

## **845-025-1015**

### **Definitions**

For the purposes of OAR 845-025-1000 to 845-025-8590, unless otherwise specified, the following definitions apply:

- (1) "Adulterated" means to make a marijuana item impure by adding foreign or inferior ingredients or substances. A marijuana item may be considered to be adulterated if:
  - (a) It bears or contains any poisonous or deleterious substance in a quantity rendering the marijuana item injurious to health, including but not limited to tobacco or nicotine;
  - (b) It bears or contains any added poisonous or deleterious substance exceeding a safe tolerance if such tolerance has been established;
  - (c) It consists in whole or in part of any filthy, putrid, or decomposed substance, or otherwise is unfit for human consumption;
  - (d) It is processed, prepared, packaged, or is held under improper time-temperature conditions or under other conditions increasing the probability of contamination with excessive microorganisms or physical contaminants;
  - (e) It is processed, prepared, packaged, or held under insanitary conditions increasing the probability of contamination or cross-contamination;
  - (f) It is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health;
  - (g) Any substance has been substituted wholly or in part therefor;
  - (h) Damage or inferiority has been concealed in any manner; or
  - (i) Any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.
- (2) "Attractive to minors" means packaging, labeling and advertising that features:
  - (a) Cartoons;
  - (b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
  - (c) Symbols or celebrities that are commonly used to market products to minors;
  - (d) Images of minors; or
  - (e) Words that refer to products that are commonly associated with minors or marketed by minors.
- (3) "Authority" means the Oregon Health Authority.
- (4) "Business day" means Monday through Friday excluding legal holidays.
- (5) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.
- (6) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:
  - (a) A mechanical extraction process;
  - (b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or
  - (c) A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
  - (d) Any other process identified by the Commission, in consultation with the Authority, by rule.
- (7) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

- (8) "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:
- (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;
  - (b) A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or
  - (c) Any other process identified by the Commission, in consultation with the authority, by rule.
- (9) **Cannabinoid Product**
- (a) "Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers.
  - (b) "Cannabinoid product" does not include:
  - (A) Usable marijuana by itself;
  - (B) A cannabinoid concentrate by itself;
  - (C) A cannabinoid extract by itself; or
  - (D) Industrial hemp, as defined in ORS 571.300.
- (10) "Cannabinoid tincture" means a solution of alcohol, cannabinoid concentrate or extract, and perhaps other ingredients intended for human consumption or ingestion, and that is exempt from the Liquor Control Act under ORS 471.035.
- (11) "Cannabis Tracking System" or "CTS" means the system for tracking the transfer of marijuana items and other information as authorized by ORS 475B.150.
- (12) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit the following criteria:
- (a) The use of comically exaggerated features;
  - (b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
  - (c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.
- (13) "Certified Hemp Grower" means a hemp grower certified by the Commission under 845-025-2700 to deliver industrial hemp to licensed processors, wholesalers, or retailers.
- (14) "Certified Hemp Handler" means a hemp handler certified by the Commission under 845-025-2700 to deliver hemp items to licensed processors, wholesalers, or retailers.
- (13) "Common Ownership" means any commonality between individuals or legal entities named as applicants or persons with a financial interest in a license or business proposed to be licensed.
- (14) "Compliance transaction" means a single covert, on-site visit in which a Commission authorized representative poses as an authorized representative of a licensee or a consumer and attempts to purchase or purchases a marijuana item from a licensee, or attempts to sell or sells a marijuana item to a licensee.
- (15) "Container" means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed prior to being sold to a consumer.
- (16) "Contractor" means a person, other than a license representative, who temporarily visits the licensed premises to perform a service, maintenance or repair.
- (17) "Commission" means the Oregon Liquor Control Commission.
- (18) "Commissioner" means a member of the Oregon Liquor Control Commission.
- (19) "Consumer" means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purpose of resale.

(20) "Date of Harvest" means the date the mature marijuana plants in a harvest lot were cut, picked or removed from the soil or other growing media. If the harvest occurred on more than one day, the "date of harvest" is the day the last mature marijuana plant in the harvest lot was cut, picked or removed from the soil or other growing media.

(21) "Designated primary caregiver" has the meaning given that term in ORS 475B.410.

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

(b) "Financial consideration" does not include marijuana, cannabinoid products or cannabinoid concentrates that are delivered within the scope of and in compliance with ORS 475B.245.

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

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

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

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

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

(D) Being the spouse or domestic partner of an applicant or licensee. For purposes of this subsection, "domestic partners" includes adults who qualify for a "domestic partnership" as defined under ORS 106.310.

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

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

(25) "Grow site" means a location registered under ORS 475B.420 where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site or dispensary.

(26) "Hemp Grower" means a person or entity that is registered with the Oregon Department of Agriculture under ORS 571.305 to produce industrial hemp.

(27) "Hemp Handler" means a person or entity that is registered with the Oregon Department of Agriculture under ORS 571.305 to process industrial hemp into commodities, products or agricultural hemp seed.

(28) "Hemp item" means usable hemp, hemp stalk, a cannabinoid product, or a hemp concentrate or extract as those terms are defined has the meaning set out in OAR 603-048-2310(14).in

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

(30) "Immature marijuana plant" means a marijuana plant that is not flowering.

(X) "Immature hemp plant" means a hemp plant that is not flowering.

(31) "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.

(32) "Inventory Tracking" means all of the activities and documentation processes required by these rules to track marijuana and marijuana items from seed to sale in the cannabis tracking system.

(33) "Industrial hemp":

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

(b) Means any Cannabis seed:

(A) That is part of a crop;

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

(C) That is agricultural hemp seed;

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

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

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

(35) "Industrial hemp commodity or product" means an item processed by a handler or processor containing any industrial hemp or containing that also contains any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp. "Industrial hemp commodity or product" does not include industrial hemp that has been minimally processed or has not been processed in any form.

(34) "Industrial hemp concentrate" means an industrial hemp product obtained by separating cannabinoids from industrial hemp by:

(a) A mechanical process;

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

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

(d) Any other process identified by the State Department of Agriculture by rule.

(35) "Industrial hemp commodity or product" means an item processed by a handler or processor containing any industrial hemp or containing any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp. "Industrial hemp commodity or product" does not include industrial hemp that has been minimally processed or has not been processed in any form.

(36) "Industrial hemp extract" means an industrial hemp product obtained by separating cannabinoids from industrial hemp by:

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

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

(c) Any other process identified by the State Department of Agriculture by rule.

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

(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) "Licensee" means any person who holds a license issued under ORS 475B.070, 475B.090, 475B.100, 475B.110, or 475B.560 and includes:

- (a) Each applicant listed on an application that the Commission has approved;
  - (b) Each individual who meets the qualification described in OAR 845-025-1045 and who the Commission has added to the license under OAR 845-025-1030; or
  - (c) Each individual who has a financial interest in the licensed business and who the Commission has added to the license under OAR 845-025-1030.
- (40) "Licensee representative" means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent that the person acts in a representative capacity.
- (41) "Limited access area" means a building, room, or other contiguous area on a licensed premises where a marijuana item is produced, processed, stored, weighed, packaged, labeled, or sold, but does not include a consumer sales area on a licensed retailer premises.
- (42) "Marijuana"
- (a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
  - (b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.
- (43) "Marijuana flowers" means the flowers of the plant genus Cannabis within the plant family Cannabaceae.
- (44) "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- (45) "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family Cannabaceae.
- (46) "Marijuana processor" means a person who processes marijuana items in this state.
- (47) "Marijuana producer" means a person who produces marijuana in this state.
- (48) "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.
- (49) "Marijuana wholesaler" means a person who purchases marijuana items in this state for resale to a person other than a consumer.
- (50) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.
- (51) "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract" means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concentration of tetrahydrocannabinol that is permitted under ORS 475B.625 for consumers who hold a valid registry identification card issued under ORS 475B.415.
- (52) "Micro-Wholesaler" means a marijuana wholesaler licensed by the Commission that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy.
- (53) "Minor" means any person under 21 years of age.
- (54) "Non-Toxic" means not causing illness, disability or death to persons who are exposed.
- (55) "Non-profit Dispensary" means a medical marijuana dispensary registered under ORS 475B.450, owned by a nonprofit corporation organized under ORS chapter 65, and that is in compliance with the Authority's rules governing non-profit dispensaries in OAR 333, Division 8.
- (56) "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.
- (57) "Permittee" means any person who holds a Marijuana Workers Permit.
- (58) "Person" has the meaning given that term in ORS 174.100.
- (59) "Person responsible for a marijuana grow site" or "PRMG" has the meaning given that term in OAR 333-008-0010.
- (60) "Premises" or "licensed premises" includes the following areas of a location licensed under section ORS 475B.070, 475B.090, 475B.100, 475B.110 or 475B.560:

- (a) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;
  - (b) All areas outside a building that the Commission has specifically licensed for the production, processing, wholesale sale or retail sale of marijuana items; and
  - (c) "Premises" or "licensed premises" does not include a primary residence.
- (61) "Primary Residence" means real property inhabited for the majority of a calendar year by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.
- (62) "Principal Officer" includes the president, any vice president with responsibility over the operation of a licensed business, the secretary, the treasurer, or any other officer designated by the Commission.
- (63) "Person responsible for a marijuana grow site," or "PRMG" means any individual designated by a patient to produce marijuana for the patient, including a patient who identifies him or herself as a person responsible for the marijuana grow site, who has been registered as a PRMG by the Authority under OAR 333-008-0033.
- (64) "Processes"
- (a) "Processes" means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
  - (b) "Processes" does not include packaging or labeling.
- (65) "Process lot" means:
- (a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or
  - (b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract.
- (66) "Producer" means a marijuana producer licensed by the Commission.
- (67) "Produces"
- (a) "Produces" means the manufacture, planting, propagation, cultivation, growing or harvesting of marijuana.
  - (b) "Produces" does not include:
    - (A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or
    - (B) The cultivation and growing of an immature marijuana plant by a marijuana wholesaler or marijuana retailer if the marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.
- (68) "Propagate" means to grow immature marijuana plants or to breed or produce seeds.
- (69) "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and areas used in connection with public passenger transportation.
- (70) "Regulatory specialist" means a full-time employee of the Commission who is authorized to act as an agent of the Commission in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing chapter 471, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.395, 475B.550 to

475B.590 and 475B.600 to 475B.655, Commission rules and any other statutes the Commission considers related to regulating liquor or marijuana.

(71) "Registry identification cardholder" or "patient" has the meaning given that term in ORS 475B.410.

(72) "Retailer" means a marijuana retailer licensed by the Commission.

(73) "Safe" means:

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

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

(B) Weighs more than 750 pounds.

(b) A "vault"; or

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

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

(B) Weighs more than 750 pounds.

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

(75) "Security plan" means a plan as described in OAR 845-025-1030 that fully describes how an applicant will comply with applicable laws and rules regarding security.

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

(77) "These rules" means OAR 845-025-1000 to 845-025-8590.

(78) UID Tags.

(a) "UID tag" means unique identification tag ordered and received from the Commission's designated vendor for CTS.

(b) "Assigned UID tag" means a unique identification tag that has been designated in CTS and physically attached to a marijuana plant or receptacle holding marijuana items.

(c) "UID number" means the 24-digit number on the UID tag that was provided by the Commission's designated vendor for CTS.

(79)(a) "Usable Marijuana" means the dried leaves and flowers of marijuana.

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

(c) "Usable marijuana" does not include:

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

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

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

(81) "Wholesaler" means a marijuana wholesaler licensed by the Commission.

Statutory/Other Authority: ORS 475B.025

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

History:

[OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16  
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16  
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

## **845-025-1060**

### **Fees**

- 1) At the time of initial license or certificate application an applicant must pay a \$250 non-refundable application fee.
  - (2) If the Commission approves an application and grants an annual license, the following fees must be paid, prorated for an initial license that is issued for six months or less:
    - (a) Producers:
      - (A) Micro Tier I \$1,000.
      - (B) Micro Tier II \$2,000.
      - (C) Tier I \$3,750.
      - (D) Tier II \$5,750.
      - (E) Medical Canopy \$100
      - (b) Processors: \$4,750.
      - (c) Wholesalers: \$4,750.
      - (d) Micro Wholesalers: \$1,000.
      - (e) Retailers: \$4,750.
      - (f) Laboratories: \$4,750.
      - (g) Sampling Laboratory: \$2,250.
    - (3) If the Commission approves an application and grants a research certificate, the fee is \$4,750 for a three-year term.
    - (4) If the Commission approves an application and grants a hemp certificate, the fee is \$10500 for one year.
    - (5) At the time of license or certificate application renewal, an applicant must pay a \$250 non-refundable application fee.
    - (6) If the Commission receives a renewal application, the renewal license or certificate fees must be paid in the amounts specified in subsections (2)[, and](#) (3) [and](#) (4) of this rule at the time of application.
    - (7) If the Commission approves an initial or renewal application and grants a marijuana worker permit, the individual must pay a \$100 permit fee.
    - (8) The Commission shall charge the following fees:
      - (a) Criminal background checks: \$50 per individual listed on a license application (if the background check is not part of an initial or renewal application).
      - (b) Transfer of location of premises review: \$1000 per license.
      - (c) Packaging preapproval: \$100.
      - (d) Labeling preapproval: \$100.
      - (e) Change to previously approved package or label: \$25.
- Statutory/Other Authority: ORS 475B.025
- Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110, 475B.218, 475B.560, 475B.610, 475B.620, [& 2016 OL Ch. 24 Sec. 1, ORS 571.336 & 2018 OL Ch. 116.](#)
- History:
- [OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)

OLCC 11-2017(Temp), f. & cert. ef. 8-1-17 thru 12-27-17  
OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17  
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16  
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16  
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16  
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

## **845-025-2700**

### **Application for Industrial Hemp Certificate Application; Denial; Revocation**

(1) Hemp growers ~~and handlers~~ may apply for an industrial hemp certificate to transfer industrial hemp to a ~~marijuana~~-processor ~~that holds a~~ licensed issued under ORS 475B.090, ~~a wholesaler licensed under ORS 475B.100, or a retailer licensed under ORS 475B.105.~~

~~(2) Hemp handlers may apply for an industrial hemp certificate to transfer ~~industrial~~-hemp ~~concentrates and industrial hemp extracts~~ items to a ~~marijuana~~-processor ~~that holds a~~ licensed issued under ORS 475B.090, a wholesaler licensed under ORS 475B.100, or a retailer licensed under ORS 475B.105.~~

~~(23) The application must include:~~

~~(a) Include P~~roof of registration under ORS 571.305;

~~(b) Include t~~he license and application fees specified in OAR 845-025-1060;

~~(c) Identify the location from which the industrial hemp and hemp items will be transferred from for transport to an OLCC licensee; and~~

~~(ed) Include A~~ny other information identified in the application form.

~~(34) Denial. The Commission ~~shall~~~~will~~ deny any application under this rule that does not meet the requirements of (23) or contains false or misleading information. The Commission may deny any application if it has reasonable cause to believe that the applicant does not have a good record of compliance with ORS 475B.010 to 475B.395 or applicable rules adopted thereunder, or with ORS 571.300 to ORS 571.348 or applicable rules adopted thereunder prior to or after certification.~~

~~(5) Revocation. The Commission may revoke any industrial hemp certificate if:~~

~~(a) The holder no longer holds a valid industrial hemp registration issued under ORS 571.305;~~

~~(b) The holder violates a provision of ORS 475B.010 to 475B.395, ORS 475B.550 to 475B.590, 475B.600 to 475B.655 or ~~applicable~~ Commission rules adopted thereunder;~~

~~(c) The holder violates a provision of ORS 571.300 to ORS 571.348 or a rule adopted thereunder; or~~

~~(d) The holder submits false or misleading information to the Commission..~~

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

**Statutes/Other Implemented:** [ORS 571.336, 2018 OL Ch. 116, Sec. 15.](#)

[2017 OL Ch. 531](#)

**History:**

[OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017](#)

## **845-025-2750**

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

(1) A ~~certified~~ hemp grower may deliver industrial hemp to a ~~marijuana~~-processor, ~~wholesaler, or retailer~~ that holds a license issued under ORS 475B.090, ~~475B.100, or 475B.105~~ in accordance with ~~subsection (3) and (4) of~~ this rule.

(2) A certified hemp handler may deliver industrial hemp concentrates and industrial hemp extractsindustrial hemp products or commodities to a marijuana processor, wholesaler, or retailer that holds a license issued under ORS 475B.090, 475B.100, or 475B.105 in accordance with subsection (3) and (4) of this rule.

(3) AThe certified hemp grower or handler may:

(a) If transferring to an OLCC licensee, only transfer, sell, or transport industrial hemp and hemp items to:

(A) A processor licensed under ORS 475B.090 that holds an industrial hemp endorsement;

(B) A wholesaler licensed under ORS 475B.100; or

(C) A retailer licensed under ORS 475B.105.

(b) Only transfer, sell, or transport industrial hemp and hemp items to a processor, wholesaler, or retailer that:

(A) Have passed testing described in ORS 475B.555 in accordance with Commission testing rules for the equivalent marijuana item; and

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

(c) Only transfer industrial hemp or hemp items from the location identified in the application under OAR 845-025-2700(3)(c).

(34) If transferring to an OLCC licensee, AThe certified hemp grower or handler must:

(a) Hold a valid Industrial Hemp Certificate issued by the Commission;

~~(b) Only deliver to a marijuana processor licensed under ORS 475B.090 that holds an industrial hemp endorsement, a marijuana wholesaler licensed under ORS 475B.100, or a marijuana retailer licensed under ORS 475B.105; and~~

~~(eb) Provide the marijuana processor licensee a copy of any test result conducted on the industrial hemp, industrial hemp concentrate or extract or hemp items; and pursuant to OAR 603-048-0600 and OAR 603-048-2300;~~

~~(d) Ensure testing described in ORS 475B.555;~~

~~(c) Enter any and all industrial hemp or hemp items into CTS in accordance with OAR 845-025-2775 prior to transfer to a laboratory for testing or prior to transfer, sale, or transport to a processor, wholesaler, or retailer, whichever occurs first; and-~~

~~(d) Transport hemp items in compliance with the requirements for marijuana items under OAR 845-025-7700(2), (3)(a)-(b), (5) –(16).~~

(4) A certified hemp grower or handler may only deliver transfer, sell, or deliver industrial hemp or hemp itemsindustrial hemp and industrial hemp concentrates or extracts if theythat have passed required testing undercomply with the requirements for marijuana items underORS 475B.010 to 475B.545, ORS 475B.550 to 475B.590, and 475B.600 to 475B.655 andCommission rules.OAR 603-048-0600 and OAR 603-048-2300.

(65) A certified hemp grower or handler may not purchase or accept hemp items that exceeding 0.3 percent THC when imported into the state or transfer such items to an OLCC licensee.

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

**Statutes/Other Implemented:** ORS 475B.025, ORS 571.336 & 2018 OL Ch. 1162017 OL Ch. 531.

**History:**

OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

## **845-025-2775**

### **CTS Requirements for Industrial Hemp and Hemp Items**

(1) Certified Hemp growers and hemp handlers must:

(a) Enter any industrial hemp or hemp items into CTS prior to transfer to a laboratory for testing or prior to transfer, sale, or transport to a processor, wholesaler, or retailer, whichever comes first.

(b) Complete tracking as specified by Commission rules as applicable to industrial hemp and hemp items, including but not limited to: OAR 845-025-7500, 845-025-7520(1)(a),(b),(d),(e), (2), 845-025-7540, 845-025-7560, and 845-025-7580(1)(a)-(c), (e), (2), (5).

(c) Use CTS to record all transfers of industrial hemp and hemp items to laboratories, processors, wholesalers, and retailers.

(2) Manifest. A certified hemp grower or hemp handler transferring industrial hemp or hemp items to a processor, wholesaler, or retailer must generate a manifest in CTS that contains the following information:

(a) The name, contact information of the hemp grower or handler's representative, address of where the industrial hemp or hemp items are being transferred from as identified under OAR 845-025-2700(3)(c), and the hemp grower or handler registration number designated by the Oregon Department of Agriculture;

(b) The name, contact information of the licensee representative, licensed premises address, and license number of the licensee receiving the delivery;

(c) Product name and quantities (by weight) of the industrial hemp or hemp items contained in each transport, along with the UIDs for every item;

(d) The date of transport and approximate time of departure;

(e) Arrival date and estimated time of arrival;

(f) Delivery vehicle make and model and license plate number; and

(g) Name and signature of the hemp grower or hemp handler's representative accompanying the transport.

(3) Once industrial hemp or a hemp item has been entered into CTS, it may not be transferred, sold, or transported except in accordance with these rules.

(4) The Commission may perform a physical audit of the inventory of any certified hemp grower or handler at the agency's discretion and with reasonable notice to the certificate holder in accordance with OAR 845-025-7590.

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

**Statutes/Other Implemented: ORS 475B.025, ORS 571.336 & 2018 OL Ch. 116.**

## **845-025-3285**

### **Licensee Industrial Hemp Processor Privileges; Requirements**

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

(a) Receive industrial hemp from a certified hemp grower and industrial hemp items from a hemp grower from a certified hemp handler who holds an industrial hemp certificate issued by the Commission;

(b) Receive industrial hemp concentrates or industrial hemp extracts from a hemp handler who holds an industrial hemp certificate issued by the Commission;

(c) Process industrial hemp and industrial hemp products and hemp items, industrial hemp concentrates, and industrial hemp extracts into any hemp items industrial hemp commodity or product in compliance with all rules for processing marijuana;

(dc) Use industrial hemp ~~and industrial hemp products and commodities, industrial hemp concentrates and industrial hemp extracts~~ as an ingredient in the processing of marijuana items; and

(ed) Transfer industrial hemp ~~or industrial hemp products and commodities, industrial hemp items, industrial hemp extracts, or hemp commodities or products~~ only to ~~licensed~~ marijuana retailer ~~or s,~~ ~~wholesalers, or and~~ processors ~~licensed by the Commission with hemp endorsements in compliance with all rules for transporting marijuana items.~~

(2) A wholesaler may:

(a) Receive industrial hemp from a certified hemp grower;

(b) Receive and industrial hemp products and commodities, hemp items from a certified hemp handler or from a processor with an industrial hemp endorsement;

(bc) Only transfer industrial hemp or industrial hemp products and commodities to licensed marijuana retailers or wholesalers, and or processors with hemp endorsements in compliance with all rules for transporting marijuana items.

(3) A retailer may:

(a) Receive industrial hemp from a certified hemp grower and industrial hemp products and commodities items from a certified hemp handler; ~~or~~

(A)-(b)(B) Receive industrial hemp and industrial hemp products and commodities items from a processor with an industrial hemp endorsement; or

(C) Receive industrial hemp and industrial hemp products and commodities from a wholesaler.

(b) Sell industrial hemp and industrial hemp products and commodities items to consumers in accordance with all requirements for selling or transferring marijuana items.

(43) A processor licensee may only receive industrial hemp and ~~industrial hemp concentrates or extracts items~~ if:

(a) The industrial hemp or industrial hemp concentrate or extract has passed required testing under OAR 603-048-0600 and OAR 603-048-2300.

(ab) The processor licensee receives a copy of any test result conducted on the industrial hemp, industrial hemp concentrate or extract or hemp item pursuant to OAR 603-048-0600 and OAR 603-048-2300 as a condition of receipt.

(be) The processor complies with any applicable requirements of ORS 571.305 to ORS 571.348 (as amended by OR Laws 2018, Ch. 1164)5 or any rules adopted thereunder.

(c) The industrial hemp or hemp items were entered into and tracked by CTS prior to transfer.

(5) A licensee may only deliver industrial hemp and hemp items if:

(a) Delivered to licensed marijuana retailer or wholesalers, or processors with hemp endorsements in compliance with all rules for delivering marijuana;

(b) The industrial hemp and hemp items meet any applicable requirement for marijuana items set forth in ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules adopted thereunder; and

(c) The industrial hemp or hemp items were entered into and tracked by CTS prior to receipt.

(563) A processor licensee with an industrial hemp endorsement must track receipt of industrial hemp or any hemp concentrate or extract hemp item using the CTS system in the same manner that they track marijuana items. PThe processors must track any industrial hemp commodity or product hemp item upon manufacture using the CTS system.

(467) A processor with an industrial hemp endorsement may not receive, manufacture or distribute industrial hemp concentrates or extracts that exceed five percent THC. In addition to any testing required by OHA and ODA-Oregon Department of Agriculture rules, a processor must submit concentrates and extracts derived from industrial hemp for potency testing with a licensed laboratory before transferring these concentrates or extracts to another licensee, converting these concentrates or extracts to a new product type, or combining them with marijuana items. The results of tests required under this rule must be recorded in CTS.

(785) All requirements for marijuana items under ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655 and any rules adopted thereunder apply to industrial hemp and hemp items received or manufactured by a processor with a hemp endorsement licensee unless specifically excluded by these rules.

~~(86) Industrial hemp and hemp items concentrate, industrial hemp extract or hemp commodities or products may be delivered by a marijuana processor registered under this section to a licensee as described in ORS 475B.160, provided that the industrial hemp concentrate and hemp items, industrial hemp extract or hemp commodities or products meet any applicable requirement for marijuana items set forth in ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules adopted thereunder ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655.~~(9) A licensee may not purchase, accept, transfer, or sell hemp items that exceeding 0.3 percent THC when imported into the state.

(910) A laboratory must comply with all of the requirements of OAR 845-025-5045 when performing sampling or testing of hemp items entered in CTS.

**Statutory/Other Authority:** ORS 475B.025 , 475B.090, ORS 571.336 & 2018 OL Ch. 116.& 2017 OL Ch. 531

**Statutes/Other Implemented:** 475B.090, & ORS 571.336 & 2018 OL Ch. 116.2017 OL Ch. 531

**History:**

OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

## OTHER RULES

### 845-025-1335

#### **Marijuana Promotional Events**

(1) Eligibility. Oregon Laws 2017, chapter 183, section 17 allows businesses licensed by the Commission under ORS 475B.010 to 475B.395 to transport marijuana items to and exhibit marijuana items at a trade show or similar event. This rule sets the qualifications and requirements for promotional events.

(2) Definitions.

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

(b) "Event organizer" means a person licensed under ORS 475B.010 to 475B.395 who submits a promotional event application and serves as the primary contact with the Commission.

(c) "Participating licensee" means a person licensed under ORS 475B.010 to 475B.395 who has been named as a participant in a promotional event application.

(d) "Promotional event" means an event at which marijuana items are displayed pursuant to the requirements of this rule.

(3) Event Organizer.

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

(b) Event Organizers must:

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

(B) Update and maintain the application;

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

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

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

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

(4) Promotional events may not be held:

(a) At a location licensed under ORS 475B.010 to 475B.395 or 475B.560; or

(b) In a city or county that has adopted an ordinance to prohibit recreational marijuana businesses.

(5) Promotional events may be held at a location that holds a license under ORS 471, as long as no alcohol beverages are stored or consumed within the approved area.

(6) Approved promotional events allow participating licensees to display:

(a) Marijuana plants from the inventory of the participating licensee; and

(b) Marijuana items from the inventory of the participating licensee;

(c) Industrial hemp or hemp items if received, processed, and otherwise in compliance with these rules.

(7) An event organizer or participating licensee may not:

- (a) Display any marijuana items, industrial hemp, or hemp items not in the participating licensee's inventory;
  - (b) Display any hemp items;
  - (c) Sell, transfer or distribute any marijuana items, industrial hemp, or hemp items at the promotional event;
  - (d) Distribute any samples of marijuana items or hemp items; or
  - (e) Allow consumption or use of alcohol, or marijuana items, and hemp items of any kind in the approved area.
- (8) Transportation and Possession.
- (a) Participating licensees may not transport to or possess at the promotional event more than the following amounts:
    - (A) 24 ounces of usable marijuana;
    - (B) 4 mature marijuana plants;
    - (C) 10 immature plants;
    - (D) 500 seeds, tracked by count in CTS;
    - (E) 16 ounces of cannabinoid products in solid form; or
    - (F) 72 ounces of cannabinoid products in liquid form.
  - (b) All participating licensees must immediately return all marijuana items to their licensed premises after the conclusion of the event.
- (9) Promotional event CTS requirements.
- (a) All marijuana items, industrial hemp, or hemp items must be tracked and tagged pursuant to CTS rule requirements.
  - (b) Each marijuana item, industrial hemp, or hemp item is required to have the item's associated UID tag affixed to the item or package;
  - (c) All participating licensees must generate a printed transport manifest in CTS that accompanies all marijuana items, industrial hemp, or hemp items for the duration of the promotional event that contains the following information:
    - (A) The name, contact information of a licensee representative, licensed premises address and license number of the licensee transporting the marijuana items, industrial hemp, or hemp items;
    - (B) Product name and quantities (by weight or unit) of each marijuana item, industrial hemp, or hemp item contained in each transport, along with the UIDs for every item;
    - (C) The date of transport and approximate time of departure;
    - (D) Date and estimated time when the marijuana items or, industrial hemp, or hemp items will be returned to the licensed premises at the conclusion of the promotional event; and
    - (E) Delivery vehicle make and model and license plate information.
  - (d) Failure to properly track marijuana items, industrial hemp, or hemp items as required in this subsection is a Category III violation. An intentional violation of this rule is a Category I violation and may result in license revocation.
- (10) Application Requirements.
- (a) The Commission may refuse to process any application that is not made in writing at least 28 days before the date of the event in a form and manner prescribed by the Commission.
  - (b) The Commission may only accept one application per promotional event.
  - (c) The Commission may require additional forms, documents, or information as part of the application.

- (d) The Commission may refuse to process any application that is not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate and process the application.
- (e) The Commission may limit approval of any application to a single day or to any consecutive number of days, not to exceed sixteen consecutive days.
- (11) The application for a promotional event under this rule shall include:
- (a) The names of all participating licensees;
  - (b) A description of the amount and types of marijuana items, industrial hemp, or hemp items proposed to be transported and displayed at the promotional event;
  - (c) A written control plan that the Commission determines:
    - (A) Adequately manages the event to prevent unlawful activity and violations; and
    - (B) Prevents any person under 21 years to be admitted to the areas where marijuana items are present at the event.
  - (d) The names of the licensee representatives onsite at the promotional event and if applicable, their worker permit numbers issued under OAR 845-025-5500;
  - (e) Identification of the premises or area proposed for the promotional event;
  - (f) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall, minor control plan and proposed hours of operation; and
  - (g) A statement signed by every participating licensee indicating that the licensee agrees to follow the final approved control plan.

(12) Denial.

- (a) The Commission may deny any application for a promotional event that does not meet the requirements of this rule. The Commission may deny, cancel or restrict an application for a promotional event;
- (b) For any reason for which the Commission may deny, cancel or restrict a regular license or if the Commission, in its discretion, determines that promotional event presents a risk to public health and safety or;
- (c) If any participating licensee has been found to have violated ORS 475B.010 to 475B.395 or any rules adopted there under in the past 24 months.

(13) When the Commission approves a written control plan required under this rule, the licensee(s) must follow that written plan. Failure to follow that written plan is a Category III violation. An intentional violation of this rule is a Category I violation and may result in license revocation.

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

**Statutory/Other Authority:** ORS 475B.025 & 2017 SB 1057

**Statutes/Other Implemented:** 2017 SB 1057

**History:**

[OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017](#)

OLCC 8-2017(Temp), f. 6-30-17, cert. ef. 7-1-17 thru 12-27-17

## **845-025-2800**

### **Retailer Privileges; Prohibitions**

- (1) A retailer is the only licensee that is authorized to sell a marijuana item to a consumer.
- (2) A retailer may:

- (a) Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
  - (b) Sell and deliver:
    - (A) Marijuana items, ~~industrial hemp concentrates, industrial hemp extracts or industrial hemp commodities or products~~ 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 to a clients between ages 18-21, so long as:
      - (i) The client has a valid OMMP card; and
      - (ii) The retailer has a valid medical endorsement.
    - (C) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - (D) ~~Industrial hemp or hemp items Industrial hemp concentrates, industrial hemp extracts or industrial hemp commodities or products to a consumer 21 years or older pursuant to a bona fide order as described in OAR 845-025-3380 or to clients between ages 18-21 in accordance with subsection (B) of this rule. The industrial hemp or hemp items as long as those items must have been received from a certified hemp grower, certified hemp handler, an OLCC processor with an approved industrial hemp processor endorsement, or licensed wholesaler as required by 845-025-3285 in accordance with these rules. Hemp items that were received from other sources prior to December 28, 2017 may be retained and sold at retail until April 1, 2018.~~
  - (c) Accept or make returns, as long as the retailer:
    - (A) Only accepts or returns usable marijuana, marijuana items, industrial hemp, hemp ~~commodities and products~~ items, immature marijuana plants and seeds;
    - (B) Only accepts or returns eligible items listed in (A) of this section from either the original licensee whom supplied or customer whom purchased the item;
    - (C) Accurately records the transaction in the CTS; and
    - (D) Does not resell any items returned by customers.
  - (d) Purchase and receive:
    - (A) Usable marijuana, immature marijuana plants, and seeds from a producer or from a research certificate holder;
    - (B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received or from a research certificate holder;
    - (C) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;
    - (D) Any marijuana item from a laboratory; and
    - (E) Marijuana items from a retailer that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical.
  - (e) Refuse to sell marijuana items, industrial hemp, or hemp items to a consumer;
  - (f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0490; and
  - (g) Accept returned marijuana 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.
  - (h) Sell marijuana items for medical purposes, as long as the retailer follows the provisions set forth in 845-025-2900.
- (3) A retailer may not:
- (a) Knowingly sell more than the following amounts to an individual at any one time or within one day:
    - (A) One ounce of usable marijuana to recreational consumers;

- (B) 24 ounces of usable marijuana to registry identification cardholders and designated primary caregivers pursuant to the requirements of OAR 845-025-2900;
  - (C) 16 ounces of a cannabinoid product in solid form;
  - (D) 72 fluid ounces of a cannabinoid product in liquid form;
  - (E) Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system or combined with usable marijuana;
  - (F) Four immature marijuana plants; and
  - (G) Ten marijuana seeds.
- (b) Provide free marijuana items to a recreational consumer.
  - (c) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
  - (d) Sell or give away any non-marijuana items that are attractive to minors as defined by these rules.
  - (e) 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.
  - (f) Sell a marijuana item at a nominal price for promotional purposes.
  - (g) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 7:00 a.m. local time the following day.
  - (h) Permit a licensed representative to handle an unpackaged marijuana 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.
  - (i) Sell or transfer a returned marijuana item to another consumer.
  - (j) Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in section (2) of this rule.
  - (k) Permit a consumer to open or alter a package containing a marijuana item or otherwise remove a marijuana item from packaging required by these rules within the licensed premises or in an area that the licensee controls.
  - (l) Permit a consumer to bring marijuana items onto the licensed premises except for marijuana items being returned for refund or exchange as allowed by this rule.

**Statutory/Other Authority:** ORS 475B.025 & 475B.110

**Statutes/Other Implemented:** ORS 475B.025 & 475B.110

**History:**

[OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)

OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16

OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3500**

**Wholesale License Privileges; Prohibitions**

- (1) A wholesale licensee may:
  - (a) Sell, including sale by auction, transfer and transport:
    - (A) Any type of or marijuana item to a retailer, wholesaler, non-profit dispensary or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer or to a non-profit dispensary;
    - (B) Immature marijuana plants and seeds to a producer;

- (C) Usable marijuana to a producer license that the wholesale license has stored on the producer's behalf;
  - (D) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee;
  - (E) Marijuana waste to a producer, processor, wholesaler or research certificate holder; and
  - (F) A ~~n~~ industrial hemp ~~commodity or product~~item received from a processor licensee of the Commission with a hemp endorsement.
- (b) Purchase or receive:
- (A) Any type of marijuana item from a wholesaler;
  - (B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;
  - (C) Seeds, immature plants or usable marijuana from a producer;
  - (D) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer;
  - (E) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
  - (F) ~~Industrial hemp commodities and products~~Industrial hemp and hemp items from a processor licensee of the Commission with a hemp endorsement, another wholesaler licensee, a certified hemp grower, or a certified handler.
- (c) Transport and store marijuana items received from other licensees, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.
- (d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0490.
- (e) Accept or make returns, as long as the wholesaler:
- (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 (A) of this section from the original licensee whom supplied or purchased the item; and
  - (C) Accurately records the transaction and its disposition once returned in the CTS.
- (f) Trim whole non-living plants and usable marijuana on behalf of a producer licensee, as long as both the wholesale licensee and producer licensee comply with all applicable rules including tracking all transactions and any packaging of marijuana items in CTS; and if:
- (A) Trimming is performed on the wholesaler's licensed premises; or
  - (B) Trimming is performed at the producer's licensed premises and the wholesale licensee holds a "For Hire Trimming Privilege" as set forth in OAR 845-025-3505.
- (2) A wholesale licensee may not sell, deliver, purchase, or receive any marijuana item other than as provided in section (1) of this rule.
- (3) For purposes of this rule, "marijuana item" does not include a mature marijuana plant.
- Statutory/Other Authority:** ORS 475B.025 & 475B.090
- Statutes/Other Implemented:** ORS 475B.100, 475B.400 , 2016 OL Ch. 23, 2017 OL Ch. 531 & 2017 OL Ch. 183
- History:**
- [OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)
- [OLCC 13-2017, temporary amend filed 10/05/2017, effective 10/05/2017 through 12/27/2017](#)
- OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
- OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16  
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8520**

**Prohibited Conduct**

(1) Sale to a Minor. A licensee or permittee may not sell, deliver, transfer or make available any marijuana item to a person under 21 years of age unless the individual holds a valid OMMP patient or caregiver card.

(a) Violation of this section for an intentional sale to a minor by a licensee, permittee or license representative is a Category I violation.

(b) Violation of this section for other than intentional sales is a Category II(b) violation.

(2) Identification. A licensee or license representative must require a person to produce identification as required by ORS 475B.170 before selling or providing a marijuana item to that person. Violation of this section is a Category IV violation.

(3) Access to Premises.

(a) A licensee or permittee may not:

(A) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS 475B affecting the licensed privileges; or these rules;

(B) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and requests entry on the basis that there is a reason to believe a violation of ORS 475B affecting the licensed privileges; or these rules is occurring; or

(C) Once a regulatory specialist is on the licensed premises, ask the regulatory specialist to leave until the specialist has had an opportunity to conduct an inspection to ensure compliance with ORS 475B affecting the licensed privileges; or these rules.

(b) Violation of this section is a Category II violation.

(4) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.

(a) No licensee, licensee representative, or permittee may consume any intoxicating substances while on duty, except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this subsection is a Category III violation.

(b) No licensee, licensee representative, or permittee may be under the influence of intoxicating substances while on duty. Violation of this subsection is a Category II violation.

(c) Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered "on duty."

(d) As used in this section:

(A) "On duty" means:

(i) From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or

(ii) Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.

(B) "Intoxicants" means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.

(5) Permitting Use of Marijuana at Licensed Premises. A licensee or permittee may not permit the use or consumption of marijuana, hemp items, or any other intoxicating substance, anywhere

in or on the licensed premises, or in surrounding areas under the control of the licensee, except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this section is a Category III violation.

(6) Import and Export. A licensee or permittee may not import marijuana items into this state or export marijuana items out of this state. Violation of this section is a Category I violation and could result in license or permit revocation.

(7) Permitting, Disorderly or Unlawful Conduct. A licensee or permittee may not permit disorderly activity or activity that is unlawful under Oregon state law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.

(a) If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation is a Category I violation and could result in license or permit revocation.

(b) If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a Category II violation.

(c) As used in this section:

(A) "Disorderly activities" means activities that harass, threaten or physically harm oneself or another person.

(B) "Unlawful activity" means activities that violate the laws of this state, including but not limited to any activity that violates a state criminal statute.

(d) The Commission does not require a conviction to establish a violation of this section except as required in ORS 475B.045.

(8) Marijuana as a Prize, Premium or Consideration. No licensee or permittee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises.

(9) Visibly Intoxicated Persons. No licensee or permittee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated. Violation of this section is a Category III violation.

(10) Additional Prohibitions. A licensee or permittee may not:

(a) Sell or deliver any marijuana item through a drive-up or walk-up window.

(b) Use any device or machine that both verifies the age of the consumer and delivers marijuana to the consumer; or

(c) Deliver marijuana to a consumer off the licensed premises, except that retail licensees may provide delivery as set forth in OAR 845-025-2880.

(d) Violation of this subsection is a Category III violation.

(e) Permit industrial hemp or a hemp item -or product derived from industrial hemp that contains cannabinoids to be present on the licensed premises, except as allowed by these rules. Violation of this subsection is a Category I violation

**Statutory/Other Authority:** ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110

**Statutes/Other Implemented:** ORS 475B.070, 475B.090, 475B.100, 475B.110, 475B.185, 475B.270, 475B.275 & 475B.125

**History:**

[OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018](#)

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OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16  
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-8590**

**Suspension, Cancellation, Civil Penalties, Sanction Schedule**

(1) The Commission may suspend or revoke:

- (a) A license issued under ORS 475B.010 to 475B.395 or 475B.560.
- (b) A marijuana workers permit issued under ORS 475B.215.
- (c) A research certificate issued under ORS 475B.235.
- (d) An industrial hemp certificate issued under OAR 845-025-2700.

(2) Civil Penalties.

(a) The Commission may impose a civil penalty under ORS 475B.295. Civil penalties will be calculated by multiplying:

(A) The number of days in a suspension, if suspension could be or is being imposed, by \$165 for licensees or certificate holders; or

(B) The number of days in a suspension, if suspension could be or is being imposed, by \$25 for permittees.

(b) The Commission may impose a civil penalty under ORS 475B.655 of no more than \$500 each day the violation occurs.

(3) The Commission uses the following violation categories for licensees licensed under ORS475B.010 to 475b.395:

- (a) Category I — Violations that make licensee ineligible for a license;
- (b) Category II — Violations that create a present threat to public health or safety;
- (c) Category II (b) — Violations for sales to a minor;
- (d) Category III — Violations that create a potential threat to public health or safety;
- (e) Category IV — Violations that create a climate conducive to abuses associated with the sale or manufacture of marijuana items;
- (f) Category V — Violations inconsistent with the orderly regulation of the sale or manufacture of marijuana items.

(4) Violation sanctions.

(a) The Commission may sanction a licensee or permittee in accordance with the guidelines set forth in Exhibit 1, incorporated by reference. Exhibit 1 also contains the categories for the most common violations.

(b) Exhibit 1 lists the proposed sanctions for single or multiple violations that occur within a two year period for each category described in section (3) of this rule. The Commission may allege multiple violations in a single notice or may count violations alleged in notices issued within the previous two year period toward the total number of violations. In calculating the total number of violations, the Commission may consider a proposed violation for which the Commission has not yet issued a final order.

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Commission finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. The Commission may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.

(d) Mitigating circumstances include, but are not limited to:

- (A) Making a good faith effort to prevent a violation.

- (B) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.
- (e) Aggravating circumstances include, but are not limited to:
- (A) Receiving a prior warning about one or more compliance problems.
- (B) Repeated failure to comply with laws.
- (C) Failure to use age verification equipment purchased as an offset to a previous penalty.
- (D) Efforts by licensee or permittee to conceal a violation.
- (E) Intentionally committing a violation.
- (F) A violation involving more than one consumer or employee.
- (G) A violation involving a juvenile.
- (H) A violation resulting in injury or death.
- (I) A violation that occurred at a licensed premises that has been granted a security waiver.
- (J) Three or more violations within a two-year-period, regardless of the category, where the number of the proposed or final violations indicate a disregard for the law or failure to control the premises.
- (5) A licensee may not avoid the sanction for a violation or the application of the provision for successive violations by changing the corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.
- [ED. NOTE: To view tables referenced in rule text, [click here to view rule.](#)]
- Statutory/Other Authority:** ORS 475B.025
- Statutes/Other Implemented:** ORS 475B.210, 475B.295, 475B.560, 475B.635 & 475B.125
- History:**
- [OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018](#)
- [OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017](#)
- OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
- OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16