

For your information

The Oregon Liquor Control Commission has:

- Amended
 Adopted
 Suspended

OAR 845-025-2760 **PERMANENT**

Effective Date: February 1, 2020

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

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.

~~(e)~~ **(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.**

~~(f)~~ **(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**

845-025-2785

Licensee Industrial Hemp Privileges; Requirements

(1) A processor with an industrial hemp endorsement may transfer, sell, transport, purchase, possess, accept, return, or receive industrial hemp and hemp items in accordance with OAR 845-025-3215.

(2) A wholesaler may transfer, sell, transport, purchase, possess, accept, return, or receive industrial hemp and hemp items in accordance with OAR 845-025-3500.

(3) A retailer may:

(a) Transfer, sell, transport, purchase, possess, accept, return, or receive hemp items in accordance with OAR 845-025-2800.

(b) Sell, transfer, or deliver hemp items to a consumer, patient, or designated primary caregiver in accordance with all requirements for selling or transferring marijuana items.

(4) A licensee may only receive industrial hemp and hemp items from a Commission-certified hemp grower or Commission-certified hemp handler if:

(a) The industrial hemp or hemp item does not exceed the THC limits specified in OAR 845-025-2760;

(b) The licensee receives a copy of any test result conducted on the industrial hemp or hemp item as a condition of receipt. Test results include, but are not limited to, any pre-harvest test result conducted under OAR 603-048-0600 and any results from quality control and research and development testing conducted under OAR 333-007-0500; and

(c) The licensee complies with any applicable requirements of ORS 571.305 to ORS 571.348 or any rules adopted thereunder.

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

(a) Delivered to a licensed marijuana retailer or wholesaler, or to a processor with an industrial hemp endorsement in compliance with all rules for delivering marijuana;

(b) 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) Were entered into and tracked by CTS prior to receipt.

(6) Licensees must track industrial hemp or any hemp item using CTS in the same manner that they track marijuana items.

(7) 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, delivered, or manufactured by a licensee **or laboratory licensee** unless specifically excluded by these rules.

(8) A laboratory licensee must comply with all of the requirements of OAR 845-025-5045 when performing sampling or testing of industrial hemp or hemp items entered in CTS by a processor, wholesaler, retailer, Commission-certified hemp grower, or Commission-certified hemp handler in accordance with OAR 845-025-2775.

(9) A licensee **or laboratory licensee** may not:

(a) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item other than as provided in this rule;

(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760;

(c) Transfer, sell, transport, purchase, possess, accept, or receive hemp items that exceeded 0.3 percent THC when imported into the state;

(d) Purchase, possess, or receive any industrial hemp that has failed the testing described in OAR 603-048-0600 to 603-048-0650; or

(e) Plant, propagate, cultivate, grow or harvest industrial hemp within their licensed premises.

Statutory/Other Authority: ORS 475B.025

Statutes/Other Implemented: 475B.090, ORS 475B.299, ORS 571.336, ORS 571.336 & **ORS 571.336**