

For your information

The Oregon Liquor Control Commission has:

Amended
 Adopted
 Suspended

OAR 845-025-2755
PERMANENT

Effective Date: February 1, 2020

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

845-025-2755

Industrial Hemp Handler Certificate Privileges; Prohibitions

- (1) A Commission-certified hemp handler may deliver industrial hemp or hemp items to a processor, wholesaler, or retailer that holds a license issued under ORS 475B.090, 475B.100, or 475B.105 in accordance with this rule.
- (2) If transferring, selling or transporting to a Commission licensee, a Commission-certified hemp handler may only:
- (a) Transfer, sell, or transport harvested industrial hemp or hemp items to a processor licensed under ORS 475B.090 that holds an industrial hemp endorsement;
 - (b) Transfer, sell, or transport harvested industrial hemp or hemp items to a wholesaler licensed under ORS 475B.100; or
 - (c) Transfer, sell, or transport hemp items to a retailer licensed under ORS 475B.105.
- (3) When transferring, selling, or transporting pursuant to subsection (2) of this rule a Commission-certified hemp handler:
- (a) May only transfer, sell, or transport industrial hemp and hemp items that:
 - (A) Have been tested in accordance with the Authority's rules for testing the equivalent marijuana item in OAR 333-007-0300 to 333-007-0500 and OAR 333, division 64;

(B) Have been tested for THC and CBD concentration in accordance with OAR 333-007-0430, notwithstanding whether a test for potency would be required for the equivalent marijuana item; 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 or hemp items from the location identified in the application under OAR 845-025-2705(2)(c).

(c) Must:

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

(B) Provide the licensee a copy of any test result conducted on the industrial hemp or hemp items. 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 or hemp items in compliance with the requirements for **a licensee transporting** marijuana items under OAR 845-025-7700~~(3)(a)~~ **(2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D).**

(d) May not transfer to a licensee:

(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 that exceeds the THC limits specified in OAR 845-025-2760;

(C) Any hemp item that exceeds the THC limits specified in OAR 845-025-2760;

(D) Any living industrial hemp plants; or

(E) Industrial hemp seed.

(4) Failed potency testing; remediation.

(a) If a batch of industrial hemp or hemp items 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 or hemp items fails potency testing, the Commission-certified hemp handler 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) For each batch of industrial hemp or hemp items that fails potency testing, the Commission-certified hemp handler must:

(A) Process the batch into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760;

(B) Transfer the batch 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

(C) Destroy the batch in a manner specified by the Commission.

(d) A Commission-certified hemp handler may not transfer, sell, or transport:

(A) Any hemp item derived from a batch of industrial hemp or hemp items that failed potency testing except to a licensee or laboratory licensee as provided in these rules.

(B) Industrial hemp that fails potency testing other than as provided in these rules.

(5) Equivalent marijuana items. For the purposes of this rule:

(a) Cannabinoid capsule as defined in OAR 603-048-2310 is equivalent to cannabinoid capsule as defined in OAR 333-007-0310.

(b) Cannabinoid product as defined in OAR 603-048-2310 is equivalent to cannabinoid product as defined in OAR 333-007-0310.

(c) Harvested industrial hemp is equivalent to usable marijuana as defined in OAR 333-007-0310.

(d) Hemp concentrate or extract as defined in OAR 603-048-2310 is equivalent to cannabinoid concentrate or extract as defined in OAR 333-007-0310.

(e) Hemp edible as defined in OAR 603-048-2310 is equivalent to cannabinoid edible as defined in OAR 333-007-0310.

(f) Hemp stalk as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

(g) Hemp tincture as defined in OAR 603-048-2310 is equivalent to cannabinoid tincture as defined in OAR 333-007-0310.

(h) Hemp topical as defined in OAR 603-048-2310 is equivalent to cannabinoid topical as defined in OAR 333-007-0310.

(i) Hemp transdermal patch as defined in OAR 603-048-2310 is equivalent to cannabinoid transdermal patch as defined in OAR 333-007-0310.

(j) Usable hemp as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

Statutory/Other Authority: ORS 475B.025

Statutes/Other Implemented: ORS 571.336 & **ORS 571.336**

845-025-2760

THC Concentration Limits for Industrial Hemp and Hemp Items

(1) This rule applies to:

(a) Commission-certified hemp growers and Commission-certified hemp handlers transferring industrial hemp or hemp items to licensees;

(b) Licensees receiving industrial hemp or industrial hemp items from licensees, Commission-certified hemp growers, or Commission-certified hemp handlers; and

(c) Retailers selling, transferring, or delivering hemp items to a consumer, patient, or primary caregiver in accordance with OAR 845-025-2800.

(2) For the purposes of this rule:

(a) "Total THC" means the amount or percentage of THC as calculated pursuant to OAR 333-064-0100.

(b) "Container" has the meaning given that term in OAR 845-025-7000.

(c) "Serving" has the meaning given that term in OAR 845-025-7000.

(3) Concentration, serving size, and container limits.

(a) Harvested industrial hemp or a hemp item must be tested by a laboratory using a method with a LOQ capable of detecting whether a sample exceeds any applicable concentration, serving size, or container limit separately for delta-9-THC and for the total THC equivalent of delta-9-THCA.

~~(b)~~ **(b)** Harvested industrial hemp may not exceed a concentration of one percent total THC.

~~(c)~~ **(c)** A hemp item other than a hemp concentrate or extract as defined in OAR 603-048-2310 may not exceed a concentration of one percent total THC.

~~(d)~~ **(d)** A hemp concentrate or extract as defined in OAR 603-048-2310 may not exceed a concentration of five percent total THC.

~~(d)~~ **(e)** A hemp item other than usable hemp or a hemp concentrate, extract, or tincture may not exceed 10 milligrams total THC in a container. **A hemp concentrate, extract, or tincture may not exceed 50 milligrams total THC in a container.**

~~(e)~~ **(f)** A hemp item other than a hemp tincture that is intended for human consumption may not exceed one milligram total THC per serving.

Statutory/Other Authority: ORS 475B.025

Statutes/Other Implemented: ORS 571.336 & **ORS 571.336**