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## PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 845

OREGON LIQUOR AND CANNABIS COMMISSION

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#### RULES:

845-025-1045, 845-025-1115, 845-025-1230, 845-025-1300, 845-025-1405, 845-025-2020, 845-025-2025, 845-025-2070, 845-025-2090, 845-025-2800, 845-025-3215, 845-025-5045, 845-025-5060, 845-025-5590, 845-025-5720, 845-025-5730, 845-025-5740, 845-025-5760, 845-025-5765, 845-025-5840, 845-025-7000, 845-025-7160, 845-025-7520, 845-025-7575, 845-025-7700, 845-025-8000, 845-025-8020, 845-025-8040, 845-025-8540, 845-025-8580, 845-026-0100, 845-026-0210, 845-026-0220, 845-026-4100, 845-026-7000, 845-026-7010

AMEND: 845-025-1045

RULE TITLE: True Name on Application; Interest in Business

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details how entities and individuals must be listed on a license, and which entities and individuals qualify as applicants. The amendments allow for a license to be revoked for the same reasons that a license could be refused based on ownership interest.

#### RULE TEXT:

(1) True name on application. An application for a license must specify the real and true names of all individuals and legal entities required to be disclosed in the application under OAR 845-025-1030 and this rule.

(2) License privileges. License privileges are available only to licensees or laboratory licensees and licensee representatives and only for the premises designated on the license.

(3) The following individuals and legal entities are applicants:

(a) Any individual or legal entity who holds or controls a direct or indirect interest of 20 percent or more in the business proposed to be licensed;

(b) Any individual or legal entity who is entitled to receive a portion of revenue, proceeds, or profits from the business proposed to be licensed totaling 20 percent or more;

(c) Any individual or legal entity that has an ownership interest in the business as described in OAR section (5) of this rule; and

(d) Any individual or entity required to be listed as applicants under section (4) of this rule.

- (4) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:
- (a) If an applicant is a limited partnership, each general partner in the limited partnership;
  - (b) If an applicant is a manager-managed limited liability company, each manager of the manager-managed limited liability company as those terms are defined in ORS 63.001; and
  - (c) If an applicant is a corporation, each principal officer of the corporation.
- (5) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed or unapproved ownership interest exists other than as provided in OAR 845-025-1165. For purposes of these rules, an "ownership interest" is indicated by the following behaviors, benefits, or obligations:
- (a) Any individual or legal entity, other than an employee acting under the direction of an applicant, licensee, or laboratory licensee, that exercises control over, or is entitled to exercise control over, the business;
  - (b) Any individual or legal entity, other than an employee acting under the direction of an applicant, licensee, or laboratory licensee, that has the authority to bind the applicant, licensee, or laboratory licensee to contracts or other legal obligations, including the authority to cause the applicant, licensee, or laboratory licensee to incur debt or similar obligations on behalf of the business; or
  - (c) Any individual or legal entity identified as a lessee, tenant, or renter (or similar term) of the premises proposed to be licensed;
  - (d) Any individual or legal entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement; or
  - (e) When an applicant is a legal entity, any individual or legal entity required to be listed as an applicant under sections (3) or (4) of this rule.
- (6) The Commission may revoke a license if the applicant or licensee is not the owner of the licensed business, a person with an ownership interest is not identified as an applicant or licensee, or an undisclosed or unapproved ownership interest exists other than as provided in OAR 845-025-1165.
- (7) A violation of section (6) of this rule is a Category I Violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.033

STATUTES/OTHER IMPLEMENTED: ORS 475C.033, 475C.037, 475C.049, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548, 475C.265

AMEND: 845-025-1115

RULE TITLE: Denial of Application

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details criteria for the Commission to deny an initial or renewal application. The amendments define the license types held under ORS 475A.290 or 475A.305 and conform language to conventions.

RULE TEXT:

(1) The Commission must deny an initial or renewal application if:

(a) An applicant is under the age of 21.

(b) The applicant's land use compatibility statement shows that the proposed land use is prohibited in the applicable zone, if a land use compatibility statement is required.

(c) The proposed licensed premises is located:

(A) Outside of the State of Oregon.

(B) On federal property.

(C) On reservation or tribal trust land of a federally recognized Indian tribe unless that tribe has entered into an agreement with the State of Oregon which allows licensing of recreational marijuana businesses.

(d) The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.

(e) The proposed licensed premises of a retail applicant is located:

(A) Except as provided in ORS 475C.101, within 1,000 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(B) In an area that is zoned exclusively for residential use.

(f) The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.

(g) A city or county has prohibited the license type for which the applicant is applying, in accordance with ORS 475C.950.

(2) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if the Commission has reasonable cause to believe that:

(a) The applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the Commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Is not of good repute and moral character.

(E) Does not have a good record of compliance with ORS 475C.005 to 475C.525 or these rules, prior to or after licensure, including but not limited to:

(i) The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of ORS 475C.333;

(ii) Providing marijuana items to an individual without checking that the individual is 21 years of age or older;

(iii) Unlicensed transfer of marijuana items for financial consideration; or

(iv) Violations of local ordinances adopted under ORS 475C.449, pending or adjudicated by the local government that adopted the ordinance.

(F) Does not have a good record of compliance with ORS chapter 471 or any rules adopted thereunder.

(G) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(H) Is unable to understand the laws of this state related to marijuana or these rules. This may be demonstrated by violations documented by the Oregon Health Authority.

(I) For license renewal, has not submitted all fees, forms, documents, and information required to act on the renewal

application within the time period prescribed by the Commission.

(J) Has, or previously had, an unapproved ownership interest in a license issued by the Commission other than as provided in OAR 845-025-1165.

(K) Has diverted marijuana to the interstate market or an illicit market or has diverted resources to a criminal enterprise.

(L) Has introduced into the marijuana industry regulated under ORS 475C.005 to 475C.525 cannabinoids or marijuana not produced or processed by a licensee and not tracked in the system developed and maintained under ORS 475C.177.

(M) Has operated as a hemp grower registered or licensed under ORS 571.281 and grown cannabis that was found to be presumptively marijuana under OAR 845-026-4100.

(b) Any individual listed on the application has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in ORS 475C.037(3). The Commission may consider factors set forth in section (8) of this rule to determine if this refusal basis is supported or overcome.

(c) Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.

(d) Any portion of the premises of the business proposed to be licensed overlaps or would overlap with a portion of:

(A) An area licensed under ORS chapter 471 or a portion of any area operated or controlled by a retail liquor agent appointed by the Commission;

(B) The premises of any other producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location are held or sought by identical applicants; or

(C) An area licensed under ORS 475A.290 as a psilocybin manufacturer or an area licensed under 475A.305 as a psilocybin service center.

(e) The location proposed to be licensed is prohibited under OAR 845-025-1230.

(f) The proposed licensed premises of a producer applicant is on the same tax lot as another producer licensee under common ownership.

(g) The proposed licensed premises of a producer is located on the same tax lot as a site registered with Oregon Department of Agriculture for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site shall be separated from the premises proposed to be licensed and how the applicant shall prevent transfer of industrial hemp to the licensed premises.

(h) The applicant proposed to be licensed does not have access to the proposed license premises.

(i) The proposed licensed premises of the producer applicant is on the same tax lot as another producer licensee and the presence of multiple producers on the same tax lot creates a risk of non-compliance with any of these rules.

(j) The applicant is a business entity that is required to be registered with the Oregon Secretary of State but has failed to register.

(3) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee or laboratory licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant, licensee, or laboratory licensee.

(4)(a) The Commission may deny any initial or renewal application and may revoke any license if medical marijuana items are produced, processed, stored, sold, or transported, to or from the same location or address of the licensed business or business proposed to be licensed.

(b) The Commission will not deny an initial application under this section if:

(A) The applicant surrenders any registration issued by the Authority for the address or location of the business proposed to be licensed;

(B) If applicable, the applicant notifies all other growers registered by the Authority at the location or address proposed to be licensed, in a form and manner prescribed by the Commission, that the grower is no longer permitted to produce medical marijuana at the location or address proposed to be licensed, and must surrender their registration at that

location or address; and

(C) All medical marijuana activity at the location or address proposed to be licensed ceases prior to being issued an OLCC license.

(5) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.

(6) The Commission may revoke a license for any of the reasons that it may deny a license.

(7) A notice of denial must be issued in accordance with ORS 183.

(8) Factors that may support or overcome license denial pursuant to subsection (2)(b) of this rule. These factors may have occurred before or after the incident or incidents that are relevant to the specific criterion. The factors may be weighed in favor of the applicant, weighed against the applicant, or weighed neither for nor against the applicant.

(a) Definitions. For purposes of this section:

(A) "Administrative violation" means an administrative agency has taken a final action finding that an individual, or a legal entity that the individual is part of, violated a regulation of that administrative agency.

(B) "Compliance risk factors" means factors that show the individual's tendency to disobey laws, rules, and regulations; including but not limited to probation and parole violations, non-relevant convictions, and administrative violations.

(C) "Relevant conviction" means a conviction, other than those listed in ORS 475C.037(3), that involved violence or the threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; or a conviction as a felon in possession of a weapon.

(D) "Successful treatment" means:

(i) The Commission receives written confirmation from the individual's licensed treatment provider that the individual completed treatment that is related to a relevant conviction and the Commission has determined that the individual has not had another conviction for a similar incident since the completion of the treatment; or

(ii) The individual is still in a treatment program that is related to a relevant conviction; however, the Commission receives written confirmation from the individual's licensed treatment provider that the individual has demonstrated sufficient success towards stopping the behavior that led to the conviction and the Commission has determined that the individual has not had another conviction for a similar incident since the date the provider determined that the individual demonstrated sufficient success towards stopping the behavior that led to the conviction.

(b) Upon the Commission's determination that a basis to refuse the application has been established under this criterion, the Commission may consider the following factors and may consider other factors, depending on the facts of the case:

(A) Passage of time, whichever date is later:

(i) Since the date of the most recent incident that led to a relevant conviction, but not counting time spent incarcerated or other factors the Commission determines affect the passage of time; or

(ii) Since the date of the most recent compliance risk factor, but not counting time spent incarcerated or other factors the Commission determines affect the passage of time.

(B) Compliance risk factors.

(C) Successful treatment.

(D) The severity of the individual's relevant conviction record as shown by the number of convictions, whether a conviction was a felony or non-felony, and whether a conviction involved violence or the manufacture or delivery of controlled substances.

(E) The individual's record of compliance with the Commission.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.033, 475C.037, 475C.053, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548, 475C.950, 475C.189

AMEND: 845-025-1230

RULE TITLE: Licensed Premises Restrictions and Requirements

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details licensed premises restrictions and requirements. The amendments adds language to restrict marijuana businesses from co-locating at the same physical location or address of a psilocybin facility and bring consistency between OAR 845 Division 25 (Marijuana) and OAR 333 Division 333 (Psilocybin).

RULE TEXT:

(1) A licensed premises may not be located:

(a) On federal property; or

(b) Such that any portion of the premises overlaps or would overlap any of the following:

(A) A medical marijuana grow site registered under ORS 475C.792.

(B) A medical marijuana processing site registered under ORS 475C.815.

(C) A medical marijuana dispensary registered under ORS 475C.833.

(D) A liquor license licensed under ORS chapter 471.

(E) A retail liquor agent appointed by the Commission.

(F) A psilocybin manufacturer licensed under ORS 475A.290.

(G) A psilocybin service center licensed under ORS 475A.305.

(2) The licensed premises of a producer applicant may not be on:

(a) Public land; or

(b) The same tax lot as another producer licensee under common ownership.

(3) The licensed premises of a retailer may not be located:

(a) Except as provided in ORS 475C.101, within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(b) In an area that is zoned exclusively for residential use.

(4) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.

(5) The licensed premises of a processor, wholesaler, laboratory, and retailer must be enclosed on all sides by permanent walls and doors. A processor, wholesaler, or laboratory licensee may be exempt from this requirement if the processor, wholesaler, or laboratory licensee can show in its security plan how the licensee will maintain security within an unenclosed area, and the Commission determines it does not present a risk to public health and safety.

(6) A licensee may not permit:

(a) Any minor to work or be on a licensed premises except as described in this rule; or

(b) On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that a licensee representative who has a current registry identification card issued under ORS 475C.783 may consume marijuana during their work shift on the licensed premises as necessary for their medical condition, if the employee is alone, in a closed room and not visible to others outside the room. A licensee representative who consumes a marijuana item as permitted under this section may not be intoxicated while on duty. For purposes of this section allowable on-site consumption in an enclosed area, as that as defined in OAR 333-015-0030 does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(7) A licensee may permit a minor to be on the licensed premises, if the minor:

(a) Has a legitimate business purpose for being on the licensed premises. For example, a minor plumber may be on the premises in order to make a repair;

(b) Passes through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor is not present in areas that contain marijuana items;

(c) Resides on the tax lot where a marijuana producer is licensed, so long as the minor is not present in areas of a

- producer's licensed premises that contain usable marijuana or cut and drying marijuana plants; or
- (d) Is a current Oregon Medical Marijuana Program cardholder or designated primary caregiver and is over 18 years of age.
- (8) A licensee must clearly identify all limited access areas in accordance with OAR 845-025-1245.
- (9) Log. A licensee must keep a daily log of all employees and permitted visitors who perform work on the licensed premises, except for Commission employees and other state or local government officials acting in an official capacity who have jurisdiction over some aspect of the licensed premises or operation.
- (a) In CTS, a licensee must record the following information for each current employee and licensee representative:
- (A) For an employee or licensee representative required to have a marijuana worker permit, the permit number and name of the individual as they appear on the marijuana worker permit.
- (B) For an employee or licensee representative not required to have a marijuana worker permit, the name and date of birth of the individual as this information is displayed on valid government-issued ID.
- (b) All employees and permitted visitors, present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee or permitted visitors. A visitor badge is not required for government officials.
- (c) All permitted visitors must be accompanied by a licensee representative at all times.
- (d) On the daily log, a licensee must record the name and date of birth as this information is displayed on valid government-issued ID for every contractor who performs work on the licensed premises. If the contractor is licensed by the State of Oregon, the licensee must also record the contractor's license number.
- (e) A licensee must maintain a copy of the daily log required by this rule for a period of at least 90 days.
- (10) Permitted Visitors. The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer. In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements of this rule and other pertinent rules:
- (a) Laboratory personnel, if the laboratory is licensed by the Commission;
- (b) A contractor, vendor, or service provider authorized by a licensee representative to be on the licensed premises;
- (c) Another licensee or that licensee's representative;
- (d) Invited guests as defined in OAR 845-025-1015 subject to requirements of this rule; or
- (e) Tour groups as permitted by this rule.
- (11) Producer Tours. A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public. All members of a tour group must sign in on the daily log.
- (12) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee, from being on the licensed premises. When Commission employees identify themselves, these employees shall present Commission-issued identification while performing their job duties, but are not required to provide a date of birth or any form of identification listed ORS 475C.217.
- (13) A licensee may not sublet any portion of a licensed premises.
- (14) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these rules.
- (15) A licensed wholesaler or retailer who sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles must also be licensed by the Oregon Department of Agriculture under ORS 616.706.
- (16) If the proposed premises is located at the same address of any business or operation listed in section (1) of this rule or OAR 845-025-1115(2)(d), the Commission may require the licensee to designate within the license application an identifier separate from the address, such as a suite number, building number, or similar identifier, that differentiates the area of the licensed premises from other businesses or operations that share the address. This identifier is not required to be part of a valid United States Postal Service recognized address.
- (17) Violations.

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

(b) A violation of subsection (9)(a) of this rule is a Category IV violation. All other violations of section (9) of this rule are Category V violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548

STATUTES/OTHER IMPLEMENTED: 475C.085, 475C.093, 475C.097, ORS 475C.001, 475C.225, 475C.317, 475C.377, 475C.548



AMEND: 845-025-1300

RULE TITLE: Licensee Prohibitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details licensee prohibitions. The amendment removes a provision related to adulteration that is duplicative of OAR 845-025-8540.

RULE TEXT:

(1) A licensee may not:

(a) Import into this state or export from this state any marijuana items;

(b) Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;

(c) Sell, give, or otherwise make available any marijuana items or hemp items to any person who is visibly intoxicated;

(d) Make false representations or statements to the Commission in order to induce or prevent action by the Commission;

(e) Maintain a noisy, disorderly, or insanitary establishment;

(f) Misrepresent any marijuana item to a customer or to the public;

(g) Sell any marijuana item through a drive-up window;

(h) Deliver or transfer marijuana items to any consumer off the licensed premises or to any unlicensed location except as permitted by OAR 845-025-2500, 845-025-2880, or 845-025-2885;

(i) Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the statutory laws of this state; or

(j) Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age, or quality of the marijuana item.

(2) No licensee or licensee representative may be under the influence of intoxicants while on duty.

(a) For purposes of this rule "on duty" means:

(A) The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;

(B) For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification, or controlling conduct on the licensed premises, if the individual has the authority to put themselves on duty; or

(C) A work shift that includes supervising those who handle or sell marijuana items, check identification, or control the licensed premises.

(b) Whether a person is paid or scheduled for work is not determinative of whether the person is considered "on duty" under this section.

(3) Violations.

(a) A violation of subsection (1)(a), (1)(d), (1)(f), or (1)(h) to (1)(j) of this rule is a Category I violation.

(b) A violation of subsection (1)(c), (1)(e) or (1)(g) or section (2) of this rule is a Category II violation.

(c) A violation of subsection (1)(b) 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.229, 475C.233, 475C.237, 475C.245, 475C.329, 475C.333

AMEND: 845-025-1405

RULE TITLE: Security Waivers

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details security waivers. The amendments cause security waivers to remain in effect until amended or withdrawn and conform language to conventions.

RULE TEXT:

(1) An applicant or licensee may, in writing, request that the Commission waive one or more of the security requirements described in OAR 845-025-1400 to 845-025-1470 by submitting a security waiver request for Commission approval. The waiver request must include:

(a) Each specific rule or provision of a rule that is requested to be waived;

(b) The reason for the waiver;

(c) A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver; and

(d) An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to minors.

(2) The Commission may, in its discretion and on a case by case basis, approve the security waiver if it finds that the alternative safeguard that is proposed meets the goals of the security rules.

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

AMEND: 845-025-2020

RULE TITLE: Producer Privileges; Prohibitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details producer privileges and prohibitions. The amendments recategorizes certain rule violations.

RULE TEXT:

(1) A producer may:

(a) Possess, plant, cultivate, grow, harvest, and dry marijuana in the manner approved by the Commission and consistent with ORS chapter 475C 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 475C.089 and possess kief produced by the producer.

(A) A producer who produces kief is not a marijuana processor for the purposes of OAR 845-025-3215.

(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 producer under common ownership, a 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 producer under common ownership, a 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 475C.089, manufactured by the producer, to the licensed premises of a marijuana processor, producer under common ownership, wholesaler, retailer, laboratory, or research certificate holder;

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

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

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

(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;

(D) Marijuana, mature marijuana plants, and kief 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 sources within the State of Oregon other than a licensee, laboratory licensee, or research certificate holder; and

(H) 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 chapter 333, division 7.

(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 subsection from the original licensee who 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) Process marijuana items other than as provided in:

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

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

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana item or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with section (1) of this rule.

(3) Violations.

(a) A violation of section (2) of this rule based on paragraph (1)(c)(B), (1)(d)(I), (1)(d)(J), (1)(e)(G), or (1)(e)(H), or subsection (1)(f) or (1)(g) of this rule is a Category III violation.

(b) All other violations of this rule are Category I violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.077, 475C.089

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, 475C.065, 475C.077, 475C.089, ORS 475C.117, 475C.489

AMEND: 845-025-2025

RULE TITLE: Micro Tier Processing Privileges; Prohibitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details micro tier producer processing privileges and prohibitions. The amendment changes a reference from "usable marijuana" to "marijuana."

RULE TEXT:

(1) In addition to the privileges in OAR 845-025-2020, Micro Tier I and Micro Tier II producer licensee may process marijuana concentrates, as long as:

(a) The process involves separating cannabinoids from marijuana by:

(A) A mechanical process; or

(B) An extraction process using water as the solvent.

(b) The producer applies for a concentrate endorsement.

(c) The producer only sells or transports marijuana concentrates to the licensed premises of a processor, wholesaler, retailer, or research certificate holder.

(d) Follows all the provisions relating to the processing of concentrates set forth within OAR 845-025-3210, 845-025-3220, 845-025-3230, 845-025-3240, 845-025-3250, 845-025-3290, and 845-025-7575.

(e) If using water or ice in processing, the producer uses only potable water and ice made from potable water.

(f) If using dry ice, the producer uses or stores the dry ice in a well-ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.

(g) If making a concentrate intended to be used in a cannabinoid edible, the producer follows all provisions set forth within OAR 845-025-3250.

(2) In addition to the prohibitions in OAR 845-025-2020, a micro producer may not:

(a) Make cannabinoid extracts; or

(b) Make a concentrate using steam.

(3) Concentrate Endorsement.

(a) In order to apply for an endorsement, a micro producer applicant or micro producer licensee must submit a form prescribed by the Commission that includes:

(A) A description of the process the micro producer intends to implement to process marijuana into a concentrate; and

(B) A description of equipment to be used.

(b) In order to be eligible for a concentrate endorsement, a micro producer applicant or micro producer licensee must submit a land use compatibility statement showing that processing concentrates is not a prohibited use.

(c) The Commission may deny a producer's request for an endorsement under this rule if the producer does not meet the applicable requirements for the concentrate endorsement. If the Commission denies approval the producer has a right to a hearing under the procedures of ORS chapter 183.

(4) A producer who processes cannabinoid concentrates under this rule is not a marijuana processor for the purposes of OAR 845-025-3215.

(5) Violations. A violation of this rule is a Category I violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.065, ORS 475C.089

STATUTES/OTHER IMPLEMENTED: ORS 475C.089, 475C.017

AMEND: 845-025-2070

RULE TITLE: Pesticides, Fertilizers and Agricultural Chemicals

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets parameters for allowed pesticide and agricultural chemical usage. The amendments remove a provision related to adulteration that is duplicative of OAR 845-025-8540, reduce the category of certain violations, update terminology related to safety data sheets, and conform language to conventions.

RULE TEXT:

(1) Pesticides. A producer may only use pesticides in accordance with ORS chapter 634 and OAR chapter 603, division 57.

(2) Fertilizers, Soil Amendments, Growing Media. A producer may only use fertilizer, agricultural amendments, agricultural minerals and lime products in accordance with ORS chapter 633.

(3) In addition to other records required by these rules, a producer must maintain, at all times and on the licensed premises:

(a) The safety data sheet (SDS) for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana;

(b) The original label or a copy thereof for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana; and

(c) A log of all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana.

The log must include:

(A) The information required to be documented by a pesticide operator in ORS 634.146; and

(B) The unique identification tag number of the cultivation batch or individual mature marijuana plant to which the product was applied, or if applied to all plants on the licensed premises a statement to that effect.

(4) A producer may maintain the records required under this rule in electronic or written form. If electronic, a producer shall maintain a backup system or sufficient data storage so that records are retained for no less than two years after harvest of any marijuana on which documented products were used. If written, a producer shall ensure that the records are legible and complete, shall keep them in a safe and secure location, and shall retain the records for no less than two years after harvest of any marijuana on which documented products were used.

(5) A producer must make the records required under this rule immediately available during a premises inspection by a Commission regulatory specialist. If the Commission requests copies of the records at any time other than during a premises inspection, a producer shall produce the records upon request.

(6) Violations.

(a) A violation of section (1) of this rule is a Category I violation and could result in license revocation.

(b) A violation of section (2) of this rule is a Category II violation.

(c) Notwithstanding subsection (a) of this section, if a licensee accepts responsibility for an illegal pesticide application through Department of Agriculture's Marijuana Compliance Assistance Program and successfully completes the program, the licensee will receive a notice of warning for their first violation. Any subsequent violations are Category I violations.

(d) Failure to keep complete records as required by section (3) rule is a Category III violation. Failure to keep records on the licensed premises, or failure to timely produce records, is a Category III violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065

STATUTES/OTHER IMPLEMENTED: 475C.065, ORS 475C.205

AMEND: 845-025-2090

RULE TITLE: Harvest Notification

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details the requirements for notifying the Commission of a harvest. The amendments change a reference from "usable marijuana" to "marijuana" and conform language to conventions.

RULE TEXT:

(1) Notice Requirement. A producer licensee must file a harvest notice before harvesting marijuana from any mature plant located in an outdoor canopy area.

(2) Notices required under this rule must:

(a) Be filed no later than 9 a.m. on the day of the harvest activity;

(b) Identify the dates of the proposed harvest; and

(c) Be filed in a form and manner prescribed by the Commission.

(3) Alteration of Dates. If the harvest does not take place as described in the notice, a harvest notice may be rescinded or amended within 24 hours of the harvest date or dates identified in the harvest notice.

(4) Tracking. Filing a harvest notice does not relieve the producer from recording harvest data and other information in CTS as required by these rules.

(5) Violations.

(a) Failure to file a harvest notice is a Category III violation.

(b) Failure to properly amend a notice is a Category IV violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.157, ORS 475C.628

STATUTES/OTHER IMPLEMENTED: ORS 475C.157, ORS 475C.628

AMEND: 845-025-2800

RULE TITLE: Retailer Privileges; Prohibitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details retailer privileges and prohibitions. The amendments increase the daily sales limits for cannabinoid concentrate, cannabinoid extracts, and cannabinoid products intended for inhalation; raise the category of certain violations involving diversion or inversion of marijuana.

RULE TEXT:

- (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 a.m. and 10 p.m. 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 registered to sell marijuana items for medical purposes as described in OAR 845-025-2900.
    - (C) Marijuana seeds to a producer.
    - (D) Marijuana items and hemp items to a retailer under common ownership.
    - (E) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - (F) 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 paragraph (A) of this subsection 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 products, cannabinoid extracts, and cannabinoid concentrates from a marijuana producer that were made using only marijuana produced by the producer;
    - (D) Cannabinoid concentrates, cannabinoid extracts, and cannabinoid products from a processor with an endorsement to manufacture the type of product received or from a research certificate holder;
    - (E) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;
    - (F) Any marijuana item from a laboratory licensee;
    - (G) Trade samples as allowed by 845-025-1330;
    - (H) Marijuana items and hemp items from a retailer under common ownership; and
    - (I) Hemp items from a Commission-certified hemp handler, a wholesaler, a laboratory licensee, or a processor with an industrial hemp endorsement.
  - (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 chapter 333, division 7;
  - (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 section (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 under common ownership 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) 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) 10 grams of cannabinoid extracts or concentrates;
- (E) 10 grams of cannabinoid products intended for inhalation;
- (F) Four immature marijuana plants; and
- (G) 10 marijuana seeds.
- (b) Knowingly provide more than the following amounts to registry identification cardholders or designated primary caregivers:
- (A) Eight 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.
- (d) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana item or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with sections (2) and (3) of this rule.
- (e) Provide free marijuana items to a consumer.
- (f) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
- (g) Sell or give away any non-marijuana items, including hemp items, that are attractive to minors as defined by these rules.
- (h) 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.
- (i) Discount a marijuana item contingent on the purchase of a non-marijuana item.
- (j) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10 p.m. and 7 a.m. local time the following day.
- (k) 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.
- (l) Sell or transfer a returned marijuana item or hemp item to another consumer.
- (m) Sell, transfer, deliver, purchase, possess, accept, return, or receive any marijuana item or hemp item other than as provided in this rule.
- (n) 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.
- (o) 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.
- (p) Sell a marijuana item to an individual that exceeds the concentration limits in OAR 845-026-0210 and 845-026-0220.
- (q) 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 items or hemp items; or
- (C) Any other marijuana items not meant for human consumption or use.
- (r) 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.
- (s) Prior to the application of a discount or the retail marijuana tax, require a registry identification cardholder to pay a higher price for the same marijuana item than is charged to a person without a registry identification card.
- (t) Process marijuana items.
- (u) Produce marijuana.
- (5) Notwithstanding paragraph (2)(c)(B) of this rule, a retailer may transfer its entire inventory of marijuana items and hemp items to a single wholesaler if all requirements in OAR 845-025-7700 are met.
- (6) Violations.
  - (a) A violation of subsection (4)(m) of this rule is a Category I violation if there are reasonable grounds to believe there is diversion or inversion of marijuana. All other violations of subsection (4)(m) are Category III violations.
  - (b) A violation of subsection (2)(d), (4)(a) to (4)(d), (4)(t), or (4)(u) or section (3) of this rule is a Category II violation.
  - (c) A violation of subsection (2)(a) or paragraph (2)(b)(A) or (2)(b)(B) of this rule is a Category II(b) violation.
  - (d) A violation of paragraph (2)(b)(C) to (2)(b)(F) or subsection (2)(c), (2)(e) to (2)(h), (4)(e) to (4)(l), (4)(n), (4)(o), or (4)(q) to (4)(s) of this rule is a Category III violation.
  - (e) A violation of subsection (4)(p) of this rule is assessed as described in OAR 845-025-8590(3)(b)(B).

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.097, 571.336

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, 475C.097, 571.336, ORS 475C.674

AMEND: 845-025-3215

RULE TITLE: Processor Privileges; Prohibitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details processor privileges and prohibitions. The amendments raise the category of certain violations involving diversion or inversion of marijuana and license privileges.

RULE TEXT:

(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) Cannabinoid products, cannabinoid extracts, and cannabinoid concentrates to a marijuana producer that were made using only marijuana produced by the receiving producer;

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

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

(E) 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 a research certificate holder;

(B) Usable marijuana from a producer, wholesaler, patient or designated primary caregiver, or 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 products, cannabinoid extracts, and cannabinoid concentrates from a marijuana producer that were made using only marijuana produced by the producer;

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

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

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

(I) 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 chapter 333, division 7.

(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 item, 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 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, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760;

(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 item or hemp item containing artificially derived cannabinoids except as allowed under OAR 845-025-1310 and in accordance with sections (1) and (2) of this rule.

(h) Produce marijuana.

(4) Notwithstanding paragraph (1)(d)(B) of this rule, a processor may transfer its entire inventory of marijuana items and hemp items to a single wholesaler if all requirements in OAR 845-025-7700 are met.

(5) 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.

(6) Violations.

(a) A violation of subsection (3)(e) of this rule is a Category II violation.

(b) A violation of subsection (3)(h) or section (5) of this rule is a Category I violation.

(c) A violation of subsection (3)(a) of this rule is a Category I violation if there are reasonable grounds to believe there is diversion or inversion of marijuana.

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

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.085, 571.336, 571.337

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, 475C.085, 571.336, 571.337

AMEND: 845-025-5045

RULE TITLE: Laboratory Tracking and Reporting

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details laboratory tracking and reporting. The amendments clarifies the expectation that laboratories report results for each required analyte in a compliance test that exceeds the limit of quantification.

RULE TEXT:

(1) A laboratory licensee is required to utilize CTS for sampling or testing conducted for medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, medical marijuana dispensaries, licensees, research certificate holders, Commission-certified hemp growers, Commission-certified hemp handlers, and persons manufacturing industrial hemp-derived vapor items and follow all requirements established by OAR 845-025-7500 to 845-025-7590.

(2) A laboratory licensee conducting sampling or testing for licensees, research certificate holders, Commission-certified hemp growers, Commission-certified hemp handlers, medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, or medical marijuana dispensaries is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the licensee, research certificate holder, Commission-certified hemp grower, Commission-certified hemp handler, grow site administrator, person responsible for the marijuana processing site, or person responsible for a medical marijuana dispensary from whom the sample was obtained;

(C) Date the sample was collected; and

(D) UID tag information associated with the harvest or process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed;

(E) For compliance tests, any result above the LOQ for any analyte that is required to be tested under OAR chapter 333, division 7; and

(F) An electronic copy of the report provided under OAR 333-064-0110 to the licensee, research certificate holder, Commission-certified hemp grower, Commission-certified hemp handler, grow site administrator, processing site, or dispensary.

(c) Disposition of any testing sample material.

(3) A laboratory licensee conducting sampling or testing of industrial hemp-derived vapor items is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the person manufacturing industrial hemp-derived vapor items from whom the sample was obtained;

(C) Date the sample was collected; and

(D) Identifying information about the process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed;

(E) For compliance tests, any result above the LOQ for any analyte that is required to be tested under OAR chapter, 333

division 7; and

(F) An electronic copy of the report provided under OAR 333-064-0110 to the person who manufactured the industrial hemp-derived vapor item.

(c) Disposition of any testing sample material.

(4) A laboratory licensee receiving a sample from another laboratory licensee for the purposes of performing a subcontracted compliance test, as described in is responsible for tracking and entering information into CTS as described in paragraphs (2)(b)(A) and (2)(b)(B) of this rule.

(5) A laboratory licensee must also comply with any recordkeeping requirements in OAR chapter 333, divisions 7 and 64.

(6) The Oregon Health Authority or the Commission may request records at any time of a laboratory licensee.

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

STATUTORY/OTHER AUTHORITY: ORS 475C.548

STATUTES/OTHER IMPLEMENTED: ORS 475C.548

AMEND: 845-025-5060

RULE TITLE: Laboratory Transportation and Waste Disposal

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details laboratory transportation and waste disposal. The amendments recategorize rule violations for laboratory licensees to mirror those of other licensees.

RULE TEXT:

(1) A laboratory licensee must follow OAR 845-025-7700 and any applicable rules in OAR chapter 333, divisions 7 and 64 regarding transportation of marijuana items.

(2) A laboratory licensee must follow all rules regarding disposal of samples from marijuana items established in OAR 845-025-7750.

(3) Violations.

(a) A violation of section (1) of this rule for failure to follow OAR 845-025-7700(1) is a Category I violation.

(b) A violation of section (1) of this rule for failure to follow OAR 845-025-7700(2) to (4) is a Category III violation.

(c) A violation of section (2) of this rule is a Category III violation.

(d) Any other violation of this rule is a Category IV violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.548

STATUTES/OTHER IMPLEMENTED: ORS 475C.548

AMEND: 845-025-5590

RULE TITLE: Suspension or Revocation

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details suspension and revocation of marijuana worker permits. The amendments expands the time period that a worker permit can be suspended or revoked if the permittee is convicted of a felony or an offense under ORS 475C and conform language to conventions.

RULE TEXT:

(1) The Commission may suspend or revoke the permit of any marijuana worker if the worker:

(a) Is convicted of a felony;

(b) Is convicted of an offense under ORS 475C.005 to 475C.525 within two years of the application or renewal;

(c) Has violated a provision of ORS 475C.005 to 475C.525 or these rules; or

(d) Makes a material false statement to the Commission.

(2) The Commission shall revoke a marijuana worker permit if a permittee knowingly sells, delivers, transfers, or makes available a marijuana item to a person under 21 years of age. This section does not apply to sales, deliveries, or transfers to registry identification cardholders who are 18 years of age or older.

(3) The Commission may suspend or revoke the permit for any marijuana worker for any reasons that would be the basis for denying a permit application under OAR 845-025-5540.

(4) If an individual's permit is revoked under subsection (1)(c) or (1)(d) of this rule, future applications will be denied if received within two years of the date the final order of revocation was issued.

(5) A notice of suspension or revocation must be issued by the Commission in accordance with ORS 183.

(6) A permittee is subject to discipline for a violation of any rule of this chapter in the same manner as a licensee.

STATUTORY/OTHER AUTHORITY: ORS 475C.273, 475C.269

STATUTES/OTHER IMPLEMENTED: ORS 475C.273, 475C.269



AMEND: 845-025-5720

RULE TITLE: Labeling, Storage, and Security of Pre-Tested Marijuana Items

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details labeling, storage, and security requirements for marijuana items that have been submitted for testing. The amendment updates statutory authority references.

RULE TEXT:

(1) Following samples being taken from a harvest or process lot batch a licensee must:

(a) Label the batch with the following information:

(A) The licensee's license number;

(B) The harvest or process lot unique identification number;

(C) The name and accreditation number of the laboratory that took samples and the name and accreditation number of the laboratory that will perform the testing, if different;

(D) The test batch or sample unique identification numbers supplied by the laboratory personnel;

(E) The date the samples were taken; and

(F) In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED."

(b) Store and secure the batch in a manner that prevents the product from being tampered with or transferred or sold prior to test results being reported.

(c) Be able to easily locate a batch stored and secured under subsection (b) of this section and provide that location to the Commission or a laboratory upon request.

(2) A batch may be stored in more than one receptacle as long as the labeling requirements are met.

(3) If the samples pass testing the product may be sold or transferred in accordance with the applicable Commission rules.

(4) If the samples do not pass testing the licensee must comply with OAR 845-025-5740 and 333-007-0450, as applicable.

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

STATUTORY/OTHER AUTHORITY: ORS 475C.540, 475C.544, ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.540, 475C.544

AMEND: 845-025-5730

RULE TITLE: Wholesaler Coordination of Sampling and Testing

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details wholesaler coordination of sampling and testing. The amendment updates statutory authority references.

RULE TEXT:

A wholesaler:

- (1) May accept a batch, as that term is defined in OAR 333-007-0310 from a producer or processor that:
  - (a) Has not been sampled or tested in accordance with OAR chapter 333, divisions 7 and 64 and may order tests and arrange for the sampling and testing of the batch in accordance with OAR chapter 333, divisions 7 and 64 as specified in those rules.
  - (b) Has been sampled but has not yet been tested in accordance with OAR chapter 333, divisions 7 and 64.
- (2) Must secure, label, and store pre-tested marijuana items in accordance with OAR 845-025-5720.
- (3) May not transfer or sell a marijuana item unless that marijuana item:
  - (a) Has been sampled and tested in accordance with OAR chapter 333, divisions 7 and 64.
  - (b) Has passed all the required tests in OAR chapter 333, division 7.
- (4) Is jointly and severally responsible for ensuring compliance with OAR chapter 333, divisions 7 and 64 with the licensee that produced or processed the marijuana item.
- (5) Violations. A violation of this rule is a Category III violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.093, 475C.544, ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.093, 475C.544

AMEND: 845-025-5740

RULE TITLE: Failed Test Samples

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details requirements for marijuana items that fail compliance testing. The amendments specify conditions where a batch with a failed compliance test may be transferred without permission from the Commission.

RULE TEXT:

(1) For the purposes of this rule, "batch" has the meaning given that term in OAR 333-007-0310.

(2) If a sample fails a compliance test the licensee must comply with OAR 333-007-0450.

(3) If a batch or a sample from a batch fails a compliance test under these rules a licensee:

(a) Must store and segregate the batch in a secure area and label the batch indicating it has failed a test.

(b) May not remove the batch from the premises without permission from the Commission unless it is being directly transferred to a wholesaler or processor for the purposes of remediation in compliance with these rules.

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

STATUTORY/OTHER AUTHORITY: ORS 475C.540, 475C.544, 571.337, ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.540, 475C.544, 571.337

AMEND: 845-025-5760

RULE TITLE: Audit, Compliance, and Random Testing

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details audit, compliance, and random testing. The amendments update statutory authority references and conform language to conventions.

RULE TEXT:

(1) The Commission may require a licensee or laboratory licensee to submit samples identified by the Commission to one or more laboratories of the Commission's choosing to be tested in order to determine whether a licensee is in compliance with the cannabis testing rules found in OAR chapter 333, division 7 or any other rules of the Commission and may require additional testing that is not required by these rules.

(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods, unless otherwise authorized by the Commission.

(3) The Commission may, at any time, require a licensee or laboratory licensee to permit the sampling of or submit a sample of a marijuana item, industrial hemp, or a hemp item of the Commission's choosing to the Commission for testing. Such testing may include testing for:

(a) Anything that is required to be tested under OAR chapter 333, division 7 of the Oregon Administrative Rules or these rules.

(b) Any microbiological contaminant.

(c) Heavy metals.

(d) Other adulterants, pesticides, solvents, additives, or contaminants that may pose a risk to public health and safety, or are prohibited by law.

(4) When audit testing for potency pursuant to this rule, the Commission may require any portion of a batch with a compliance test for potency on or after December 1, 2022, to be relabeled with the mean average result from laboratories conducting audit testing if the Commission determines that there is a statistically significant difference at a 99 percent confidence interval between the audit testing result of samples from the batch and the original compliance testing result of the same batch.

(a) The Commission shall use the Shapiro-Wilk test to determine if the audit testing results are normally distributed at a 95 percent confidence interval.

(b) For audit testing results that are normally distributed, the Commission shall use the one-sample Student's t-test to determine statistical significance.

(c) For audit testing results that are not normally distributed, the Commission shall use the one-sample Wilcoxon Signed-Rank test to determine statistical significance.

(d) For purposes of this section, "batch" has the meaning given that term in OAR 333-007-0310.

(5) A licensee shall submit all samples required for testing under this rule within a timeframe established by the Commission.

(6) Violations. Failure to submit requested samples to OLCC as described in this rule is a Category II violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.540, 475C.544, 571.275, 475C.612, 571.337, ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.540, 475C.544, 571.337

ADOPT: 845-025-5765

RULE TITLE: Cannabis Reference Laboratory

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule describes the cannabis reference laboratory. The adoption of this rule establishes that the cannabis reference laboratory can be utilized by the Commission to conduct audit testing pursuant to OAR 845-025-5760 and describes the method by which results from the cannabis reference laboratory can be used as a compliance test result.

RULE TEXT:

(1) The Commission may request that the cannabis reference laboratory conduct any of the following:

(a) Audit testing as described in OAR 845-025-5760; or

(b) Testing if the Commission has reason to believe the marijuana item, industrial hemp or hemp item is not in compliance with ORS 475C.544 or these rules.

(2) The Commission may consider a test conducted by the cannabis reference laboratory to be a compliance test.

(3) If a test conducted by the cannabis reference laboratory indicates a sample fails to comply with concentration limits in OAR chapter 845, division 26 or an action level in OAR chapter 333, division 7, the Commission may invalidate the results of the test conducted by the original laboratory. If the Commission invalidates a compliance test result:

(a) The Commission must notify the licensee who ordered the compliance test.

(b) The licensee must follow the applicable procedures under OAR 333-007-0450 regarding failed test samples.

(c) Subject to any reanalysis conducted pursuant to OAR 333-007-0450, the Commission may require the recall any marijuana items, industrial hemp or hemp items associated with a failed sample that have been sold or transferred. The recall must be conducted in accordance with OAR 845-025-5790. The licensee must either:

(A) Destroy the affected marijuana items, industrial hemp, or hemp items; or

(B) Remediate the affected marijuana items, industrial hemp, or hemp items in accordance with OAR 333-007-0450.

(4) The Commission may request or require a recall in accordance with OAR 845-025-5790 based on the cannabis reference laboratory audit testing.

STATUTORY/OTHER AUTHORITY: 2023 OL Ch. 519 Sec. 2 to 4, ORS 475C.017, 475C.237, 571.275, 571.337

STATUTES/OTHER IMPLEMENTED: 2023 OL Ch. 519 Sec. 2

AMEND: 845-025-5840

RULE TITLE: Wholesaler Coordination of Sampling and Testing for Industrial Hemp and Hemp Items

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details wholesaler coordination of sampling and testing for industrial hemp and hemp items. The amendment updates statutory authority references.

RULE TEXT:

A wholesaler:

(1) May accept a batch, as that term is defined in OAR 333-007-0310, from a processor that:

(a) Has not been sampled or tested in accordance with OAR chapter 333, divisions 7 and 64 and these rules and may order tests and arrange for the sampling and testing of the batch in accordance with OAR chapter 333, divisions 7 and 64 and these rules.

(b) Has been sampled but has not yet been tested in accordance with OAR chapter 333, divisions 7 and 64, and these rules.

(2) Must secure, label, and store pre-tested hemp items in accordance with OAR 845-025-5720.

(3) May not transfer or sell a hemp item unless that hemp item:

(a) Has been sampled and tested in accordance with OAR chapter 333, divisions 7 and 64 and these rules.

(b) Has passed all the required tests in OAR 845-025-5820.

(4) Is jointly and severally responsible for ensuring compliance with OAR chapter 333, divisions 7 and 64 and these rules with the licensee that processed the hemp item.

STATUTORY/OTHER AUTHORITY: ORS 475C.093, 475C.544, 571.336, 571.337, ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.093, 475C.544, 571.336, 571.337

AMEND: 845-025-7000

RULE TITLE: Packaging and Labeling — Definitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets definitions for the purposes of packaging and labeling. The amendments clarify certain definitions, clarify how the term "net weight" applies to infused pre-rolls, and remove definitions that are duplicative with OAR 845-025-1015.

RULE TEXT:

For the purposes of OAR 845-025-7000 to 845-025-7190, unless otherwise specified:

- (1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a marijuana item or hemp item.
- (2) "Attractive to minors" means packaging, containers, inhalant delivery devices, labeling, or 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.
- (3) "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.
- (4)(a) "Cannabinoid edible" means:
  - (A) Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or the dried leaves or flowers of marijuana have been incorporated; or
  - (B) For purposes of labeling, includes any marijuana, cannabinoid concentrate, cannabinoid extract, or cannabinoid product that is intended for human consumption or marketed in a manner that implies the item is for human consumption.
- (b) For purposes of labeling "cannabinoid edible" does not include a cannabinoid tincture or capsule.
- (5) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.
- (6) "CBD" means total cannabidiol as calculated pursuant to OAR 333-064-0100.
- (7) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.
- (8) "Consumer" has the meaning given that term in ORS 475C.009 and does not include a patient or designated primary caregiver.
- (9) "Container"
  - (a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item or hemp item is placed and any outer receptacle intended to display a marijuana item or hemp item for ultimate sale to a consumer, patient, or designated primary caregiver.
  - (b) Does not mean:
    - (A) Inner wrapping or lining;
    - (B) An exit package; or
    - (C) A shipping container used to transfer marijuana items or hemp items in bulk from one licensee or registrant to another.
  - (10) "Exit Package" means a sealed, child-resistant certified receptacle into which marijuana items or hemp items already within a container are placed at the point of sale.
  - (11) "Food" means a raw, cooked, or processed edible substance or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum and includes beverages.
  - (12) "Generic label"

- (a) Means a label that does not have any graphics, pictures, or logos, other than symbols required by these rules and has:
- (A) Only the information required by rule;
  - (B) Additional test information not required by rule; or
  - (C) Additional information described in OAR 845-025-7160(8)(c).
- (b) Does not mean:
- (A) A label for an inhalable cannabinoid product with a non-cannabis additive that is processed or manufactured on or after April 1, 2021.
  - (B) A label for a marijuana item or hemp item that contains an artificially derived cannabinoid allowed by OAR 845-025-1310 that is sold or transferred on or after July 1, 2022.
- (13) "Grower" has the same meaning as "person responsible for a marijuana grow site" as defined in OAR 845-025-1015.
- (14) "Health claim" means any claim made on the label that expressly states or implies a relationship between a substance and a disease or health-related condition.
- (15) "Hemp capsule"
- (a) Means a small, soluble pill, tablet, or container that contains liquid or powdered hemp cannabinoid product, industrial hemp concentrate, or industrial hemp extract and is intended for human ingestion.
  - (b) Does not mean a cannabinoid capsule.
- (16) "Hemp concentrate or extract" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269.
- (17) "Hemp edible"
- (a) Means a food or potable liquid into which industrial hemp, an industrial hemp concentrate, an industrial hemp extract, or the dried leaves or flowers of hemp have been incorporated.
  - (b) Does not mean:
- (A) Hemp seed incapable of germination by itself;
  - (B) Other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients; or
  - (C) A cannabinoid edible.
  - (c) For purposes of labeling, does not include a hemp tincture or hemp capsule.
- (18) "Hemp symbol" means the image, established by the Commission and made available to licensees, indicating the item is a hemp item.
- (19) "Hemp topical"
- (a) Means a hemp cannabinoid product intended to be applied to skin or hair.
  - (b) Does not mean a cannabinoid topical.
- (20) "Label" means any display of written, printed, or graphic matter printed on or affixed to any container, wrapper, liner, or insert accompanying the marijuana item or hemp item.
- (21) "Major food allergen" means an ingredient that contains any of the foods or food groups listed in subsections (a) to (i) of this section or an ingredient that contains protein derived from one of the foods listed in subsections (a) to (i) of this section:
- (a) Milk.
  - (b) Egg.
  - (c) Fish.
  - (d) Crustacean shellfish.
  - (e) Tree nuts.
  - (f) Wheat.
  - (g) Peanuts.
  - (h) Soybeans.
  - (i) On and after July 1, 2023, sesame.



(22) "Medical grade symbol" means the image established by the Commission and made available to licensees indicating the cannabinoid product, concentrate, or extract may only be sold or transferred to a designated primary caregiver or patient, for use only by a patient.

(23) "Medical marijuana dispensary" means a facility registered under ORS 475C.833.

(24) "Net quantity of contents" means a statement on the principal display panel of the net weight or net volume of the product expressed in the terms of weight, measure, or numerical count.

(25) "Net volume" means the fluid measure of a liquid product expressed as milliliters and fluid ounces.

(26) "Net weight"

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

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

(c) For marijuana items and hemp items labeled according to OAR 845-025-7120, the net weight does not include the filter or tip.

(27) "Place of address" means the name, mailing address, city, state, and zip code of the processor who made the cannabinoid edible or other cannabinoid product.

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

(29) "Processor" means a person:

(a) Licensed by the Commission to process marijuana under ORS 475C.085;

(b) Licensed by the Commission under ORS 475C.065 who produces kief;

(c) Licensed with the Oregon Department of Agriculture under ORS 571.281 who manufactures hemp items; or

(d) Registered with the Authority under ORS 475C.815 as a processing site and who is not exempt from labeling requirements under ORS 475C.604.

(30) "Producer" means a person:

(a) Licensed by the Commission to produce marijuana under ORS 475C.065; and

(b) Registered with the Authority under ORS 475C.792 as a grower and who is not exempt from labeling requirements under ORS 475C.604.

(31) "Product identity" means a truthful or common name of the product that is contained in the package.

(32) "Registrant" means a person registered with the Authority under ORS 475C.770 to 475C.919.

(33) "Serving" or "serving size" means an amount of product that is suggested for use by a consumer or patient trying the item for the first time and cannot exceed the applicable concentration and serving size limits in OAR 845-026-0210 and 845-026-0220.

(34) "THC" means total delta-9-tetrahydrocannabinol as calculated pursuant to OAR 333-064-0100.

(35) "These rules" means OAR 845-025-7000 to 845-025-7190.

(36) "Ultimate sale" means the final sale from a retail location or dispensary to a consumer, patient, or designated primary caregiver.

(37) "Universal symbol" means the image, established by the Authority and made available to licensees and registrants, indicating the marijuana item contains marijuana.

STATUTORY/OTHER AUTHORITY: ORS 475C.604, ORS 475C.608, 571.337

STATUTES/OTHER IMPLEMENTED: ORS 475C.604, 571.337

AMEND: 845-025-7160

RULE TITLE: Packaging and Labeling Pre-approval Process

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details the packaging and labeling pre-approval process. The amendments remove the ability for license applicants to submit packaging and label applications prior to receiving a license and provide a timeframe for inactivating packaging and label applications that are not acted upon.

RULE TEXT:

- (1) Prior to selling, offering for sale, or transferring a marijuana item or hemp item that is for ultimate sale to a consumer, patient, or designated primary caregiver, a licensee, registrant, or Commission-certified hemp handler must submit both a package and a label application to and receive approval from the Commission. The initial submission shall be made electronically if required by the Commission. The licensee, registrant, or Commission-certified hemp handler must submit a physical prototype upon request by the Commission.
- (2) Except as provided in sections (5) to (7) of this rule, the packaging and label applications must be accompanied by the following:
  - (a) A fee as specified in OAR 845-025-1060; and
  - (b) Information including but not limited to:
    - (A) Documentation that the package has been certified as child resistant as defined by 16 CFR 1700 by a qualified third-party child-resistant package testing firm.
    - (B) A picture of and description of the item to be placed in the package.
    - (C) For label applications for inhalable cannabinoid products that contain non-cannabis additives:
      - (i) The non-cannabis additive's list of ingredients as required by 845-025-3265(1); and
      - (ii) In a form and manner prescribed by the Commission, information regarding the manufacturer of the non-cannabis additive, the additive or additives being used by the licensee or Commission-certified hemp handler, and attestation by the licensee or Commission-certified hemp handler of the accuracy of the information submitted for label pre-approval.
    - (D) For label applications for marijuana items or hemp items that contain an artificially derived cannabinoid allowed by OAR 845-025-1310:
      - (i) The applicable documentation required by OAR 845-025-1310(1);
      - (ii) A copy of the food establishment license issued by the Oregon Department of Agriculture (ODA) to the manufacturer of the artificially derived cannabinoid; and
      - (iii) In a form and manner prescribed by the Commission, citations to the peer reviewed studies as required by OAR 845-025-1310(1), and attestation by the licensee of the accuracy of the information submitted for label pre-approval.
  - (3) If a licensee or Commission-certified hemp handler submits a list of ingredients to the Commission in order to comply with paragraph (2)(b)(C) of these rules, and the licensee or Commission-certified hemp handler believes the list of ingredients is a trade secret, the licensee must mark the information "confidential - trade secret."
    - (a) If the Commission receives a public records request for information submitted by a licensee or Commission-certified hemp handler, it will review all documents submitted to determine whether the documents contain trade secrets that would be exempt from disclosure under Oregon's Public Records Act, ORS 192.345.
    - (b) For purposes of this rule "trade secret" has the meaning given that term in ORS 192.345.
  - (4) The Commission will evaluate the packaging and label in order to determine whether:
    - (a) The packaging:
      - (A) Has been certified as child resistant by a qualified third-party child-resistant package testing firm.
      - (B) Is attractive to minors or is marketed in a manner attractive to minors.
      - (C) Contains untruthful or misleading content.
      - (D) Will contain a marijuana item or hemp item that is not compliant with ORS 475C, OAR chapter 333, divisions 7 and 8, or OAR chapter 845, division 25.
    - (b) The label:

- (A) Complies with the labeling rules, OAR 845-025-7000 to 845-025-7190, or any additional labeling requirements in ORS 475C, OAR chapter 333, divisions 7 and 8, or OAR chapter 845, division 25.
- (B) Contains any material that is attractive to minors.
- (C) Contains untruthful or misleading content.
- (5) The Commission must review the packaging and labeling and notify the licensee, registrant, or Commission-certified hemp handler whether the packaging and labeling is approved, and if not approved, a description of the packaging or labeling deficiencies.
- (6) If a licensee's, registrant's, or Commission-certified hemp handler's label or package is deficient, it must correct the deficiencies and resubmit the label or package for pre-approval, but the licensee, registrant, or Commission-certified hemp handler is not required to submit an additional fee unless the label or package is found deficient for a second time in which case the application will be denied and the licensee, registrant, or Commission-certified hemp handler must resubmit the packaging or labeling in accordance with section (1) of this rule.
- (7) A licensee, registrant, or Commission-certified hemp handler may submit packaging and labeling for approval on the same application for a product that may have different flavors, colors, or sizes, if the product and packaging is otherwise identical. Applications for approval of packaging and labeling under this section are subject to a single application fee.
- (8) Packages and labels that have been previously approved do not need to be resubmitted if the only changes to the packaging or label are:
- (a) Changes in the:
- (A) Harvest or processing date;
- (B) Strain;
- (C) Test results;
- (D) Net weight or volume; or
- (E) UID numbers.
- (b) The deletion of any non-mandatory label information.
- (c) The addition, deletion, or change in the:
- (A) UPC barcodes or 2D mobile barcodes (QR codes);
- (B) Website address, phone number, fax number, or place of address of the licensee or registrant; or
- (C) Instructions for opening or using child-resistant packages.
- (d) The repositioning of any label information on the package, as long as the repositioning of label information is consistent with these rules.
- (e) A marijuana wholesaler or a marijuana retailer with an approved usable marijuana or hemp label may change the producer's business name, trade name, or license number without resubmission and pre-approval.
- (9) Prior to a licensee, registrant, or Commission-certified hemp handler transferring a package or label approval from one licensee, registrant, or Commission-certified hemp handler to another, the licensee, registrant, or Commission-certified hemp handler requesting to transfer the label must submit a form prescribed by the Commission and pay the applicable fee as described in OAR 845-025-1060.
- (10) The Commission may publish a list of previously approved, child-resistant, commercially available packaging. Packaging identified on this list as approved for certain product types does not need to be submitted for package approval if the packaging is identical to the previously approved package.
- (11) The Commission may publish a list of licensees, registrants, and Commission-certified hemp handlers who have approved label applications.
- (12) Labels for marijuana items and hemp items do not require pre-approval if they are generic labels as defined in OAR 845-025-7000 and contain only the information required by these rules.
- (13) Packages that are not intended to be child resistant do not require pre-approval. Any package that has not been certified as child-resistant must contain the statement described in OAR 845-025-7030(20).
- (14) Notwithstanding any provisions of this rule, the Commission may permit or require electronic submission of labels and packaging for approval.

(15) On or after April 1, 2024, a new package or label application or a previously approved package or label application that has been opened by the Commission due to a request for an amendment to an existing package or label shall be inactivated and the fee collected under OAR 845-025-1060 shall not be refunded if a licensee, registrant, or Commission-certified hemp handler does not resubmit the application within 365 days of the Commission notifying the licensee, registrant, or Commission-certified hemp handler of deficiencies with the application.

STATUTORY/OTHER AUTHORITY: ORS 475C.237, ORS 475C.616, 571.337, 475C.604, 475C.608

STATUTES/OTHER IMPLEMENTED: ORS 475C.616, 571.337, 475C.608

AMEND: 845-025-7520

RULE TITLE: Unique Identification (UID) Tags

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details UID tag requirements. The amendment establishes a definition of "different potency" for the purpose of determining whether items can be combined under a single UID tag.

RULE TEXT:

- (1) A licensee, grow site administrator, person responsible for a marijuana processing site, person responsible for a dispensary, and hemp certificate holder must:
- (a) Use UID tags issued by a Commission-approved vendor that is authorized to provide UID tags for CTS. Each licensee is responsible for the cost of all UID tags and any associated vendor fees.
  - (b) Have an adequate supply of UID tags at all times, except during the first 10 calendar days of licensure so long as UID tags have been ordered and are in transit to the premises.
  - (c) Assign and affix a UID tag to each individual marijuana plant being cultivated no later than when each plant reaches a height of 36 inches or when the individual plant is flowering, whichever is sooner.
  - (d) Assign and affix a UID tag to all other marijuana items, or receptacles containing marijuana items, in a manner that:
    - (A) Establishes an accurate record from one marijuana item to another; and
    - (B) Uses a new UID tag each time a marijuana item is added to or placed in a receptacle.
  - (e) Place tags in a position that can be clearly read by an individual standing next to the item and the tag must be kept free from dirt and debris.
- (2) The requirements of subsection (1)(d) of this rule do not apply to:
- (a) Marijuana harvested by producers or grow site administrators in the first 45 days after the harvest of the marijuana plant if a UID tag has not yet been designated in CTS; or
  - (b) Marijuana items that are part of an active process lot and that are being tracked pursuant to OAR 845-025-7575.
- (3) A licensee, research certificate holder, laboratory licensee, hemp certificate holder, grow site subject to CTS tracking, or medical marijuana processing site may not combine marijuana items or hemp items of different size, potency, or category under a single UID tag, except for:
- (a) Mixed lots of usable marijuana;
  - (b) Mixed lots of usable hemp;
  - (c) Pre-rolled marijuana of identical weight of usable marijuana; or
  - (d) Cannabinoid concentrates, extracts, or hemp items that are transferred to a processor or processing site to be processed.
- (4) For the purposes of this rule, different potency means the total THC concentration of any item combined under a single UID is less than 90 percent of the total THC concentration of the item with the highest concentration of total THC under that UID tag.
- (5) Violations.
- (a) A violation of subsection (1)(d) of this rule is a Category III violation.
  - (b) All other violations of this rule are Category IV violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.548, 475C.097, ORS 475C.177

STATUTES/OTHER IMPLEMENTED: ORS 475C.177

AMEND: 845-025-7575

RULE TITLE: Seed-To-Sale Tracking - Processing

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details CTS requirements for processing. The amendments clarify how to record processing jobs where the input and output weights are equal.

RULE TEXT:

(1) For purposes of this section, "SOP" means the standard policy or procedure required by OAR 845-025-3230.

(2) On and after April 15, 2023, for each process lot, all licensees and medical marijuana processing sites must utilize "Processing Jobs" in CTS to record:

(a) The unique process lot number or name;

(b) The UID and quantity of all cannabis material being used for the lot;

(c) The UID and quantity of all outputs of the lot;

(d) The date that processing of the lot is completed; and

(e) The quantity of waste generated from the source cannabis material during processing.

(A) For methods that are an extraction of cannabinoids as described in paragraph (3)(b)(A) of this rule, the waste weight should be calculated as the difference between the weight of the source cannabis material and the weight of any cannabinoid concentrates or extracts created during the processing job.

(B) For methods that are an incorporation of cannabinoids as described in paragraph (3)(b)(B) of this rule, the waste weight should be determined by directly weighing any portion of the source cannabis material being disposed of as waste.

(3) Each process lot must be associated with a job type in CTS that contains:

(a) The unique name of the SOP or SOPs being utilized.

(b) Whether the processing method or methods are:

(A) An extraction of cannabinoids, resulting in outputs less than the total weight of the source material; or

(B) An incorporation of cannabinoids, resulting in outputs that are equal to or exceed the total weight of the source material.

(c) Whether the processing method or methods include any of the following processes or results in any of the following outputs:

(A) Processes that result in effective sterilization.

(B) Processes that use hydrocarbon solvents.

(C) Processes that are purely mechanical and do not include the use of solvents.

(D) Outputs that are intended for oral consumption or intended to be used as an ingredient in a product intended for oral consumption.

(E) Outputs that contain any major food allergen, as that term is defined in OAR 845-025-7000.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.177

STATUTES/OTHER IMPLEMENTED: ORS 475C.085, 475C.177

AMEND: 845-025-7700

RULE TITLE: Transportation and Delivery of Marijuana Items

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details requirements for the transportation and delivery of marijuana items. The amendment adds a prohibition on marijuana being transferred or transported from the licensed premises without a manifest, to an unknown or undisclosed location or to an unlicensed location.

RULE TEXT:

(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 60 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) 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;

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

(J) 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) Except as allowed in section (8) of this rule, void or change a manifest after departing the originating premises; 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 copy of the generated manifest must accompany every transport of marijuana items.

(c) An originating licensee transporting marijuana items to a retailer licensee must generate a manifest at least 24 hours in advance of initiating transport, if the marijuana items being transported exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of cannabinoid concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

(d) 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 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) 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 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) 25 pounds of usable marijuana;

(B) One pound of concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

(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

AMEND: 845-025-8000

RULE TITLE: Advertising — Purpose and Application of Rules

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details the purpose and applicability of the advertising rules. The amendments clarify the applicability of the advertising rules to hemp items.

RULE TEXT:

(1) The Commission serves the interests of the citizens of Oregon by regulating and prohibiting advertising marijuana items or hemp items in a manner:

- (a) That is attractive to minors;
- (b) That promotes excessive use;
- (c) That promotes activity that is illegal under Oregon law; or
- (d) That otherwise presents a significant risk to public health and safety.

(2) The Commission also serves the interests of Oregonians by allowing advertising for the purpose of informing the public of the availability and characteristics of marijuana.

(3) All advertising of marijuana items or hemp items by a licensee must conform to these rules.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.017

AMEND: 845-025-8020

RULE TITLE: Advertising — Definitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule establishes definition for the advertising rules. The amendments clarify the applicability of the advertising rules to hemp items.

RULE TEXT:

As used in OAR 845-025-8000 to 845-025-8080:

- (1) "Advertising" is publicizing a trade name or business name together with words or symbols referring to marijuana items or hemp items or publicizing the brand name of a marijuana item or hemp item.
- (2) "Billboard" means a large outdoor advertising structure.
- (3) "Handbill" is a flyer, leaflet, or sheet that advertises marijuana items or hemp items.
- (4) "Radio" means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite, or internet programming. Radio includes any audio programming downloaded or streamed via the internet.
- (5) "Television" means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.017

AMEND: 845-025-8040

RULE TITLE: Advertising Restrictions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details advertising restrictions. The amendments clarify the applicability of the advertising rules to hemp items and clarify the circumstances where advertising can make claims about curative or therapeutic effects.

RULE TEXT:

(1) Advertising of marijuana items or hemp items by a licensee may not:

- (a) Contain statements that are deceptive, false, or misleading;
- (b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;
- (c) Specifically encourages the transportation of marijuana items across state lines or otherwise encourages illegal activity;
- (d) Assert that marijuana items or hemp items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana or hemp items;
- (e) Make claims that marijuana or hemp items have curative or therapeutic effects that are not supported by the totality 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;
- (f) Display consumption of marijuana items or hemp items;
- (g) Contain material that encourages the use of marijuana items or hemp items because of their intoxicating effect; or
- (h) Contain material that encourages excessive or rapid consumption.

(2) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.

(3) A licensee must include the following statements on all print, billboard, television, radio, and internet advertising in font size legible to the viewer:

- (a) "Do not operate a vehicle or machinery under the influence of this drug.";
- (b) "For use only by adults twenty-one years of age and older."; and
- (c) "Keep out of the reach of children."

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

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.017

AMEND: 845-025-8540

RULE TITLE: Dishonest Conduct

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details prohibitions on dishonest conduct. The amendments change two references from "usable marijuana" to "marijuana."

RULE TEXT:

(1) False Statements. A licensee, laboratory licensee, or permittee may not:

- (a) Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement. Violation of this subsection is a Category II violation.
- (b) If the Commission finds that the false statement or representation was intentional, the Commission may charge the violation as a Category I violation and could result in license or permit revocation.

(2) Marijuana Item Misrepresentations.

(a) A licensee, laboratory licensee, or permittee may not misrepresent any marijuana item to a consumer, licensee, laboratory licensee, or the public, including:

- (A) Misrepresenting the contents of a marijuana item;
- (B) Misrepresenting the testing results of a marijuana item;
- (C) Misrepresenting the potency of a marijuana item; or
- (D) Making representations or claims that the marijuana item has curative or therapeutic effects.

(b) A licensee may not treat or otherwise adulterate marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the marijuana's color, appearance, weight, or smell or that has the effect or intent of increasing potency, toxicity, or addictiveness.

(c) A knowing or intentional violation of this section is a Category I violation and could result in license or permit revocation.

(d) Violation of this section in any manner other than knowing or intentional is a Category II violation.

(3) Supply of Adulterated Marijuana Items.

- (a) A licensee or permittee may not supply adulterated marijuana items.
- (b) Violation of this section is a Category I violation and could result in license revocation.

(4) Evidence. A licensee, laboratory licensee, or permittee may not:

- (a) Intentionally destroy, damage, alter, remove, or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection is a Category I violation and could result in license revocation.
- (b) Destroy, damage, alter, remove, or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional. Violation of this subsection is a Category II violation.
- (c) Refuse to give, or fail to promptly give, a Commission regulatory specialist or law enforcement officer evidence when lawfully requested to do so. Violation of this subsection is a Category II violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097

STATUTES/OTHER IMPLEMENTED: ORS 475C.245

AMEND: 845-025-8580

RULE TITLE: Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details suspended licenses. The amendments change a reference from "usable marijuana" to "marijuana" and conform language to conventions.

RULE TEXT:

(1) Before 7 a.m. on the date a license suspension goes into effect, and until the suspension is completed, Commission staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.

(2) The suspension notice sign must be posted in a way that allows any person entering the premises to read it.

Licensees must use the suspension notice sign provided by the Commission. The sign will state that the license has been suspended by order of the Commission due to violations of the recreational marijuana laws (statutes or administrative rules) of Oregon. If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.

(3) During the period of license suspension, the licensee is responsible for ensuring:

(a) Compliance with all applicable laws and rules; and

(b) That the suspension notice sign is not removed, altered, or covered.

(4) A licensee or licensee representative may not allow the sale, delivery to or from, or receipt of marijuana items at the licensed premises; the harvesting of marijuana; or the processing of marijuana or marijuana items during the period of time that the license is under suspension, except as otherwise permitted by the Commission in the order of suspension.

During a period of time that the license is under suspension, a recreational marijuana licensee may operate the business only in compliance with this rule.

(5) Sanction:

(a) A violation of section (4) of this rule is a Category I violation.

(b) A violation of section (2) or subsection (3)(b) of this rule is a Category IV violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.405, 475C.628

AMEND: 845-026-0100

RULE TITLE: Definitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets definitions for terms used in Division 26 rules. The amendments define the terms "mixed concentrate and extract."

RULE TEXT:

In addition to the definitions in OAR 845-025-1015, unless otherwise specified, the following definitions apply to OAR 845-026-0100 to 845-026-7070:

(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 marijuana item;

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

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

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

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

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

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

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

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

(6) "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.

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

(8) "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.

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

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

(11) "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.

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

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

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

(16) "Commission" means the Oregon Liquor and Cannabis Commission.

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

(18) "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.

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

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

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

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

(23) "Hemp cannabinoid product" has the meaning given that term in OAR 845-025-1015.

(24) "Hemp edible"

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

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

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

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

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

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

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

(28) "Hemp vapor item manufacturer" means a person responsible for the labeling or manufacturing of an industrial hemp-derived vapor item sold in Oregon and includes:

(a) A hemp handler licensed with the Oregon Department of Agriculture under ORS 571.281 to process industrial hemp into commodities, products, or agricultural hemp seed.

(b) Any other person responsible for the labeling of an industrial hemp-derived vapor item sold in Oregon.

(29) "Immature cannabis plant" means a cannabis plant that is not flowering.

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

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

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

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

(34) "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.

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

(36) "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.

(37) "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.

(38) "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.

(39) "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.

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

(41) "Mature cannabis plant" means a cannabis plant that is not an immature cannabis plant.

(42) "Mixed concentrate and extract" means a cannabinoid product that contains no added substances and consists entirely of cannabinoid concentrate or cannabinoid extract combined with one or more of the following:

(a) Cannabinoid concentrate;

(b) Cannabinoid extract;

(c) Industrial hemp concentrate; or

(d) Industrial hemp extract.

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

(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) "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.

(46) "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.

(47) "Usable hemp"

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

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

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.009

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, ORS 475C.009

AMEND: 845-026-0210

RULE TITLE: Retail Marijuana Item Concentration and Serving Size Limits

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets retail marijuana item concentration and serving size limits. The amendments increase the total THC limit for cannabinoid products not intended for human consumption without another specified total THC limit and establishes the same limit for "mixed concentrate and extract" products as for a cannabinoid concentrate or cannabinoid extract.

RULE TEXT:

- (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, incorporated by reference.
- (2) A retail adult use marijuana item may not contain any artificially derived cannabinoids except as allowed by OAR 845-025-1310.
- (3) Cannabinoid edible serving size identification:
  - (a) A retail adult use marijuana item that is a cannabinoid edible must be scored, except as provided in subsections (b) and (c) of this section.
  - (b) If a retail adult use marijuana item is a cannabinoid edible that is not solid, or is incapable of being scored due to its texture or consistency, 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.
  - (c) If a retail adult use marijuana item is a cannabinoid edible that does not exceed 55 milligrams of total delta-9 THC in the package, the cannabinoid edible must be:
    - (A) Scored;
    - (B) Sold and packaged with a measuring device that measures single servings; or
    - (C) Placed in packaging that clearly enables a consumer to determine when a single serving has been consumed.
- (4) Serving size is 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.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.620

STATUTES/OTHER IMPLEMENTED: ORS 475C.620

**OAR 845-026-0210**

**Table 1**

RETAIL ADULT USE CANNABIS CONCENTRATION AND SERVING SIZE LIMITS		
Type of Marijuana Item	Maximum Amount of Total Delta-9-THC Per Serving	Maximum Concentration or Amount of Total Delta-9-THC in a Container
Cannabinoid Product – Edibles	10 mg	100 mg
Cannabinoid Product – Topicals	N/A	6%
Cannabinoid Product – Transdermal Patches	10 mg	100 mg
Cannabinoid Product – Tinctures	N/A	1,000 mg
Cannabinoid Product – Capsules	10 mg	100 mg
Cannabinoid Product – Suppositories	10 mg	100 mg
Cannabinoid Product – Mixed Concentrate and Extract	N/A	2,000 mg
Cannabinoid Concentrates or Extracts	N/A	2,000 mg
Cannabinoid Products Other than Mixed Concentrate and Extract, Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories, or Transdermal Patches and Not Intended for Human Consumption	N/A	2,000 mg
Cannabinoid Products Other than Mixed Concentrate and Extract, Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories, or Transdermal Patches and Intended for Human Consumption	10 mg	100 mg

AMEND: 845-026-0220

RULE TITLE: Medical Marijuana Item Concentration Limits

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets medical marijuana item concentration and serving size limits. The amendments establish the same total THC limit for "mixed concentrate and extract" products as for a cannabinoid concentrate or cannabinoid extract.

RULE TEXT:

- (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, incorporated by reference.
- (2) A medical marijuana item may not contain any artificially derived cannabinoids except as allowed by OAR 845-025-1310.
- (3) A cannabinoid edible must be scored. If the cannabinoid edible is not capable of being scored, 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 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 475C.017, ORS 475C.620

STATUTES/OTHER IMPLEMENTED: ORS 475C.620

**OAR 845-026-0220**

**Table 2**

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

REPEAL: 845-026-4100

RULE TITLE: Presumptive Testing

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details presumptive testing of hemp crops. The amendments repeal this rule.

RULE TEXT:

(1) For the purpose of this rule:

(a) "Crop" has the meaning given that term in OAR 603-048-0010.

(b) "Composite Sample" means cuttings from at least five cannabis plants removing the top five to eight inches and compositing in one receptacle for purposes of testing.

(c) "Grow site" has the meaning given that term in OAR 603-048-0010.

(d) "Production area" has the meaning given that term in OAR 603-048-0010.

(2) In accordance with Section 41a, 2021 Oregon Laws Chapter 542, the Commission must establish a methodology to distinguish whether a cannabis plant is marijuana or industrial hemp for purposes of Sections 40 to 44 of 2021 Oregon Laws Chapter 542.

(3) Cannabis plants may be distinguished between hemp and marijuana for purposes of Sections 40 to 44 of 2021 Oregon Laws Chapter 542 by three methods:

(a) Testing pursuant to OAR 603-048-0600 to 603-048-0625.

(b) Testing by the State Department of Agriculture pursuant to ORS 571.281(7).

(c) Presumptive testing in accordance with this rule.

(4) In addition to any sampling conducted under OAR 603-048-0600, a representative of the State Department of Agriculture or the Oregon Liquor and Cannabis Commission may sample from an industrial hemp grow site licensed under ORS 571.281 for the purposes of conducting a presumptive test.

(5) To conduct sampling for a presumptive test:

(a) A minimum of three composite samples from mature cannabis plants or a minimum of three composite samples from immature cannabis plants must be collected. Each composite sample must be taken from a different production area, or if the grow site has less than three production areas, each composite sample must be taken from three different areas of the grow site;

(b) Grow sites with multiple production areas must have a composite sample collected from at least one out of every 10 separate production areas; and

(c) Sampling is not required to be representative of the crop, grow site, or production area.

(6) All cannabis plants at a grow site are presumptively marijuana for purposes of Sections 40 to 44 of 2021 Oregon Laws Chapter 542 if sampling at the grow site meets any of the following criteria:

(a) At least 50 percent of composite samples taken from mature cannabis plants test at or above five percent total delta-9-THC;

(b) The average total delta-9-THC among the composite samples taken from mature cannabis plants tests at or above five percent;

(c) At least 50 percent of composite samples taken from immature cannabis plants test at or above a 5:1 ratio of total THC to total CBD, with total CBD calculated as described in OAR 333-064-0100;

(d) At least 50 percent of composite samples taken from immature cannabis plants test at or above one percent total delta-9-THC; or

(e) The average total delta-9-THC among the composite samples taken from immature cannabis plants tests at or above one percent total delta-9-THC.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 2021 OL Ch. 542 Sec. 41a

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, 2021 OL Ch. 542 Sec. 41a

AMEND: 845-026-7000

RULE TITLE: Industrial Hemp-derived Vapor Item Labeling – Definitions

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule sets definitions for the purposes of labeling industrial hemp-derived vapor items. The amendments remove the definition of “retailer” and make a minor clarification to the definition of “attractive to minors.”

RULE TEXT:

For the purposes of OAR 845-026-7000 to 845-026-7070, unless otherwise specified:

(1) “Activation time” means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling an industrial hemp-derived vapor item.

(2) “Attractive to minors” means packaging, containers, inhalant delivery devices, labeling, or 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.

(3) “Batch” means a specific quantity of an industrial hemp-derived vapor item that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(4) “Cartoon” means any drawing or other depiction of an object, person, animal, creature, or any similar caricature that satisfies any of 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.

(5) “CBD” means total cannabidiol as calculated pursuant to OAR 333-064-0100.

(6) “Consumer” means a person who purchases, acquires, owns, holds, or uses industrial hemp-derived vapor items other than for the purpose of resale.

(7) “Container”

(a) Means a sealed, hard or soft-bodied receptacle in which an industrial hemp-derived vapor item is placed and any outer receptacle intended to display an industrial hemp-derived vapor 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 industrial hemp-derived vapor items in bulk from one hemp vapor item manufacturer to another.

(8) “Generic label”

(a) Means a label that does not have any graphics, pictures, or logos, other than symbols required by these rules and has:

(A) Only the information required by rule;

(B) Additional test information not required by rule; or

(C) Additional information described in OAR 845-026-7060(8)(c).

(b) Does not mean a label for an industrial hemp-derived vapor item that contains a non-cannabis additive.

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

(10) “Hemp symbol” means the image, established by the Commission and made available to a hemp vapor item

manufacturer, indicating the item is an industrial hemp-derived vapor item.

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

(12) "Lot" means:

(a) A batch, or a specific identified portion of a batch, having uniform character and quality within specified limits.

(b) As applied to an industrial hemp-derived vapor item produced by continuous process, a specific identified amount produced in a unit of time or quantity in a manner that assures it has uniform character and quality within specified limits.

(13) "Lot number" or "batch number" means any distinctive combination of letters, numbers, or symbols, or any combination of them, from which the complete history of the manufacture, processing, packing, holding, and distribution of a batch or lot of industrial hemp-derived vapor item can be determined.

(14) "Net quantity of contents" means a statement on the principal display panel of the net weight or net volume of the product expressed in the terms of weight, measure, or numerical count.

(15) "Net volume" means the fluid measure of a liquid product expressed as milliliters and fluid ounces.

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

(17) "Place of address" means the name, mailing address, city, state, and zip code of the hemp vapor item manufacturer who made the industrial hemp-derived vapor item.

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

(19) "Product identity" means a truthful or common name of the product that is contained in the package.

(20) "Serving" or "serving size" means an amount of product that is suggested for use by a consumer trying the item for the first time.

(21) "THC" means total delta-9-tetrahydrocannabinol as calculated pursuant to OAR 333-064-0100.

(22) "These rules" means OAR 845-026-7000 to 845-026-7070.

(23) "Ultimate sale" means the final sale from a retail location to a consumer.

STATUTORY/OTHER AUTHORITY: ORS 475C.604, 475C.608

STATUTES/OTHER IMPLEMENTED: ORS 475C.604, 475C.608



AMEND: 845-026-7010

RULE TITLE: Industrial Hemp-derived Vapor Item Labeling: Purpose, Scope, and Effective Date

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: This rule details the purpose, scope, and effective date of industrial hemp-derived vapor item labeling requirements. The amendments specify that these requirements apply to the sale of these products to a consumer in Oregon.

RULE TEXT:

(1) The purpose of OAR 846-026-7000 to 845-026-7070 is to set the minimum standards for the labeling of industrial hemp-derived vapor items that are for ultimate sale or transfer to a consumer in Oregon. These minimum standards are applicable to any person manufacturing a hemp-derived vapor item that will be transferred to a person other than a Commission licensee pursuant to ORS 571.336 and 571.337 and includes:

(a) A hemp handler that is licensed with the Oregon Department of Agriculture under ORS 571.281 to process industrial hemp into commodities, products, or agricultural hemp seed.

(b) Any other person who is responsible for the labeling of an industrial hemp-derived vapor item sold in Oregon.

(2) The labeling requirements in these rules do not apply to a hemp vapor item manufacturer transferring a bulk quantity or amount of industrial hemp-derived vapor items to another hemp vapor item manufacturer for labeling.

(3) Nothing in these rules prohibits the Commission, the Authority, or the Oregon Department of Agriculture from:

(a) Imposing additional labeling requirements in their respective rules governing hemp vapor item manufacturers as long as those additional labeling requirements are not inconsistent with these rules; or

(b) Requiring hemp vapor item manufacturers to provide informational material to a consumer at the point of sale.

(4) These rules are effective on and after July 1, 2022.

STATUTORY/OTHER AUTHORITY: ORS 475C.604, 475C.612

STATUTES/OTHER IMPLEMENTED: ORS 475C.604, 475C.612