

UPDATE FOR INDUSTRY ON THE BILL & TECHNICAL RULES PACKAGE

RULES UPDATE SERIES

SESSION 1: RETAILERS, SALES LIMITS, AND HIGHER-THC EDIBLES



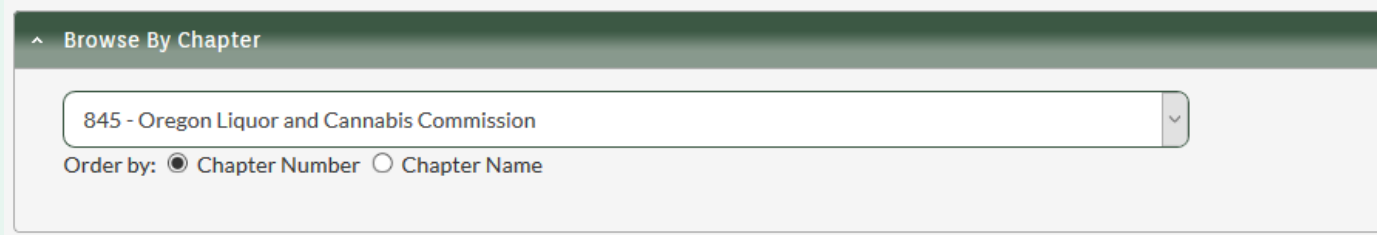
Presented by Steven Crowley & Anthony Geltosky | January 28, 2022



RULES UPDATE

ACCESSING THE RULES

- Current administrative rule language can always be accessed through Oregon Secretary of State: <https://secure.sos.state.or.us/oard/ruleSearch.action>

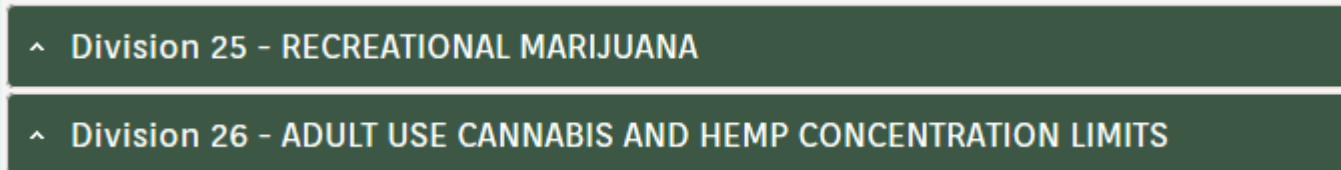


^ Browse By Chapter

845 - Oregon Liquor and Cannabis Commission

Order by: ☒ Chapter Number ☐ Chapter Name

- This rule package included changes in Chapter 845 [Division 25](#) and [Division 26](#).



^ Division 25 - RECREATIONAL MARIJUANA

^ Division 26 - ADULT USE CANNABIS AND HEMP CONCENTRATION LIMITS

- A document showing the changes from previous rule is available: https://www.oregon.gov/olcc/Docs/commission_minutes/2021/Draft-Final-Rule-2021-Marijuana-Bill-and-Technical-Package.pdf
- This document does **not** include all rules, only rules that have changed.

RULES UPDATE

SCOPE OF RULE CHANGES

- The Bill & Technical Rule Package adopted by the Commission on December 28, 2021 covers a wide range of subjects, including but not limited to:
 - Violation reclassification
 - THC concentration limits for marijuana items
 - THC concentration limits for hemp items
 - Regulation of artificially derived cannabinoids
 - Updating license transfer privileges
 - Interjurisdictional home delivery
 - Regulation of industrial hemp-derived vapor items
 - Miscellaneous technical fixes
- This webinar session will focus generally on changes impacting retailers.
- This webinar reflects the status of OLCC rules as of January 1, 2022. Licensees viewing these materials at a later time should verify whether the rules have changed.

RULES UPDATE

NEW OREGON REVISED STATUTES

- The 2021 Edition of the Oregon Revised Statutes (ORS) has been published.
- ORS 475B, which used to house the bulk of Oregon's cannabis laws, has been replaced.
- Now the bulk of Oregon's cannabis laws are in ORS 475C:
https://www.oregonlegislature.gov/bills_laws/ors/ors475c.html
- They have also been updated to include legislative changes from the 2020 and 2021 legislative sessions.
- Statutes governing the Oregon Department of Agriculture's hemp program remain in ORS 571:
https://www.oregonlegislature.gov/bills_laws/ors/ors571.html

RULES UPDATE

INTERJURISDICTIONAL HOME DELIVERY

- OAR [845-025-2880\(7\)\(a\)](#)

(a) A retailer may deliver marijuana items only to a location within:

(A) The city in which the licensee is licensed, if a licensee is located within a city;

(B) Unincorporated areas of the county in which the licensee is licensed, if a licensee is located in an unincorporated city or area within the county; or

(C) The city limit of an adjacent city or unincorporated areas of an adjacent county that has adopted an ordinance allowing for interjurisdictional deliveries from adjacent cities or counties.

- A retailer with the home delivery privilege may deliver within their jurisdiction, subject to rule requirements and any local time, place, and manner regulations.
- A retailer may deliver to an “adjacent” jurisdiction **only if that jurisdiction has adopted an ordinance allowing interjurisdictional deliveries.**

RULES UPDATE

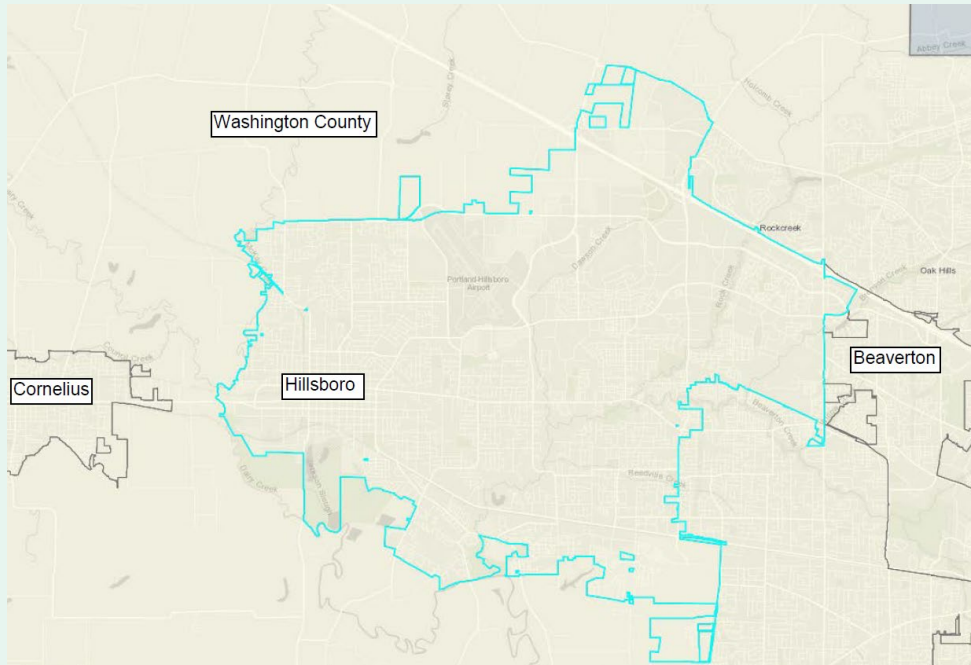
INTERJURISDICTIONAL HOME DELIVERY

- What does “adjacent” mean?
- OAR [845-025-2880\(7\)\(a\)\(C\)](#)
 - (i) For a retailer located within a city, another city is considered adjacent if any part of the city limits are contiguous.
 - (ii) For a retailer located within a city, a county is considered adjacent if any portion of the city limit of the city in which the retailer is located is contiguous with or contained within the county line.
 - (iii) For a retailer located within an unincorporated area of a county, a city is considered adjacent if any part of the city limit is contiguous with or contained within the county line of the county in which the retailer is located.
 - (iv) For a retailer located within an unincorporated area of a county, another county is considered adjacent if any part of the county lines are contiguous.
- “Adjacent” means directly bordering: The boundaries of the jurisdictions are touching, or one boundary is contained within the other.
- Two cities within the same county are not necessarily adjacent. They are only adjacent if the city limits are contiguous.

RULES UPDATE

INTERJURISDICTIONAL HOME DELIVERY

- Example: City of Hillsboro

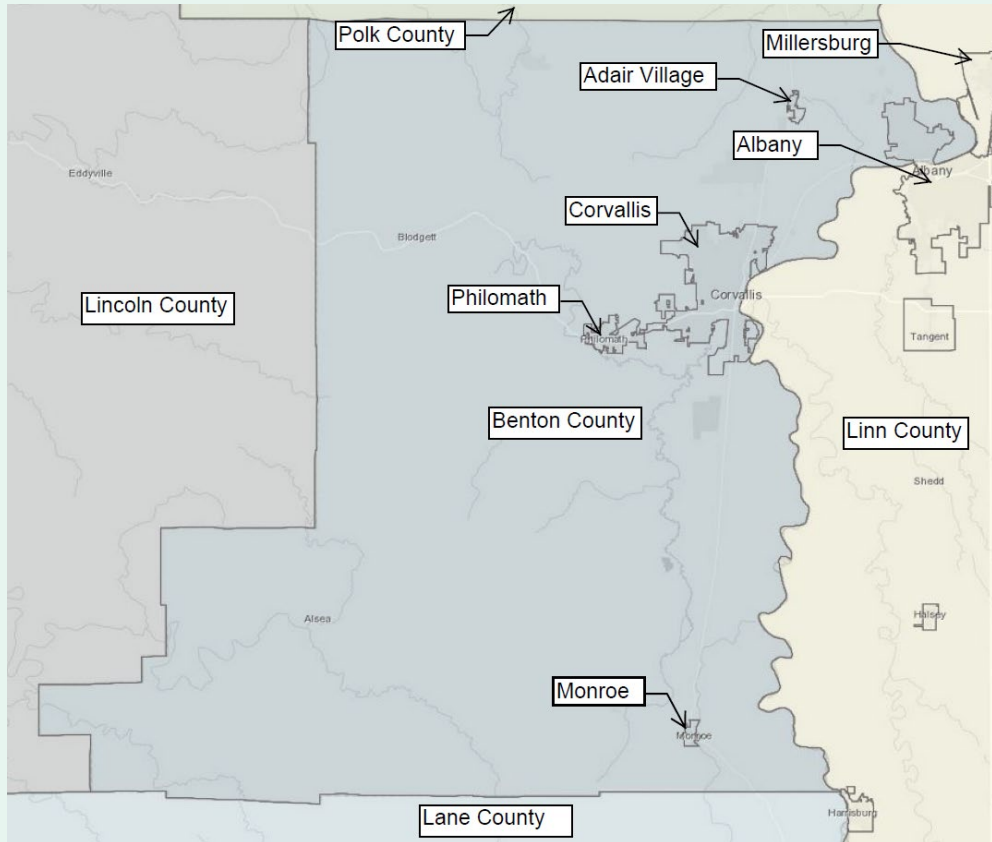


- City of Hillsboro **is adjacent** to:
 - Washington County
 - City of Beaverton
- City of Hillsboro **is not adjacent** to:
 - City of Cornelius
 - Any other cities in Washington County

RULES UPDATE

INTERJURISDICTIONAL HOME DELIVERY

- Example: Benton County



- Benton County **is adjacent** to:
 - Lane County, Lincoln County, Linn County, and Polk County.
 - The Cities of Adair Village, Corvallis, Monroe, and Philomath (entirely within Benton County).
 - The City of Albany (partly within Benton County)
 - The City of Millersburg (city limit directly touches Benton County)
- Benton County **is not adjacent** to any other cities in Lane, Lincoln, Linn, or Polk Counties (City of Harrisburg is close, but does not touch Benton County).

RULES UPDATE

INTERJURISDICTIONAL HOME DELIVERY

- Recap: A retailer can deliver to a residence in an adjacent jurisdiction only if that jurisdiction has **adopted an ordinance** allowing interjurisdictional deliveries.
- OLCC will maintain a list of cities and counties that adopt ordinances allowing for interjurisdictional deliveries, including a list of jurisdictions that are adjacent to each city or county that adopts such an ordinance.
- It is the retailer's responsibility to confirm which jurisdiction a residence is in before delivering to it.
 - Whether the residence is located within the city limits of a city or in an unincorporated area of a county matters.
 - The city name in an address **does not** mean it is located in that city.
- Retailers can continue to make deliveries to OMMP cardholders at a residence anywhere in Oregon, regardless of the jurisdiction where it is located.
- Retailers should be aware of local time, place, and manner regulations in any jurisdiction that they deliver to.

RULES UPDATE

OTHER HOME DELIVERY CHANGES

- OAR [845-025-2880](#) & ORS 475C.117 (2021 [HB 2519](#))
- Retailers can have products worth up to \$10,000 out for delivery at one time (previous limit was \$3,000).
- Law and rules reiterate that anyone delivering marijuana must have a worker permit (this was already effectively required).
- Delivery drivers must be capable of communicating with the retailer while making deliveries.
- Delivery vehicles must be equipped with an active GPS.
- Delivery vehicles must not have any markings or signage that indicate the vehicle is delivering marijuana; vehicles may continue to have markings or signage that include trade name or branding.

RULES UPDATE

DAILY SALES LIMITS

- OAR [845-025-2800](#)(4)

(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) Five grams of cannabinoid extracts or concentrates;

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

(F) Four immature marijuana plants; and

(G) 10 marijuana seeds.

RULES UPDATE

DAILY SALES LIMITS

- Two changes:
- Retailers may now sell two ounces of usable marijuana per adult use consumer per day (previous limit was one ounce).
- The limit on sales of cannabinoid concentrates or extracts was simplified to:
 - “Five grams of cannabinoid extracts or concentrates”.
 - Previous limit specified “Five grams of cannabinoid extracts or concentrates, *whether sold alone or contained in an inhalant delivery system or combined with usable marijuana*”.
 - Products that combine a concentrate or extract with usable marijuana are already covered by the limit on “cannabinoid products intended for inhalation”; this change just removed redundant language.

RULES UPDATE

CANNABINOID PRODUCTS INTENDED FOR INHALATION

- How do these limits impact vapes, infused pre-rolls, etc.?
 - The limits for cannabinoid products intended for inhalation have not changed; the rule change eliminates potential overlap with the daily sales limit for concentrates or extracts.
- A quick refresher on marijuana item categories: The following categories are mutually exclusive:
 - Usable marijuana
 - Cannabinoid concentrate
 - Cannabinoid extract
 - Cannabinoid product
- “Cannabinoid product” includes any marijuana item that is not usable marijuana by itself, a concentrate by itself, or an extract by itself.

RULES UPDATE

CANNABINOID PRODUCTS INTENDED FOR INHALATION

- Any combination of two or more of the following is a cannabinoid product:
 - Usable marijuana
 - Cannabinoid concentrate
 - Cannabinoid extract
 - Other ingredients (including hemp ingredients)

<i>Combined with</i>	Usable Marijuana	Cannabinoid Concentrate	Cannabinoid Extract	Other Ingredients
Usable Marijuana	Usable Marijuana	Cannabinoid Product	Cannabinoid Product	Cannabinoid Product
Cannabinoid Concentrate	Cannabinoid Product	Cannabinoid Concentrate	Cannabinoid Product	Cannabinoid Product
Cannabinoid Extract	Cannabinoid Product	Cannabinoid Product	Cannabinoid Extract	Cannabinoid Product
Other Ingredients	Cannabinoid Product	Cannabinoid Product	Cannabinoid Product	Not a marijuana item

RULES UPDATE

CANNABINOID PRODUCTS INTENDED FOR INHALATION

- Looking at the Metrc categories, as listed in the [Categorization Guide](#):
- A concentrate should always be recorded in Metrc as a “Concentrate”.
- An extract should always be recorded in Metrc as an “Extract”.
- The following categories fall under the umbrella of cannabinoid products intended for inhalation:
 - “Infused Pre-rolls”
 - “Inhalable Cannabinoid Product with Non-cannabis Additives”
 - “Combined Category”:
 - This is the only category where the retailer needs to look at what the item is. If intended for inhalation, it counts toward the “cannabinoid products intended for inhalation” total.

RULES UPDATE

CANNABINOID PRODUCTS INTENDED FOR INHALATION

- There isn't a single five gram limit that applies across the board to inhalable marijuana items. There are two separate five gram limits:
 - Five grams of inhalable cannabinoid products (not including a concentrate by itself or an extract by itself).
 - Five grams of concentrates or extracts (whether intended for inhalation or not).
- For example, a consumer could buy:
 - Two infused pre-rolls with a net weight of 1.5 g each;
 - Two 1 g "combined category" vape cartridges;
 - Two grams of cannabinoid concentrate; and
 - Three 1 g cannabinoid extract vape cartridges
- This adds up to five grams of cannabinoid products intended for inhalation ($1.5 + 1.5 + 2 = 5$) and five grams of concentrate or extract ($2 + 3 = 5$).

RULES UPDATE

THC LIMITS FOR MARIJUANA ITEMS

- OAR [845-026-0210](#)
(adult use limits)

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	Before April 1, 2022: 5 mg On or after April 1, 2022: 10 mg	Before April 1, 2022: 50 mg On or after April 1, 2022: 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 Concentrates or Extracts	N/A	2,000 mg
Cannabinoid Products Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Not Intended for Human Consumption	N/A	1,000 mg
Cannabinoid Products Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Intended for Human Consumption; or Cannabinoid Suppositories	Before April 1, 2022: 5 mg On or after April 1, 2022: 10 mg	Before April 1, 2022: 5 mg On or after April 1, 2022: 10 mg

RULES UPDATE

THC LIMITS FOR MARIJUANA ITEMS

- Concentration Limit Changes in OAR [845-026-0210](#) :
 - THC limits for edibles and other cannabinoid products intended for human consumption increasing to 10 mg per serving and 100 mg per container on April 1, 2022.
 - Solid edibles exceeding 55 mg THC per container that are capable of being scored must be scored.
 - **Until April 1, 2022, retailers may not sell edibles that exceed 5 mg THC per serving or 50 mg THC per container.**
 - THC limits for concentrates and extracts increased to 2,000 mg per container (previous limit was 1,000 mg).
 - THC limits for transdermal patches increased to 10 mg per serving and 100 mg per container.

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- OAR [845-026-0210](#)

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	Before April 1, 2022: 5 mg On or after April 1, 2022: 10 mg	Before April 1, 2022: 50 mg On or after April 1, 2022: 100 mg

- Starting on April 1, 2022, edibles with up to 10 mg THC per serving and 100 mg THC per container may be sold to consumers.
- Processors may begin manufacturing and testing these items prior to April 1, 2022. [See Information Bulletin 2022-01 for more information.](#)

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Licensees may provide trade samples of 100mg THC edibles to other licensees before to April 1, 2022 as long as the applicable requirements are met in OAR [845-025-1330](#).
- Licensees can provide trade samples of marijuana edibles (in rule these are “cannabinoid products”) that have been transported in accordance with OAR [845-025-7700](#), have been tested according to OHA’s testing rules, and meet certain labeling requirements.
- A licensee may supply to an individual recipient licensee, in aggregate, 5 units of sale per cannabinoid product line and no more than 6 individual cannabinoid product lines in a calendar month.
- Review OAR [845-025-1330](#) for the specific trade sample requirements.



RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Scoring Requirement: OAR [845-026-0210\(3\)](#)

(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.

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Any solid edible that contains more than 55 mg THC in the container must be scored if it is capable of being scored.
- There is a **very** limited exception to the scoring requirement for edibles that cannot be scored due to their texture or consistency. Examples include a viscous solid like honey or a powder.
- Edibles that are under 55 mg THC in the container are “status quo” for scoring (they may be scored, a measuring device can be provided, or a serving diagram on the label may be used).
- Medical edibles are not required to be scored because there is no serving size limit. They may be scored, a measuring device can be provided, or a serving diagram may be used (if the processor suggests multiple servings).

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Definition of “scored” in OAR [845-026-0100](#)(45)

(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.

- Key aspects of this definition:
 - Permanent physical demarcation;
 - Intuitively determine how much is a single serving; and
 - Easily physically separate by hand or with a knife.

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Examples of marijuana edibles that are scored:



RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Examples of what would not be “scored”:
 - Scoring marks using frosting, sprinkles, fudge, etc. (not permanent);
 - Score marks on the underside of an edible (not intuitive);
 - Score marks that are “fanciful” (not intuitive);
 - Score marks that will fade over time (not permanent);
 - Score marks that are uneven or inconsistent (inaccurate servings);
 - A paper serving diagram included in the package (not permanently physically demarked); and
 - Score marks that may be technically accurate, but a consumer could not use their hands or a knife to achieve accurate and consistent servings due to the physical nature of the product such as a hard candy (inaccurate servings).



* This is not an exhaustive list.

RULES UPDATE

100 MG THC EDIBLES – APRIL 1, 2022

- Packaging and Labeling:
 - OLCC is currently accepting and approving label applications for 100mg THC edibles, these **cannot be sold** until on and after April 1, 2022.
 - The application must be accompanied by clear and accurate pictures of the edible.
 - Licensees are ultimately responsible for ensuring their edibles comply with the applicable requirements.
 - Licensees with existing approved 50mg THC edible labels may amend their existing application with 100mg THC edible labels.
 - Licensees with approved 50mg THC edible labels will likely need to resubmit their labels for pre-approval because many changes to these labels will require resubmission and pre-approval. See OAR [845-025-7160\(8\)](#).



RULES UPDATE

PACKAGING & LABELING UPDATES

- OAR [845-025-7020](#) was amended to no longer require child resistant packaging for usable marijuana and hemp (this includes “plain” pre-rolls). Usable hemp and marijuana may still be placed in child resistant containers.
- Consumers and patients may bring their own containers that are not child resistant for purchasing usable with the following caveats: the container must be clean and not impart any toxic or deleterious substances to the usable marijuana, the old label must be removed, and the container is compliantly labeled.
- It is still “status quo” for all other marijuana and hemp items. If the container holding the marijuana or hemp item is not child resistant and continuously resealable, it must be placed in an exit bag at the point of sale.
- Licensees must accurately associate the package they are using with their label application and may need to update existing approved labels with a new container.

RULES UPDATE

PACKAGING & LABELING UPDATES

- Containers that have certain dimensions must have principal display panel on the top of the lid. This requirement is mandatory on and after July 1, 2022 for generic labels and labels subject to pre-approval. This requirement primarily applies to small jars that hold extracts or concentrates. See OAR [845-025-7030\(3\)](#).
- A wholesaler or retailer with an approved usable marijuana label may now change the producer's name and license number without resubmission and pre-approval. See OAR [845-025-7160\(8\)](#).
- Beginning July 1, 2022 all marijuana and hemp items containing artificially derived cannabinoids allowed by rule must have an approved label disclosing the presence of the artificially derived cannabinoid. See OAR [845-025-7145](#).



RULES UPDATE

THC LIMITS FOR HEMP ITEMS AT OLCC RETAILERS

- OAR [845-025-2760](#) (limits for hemp items **in the OLCC system**)

THC CONCENTRATION LIMITS FOR INDUSTRIAL HEMP AND HEMP ITEMS			
Category of Hemp or Hemp Item	Maximum Amount of Total Delta-9-THC Per Serving	Maximum Amount of Total Delta-9-THC per Container	Maximum Concentration of Total Delta-9-THC
Harvested Industrial Hemp	N/A	NA	1%
Usable Hemp	N/A	NA	1%
Hemp Concentrates or Extracts	N/A	100 mg	5%
Hemp Cannabinoid Product – Tincture	N/A	100 mg	1%
Hemp Cannabinoid Product – Topical	N/A	NA	0.3%
Hemp Cannabinoid Products Other than Tinctures or Topicals	2 mg	20 mg	1%

(for hemp items outside the OLCC system, see OARs [845-026-0300](#) and [845-026-0400](#))

RULES UPDATE

THC LIMITS FOR HEMP ITEMS AT OLCC RETAILERS

- Changes:
 - THC limit for hemp edibles (and hemp cannabinoid products other than tinctures or topicals) increased to 2 mg per serving and 20 mg per container (previous limit was 1 mg per serving and 10 mg per container)
 - THC limit for hemp tincture, hemp concentrates, and hemp extracts increased to 100 mg per container (previous limit was 50 mg)
 - THC limit for hemp tinctures increased to 100 mg per container.
 - THC limit for topicals changed to 0.3% (previous limit was 10 mg per container; for products weighing more than 3.3 g, this change is an increase)
- These changes are generally in line with limits for hemp products outside the OLCC system.
- Main difference from limits outside the OLCC system is that products in the OLCC system may sometimes exceed 0.3% THC.

RULES UPDATE

HEMP ITEM DAILY SALES LIMITS

- There are no daily sales limits for hemp items. However:
- A retailer may only sell hemp items to a “consumer.”
- A consumer is someone who is purchasing the items “other than for the purpose of resale.” E.g. for personal use, or to share with friends.
- Equivalent to alcohol: There is no limit on the amount of beer and wine a person can buy from a grocery store, but the grocery store cannot wholesale alcohol under their retail license.
- If someone wants to purchase hemp items in bulk for the purpose of resale or further commercial processing, they can receive bulk hemp items directly from a processor who has a hemp endorsement.

RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- What is an artificially derived cannabinoid (ADC)? OAR [845-025-1015\(3\)](#)
 - (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; or
 - (C) Any other chemical substance identified by the commission, in consultation with the authority and the department, by rule.

RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- What is an artificially derived cannabinoid (ADC)? OAR [845-025-1015\(3\)](#)
- Key feature is how it's made: "by a chemical reaction that changes the molecular structure of any chemical substance derived from" cannabis.
- May or may not be intoxicating.
- May or may not also occur naturally in cannabis.
- Does not include decarboxylation or other changes that occur with heat or age without the addition of reagents.
- Examples of substances that are commonly created as artificially derived cannabinoids:
 - Δ^8 -THC; CBN; Δ^8 -THC-O-acetate; Δ^9 -THC-O-acetate; HHC

RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- Prohibitions on transferring ADCs: OAR [845-025-1310](#)(1)
- Licensees may only transfer an ADC or a product containing an ADC if:
 - The ADC is not a controlled substance in Oregon; **and**
 - The ADC was manufactured by an OLCC Processor or ODA Hemp Handler; **and**
 - The ADC was manufactured in a facility with an ODA food safety license; **and**
 - The ADC is not intended for inhalation; **and**
 - The ADC is non-intoxicating; **and**
 - The ADC also occurs as a natural component of cannabis (as reported in at least three peer-reviewed publications); **and**
 - The manufacturer of the ADC has submitted a New Dietary Ingredient (NDI) notification to FDA and received a “no objections” response **or** made a GRAS determination (either self-affirmed or acknowledged by FDA).
- There are two limited exceptions to this prohibition.



RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- Sell-through for existing products containing artificially derived cannabinoids. OAR [845-025-1310](#)(4)
- **Until July 1, 2022** licensees may continue to process and sell products containing ADCs if:
 - The ADC was manufactured by a processor or received from a Commission-certified hemp handler before January 1, 2022.
 - The processing of the ADC did not violate OLCC rules.
 - For example, converting CBD into delta-8-THC, THC-O-acetate, or hexahydrocannabinol violates OAR [845-025-3220](#)(3), which prohibits treating marijuana items with a substance that increases the potency.
- On and after July 1, 2022, products containing ADCs can no longer be transferred or sold to consumers unless the product complies with the general ADC requirements (previous slide), or the ADC is CBN and the product complies with the exemption for certain CBN products (next slide).



RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- Exception for certain CBN products. OAR [845-025-1310](#)(3)
- Some marijuana products and hemp products are made with cannabitol (CBN) that is created synthetically from CBD or THC derived from cannabis.
- **Until July 1, 2023**, these products can continue to be sold as long as:
 - The CBN is not a controlled substance in Oregon; **and**
 - The CBN was manufactured by an OLCC Processor or ODA Hemp Handler; **and**
 - The CBN was manufactured in a facility with an ODA food safety license; **and**
 - The product is not intended for inhalation.
- Beginning July 1, 2022, these products must have an approved label that complies with OAR [845-025-7145](#).
- After July 1, 2023, products containing artificially-derived CBN must comply with the normal ADC requirements in OAR [845-025-1310](#)(1).



RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- Artificially derived cannabinoid labeling requirements. OAR [845-025-7145](#)

On or after July 1, 2022, a label for a marijuana or hemp item that contains an artificially derived cannabinoid allowed by OAR 845-025-1310 must comply with the following requirements:

(1) In addition to the requirements of OAR 845-025-7000 through 845-025-7190, the product identity must clearly identify that the product contains an artificially derived cannabinoid and must include the words “artificially derived cannabinoid.”

(2) If these rules require the label for the marijuana or hemp item to list the ingredients, the ingredient listing must identify any artificially derived cannabinoid by its full name and use the words “artificially derived” in the description of the specific ingredient.

- ADC labels cannot be a “generic label.” OAR [845-025-7000\(22\)\(b\)\(B\)](#)

(22) “Generic label”

(b) Does not mean:

(B) A label for a marijuana 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.

RULES UPDATE

ARTIFICIALLY DERIVED CANNABINOIDS

- Beginning July 1, 2022, **all products** containing ADCs, including CBN, must have an approved label that complies with OAR [845-025-7145](#).
- On and after July 1, 2022, retailers cannot sell an ADC-containing product to a consumer unless it complies with these labeling requirements.
- On and after July 1, 2022, products containing ADCs **cannot use a generic label.**
- The label must disclose that the product contains an ADC:
 - Must include the words “artificially derived cannabinoid” in the product identity.
 - If the item type requires an ingredient list, the ingredient listing must identify any artificially derived cannabinoid by its full name and use the words “artificially derived” in the description of the specific ingredient.

RULES UPDATE

WHAT THIS MEANS FOR CRC

- This is **not** a blanket ban on CRC processing. However, this does prohibit artificially derived cannabinoids except as allowed under OAR [845-025-1310](#).
- If a processor runs an extract or concentrate through CRC under conditions that create artificially derived cannabinoids such as Δ^{10} -THC or Δ^{6a} -THC, the resulting extract or concentrate is subject to the new limitations on ADCs.
- It is a processor's responsibility to understand and be familiar with the outputs of their processes.
- Ordinary purification methods with inert materials that do not react with cannabinoids or catalyze reactions with cannabinoids are still permitted. The new rules only place restrictions on products containing ADCs.
- The same applies to other decolorization or purification processes: If the process creates ADCs, it is subject to OAR [845-025-1310](#).

RULES UPDATE

RETAILER TRANSFER PRIVILEGES

- Retailers may now transfer marijuana items to and from another retailer under “common ownership.” OAR [845-025-2800](#)(2)(d)(H)
 - 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 that have a financial interest or management responsibilities for an additional license or licenses.”
OAR [845-025-1015](#)(21).
- Retailers may now transfer marijuana seeds directly to producers.
OAR [845-025-2800](#)(2)(b)(C)
 - These transfers must be performed as a “licensed transfer” in Metrc.

RULES UPDATE

TRANSPORTATION

- OAR [845-025-7700](#)(1)(a)
- Marijuana items, or hemp items subject to the marijuana transportation rules, being transferred between licensed premises may be transported by:
 - A licensee or licensee representative of the originating license **or another license under common ownership**;
 - A licensee or licensee representative of the receiving license; or
 - A wholesale licensee or wholesale licensee representative on behalf of the originating or receiving licensee.
- 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 that have a financial interest or management responsibilities for an additional license or licenses.”
OAR [845-025-1015](#)(21).

RULES UPDATE

HELPFUL LINKS

- Helpful links:
 - OLCC Website: <https://marijuana.oregon.gov/>
 - OLCC Public Meetings:
https://www.oregon.gov/olcc/pages/public_meetings.aspx
 - GovDelivery:
https://public.govdelivery.com/accounts/OLCC/subscriber/new?topic_id=OLCC_14
 - OAR 845 Division 25:
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873>
 - OAR 845 Division 26:
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=6492>
 - ORS 475C:
https://www.oregonlegislature.gov/bills_laws/ors/ors475C.html



RULES UPDATE

MORE QUESTIONS?

- Questions for OLCC about...
 - Marijuana compliance: OLCC.Marijuana@oregon.gov
 - Marijuana licensing: Marijuana.Licensing@oregon.gov
 - Packaging & labeling: Marijuana.Packaging@oregon.gov
 - Testing: OLCC.Labs@oregon.gov
 - Hemp: OLCC.Hemp@oregon.gov
 - Rulemaking: OLCC.Rulemaking@oregon.gov
 - Metrc questions:
 - support@metrc.com / 877-566-6506
 - Marijuana.CTS@oregon.gov

