



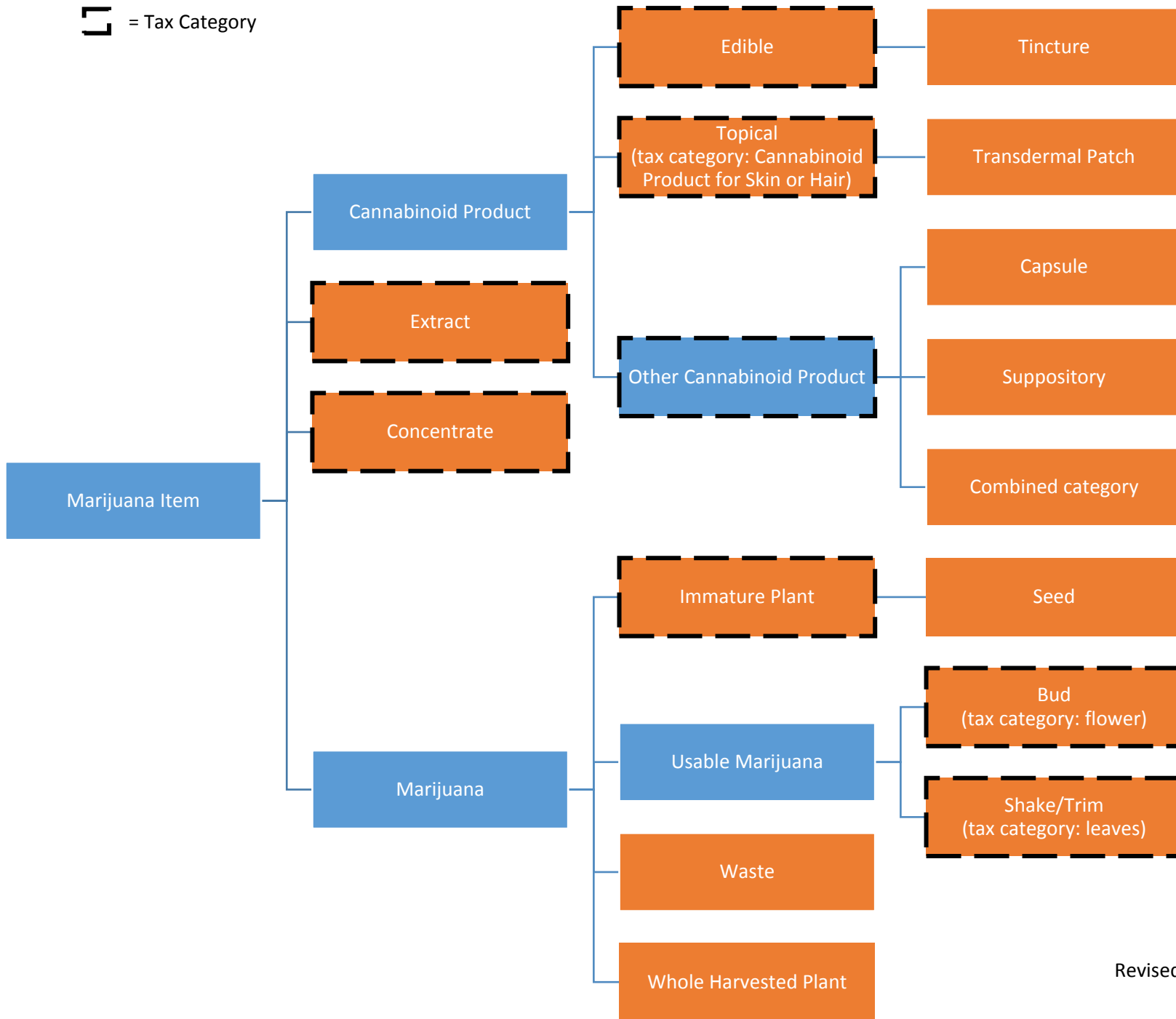
Recreational Marijuana Product and Tax Categorization Guide



Oregon Liquor Control Commission

Revised 10.30.18

■ = Item in Metrc
▤ = Tax Category



Is my product an extract or a concentrate?

Whether your product is an extract or a concentrate depends on how it was manufactured. It's a concentrate if the process to make the product:

- Is mechanical;
- Uses carbon dioxide without any high heat or pressure; or
- Uses water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol.

It's an extract if the process:

- Uses carbon dioxide with high heat or pressure; or
- Uses a hydrocarbon-based solvent like butane, hexane or propane.

For example, kief is separated from bud by a sieve or mesh screen. This process is a *mechanical extraction process*, and therefore kief would be categorized as a concentrate.

If any added substance as defined in [845-025-7000](#) (e.g. non-marijuana terpenes, flavoring, etc.) is added to an extract or concentrate, the item becomes an "Other Cannabinoid Product" and is no longer considered an extract or a concentrate. These items must be labeled for sale to a consumer as an Other Cannabinoid Product under [845-025-7120](#) and in Metrc must be categorized as a "Combined Category" item.

I make an ingestible oil, like Rick Simpson oil. Does that mean it's an edible?

No. It is categorized in Metrc as an edible only if it's an extract or concentrate **added to** food or a potable liquid. If it's a concentrate or extract alone, it would not be an edible.

For the purposes of labeling your product for sale to a consumer, you may have to add additional edible requirements to the label if the extract or concentrate is going to be consumed by mouth. Please see [OAR 845-025-7030\(14\)](#).

My product is waste – are there any restrictions on who I can sell or transfer it to?

Yes. Unlike other products, waste cannot be transferred to retailers or sold to consumers. Please refer to the most recent [OLCC administrative rules](#) to see all requirements and restrictions related to waste.

All tinctures are edibles, but not all edibles are tinctures – why shouldn't I categorize my tincture as an edible?

Although tinctures meet the definition of edibles for purposes of taxation ("food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated"), tinctures have a different limit on potency and different requirements for label information than edibles. For purposes of tax reporting a tincture should be categorized as an edible, but for purposes of item identification in Metrc and labeling for sale to a consumer it should be categorized as a tincture.

What is a "combined category" product?

A "combined category" product is equivalent to an "Other Cannabinoid Product." These are items that combine usable marijuana, extract, and/or concentrate OR combines usable marijuana, extract, and/or

concentrate with an added substance as defined in [845-025-7000](#) (e.g. non-marijuana terpenes, flavoring, etc.).

For example, “combined category” would include, but is not limited to, the following:

- Usable marijuana (bud and/or shake) combined with an extract or concentrate (e.g. kief, hash oil, etc.);
- Usable marijuana (bud and/or shake) coated in hash oil (extract) and sprinkled with kief (concentrate);
- Usable marijuana rolled in ***flavored*** paper;
- Extract or concentrate combined with ***non-marijuana-derived*** terpenes, natural, and/or artificial flavors;
- Flavored extract or concentrate; and
- Usable marijuana, extract, or concentrate combined with a hemp item.

“Combined category” ***would not*** include:

- Bud and shake wrapped in unflavored paper (this item is still usable marijuana and should be categorized as shake in Metrc); and
- Extract combined with ***marijuana-derived*** terpenes (this item is still an extract).

I combined buds with shake/trim – how should I classify it?

A combination of usable marijuana (buds and shake/trim) should be classified as shake/trim. For example, a pre-roll of buds and shake/trim wrapped in paper should be classified as shake/trim.

How should I label my product for sale to a consumer?

Each product type has specific requirements regarding information that must be on its label. Because categories for purposes of labeling and taxation are not identical, there may be some products – for example, tinctures – that are reported as one thing for purposes of taxation, but fall under the requirements of a different category for purposes of labeling. Please refer to the [OLCC’s labeling rules](#) (OAR 845-025-7000 to 845-025-7190) and [OLCC’s packaging and labeling pre-approval website](#) to see the requirements for each product type.

Item Type	Quantity Type	Definition	Tax Category	Labeling Requirements	Concentration Limits	Additional information
Buds	Weight	Flowers of the plant genus Cannabis within the plant family Cannabaceae.	Marijuana Flowers	OAR 845-025-7070	N/A	
Capsule	Weight or Count	A small, soluble pill, tablet, or container that contains liquid or powdered cannabinoid product, concentrate or extract and is intended for human ingestion.	Other Cannabinoid Product	OAR 845-025-7110	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Combined Category	Weight or Count	Any product that combines usable marijuana, extract, and/or concentrate OR combines usable marijuana, extract, and/or concentrate with an added substance as defined in 845-025-7000 (e.g. non-marijuana terpenes, flavoring, etc.).	Other Cannabinoid Product	OAR 845-025-7120	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Concentrate	Weight or Count	A substance obtained by separating cannabinoids from marijuana by: (a) A mechanical extraction process; (b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable	Cannabinoid Concentrate	OAR 845-025-7100	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	

		oils, animal fats, isopropyl alcohol or ethanol; or (c) A chemical extraction process using carbon dioxide without the use of high heat or pressure.				
Edible	Weight or Count	Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.	Cannabinoid Edible	OAR 845-025-7090	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Extract	Weight or Count	A substance obtained by separating cannabinoids from marijuana by: (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; or (b) A chemical extraction process using carbon dioxide with high heat or pressure.	Cannabinoid Extract	OAR 845-025-7100	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Immature Plant	Count	A marijuana plant that is not flowering.	Immature Marijuana Plant	OAR 845-025-7045	N/A	
Seed	Weight or Count	Seeds of the plant genus Cannabis within the plant family Cannabaceae.	Immature Marijuana Plant	OAR 845-025-7050	N/A	Package of seeds transferred to retailer must be by count; all other packages of seeds may be either weight or count

Shake/Trim (aka leaves)	Weight	Leaves of the plant genus Cannabis within the plant family Cannabaceae.	Marijuana Leaves	OAR 845-025-7070	N/A	
Suppository	Weight or Count	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.	Other Cannabinoid Product	OAR 845-025-7120	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Tincture	Weight or Count	A liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either: (a) A non-potable solution consisting of at least 25% non-denatured alcohol, in addition to cannabinoid concentrate, extract or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion, that is exempt from the Liquor Control Act under ORS 471.035; or (b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; cannabinoid concentrate, extract or usable marijuana; and perhaps other ingredients that does not contain any added sweeteners and is intended for	Cannabinoid Edible	OAR 845-025-7110	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	

		human consumption or ingestion.				
Topical	Weight or Count	A cannabinoid product intended to be applied to skin or hair.	Cannabinoid Product for Skin or Hair	OAR 845-025-7080	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Transdermal Patch	Weight or Count	An adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.	Other Cannabinoid Product	OAR 845-025-7120	OAR 333-007-0210 (Table 1) and OAR 333-007-0220 (Table 2)	
Waste	Weight	Waste material that is a by-product of producing or processing marijuana.	N/A – cannot be sold to consumers, not subject to tax	N/A	N/A	No product containing any amount of waste can be sold to consumer; waste cannot be "transformed" into any other product type
Whole Harvested Plant	Weight	Plant that has been harvested but is not trimmed or separated from stalk or other waste products. May be fresh/wet or dried; typically will be sent for processing.	N/A – cannot be sold to consumers, not subject to tax	N/A	N/A	

* Requirements regarding packaging and labeling requirements can be found in OLCC's administrative rules:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873>

* Requirements regarding concentration limits and compliance testing can be found in the Oregon Health Authority's administrative rules:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1222>