

Cannabis Technical Rulemaking

Summary of Proposed Changes

License Moratorium Lifting:

- [OAR 845-025-1030\(5\)](#): Replace existing language with a reference to a new rule covering per capita criteria. (page 5)
- [OAR 845-025-1035](#): New rule detailing the process for accepting new applications when a license type reaches the statutory per-capita threshold. (page 7)

Tax Compliance Certificate Extension Deadlines:

- [OAR 845-025-1190\(9\)](#): Clarify that extensions shall not exceed a total of one year from the date of license expiration, except for a license operating under a temporary authority (e.g. a business in receivership). (page 12)

Digital Transport Manifests: Amend the rules to allow businesses to choose whether they want to use a physical printed manifest or a digital manifest. If using a digital manifest, it must still be available at all times (e.g. if the driver is in an area without cell reception). This concept requires changes to several rules that address transport manifests:

- [OAR 845-025-1335\(9\)\(c\)](#) Marijuana Promotional Events (page 20)
- [OAR 845-025-2550\(1\)\(f\)](#) Requirements for Producing and Providing Marijuana for Patients (page 23)
- [OAR 845-025-3305\(2\)\(b\)\(C\)](#) Processing for Cardholders (page 27)
- [OAR 845-025-3320\(4\)\(c\)](#) Hemp Item Transfers to Unlicensed Persons (page 28)
- [845-025-7700](#) Transportation and Delivery of Marijuana Items, including:
 - [Paragraph \(2\)\(b\)\(G\)](#) (page 32)
 - [Subsection \(3\)\(a\)](#) (page 32)
 - [Subsection \(3\)\(b\)](#) (page 33)
 - [Subsection \(5\)\(a\)](#) (page 33)

Inventory Reconciliation:

- [OAR 845-025-7580\(1\)\(b\)](#): Propose to extend the reconciliation deadline from 8 a.m. of the next calendar day to 6 p.m. of the next calendar day. (page 29)

Retailer Vape Waste Disposal:

- [OAR 845-025-7750\(1\)\(e\)](#): Propose to allow same-day disposal of vapes that include a battery as part of the design (all-in-ones). (page 37)

Hemp – Kegs: Revise the general market limits for THC in hemp items to better accommodate large volume liquid products:

- [OAR 845-026-0300](#): Revise THC limits for hemp items for sale to minors. Keep the current 0.5 mg limit for smaller items, but allow up to 1 ppm THC for larger items (roughly equivalent to 0.5 mg THC per pound of product). (page 37)
- [OAR 845-026-0400 \(Table 3\)](#): Add limit of 0.25 mg THC per fluid ounce for hemp edibles in liquid form exceeding 80 fluid ounces. (page 41)
- [OAR 845-026-0410 \(Table 4\)](#): Same as previous. (page 44)

Hemp –Products Intended for Animal Use: Amend THC limits and registry requirements to better accommodate products intended for animal use:

- [OAR 845-026-0300](#):
 - [Subsection \(1\)\(c\)](#): Revise THC limits for hemp items for sale to minors to better accommodate large-format products. Keep the current 0.5 mg limit for smaller items, but allow up to 1 ppm THC for larger items (roughly equivalent to 0.5 mg THC per pound of product). (page 38)
 - [Section \(4\)](#): Remove the requirement for animal products to be tested by a laboratory accredited to the same standards as human products in order to qualify for all-ages sales. (page 38)
- [OAR 845-026-6030\(18\)](#): Transfer this requirement to a new rule. (page 50)
- [OAR 845-026-6035](#): New rule detailing labeling requirement for animal products. Includes the option to use a nutrition template (so existing approved registrations remain in compliance) but allow option for hemp edibles to omit the nutrition template as long as they still include required elements. (page 50)

Minor Technical Changes:

- Change sketch from “scaled” to “accurate”: [OAR 845-025-1030\(3\)\(c\)](#) (page 3)
- Delete expired language: [OAR 845-025-1132\(3\)](#) (page 10); [OAR 845-026-0400\(4\)](#) (page 39); [OAR 845-026-0410\(4\)](#) (page 42)
- Update statutory references: [OAR 845-025-1132](#) (page 10)
- Renumber a cross-reference: [OAR 845-025-1135\(9\)\(e\)](#) (page 21)
- Remove references to whatslegaloregon.com and make clear the relevant posters and cards can be downloaded from the OLCC website; rephrase portions of the rule to consolidate without changing the requirements: [OAR 845-025-2860](#) (page 25)
- Conform language to conventions (change “will” to “shall”): [OAR 845-025-1132\(1\)](#) (Page 10); [OAR 845-025-1190\(6\)](#) (page 11)

Chapter 845

Division 25

RECREATIONAL MARIJUANA

845-025-1030

Application Process

(1) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, or laboratory license.

(2) An application for a license and all documentation required in the application instructions and any requirements of this rule must be submitted in a manner specified by the Commission. The application fee specified in OAR 845-025-1060 must also be paid in a manner specified by the Commission.

(3) An application must include the following:

(a) The names and other required information for all individuals and legal entities who are applicants as described in OAR 845-025-1045.

(b) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(c) A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises, the location of any primary residence located on the same tax lot as the licensed premises, and ~~a scaled~~an accurate floor or plot plan sketch of all enclosed areas with clear identification of walls, all areas of ingress and egress, and all limited access areas.

(d) An operating plan in a form prescribed by the Commission that demonstrates at a minimum, how the applicant's proposed premises and business will comply with the applicable laws and rules regarding:

(A) Security;

(B) Employee qualifications and training;

(C) Transportation of product;

(D) Preventing minors from entering the licensed premises; and

(E) Preventing minors from obtaining or attempting to obtain marijuana items.

(e) For producers:

(A) The proposed production tier and producer type as described in OAR 845-025-2040.

(B) A report describing the applicant's electricity and water usage, on a form prescribed by the Commission.

(i) For initial licensure, the report must describe the estimated electricity and water usage, taking into account all portions of the premises and expected requirements of the operation for the next twelve months.

(ii) For renewal, the report must describe the actual electricity and water usage for the previous year, taking into account all portions of the premises.

(C) An Oregon Water Resources Department (OWRD) Marijuana Producer Water Use Form showing the applicant has a legal source of water.

(f) For processors, on a form prescribed by the Commission, the proposed endorsements as described in OAR 845-025-3210.

(g) For producers or processors, documentation demonstrating that the owner of the premises consents to the use of the premises for producing or processing marijuana, including:

(A) A statement accurately identifying the legal address and owner of the proposed licensed premises.

(B) If the applicant is not the owner of the proposed licensed premises, a form, prescribed by the Commission, bearing the owner's written signature, witnessed by a notary public, confirming ownership of the property and consenting to the use of the premises for the purposes of producing or processing marijuana. In consenting to the use of the premises, the property owner may specify the number of annual license terms for which the consent remains valid.

(h) For retailers, a certificate of tax compliance for each applicant as described in OAR 845-025-1045 that has been issued no earlier than 90 calendar days prior to the date the initial application is submitted.

(4) In addition to submitting the application form and the items described in section (3) of this rule, the Commission may require the following to be submitted:

(a) For applicants:

(A) Information or fingerprints in order to perform a criminal background check in accordance with OAR 845-025-1080.

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(b) The names and other required information for all individuals and legal entities with a financial interest in the business.

(c) For an individual identified as a person with a financial interest:

(A) Information or fingerprints for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(d) For a legal entity that is identified as having a financial interest:

(A) Information or fingerprints for any individual within the legal entity for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(e) Proof of the right to occupy the premises proposed for licensure.

(f) For producers:

(A) A designation of the proposed canopy area within the licensed premises.

(B) Proof that the applicant has a legal source of water as evidenced by documentation from the Oregon Water Resources Department (OWRD) that the source of water described on the completed OWRD Marijuana Producer Water Use Form does or does not require a water use permit or certificate from the OWRD and is intended for use in the cultivation of marijuana for commercial purposes.

(g) Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.

(5) Per ~~Capita Criteria~~ [capita criteria](#) to ~~Accept Marijuana License Applications~~ [accept marijuana license applications](#).

(a) ~~Beginning January 1, 2025, the~~ [The](#) Commission may only accept [initial](#) applications for a marijuana producer, processor, wholesaler, or retailer license if ~~the conditions in subsection (b) of this section are met, based upon the ratio of active licenses~~ [it qualifies](#) for each license type to the population of Oregon residents 21 years of age or older. ~~The Commission will request the population data source from the Oregon Population Forecast~~

Program run by Population Research Center at Portland State University (Annual Population Report or APR) in April each year.

(b) The Commission shall accept applications if the following conditions are met:

(A) For a production license ~~acceptance~~ under ORS 475C.065, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older [OAR 845-025-1035](#).

(B) For a processor license under ORS 475C.085, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(C) For a wholesale license under ORS 475C.093, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(D) For a retail license under ORS 475C.097, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older.

(e) Within 15 days after receiving the APR, the Commission will determine if any of the per capita criteria described in subsection (b) of this section are met. The number of licenses will be determined using OLCC licensing data of the number of active marijuana licenses for each license type as of 12:01am Pacific Time on April 15 of that year.

(d) If the Commission finds the number of active licenses for any license type does not exceed the per capita criteria, the Commission will notify the public of:

(A) The type of marijuana license [\(b\) Initial](#) applications ~~that will be accepted;~~

(B) The date the Commission will be accepting applications; and

(C) The form and manner to apply for a license.

(e) The Commission will notify the public when the agency is no longer accepting a type of license application because the applicable per capita criterion has been met.

(f) ~~Exceptions. Applications~~ for a laboratory license under ORS 475C.548 or a research certificate under ORS 475C.289 are not subject to ~~the per capita criteria described in this section~~ [this restriction](#).

(g) ~~For the purposes of this section, “active marijuana license” means an active license, a suspended license, or an expired license that is eligible to submit a renewal application under OAR 845-025-1190.~~

(6) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full

application and license fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(7) A producer or processor application may be considered incomplete if valid documentation is not submitted as described in subsection (3)(g) of this rule and in accordance with OAR 845-025-1135.

(8) A retailer application may be considered incomplete if all certificates of tax compliance are not submitted as described in subsection (3)(h) of this rule and in accordance with OAR 845-025-1135.

(9) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within 10 days of the date the incomplete notice was sent to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

Statutory/Other Authority: ORS 475C.017, ORS 475C.033, 475C.049, 475C.055 & 475C.155

Statutes/Other Implemented: ORS 475C.033, 475C.037, 475C.049, 475C.055, 475C.065, 475C.085, 475C.093, 475C.097, 475C.155 & 475C.548

845-025-1035

Submissions of Interest for Licenses Subject to Per Capita Thresholds; Requirements

(1) Definitions. For purposes of this rule:

(a) “Active license” means:

(A) An unexpired license with an active or suspended status; or

(B) An expired license that is eligible to submit a renewal application under OAR 845-025-1190.

(b) “Per capita threshold” means:

(A) For a production license under ORS 475C.065, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older.

(B) For a processor license under ORS 475C.085, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(C) For a wholesale license under ORS 475C.093, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(D) For a retail license under ORS 475C.097, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older.

(c) “Qualifying submission” means a submission of interest to apply for a producer, processor, wholesaler, or retailer license, submitted through the online platform maintained by the Commission:

(A) That is for the type of license identified in the public notice as described in this rule;

(B) That includes a land use compatibility statement for the premises proposed to be included in the application from the city or county with jurisdiction that demonstrates that the license for which an application would be submitted is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located, unless exempted by ORS 475C.069;

(C) That identifies all individuals and legal entities who would qualify as an “applicant” under OAR 845-025-1045 if an application were submitted;

(D) Where each individual and legal entity who would qualify as an “applicant” under OAR 845-025-1045 if an application were submitted is not also a person who would qualify as an applicant on any other submission of interest submitted pursuant to the same notice; and

(E) That is submitted in response to the public notice described in this rule and complies with the requirements of the public notice including but not limited to the time period for submission and the form and manner for submission.

(2) Public notice for submissions of interest.

(a) The Commission may only accept submissions of interest for a marijuana producer, processor, wholesaler, or retailer license if the number of active licenses of the license type is at or below the per capita thresholds. For the purposes of evaluating the per capita thresholds, the Commission shall use the population data source from the Oregon Population Forecast Program run by Population Research Center at Portland State University.

(b) If the Commission determines that the number of active licenses for a particular license type is at or below the per capita threshold, the Commission shall issue a notice to the public describing the requirements for submissions of interest. The notice shall include:

(A) The type of license for which a submission of interest can be submitted;

(B) The number of applications eligible to be submitted, calculated such that the number of applications eligible to be submitted combined with the current active licenses at the time of the notice does not exceed the per capita threshold by more than five percent;

(C) The dates and times when submissions of interest may be submitted, which shall include a period of 45 calendar days from the date of the public notice; and

(D) The form and manner to submit submissions of interest.

(c) A notice described in this section shall be made by publication posted on the Commission's website and to e-mail addresses subscribed to e-mail notifications in the form and manner prescribed by the Commission.

(3) Identifying qualifying submissions. The Commission shall review all submissions of interest to identify qualifying submissions. If a submission of interest does not contain enough information or otherwise requires clarification to determine whether it is a qualifying submission, the Commission shall notify the submitter and allow seven calendar days from notification to supply the missing information to the Commission. Submissions that fail to provide all requested information in this timeframe or do not satisfy the definition of qualifying submission shall not be considered qualifying submissions.

(4) Selection of qualifying submissions.

(a) If the number of qualifying submissions received does not exceed the number of applications eligible to be accepted as set forth in the notice, the Commission shall select all qualifying submissions received pursuant to the public notice to submit a license application.

(b) If the number of qualifying submissions received exceeds the number of applications eligible to be accepted as set forth in the notice, the Commission shall randomly select qualifying submissions to submit license applications until the number of applications eligible to be accepted as set forth in the notice have been submitted.

(c) Applications submitted pursuant to a selected qualifying submission shall be processed in accordance with OAR 845-025-1030, must meet all requirements described in OAR 845-025-1030 and these rules, and are subject to the application processing deadlines in OAR 845-025-1135. Applications that do not comply with this rule shall be denied.

(d) The Commission shall randomly select an additional qualifying submission to submit a license application when the number of qualifying submissions exceeds the number of applications eligible to be accepted and:

(A) An application is not submitted for a selected qualifying submission within the timeframe specified in subsection (e) of this section; or

(B) An application submitted pursuant to a selected qualifying submission is withdrawn, inactivated, or denied.

(e) An application must be submitted within seven calendar days of being notified of selection, OLCC shall reject late applications.

(5) Application must be consistent with selected qualifying submission.

(a) Applications submitted under this rule must be for the license type and applicants identified in the corresponding submission of interest.

(b) Applications submitted under this rule may not propose a different location for the proposed premises than the location of the proposed licensed premises identified in the submission of interest.

(c) Applications submitted under this rule are subject to OAR 845-025-1132.

Statutory/Other Authority: [ORS 475C.155](#)

Statutes/Other Implemented: [ORS 475C.155](#)

845-025-1132

Prohibited Changes to License Applications

(1) The Commission ~~will~~[shall](#) not allow changes of ownership of an application after submission of an application for licensure.

(2) For purposes of this rule, “change of ownership” is defined as:

(a) Adding or replacing an applicant who will be a licensee of record; or

(b) A business changing its ownership structure such that natural persons who did not previously hold a direct or indirect interest in the business will collectively hold a direct or indirect interest of 51 percent or greater.

~~(3) Until January 1, 2025, an applicant that submitted an application for a producer license under ORS 475C.065, a processor license under ORS 475C.085, a wholesaler license under ORS 475C.093, or a retailer license under ORS 475C.097 on or before January 1, 2022 may not change the location of the proposed licensed premises for which the application was submitted.~~

Statutory/Other Authority: [ORS 475C.017](#) ~~& 2022 OL Ch. 108 Sec. 1~~, [475C.033 & 475C.049](#)

Statutes/Other Implemented: ~~2022 OL Ch. 108 Sec. 1 & 2024 OL Ch. 16 Sec. 23~~[ORS 475C.033 & 475C.049](#)

845-025-1190

License Renewal

(1) A licensee must annually submit a renewal application and the applicable fees regardless of whether the Commission has acted on a previous renewal application. A research certificate holder must submit a renewal application and the applicable renewal fees every three years, regardless of whether the Commission has acted on a previous renewal application.

(2) For purposes of this rule “license expiration date” means:

(a) The date of expiration on a license; or

(b) If the Commission has not acted on a pending license renewal application, the date the pending license would expire if the application had been approved.

(3) Except as described in sections (9) or (10) of this rule, a licensee who annually and timely submits a renewal application as described in section (8) of this rule on or before the license expiration date may continue to operate, pending a decision by the Commission.

(4) A licensee who fails to annually and timely submit a renewal application as described in section (8) of this rule on or before the license expiration date must stop engaging in any licensed activity when the license expires.

(5) Except as described in section (9) of this rule, if a licensee annually submits a renewal application as described in section (8) of this rule within 30 days after the license expiration date, the licensee may resume operation pending a decision by the Commission on the renewal application.

(6) The Commission ~~will~~shall not accept a renewal application that is received more than 30 days after the license expiration date. In this circumstance, a person:

(a) May submit a new application, including the application fee, license fee, documents, and information required by the Commission; and

(b) Must not engage in any licensed activity unless and until granted a new license by the Commission.

(7) A person who engages in any activity that would require a license but who is not licensed or who is not otherwise authorized to operate under this rule may be subject to administrative and criminal sanctions.

(8) For purposes of this rule, in order for a renewal application to be considered submitted all of the following must be received by the Commission:

(a) A fully completed renewal application signed by an applicant; and

(b) The appropriate renewal application and license and renewal fees described in OAR 845-025-1060 and 845-025-1070.

(9) Certificates of tax compliance.

(a) A retailer licensee that submits a renewal application must also submit a certificate of tax compliance issued no earlier than 90 calendar days prior to the expiration date listed on the current license certificate for each applicant as that term is described in OAR 845-025-1045.

(b) Temporary extensions.

(A) A retailer licensee that has submitted a renewal application but has not submitted all certificates of tax compliance may continue to operate no more than 90 calendar days following the expiration date listed on the current license certificate, pending a decision by the Commission unless the Commission grants additional extensions under paragraph (B) of this subsection.

(B) A retailer licensee may request additional time to obtain all required certificates of tax compliance, ~~which the~~ The Commission ~~will~~shall consider such requests on a case-by-case basis. The request must be made in writing and made at least seven calendar days prior to the expiration of the timeframe set forth in paragraph (A) of this subsection, and must include, at a minimum documentation that:

(i) Verifies the retailer licensee has corresponded promptly and accurately to all the requests made by the Department of Revenue;

(ii) Explains the reasons the retailer licensee has not obtained all certificates of compliance prior to expiration of the timeframe set forth in this subsection; and

(iii) Substantiates that the retail licensee is compliant with all marijuana tax payments due to the Department of Revenue at the time of the request.

(C) The Commission may not grant extensions under paragraph (B) of this subsection that exceed one year following the license expiration date, except that a retail license operating under authority pursuant to OAR 845-015-1260 may be granted extensions for a reasonable period of time to allow orderly disposition of the business.

(c) Unless granted an extension under paragraph (9)(b)(B) of this rule, if a retailer licensee fails to provide all certificates of tax compliance as required under this rule within 90 calendar days of the expiration date listed on the current license certificate, the Commission shall consider the renewal application to be incomplete and the license to be

expired as of the expiration date listed on the current license certificate. The Commission shall notify the applicant in writing that the application is incomplete.

~~(d) For the purposes of this section, if the Commission has not acted on the retailer licensee's previous renewal application, "the expiration date listed on the current license certificate" means the license expiration date prior to the submission of the most recent renewal application.~~

(10) Property owner informed consent.

(a) A producer or processor licensee that submits a renewal application must also submit documentation demonstrating that the owner of the premises consents to the use of the premises for producing or processing marijuana as described in OAR 845-025-1030(3)(g). A licensee is exempt from this requirement if:

(A) The property owner previously specified that their consent remained valid for the license term for which the licensee is submitting the renewal application in the manner specified in OAR 845-025-1030(3)(g)(B); and

(B) The ownership of the property has not changed since the consent documentation was verified.

(b) Temporary extensions.

(A) A producer or processor licensee that has submitted a renewal application but has not submitted the property owner consent documentation required by subsection (a) of this section may continue to operate no more than 90 calendar days following the expiration date listed on the current license certificate, pending a decision by the Commission unless the Commission grants additional extensions under paragraph (B) of this subsection.

(B) A producer or processor licensee may request additional time to obtain the property owner consent documentation required by subsection (a) of this section, which the Commission will consider on a case-by-case basis. The request must be made in writing and made at least seven calendar days prior to the expiration of the timeframe set forth in paragraph (A) of this section, and must include, at a minimum documentation that:

(i) Verifies the producer or processor licensee has requested consent from the property owner; and

(ii) Explains the reasons the producer or processor licensee has not obtained the required documentation of property owner consent.

(c) Unless granted an extension under paragraph (10)(b)(B) of this rule, if a producer or processor licensee fails to provide the property owner consent documentation as required

under this rule within 90 calendar days of the expiration date listed on the current license certificate, the Commission shall consider the renewal application to be incomplete and the license to be expired as of the expiration date listed on the current license certificate. The Commission shall notify the applicant in writing that the application is incomplete.

(d) For the purposes of this section, if the Commission has not acted on the producer or processor licensee's previous renewal application, "the expiration date listed on the current license certificate" means the license expiration date prior to the submission of the most recent renewal application.

(11) The Commission may require a licensee with a pending renewal application to submit forms, documents, and information described in OAR 845-025-1030 in order to complete an investigation of a renewal application. Failure to submit fees, forms, documents or information requested by the Commission under this section within a time period prescribed by the Commission may result in denial of the renewal application.

(12) If the Commission approves a renewal application, the Commission must notify the licensee in writing that the renewal application has been approved and provide the licensee with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. The renewed license is effective for a license year beginning the date following the license expiration date for the previous license year.

(13) An applicant may submit a written request for reconsideration of a decision that a renewal application is incomplete. Such a request must be received by the Commission within ten days of the date the incomplete notice was sent to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(14) Except as provided in OAR 845-025-1060(6), the Commission will refund a renewal license fee to an applicant whose application is not timely submitted and whose license expires, within 180 calendar days of when the license renewal fee was paid.

Statutory/Other Authority: ORS 475C.017, 475C.055, 475C.065, 475C.085, 475C.093, 475C.097 & 475C.548

Statutes/Other Implemented: ORS 475C.033

845-025-1330

Trade Samples

(1) For the purposes of this rule:

(a) “Process lot”:

(A) Has the meaning given that term in OAR 845-025-1015; and

(B) Means a production batch as that term is used in ORS 475C.211.

(b) “Unit” means a packaged item subject to the concentration and serving size limits in OAR 845-026-0210 or OAR 845-025-2750.

(2) A marijuana producer, marijuana processor, marijuana wholesaler, or marijuana retailer may provide samples of marijuana items and hemp items to a worker permit holder who performs work for or on behalf of the licensee.

(a) A licensee may provide up to the following amounts of samples for each worker permit holder:

(A) Five grams of usable marijuana or usable hemp per harvest lot per strain per month;

(B) One unit of packaged cannabinoid concentrates or hemp concentrates per process lot;

(C) One unit of packaged cannabinoid extract or hemp extract per process lot; and

(D) One unit of packaged cannabinoid product or hemp cannabinoid product per process lot.

(b) Notwithstanding subsection (a) of this section:

(A) A producer may provide up to the following amounts of samples to a worker permit holder who performs work for or on behalf of the producer for the purpose of quality control or product development:

(i) One ounce of usable marijuana produced by the producer per harvest lot per strain.

(ii) Five grams of kief or cannabinoid concentrates processed by the producer per process lot.

(B) A processor may provide up to the following amounts of samples to a worker permit holder who performs work for or on behalf of the processor for the purpose of quality control or product development:

(i) Five grams of cannabinoid concentrates or hemp concentrates processed by the processor per process lot.

(ii) Five grams of cannabinoid extracts or hemp extracts processed by the processor per process lot.

(iii) Twelve individual units of cannabinoid products or hemp cannabinoid products processed by the processor per process lot.

(c) Notwithstanding subsections (a) and (b) of this section, a worker permit holder may not receive an amount of samples in excess of the amounts described in ORS 475C.337.

(3) In addition to the amounts described in section (2) of this rule, a producer may transfer to each worker permit holder who performs work for or on behalf of the producer up to:

(a) Four immature marijuana plants per month; and

(b) Ten marijuana seeds per month.

(4) A marijuana producer, marijuana processor, marijuana retailer, marijuana wholesaler or hemp certificate holder may provide samples of marijuana items to another marijuana licensee described in section (2) of this rule for the purpose of the receiving licensee providing samples to worker permit holders as described in section (2)(a) of this rule. The licensee may provide a quantity of samples in an amount proportional to the number of worker permit holders to whom the receiving licensee will provide the samples.

(5) Labeling.

(a) Every trade sample provided to a licensee or worker permit holder shall have a label containing the following in any legible font that is at least one-sixteenth of an inch in height based on the lower case “o”:

(A) A statement that reads: “TRADE SAMPLE NOT FOR RESALE” in bold, capital letters attached to the trade sample;

(B) The product identity;

(C) The UID; and

(D) The net weight or contents of the trade sample.

(b) Notwithstanding subsection (a) of this section, a sample does not need to be labeled if the sample is:

(A) Usable marijuana provided by the producer who harvested it to a worker permit holder who performs work for or on behalf of the producer who harvested it;

(B) Immature marijuana plants or seeds as described in section (3) of this rule;

(C) A cannabinoid concentrate provided by the producer or processor who processed it to a worker permit holder who performs work for or on behalf of the producer or processor who processed it; or

(D) A cannabinoid extract or cannabinoid product provided by the processor who processed it to a worker permit holder who performs work for or on behalf of the processor who processed it;

(6) Reconciliation in CTS.

(a) When assigning and affixing the UID tag, a licensee or hemp certificate holder must designate samples as trade samples in CTS.

~~(b) Notwithstanding OAR 845-025-7520(3), each cannabinoid product line intended as a trade sample must be assigned a single unique product line name in CTS and may be assigned a single UID tag.~~

~~(c)~~(b) When providing a sample of a marijuana item or hemp item to a worker permit holder as described in subsection (2)(a) of this rule, a licensee must record the following in CTS:

(A) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;

(B) The date and time the sample was provided to the worker permit holder; and

(C) The worker permit number of the worker permit holder receiving the sample.

(7) Trade samples provided under this rule:

(a) May not be consumed or used on a licensed premises;

(b) May not be sold to another licensee or consumer;

(c) Must be transported in compliance with OAR 845-025-7700; and

(d) Must be tested in accordance with OAR chapter 333, division 7.

(8) Notwithstanding subsection (7)(d) of this rule, samples provided to a worker permit holder under subsection (2)(b) for does not need to be tested in accordance with OAR chapter 333, division 7.

(9) Nothing in these rules allows a worker permit holder to possess, in their personal capacity, marijuana items in excess of the amounts described in ORS 475C.337.

(10) Violations. A violation of this rule is a Category III violation.

Statutory/Other Authority: ORS 475C.017, 475C.065, 475C.085, 475C.093 & 475C.097

Statutes/Other Implemented: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097 & ORS 475C.211

845-025-1335

Marijuana Promotional Events

(1) Eligibility. ORS 475C.513 allows businesses licensed by the Commission under ORS 475C.005 to 475C.525 to transport marijuana items to and exhibit marijuana items at a trade show or similar event. This rule sets the qualifications and requirements for promotional events.

(2) Definitions.

(a) “Approved area” means the area approved by the Commission to display and store marijuana items.

(b) “Event organizer” means a person licensed under ORS 475C.005 to 475C.525 who submits a promotional event application and serves as the primary contact with the Commission.

(c) “Participating licensee” means a person licensed under ORS 475C.005 to 475C.525 who has been named as a participant in a promotional event application.

(d) “Promotional event” means an event or trade show at which marijuana items are displayed.

(3) Event organizer.

(a) One participating licensee listed on the application must be identified as the event organizer. Participating licensees and the event organizer may be charged with any violations of this rule.

(b) Event organizers must:

(A) Receive approval from the Commission prior to the event date that specifies all approved participating licensees;

(B) Update and maintain the application;

(C) Verify that all participating licensees’ manifests accurately reflect the marijuana items and hemp items that are transported to the promotional event;

(D) Maintain a log of participating licensees’ attendance;

(E) Keep a copy of the approved application at the event; and

(F) Be present or designate another license representative to be present during the event.

(4) Promotional events may not be held:

- (a) At a location licensed under ORS 475C.005 to 475C.525 or 475C.548; or
- (b) In a city or county that has adopted an ordinance to prohibit recreational marijuana businesses.
- (5) Promotional events may be held at a location that holds a license under ORS 471, as long as no alcoholic beverages are stored or consumed within the approved area.
- (6) Approved promotional events:
 - (a) Allow participating licensees to display:
 - (A) Marijuana plants from the inventory of the participating licensee.
 - (B) Marijuana items from the inventory of the participating licensee.
 - (C) Hemp items from the inventory of the participating licensee if received, processed, and otherwise in compliance with these rules.
 - (b) Allow participating licensees who are marijuana producers, marijuana processors, marijuana wholesalers, or marijuana retailers, to:
 - (A) Transfer trade samples to another participating licensee or to an attending worker permittee in accordance with OAR 845-025-1330 and these rules.
 - (B) Receive trade samples from another participating licensee in accordance with these rules.
 - (C) Transfer marijuana and marijuana items to another participating licensee in accordance with these rules.
 - (D) Receive marijuana and marijuana items from another participating licensee in accordance with these rules.
- (7) An event organizer or participating licensee may not:
 - (a) Display any marijuana items or hemp items not in the participating licensee's inventory;
or
 - (b) Allow consumption or use of alcohol, or marijuana items, or hemp items of any kind in the approved area.
- (8) Transportation and Possession.
 - (a) Participating licensees may not transport to or possess at the promotional event more than the following amounts:

- (A) 25 pounds of usable marijuana.
- (B) Four mature marijuana plants.
- (C) 100 immature marijuana plants.
- (D) 1,000 seeds, tracked by count in CTS.
- (E) 16 ounces of cannabinoid concentrates or cannabinoid extracts.
- (F) 2,500 units of sale of cannabinoid products.
- (b) All participating licensees must immediately return all marijuana items and hemp items to their licensed premises after the conclusion of the event.
- (9) Promotional event CTS requirements.
 - (a) All marijuana items or hemp items must be tracked and tagged pursuant to CTS rule requirements.
 - (b) Each marijuana item or hemp item is required to have the item's associated UID tag affixed to the item or package.
 - (c) ~~All~~Each participating licensees must generate a ~~printed~~ transport manifest in CTS that accompanies all marijuana items or hemp items for the duration of the promotional event ~~that contains~~. A physical or digital copy of the manifest must be available at all times until the items are received into the inventory of a destination licensed premises. For the purposes of this subsection, "available" means able to be readily produced by the individual accompanying the marijuana items and shown to another party in a readable, legible form. The manifest must contain the following information:
 - (A) The name, contact information of a licensee representative, licensed premises address and license number of the licensee transporting the marijuana items or hemp items;
 - (B) Product name and quantities (by weight or unit) of each marijuana item or hemp item contained in each transport, along with the UIDs for every item;
 - (C) The date of transport and approximate time of departure;
 - (D) Date and estimated time when the marijuana items or hemp items will be returned to the licensed premises at the conclusion of the promotional event;
 - (E) Delivery vehicle make and model and license plate information; and
 - (F) The job number assigned to the promotional event in the online platform maintained by the Commission.

(d) Marijuana or marijuana items, including trade samples, transferred to another license must be removed from the original manifest and added to a new manifest as described in OAR 845-025-7700(8). In addition to the requirements in OAR 845-025-7700, the manifest must include the job number assigned to the promotional event in the online platform maintained by the Commission.

(e) Trade samples transferred to a worker permittee must be recorded by editing the manifest to remove the package or packages containing the trade samples, recording the package adjustment as described in OAR 845-025-1330(6)(~~e~~), then adding the package or packages back to the original manifest if any units remain in inventory.

(f) Failure to properly track marijuana items or hemp items as required in this subsection is a Category III violation. An intentional violation of this rule is a Category II violation.

(10) Application Requirements.

(a) The Commission may refuse to process any application that is not made in writing at least 28 days before the date of the event in a form and manner prescribed by the Commission.

(b) The Commission may only accept one application per promotional event.

(c) The Commission may require additional forms, documents, or information as part of the application.

(d) The Commission may refuse to process any application that is not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate and process the application.

(e) The Commission may limit approval of any application to a single day or to any consecutive number of days, not to exceed sixteen consecutive days.

(11) The application for a promotional event under this rule shall include:

(a) The names of all participating licensees.

(b) A description of the amount and types of marijuana items or hemp items proposed to be transported and displayed at the promotional event.

(c) A written control plan that the Commission determines:

(A) Adequately manages the event to prevent unlawful activity and violations; and

(B) Prevents any person under 21 years to be admitted to the areas where marijuana items are present at the event.

(d) The names of the licensee representatives on site at the promotional event and, if applicable, their worker permit numbers issued under OAR 845-025-5500.

(e) Identification of the premises or area proposed for the promotional event.

(f) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall, minor control plan, and proposed hours of operation.

(g) A statement signed by every participating licensee indicating that the licensee agrees to follow the final approved control plan.

(12) Denial.

(a) The Commission may deny any application for a promotional event that does not meet the requirements of this rule.

(b) The Commission may deny, cancel or restrict an application for a promotional event:

(A) For any reason for which the Commission may deny, cancel or restrict a regular license or if the Commission, in its discretion, determines that promotional event presents a risk to public health and safety; or

(B) If any participating licensee has been found to have violated ORS 475C.005 to 475C.525 or any rules adopted there under in the past 24 months.

(13) When the Commission approves a written control plan required under this rule, all participating licensees must follow that written plan. Failure to follow that written plan is a Category III violation. An intentional violation of this section is a Category II violation.

(14) The Commission may immediately revoke authority of any participating licensee to participate in the promotional event if the Commission has reasonable grounds to believe continued operation of the event presents a risk to public health and safety.

(15) A licensee may not participate in a promotional event unless it has been approved by the Commission. Participation in an event where prior approval was required under this rule but was not approved by the Commission is a Category I violation.

Statutory/Other Authority: ORS 475C.017, ORS 475C.083, ORS 475C.211 & ORS 475C.513

Statutes/Other Implemented: ORS 475C.083, ORS 475C.211 & ORS 475C.513

845-025-2550

Requirements for Producing and Providing Marijuana for Patients

(1) A licensed producer who has been registered by the Commission to produce marijuana for patients must:

- (a) Comply with all seed-to-sale tracking requirements required in these rules;
- (b) Comply with testing rules in OAR chapter 333, division 7 applicable to licensee testing of usable marijuana prior to transferring usable marijuana to a patient or the patient's designated primary caregiver and upon request by a patient, provide a patient with a copy of all testing results;
- (c) Comply with all applicable testing, labeling, and packaging rules when transferring or selling usable marijuana to any licensee of the Commission;
- (d) In addition to subsection (a) of this section, use CTS to document the amount of usable marijuana transferred to each patient or designated primary caregiver, the date of the transfer, and the patient's or designated primary caregiver's OMMP number;
- (e) Provide at least 75 percent of the annual yield of usable marijuana to patients or their designated primary caregivers; and
- (f) Generate a manifest in CTS ~~and carry a physical copy of the manifest when~~ prior to delivering marijuana to a patient or designated primary caregiver. A physical or digital copy of the manifest must be available at all times until the marijuana is received by the patient or designated primary caregiver. For the purposes of this subsection, "available" means able to be readily produced by the individual accompanying the delivery and shown to another party in a readable, legible form. If a patient or designated primary caregiver is picking up the usable marijuana from the licensed premises of the producer, the producer must generate a manifest in CTS but a physical or digital copy is not required. In addition to the information required on a transport manifest under OAR 845-025-7700, a manifest must include:

- (A) The registry identification card number of the registry identification cardholder to whom the items are being transferred;
 - (B) The OMMP identification card number of the designated primary caregiver if transferring to a designated primary caregiver; or
 - (C) The marijuana grow site registration card number of the PRMG if transferring to a PRMG.
- (2) A producer registered to produce marijuana for patients may:

(a) Transfer immature marijuana plants, seeds, and tissue cultures from the producer's recreational plant stock to the area used for the production of marijuana for patients;

(b) Provide a patient or a designated primary caregiver:

(A) No more than 24 ounces of usable marijuana per patient in any one transfer or in any 24 hour period;

(B) An aggregate amount of no more than three pounds of usable marijuana per patient in a calendar year;

(C) No more than 12 immature marijuana plants over 24 inches in height in any 24 hour period; and

(D) No more than 36 immature marijuana plants under 24 inches in height in any 24 hour period.

(c) Provide to a patient's PRMG:

(A) No more than 12 immature marijuana plants over 24 inches in height per patient that the PRMG is growing for in any 24 hour period; and

(B) No more than 36 immature marijuana plants under 24 inches in height per patient that the PRMG is growing for in any 24 hour period.

(d) Terminate their registration with prior notice to the Commission; and

(e) Upon termination, the producer must:

(A) Cease production in the medically designated canopy area; and

(B) Transfer any remaining usable marijuana yielded from the medically designated canopy to either a registry identification cardholder or designated primary caregiver, as allowed by these rules.

(3) May not:

(a) Be compensated for producing or providing usable marijuana to a patient or the patient's designated primary caregiver;

(b) Transfer more than 25 percent of the total annual yield of usable marijuana from the producer's medically designated canopy to licensees of the Commission; or

(c) Transfer marijuana to a patient or designated primary caregiver other than as described in sections (1) and (2) of this rule.

(4) Violations. A violation of section (2) of this rule is a Category II violation. All other violations of this rule are Category III violations.

Statutory/Other Authority: ORS 475C.017 & ORS 475C.137

Statutes/Other Implemented: ORS 475C.017 & ORS 475C.137

845-025-2860

Marijuana Retailers — Consumer Health and Safety Information

A retailer must:

(1) Post at a conspicuous location the following posters prescribed by the Commission, measuring 22 inches high by 17 inches wide ~~that can be downloaded at www.oregon.gov/olcc/marijuana:~~

(a) A Pregnancy Warning Poster; ~~and~~

(b) A Poisoning Prevention Poster; ~~and~~ [and](#)

~~(2) Post at a conspicuous location a color copy of the~~ (c) An “Educate Before You Recreate” flyer ~~measuring 22 inches high by 17 inches wide that can be downloaded at WHATSLEGALOREGON.COM.~~

~~(32)~~ Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Commission, measuring 3.5 inches high by 5 inches long ~~that can be downloaded at www.oregon.gov/olcc/marijuana.~~

~~(3) The posters and cards described in this rule can be downloaded from www.oregon.gov/olcc/.~~

(4) Violations. A violation of this rule is a Category V violation.

Statutory/Other Authority: ORS 475C.017 & 475C.097

Statutes/Other Implemented: ORS 475C.017 & 475C.097

845-025-3305

Processing for Cardholders

(1) Eligibility. Notwithstanding OAR 845-025-3215(3), a processor licensed under ORS 475C.085 who has registered in the form and manner prescribed by the commission may receive usable marijuana from a patient or the patient’s designated primary caregiver and, for a fee, process that usable marijuana into cannabinoid products, concentrates and extracts for transfer to the patient or the patient’s designated primary caregiver subject to the following conditions:

(a) The processor cannot receive more than 24 ounces of usable marijuana from a patient or the patient's designated primary caregiver in a single transaction;

(b) The processor cannot receive more than six pounds from a patient or the patient's designated primary caregiver in any 12-month period; and

(c) The processor may not transfer more than the following amounts of marijuana items to a patient or the patient's designated primary caregiver in a single transaction:

(A) One ounce of cannabinoid extracts;

(B) 16 ounces of cannabinoid concentrates;

(C) 16 ounces of cannabinoid products in solid form;

(D) 72 ounces of cannabinoid products in liquid form; or

(E) Five grams of cannabinoid products intended for inhalation.

(d) In total the processor may not transfer more than the following amounts of marijuana items to a patient or the patient's designated primary caregiver in any 12 month period:

(A) Four ounces of cannabinoid extracts;

(B) 64 ounces of cannabinoid concentrates;

(C) 64 ounces of cannabinoid products in solid form; or

(D) 288 ounces of cannabinoid products in liquid form.

(e) The processor must:

(A) Record all activity under this rule in CTS; and

(B) Have the proper endorsements listed within 845-025-3210.

(2) Transfer requirements. Prior to transferring any cannabinoid products, concentrates or extracts processed under this rule to a patient or the patient's designated primary caregiver the processor must:

(a) Securely affix a label that contains the following information in a legible font to all containers holding a marijuana item:

(A) A statement that reads: "NOT FOR SALE" in bold, capital letters attached to the marijuana item;

(B) The universal symbol;

(C) The UID number;

(D) The business name and license number of the processor; and

(E) The net weight or volume of the marijuana or marijuana item.

(b) Comply with the:

(A) Testing requirements applicable to licensed processors in ORS 475C.540 to ORS 475C.586 and OAR 333-007-0300 to 333-007-0500;

(B) The concentration limit requirements in ORS 475C.620 and any rules adopted thereunder; and

(C) Generate a manifest in CTS ~~and carry a physical copy of the manifest during transportation, if delivering to a patient or designated primary caregiver.~~prior to delivering the cannabinoid products, extracts or concentrates to a patient or designated primary caregiver. A physical or digital copy of the manifest must be available at all times until the marijuana items are received by the patient or designated primary caregiver. For the purposes of this paragraph, “available” means able to be readily produced by the individual accompanying the delivery and shown to another party in a readable, legible form. If the cardholder or designated primary caregiver is picking up the cannabinoid products, extracts or concentrates from the licensed premises of the processor, the processor must still generate a manifest in CTS but a physical ~~manifest or digital copy~~ is not required ~~to be printed but must be generated in CTS.~~

(3) Record Keeping. In addition to the requirements of subsection (1)(e) of this rule, the processor must record all patient or designated primary caregiver’s OMMP number from whom they receive usable marijuana and the OMMP number of the patient or designated primary caregiver to whom they transfer cannabinoid products, concentrates and extracts.

(4) Processing Requirements. The processor may only combine usable marijuana received from patients or designated primary caregivers when processing cannabinoid products, concentrates and extracts for a patients or the patients’ designated primary caregiver. A processor may not add or contribute any other usable marijuana, industrial hemp, or hemp items to the processing.

(a) When distributing a cannabinoid product derived from usable marijuana received from multiple patients in (4) of this rule, the processor must distribute in proportional shares.

(b) The processor must segregate all usable marijuana received under this rule and all cannabinoid products, concentrates and extracts processed under this rule from its other inventory.

(5) Violations. Failure to comply with this rule is a Category III violation.

Statutory/Other Authority: ORS 475C.017, ORS 475C.085 & 475C.141

Statutes/Other Implemented: ORS 475C.085 & 475C.141

845-025-3320

Hemp Item Transfers to Unlicensed Persons

(1) For the purpose of this rule, “unlicensed person” means a person that is not a producer, processor, retailer, wholesaler, or laboratory.

(2) Eligibility. A processor with an industrial hemp endorsement may transfer hemp items to an unlicensed person subject to the following conditions:

(a) The hemp items are tested as described in ORS 475C.544 and otherwise meets the requirements for marijuana items under ORS 475C.005 to 475C.525, 475C.540 to 475C.586 and 475C.600 to 475C.644 and these rules; and

(b) The hemp items do not exceed 0.3 percent total delta-9-THC.

(3) The processor must record all activity under this rule in CTS.

(4) Transfer requirements. Prior to transferring any hemp items under this rule to a person that is not a processor, retailer or wholesaler the processor must:

(a) Generate a manifest in CTS.

(b) After generating a manifest in CTS, segregate all hemp items on the manifest and hold the hemp items on the licensed premises for at least three business days under camera coverage prior to removing the hemp items from the licensed premises.

(c) ~~Carry~~Have a physical or digital copy of the manifest ~~during transportation, if delivering~~available at all times until the hemp items ~~to an~~are received by the unlicensed person. For the purposes of this subsection, “available” means able to be readily produced by the individual accompanying the transport and shown to another party in a readable, legible form. If the unlicensed person is picking up the cannabinoid products, extracts or concentrates from the licensed premises of the processor, the processor must still generate a manifest in CTS but a physical ~~manifest or digital copy~~ is not required ~~to be printed but must be generated in CTS.~~

(5) A processor may not make transfers under this rule to the licensed premises of a producer, processor, wholesaler, retailer, or laboratory.

(6) Violations.

(a) Transferring a hemp item that exceeds one percent total delta-9-THC to a person who is not a licensee, laboratory licensee, or research certificate holder is a Category II violation.

(b) Transferring a hemp item that exceeds 0.3 percent total delta-9-THC but does not exceed one percent total delta-9-THC to a person who is not a licensee, laboratory licensee, or research certificate holder is a Category III violation.

(c) A violation of subsection (4)(b) is a Category III violation.

(d) All other violations of this rule are Category IV violations.

Statutory/Other Authority: ORS 475C.017 & ORS 571.337

Statutes/Other Implemented: ORS 571.337

845-025-7580

Reconciliation with Inventory

(1) All licensees, laboratory licensees, research certificate holders, grow site administrators, medical marijuana processing sites, and medical marijuana dispensaries must:

(a) Use CTS for all inventory tracking activities, as defined by these rules.

(b) By ~~8 a~~6 p.m. local time of the next calendar day, reconcile all marijuana item inventories and weights in CTS;

(c) Record all required information for usable marijuana, cannabinoid concentrates, and extracts by weight;

(d) For each marijuana plant batch, record the total wet weight harvested and count of marijuana plants within the batch being harvested immediately after harvest; and

(e) Record all required information for cannabinoid products by unit count but must also record the weight per unit of a product.

(2) Notwithstanding subsection (1)(b) of this rule, during the first 45 days following the harvest of a marijuana plant, daily reconciliation of the weight of moisture lost to evaporation is not required for marijuana. The weight of moisture loss must be reconciled prior to any transfer, processing, sale, or packaging and no later than 45 days after the harvest, whichever comes first.

(3) The requirements in subsection (1)(b) and section (6) of this rule do not apply during the first ten calendar days of licensure or registration so long as the licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary has ordered UID tags and the UID tags are in transit to the receiving party.

(4) The requirements in subsection (1)(b) of this rule do not apply to marijuana items held by a laboratory licensee that are undergoing analytical testing required by these rules or OAR chapter 333, division 7 so long as the marijuana items do not leave the laboratory's licensed premises and are reconciled on the same day that the analytical testing concludes.

(5) Notwithstanding subsection (1)(d) of this rule, for any harvests prior to June 17, 2024, or for any harvests where only one marijuana plant is being harvested from each plant batch, the wet weight of each harvested marijuana plant batch may be entered as the mean average of all marijuana plants being harvested as a group. The mean average shall be calculated as the sum total wet weight of the plant batches being entered into CTS as a harvest group divided by the total number of plants being harvested in that group.

(6) In addition to the requirements in section (1) of this rule, retailers and medical marijuana dispensaries must record each sale, delivery, or transfer of a marijuana item to a consumer as a sales transaction and record the price before tax and amount of each item sold and the date of each transaction in CTS for each individual transaction. A marijuana item transferred to a medical marijuana patient or caregiver for no cost must be recorded as a sales transaction with zero price.

(7) Information that was not required to be recorded and reconciled daily pursuant to section (3) of this rule must be recorded and reconciled within three calendar days of the licensee's, grow site administrator's, medical marijuana processing site's, or medical marijuana dispensary's receipt of UID tags.

(8) Violations. A violation of this rule is a Category III violation.

Statutory/Other Authority: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097 & ORS 475C.177

Statutes/Other Implemented: ORS 475C.177

845-025-7700

Transportation and Delivery of Marijuana Items

(1) Marijuana items transferred by licensees.

(a) Marijuana items transferred between licensed premises may only be transported by:

(A) A licensee or licensee representative of the originating license or another license under common ownership;

(B) A licensee or licensee representative of the receiving license; or

(C) A wholesale licensee or wholesale licensee representative on behalf of the originating or receiving licensee.

(b) Marijuana items transferred by a licensee to a PRMG or to the residence of a registry identification cardholder or designated primary caregiver may only be transported by the originating licensee or a licensee representative of the originating licensee.

(c) Samples of marijuana items that are obtained by a laboratory licensee pursuant to OAR 333-007-0360 may only be transported by the laboratory licensee or a laboratory licensee representative of the receiving laboratory.

(d) Other than as provided in this rule or OAR 845-025-2880, marijuana or marijuana items may not be transferred or transported off the licensed premises without a manifest:

(A) To an unknown or undisclosed location; or

(B) To an unlicensed location.

(2) Physical transport requirements for licensees.

(a) An individual authorized to transport marijuana items on behalf of a licensee or laboratory licensee must have a valid driver license.

(b) A licensee or laboratory licensee must:

(A) Store marijuana items in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle;

(B) When transporting perishable marijuana items, provide appropriate temperature control within the transport vehicle;

(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon;

(D) Deliver marijuana items to all destinations and return any remaining marijuana items to the origin premises within 120 hours of original departure;

(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop;

(F) Package all marijuana items for transport in shipping containers and assign and affix a UID tag to all receptacles containing marijuana items as required by these rules;

~~(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest, but may prepare a separate CTS manifest for each receiving location in order to maintain transaction confidentiality;~~

~~(H)~~~~(G)~~ Contact the Commission immediately, or as soon as possible under the circumstances, if a vehicle transporting marijuana items is involved in any accident or other situation involving product loss;

~~(H)~~ Travel directly from the originating location to the destination location as described in the manifest route;

~~(I)~~ Notify the Commission in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route; and

~~(K)~~ Immediately make the vehicle and its contents available for inspection upon the Commission's request if the delivery vehicle is stopped at an unlicensed location.

(c) A licensee or laboratory licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove the marijuana items from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer marijuana items to, nor store marijuana items in a hotel or any other unlicensed premises;

(C) Void or change a manifest after departing the originating premises, except as allowed in section (8) of this rule or as described in OAR 845-025-1335(9)(e); or

(D) Travel with any persons not listed on the manifest.

(3) CTS Manifest General Requirements.

(a) Prior to removing a marijuana item from the originating location for the purposes of transport or delivery, the originating licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a ~~printed~~ transport manifest containing the following information:

(A) The originating location's license number and address as it appears in CTS;

(B) The destination location's license number and address as it appears in CTS;

(C) The UID, product name, and quantity (by weight or unit as applicable) of each marijuana item;

(D) The actual date and estimated time of departure;

- (E) Location and duration of time for any overnight stop;
- (F) The arrival date and estimated time of arrival or completion of delivery;
- (G) The delivery vehicle make, model, and license plate number; and
- (H) The name, contact information, worker permit number and signature of the individual accompanying the transport.

(b) A physical, ~~printed or digital~~ copy of the ~~generated~~ manifest must ~~accompany every transport of~~ be available at all times while transporting marijuana items. For the purposes of this subsection, “available” means able to be readily produced by the individual accompanying the transport and shown to another party in a readable, legible form.

(c) Notwithstanding subsection (b) of this section, a manifest is not required for a sales transaction or transfer of marijuana to a consumer, patient, or caregiver when the physical transfer of the marijuana occurs at the premises of a licensed retailer or at a medical marijuana dispensary.

(4) CTS Manifest Requirements for Transports to Consumers. When transporting marijuana items to a consumer as allowed by these rules, the manifest must include:

- (a) The information required on the manifest by subsection (3)(a) of this rule, except for a destination location license number;
- (b) The name of the individual receiving the marijuana item;
- (c) The address of the destination; and
- (d) All information for the manifest required under OAR 845-025-2880.

(5) CTS Manifest Requirements for Transfers to PRMGs, Registry Identification Cardholders, or Designated Primary Caregivers.

~~(a) Prior~~ (a) A licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must generate a manifest in CTS prior to transferring marijuana items to a PRMG, registry identification cardholder, or designated primary caregiver, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing. A physical or digital copy of the manifest must be available at all times while transporting the marijuana items. For the purposes of this subsection, “available” means able to be readily produced by the individual accompanying the transport and shown to another party in a readable, legible form. The manifest must contain the following information:

(A) The information required on a manifest by subsection (3)(a) of this rule, except for a destination location license number;

(B) The name of the individual receiving the marijuana item;

(C) The address of the destination, if the delivery is not completed at the originating location;

(D) If delivered to a registry identification cardholder, the registry identification card number;

(E) If delivered to a designated primary caregiver on behalf of a patient, designated primary caregiver identification card; and

(F) If delivered to a PRMG, the marijuana grower and grow site registration card number of the PRMG.

(b) A licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary transporting marijuana to individuals or locations not in CTS must record whether each marijuana item was accepted by the recipient or rejected and returned to the originating location inventory, and if accepted, record the transport as complete in CTS.

(6) CTS Requirements when Receiving from Locations in CTS. Upon receipt of a delivery of marijuana items, the receiving licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Record each applicable UID as accepted and received or rejected in CTS as applicable;

(b) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS if accepted; and

(c) Separately and for each UID, document any differences between the quantities specified on the manifest and the quantities received in CTS.

(7) CTS Requirements when Receiving from Locations Not in CTS. When receiving marijuana items from a source not subject to CTS tracking but otherwise allowed by these rules or OAR chapter 333, division 8, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Use CTS to record an incoming manifest including the registry identification card number, designated primary caregiver identification card number, or grow site registration card number, as applicable;

(b) Assign and affix a UID tag to each quantity of marijuana items received;

(c) Use CTS to record the incoming transport no later than the time of daily inventory reconciliation as required by these rules; and

(d) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS.

(8) Licensee Transport of Marijuana to Intermediary Stops. A licensee may remove marijuana items from a manifest after departing from the originating premises if:

(a) The route of the original manifest lists the trade name, license number, address, and estimated arrival time for each licensed premises that will be visited as an intermediary stop;

(b) All marijuana items in the vehicle are included on a CTS manifest at the time of departure from the originating premises;

(c) Marijuana items that are removed from the original manifest at an intermediary stop are immediately added to a new CTS manifest. The manifest number of the original manifest must be listed on the new manifest. The destination license on the new manifest must be listed on the original manifest route as an intermediary stop;

(d) Changes to the original manifest under subsection (c) of this section are only made while the marijuana items subject to the change are physically located within the licensed premises of the intermediary stop to which they are being transferred; and

(e) The amount of marijuana items being transported in the vehicle does not exceed:

(A) 75 pounds of usable marijuana;

(B) Three pounds of concentrate or extract; or

(C) 10,000 units of sale of any individual cannabinoid product.

(f) Notwithstanding subsection (e) of this section, the amount of marijuana items being transported in the vehicle do not exceed the amounts described in OAR 845-025-1335 if being transported to a promotional event.

(9) Violations.

(a) A violation of section (1) of this rule is a Category I violation.

(b) A violation of sections (2) to (4) of this rule is a Category III violation.

(c) A violation of sections (5) to (8) of this rule is a Category IV violation.

Statutory/Other Authority: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097 & 475C.177

Statutes/Other Implemented: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097, 475C.177 & ORS 475C.515

845-025-7750

Waste Management

(1) A licensee must:

(a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to:

(A) Solid waste requirements in ORS 459 and OAR chapter 340, divisions 93 to 96;

(B) Hazardous waste requirements in ORS 466 and OAR chapter 340, divisions 100 to 106; and

(C) Wastewater requirements in ORS 468B and OAR chapter 340, divisions 41 to 42, 44 to 45, 53, 55, and 73.

(b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.

(c) If a licensee generates the waste post-harvest or if an entire marijuana plant greater than 24 inches tall is designated as waste:

(A) The waste must be held on the licensed premises for at least three business days under camera coverage prior to disposal.

(B) The licensee must document a reason for the waste in a form and manner prescribed by the Commission.

(C) The licensee must document the exact time and method of destruction in a form and manner prescribed by the Commission.

(d) For waste that was previously designated a marijuana item, all licensees must:

(A) Hold on the licensed premises for at least three business days under camera coverage prior to disposal;

(B) Document a reason for the waste in a form and manner prescribed by the Commission; and

(C) Document the exact time and method of destruction in a form and manner prescribed by the Commission.

[\(e\) Notwithstanding paragraph \(d\)\(A\) of this section, a retailer may at any time dispose of waste that was previously designated a cannabinoid concentrate, cannabinoid extract, cannabinoid product intended for inhalation, hemp concentrate, hemp extract, or hemp cannabinoid product intended for inhalation if the item includes a battery as a component of the design.](#)

(2) A licensee may give or sell marijuana waste to a producer, processor, or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500.

(3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.

(4) Waste items consisting of usable marijuana, concentrates, extracts, or cannabinoid products must be disposed of on the licensed premises or transferred to another licensee for disposal.

(5) Any product containing marijuana or hemp waste may not be transferred or sold to any licensee for consumption.

(6) Violations. A violation of this rule is a Category III violation.

Statutory/Other Authority: ORS 475C.017, 475C.117 & 475C.117

Statutes/Other Implemented: 475C.117, ORS 475C.065, 475C.085, 475C.093, 475C.097 & 475C.117

Division 26

CANNABIS CONCENTRATION LIMITS & HEMP PRODUCT REGISTRY

845-026-0300

Adult Use Cannabis Item

(1) An industrial hemp commodity or product is an adult use cannabis item if it is a hemp item as defined in OAR 603-048-2310 and [the entire item](#):

(a) Contains 0.5 milligrams or more of:

(A) Total delta-9-THC;

(B) Any other tetrahydrocannabinol or tetrahydrocannabinolic acid, including delta-8-tetrahydrocannabinol; or

(C) Any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect; [or](#)

(b) Contains any quantity of artificially derived cannabinoids; or

(c) ~~The testing done in accordance with ORS 571.330 or 571.339 was performed~~ [Has not been tested](#) using a method with ~~a~~an LOQ [or limit of detection](#) that is ~~not~~ sufficient to demonstrate that ~~the total~~[either:](#)

[\(A\) The entire item contains no more than 0.5 milligrams delta-9-THC and no more than 0.5 milligrams delta-9-THCA; or](#)

[\(B\) The concentration does not exceed ~~0.5 milligrams~~1 parts per million of delta-9-THC and does not exceed 1 parts per million of delta-9-THCA.](#)

(2) An adult use cannabis item cannot be sold or delivered to a person under 21 years of age, except by a marijuana retailer that holds a license issued under ORS 475C.097 and that is registered under ORS 475C.149 to sell or deliver marijuana items to a registry identification cardholder who is 18 years of age or older or as allowed under ORS 475C.770 to 475C.919.

(3) Civil Penalties. The Commission may impose a civil penalty of no more than \$10,000 for each violation of section (2) of this rule.

[\(4\) For the purposes of this rule, “tested” means testing performed in accordance with ORS 571.330 or 571.339 if the hemp item is intended for human consumption or use.](#)

Statutory/Other Authority: ORS 475C.017, ORS 475C.009 & ORS 475C.405

Statutes/Other Implemented: ORS 475C.017, ORS 475C.009 & 475C.213

845-026-0400

Maximum Concentration and Serving Size Limits for Industrial Hemp Products:

Definitions, Purpose, Scope and Effective Date

(1) Applicability.

(a) Except as provided in subsection (b) of this section, this rule applies to industrial hemp products that:

(A) Contain cannabinoids and are intended for human consumption or intended for human use; and

(B) Are offered for sale, transfer, or delivery to a consumer in Oregon or imported into Oregon for delivery to a consumer.

(b) This rule does not apply to hemp items, as that term is defined in OAR 845-025-1015, that are subject to the concentration and serving size limits in OAR 845-025-2760.

(2) An industrial hemp product meets the concentration limits permitted under this rule if:

(a) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum amount of THC permitted by more than 10 percent;

(b) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum concentration of THC permitted by more than 10 percent; and

(c) The testing done in accordance with ORS 571.330 or 571.339 was performed using a method with a LOQ sufficient to demonstrate that the total delta-9-THC does not exceed the maximum amount of THC permitted in a container by more than 10 percent.

(3) The maximum concentration and amount of total delta-9-THC permitted in a container and the maximum concentration or amount of total delta-9-THC permitted in a serving is listed in Table 3, incorporated by reference.

(4) An industrial hemp product may only contain an artificially derived cannabinoid if: [approved under OAR 845-026-0415.](#)

~~(a) Until July 1, 2025:~~

~~(A) The only artificially derived cannabinoid the industrial hemp product contains is cannabitol (CBN);~~

~~(B) The product is not intended for human inhalation; and~~

~~(C) The CBN:~~

~~(i) Is not a controlled substance under OAR chapter 855, division 80;~~

~~(ii) Was manufactured in compliance with applicable laws relating to food safety; and~~

~~(D) The manufacturer of the CBN:~~

~~(i) Has taken substantial steps towards meeting the requirements described in subsection (1)(c) of this rule, including but not limited to initiating or contracting to initiate safety studies;~~

~~(ii) Has conducted a hazard analysis as described in 21 CFR 117.130 to identify foreseeable hazards in the process of manufacturing the CBN; and~~

~~(iii) Has documented any preventative controls, as described in 21 CFR 117.135 that minimize or prevent any hazards requiring preventive control; or~~

~~(b) At any time:~~

~~(A) The artificially derived cannabinoid:~~

~~(i) Is not a controlled substance under OAR chapter 855, division 80;~~

~~(ii) Was manufactured in compliance with applicable laws relating to food safety;~~

~~(iii) In the Commission's judgment, is not impairing or intoxicating at the intended concentration in the product; and~~

~~(iv) Has been reported as a naturally-occurring component of the plant Cannabis family Cannabaceae in at least three peer-reviewed publications.~~

~~(B) The product is not intended for human inhalation; and~~

~~(C) The manufacturer of the artificially derived cannabinoid:~~

~~(i) Has made a "Generally Recognized as Safe" (GRAS) determination for the artificial cannabinoid;~~

~~(ii) Has received a Food and Drug Administration (FDA) letter responding to a "Generally Recognized as Safe" (GRAS) notice for the artificially derived cannabinoid manufactured by the same method that the manufacturer uses, affirming that FDA has no questions about the notice; or~~

~~(iii) Has received an FDA letter of acknowledgement with no objections in response to a New Dietary Ingredient notification for the artificially derived cannabinoid manufactured by the same method that the manufacturer uses.~~

(5) Serving size is as determined by the manufacturer and must comply with applicable serving size limits.

(6) An industrial hemp product that does not fall within a category in Table 3 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 3.

Statutory/Other Authority: ORS 475C.017, 475C.405 & ORS 571.309

Statutes/Other Implemented: ORS 571.309

OAR 845-026-0400

Table 3

INDUSTRIAL HEMP PRODUCT THC CONCENTRATION AND SERVING SIZE LIMITS			
Type of Industrial Hemp Product	Maximum Amount of Total Delta-9-THC Per Serving	Maximum Amount of Total Delta-9-THC per Container	Maximum Concentration of Total Delta-9-THC
~~Hemp Edibles~~ Hemp Edibles in Solid Form or Hemp Edibles in Liquid Form Less Than or Equal to 80 Fluid Ounces in Volume	2 mg	20 mg	0.3%
Hemp Edibles in Liquid Form Greater Than 80 Fluid Ounces in Volume	2 mg	N/A	0.25 mg per fluid ounce
Hemp Topicals	N/A	N/A	0.3%
Hemp Transdermal Patches	2 mg	20 mg	0.3%
Hemp Tinctures	2 mg	100 mg	0.3%
Usable Hemp	N/A	N/A	0.3%
Industrial Hemp Concentrates or Extracts	N/A	N/A	0.3%
Cannabinoid Hemp Products Other than Hemp Edibles, Topicals, Tinctures, or Transdermal Patches	2 mg	20 mg	0.3%

845-026-0410

Adult Use Cannabinoid Concentration Level for Industrial Hemp Commodities or Products Constituting Marijuana Items: Definitions, Purpose, Scope and Effective Date

(1) Applicability.

(a) Except as provided in subsection (b) of this section, this rule applies to industrial hemp commodities or products that:

(A) Contain cannabinoids and are intended for consumption or use by humans or animals; and

(B) Are offered for sale or transfer to a consumer in Oregon or imported into Oregon for delivery to a consumer.

(b) Hemp items, as that term is defined in OAR 845-025-1015, subject to the concentration and serving size limits in OAR 845-025-2760 must also comply with the requirements in OAR 845-025-2760.

(2) An industrial hemp commodity or product does not exceed the concentration limits established under this rule if:

(a) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum amount of THC permitted by more than 10 percent;

(b) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum concentration of THC permitted by more than 10 percent; and

(c) The testing done in accordance with ORS 571.330 or 571.339 was performed using a method with a LOQ sufficient to demonstrate that the total delta-9-THC does not exceed the maximum amount of THC permitted in a container by more than 10 percent.

(3) Table 4, incorporated by reference, establishes the maximum concentration and amount of total delta-9-THC for a container and the maximum concentration or amount of total delta-9-THC for a serving.

(4) An industrial hemp commodity or product may contain an adult use cannabinoid that is an artificially derived cannabinoid only if: [approved under OAR 845-026-0415.](#)

~~(a) Until July 1, 2025:~~

~~(A) The only artificially derived cannabinoid the industrial hemp product contains is cannabitol (CBN);~~

~~(B) The product is not intended for human inhalation; and~~

~~(C) The CBN:~~

~~(i) Is not a controlled substance under OAR chapter 855, division 80;~~

~~(ii) Was manufactured in compliance with applicable laws relating to food safety; and~~

~~(D) The manufacturer of the CBN:~~

~~(i) Has taken substantial steps towards meeting the requirements described in subsection (1)(c) of this rule, including but not limited to initiating or contracting to initiate safety studies;~~

~~(ii) Has conducted a hazard analysis as described in 21 CFR 117.130 to identify foreseeable hazards in the process of manufacturing the CBN; and~~

~~(iii) Has documented any preventative controls, as described in 21 CFR 117.135 that minimize or prevent any hazards requiring preventive control; or~~

~~(b) At any time:~~

~~(A) The artificially derived cannabinoid:~~

~~(i) Is not a controlled substance under OAR chapter 855, division 80;~~

~~(ii) Was manufactured in compliance with applicable laws relating to food safety;~~

~~(iii) In the Commission's judgment, is not impairing or intoxicating at the intended concentration in the product; and~~

~~(iv) Has been reported as a naturally-occurring component of the plant Cannabis family Cannabaceae in at least three peer-reviewed publications.~~

~~(B) The product is not intended for human inhalation; and~~

~~(C) The manufacturer of the artificially derived cannabinoid:~~

~~(i) Has made a "Generally Recognized as Safe" (GRAS) determination for the artificial cannabinoid;~~

~~(ii) Has received a Food and Drug Administration (FDA) letter responding to a "Generally Recognized as Safe" (GRAS) notice for the artificially derived cannabinoid manufactured by the same method that the manufacturer uses, affirming that FDA has no questions about the notice; or~~

~~(iii) Has received an FDA letter of acknowledgement with no objections in response to a New Dietary Ingredient notification for the artificially derived cannabinoid manufactured by the same method that the manufacturer uses.~~

(5) Serving size is as determined by the manufacturer and must comply with applicable serving size limits.

(6) An industrial hemp commodity or product that does not fall within a category in Table 4 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 4.

(7) Civil Penalties. The Commission may impose a civil penalty of no more than \$10,000 for each violation of ORS 475C.257 against a person other than a commission-licensed marijuana retailer for selling an industrial hemp commodity or product to a consumer that exceeds the concentration and serving size limits in this rule.

Statutory/Other Authority: ORS 475C.017, ORS 475C.257 & ORS 571.309

Statutes/Other Implemented: ORS 475C.257 & ORS 571.309

OAR 845-026-0410

Table 4

INDUSTRIAL HEMP PRODUCT THC CONCENTRATION AND SERVING SIZE LIMITS			
Type of Industrial Hemp Product	Maximum Amount of Total Delta-9-THC Per Serving	Maximum Amount of Total Delta-9-THC per Container	Maximum Concentration of Total Delta-9-THC
~~Hemp Edibles~~ Hemp Edibles in Solid Form or Hemp Edibles in Liquid Form Less Than or Equal to 80 Fluid Ounces in Volume	2 mg	20 mg	0.3%
Hemp Edibles in Liquid Form Greater Than 80 Fluid Ounces in Volume	2 mg	N/A	0.25 mg per fluid ounce
Hemp Topicals	N/A	N/A	0.3%
Hemp Transdermal Patches	2 mg	20 mg	0.3%
Hemp Tinctures	2 mg	100 mg	0.3%
Usable Hemp	N/A	N/A	0.3%
Industrial Hemp Concentrates or Extracts	N/A	N/A	0.3%
Cannabinoid Hemp Products Other than Hemp Edibles, Topicals, Tinctures, or Transdermal Patches	2 mg	20 mg	0.3%

845-026-6030

Labeling for Sale to Consumer

(1) A person responsible for manufacturing, packaging, or distributing a hemp item must ensure that it has a label that complies with the requirements in ~~this rule~~ [these rules](#) before selling, transferring, or delivering the hemp item directly to a consumer in this state or to a retailer in this state for the purpose of sale to a consumer in this state.

(2) A label on a hemp item must:

(a) Be printed on or affixed to the container holding the hemp item and printed on or affixed to any outer 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.

(3) A label on hemp item may not contain any untruthful or misleading statements including, but not limited to:

(a) 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.

(b) A target potency that differs from the potency of the item based on the value calculated by the laboratory that tested the batch by more than 10 percent.

(4) 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 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.

(e) If a label includes a target potency, it must be on the principal display panel.

(5) 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 container 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.

(6) 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 containers 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.

(7) Potency Labeling.

(a) 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.

(b) For products intended for human consumption, the values listed on the label must be the values calculated by the laboratory for compliance testing required by ORS 571.339.

- (c) A label may not have a total THC value that exceeds the applicable maximum concentration limit by over 10 percent as specified in OAR 845-026-0410.
- (d) 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.”
- (e) 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.
- (f) 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.
- (g) Notwithstanding subsections (a) and (d) of this section, a label is not required by these rules to display the value calculated by the laboratory that tested the batch for a specific cannabinoid, including THC or CBD, if:
 - (A) The label contains a target potency for the specific cannabinoid in the container and in each serving; and
 - (B) The specific cannabinoid value is within 10 percent of the value calculated by the laboratory that tested the batch.
- (8) Hemp symbol.
 - (a) Where required by these rules, a label must contain the hemp symbol.
 - (b) For a hemp item that is an adult use cannabis item, the hemp symbol is the American Society for Testing and Materials International Intoxicating Cannabis Product Symbol (D8441/D8441M) that is made available on the Commission’s website, measuring at least 0.5 inches wide by 0.5 high.
 - (c) For a hemp item that is not an adult use cannabis item, the hemp symbol is either:
 - (A) The blue hemp symbol established by the Commission and made available on the Commission’s website, measuring at least 0.48 inches wide by 0.35 high; or
 - (B) The American Society for Testing and Materials International Intoxicating Cannabis Product Symbol (D8441/D8441M) that is made available on the Commission’s website, measuring at least 0.5 inches wide by 0.5 high.
 - (d) The hemp symbol may not be modified, including but not limited to, color and shape, except that the hemp symbol may be larger than the minimum size.
- (9) A hemp item may have one or more label panels printed on or affixed to the container.

(10) 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 produced by an ODA hemp handler or grower, their license number;

(C) Batch number;

(D) Concentration or amount of total THC and total CBD in the container as required by (7) 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.

(11) The outer container used to display the hemp item for sale or transfer to a consumer must comply with the labeling requirements in sections (1) to (8) and (12) to (18) of this rule, even if an inner container qualifies for the exception under section (10) of this rule.

(12) 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 hemp item is intended for human consumption or the “BE

CAUTIOUS” warning if the effects of the hemp item are customarily felt immediately. For example, a hemp concentrate that is intended for human consumption or animal consumption must comply with the labeling requirements that apply to both hemp concentrates and hemp edibles.

(13) Ingredient listing.

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

(A) Use the common name of the ingredient followed by a parenthetical listing of all sub-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 item, including any cooking or release spray.

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

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

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

(16) 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. All the remaining label requirements must be included on the container as required by these rules.

(17) Once a hemp item is registered with the Commission, the label identification number provided by the Commission must be:

(a) Prominently displayed on the label of the outermost container using the format “Label ID:” followed by the label identification number; or

(b) Made available on the address of a publicly accessible website displayed on the outermost container, enabling a reasonable person to reliably locate the label identification number for the specific hemp item in the container.

~~(18) In addition to the other requirements of these rules, if a hemp item is intended for animal use or consumption, it must also contain the statement “Intended for non-food producing animals only.”~~

[ED. NOTE: This rule includes attachments. We are not proposing any changes to the attachments.]

Statutory/Other Authority: ORS 475C.604, ORS 571.295, ORS 571.296 & ORS 571.299

Statutes/Other Implemented: ORS 475C.604, ORS 571.295 & ORS 571.296

845-026-6035

Labeling Requirements for Hemp Items Intended for Animal Consumption or Use

(1) A hemp item intended exclusively for animal consumption or use or marketed in a manner that implies the item is exclusively for animal consumption or use must be labeled according to OAR 845-026-6000 to 845-026-6100 with the following exceptions:

(a) Notwithstanding OAR 845-026-6030(15), a hemp edible is not required to be labeled using one of the nutrition information formats listed in OAR 845-026-6030(15).

(b) Notwithstanding OAR 845-026-6050(11) and 845-026-6050(12), a hemp edible that does not have a label with the nutrition format as described in OAR 845-026-6030(15) is not required to list potential major food allergens or nutrient, vitamin, and mineral information as described in OAR 845-026-6050(11) and 845-026-6050(12).

(c) Notwithstanding OAR 845-026-6050(10), 845-026-6070(10), and 845-026-6080(10), a hemp edible, hemp capsule, hemp tincture, or hemp cannabinoid product other than a hemp edible, tincture, or capsule must be labeled to either:

(A) List active ingredients in descending order of predominance by weight or volume used to process the item and inactive ingredients in descending order of predominance by weight or volume or alphabetically used to process the item; or

(B) List of all ingredients in descending order of predominance by weight or volume used to process the item.

(d) Notwithstanding OAR 845-026-6050(14), 845-026-6070(12), and 845-026-6080(12), a hemp edible, hemp capsule, hemp tincture, or hemp cannabinoid product other than a hemp edible, tincture, or capsule is not required to include an activation time on the label.

(2) In addition to the other requirements of OAR 845-026-6000 to 845-026-6100, a hemp item intended exclusively for animal consumption or use or marketed in a manner that implies the item is exclusively for animal consumption or use, must also be labeled with

the statement or similar wording that expresses the same facts as: “Intended for non-food-producing-animals only.”

Statutory/Other Authority: ORS 475C.604, ORS 571.295, 571.296 & 571.299

Statutes/Other Implemented: ORS 475C.604, 571.295 & 571.296

Index of Included Rules with Summaries

[845-025-1030](#): This rule describes the process and requirements for applying for a recreational marijuana license. The amendments reference a new rule governing license applications subject to per capita thresholds and make a minor clarification regarding floor plans.

[845-025-1035](#) (*NEW PROPOSED RULE*): This rule establishes the process for accepting license applications subject to per capita thresholds.

[845-025-1132](#): This rule sets out what changes may be made to a marijuana license application. The amendments remove obsolete language, update statutory references, and conform language to conventions.

[845-025-1190](#): This rule details license renewals. The amendments establish a maximum timeframe for extensions to obtain certificates of tax compliance and conform language to conventions.

[845-025-1330](#): This rule details trade samples. The proposed amendment corrects an error by removing language that was intended to be removed when implementing ORS 475C.211.

[845-025-1335](#): This rule describes marijuana promotional events. The amendments implement the option to use digital manifests and update a reference.

[845-025-2550](#): This rule details the requirements for producing and providing marijuana for patients. The amendments implement the option to use digital manifests.

[845-025-2860](#): This rule details retailer requirements to provide consumer health and safety information. The amendments update the universal resource locator where the posters and cards are found.

[845-025-3305](#): This rule describes the requirements for processing marijuana for medical cardholders. The amendments implement the option to use digital manifests.

[845-025-3320](#): This rule details hemp item transfers to unlicensed persons. The amendments implement the option to use digital manifests.

[845-025-7580](#): This rule describes inventory reconciliation. The amendment extends the timeframe for inventory reconciliation.

[845-025-7700](#): This rule details the requirements for the transportation and delivery of marijuana items. The amendments implement the option to use digital manifests.

[845-025-7750](#): This rule details waste management. The amendment allows for retailers to expeditiously dispose of vape waste.

[845-026-0300](#): This rule describes adult use cannabis items. The amendments provide a concentration limit for larger items where the quantity limit is impractical and clarify how delta-9-THC and delta-9-THCA are treated for the purposes of these limits.

[845-026-0400](#): This rule sets the scope, definitions, purpose, and effective date for hemp item concentration and serving size limits pursuant to ORS 571.309. The amendments provide a separate concentration limit for large volume liquids.

[845-026-0410](#): This rule sets the scope, definitions, purpose, and effective date for hemp item concentration and serving size limits pursuant to ORS 475C.257. The amendments provide a separate concentration limit for large volume liquids.

[845-026-6030](#): This rule details requirements for labeling hemp products that contain cannabinoids and are intended for human or animal consumption or use. The amendment removes a section that has been added to a new rule governing animal product requirements

[845-026-6035](#) (*NEW PROPOSED RULE*): This rule details requirements for labeling hemp products that contain cannabinoids and are intended for animal consumption or use.