

For your information

The Oregon Liquor Control Commission has:

- Amended
- Adopted
- Suspended

OAR 845-025-2800 **PERMANENT**

Effective Date: February 1, 2020

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

845-025-2800

Retailer Privileges; Prohibitions

- (1) A retailer is authorized to sell, transfer or deliver a marijuana item or hemp 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 and hemp items from the licensed premises to a consumer 21 years of age or older;
 - (b) Sell, transfer or deliver:
 - (A) Marijuana items or hemp items 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 or hemp items to a patient or designated primary caregiver between ages 18-21, so long as:
 - (i) The registry identification cardholder 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) Hemp waste to a wholesaler, processor with an industrial hemp endorsement, or research certificate holder.

(c) Accept or make returns, as long as the retailer:

(A) Only accepts or returns usable marijuana, marijuana items, hemp items, immature marijuana plants and seeds;

(B) Only accepts or returns eligible items listed in subsection (A) of this section from either the original licensee that supplied the item or the customer or registry identification cardholder that purchased or was given the item;

(C) Accurately records the transaction in the CTS; and

(D) Does not resell any items returned by customers.

(d) Purchase, possess or receive:

(A) Usable marijuana, immature marijuana plants, seeds, **and kief** from a producer or from a research certificate holder;

(B) Cannabinoid concentrates from a micro tier producer with a concentrate endorsement issued under OAR 845-025-2025;

~~(B)~~ **(C)** 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)~~ **(D)** Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;

~~(D)~~ **(E)** Any marijuana item from a laboratory **licensee**;

(F) Trade samples as allowed by 845-025-1330;

~~(E)~~ **(G)** 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;

~~(F)~~ **(H)** Hemp items from a Commission-certified hemp handler, a wholesaler, a laboratory licensee, or a processor with an industrial hemp endorsement; and

~~(G)~~ **(I)** Hemp 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 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 333-007-0500;

(g) Accept returned marijuana items or hemp 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; and

(h) Sell marijuana items for medical purposes, as long as the retailer follows the provisions set forth in 845-025-2900.

(3) Hemp items sold, transferred, or delivered under subsection (2) of this rule must have been received from a Commission-certified hemp handler, a processor with an industrial hemp endorsement, a wholesaler, or a retailer owned by the same or substantially the same persons in accordance with these rules.

(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) One ounce 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, whether sold alone or contained in an inhalant delivery system or combined with usable marijuana;

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

(F) Four immature marijuana plants; and

(G) Ten marijuana seeds.

(b) Knowingly provide more than the following amounts to registry identification cardholders or designated primary caregivers:

(A) 8 ounces of usable marijuana at any one time or within one day per patient; and

(B) No more than 32 ounces in one calendar month per patient.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any hemp item that exceeds the THC limits specified in OAR 845-025-2760 unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A retailer licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019.

- (d) Provide free marijuana items to a recreational consumer.
- (e) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
- (f) Sell or give away any non-marijuana items, including hemp items, that are attractive to minors as defined by these rules.
- (g) 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 or hemp items.
- (h) Sell a marijuana item at a nominal price for promotional purposes.
- (i) 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.
- (j) Permit a licensed representative to handle an unpackaged marijuana item or hemp 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.
- (k) Sell or transfer a returned marijuana item or hemp item to another consumer.
- (l) Sell, transfer, deliver, purchase, possess, accept, return or receive any marijuana item or hemp item other than as provided in this rule.
- (m) Permit a consumer to open or alter a package containing a marijuana item or hemp item or otherwise remove a marijuana item or hemp item from packaging required by these rules within the licensed premises or in an area that the licensee controls.
- (n) Permit a consumer to bring marijuana items or hemp items onto the licensed premises except for being returned for refund or exchange as allowed by this rule.
- (o) Sell a marijuana item to an individual that exceeds the concentration limits in OAR 333-007-0210 and 333-007-0220.
- (p) Sell any item not allowed under OAR 845-025-3220 or any of the following items:
 - (A) Pet or animal food, treats, or other pet or animal products containing hemp or marijuana;
 - (B) Injectable marijuana or hemp items; or
 - (C) Any other marijuana items not meant for human consumption or use.

(q) Impose or collect a tax on the retail sale of a marijuana item to a patient or designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder.

(5) Notwithstanding section (2)(c)(B) of this rule, a retailer may transfer its entire inventory of marijuana items to a single wholesaler if all requirements in OAR 845-025-7700 are met.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.105

Statutes/Other Implemented: ORS 475B.025 & ORS 475B.105