rules.

(3) The Commission shall notify in writing the person in possession of the quantity or lot that the hemp items are being prohibited from disposal, distribution, or use in any manner by the Commission.

(a) If the person in possession of the lot or item is not the owner, the Commission shall make a reasonable effort to notify the owner.

(b) Such notification shall state the reason for the Commission action and notify the owner or person in possession of the right to a hearing as provided under ORS Ch. 183.

(c) A written request for hearing on the proprietary of the prohibition of disposal, distribution, or use in any manner must be filed either by the owner or person in possession with the Commission within 10 days of receiving actual notice of the action.

(d) If the owner or person in possession does not request a hearing within the time limited for making such request, the Commission may summarily destroy or otherwise dispose the quantity or lot, or if the owner or person in possession does not within 30 days after the hearing either comply with the orders of the Commission as to reconditioning, relabeling or

segregating or perfect an appeal to the circuit court, the Commission may summarily destroy or otherwise dispose of the subject matter of the action.

(4) The person subject to an order shall immediately remove from locations readily visible and accessible to the public any quantity or lot that is subject to the order. (5) The Commission may enforce the order until all actions against the order, including any contested case, are resolved, and shall release from the order the quantity or lot if the violation is cured.

(6) A person subject to an order prohibiting disposal, distribution, or use:

(a) Is responsible for ensuring that the items subject to the order are not removed from the location identified in the order or subject to any processing or manufacturing processes without written permission from the Commission.

(b) Shall take all reasonable steps to prevent theft or removal of the quantity or lot from the location identified in the notice of the action.

(c) Is strictly liable for any violation of the order.

(d) May submit a written request to move or take other action to preserve quantity or lot pending an appeal. The person may only take such action upon written permission from the Commission and subject to any requirements or restrictions imposed by the Commission.

Statutory/Other Authority: 2024 OL Ch. 16 Sec. 11, 2024 OL Ch. 16 Sec. 12, 2024 OL Ch. 16 Sec. 13, 2024 OL Ch. 16 Sec 14, 2024 OL Ch. 16 Sec. 14a

Statutes/Other Implemented: