

**OREGON LIQUOR CONTROL COMMISSION  
DELTA-8 AND OTHER ARTIFICIALLY DERIVED CANNABINOIDS  
PROPOSED AMENDMENTS**

Note: **Bold and underlined** = new text; *~~italics and strikethrough~~* = deleted text

**845-025-1015**

**Definitions**

For the purposes of OAR 845-025-1000 to 845-025-8590 ~~and, OAR 845-026-0100 to 845-026-4100~~ unless otherwise specified, the following definitions apply:

(1) "Added substance" means any component or ingredient added to usable marijuana, cannabinoid concentrate or cannabinoid extract during or after processing that is present in the final cannabinoid product, including but not limited to flavors, non-marijuana derived terpenes, and any substances used to change the viscosity or consistency of the cannabinoid product.

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

~~(3)~~ <sup>(2)</sup> "Adulterated" means to make a marijuana or hemp item impure by adding foreign or inferior ingredients or substances. A marijuana or hemp item may be considered to be adulterated if:

(a) In the Commission's judgment, it bears or contains any poisonous or deleterious substance in a quantity rendering the marijuana or hemp item injurious in a manner that may pose a risk to human health, including but not limited to tobacco or nicotine;

(b) It bears or contains any added poisonous or deleterious substance exceeding a safe tolerance if such tolerance has been established;

(c) It consists in whole or in part of any filthy, putrid, or decomposed substance, or otherwise is unfit for human consumption;

(d) It is processed, prepared, packaged, or is held under improper time-temperature conditions or under other conditions increasing the probability of contamination with excessive microorganisms or physical contaminants;

(e) It is processed, prepared, packaged, or held under insanitary conditions increasing the probability of contamination or cross-contamination;

(f) It is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health;

(g) Any substance has been substituted wholly or in part therefor;

- (h) Damage or inferiority has been concealed in any manner; or
- (i) Any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

**(4) “Artificially derived cannabinoid”**

**(a) Means: a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant Cannabis family Cannabaceae.**

**(b) Includes but is not limited to:**

**(A) A cannabinoid manufactured by exposing a marijuana item or hemp item to chemical reagents, catalysts, reactants, or other reactive materials under conditions that cause a reaction that changes the molecular structure of a cannabinoid; or**

**(B) A cannabinoid manufactured by processing a marijuana item or hemp item through column chromatography using a reactive material such as bleaching clay in the stationary phase which results in a reaction that changes the molecular structure of a cannabinoid.**

**(c) Does not include:**

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

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

**(C) Cannabinoids that occur naturally in the plant Cannabis family Cannabaceae manufactured from a chemical substance derived from the plant Cannabis family Cannabaceae by mimicking or accelerating natural degradation process using only heat, light, pressure, air, or oxygen; or**

**(D) Any other chemical substance identified by the commission, in consultation with the authority and the department, by rule.**

**(5)(3) “Assign and affix a UID tag” means to designate a UID number to a marijuana item in CTS and to also physically attach the corresponding UID tag to a marijuana plant or a receptacle holding a marijuana item.**

**(6)(4) “Attractive to minors” means packaging, labeling and advertising that features:**

(a) Cartoons;

(b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;

(c) Symbols or celebrities that are commonly used to market products to minors;

(d) Images of minors; or

(e) Words that refer to products that are commonly associated with minors or marketed by minors.

~~(7)(5)~~ "Authority" means the Oregon Health Authority.

~~(8)(6)~~ "Business day" means Monday through Friday excluding legal holidays.

~~(9)(7)~~ "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.

~~(10)(8)~~ "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

(b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or

(c) A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or

(d) Any other process identified by the Commission, in consultation with the Authority, by rule.

~~(11)(9)~~ "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

~~(12)(10)~~ "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

(b) A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or

(c) Any other process identified by the Commission, in consultation with the authority, by rule.

~~(13)(11)~~ Cannabinoid Product

(a) Means: a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers;

(b) Includes:

(A) Usable marijuana, cannabinoid extracts and cannabinoid concentrates that have been combined with an added substance; or

(B) Any combination of usable marijuana, cannabinoid extracts and cannabinoid concentrates.

(c) Does not include:

- (A) Usable marijuana by itself;
- (B) A cannabinoid concentrate by itself;
- (C) A cannabinoid extract by itself; or
- (D) Industrial hemp, as defined in ORS 571.~~300~~269.

~~(14)(12)~~ "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:

- (a) A non-potable solution consisting of at least 25% **percent** non-denatured alcohol, in addition to cannabinoid concentrate, extract or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion, that is exempt from the Liquor Control Act under ORS 471.035; or
- (b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; cannabinoid concentrate, extract or usable marijuana; and other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.

~~(15)(13)~~ "Cannabis Tracking System" or "CTS" means the system for tracking the transfer of marijuana items and other information as authorized by ORS 475B.177.

~~(16)(14)~~ "Commission-certified Hemp Grower" means a hemp grower certified by the Commission under OAR 845-025-2700 to deliver industrial hemp to processors or wholesalers.

~~(17)(15)~~ "Commission- certified Hemp Handler" means a hemp handler certified by the Commission under OAR 845-025-2705 to deliver industrial hemp or hemp items to processors, wholesalers, or retailers.

~~(18)(16)~~ "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit the following criteria:

- (a) The use of comically exaggerated features;
- (b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
- (c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

~~(19)(17)~~ "Common Ownership"

(a) Means any commonality between individuals or legal entities named as applicants or persons with a financial interest in a license or business proposed to be licensed **that have a financial interest or management responsibilities for an additional license or licenses.**

(b) Does not mean the leasing of the property to another licensee at a commercially reasonable rate if there is no other financial interest in the other licensed business.

**(20)(18)** "Compliance transaction" means a single covert, on-site visit in which a Commission authorized representative poses as an authorized representative of a licensee or a consumer and attempts to purchase or purchases a marijuana item from a licensee, or attempts to sell or sells a marijuana item to a licensee.

**(21)(19)** "Container"

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

(b) Does not mean:

(A) Inner wrapping or lining;

(B) An exit package; or

(C) A shipping container used to transfer marijuana items or industrial commodities or products in bulk from one licensee or registrant to another.

**(22)(20)** "Contractor" means a person, other than a licensee representative, who temporarily visits the licensed premises to perform a service, maintenance or repair.

**(23)(21)** "Commission" means the Oregon Liquor-~~and Cannabis Control~~ Commission.

**(24)(22)** "Commissioner" means a member of the Oregon Liquor-~~and Cannabis Control~~ Commission.

**(25)(23)** "Consumer" means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purpose of resale.

**(26)(24)** "CTS Administrator" means a CTS user who may add, edit or disable access for other CTS users.

**(27)(25)** "CTS User" means an individual with online access to CTS.

**(28)(26)** "Date of Harvest" means the day the last mature marijuana plant in the harvest lot was harvested.

**(29)** "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

**(30)** "Delta-9-tetrahydrocannabinolic acid" or "delta-9-THCA" means (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-2-carboxylic acid.

**(31)** "Delta-8-tetrahydrocannabinol" or "delta-8-THC" means (6aR, 10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

**(32)(27)** "Designated primary caregiver" has the meaning given that term in ORS 475B.791.

**(33)(28)**(a) "Financial consideration" means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.

(b) "Financial consideration" does not include marijuana, cannabinoid products or cannabinoid concentrates that are delivered within the scope of and in compliance with ORS 475B.301.

~~(34)(29)~~ "Financial interest" means having an interest in an applicant, licensee, or laboratory licensee, such that the performance of the business causes, or is capable of causing, an individual, or a legal entity with which the individual is affiliated, to benefit or suffer financially.

(a) Financial interest includes but is not limited to:

(A) Receiving, as an employee or agent, out-of-the-ordinary compensation, either in the form of overcompensation or under compensation;

(B) Lending money, real property or personal property to an applicant, licensee, or laboratory licensee for use in the business that constitutes a substantial portion of the business cost or is lent at a commercially unreasonable rate;

(C) Giving money, real property or personal property to an applicant, licensee, or laboratory licensee for use in the business;

(D) Being the spouse or domestic partner of an applicant, licensee, or laboratory licensee. For purposes of this subsection, "domestic partners" includes adults who share the same regular and permanent address and would be financially impacted by the success or failure of the business as well as adults who qualify for a "domestic partnership" as defined under ORS 106.310; or

(E) Having an ownership interest as described in OAR 845-025-1045.

(b) Financial interest does not include any investment that the investor does not control in nature, amount or timing.

~~(35)(30)~~ "Elementary school"

(a) Means a learning institution containing any combination of grades kindergarten through 8.

(b) Does not mean a learning institution that includes only pre-kindergarten, kindergarten, or a combination of pre-kindergarten and kindergarten.

~~(36)(31)~~ "Flowering" means a marijuana plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.

~~(37)(32)~~ "Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient under ORS 475B.810.

~~(38)(33)~~(a) "Harvest" means the physical act of cutting or picking flowers or leaves from a marijuana plant or removing mature marijuana plants from the soil or other growing media.

(b) "Harvest" does not include pruning or removing waste material from a marijuana plant remaining in soil or other growing media.

**(39)(34)** "Harvest lot" means a specifically identified quantity of marijuana that is, cultivated utilizing the same growing practices and harvested within a 72 hour period at the same location and cured under uniform conditions.

**(40)(35)** "Harvested industrial hemp"

(a) Means industrial hemp that has been harvested, including:

(A) Industrial hemp that has not been processed in any form; and

(B) Industrial hemp that has been minimally processed, for purposes of transfer or storage including chopping, separating, or drying.

(b) Does not mean:

(A) Usable hemp as defined in OAR 603-048-2310;

(B) An industrial hemp commodity or product as defined in OAR 603-048-0010;

(C) Living industrial hemp plants; or

(D) Industrial hemp seed:

(i) That is part of a crop, as that term is defined in ORS 571.~~300~~**269**;

(ii) That is retained by a hemp grower for future planting;

(iii) That is agricultural hemp seed;

(iv) That is for processing into or for use as agricultural hemp seed; or

(v) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.

**(41)(36)** "Hemp Grower" means a person or entity that is **licensed** ~~registered~~ with the Oregon Department of Agriculture under ORS 571.~~305~~**281** to produce industrial hemp.

**(42)(37)** "Hemp Handler" means a person or entity that is **licensed** ~~registered~~ with the Oregon Department of Agriculture under ORS 571.~~305~~**281** to process industrial hemp into commodities, products or agricultural hemp seed.

**(43)(38)** "Hemp item"

(a) Means:

(A) Usable hemp as defined in OAR 603-048-2310;

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

(C) A cannabinoid product as defined in OAR 603-048-2310; or

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

(b) Does not mean:

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

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

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

**(44)(39)** "Immature marijuana plant" means a marijuana plant that is not flowering.

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

**(46)(41)** "Intended for human use" means intended to be used by applying it to a person's skin or hair, inhalation or otherwise consuming the product except through the mouth.

**(47)(42)** "Inventory Tracking" means activities and documentation processes to track marijuana items from seed to sale, including establishing an accurate record from one marijuana item to another, in the cannabis tracking system.

**(48)(43)** "Industrial hemp" **has the meaning given that term in ORS 571.269.**

~~(a) Means all non-seed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.~~

~~(b) Means any Cannabis seed:~~

~~(A) That is part of a crop, as that term is defined in ORS 571.300;~~

~~(B) That is retained by a hemp grower for future planting;~~

~~(C) That is agricultural hemp seed;~~

~~(D) That is for processing into or for use as agricultural hemp seed; or~~

~~(E) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.~~

~~(c) Does not mean industrial hemp commodities or products or marijuana.~~

**(49) "Industrial hemp-derived vapor item" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269, whether alone or combined with non-cannabis additives that is intended for use in an inhalant delivery system.**

**(50)(44)** "Inhalable cannabinoid product" means a cannabinoid product or hemp cannabinoid product that is intended for human inhalation.



**(51) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.**

**(52)(45)** "Invited guests" means family member and business associates of the licensee, not members of the general public.

**(53)(46)** "Laboratory" means a laboratory certified by the Authority under ORS 438.605 to 438.620 and authorized to sample or test marijuana items for purposes specified in these rules.

**(54)(47)** "Laboratory licensee" means a laboratory licensed under ORS 475B.560 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).

**(55)(48)** "Licensee" means any person who holds a license issued under ORS 475B.070, 475B.090, 475B.100, or 475B.105 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).

**(56)(49)** "Licensee of record" means a licensee listed on the license certificate as a license holder for a producer, processor, wholesaler, retailer, or laboratory license. There will be more than one licensee of record for the same license if:

(a) The business is operated as a joint venture or other similar arrangement between two or more persons; or

(b) A person who qualifies as an applicant for the license has no direct or indirect ownership or control of any other licensee of record on the same license.

**(57)(50)** "Licensee representative" means an owner, director, officer, manager, employee, agent, or other representative of a licensee or laboratory licensee, to the extent that the person acts in a representative capacity.

**(58)(51)** "Limited access area" means a building, room, or other contiguous area on a licensed premises where a marijuana item is present, but does not include a consumer sales area on a licensed retailer premises.

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

**(60)(53)** "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include:

(a) Industrial hemp, as defined in ORS 571.~~300~~269; or

(b) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United State Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.

**(61)(54)** "Marijuana flowers" means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

**(62)(55)** "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

**(63)(56)** "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

**(64)(57)** "Marijuana processor" means a person who processes marijuana items in this state.

**(65)(58)** "Marijuana producer" means a person who produces marijuana in this state.

**(66)(59)** "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.

**(67)(60)** "Marijuana wholesaler" means a person who purchases marijuana items in this state for resale to a person other than a consumer.

**(68)(61)** "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.

**(69)(62)** "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract" means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concentration of tetrahydrocannabinol that is permitted under ORS 475B.625 for consumers who hold a valid registry identification card issued under ORS 475B.797.

**(70)(63)** "Micro-Wholesaler" means a marijuana wholesaler licensed by the Commission that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy.

**(71)(64)** "Minor" means any person under 21 years of age.

**(72)(65)** "Non-cannabis additive" means a substance or group of substances that are derived from a source other than marijuana or industrial hemp.

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

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

**(73)(66)** "Non-Toxic" means not causing illness, disability or death to persons who are exposed.

**(74)(67)** "Non-profit Dispensary" means a medical marijuana dispensary registered under ORS 475B.858, owned by a nonprofit corporation organized under ORS chapter 65, and that is in compliance with the Authority's rules governing non-profit dispensaries in OAR 333, Division 8.

**(75)(68)** "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.

**(76)(69)** "Patient" has the same meaning as "registry identification cardholder."

~~(77)~~(70) "Permittee" means any person who holds a Marijuana Workers Permit.

~~(78)~~(71) "Person" has the meaning given that term in ORS 174.100.

~~(79)~~(72) "Person Responsible for a Marijuana Grow Site" or "PRMG" has the meaning given that term in OAR 333-008-0010.

~~(80)~~(73) "Points of ingress and egress" means any point that may be reasonably used by an individual to enter into an area and includes but is not limited to doors, gates, windows, crawlspace access points, and openings whether or not those points are secured by a locked door, window, or means capable of being unlocked or unsealed by a key, code, or other method intended to allow access.

~~(81)~~(74) "Person responsible for a marijuana grow site" or "PRMG" has the meaning given that term in OAR 333-008-0010.

~~(82)~~(75) "Premises" or "licensed premises" includes the following areas of a location licensed under sections ORS 475B.010 to 475B.545:

(a) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;

(b) All areas outside a building that the Commission has specifically licensed for the production, processing, wholesale sale or retail sale of marijuana items; and

(c) "Premises" or "licensed premises" does not include a primary residence.

~~(83)~~(76) "Primary Residence" means real property inhabited for the majority of a calendar year by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.

~~(84)~~(77) "Principal Officer" includes the president, any vice president with responsibility over the operation of a licensed business, the secretary, the treasurer, or any other officer designated by the Commission.

~~(85)~~(78) "Processes"

(a) "Processes" means the processing, compounding or conversion of:

**(A) marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts; or**

**(B) Pursuant to ORS 571.336, industrial hemp or industrial hemp commodities or products into industrial hemp commodities or products that contain cannabinoids and are in-tended for human consumption or use.**

(b) "Processes" does not include packaging or labeling.

~~(86)~~(79) "Process lot" means:

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or

(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract.

**(87)(80)** "Producer" means a marijuana producer licensed by the Commission.

**(88)(81)** "Produces"

(a) "Produces" means the manufacture, planting, propagation, cultivation, growing or harvesting of marijuana.

(b) "Produces" does not include:

(A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or

(B) The cultivation and growing of an immature marijuana plant by a marijuana wholesaler or marijuana retailer if the marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

**(89)(82)** "Propagate" means to grow immature marijuana plants or to breed or produce seeds.

**(90)(83)** "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and areas used in connection with public passenger transportation.

**(91)(84)** "Regulatory specialist" means a full-time employee of the Commission who is authorized to act as an agent of the Commission in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing chapter 471, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655, Commission rules and any other statutes the Commission considers related to regulating liquor or marijuana.

**(92)(85)** "Registry identification cardholder" has the meaning given that term in ORS 475B.791.

**(93)(86)** "Retailer" means a marijuana retailer licensed by the Commission.

**(94)(87)** "Safe" means:

(a) A metal receptacle with a locking mechanism capable of storing all marijuana items on a licensed premises that:

(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or

(B) Weighs more than 750 pounds.

(b) A "vault"; or

(c) A refrigerator or freezer capable of being locked for storing marijuana items that require cold storage that:

(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or

(B) Weighs more than 750 pounds.

~~(95)(88)~~ "Sampling laboratory" means a laboratory that only has an ORELAP accredited scope item for sampling under ORS 438.605 to 438.620 and is not accredited to perform cannabis testing.

~~(96)(89)~~ "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.

~~(97)(90)~~ "Security plan" means a plan as described by OAR 845-025-1030, 845-025-1400 and 845-025-1405 that fully describes how an applicant will comply with applicable laws and rules regarding security.

~~(98)(91)~~ "Shipping Container" means any container or wrapping used solely for the transport of a marijuana items in bulk to a marijuana licensee as permitted in these rules.

~~(99)(92)~~ "These rules" means OAR 845-025-1000 to 845-025-8750.

~~(100)(93)~~ "Tissue culture plantlet" or "plantlet" means plant cells or tissues introduced into a culture from nodal cutting and cultivated under sterile conditions. A tissue culture plantlet from a marijuana plant is an immature marijuana plant.

**(101) "Total delta-9-tetrahydrocannabinol" or "total delta-9-THC" means the sum of the concentration or mass of delta-9-THCA multiplied by 0.877 plus the concentration or mass of delta-9-THC.**

~~(102)(94)~~ "UID number" means the 24-digit number on the UID tag.

~~(103)(95)~~ "UID tag" means a unique identification tag ordered and received from the Commission's designated vendor for CTS for the purpose of tracking marijuana items in CTS.

~~(104)(96)~~ (a) "Usable Marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable Marijuana" includes pre-rolled marijuana as long as the pre-roll consists of only dried marijuana leaves and flowers, an unflavored rolling paper and a filter or tip.

(c) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

~~(105)(97)~~ "Vault" means an enclosed area or room that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.

~~(106)(98)~~ "Wholesaler" means a marijuana wholesaler licensed by the Commission.

**Statutory/Other Authority:** ORS 475B.025  
**Statutes/Other Implemented:** ORS 475B.025 & ORS 475B.015

**845-025-1310**

**Artificially Derived Cannabinoids**

**(1) A licensee may not manufacture an artificially derived cannabinoid.**

**(a) Manufacturing an artificially derived cannabinoid includes but is not limited to:**

**(A) Exposing a marijuana item or hemp item to chemical reagents, catalysts, reactants, or other reactive materials under conditions that cause a reaction that changes the molecular structure of a cannabinoid; or**

**(B) Processing a marijuana item or hemp item through column chromatography using a reactive material such as bleaching clay in the stationary phase which results in artificially derived cannabinoids being eluted.**

**(b) Manufacturing an artificially derived cannabinoid does not include:**

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

**(B) Converting a naturally occurring cannabinoid acid to its corresponding cannabinoid by decarboxylation without the use of a chemical catalyst; or**

**(C) Manufacturing a cannabinoid that occurs naturally in the plant Cannabis family Cannabaceae from a chemical substance derived from the plant Cannabis family Cannabaceae by mimicking or accelerating natural degradation process using only heat, light, pressure, air, or oxygen.**

**(2) A licensee may not process a marijuana item or hemp item that contains artificially-derived cannabinoids.**

**(3) A licensee may not purchase or receive an artificially derived cannabinoid from a Commission-certified hemp handler.**

**(4) Until April 1, 2022, a licensee may transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids if**

**(a) The artificially derived cannabinoids were manufactured by a processor or received from a Commission-certified hemp handler before January 1, 2022;**

**(b) The manufacturing process did not involve treating a marijuana item or hemp item with an additive or substance that increased the potency; and**

**(c) The item otherwise complies with these rules.**

**Statutory/Other Authority:** ORS 475B.025& 2021 OL Ch. 542

**Statutes/Other Implemented:** ORS 475B.025 & 2021 OL Ch. 542

**845-025-2020**

**Producer Privileges; Prohibitions**

(1) A producer may:

(a) Possess, plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with ORS 475B and these rules;

(b) Engage in indoor or outdoor production of marijuana, or a combination of the two;

(c) Produce kief as that term is defined in ORS 475B.096 and possess kief produced by the producer.

(A) A producer who produces kief is not a marijuana processor as defined in OAR 845-025-1015.

(B) Kief produced under this rule may not be used in a cannabinoid edible unless the producer complies with all provisions set forth in OAR 845-025-3250.

(d) Sell, transfer, transport, and deliver:

(A) Usable marijuana to the licensed premises of a ~~marijuana~~ **producer under common ownership, a marijuana**-processor, wholesaler, retailer, laboratory, non-profit dispensary, or research certificate holder;

(B) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a ~~marijuana~~ **producer under common ownership, a marijuana**-processor, wholesaler, non-profit dispensary or research certificate holder;

(C) Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;

**(D) Mature marijuana plants or kief to the licensed premises of a producer under common ownership**

**(E) Kief, as that term is defined in ORS 475B.096, manufactured by the producer to the licensed premises of a marijuana processor, producer under common ownership, wholesaler, retailer, laboratory, or research certificate holder;**

**(F)**~~(E)~~-Cannabinoid concentrates manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder if the producer holds a concentrate endorsement under OAR 845-025-2025;

**(G)**~~(F)~~-**Cannabinoid products, cannabinoid extracts and cannabinoid concentrates that were made using only marijuana produced by the producer to the licensed premises of a processor, wholesaler, or retailer;**

**(H)**~~(F)~~-Marijuana waste to a producer, processor, wholesaler, or research certificate holder;

**(I)**~~(G)~~-Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330;

~~(J)(H)~~ Quality control samples to a license representative of the producer licensee, only as allowed under OAR 845-025-1360; ~~and~~

~~(H) Kief, as that term is defined in ORS 475B.096, manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder; and.~~

~~(I) Mature marijuana plants to a producer under common ownership.~~

(e) Purchase and receive:

(A) Immature marijuana plants and seeds from a producer, wholesaler, retailer, or research certificate holder;

(B) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(C) Usable marijuana produced by the licensee that has been stored by a wholesaler on the producer's behalf; ~~and~~

**(D) Marijuana and mature marijuana plants from a producer under common ownership;**

**(E) Marijuana produced by the licensee that was not processed by a processor;**

**(F) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana processor that were made using only marijuana produced by the receiving producer;:**

**(G) Up to 200 marijuana seeds in total per month from any source within the State of Oregon other than a licensee, laboratory licensee, or research certificate holder; and**

~~(H)(D)~~ Trade samples from a producer or processor licensee, as allowed under these rules.

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(g) Accept or make returns, as long as the producer:

(A) Accepts or returns usable marijuana, kief, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Accepts or returns cannabinoid concentrates, if the producer holds a concentrate endorsement under OAR 845-025-2025;

(C) Only accepts or returns eligible items listed in paragraph (A) or (B) of this section from the original licensee whom received or purchased the item; and

(D) Accurately records the transaction in the CTS.

(2) A producer may not:



~~(a)~~ Possess, plant, cultivate, grow, harvest, dry, sell, deliver, transfer, transport, purchase, or receive any marijuana item other than as provided in:

~~(A)~~ Section (1) of this rule;

~~(B)~~ OAR 845-025-2025, if the producer has an approved concentrate endorsement; or

~~(C)~~ OAR 845-025-2550, if the producer has been properly registered by the Commission.

**(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

**Statutory/Other Authority:** ORS 475B.025, 475B.070 & 475B.085

**Statutes/Other Implemented:** ORS 475B.025, 475B.070, 475B.085, 475B.526, 475B.070, 475B.177 & 2019 OL Ch. 391

### **845-025-2755**

#### **Industrial Hemp Handler Certificate Privileges; Prohibitions**

(1) A Commission-certified hemp handler may deliver industrial hemp or hemp items to a processor, wholesaler, or retailer that holds a license issued under ORS 475B.090, 475B.100, or 475B.105 in accordance with this rule.

(2) If transferring, selling or transporting to a Commission licensee, a Commission-certified hemp handler may only:

(a) Transfer, sell, or transport harvested industrial hemp or hemp items to a processor licensed under ORS 475B.090 that holds an industrial hemp endorsement;

(b) Transfer, sell, or transport harvested industrial hemp or hemp items to a wholesaler licensed under ORS 475B.100; or

(c) Transfer, sell, or transport hemp items to a retailer licensed under ORS 475B.105.

(3) When transferring, selling, or transporting pursuant to subsection (2) of this rule a Commission-certified hemp handler:

(a) May only transfer, sell, or transport industrial hemp and hemp items that:

(A) Have been tested in accordance with the Authority's rules for testing the equivalent marijuana item in OAR 333-007-0300 to 333-007-0500 and OAR 333, division 64;

(B) Have been tested for THC and CBD concentration in accordance with OAR 333-007-0430, notwithstanding whether a test for potency would be required for the equivalent marijuana item; and

(C) Otherwise complies with the requirements for marijuana items under ORS 475B.010 to 475B.545, ORS 475B.550 to 475B.590, and 475B.600 to 475B.655 and Commission rules.

(b) May only transfer industrial hemp or hemp items from the location identified in the application under OAR 845-025-2705(2)(c).

(c) Must:

(A) Hold a valid Industrial Hemp Handler Certificate issued by the Commission.

(B) Provide the licensee a copy of any test result conducted on the industrial hemp or hemp items. Test results include, but are not limited to, any pre-harvest test result conducted under OAR 603-048-0600 and any results from research & development testing.

(C) Comply with CTS requirements in accordance with OAR 845-025-2775.

(D) Transport industrial hemp or hemp items in compliance with the requirements for a licensee transporting marijuana items under OAR 845-025-7700(2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D).

(d) May not transfer to a licensee:

(A) Any industrial hemp that has failed the testing described in OAR 603-048-0600 to 603-048-0650;

(B) Any batch of harvested industrial hemp that exceeds the THC limits specified in OAR 845-025-2760;

(C) Any hemp item that exceeds the THC limits specified in OAR 845-025-2760;

**(D) Any hemp item containing artificially derived cannabinoids.**

~~(E)(D)~~ Any living industrial hemp plants;

~~(F)(E)~~ Industrial hemp seed; or

~~(G)(F)~~ On or after July 1, 2021, any inhalable cannabinoid product that a licensee is prohibited from receiving under OAR 845-025-8520.

(4) Failed potency testing; remediation.

(a) If a batch of industrial hemp or hemp items tested under OAR 333-007-0430 exceeds the THC limits specified in OAR 845-025-2760 when a compliance test is conducted under OAR 333-007-0430, it fails potency testing for the purposes of these rules.

(b) If a batch of industrial hemp or hemp items fails potency testing, the Commission-certified hemp handler must:

(A) Store and segregate the batch in a secure area until it is transferred or destroyed;

(B) Label the batch clearly to indicate it has failed a test and the label must include a test batch number; and

(c) For each batch of industrial hemp or hemp items that fails potency testing, the Commission-certified hemp handler must:

(A) Process the batch into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760;

(B) Transfer the batch to a Commission-certified hemp handler for the purposes of processing the industrial hemp into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760; or

(C) Destroy the batch in a manner specified by the Commission.

(d) A Commission-certified hemp handler may not transfer, sell, or transport:

(A) Any hemp item derived from a batch of industrial hemp or hemp items that failed potency testing except to a licensee or laboratory licensee as provided in these rules.

(B) Industrial hemp that fails potency testing other than as provided in these rules.

(5) Equivalent marijuana items. For the purposes of this rule:

(a) Cannabinoid capsule as defined in OAR 603-048-2310 is equivalent to cannabinoid capsule as defined in OAR 333-007-0310.

(b) Cannabinoid product as defined in OAR 603-048-2310 is equivalent to cannabinoid product as defined in OAR 333-007-0310.

(c) Harvested industrial hemp is equivalent to usable marijuana as defined in OAR 333-007-0310.

(d) Hemp concentrate or extract as defined in OAR 603-048-2310 is equivalent to cannabinoid concentrate or extract as defined in OAR 333-007-0310.

(e) Hemp edible as defined in OAR 603-048-2310 is equivalent to cannabinoid edible as defined in OAR 333-007-0310.

(f) Hemp stalk as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

(g) Hemp tincture as defined in OAR 603-048-2310 is equivalent to cannabinoid tincture as defined in OAR 333-007-0310.

(h) Hemp topical as defined in OAR 603-048-2310 is equivalent to cannabinoid topical as defined in OAR 333-007-0310.

(i) Hemp transdermal patch as defined in OAR 603-048-2310 is equivalent to cannabinoid transdermal patch as defined in OAR 333-007-0310.

(j) Usable hemp as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** ORS 571.336 & ORS 571.337

**845-025-2760**

**THC Concentration Limits for Industrial Hemp and Hemp Items**

(1) This rule applies to:

- (a) Commission-certified hemp growers and Commission-certified hemp handlers transferring industrial hemp or hemp items to licensees;
- (b) Licensees receiving industrial hemp or industrial hemp items from licensees, Commission-certified hemp growers, or Commission-certified hemp handlers; and
- (c) Retailers selling, transferring, or delivering hemp items to a consumer, patient, or primary caregiver in accordance with OAR 845-025-2800.

(2) For the purposes of this rule:

~~(a) "Total THC" means the amount or percentage of THC as calculated pursuant to OAR 333-064-0100.~~

~~(a)(b)~~ "Container" has the meaning given that term in OAR 845-025-7000.

~~(b)(c)~~ "Serving" has the meaning given that term in OAR 845-025-7000.

(3) Concentration, serving size, and container limits **as shown in Table 1.**

- (a) Harvested industrial hemp or a hemp item must be tested by a laboratory using a method with a LOQ capable of detecting whether a sample exceeds any applicable concentration, serving size, or container limit separately for delta-9-THC and for the total THC equivalent of delta-9-THCA.
- (b) Harvested industrial hemp may not exceed a concentration of one percent total THC.
- (c) A hemp item other than a hemp concentrate ~~or~~ extract as defined in OAR 603-048-2310 may not exceed a concentration of one percent total THC.
- (d) A hemp concentrate or extract as defined in OAR 603-048-2310 may not exceed a concentration of five percent total THC.
- (e) A hemp item other than usable hemp or a hemp concentrate, extract, or tincture may not exceed 10 milligrams total THC in a container. A hemp concentrate, extract, or tincture may not exceed 50 milligrams total THC in a container.
- (f) A hemp item other than a hemp tincture that is intended for human consumption may not exceed one milligram total THC per serving.

**(g) A hemp item cannot contain any artificially derived cannabinoids.**

**OAR 845-025-2760**

**Table 1**

<b>THC CONCENTRATION LIMITS FOR INDUSTRIAL HEMP AND HEMP ITEMS</b>
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<u>Category of Hemp or Hemp Item</u>	<u>Maximum Concentration or Amount of Total Delta-9-THC Per Serving</u>	<u>Maximum Concentration or Amount of Total Delta-9-THC</u>
<u>Harvested Industrial Hemp</u>	<u>N/A</u>	<u>1%</u>
<u>Usable Hemp</u>	<u>N/A</u>	<u>1%</u>
<u>Hemp Concentrates or Extracts</u>	<u>N/A</u>	<u>50 mg per container or 5% (whichever is less)</u>
<u>Hemp Cannabinoid Product - Tincture</u>	<u>N/A</u>	<u>50 mg per container or 1% (whichever is less)</u>
<u>Hemp Cannabinoid Products Other than Tinctures or Topicals</u>	<u>1 mg</u>	<u>10 mg per container or 1% (whichever is less)</u>

**Statutory/Other Authority:** ORS 475B.025, **ORS 571.337**  
**Statutes/Other Implemented:** ORS 571.336, **ORS 571.337**

**845-025-2800**

**Retailer Privileges; Prohibitions**

(1) A retailer is authorized to sell, transfer or deliver a marijuana item or hemp item to a consumer.

(2) A retailer may:

(a) Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items and hemp items from the licensed premises to a consumer 21 years of age or older;

(b) Sell, transfer or deliver:

(A) Marijuana items or hemp items to a consumer 21 years of age or older pursuant to a bona fide order as described in OAR 845-025-2880.

(B) Marijuana items or hemp items to a patient or designated primary caregiver between ages 18-21, so long as:

(i) The registry identification cardholder has a valid OMMP card; and

(ii) The retailer has a valid medical endorsement.

(C) Marijuana seeds to a producer.

~~(D)(C)~~ Marijuana waste to a producer, processor, wholesaler, or research certificate holder.

~~(E)(D)~~ Hemp waste to a wholesaler, processor with an industrial hemp endorsement, or research certificate holder.

(c) Accept or make returns, as long as the retailer:

(A) Only accepts or returns usable marijuana, marijuana items, hemp items, immature marijuana plants and seeds;

(B) Only accepts or returns eligible items listed in subsection (A) of this section from either the original licensee that supplied the item or the customer or registry identification cardholder that purchased or was given the item;

(C) Accurately records the transaction in the CTS; and

(D) Does not resell any items returned by customers.

(d) Purchase, possess or receive:

(A) Usable marijuana, immature marijuana plants, seeds, and kief from a producer or from a research certificate holder;

(B) Cannabinoid concentrates from a micro tier producer with a concentrate endorsement issued under OAR 845-025-2025;

(C) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received or from a research certificate holder;

(D) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;

(E) Any marijuana item from a laboratory licensee;

(F) Trade samples as allowed by 845-025-1330;

(G) Marijuana items from a retailer **under common ownership**; ~~that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical~~;

(H) Hemp items from a Commission-certified hemp handler, a wholesaler, a laboratory licensee, or a processor with an industrial hemp endorsement; and

(I) Hemp items from a retailer that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical.

(e) Refuse to sell marijuana items or hemp items to a consumer;

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500;

(g) Accept returned marijuana items or hemp items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value as long as the product is not resold; and

(h) Sell marijuana items for medical purposes, as long as the retailer follows the provisions set forth in 845-025-2900.

(3) Hemp items sold, transferred, or delivered under subsection (2) of this rule must have been received from a Commission-certified hemp handler, a processor with an industrial hemp endorsement, a wholesaler, or a retailer owned by the same or substantially the same persons in accordance with these rules.

(4) A retailer may not:

(a) Knowingly sell more than the following amounts to an individual at any one time or within one day:

(A) ~~One~~ **Two** ounces of usable marijuana;

(B) 16 ounces of a cannabinoid product in solid form;

(C) 72 fluid ounces of a cannabinoid product in liquid form;

(D) Five grams of cannabinoid extracts or concentrates, ~~whether sold alone or contained in an inhalant delivery system or combined with usable marijuana;~~

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

(F) Four immature marijuana plants; and

(G) ~~Ten~~ **10** marijuana seeds.

(b) Knowingly provide more than the following amounts to registry identification cardholders or designated primary caregivers:

(A) 8 ounces of usable marijuana at any one time or within one day per patient; and

(B) No more than 32 ounces in one calendar month per patient.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any hemp item that exceeds the THC limits specified in OAR 845-025-2760 ~~unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A retailer licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019.~~

**(d) Transfer, sell, transport, purchase, possess, accept, return, or receive any -marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(d) Provide free marijuana items to a recreational consumer.

(e) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.

(f) Sell or give away any non-marijuana items, including hemp items, that are attractive to minors as defined by these rules.

(g) Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items or hemp items.

- (h) Sell a marijuana item at a nominal price for promotional purposes.
- (i) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 7:00 a.m. local time the following day.
- (j) Permit a licensed representative to handle an unpackaged marijuana item or hemp item without the use of protective gloves, tools or instruments that prevent the marijuana item from coming into contact with the licensed representative's skin.
- (k) Sell or transfer a returned marijuana item or hemp item to another consumer.
- (l) Sell, transfer, deliver, purchase, possess, accept, return or receive any marijuana item or hemp item other than as provided in this rule.
- (m) Permit a consumer to open or alter a package containing a marijuana item or hemp item or otherwise remove a marijuana item or hemp item from packaging required by these rules within the licensed premises or in an area that the licensee controls.
- (n) Permit a consumer to bring marijuana items or hemp items onto the licensed premises except for being returned for refund or exchange as allowed by this rule.
- (o) Sell a marijuana item to an individual that exceeds the concentration limits in OAR ~~333-007~~845-026-0210 and ~~333-007~~845-026-0220.
- (p) Sell any item not allowed under OAR 845-025-3220 or any of the following items:
  - (A) Pet or animal food, treats, or other pet or animal products containing hemp or marijuana;
  - (B) Injectable marijuana or hemp items; or
  - (C) Any other marijuana items not meant for human consumption or use.
- (q) Impose or collect a tax on the retail sale of a marijuana item to a patient or designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder.
- (5) Notwithstanding section (2)(c)(B) of this rule, a retailer may transfer its entire inventory of marijuana items to a single wholesaler if all requirements in OAR 845-025-7700 are met.

**Statutory/Other Authority:** ORS 475B.025 & ORS 475B.105  
**Statutes/Other Implemented:** ORS 475B.025 & ORS 475B.105

**845-025-3215**  
**Processor Privileges; Prohibitions**

- (1) A processor may:
  - (a) Transfer, sell or transport:



(A) Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, wholesaler, retailer, non-profit dispensary, or research certificate holder;

(B) Marijuana or Industrial Hemp waste to a producer, processor, wholesaler, or research certificate holder;

(C) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330; and

(D) Quality control samples to a license representative, only as allowed under OAR 845-025-1360.

(b) Purchase, possess or receive as allowed by these rules:

(A) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(B) Usable marijuana from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(C) Kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;

(F) Trade samples as allowed by 845-025-1330;

(G) Marijuana or industrial hemp waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and

(H) Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a wholesaler.

(c) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(d) Accept or make returns of marijuana items, as long as the processor:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from the original licensee that supplied or purchased the item; and

(C) Accurately records the transaction in the CTS.

(2) A processor with an industrial hemp endorsement may:

(a) Transfer, sell, or transport:

~~(A) Hemp items to a wholesaler, a retailer, or a processor with an industrial hemp endorsement; and~~

**(B) Hemp items to a person that is not a processor, retailer or wholesaler only as allowed under OAR 845-025-3320.**

(b) Purchase, possess, or receive as allowed by these rules:

(A) Hemp items from a wholesaler, a processor with an industrial hemp endorsement, or a Commission-certified hemp handler; and

(B) Harvested industrial hemp from a wholesaler, a Commission-certified hemp handler, or a Commission-certified hemp grower.

(c) Process industrial hemp and hemp items into any hemp item in compliance with all rules for processing marijuana.

(d) Use industrial hemp and hemp items as an ingredient in the processing of marijuana items.

(3) A processor may not:

(a) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana, industrial hemp or hemp item other than as provided in this rule;

(b) Use any unapproved process set forth in OAR 845-025-3200 to OAR 845-025-3305;

(c) Allow minors on any portion of the licensed premises except as allowed by OAR 845-025-1230. A violation of this is a Category I violation;

(d) Make any product that is prohibited from sale in a retail store, as set forth in OAR 845-025-2800;

(e) Transfer, sell, transport, purchase, ~~possess~~, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760 ~~unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A processor licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019; or~~

(f) Process any kief received from a producer into a cannabinoid edible, unless the producer has complied with all provisions set forth in OAR 845-025-3250; ~~or~~

**(g) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(4) A processor must be licensed by the Commission and obtain the proper endorsement for the type of processing they perform per OAR 845-025-3210.

**Statutory/Other Authority:** ORS 475B.025 & ORS 475B.090

**Statutes/Other Implemented:** ORS 475B.025 & ORS 475B.090

**845-025-3500**

**Wholesale License Privileges; Prohibitions**

(1) A wholesale licensee may:

(a) Sell, including sale by auction, transfer, deliver or transport:

(A) Any type of marijuana item or hemp item to a retailer, wholesaler, non-profit dispensary or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer or to a non-profit dispensary;

(B) Immature marijuana plants and seeds to a producer;

(C) Usable marijuana to the producer licensee that the wholesale licensee has stored on the producer's behalf;

(D) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee;

(E) Trade samples as allowed under OAR 845-025-1330;

(F) Marijuana or hemp waste to a producer, processor, wholesaler or research certificate holder;

(G) Harvested industrial hemp to a wholesaler or to a processor with an industrial hemp endorsement; and

(H) Industrial hemp items to a processor with an industrial hemp endorsement.

(I) Inventory from a retailer as allowed by OAR 845-025-2800(5).

(b) Purchase, possess or receive:

(A) Any type of marijuana item or hemp item from a wholesaler;

(B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;

(C) Seeds, immature plants, or usable marijuana, or kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer;

(F) Trade samples as allowed under OAR 845-025-1330;

(G) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(H) Hemp Items from a processor with an industrial hemp endorsement or a Commission-certified hemp handler;

(I) Harvested industrial hemp from a wholesaler, a processor with an Industrial Hemp endorsement, a Commission-certified hemp handler, or a Commission-certified hemp grower; and

(J) Inventory from a retailer as allowed under OAR 845-025-2800(5).

(c) Transport and store marijuana items and hemp items received from other licensees, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.

(d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(e) Accept or make returns of marijuana items, as long as the wholesaler:

(A) Only accepts or returns usable marijuana, marijuana items, harvested industrial hemp, hemp items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in (A) of this section from the original licensee whom supplied or purchased the item; and

(C) Accurately records the transaction and its disposition once returned in the CTS.

(f) Trim whole non-living plants and usable marijuana on behalf of a producer licensee, as long as both the wholesale licensee and producer licensee comply with all applicable rules including tracking all transactions and any packaging of marijuana items in CTS; and if:

(A) Trimming is performed on the wholesaler's licensed premises; or

(B) Trimming is performed at the producer's licensed premises and the wholesale licensee holds a "For Hire Trimming Privilege" as set forth in OAR 845-025-3505.

(2) A wholesale licensee may not:

(a) Sell, deliver, purchase, or receive any marijuana item, industrial hemp, or hemp item other than as provided in this rule.

(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760 ~~unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A wholesale licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019.~~

**(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(3) For purposes of this rule, "marijuana item" does not include a mature marijuana plant

**Statutory/Other Authority:** ORS 475B.025 & 475B.090

**Statutes/Other Implemented:** ORS 475B.100 & ORS 571.336

## **DIVISION 26**

### **845-026-0100**

#### **Definitions**

For the purposes of OAR 845-026-0100 to 845-026-4100, unless otherwise specified, the following definitions apply:

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

(2) "Adult use cannabis item"

**(a) Means:**

**(A)**~~(a)~~ A marijuana item;

**(B)**~~(b)~~ An industrial hemp commodity or product that meets the criteria in OAR 845-026-0300; or

**(C)**~~(c)~~ An industrial hemp commodity or product that exceeds the greater of:

**(i)**~~(A)~~ A concentration of more than 0.3 percent total delta-9-tetrahydrocannabinol; or

**(ii)**~~(B)~~ The concentration of total delta-9-tetrahydrocannabinol allowed under federal law.

**(b) Does not mean:**

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

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

**(C) Other products derived only from hemp fiber or hemp seeds incapable of germination that may include other non-cannabis ingredients.**

(3)~~(a)~~ "Artificially derived cannabinoid"

**(a) Means** a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant Cannabis family Cannabaceae.

(b) Includes but is not limited to:

(A) A cannabinoid manufactured by exposing a marijuana item or hemp item to chemical reagents, catalysts, reactants, or other reactive materials under conditions that cause a reaction that changes the molecular structure of a cannabinoid; or

(B) A cannabinoid manufactured by processing a marijuana item or hemp item through column chromatography using a reactive material such as bleaching clay in the stationary phase which results in a reaction that changes the molecular structure of a cannabinoid.

(c) "Artificially derived cannabinoid" ~~does~~ not include:

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

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

(C) Cannabinoids that occur naturally in the plant Cannabis family Cannabaceae manufactured from a chemical substance derived from the plant Cannabis family Cannabaceae by mimicking or accelerating natural degradation process using only heat, light, pressure, air, or oxygen; or

(D) Any other chemical substance identified by the commission, in consultation with the Oregon Health Authority and the State Department of Agriculture, by rule.

(4) "Authority" means the Oregon Health Authority.

(5)(4) "Cannabis plant" means a plant of the genus Cannabis within the plant family Cannabaceae.

(6) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.

(7) "Cannabinoid capsule" means a small, soluble pill, tablet or container that contains liquid or powdered cannabinoid product, concentrate or extract and is intended for human ingestion.

(8) "Cannabinoid concentrate" has the meaning given that term in OAR 845-025-1015.

(9) "Cannabinoid edible" means a food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

(10) "Cannabinoid hemp product"

(a) Means an industrial hemp edible or any other product intended for human consumption including an industrial hemp topical or industrial hemp transdermal patch, that contains cannabinoids from industrial hemp or the dried leaves or flowers of hemp; or

(b) Usable hemp, industrial hemp extracts and industrial hemp concentrates that have been combined with non-cannabis additives.

(c) Industrial hemp product does not include usable hemp by itself, hemp stalk by itself, a hemp concentrate or extract by itself, hemp seed incapable of germination by itself, or other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients.

(11) "Cannabinoid extract" has the meaning given that term in OAR 845-025-1015.

**(12) "Cannabinoid product" has the meaning given that term in OAR 845-025-1015.**

**(13) "Cannabinoid suppository" means a small soluble container designed to melt at body temperature within a body cavity other than the mouth, especially the rectum or vagina containing a cannabinoid product, concentrate or extract.**

**(14) "Cannabinoid transdermal patch" means an adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.**

**(15) "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:**

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

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

**(16) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.**

**(17) "Commission" means the Oregon Liquor and Cannabis Commission.**

~~(18)(5)~~ "Consumption or use" means to eat, drink, ingest, inhale, apply topically to the skin or hair, or otherwise consume an item.

~~(19)(6)~~ "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

~~(20)(7)~~ "Delta-9-tetrahydrocannabinolic acid" or "delta-9-THCA" means (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-2-carboxylic acid.

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

~~(22)(8)~~ "Flowering" means a cannabis plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.

~~(23)(9)~~ "Immature cannabis plant" means a cannabis plant that is not flowering.

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

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

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

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

**(27) "Intended for human use" means intended to be used by applying it to a person's skin or hair, inhalation or otherwise consuming the product except through the mouth.**

**(28) "Hemp edible"**

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

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

~~(29)(11)~~ "Industrial hemp commodity or product" has the meaning given that term in OAR 603-048-0010.

**(30) "Hemp topical"**

**(a) Means a substance intended to be applied to skin or hair that contains a hemp cannabinoid product, hemp concentrate or extract and for purposes of testing includes a hemp transdermal patch.**

**(31) "Hemp tincture"**

**(a) Means a liquid Industrial hemp cannabinoid product packaged in a container of four fluid ounces or less that consists of either:**

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

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

**(32) "Hemp transdermal patch"**

**(a) Means an adhesive substance applied to human skin that contains a hemp cannabinoid product, hemp concentrate or extract for absorption into the bloodstream.**

**(33) "Industrial hemp-derived vapor item" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269, whether alone or combined with ~~other substances~~ non-cannabis additives, that is intended for use in an inhalant delivery system.**

**(34) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.**

**(35) "Laboratory" means a laboratory certified by the Authority under ORS 438.605 to 438.620 and authorized to sample or test marijuana items for purposes specified in these rules.**

**(36) "Laboratory licensee" means a laboratory licensed under ORS 475B.560 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).**

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

~~(38)(12)~~ "Mature cannabis plant" means a cannabis plant that is not an immature marijuana plant.

~~(39)(13)~~ "Marijuana item" has the meaning given that term in OAR 845-025-1015.

~~(40)(14)~~ "Presumptive test" means testing under 845-026-4100.

**(41) "Net weight" means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams.**



**(42) "Scored" means to permanently physically demark a cannabinoid edible in a way that enables a reasonable person to:**

**(a) Intuitively determine how much of the product constitutes a single serving; and**

**(b) Easily physically separate the edible into single servings either by hand or with a common utensil, such as a knife.**

**(43) "Non-cannabis additive" means a substance or group of substances that are derived from a source other than industrial hemp.**

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

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

**(44) Person has the meaning given that term in ORS 174.100.**

**(45)(15) "Total delta-9-tetrahydrocannabinol" or "total delta-9-THC" means the sum of the concentration or mass of delta-9-THCA multiplied by 0.877 plus the concentration or mass of delta-9-THC.**

**(46) "Usable hemp"**

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

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

**Statutory/Other Authority: ORS 475B.025, 475B.015 & 2021 ~~H.B. 3000~~OL Ch. 542**

**Statutes/Other Implemented: ORS 475B.025, 475B.015 & 2021 ~~H.B. 3000~~OL Ch. 542**

#### **845-026-0200**

##### **Marijuana Concentration and Serving Size Limits: Definitions, Purpose, Scope and Effective Date**

**(1) In accordance with ORS 475B.625 as amended by 2021 Oregon Laws Chapter 542, the Commission must establish, for marijuana items sold or transferred to a consumer, patient or designated primary caregiver through a Commission licensed marijuana retailer or medical marijuana dispensary:**

**(a) The maximum concentration of total delta-9-THC permitted in a single serving of a cannabinoid product or cannabinoid concentrate or extract;**

**(b) The maximum concentration of adult use cannabinoids, any other cannabinoids, or artificially derived cannabinoid that is permitted in a single serving of a cannabinoid product or a cannabinoid concentrate or extract; and**

**(c) The number of servings permitted in a cannabinoid product container or cannabinoid concentrate or extract container.**

**(2) OAR 845-026-0200 through 845-026-0220 apply to:**

(a) A Commission licensee as that is defined in OAR 845-025-1015; and

(b) A person registered with the Oregon Health Authority under ORS 475B.875 to 475B.949 who is not exempt under ORS 475B.630.

(3) A cannabinoid product or cannabinoid concentrate or extract meets the concentration limits permitted under OAR 845-026-0210 through 845-026-0220 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; and

(b) The testing in accordance with ORS 475B.555 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 by more than 10 percent.

(4) For purposes of OAR 845-026-0200 through 845-026-0220:

(a) The definitions in OAR 845-026-0100 apply unless otherwise specified.

(b) "Medical marijuana item" is a marijuana item for sale or transfer to a patient or designated primary caregiver and includes medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(c) "Retail adult use marijuana item" is a marijuana item for sale to a consumer.

Statutory/Other Authority: ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542

Statutes/Other Implemented: ORS 475B.625 & 2021 OL Ch. 542

#### 845-026-0210

##### Retail Marijuana Item Concentration and Serving Size Limits

(1) The maximum concentration or 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 of a retail adult use marijuana item is listed in Table 1.

(2) A retail adult use marijuana item cannot contain any artificially derived cannabinoids.

(3) Cannabinoid edible serving size identification:

(a) Except as provided in subsection (b) of this section, a cannabinoid edible must be scored unless it is not capable of being scored in which case the cannabinoid edible must be:

(A) Sold and packaged with a measuring device that measures single servings; or

(B) Placed in packaging that clearly enables a consumer to determine when a single serving has been consumed.

(b) For solid cannabinoid edibles that exceeds 55 milligrams total delta-9-THC in the package, each serving must be scored.

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

**(5) A retail adult use marijuana item that does not fall within a category in Table 1 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 1.**

**OAR 845-026-0210**

**Table 1**

<b><u>RETAIL ADULT USE CANNABIS CONCENTRATION AND SERVING SIZE LIMITS</u></b>		
<b><u>Type of Marijuana Item</u></b>	<b><u>Maximum Amount of total delta-9-THC Per Serving</u></b>	<b><u>Maximum Concentration or Amount of THC in Container</u></b>
<b><u>Cannabinoid Product – Edibles</u></b>	<b><u>5 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product – Topicals</u></b>	<b><u>N/A</u></b>	<b><u>6%</u></b>
<b><u>Cannabinoid Product – Transdermal Patches</u></b>	<b><u>10 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product – Tinctures</u></b>	<b><u>N/A</u></b>	<b><u>1,000 mg</u></b>
<b><u>Cannabinoid Product – Capsules</u></b>	<b><u>10 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Concentrates or Extracts</u></b>	<b><u>N/A</u></b>	<b><u>2,000 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Not Intended for Human Consumption</u></b>	<b><u>N/A</u></b>	<b><u>1,000 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Intended for Human Consumption; or Cannabinoid Suppositories</u></b>	<b><u>5 mg</u></b>	<b><u>100 mg</u></b>

**Statutory/Other Authority: ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542**

**Statutes/Other Implemented: ORS 475B.625 & 2021 OL Ch. 542**

**845-026-0220**

**Medical Marijuana Item Concentration Limits**

**(1) The maximum concentration or amount of THC permitted in a container and the maximum concentration or amount of THC permitted in a serving of a medical marijuana item is listed in Table 2.**

**(2) A medical marijuana item cannot contain any artificially derived cannabinoids.**

**(3) A cannabinoid edible must be scored unless it is not capable of being scored in which case the cannabinoid edible must be:**

**(a) Sold and packaged with a measuring device that measures single servings; or**

**(b) Placed in packaging that clearly enables a patient to determine when a single serving has been consumed, as that serving size is determined by the processor.**

**(4) Serving size is as determined by the processor and must comply with applicable serving size limits.**

**(5) A medical marijuana item that does not fall within a category in Table 2 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 2.**

**Statutory/Other Authority: ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542**

**OAR 845-026-0220**

**Table 2**

<b><u>MEDICAL CANNABIS CONCENTRATION AND SERVING SIZE LIMITS</u></b>		
<b><u>Type of Marijuana Item</u></b>	<b><u>Maximum Amount of total delta-9-THC Per Serving</u></b>	<b><u>Maximum Concentration or Amount of THC in Container</u></b>
<b><u>Cannabinoid Product – Edibles</u></b>	<b><u>N/A</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product – Topicals</u></b>	<b><u>N/A</u></b>	<b><u>6%</u></b>
<b><u>Cannabinoid Product – Transdermal Patches</u></b>	<b><u>100 mg</u></b>	<b><u>4,000 mg</u></b>
<b><u>Cannabinoid Product – Tinctures</u></b>	<b><u>N/A</u></b>	<b><u>4,000 mg</u></b>
<b><u>Cannabinoid Product – Capsules</u></b>	<b><u>100 mg</u></b>	<b><u>4,000 mg</u></b>
<b><u>Cannabinoid Product – Cannabinoid Suppositories</u></b>	<b><u>100 mg</u></b>	<b><u>4,000 mg</u></b>
<b><u>Cannabinoid Concentrates or Extracts</u></b>	<b><u>N/A</u></b>	<b><u>4,000 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories or Transdermal Patches and Intended for Human Consumption</u></b>	<b><u>N/A</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories or Transdermal Patches and Not Intended for Human Consumption</u></b>	<b><u>N/A</u></b>	<b><u>4,000 mg</u></b>

**845-026-0300**

**Adult Use Cannabis Item**

(1) In accordance with ORS 475B.015 as amended by 2021 ~~Oregon House Bill 3000~~ **Oregon Laws Chapter 542**, the Commission must establish the concentration of adult use cannabinoids at which a hemp item qualifies as an adult use cannabis item.

(2) 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:**

(a) Contains 0.5 milligrams or more of any combination of:

(A) Tetrahydrocannabinols or tetrahydrocannabinolic acids, including delta-9-tetrahydrocannabinol or delta-8-tetrahydrocannabinol; or

(B) Any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect;

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

**(c) The testing in accordance with ORS 571.330 or 571.339 was performed using a method with a LOQ that is not sufficient to demonstrate that the total delta-9-THC does not exceed 0.5 milligrams**~~(c) Has not been demonstrated to contain less than 0.5 milligrams total delta-9-THC when tested in accordance with ORS 571.330 or 571.339.~~

(3) 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 475B.105 and that is registered under ORS 475B.146 to sell or deliver marijuana items to a registry identification cardholder who is 18 years of age or older or as allowed under ORS 475B.785 to 475B.949.

**Statutory/Other Authority:** ORS 475B.025, 475B.015, **475B.416** & 2021 ~~H.B. 3000~~**OL Ch. 542**

**Statutes/Other Implemented:** ORS 475B.025, 475B.015, 475B.211 & 2021 ~~H.B. 3000~~**OL Ch. 542**

## **845-026-0400**

### **Hemp Item Concentration and Serving Size Limits: Definitions, Purpose, Scope and Effective Date**

**(1) In accordance with 2021 Oregon Laws Chapter 542, Section 17, the Commission must establish:**

**(a) The maximum concentration of total delta-9-THC permitted in a single serving of an industrial hemp product;**

**(b) The maximum concentration of adult use cannabinoids, any other cannabinoids, or artificially derived cannabinoid that is permitted in a single serving of an industrial hemp product; and**

**(c) The number of servings permitted in an industrial hemp product.**

**(2) 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 consumption or use; and**

**(B) Are offered for sale or transfer to a consumer in Oregon or imported into Oregon for delivery to a consumer on or after [April 1, 2022](#).**

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

**(3) 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 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.**

**(4) 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.**

**(5) An industrial hemp product cannot contain any artificially derived cannabinoids.**

**(6) Serving size is as determined by the processor and must comply with applicable serving size limits.**

**(7) 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.**

**OAR 845-026-0400**

**Table 3**

<b><u>INDUSTRIAL HEMP PRODUCT CONCENTRATION AND SERVING SIZE LIMITS</u></b>			
<b><u>Type of Industrial Hemp Product</u></b>	<b><u>Maximum Amount of total delta-9-THC Per Serving</u></b>	<b><u>Maximum Amount of total delta-9-THC in Container</u></b>	<b><u>Maximum Concentration of total delta-9-THC</u></b>
<b><u>Hemp Edibles</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Topicals</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Transdermal Patches</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Tinctures</u></b>	<b><u>N/A</u></b>	<b><u>50 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Usable Hemp</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Industrial Hemp Concentrates or Extracts</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Cannabinoid Hemp Product Other than Hemp Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>

**Statutory/Other Authority: ORS 475B.025, ORS 475B.416, ORS 475B.625, 2021 OL Ch. 542**

**Statutes/Other Implemented: ORS 475B.625 & 2021 OL Ch. 542**