

## For your information

### The Oregon Liquor Control Commission has:

Amended  
 Adopted  
 Suspended

**OAR 845-025-2750**  
**PERMANENT**

Effective Date: February 1, 2020

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

#### **845-025-2750**

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

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

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

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

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

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

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

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

(B) Has been tested for potency in accordance with OAR 333-007-0430, notwithstanding whether a test for potency would be required for usable marijuana; and

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

(b) May only transfer industrial hemp from the location identified in the application under OAR 845-025-2700(2)(c);

(c) Must:

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

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

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

(D) Transport industrial hemp in compliance with the requirements for **a licensee transporting** marijuana items under OAR 845-025-7700~~(2)~~, **(3)(a) - (2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D)**, ~~(5) - (16)~~; and

(d) May not transfer:

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

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

(C) Any living industrial hemp plants; or

(D) Industrial hemp seed.

(4) Failed potency testing; remediation.

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

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

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

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

(C) Either:

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

(ii) Destroy the batch of industrial hemp that failed potency testing in a manner specified by the Commission.

(c) A Commission-certified hemp grower may not transfer, sell, or transport industrial hemp that fails potency testing other than as provided in these rules.

Statutory/Other Authority: ORS 475B.025

Statutes/Other Implemented: ORS 475B.025, ORS 571.336 & **ORS 571.336**