

**OREGON LIQUOR CONTROL COMMISSION  
2021 MARIJUANA BILL AND TECHNICAL PACKAGE  
PROPOSED AMENDMENTS**

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

**845-025-1015**

**Definitions**

For the purposes of OAR 845-025-1000 to 845-025-8590 **and OAR 845-026-0100 to 845-026-4100** unless otherwise specified, the following definitions apply:

(1) "Added substance" means any component or ingredient added to usable marijuana, cannabinoid concentrate or cannabinoid extract during or after processing that is present in the final cannabinoid product, including but not limited to flavors, non-marijuana derived terpenes, and any substances used to change the viscosity or consistency of the cannabinoid product.

**(2) "Adult use cannabinoid" includes, but is not limited to, tetrahydrocannabinols, tetrahydrocannabinolic acids that are artificially or naturally derived, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, the optical isomers of delta-8-tetrahydrocannabinol or delta-9-tetrahydrocannabinol and any artificially derived cannabinoid that is reasonably determined to have an intoxicating effect.**

**(3)**~~(2)~~ "Adulterated" means to make a marijuana or hemp item impure by adding foreign or inferior ingredients or substances. A marijuana or hemp item may be considered to be adulterated if:

(a) In the Commission's judgment, it bears or contains any poisonous or deleterious substance in a quantity rendering the marijuana or hemp item injurious in a manner that may pose a risk to human health, including but not limited to tobacco or nicotine;

(b) It bears or contains any added poisonous or deleterious substance exceeding a safe tolerance if such tolerance has been established;

(c) It consists in whole or in part of any filthy, putrid, or decomposed substance, or otherwise is unfit for human consumption;

(d) It is processed, prepared, packaged, or is held under improper time-temperature conditions or under other conditions increasing the probability of contamination with excessive microorganisms or physical contaminants;

(e) It is processed, prepared, packaged, or held under insanitary conditions increasing the probability of contamination or cross-contamination;

(f) It is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health;

(g) Any substance has been substituted wholly or in part therefor;

(h) Damage or inferiority has been concealed in any manner; or

(i) Any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

**(4) “Artificially derived cannabinoid”**

**(a) 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) Includes but is not limited to:**

**(A) A cannabinoid manufactured by exposing a marijuana item or hemp item to chemical reagents, catalysts, reactants, or other reactive materials under conditions that cause a reaction that changes the molecular structure of a cannabinoid; or**

**(B) A cannabinoid manufactured by processing a marijuana item or hemp item through column chromatography using a reactive material such as bleaching clay in the stationary phase which results in a reaction that changes the molecular structure of a cannabinoid.**

**(c) 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;**

**(C) Cannabinoids that occur naturally in the plant Cannabis family Cannabaceae manufactured from a chemical substance derived from the plant Cannabis family Cannabaceae by mimicking or accelerating natural degradation process using only heat, light, pressure, air, or oxygen; or**

**(D) Any other chemical substance identified by the commission by rule, in consultation with the authority and the department.**

**(5)(3)** “Assign and affix a UID tag” means to designate a UID number to a marijuana item in CTS and to also physically attach the corresponding UID tag to a marijuana plant or a receptacle holding a marijuana item.

**(6)(4)** “Attractive to minors” means packaging, labeling and advertising that features:

(a) Cartoons;

(b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;

(c) Symbols or celebrities that are commonly used to market products to minors;

(d) Images of minors; or

(e) Words that refer to products that are commonly associated with minors or marketed by minors.

~~(7)(5)~~ "Authority" means the Oregon Health Authority.

~~(8)(6)~~ "Business day" means Monday through Friday excluding legal holidays.

~~(9)(7)~~ "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.

~~(10)(8)~~ "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

(b) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or

(c) A chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or

(d) Any other process identified by the Commission, in consultation with the Authority, by rule.

~~(11)(9)~~ "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

~~(12)(10)~~ "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by:

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;

(b) A chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or

(c) Any other process identified by the Commission, in consultation with the authority, by rule.

~~(13)(11)~~ Cannabinoid Product

(a) Means: a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers;

(b) Includes:

(A) Usable marijuana, cannabinoid extracts and cannabinoid concentrates that have been combined with an added substance; or

(B) Any combination of usable marijuana, cannabinoid extracts and cannabinoid concentrates.

(c) Does not include:

- (A) Usable marijuana by itself;
- (B) A cannabinoid concentrate by itself;
- (C) A cannabinoid extract by itself; or
- (D) Industrial hemp, as defined in ORS 571.~~300~~269.

~~(14)(12)~~ "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:

- (a) A non-potable solution consisting of at least 25% percent non-denatured alcohol, in addition to cannabinoid concentrate, extract or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion, that is exempt from the Liquor Control Act under ORS 471.035; or
- (b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; cannabinoid concentrate, extract or usable marijuana; and other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.

~~(15)(13)~~ "Cannabis Tracking System" or "CTS" means the system for tracking the transfer of marijuana items and other information as authorized by ORS 475B.177.

~~(16)(14)~~ "Commission-certified Hemp Grower" means a hemp grower certified by the Commission under OAR 845-025-2700 to deliver industrial hemp to processors or wholesalers.

~~(17)(15)~~ "Commission- certified Hemp Handler" means a hemp handler certified by the Commission under OAR 845-025-2705 to deliver industrial hemp or hemp items to processors, wholesalers, or retailers.

~~(18)(16)~~ "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit the following criteria:

- (a) The use of comically exaggerated features;
- (b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
- (c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

~~(19)(17)~~ "Common Ownership"

(a) 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.

(b) Does not mean the leasing of the property to another licensee at a commercially reasonable rate if there is no other financial interest in the other licensed business.

**(20)(18)** "Compliance transaction" means a single covert, on-site visit in which a Commission authorized representative poses as an authorized representative of a licensee or a consumer and attempts to purchase or purchases a marijuana item from a licensee, or attempts to sell or sells a marijuana item to a licensee.

**(21)(19)** "Container"

(a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed and any outer receptacle intended to display a marijuana item for ultimate sale to a consumer.

(b) Does not mean:

(A) Inner wrapping or lining;

(B) An exit package; or

(C) A shipping container used to transfer marijuana items or industrial commodities or products in bulk from one licensee or registrant to another.

**(22)(20)** "Contractor" means a person, other than a licensee representative, who temporarily visits the licensed premises to perform a service, maintenance or repair.

**(23)(21)** "Commission" means the Oregon Liquor-~~and Cannabis Control~~ Commission.

**(24)(22)** "Commissioner" means a member of the Oregon Liquor-~~and Cannabis Control~~ Commission.

**(25)(23)** "Consumer" means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purpose of resale.

**(26)(24)** "CTS Administrator" means a CTS user who may add, edit or disable access for other CTS users.

**(27)(25)** "CTS User" means an individual with online access to CTS.

**(28)(26)** "Date of Harvest" means the day the last mature marijuana plant in the harvest lot was harvested.

**(29)** "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

**(30)** "Delta-9-tetrahydrocannabinolic acid" or "delta-9-THCA" means (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-2-carboxylic acid.

**(31)** "Delta-8-tetrahydrocannabinol" or "delta-8-THC" means (6aR, 10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol.

**(32)(27)** "Designated primary caregiver" has the meaning given that term in ORS 475B.791.

**(33)(28)**(a) "Financial consideration" means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.

(b) "Financial consideration" does not include marijuana, cannabinoid products or cannabinoid concentrates that are delivered within the scope of and in compliance with ORS 475B.301.

~~(34)(29)~~ "Financial interest" means having an interest in an applicant, licensee, or laboratory licensee, such that the performance of the business causes, or is capable of causing, an individual, or a legal entity with which the individual is affiliated, to benefit or suffer financially.

(a) Financial interest includes but is not limited to:

(A) Receiving, as an employee or agent, out-of-the-ordinary compensation, either in the form of overcompensation or under compensation;

(B) Lending money, real property or personal property to an applicant, licensee, or laboratory licensee for use in the business that constitutes a substantial portion of the business cost or is lent at a commercially unreasonable rate;

(C) Giving money, real property or personal property to an applicant, licensee, or laboratory licensee for use in the business;

(D) Being the spouse or domestic partner of an applicant, licensee, or laboratory licensee. For purposes of this subsection, "domestic partners" includes adults who share the same regular and permanent address and would be financially impacted by the success or failure of the business as well as adults who qualify for a "domestic partnership" as defined under ORS 106.310; or

(E) Having an ownership interest as described in OAR 845-025-1045.

(b) Financial interest does not include any investment that the investor does not control in nature, amount or timing.

~~(35)(30)~~ "Elementary school"

(a) Means a learning institution containing any combination of grades kindergarten through 8.

(b) Does not mean a learning institution that includes only pre-kindergarten, kindergarten, or a combination of pre-kindergarten and kindergarten.

~~(36)(31)~~ "Flowering" means a marijuana plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.

~~(37)(32)~~ "Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient under ORS 475B.810.

~~(38)(33)~~(a) "Harvest" means the physical act of cutting or picking flowers or leaves from a marijuana plant or removing mature marijuana plants from the soil or other growing media.

(b) "Harvest" does not include pruning or removing waste material from a marijuana plant remaining in soil or other growing media.

**(39)(34)** "Harvest lot" means a specifically identified quantity of marijuana that is, cultivated utilizing the same growing practices and harvested within a 72 hour period at the same location and cured under uniform conditions.

**(40)(35)** "Harvested industrial hemp"

(a) Means industrial hemp that has been harvested, including:

(A) Industrial hemp that has not been processed in any form; and

(B) Industrial hemp that has been minimally processed, for purposes of transfer or storage including chopping, separating, or drying.

(b) Does not mean:

(A) Usable hemp as defined in OAR 603-048-2310;

(B) An industrial hemp commodity or product as defined in OAR 603-048-0010;

(C) Living industrial hemp plants; or

(D) Industrial hemp seed:

(i) That is part of a crop, as that term is defined in ORS 571.~~300~~**269**;

(ii) That is retained by a hemp grower for future planting;

(iii) That is agricultural hemp seed;

(iv) That is for processing into or for use as agricultural hemp seed; or

(v) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.

**(41)(36)** "Hemp Grower" means a person or entity that is **licensed** ~~registered~~ with the Oregon Department of Agriculture under ORS 571.~~305~~**281** to produce industrial hemp.

**(42)(37)** "Hemp Handler" means a person or entity that is **licensed** ~~registered~~ with the Oregon Department of Agriculture under ORS 571.~~305~~**281** to process industrial hemp into commodities, products or agricultural hemp seed.

**(43)(38)** "Hemp item"

(a) Means:

(A) Usable hemp as defined in OAR 603-048-2310;

(B) Hemp stalk as defined in OAR 603-048-2310;

(C) A cannabinoid product as defined in OAR 603-048-2310; or

(D) A hemp concentrate or extract as defined in OAR 603-048-2310.

(b) Does not mean:

(A) Industrial hemp processed through retting or other processing such that it is suitable fiber for textiles, rope, paper, hempcrete, or other building or fiber materials;

(B) Industrial hemp seed processed such that it is incapable of germination and processed such that is suitable for human consumption; or

(C) Industrial hemp seed pressed or otherwise processed into oil.

**(44)(39)** "Immature marijuana plant" means a marijuana plant that is not flowering.

**(45)(40)** "Intended for human consumption" means intended for a human to eat, drink, or otherwise put in the mouth but does not mean intended for human inhalation or human use.

**(46)(41)** "Intended for human use" means intended to be used by applying it to a person's skin or hair, inhalation or otherwise consuming the product except through the mouth.

**(47)(42)** "Inventory Tracking" means activities and documentation processes to track marijuana items from seed to sale, including establishing an accurate record from one marijuana item to another, in the cannabis tracking system.

**(48)(43)** "Industrial hemp" **has the meaning given that term in ORS 571.269.**

~~(a) Means all non-seed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.~~

~~(b) Means any Cannabis seed:~~

~~(A) That is part of a crop, as that term is defined in ORS 571.300;~~

~~(B) That is retained by a hemp grower for future planting;~~

~~(C) That is agricultural hemp seed;~~

~~(D) That is for processing into or for use as agricultural hemp seed; or~~

~~(E) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.~~

~~(c) Does not mean industrial hemp commodities or products or marijuana.~~

**(49) "Industrial hemp-derived vapor item" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269, whether alone or combined with non-cannabis additives that is intended for use in an inhalant delivery system.**

**(50)(44)** "Inhalable cannabinoid product" means a cannabinoid product or hemp cannabinoid product that is intended for human inhalation.



**(51) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.**

**(52)(45)** "Invited guests" means family member and business associates of the licensee, not members of the general public.

**(53)(46)** "Laboratory" means a laboratory certified by the Authority under ORS 438.605 to 438.620 and authorized to sample or test marijuana items for purposes specified in these rules.

**(54)(47)** "Laboratory licensee" means a laboratory licensed under ORS 475B.560 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).

**(55)(48)** "Licensee" means any person who holds a license issued under ORS 475B.070, 475B.090, 475B.100, or 475B.105 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).

**(56)(49)** "Licensee of record" means a licensee listed on the license certificate as a license holder for a producer, processor, wholesaler, retailer, or laboratory license. There will be more than one licensee of record for the same license if:

(a) The business is operated as a joint venture or other similar arrangement between two or more persons; or

(b) A person who qualifies as an applicant for the license has no direct or indirect ownership or control of any other licensee of record on the same license.

**(57)(50)** "Licensee representative" means an owner, director, officer, manager, employee, agent, or other representative of a licensee or laboratory licensee, to the extent that the person acts in a representative capacity.

**(58)(51)** "Limited access area" means a building, room, or other contiguous area on a licensed premises where a marijuana item is present, but does not include a consumer sales area on a licensed retailer premises.

**(59)(52)** "Limit of quantification" or "LOQ" means the minimum levels, concentrations, or quantities of a target variable, for example, an analyte that can be reported by a laboratory with a specified degree of confidence.

**(60)(53)** "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include:

(a) Industrial hemp, as defined in ORS 571.~~300~~269; or

(b) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United State Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.

**(61)**~~(54)~~ "Marijuana flowers" means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

**(62)**~~(55)~~ "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

**(63)**~~(56)~~ "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

**(64)**~~(57)~~ "Marijuana processor" means a person who processes marijuana items in this state.

**(65)**~~(58)~~ "Marijuana producer" means a person who produces marijuana in this state.

**(66)**~~(59)~~ "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.

**(67)**~~(60)~~ "Marijuana wholesaler" means a person who purchases marijuana items in this state for resale to a person other than a consumer.

**(68)**~~(61)~~ "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.

**(69)**~~(62)~~ "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract" means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concentration of tetrahydrocannabinol that is permitted under ORS 475B.625 for consumers who hold a valid registry identification card issued under ORS 475B.797.

**(70)**~~(63)~~ "Micro-Wholesaler" means a marijuana wholesaler licensed by the Commission that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy.

**(71)**~~(64)~~ "Minor" means any person under 21 years of age.

**(72)**~~(65)~~ "Non-cannabis additive" means a substance or group of substances that are derived from a source other than marijuana or industrial hemp.

(a) "Non-cannabis additive" includes but is not limited to purified compounds, essential oils, oleoresins, essences or extractives, protein hydrolysates, distillates, or isolates.

(b) "Non-cannabis additive" does not include plant material that is in the whole, broken, or ground form.

**(73)**~~(66)~~ "Non-Toxic" means not causing illness, disability or death to persons who are exposed.

**(74)**~~(67)~~ "Non-profit Dispensary" means a medical marijuana dispensary registered under ORS 475B.858, owned by a nonprofit corporation organized under ORS chapter 65, and that is in compliance with the Authority's rules governing non-profit dispensaries in OAR 333, Division 8.

**(75)**~~(68)~~ "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.

**(76)**~~(69)~~ "Patient" has the same meaning as "registry identification cardholder."

~~(77)(70)~~ "Permittee" means any person who holds a Marijuana Workers Permit.

~~(78)(71)~~ "Person" has the meaning given that term in ORS 174.100.

~~(79)(72)~~ "Person Responsible for a Marijuana Grow Site" or "PRMG" has the meaning given that term in OAR 333-008-0010.

~~(80)(73)~~ "Points of ingress and egress" means any point that may be reasonably used by an individual to enter into an area and includes but is not limited to doors, gates, windows, crawlspace access points, and openings whether or not those points are secured by a locked door, window, or means capable of being unlocked or unsealed by a key, code, or other method intended to allow access.

~~(81)(74)~~ "Person responsible for a marijuana grow site" or "PRMG" has the meaning given that term in OAR 333-008-0010.

~~(82)(75)~~ "Premises" or "licensed premises" includes the following areas of a location licensed under sections ORS 475B.010 to 475B.545:

(a) All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms;

(b) All areas outside a building that the Commission has specifically licensed for the production, processing, wholesale sale or retail sale of marijuana items; and

(c) "Premises" or "licensed premises" does not include a primary residence.

~~(83)(76)~~ "Primary Residence" means real property inhabited for the majority of a calendar year by an owner, renter or tenant, including manufactured homes and vehicles used as domiciles.

~~(84)(77)~~ "Principal Officer" includes the president, any vice president with responsibility over the operation of a licensed business, the secretary, the treasurer, or any other officer designated by the Commission.

~~(85)(78)~~ "Processes"

(a) "Processes" means the processing, compounding or conversion of:

~~(A) ##Marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts; or~~

~~**(B) Pursuant to ORS 571.336, industrial hemp or industrial hemp commodities or products into industrial hemp commodities or products that contain cannabinoids and are intended for human consumption or use.**~~

(b) "Processes" does not include packaging or labeling.

~~(86)(79)~~ "Process lot" means:

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or

(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract.

**(87)(80)** "Producer" means a marijuana producer licensed by the Commission.

**(88)(81)** "Produces"

(a) "Produces" means the manufacture, planting, propagation, cultivation, growing or harvesting of marijuana.

(b) "Produces" does not include:

(A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or

(B) The cultivation and growing of an immature marijuana plant by a marijuana wholesaler or marijuana retailer if the marijuana wholesaler or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

**(89)(82)** "Propagate" means to grow immature marijuana plants or to breed or produce seeds.

**(90)(83)** "Public place" means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and areas used in connection with public passenger transportation.

**(91)(84)** "Regulatory specialist" means a full-time employee of the Commission who is authorized to act as an agent of the Commission in conducting inspections or investigations, making arrests and seizures, aiding in prosecutions for offenses, issuing citations for violations and otherwise enforcing chapter 471, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655, Commission rules and any other statutes the Commission considers related to regulating liquor or marijuana.

**(92)(85)** "Registry identification cardholder" has the meaning given that term in ORS 475B.791.

**(93)(86)** "Retailer" means a marijuana retailer licensed by the Commission.

**(94)(87)** "Safe" means:

(a) A metal receptacle with a locking mechanism capable of storing all marijuana items on a licensed premises that:

(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or

(B) Weighs more than 750 pounds.

(b) A "vault"; or

(c) A refrigerator or freezer capable of being locked for storing marijuana items that require cold storage that:

(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or

(B) Weighs more than 750 pounds.

**(95)(88)** "Sampling laboratory" means a laboratory that only has an ORELAP accredited scope item for sampling under ORS 438.605 to 438.620 and is not accredited to perform cannabis testing.

**(96)(89)** "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.

**(97)(90)** "Security plan" means a plan as described by OAR 845-025-1030, 845-025-1400 and 845-025-1405 that fully describes how an applicant will comply with applicable laws and rules regarding security.

**(98)(91)** "Shipping Container" means any container or wrapping used solely for the transport of a marijuana items in bulk to a marijuana licensee as permitted in these rules.

**(99)(92)** "These rules" means OAR 845-025-1000 to 845-025-8750.

**(100)(93)** "Tissue culture plantlet" or "plantlet" means plant cells or tissues introduced into a culture from nodal cutting and cultivated under sterile conditions. A tissue culture plantlet from a marijuana plant is an immature marijuana plant.

**(101) "Total delta-9-tetrahydrocannabinol" or "total delta-9-THC" means the sum of the concentration or mass of delta-9-THCA multiplied by 0.877 plus the concentration or mass of delta-9-THC.**

**(102)(94)** "UID number" means the 24-digit number on the UID tag.

**(103)(95)** "UID tag" means a unique identification tag ordered and received from the Commission's designated vendor for CTS for the purpose of tracking marijuana items in CTS.

**(104)(96)** (a) "Usable Marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable Marijuana" includes pre-rolled marijuana as long as the pre-roll consists of only dried marijuana leaves and flowers, an unflavored rolling paper and a filter or tip.

(c) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

**(105)(97)** "Vault" means an enclosed area or room that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.

**(106)(98)** "Wholesaler" means a marijuana wholesaler licensed by the Commission.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** ORS 475B.025 & ORS 475B.015

**845-025-1330**

**Trade Samples**

(1) For purposes of this rule, “cannabinoid product line” means industrial hemp cannabinoid products as defined in 845-025-1015(38)(a)(C) or marijuana cannabinoid products that may differ in flavor, color, or total **delta-9**-THC concentration or total CBD concentration but may not differ in net quantity or any other characteristic.

(2) The following licensees and hemp certificate holders may provide samples within the limits listed below to licensees for the purpose of determining whether to purchase the product.

(a) A producer may provide a sample of:

**(A) ~~usable~~ marijuana, ~~or kief~~** to a marijuana producer, wholesaler, retailer or processor licensee; **or**

**(B) A cannabinoid product, cannabinoid extract, or cannabinoid concentrate that was made using only marijuana produced by the producer to a marijuana processor, wholesaler, or retailer.**

(b) A processor may provide a sample of:

(A) A cannabinoid product, concentrate, or extract to a marijuana producer, processor, wholesaler, or retailer; or

(B) A hemp concentrate, extract, or cannabinoid product to a marijuana processor, wholesaler, or retailer.

(c) A wholesaler may provide a sample of usable marijuana, a cannabinoid product, concentrate or extract, or a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(d) A hemp handler certificate holder may provide a sample of a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(3) The trade samples provided under this section:

(a) May not be consumed or used on a licensed premises;

(b) May not be sold to another licensee or consumer;

(c) Must be transported in compliance with OAR 845-025-7700; and

(d) Must be tested in accordance with OAR 333-007-0300 to 333-007-0500.

(4) Trade Sample limits.

(a) A licensee is limited to providing the following aggregate amounts of trade samples to an individual recipient licensee in a calendar month period:

(A) 5 grams per strain and no more than 6 strains of usable marijuana or usable hemp;

(B) 5 grams of cannabinoid or hemp concentrates or extracts; and

(C) 5 units of sale per cannabinoid product line and no more than 6 individual cannabinoid product lines.

(b) A wholesale licensee is limited to providing the following aggregate amounts of trade samples per originating licensee to an individual recipient licensee in a calendar month:

(A) 5 grams per strain and no more than 6 strains of usable marijuana or usable hemp;

(B) 5 grams of cannabinoid or hemp concentrates or extracts; and

(C) 5 units of sale per cannabinoid product line and no more than 6 individual cannabinoid product lines.

(5) Any sample given to a licensee shall have a label containing the following in any legible font that is at least 1/16th of an inch in height based on the lower case "o":

(a) A statement that reads: "TRADE SAMPLE NOT FOR RESALE" in bold, capital letters attached to the trade sample;

(b) The product identity;

(c) The UID; and

(d) The net weight or contents of the trade sample.

(6) Reconciliation in CTS.

(a) When assigning and affixing the UID tag, a licensee or hemp certificate holder must designate samples as trade samples in CTS.

(b) Notwithstanding OAR 845-025-7520(3), each cannabinoid product line intended as a trade sample must be assigned a single unique product line name in CTS and may be assigned a single UID tag.

(c) Licensees accepting trade samples may provide their employees with samples of hemp or marijuana items.

(d) When providing an employee a sample of a hemp or marijuana item, a licensee must record the following in CTS:

(A) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;

(B) The date and time the sample was provided to the employee;

(C) The worker permit number of the employee receiving the sample; and

(D) The name of the employee as it appears on their worker permit.

**Statutory/Other Authority:** ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

**Statutes/Other Implemented:** ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

### **845-025-2020**

#### **Producer Privileges; Prohibitions**

(1) A producer may:

(a) Possess, plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with ORS 475B and these rules;

(b) Engage in indoor or outdoor production of marijuana, or a combination of the two;

(c) Produce kief as that term is defined in ORS 475B.096 and possess kief produced by the producer.

(A) A producer who produces kief is not a marijuana processor as defined in OAR 845-025-1015.

(B) Kief produced under this rule may not be used in a cannabinoid edible unless the producer complies with all provisions set forth in OAR 845-025-3250.

(d) Sell, transfer, transport, and deliver:

(A) Usable marijuana to the licensed premises of a ~~marijuana~~ **producer under common ownership, a ~~marijuana~~ processor, wholesaler, retailer, laboratory, non-profit dispensary, or research certificate holder;**

(B) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a ~~marijuana~~ **producer under common ownership, a ~~marijuana~~ processor, wholesaler, non-profit dispensary or research certificate holder;**

(C) Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;

**(D) Mature marijuana plants or kief to the licensed premises of a producer under common ownership;**

**(E) Kief, as that term is defined in ORS 475B.096, manufactured by the producer, to the licensed premises of a marijuana processor, producer under common ownership, wholesaler, retailer, laboratory, or research certificate holder;**

**(F)(E)** Cannabinoid concentrates manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder if the producer holds a concentrate endorsement under OAR 845-025-2025;



**(G)(F) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates that were made using only marijuana produced by the producer to the licensed premises of a processor, wholesaler, or retailer;**

**(H)(F)** Marijuana waste to a producer, processor, wholesaler, or research certificate holder;

**(I)(G)** Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330;

**(J)(H)** Quality control samples to a license representative of the producer licensee, only as allowed under OAR 845-025-1360; ~~and~~

~~(H) Kief, as that term is defined in ORS 475B.096, manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder; and.~~

~~(I) Mature marijuana plants to a producer under common ownership.~~

(e) Purchase and receive:

(A) Immature marijuana plants and seeds from a producer, wholesaler, **retailer**, or research certificate holder;

(B) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(C) Usable marijuana produced by the licensee that has been stored by a wholesaler on the producer's behalf; ~~and~~

**(D) Marijuana and mature marijuana plants from a producer under common ownership;**

**(E) Marijuana produced by the licensee that was not processed by a processor;**

**(F) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates from a marijuana processor that were made using only marijuana produced by the receiving producer;**

**(G) Up to 200 marijuana seeds in total per month from any sources within the State of Oregon other than a licensee, laboratory licensee, or research certificate holder; and**

**(H)(D)** Trade samples from a producer or processor licensee, as allowed under these rules.

(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 or make returns, as long as the producer:

(A) Accepts or returns usable marijuana, kief, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Accepts or returns cannabinoid concentrates, if the producer holds a concentrate endorsement under OAR 845-025-2025;

(C) Only accepts or returns eligible items listed in paragraph (A) or (B) of this section from the original licensee whom received or purchased the item; and

(D) Accurately records the transaction in the CTS.

(2) A producer may not:

~~(a)~~ Possess, plant, cultivate, grow, harvest, dry, sell, deliver, transfer, transport, purchase, or receive any marijuana item other than as provided in:

~~(A)~~ Section (1) of this rule;

~~(B)~~ OAR 845-025-2025, if the producer has an approved concentrate endorsement; or

~~(C)~~ OAR 845-025-2550, if the producer has been properly registered by the Commission.

**(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

**Statutory/Other Authority:** ORS 475B.025, 475B.070 & 475B.085

**Statutes/Other Implemented:** ORS 475B.025, 475B.070, 475B.085, 475B.526, 475B.070, 475B.177 & 2019 OL Ch. 391

#### **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 seeds to a producer.**

~~(D)~~ Marijuana waste to a producer, processor, wholesaler, or research certificate holder.

~~(E)(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;

(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;

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

(E) Any marijuana item from a laboratory licensee;

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

(G) Marijuana items from a retailer **under common ownership**; ~~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;~~

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

(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~~ 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, ~~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~~ 10 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) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(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~~845-026-0210 and ~~333-007~~845-026-0220.

(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

**845-025-2880**

**Delivery of Marijuana Items by Retailer**

(1) A marijuana retailer may deliver a marijuana item to a residence in Oregon subject to compliance with this rule. For purposes of this rule, “residence” means a dwelling such as a house or apartment but does not include a dormitory, hotel, motel, bed and breakfast or similar commercial business.

(2) Delivery Approval Process.

(a) The retailer must request approval from the Commission prior to undertaking delivery service of marijuana items, on a form prescribed by the Commission that includes a statement that the retailer:

(A) Understands and will follow the requirements for delivery listed in this rule; and

(B) Has taken steps to ensure the personal safety of delivery personnel, including providing any necessary training.

(b) The retailer must receive written approval from the Commission prior to making any deliveries.

(c) The Commission may refuse to review any request for approval that is not complete and accompanied by the documents or disclosures required by the form.

(d) The Commission may deny a retailer’s request for approval to deliver marijuana items if the retailer does not meet the requirements of this or any other pertinent rule. If the Commission denies the request, the retailer has a right to a hearing under the procedures of ORS chapter 183.

(e) The Commission may withdraw approval for delivery service at any time if the Commission finds that the retailer is not complying with this rule, the personal safety of delivery personnel is at risk, the retailer’s delivery service has been the target of theft, or the delivery service is creating a public safety risk.

(3) Bona Fide Orders.

(a) A bona fide order must be received by an approved retailer from the individual requesting delivery, before 8:00 p.m. on the day the delivery is requested.

(b) The bona fide order must contain:

(A) The individual requestor’s name, date of birth, the date delivery is requested and the address of the residence where the individual would like the items delivered;

(B) A document that describes the marijuana items proposed for delivery and the amounts; and

(C) A statement that the marijuana is for personal use and not for the purpose of resale.

(4) Delivery Requirements.

(a) Deliveries must be made before 9:00 p.m. local time and may not be made between the hours of 9:00 p.m. and 8:00 a.m. local time.

(b) The marijuana retailer may only deliver in a motor vehicle to the individual who placed the bona fide order and only to individuals who are 21 years of age or older.

(c) At the time of delivery the individual performing delivery must check the identification of the individual to whom delivery is being made in order to determine that it is the same individual who submitted the bona fide order. This includes ensuring that the individual:

(A) Is either 21 years of age or older; or

(B) If the individual is age 18-20, that the individual is a current registry identification cardholder; and

(C) Signs a document indicating that the items were received.

(d) A marijuana retailer may not deliver a marijuana item to an individual who is visibly intoxicated at the time of delivery.

(e) Deliveries may not be made more than once per day to the same physical address or to the same individual.

(f) Marijuana items delivered to an individual's residence must:

(A) Comply with the packaging rules in OAR 845-025-7000 to 845-025-7190; and

(B) Be placed in a larger delivery receptacle that has a label that reads: "Contains marijuana: Signature of person 21 years of age or older required for delivery".

(g) A retailer may not carry or transport at any one time more than a total of ~~\$3000~~ **10,000** in retail value worth of marijuana items designated for retail delivery.

(h) All marijuana items must be kept in a lock-box securely affixed inside the delivery motor vehicle.

(i) A manifest must be created for each delivery or series of deliveries and the individual doing the delivery may not make any unnecessary stops between deliveries or deviate substantially from the manifest route.

**(j) A licensee representative must be able to communicate with the marijuana retailer while making deliveries.**

**(k) The delivery vehicle must be equipped with an active Global Positioning System.**

(5) Documentation Requirements. A marijuana retailer must document the following regarding deliveries:

(a) The bona fide order and the date and time it was received by the retailer;

(b) The date and time the marijuana items were delivered;

(c) A description of the marijuana items that were delivered, including the weight or volume and price paid by the consumer;

(d) Who delivered the marijuana items; and

(e) The name of the individual or the patient or designated primary caregiver's OMMP card number to whom the delivery was made and the delivery address.

(6) A retailer is only required to maintain the name of an individual to whom a delivery was made for one year.

(7) Prohibitions.

(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; ~~or~~

(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) A city or unincorporated county that has provided OLCC with an ordinance allowing for interjurisdictional deliveries from adjacent cities or unincorporated counties.**

**(b) The delivery vehicle must not have any markings or signage that indicate the vehicle is transporting marijuana, including/excluding tradename or branding.**

~~(c)~~(b) A retailer may not deliver marijuana items to a residence located on publicly-owned land.

(8) Medical Delivery Exemption. Notwithstanding the delivery prohibitions in subsection (7)(a) of this rule, a retail licensee may deliver marijuana items to a patient or a patient's designated primary caregiver at an individual's residence in accordance with the other provisions of this rule, if the retailer follows the delivery approval process set forth in subsection (2) of this rule.

(9) Sanction. A violation of any section of this rule that is not otherwise specified in OAR 845-025-8590 is a Category III violation.

**Statutory/Other Authority:** ORS 475B.025, ORS 475B.105 & ORS 475B.206

**Statutes/Other Implemented:** ORS 475B.206

### **845-025-3215**

#### **Processor Privileges; Prohibitions**

(1) A processor may:

(a) Transfer, sell or transport:

(A) Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, wholesaler, retailer, non-profit dispensary, or research certificate holder;

**(B) Cannabinoid products, cannabinoid extracts and cannabinoid concentrates to a marijuana producer that were made using only marijuana produced by the receiving producer;**



(C~~B~~) Marijuana or Industrial Hemp waste to a producer, processor, wholesaler, or research certificate holder;

(C) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330; and

(D) Quality control samples to a license representative, only as allowed under OAR 845-025-1360.

(b) Purchase, possess or receive as allowed by these rules:

(A) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(B) Usable marijuana from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(C) Kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;

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

(G) Marijuana or industrial hemp waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and

(H) Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a wholesaler.

(c) 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.

(d) Accept or make returns of marijuana items, as long as the processor:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from the original licensee that supplied or purchased the item; and

(C) Accurately records the transaction in the CTS.

(2) A processor with an industrial hemp endorsement may:

(a) Transfer, sell, or transport:

**(A)** ~~H~~emp items to a wholesaler, a retailer, or a processor with an industrial hemp endorsement; **and**,

**(B) Hemp items to a person that is not a processor, retailer or wholesaler only as allowed under OAR 845-025-3320.**

(b) Purchase, possess, or receive as allowed by these rules:

(A) Hemp items from a wholesaler, a processor with an industrial hemp endorsement, or a Commission-certified hemp handler; and

(B) Harvested industrial hemp from a wholesaler, a Commission-certified hemp handler, or a Commission-certified hemp grower.

(c) Process industrial hemp and hemp items into any hemp item in compliance with all rules for processing marijuana.

(d) Use industrial hemp and hemp items as an ingredient in the processing of marijuana items.

(3) A processor may not:

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

(b) Use any unapproved process set forth in OAR 845-025-3200 to OAR 845-025-3305;

(c) Allow minors on any portion of the licensed premises except as allowed by OAR 845-025-1230. A violation of this is a Category I violation;

(d) Make any product that is prohibited from sale in a retail store, as set forth in OAR 845-025-2800;

(e) 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 ~~unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A processor 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; or~~

(f) Process any kief received from a producer into a cannabinoid edible, unless the producer has complied with all provisions set forth in OAR 845-025-3250; ~~or~~

**(g) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(4) A processor must be licensed by the Commission and obtain the proper endorsement for the type of processing they perform per OAR 845-025-3210.

**Statutory/Other Authority:** ORS 475B.025 & ORS 475B.090

**Statutes/Other Implemented:** ORS 475B.025 & ORS 475B.090

845-025-3320

Hemp Item Transfers to Unlicensed Persons

(1) Eligibility. A processor with an industrial hemp endorsement may transfer hemp items to a person that is not a processor, retailer or wholesaler subject to the following conditions:

(a) The hemp items are tested as described in ORS 475B.555 and otherwise meets the requirements for marijuana items under ORS 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655 and these rules;

(b) The hemp item does not exceed 0.3 percent total delta-9-THC.

(2) The processor must record all activity under this rule in CTS.

(3) Transfer requirements. Prior to transferring any hemp items under this rule to a person that is not a processor, retailer or wholesaler the processor must:

(a) Generate a manifest in CTS.

(b) After generating a manifest in CTS, segregate all hemp items on the manifest and hold the hemp items on the licensed premises for at least three business days under camera coverage prior to removing the hemp items from the licensed premises.

(c) Carry a physical copy of the manifest during transportation, if delivering the hemp items to a person that is not a processor, retailer or wholesaler. If the person that is not a processor, retailer or wholesaler is picking up the cannabinoid products, extracts or concentrates from the processor, a physical manifest is not required to be printed but must be generated in CTS.

(4) A processor may not make transfers under this rule to the licensed premises of a producer, processor, wholesaler, retailer, or laboratory.

(5) Violations.

(a) Transferring a hemp item that exceeds one percent total delta-9-THC to a person who is not a licensee, laboratory licensee, or research certificate holder is a Category II violation.

(b) Transferring a hemp item that exceeds 0.3 percent total delta-9-THC but does not exceed one percent total delta-9-THC to a person who is not a licensee, laboratory licensee, or research certificate holder is a Category III violation.

(c) A violation of subsection (2)(b) is a Category III violation.

(d) All other violations of this rule are Category IV violations.

Statutory/Other Authority: ORS 475.025; 2021 OL Ch. 542

Statutes/Other Implemented: 2021 OL Ch. 542

**845-025-3500**

**Wholesale License Privileges; Prohibitions**

(1) A wholesale licensee may:

(a) Sell, including sale by auction, transfer, deliver or transport:

(A) Any type of marijuana item or hemp item to a retailer, wholesaler, non-profit dispensary or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer or to a non-profit dispensary;

(B) Immature marijuana plants and seeds to a producer;

(C) Usable marijuana to the producer licensee that the wholesale licensee has stored on the producer's behalf;

(D) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee;

(E) Trade samples as allowed under OAR 845-025-1330;

(F) Marijuana or hemp waste to a producer, processor, wholesaler or research certificate holder;

(G) Harvested industrial hemp to a wholesaler or to a processor with an industrial hemp endorsement; and

(H) Industrial hemp items to a processor with an industrial hemp endorsement.

(I) Inventory from a retailer as allowed by OAR 845-025-2800(5).

(b) Purchase, possess or receive:

(A) Any type of marijuana item or hemp item from a wholesaler;

(B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;

(C) Seeds, immature plants, or usable marijuana, or kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer;

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

(G) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(H) Hemp Items from a processor with an industrial hemp endorsement or a Commission-certified hemp handler;

(I) Harvested industrial hemp from a wholesaler, a processor with an Industrial Hemp endorsement, a Commission-certified hemp handler, or a Commission-certified hemp grower; and

(J) Inventory from a retailer as allowed under OAR 845-025-2800(5).

(c) Transport and store marijuana items and hemp items received from other licensees, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.

(d) 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.

(e) Accept or make returns of marijuana items, as long as the wholesaler:

(A) Only accepts or returns usable marijuana, marijuana items, harvested industrial hemp, hemp items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in (A) of this section from the original licensee whom supplied or purchased the item; and

(C) Accurately records the transaction and its disposition once returned in the CTS.

(f) Trim whole non-living plants and usable marijuana on behalf of a producer licensee, as long as both the wholesale licensee and producer licensee comply with all applicable rules including tracking all transactions and any packaging of marijuana items in CTS; and if:

(A) Trimming is performed on the wholesaler's licensed premises; or

(B) Trimming is performed at the producer's licensed premises and the wholesale licensee holds a "For Hire Trimming Privilege" as set forth in OAR 845-025-3505.

(2) A wholesale licensee may not:

(a) Sell, deliver, purchase, or receive any marijuana item, 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 ~~unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A wholesale 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.~~

**(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana or hemp item containing artificially-derived cannabinoids except as allowed under OAR 845-025-1310.**

(3) For purposes of this rule, "marijuana item" does not include a mature marijuana plant

**Statutory/Other Authority:** ORS 475B.025 & 475B.090  
**Statutes/Other Implemented:** ORS 475B.100 & ORS 571.336

**845-025-5045**

**Laboratory Tracking and Reporting**

(1) A laboratory licensee is required to utilize CTS for sampling or testing conducted for medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, medical marijuana dispensaries, licensees ~~and~~ research certificate holders, **and persons manufacturing industrial hemp-derived vapor items** and follow all requirements established by OAR 845-025-7500 to 845-025-7590.

(2) A laboratory licensee conducting sampling or testing for licensees, medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, or medical marijuana dispensaries is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the licensee, grow site administrator, person responsible for the marijuana processing site, or person responsible for a medical marijuana dispensary from whom the sample was obtained;

(C) Date the sample was collected; and

(D) UID tag information associated with the harvest or process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed; and

(E) An electronic copy of the report provided under OAR 333-064-0110 to the licensee, grow site administrator, processing site or dispensary.

(c) Disposition of any testing sample material.

**(3) A laboratory licensee conducting sampling or testing of industrial hemp-derived vapor items is responsible for tracking and entering the following information into CTS.**

**(a) Receipt of samples for testing, including:**

**(A) Size of the sample;**

**(B) Name of the person manufacturing industrial hemp-derived vapor items from whom the sample was obtained;**

**(C) Date the sample was collected; and**

**(D) Identifying information about the process lot from which the sample was obtained.**

**(b) Tests performed on samples, including:**

**(A) Date testing was performed;**

**(B) What samples were tested for;**

**(C) Name of laboratory responsible for testing;**

**(D) Results of all testing performed; and**

**(E) An electronic copy of the report provided under OAR 333-064-0110 to the person who manufactured the industrial hemp-derived vapor item.**

**(c) Disposition of any testing sample material.**

**(4)**~~(3)~~A laboratory licensee receiving a sample from another laboratory licensee for the purposes of performing a subcontracted compliance test, as described in is responsible for tracking and entering information into CTS as described in section (2)(b)(A) and (B) of this rule.

**(5)**~~(4)~~A laboratory licensee must also comply with any recordkeeping requirements in OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

**(6)**~~(5)~~The Oregon Health Authority or the Commission may request records at any time of a laboratory licensee.

**Statutory/Other Authority:** ORS 475B.560

**Statutes/Other Implemented:** ORS 475B.560

### **845-025-5500**

#### **Marijuana Worker Permit**

(1) A marijuana worker permit is required for any individual who performs work for or on behalf of a marijuana retailer, producer, processor or wholesaler if the individual participates in:

(a) The **delivery**, possession, handling, production, propagation, processing, securing or selling of marijuana items at the premises for which the license has been issued;

(b) The recording of the **delivery**, possession, handling, production, propagation, processing, securing or selling of marijuana items at the premises for which the license has been issued;

(c) The verification of any document described in ORS 475B.216; or

(d) The direct supervision of a person described in subsections (a) to (c) of this section.

(2) An individual who is required by section (1) of this rule to hold a marijuana worker permit must carry that permit on his or her person at all times when performing work on behalf of a marijuana retailer.

(3) A person who holds a marijuana worker permit must notify the Commission in writing within 10 days of any conviction for a felony.

(4) A marijuana retailer, producer, processor or wholesaler must verify that an individual has a valid marijuana worker permit issued in accordance with OAR 845-025-5500 to 845-025-5590 before allowing the individual to perform any work at the licensed premises.

**Statutory/Other Authority:** ORS 475B.215 & 475B.266

**Statutes/Other Implemented:** ORS 475B.215, 475B.266, 2016 OL Ch. 23 & 2017 OL Ch. 183

### **845-025-5700**

#### **Licensee Testing Requirements**

(1) Licensees must comply with the Authority's testing rules in OAR **Chapter 333, divisions 7-007-0300 to 333-007-0490** and **OAR 333, division-64** prior to the sale or transfer of a marijuana item **or industrial hemp or industrial hemp item**, as specified in those rules, ~~except as described in subsection (2) of this rule.~~

~~(2) If commission staff finds there is insufficient laboratory capacity for the testing of pesticides, staff may issue an order allowing licensed marijuana testing laboratories to test randomly chosen samples from batches of usable marijuana submitted for testing by a licensee, for pesticides, rather than testing every batch of usable marijuana for pesticides.~~

~~(a) The number of batches to be tested randomly will be specified in the order and may vary based on the laboratory capacity at the time the order is issued and the size of the harvest lot to be tested. Samples from at least one batch of every harvest lot must be tested for pesticides.~~

~~(b) If any one of the randomly chosen samples from a batch of a producer licensee's harvest lot fails a pesticide test every batch from the harvest lot must be tested for pesticides.~~

~~(c) If samples from each randomly chosen batch that are tested for pesticides pass, the entire harvest lot is considered to have passed pesticide testing and may be transferred or sold.~~

~~(d) If Commission staff determines that there is sufficient laboratory capacity to test every batch of usable marijuana for pesticides the staff shall give licensees 10 days' notice that all batches shall thereafter be required to be tested.~~

~~(e) Producer licenses are responsible for testing fee and may choose any laboratory licensee to conduct the test.~~

**(2)(3)** A violation of this rule is a Category I violation.



**Statutory/Other Authority:** ORS 475B.550, ~~475B.555,~~ & **571.275**

**Statutes/Other Implemented:** ORS 475B.550 & 475B.555

**845-025-5730**

**Wholesaler Coordination of Sampling and Testing**

A wholesaler:

(1) May accept a batch, as that term is defined in OAR 333-007-0310 from a producer or processor that:

(a) Has not been sampled or tested in accordance with OAR 333-~~007-0300 to 333-007-0490~~ **Division 7**, and OAR 333, Division 64 and may order tests and arrange for the sampling and testing of the batch in accordance with OAR 333 **Division 7**-~~007-0300 to 333-007-0490~~ and OAR 333, Division 64 **as specified in those rules**.

(b) Has been sampled but has not yet been tested in accordance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(2) Must secure, label, and store pre-tested marijuana items in accordance with OAR 845-025-5720.

(3) May not transfer or sell a marijuana item unless that marijuana item:

(a) Has been sampled and tested in accordance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(b) Has passed all the required tests in OAR 333-007-0300 to 333-007-0490.

(4) Is jointly and severally responsible for ensuring compliance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64 with the licensee who produced or processed the marijuana item.

**Statutory/Other Authority:** ORS 475B.100 & 475B.555

**Statutes/Other Implemented:** ORS 475B.100 & 475B.555

**845-025-5760**

**Audit, Compliance, and Random Testing**

(1) The Commission may require a licensee to submit samples identified by the Commission to a laboratory of the Commission's choosing to be tested in order to determine whether a licensee is in compliance with the ~~marijuana~~ **cannabis** testing rules found in Chapter 333, Division 7 of the Oregon Administrative Rules or any other rules of the Commission and may require additional testing that is not required by these rules.

(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods, unless otherwise authorized by the Commission.

~~(3) The Commission must establish a process for the random testing of marijuana items for microbiological contaminants that ensures each licensee tests every product for microbiological contaminants at least once a year.~~

~~(4) The Commission may exempt a product that has successfully completed a control study in accordance with OAR 333-007-0440 from testing for microbiological contaminants.~~

**(3)(5)** The Commission may, at any time, require a licensee to permit the sampling of or submit a sample of a marijuana item, **industrial hemp, or a hemp item** to the Commission for testing. Such testing may include testing for:

(a) Any microbiological contaminant.

(b) Heavy metals.

(c) Other adulterants, pesticides, solvents, additives or contaminants that may pose a risk to public health and safety, or are prohibited by law.

**(4)(6)** A licensee shall submit all samples required for testing under this rule within a timeframe established by the Commission.

**Statutory/Other Authority:** ORS 475B.550-~~2~~& 475B.555, **& 571.275**

**Statutes/Other Implemented:** ORS 475B.550, 475B.555 & EO 19-09

### **845-025-5790**

#### **Marijuana Item Recalls**

(1) The Commission may require a licensee to recall any marijuana item, **industrial hemp, or a hemp item** that the licensee has sold or transferred upon a finding that circumstances exist that pose a risk to public health and safety. A recall may be based on, but it not limited to, evidence that:

(a) Pesticides were used in the production of marijuana **or industrial hemp** in violation of ORS 634 and OAR 603, Division 57;

(b) A marijuana item, **industrial hemp, or a hemp item** is contaminated or otherwise unfit for human use, consumption or application; or

(c) A marijuana item, including any marijuana, usable marijuana, cannabinoid concentrate or extract used in the processing of the marijuana item was not produced or processed by a licensee.

(2) If the Commission finds that a recall is required, the Commission must notify the public and licensees of the recall, may require a licensee to notify an individual to whom a marijuana item, **industrial hemp, or a hemp item** was sold and may require that the licensee destroy the recalled product.

**Statutory/Other Authority:** ORS 475B.025 **& 571.275**

**Statutes/Other Implemented:** ORS 475B.025 & 475B.030

## **845-025-7000**

### **Packaging and Labeling — Definitions**

For the purposes of OAR 845-025-7000 through 845-025-7190, unless otherwise specified:

- (1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a marijuana or hemp item.
- (2) "Added substances" means any component or ingredient added to usable marijuana, cannabinoid concentrate or cannabinoid extract during or after processing that is present in the final cannabinoid product including but not limited to added flavors, non-marijuana derived terpenes, and any substances used to change viscosity or consistency of the cannabinoid product.
- (3) "Attractive to minors" means packaging, receptacles, inhalant delivery devices, labeling and marketing that features:
  - (a) Cartoons;
  - (b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
  - (c) Symbols or celebrities that are commonly used to market products to minors;
  - (d) Images of minors; and
  - (e) Words that refer to products that are commonly associated with minors or marketed by minors.
- (4) "Authority" means the Oregon Health Authority.
- (5) "Cannabinoid" for the purposes of labeling means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.
- (6) "Cannabinoid capsule" means a small, soluble pill, tablet, or container that contains liquid or powdered cannabinoid product, concentrate or extract and is intended for human ingestion.
- (7) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process. For the purposes of labeling, cannabinoid concentrate or extract also includes concentrates and extracts derived from industrial hemp.
- (8)(a) "Cannabinoid edible" means:
  - (A) Food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated; or
  - (B) For purposes of labeling, includes any marijuana, cannabinoid concentrate, extract or cannabinoid product that is intended for human consumption or marketed in a manner that implies the item is for human consumption.
- (b) For purposes of labeling "cannabinoid edible" does not include a cannabinoid tincture or capsule.

(9) "Cannabinoid product" means:

(a) A cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana; or

(b) Usable marijuana, cannabinoid extracts and cannabinoid concentrates that have been combined with an added substance.

(c) "Cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate or extract by itself; or

(C) Industrial hemp, as defined in ORS 571.~~300~~269.

(10) "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:

(a) A non-potable solution consisting of at least 25% **percent** non-denatured alcohol, in addition to cannabinoid concentrate, extract or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion, that is exempt from the Liquor Control Act under ORS 471.035; or

(b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; cannabinoid concentrate, extract or usable marijuana; and other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.

(11) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.

(12) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:

(a) The use of comically exaggerated features;

(b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

(c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

(13) "CBD" means **total** cannabidiol **as calculated pursuant to OAR 333-064-0100**.

(14) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.

(15) "Commission" means the Oregon Liquor ~~Control~~ **and Cannabis** Commission.

(16) "Consumer," for the purposes of these rules, has the meaning given that term in ORS 475B.015 and does not include a patient or designated primary caregiver.

(17) "Container"

(a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed and any outer receptacle intended to display a marijuana item for ultimate sale to a consumer, patient, or designated primary caregiver.

(b) Does not mean:

(A) Inner wrapping or lining;

(B) An exit package; or

(C) A shipping container used to transfer marijuana items or industrial commodities or products in bulk from one licensee or registrant to another.

(18) "Date of harvest" means the day the last mature marijuana plant in the harvest lot was removed from the soil or other growing media.

~~(19) "Delta 9 THC" is the principal psychoactive constituent (the principal cannabinoid) of cannabis.~~

(19)(a) "Designated primary caregiver" means an individual:

(A) Who is 18 years of age or older;

(B) Who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and

(C) Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.

(b) "Designated primary caregiver" does not include a person's attending physician.

(20) "Exit Package" means a sealed, child-resistant certified receptacle into which marijuana items already within a container are placed at the point of sale.

(21) "Food" means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum and includes beverages.

(22) "Generic label"

(a) Means a label that does not have any graphics, pictures, or logos, other than symbols required by these rules and has:

(A) Only the information required by rule;

(B) Additional test information not required by rule; or

(C) Additional information described in OAR 845-025-7160(87)(c).

(b) Does not mean a label for an inhalable cannabinoid product with a non-cannabis additive that is processed or manufactured on or after April 1, 2021.

(23) "Grower" has the same meaning as "person responsible for a marijuana grow site".

(24) "Health claim" means any claim made on the label that expressly states or implies a relationship between a substance and a disease or health-related condition.

(25) "Hemp symbol" means the image, established by the Commission and made available to licensees, indicating the item contains industrial hemp.

(26) "Industrial hemp commodity or product" means an item processed by a handler or processor containing any industrial hemp or containing any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp. "Industrial hemp commodity or product" does not include industrial hemp that has been minimally processed or has not been processed in any form.

(27) "Intended for human consumption" means intended for a human to eat, drink, or otherwise put in the mouth but does not mean intended for human inhalation.

(28) "Intended for human use" means intended to be used by applying it to a person's skin or hair, inhalation or otherwise consuming the product except through the mouth.

(29) "Label" means any display of written, printed, or graphic matter printed on or affixed to any container, wrapper, liner, or insert accompanying the marijuana item or industrial hemp commodity or product.

(30) "Licensee" has the meaning given that term in ORS 475B.015.

(31) "Major food allergen" means an ingredient that contains any of the foods or food groups listed in subsections (a) to (h) or an ingredient that contains protein derived from one of the foods listed in subsections (a) to (h):

(a) Milk;

(b) Egg;

(c) Fish;

(d) Crustacean shellfish;

(e) Tree nuts;

(f) Wheat;

(g) Peanuts; and

(h) Soybeans.

(32)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.~~300~~269.

(33) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product, or a cannabinoid concentrate or extract.

(34) "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract" means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concentration of THC that is permitted under ORS 475B.625 in a single serving of the cannabinoid product, cannabinoid concentrate or cannabinoid extract for a patient.

(35) "Medical grade symbol" means the image established by the Commission and made available to licensees indicating the cannabinoid product, concentrate or extract may only be sold or transferred to a designated primary caregiver or patient, for use only by a patient.

(36) "Medical marijuana dispensary" means a facility registered under ORS 475B.858.

(37) "Net quantity of contents" means a statement on the principal display panel of the net weight or net volume of the product expressed in the terms of weight, measure, or numerical count.

(38) "Net volume" means the fluid measure of a liquid product expressed as milliliters and fluid ounces.

(39) "Net weight" means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams. "Net weight" as applied to pre-rolled marijuana includes the dried marijuana leaves and flowers, the rolling paper, and the filter or tip.

(40)(a) "Other Cannabinoid Product" means a cannabinoid product that contains two or more ingredients and is not intended for human consumption, including but not limited to products that combine usable marijuana and concentrates or extracts; or usable marijuana, concentrates or extracts that contain added substances.

(b) "Other Cannabinoid Product" does not include pre-rolled marijuana consisting of only dried marijuana leaves and flowers, an unflavored rolling paper and a filter or tip.

(41) "Patient" has the same meaning as "registry identification cardholder."

(42) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as "grower."

(43) "Place of address" means the name, mailing address, city, state and zip code of the processor who made the cannabinoid edible **or other cannabinoid product.**

(44) "Principal display panel" means the part of a label on a package or container that is most likely to be displayed, presented, shown or seen under customary conditions of display for sale or transfer.

(45) "Processor" means a person:

(a) Licensed by the Commission to process marijuana under ORS 475B.090;

- (b) Licensed by the Commission under ORS 475B.070 who produces kief;
- (c) Registered with the Oregon Department of Agriculture under ORS 571.~~305~~**281** who manufactures hemp items; or
- (d) Registered with the Authority under ORS 475B.840 as a processing site and who is not exempt from labeling requirements under ORS 475B.605.

(46) "Producer" means a person:

- (a) Licensed by the Commission to produce marijuana under ORS 475B.070; and
- (b) Registered with the Authority under ORS 475B.810 as a grower and who is not exempt from labeling requirements under ORS 475B.605.

(47) "Product identity" means a truthful or common name of the product that is contained in the package.

(48) "Registrant" means a person registered with the Authority under ORS 475B.785 to 475B.949.

(49) "Registry identification cardholder" means a person to whom a registration card has been issued under ORS 475B.797.

(50) "Serving" or "serving size" means an amount of product that is suggested for use by a consumer or patient trying the item for the first time.

(51) "THC" means **total delta-9-tetrahydrocannabinol** ~~and includes both THCA and delta-9 THCs~~ **calculated pursuant to OAR 333-064-0100.**

(52) "These rules" means OAR 845-025-7000 through 845-025-7190.

(53) "UID number" for the purpose of labeling, means the unique identification number generated by CTS at the time the marijuana item was packaged and labeled for ultimate sale to a consumer, patient, or designated primary caregiver.

(54) "Ultimate sale" means the final sale from a retail location or dispensary to a consumer, patient, or designated primary caregiver.

(55) "Universal symbol" means the image, established by the Authority and made available to licensees and registrants, indicating the marijuana item contains marijuana.

**(56) "Usable hemp"**

**(a) Means the flowers and leaves of industrial hemp intended for human consumption that does not fall within meaning hemp concentrate or extract, hemp edible, or hemp cannabinoid product.**

**(b) Includes, for purposes of these rules, pre-rolled hemp as long as the pre-roll consists of only dried hemp leaves and flowers, an unflavored rolling paper and a filter or tip.**

~~(5756)~~(a) "Usable marijuana" means the dried leaves and flowers of marijuana.



(b) "Usable Marijuana" includes pre-rolled marijuana as long as the pre-roll consists of only dried marijuana leaves and flowers, an unflavored rolling paper and a filter or tip.

(c) "Usable marijuana" does not include:

(A) The seeds, stalks and roots of marijuana; or

(B) Waste material that is a by-product of producing or processing marijuana.

**Statutory/Other Authority:** ORS 475B.605 & 475B.610

**Statutes/Other Implemented:** ORS 475B.605

### **845-025-7020**

#### **Packaging for Sale to Consumer**

(1) Containers or packaging for marijuana items and industrial hemp commodities or products must protect the packaged item from contamination and must not impart any toxic or deleterious substance to the packaged item.

(2) Marijuana items and industrial hemp commodities or products for ultimate sale to a consumer, patient, or designated primary caregiver, except for usable marijuana, usable hemp, immature plants, and seeds, must:

(a) Be packaged in a container that is resealable and continually child-resistant as certified by a qualified third party child-resistant package testing firm or placed within an exit package that is resealable and continually child-resistant as certified by a qualified third party child-resistant package testing firm prior to final sale or transfer to consumer, patient, or designated primary caregiver if the product is a cannabinoid product, cannabinoid concentrate or cannabinoid extract;

~~(b) Be packaged in a container that is child-resistant for at least a single use as certified by a qualified third party child-resistant package testing firm or placed within an exit package that is child-resistant as certified by a qualified third party child-resistant package testing firm prior to final sale to consumer, if the item is usable marijuana;~~

~~(b)(c)~~ Not be packaged or labeled in a manner that is attractive to minors; and

~~(c)(d)~~ Be labeled in accordance with OAR 845-025-7000 to 845-025-7190.

(3) Packaging may not contain any untruthful or misleading content.

(4) Nothing in this rule:

(a) Prevents the re-use of packaging that is capable of continuing to be child-resistant, as long as the package is in good working order and maintains its child-resistant properties, and as permitted by rules established by the Commission or the Authority; or

(b) Prohibits the Commission or the Authority from imposing additional packaging requirements in their respective rules governing licensees and registrants.

(5) A licensee or registrant must provide to the Commission or the Authority upon that agency's request, additional information about the testing that was performed by the qualified third party child-resistant package testing firm in accordance with 16 CFR 1700.

(6) Licensees and registrants are prohibited from selling packages, containers or devices intended for intravenous delivery.

**Statutory/Other Authority:** ORS 475B.615

**Statutes/Other Implemented:** ORS 475B.070, 475B.090, 475B.100 & 475B.615

### **845-025-7030**

#### **Labeling for Sale to Consumer**

(1) A label required by these rules must:

(a) Be printed on or affixed to the container holding the marijuana item or industrial hemp commodity or product and printed on or affixed to any outer package or container that is used to display the marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient or designated primary caregiver;

(b) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2016), Uniform Packaging and Labeling Regulation, incorporated by reference;

(c) Contain all required information in any typed, legible font that is easy to read and contrasts sufficiently with the background and is at least 1/16th of an inch in height based on the uppercase "K";

(d) Be in English, though it can **also** be in other languages; and

(e) Be unobstructed and conspicuous.

(2) A label may not:

(a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or

(b) Be attractive to minors, as that is defined in OAR 845-025-7000.

(3) Principal Display Panel.

(a) Every container that holds a marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient or designated primary caregiver must have a principal display panel, as that term is defined in OAR 845-025-7000.

(b) If a container holding the marijuana item or industrial hemp commodity or product is placed within another container for sale or transfer to a consumer, patient or designated primary caregiver, both

containers must have a principal display panel as that term is defined in OAR 845-025-7000 in addition to the other labeling requirements provided in these rules.

(c) The principal display panel must contain the product identity, net quantity of contents, and universal symbol or hemp symbol, whichever is applicable.

(d) If the product is a medical grade cannabinoid product, concentrate or extract processed by a licensee, or medical marijuana processing site, the principal display panel must also include the medical grade symbol.

(e) If the product is an industrial hemp commodity or product processed by a licensee, the principal display must include the hemp symbol in place of the universal symbol.

**(f) If the package or container is 1.75 inches or less in height and has a lid with a width of 2 inches or less, then the principal display panel must be on the top of the lid.**

#### (4) Product Identity

(a) The product identity be in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel, and shall be parallel to the base on which the package rests as it is designed and displayed.

(b) The product identity must clearly identify whether the item is derived from marijuana or hemp. An item that contains both industrial hemp and marijuana must identify the item as a marijuana item.

(c) The product identity for cannabinoid extracts and concentrates must correctly identify whether the product is an extract or a concentrate.

#### (5) Net Quantity Declaration

(a) The net quantity of contents provided on the principal display panel must be the average net quantity of contents of all of the packages in the batch.

(b) The net quantity declaration shall be in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.

(c) The net quantity declaration shall be a distinct item separated from other printed label information on all sides by at least a space equal to the height of the lettering used in the declaration. The declaration shall be presented in bold type in the bottom 30 percent of the principal display panel and in lines generally parallel with the base of the container.

(6) Potency Labeling. The THC and CBD amounts required to be on a label must be the value calculated by the laboratory that did the testing in accordance with OAR 333-064-0100.

(a) The potency value shall be expressed as an average of the samples taken and tested under OAR 333-007-0360. A label may not have a THC value that exceeds the applicable maximum concentration limit by over 10 percent as specified in OAR ~~333-007~~**845-026**-0200 to ~~333-007~~**845-026**-0220, as applicable.

(b) For products tested on or after February 1, 2020, if the potency value for THC or CBD is reported by the laboratory as less than the limit of quantification, the value on the label must be listed as “<LOQ”.

(7) The universal symbol. The universal symbol must be at least 0.48 inches wide by 0.35 inches high and can be downloaded on the Commission’s website.

(8) Medical grade symbol. The medical grade symbol must be at least 0.35 inches in diameter and can be downloaded at [marijuana.oregon.gov](http://marijuana.oregon.gov).

(9) Hemp symbol. The hemp symbol must be at least 0.48 inches wide by 0.35 high and can be downloaded on the Commission’s website.

(10) A marijuana item or industrial hemp commodity or product may have one or more label panels printed on or affixed to the container or packaging.

(11) Small Container Label. A marijuana item or industrial hemp commodity or product that is in a container that because of its size does not have sufficient space for a label that contains all the information required for compliance with these rules:

(a) May, in lieu of a label that has all the information required in OAR 845-025-7030 to 845-025-7140, have a label printed on or affixed to the container holding the marijuana item or industrial hemp commodity or product that includes at least the following:

(A) A principal display panel containing the net weight or volume, product identity, and universal symbol;

(B) Licensee business or trade name and license number or registrant business or trade name and registrant number;

(C) UID number;

(D) Concentration or amount of THC and CBD in the container; and

(E) Required warnings.

(i) For a retail marijuana item or industrial hemp commodity or product, the following warning is required on the label: “For use only by adults 21 and older. Keep out of reach of children.”

(ii) For a medical marijuana item, the following warning is required on the label: “For use by OMMP patients only. Keep out of reach of children.”

(b) Must include all required label information on an outer container or other required label information not listed in subsection (11)(a) of this rule on a hangtag attached to the marijuana item or industrial hemp commodity or product.

(c) May use a peel-back or accordion label with the information required in subsection (11)(b) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a patient or consumer as containing important information.

(12) Tiny Container Label. A marijuana item or industrial hemp commodity or product that is in a container that has a complete surface area available for applying a label that is less than 2 inches squared:

(a) May have a label printed on or affixed to the container that holds the marijuana item or industrial hemp commodity or product that includes at least the following:

(A) A principal display panel with the universal symbol and product identity;

(B) UID number;

(C) Concentration or amount of THC and CBD in the container;

(D) Licensee or registrant business or trade name and license or registrant number; and

(E) A warning that reads: "Keep out of reach of children."

(b) Must include all required label information on an outer container or other required label information not listed in subsection (12)(a) of this rule on a hangtag attached to the marijuana item or industrial hemp commodity or product.

(c) May use a peel-back or accordion label with the information required in subsection (12)(c) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a patient or consumer as containing important information.

(13) The outer container used to display the marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient, or designated primary caregiver must comply with the labeling requirements in these rules, even if an inner container qualifies for the exception under section (11) or (12) of this rule.

(14) A marijuana item or industrial hemp commodity or product that simultaneously falls within more than one category, for example a cannabinoid concentrate that is intended for human consumption, must comply with the labeling requirements that apply to both cannabinoid concentrates and cannabinoid edibles, with the exception of the "DO NOT EAT" warning if the product is intended for human consumption or the "BE CAUTIOUS" warning if the effects of the product are customarily felt immediately.

(15) If a marijuana item or industrial hemp commodity or product is placed in a package that is being re-used, the old label must be removed and it must have a new label.

(16) A licensee or registrant must have documentation that demonstrates the validity of the calculation of the amount of sodium, cholesterol, protein, sugar, carbohydrates and total fat in a cannabinoid edible and must make that documentation available to the Commission or the Authority upon request.

(17)(a) A marijuana item or industrial hemp commodity or product that contains an ingredient consisting of two or more sub ingredients must either:

(A) Use the common name of the ingredient followed by a parenthetical listing of all ingredients in a descending order of predominance; or

(B) List all sub ingredients as individual ingredients in descending order of predominance.

(b) The list of ingredients must include any substance used in processing, preparing, manufacturing, packaging, or holding the cannabinoid product that is present in the final product, including any cooking or release spray.

(c) The list of ingredients must correctly identify the type of marijuana item or industrial hemp ingredient used to make the product.

(18) A cannabinoid edible that contains only a single serving may omit the servings per container declaration as long as the label clearly states that the package contains a single serving.

(19) A cannabinoid edible shall use one of the nutrition information formats provided by the Commission to display on the label the amount of calories, sodium, protein, added sugars, cholesterol, total carbohydrates, and total fat per serving, the serving size and number of servings per container, and the list of ingredients and potential allergens.

(20) If the container holding the marijuana item or industrial hemp commodity or product does not meet the child resistant standards set out in these rules, the outermost label must contain the following statement: "This package is not child resistant."

(21) Exit packaging must contain a label that reads: "Keep out of the reach of children."

(22) A cartridge or vaporizing device containing a cannabinoid or hemp concentrate, extract or product intended for use with an inhalant delivery system as that is defined in ORS 431A.175 is not required to be labeled in accordance with these rules except that the cartridge or device must have a label with the universal symbol or hemp symbol, as appropriate. All the remaining label requirements must be included on the packaging as required by these rules.

(23) The Commission may require that marijuana items and industrial hemp commodities and products sold at retail by Commission licensees be labeled with a Universal Product Code.

(24) Once a label is approved by the Commission, the label identification number provided by the Commission must be prominently displayed on the label of the outermost container.

(25) If a cannabinoid concentrate or extract contains any added substances, the item shall be considered a cannabinoid product and labeled under OAR 845-025-7120.

**Statutory/Other Authority:** ORS 475B.605

**Statutes/Other Implemented:** ORS 475B.605

### **845-025-7160**

#### **Packaging and Labeling Pre-approval Process**

(1) Prior to selling, offering for sale, or transferring a marijuana item or industrial hemp commodity or product that is for ultimate sale to a consumer, patient, or designated primary caregiver, a licensee, a license applicant or a registrant must submit both a package and a label application to and receive approval from the Commission.

(a) The initial submission shall be made electronically if required by the Commission. The licensee, license applicant or registrant must submit a physical prototype upon request by the Commission.

(b) If a license applicant submits packages and labels for pre-approval, final determination for packages and labels will not be made until the applicant has been issued a license.

(2) Except as provided in sections (5) to (7) of this rule, the packaging and label applications must be accompanied by the following:

(a) A fee as specified in OAR 845-025-1060; and

(b) Information including but not limited to:

(A) Documentation that the package has been certified as child resistant as defined by 16 CFR 1700 by a qualified third party child-resistant package testing firm.

(B) A picture of and description of the item to be placed in the package.

(C) For label applications for inhalable cannabinoid products that contain non-cannabis additives:

(i) The non-cannabis additive's list of ingredients as required by 845-025-3265(1); and

(ii) In a form and manner prescribed by the Commission, information regarding the manufacturer of the non-cannabis additive, the additive or additives being used by the licensee, and attestation by the licensee of the accuracy of the information submitted for label pre-approval.

(3) If a licensee submits a list of ingredients to the Commission in order to comply with (2)(b)(C) of these rules, and that the licensee believes the list of ingredients is a trade secret, the licensee must mark the information "confidential - trade secret."

(a) If the Commission receives a public records request for information submitted by a licensee, it will review all documents submitted to determine whether the documents contain trade secrets that would be exempt from disclosure under Oregon's Public Records Act, ORS 192.345.

(b) For purposes of this rule "trade secret" has the meaning given that term in ORS 192.345.

(4) The Commission will evaluate the packaging and label in order to determine whether:

(a) The packaging:

(A) Has been certified as child resistant by a qualified third party child-resistant package testing firm;

(B) Is attractive to minors or is marketed in a manner attractive to minors;

(C) Contains untruthful or misleading content; and

(D) Will contain a marijuana item or industrial hemp commodity or product that is not compliant with ORS 475B, OAR 333, Divisions 7 and 8, or OAR 845, Division 25.

(b) The label:

(A) Complies with the labeling rules, OAR 845-025-7000 to 845-025-7190, or any additional labeling requirements in ORS 475B, OAR 333, Divisions 7 and 8 or OAR 845, Division 25.

(B) Contains any material that is attractive to minors; and

(C) Contains untruthful or misleading content.

(5) The Commission must review the packaging and labeling and notify the licensee, licensee applicant or registrant whether the packaging and labeling is approved, and if not approved, a description of the packaging or labeling deficiencies.

(6) If a licensee or registrant's label or package is deficient, it must correct the deficiencies and resubmit the label or package for pre-approval, but the licensee or registrant is not required to submit an additional fee unless the label or package is found deficient for a second time in which case the application will be denied and the licensee or registrant must resubmit the packaging or labeling in accordance with section (1) of this rule.

(7) A licensee, applicant or registrant may submit packaging and labeling for approval on the same application for a product that may have different flavors, colors or sizes, if the product and packaging is otherwise identical. Applications for approval of packaging and labeling under this section are subject to a single application fee.

(8) Packages and labels that have been previously approved do not need to be resubmitted if the only changes to the packaging or label are:

(a) Changes in the:

(A) Harvest or processing date;

(B) Strain;

(C) Test results;

(D) Net weight or volume; or

(E) UID numbers.

(b) The deletion of any non-mandatory label information.

(c) The addition, deletion or change in the:

(A) UPC barcodes or 2D mobile barcodes (QR codes);

(B) Website address, phone number, fax number, or place of address of the licensee or registrant; or

(C) Instructions for opening or using child-resistant packages.

(d) The repositioning of any label information on the package, as long as the repositioning of label information is consistent with these rules.



**(e) A marijuana wholesaler or a marijuana retailer with an approved label may change the producer's business name, trade name, or license number without resubmission and pre-approval.**

(9) Prior to a licensee transferring a package or label approval from one licensee to another, the licensee requesting to transfer the label must submit a form prescribed by the Commission and pay the applicable fee as described in OAR 845-025-1060.

(10) The Commission may publish a list of previously-approved, child-resistant, commercially available packaging. Packaging identified on this list as approved for certain product types does not need to be submitted for package approval if the packaging is identical to the previously-approved package.

(11) The Commission may publish a list of licensees and registrants who have approved label applications.

(12) Labels for marijuana items or industrial hemp commodity or products do not require pre-approval if they are generic labels as defined in OAR 845-025-7000 and contain only the information required by these rules.

(13) Packages that are not intended to be child resistant do not require pre-approval. Any package that has not been certified as child-resistant must contain the statement described in OAR 845-025-7030(20).

(14) Notwithstanding any provisions of this rule, the Commission may permit or require electronic submission of labels and packaging for approval.

**Statutory/Other Authority:** ORS 475B.610, ORS 475B.620, 475B.236 & 475B.605

**Statutes/Other Implemented:** ORS 475B.610 & ORS 475B.620

**845-025-7500**

**Seed-To-Sale Tracking — CTS Requirements**

(1) A licensee must:

(a) Use CTS as the primary inventory and recording keeping system.

(b) Have a CTS account activated and functional ~~prior to operating or exercising any privileges of the license and~~ **within three business days of being licensed and** must maintain an active account while licensed.

(2) A licensee must have at least one license holder who is a CTS administrator. A licensee may authorize additional license holders or licensee representatives to obtain Administrator accounts.

(3) In order to obtain a CTS administrator account, a license holder must attend and successfully complete all required CTS training, except as provided in section (4) of this rule. The Commission may also require additional ongoing, continuing education for individual administrators to retain his or her CTS administrator account.

(4) A licensee may designate licensee representatives as CTS users. A designated user must be trained by a CTS administrator in the proper and lawful use of CTS. Notwithstanding section (3) of this rule a licensee may designate a licensee representative to attend and successfully complete required CTS training so long as both the licensee and the designated representative obtain CTS administrator accounts.

(5) A licensee must:

(a) Maintain an accurate and complete list of all CTS administrators and CTS users for each licensed premises and must update the list when a new CTS user is trained.

(b) Train and authorize any new CTS users before those users are permitted to access CTS or input, modify, or delete any information in CTS.

(c) Cancel any CTS administrator or user from an associated CTS account if that individual is no longer a licensee representative or the administrator or user has violated OAR 845-025-7500 to 845-025-7590.

(d) Correct any data that is entered into CTS in error.

(6) A licensee is accountable for all actions licensee representatives take while logged into CTS or otherwise conducting inventory tracking activities.

(7) Nothing in this rule prohibits a licensee from using secondary separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems. If a licensee uses a separate software application that links to the CTS system it must get approval from the CTS vendor contracting with the Commission and the software application must:

(a) Accurately transfer all relevant CTS data to and from CTS for the purposes of reconciliations with any secondary systems.

(b) Preserve original CTS data when transferred to and from a secondary application.

(8) If at any point a licensee loses access to CTS for any reason, the licensee must keep and maintain comprehensive records detailing all tracking inventory activities that were conducted during the loss of access.

(a) Once access is restored, all inventory tracking activities that occurred during the loss of access must be entered into CTS.

(b) A licensee must document when access to the system was lost and when it was restored.

(c) A licensee may not transport any marijuana items to another licensed premises until such time as access is restored and all information is recorded into CTS.

**Statutory/Other Authority:** ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110 & 475B.560

**Statutes/Other Implemented:** ORS 475B.150

**845-025-7700**

**Transportation and Delivery of Marijuana Items**

(1) Marijuana items transferred by licensees.

(a) Marijuana items transferred between licensed premises may only be transported by:

(A) A licensee or licensee representative of the originating license or another license under common ownership~~or receiving license~~;

**(B) A licensee or licensee representative of the receiving license;** or

~~(C)(B)~~ A wholesale licensee or wholesale licensee representative on behalf of the originating or receiving licensee.

(b) Marijuana items transferred by a licensee to a PRMG or to the residence of a registry identification cardholder or designated primary caregiver may only be transported by the originating licensee or a licensee representative of the originating licensee.

(c) Samples of marijuana items that are obtained by a laboratory licensee pursuant to OAR 333-007-0360 may only be transported by the laboratory licensee or a laboratory licensee representative of the receiving laboratory.

~~(2) Marijuana and hemp items transferred by licensees in the same transport vehicle.~~

~~(a) A licensee or licensee representative that holds an industrial hemp grower or handler certificate under common ownership may transport marijuana and industrial hemp in the same transport vehicle.~~

~~(A) All marijuana and hemp transported in the same vehicle must be entered into CTS and meet all requirements of this rule.~~

(2) Physical transport requirements for licensees.

(a) An individual authorized to transport marijuana items on behalf of a licensee or laboratory licensee must have a valid Driver License.

(b) A licensee or laboratory licensee must:

(A) Store marijuana items in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle;

(B) When transporting perishable marijuana items, provide appropriate temperature control within the transport vehicle;

(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon;

(D) Deliver marijuana items to all destinations and return any remaining marijuana items to the origin premises within 60 hours of original departure;

(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop;

(F) Package all marijuana items for transport in shipping containers and assign and affix a UID tag to all receptacles containing marijuana items as required by these rules;

(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest, but may prepare a separate CTS manifest for each receiving location in order to maintain transaction confidentiality;

(H) Contact the Commission immediately, or as soon as possible under the circumstances, if a vehicle transporting marijuana items is involved in any accident or other situation involving product loss;

(I) Travel directly from the originating location to the destination location as described in the manifest route;

(J) Notify the Commission in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route; and

(K) Immediately make the vehicle and its contents available for inspection upon the Commission's request if the delivery vehicle is stopped at an unlicensed location.

(c) A licensee or laboratory licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove the marijuana items from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer marijuana items to, nor store marijuana items in a hotel or any other unlicensed premises;

(C) Except as allowed in (8) of this section, void or change a manifest after departing the originating premises; or

(D) Travel with any persons not listed on the manifest.

(3) CTS Manifest General Requirements.

(a) Prior to removing a marijuana item from the originating location for the purposes of transport or delivery, the originating licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing the following information:

(A) The originating location's license number and address as it appears in CTS;

(B) The destination location's license number and address as it appears in CTS;

(C) The UID, product name, and quantity (by weight or unit as applicable) of each marijuana item;

(D) The actual date and estimated time of departure;

~~(E) A written description of the route that will be used to get to each location;~~

**(E) Location and duration of time for any overnight stop;**

(F) The arrival date and estimated time of arrival or completion of delivery;

(G) The delivery vehicle make, model, and license plate number; and

(H) The name, contact information, **worker permit number** and signature of the individual accompanying the transport.

(b) A physical, printed copy of the generated manifest must accompany every transport of marijuana items.

(c) An originating licensee transporting marijuana items to a retailer licensee must generate a manifest at least 24 hours in advance of initiating transport, if the marijuana items being transported exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of cannabinoid concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

(d) Notwithstanding (3)(b) of this rule, a manifest is not required for a sales transaction or transfer of marijuana to a consumer, patient, or caregiver when the physical transfer of the marijuana occurs at the premises of a licensed retailer or at a medical marijuana dispensary.

(4) CTS Manifest Requirements for Transports to Consumers. When transporting marijuana items to a consumer as allowed by these rules, the manifest must include:

(a) The information required on the manifest by section (3)(a) of this rule, except for a destination location license number;

(b) The name of the individual receiving the marijuana item;

(c) The address of the destination; and

(d) All information for the manifest required under OAR 845-025-2880.

(5) CTS Manifest Requirements for Transfers to PRMGs, Registry Identification Cardholders, or Designated Primary Caregivers.

(a) Prior to transferring marijuana items to a PRMG, registry identification cardholder, or designated primary caregiver, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing:

(A) The information required on a manifest by section (3)(a) of this rule, except for a destination location license number;

(B) The name of the individual receiving the marijuana item;

(C) The address of the destination, if the delivery is not completed at the originating location;

(D) If delivered to a registry identification cardholder, the registry identification card number;

(E) If delivered to a designated primary caregiver on behalf of a patient, designated primary caregiver identification card; and

(F) If delivered to a PRMG, the marijuana grower and grow site registration card number of the PRMG.

(b) A licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary transporting marijuana to individuals or locations not in CTS must record whether each marijuana item was accepted by the recipient or rejected and returned to the originating location inventory, and if accepted, record the transport as complete in CTS.

(6) CTS Requirements when Receiving from Locations in CTS. Upon receipt of a delivery of marijuana items, the receiving licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Record each applicable UID as accepted and received or rejected in CTS as applicable;

(b) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS if accepted; and

(c) Separately and for each UID, document any differences between the quantities specified on the manifest and the quantities received in CTS.

(7) CTS Requirements when Receiving from Locations Not in CTS. When receiving marijuana items from a source not subject to CTS tracking but otherwise allowed by these rules or OAR Chapter 333 Division 8, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Use CTS to record an incoming manifest including the registry identification card number, designated primary caregiver identification card number, or grow site registration card number, as applicable;

(b) Assign and affix a UID tag to each quantity of marijuana items received;

(c) Use CTS to record the incoming transport no later than the time of daily inventory reconciliation as required by these rules; and

(d) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS.

(8) Licensee Transport of Marijuana to Intermediary Stops. A licensee may remove marijuana items from a manifest after departing from the originating premises if:

(a) The route of the original manifest lists the trade name, license number, address, and estimated arrival time for each licensed premises that will be visited as an intermediary stop;

(b) All marijuana items in the vehicle are included on a CTS manifest at the time of departure from the originating premises;

(c) Marijuana items that are removed from the original manifest at an intermediary stop are immediately added to a new CTS manifest. The destination license on the new manifest must be listed on the original manifest route as an intermediary stop;

(d) Changes to the original manifest under (8)(c) of this rule are only made while the marijuana items subject to the change are physically located within the licensed premises of the intermediary stop to which they are being transferred; and

(e) The amount of marijuana items being transported in the vehicle does not exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

**Statutory/Other Authority:** ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

**Statutes/Other Implemented:** ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

## **DIVISION 26**

### **845-026-0100**

#### **Definitions**

For the purposes of OAR 845-026-0100 to 845-026-4100, unless otherwise specified, the following definitions apply:

(1) "Adult use cannabinoid" includes, but is not limited to, tetrahydrocannabinols, tetrahydrocannabinolic acids that are artificially or naturally derived, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, the optical isomers of delta-8-tetrahydrocannabinol or delta-9-tetrahydrocannabinol and any artificially derived cannabinoid that is reasonably determined to have an intoxicating effect.

(2) "Adult use cannabis item"

**(a)** ~~Means:~~

**(A)** ~~(a)~~ A marijuana item;

**(B)** ~~(b)~~ An industrial hemp commodity or product that meets the criteria in OAR 845-026-0300; or

**(C)** ~~(c)~~ An industrial hemp commodity or product that exceeds the greater of:

**(i)** ~~(A)~~ A concentration of more than 0.3 percent total delta-9-tetrahydrocannabinol; or

**(ii)** ~~(B)~~ The concentration of total delta-9-tetrahydrocannabinol allowed under federal law.

**(b) Does not mean:**

**(A) Industrial hemp processed through retting or other processing such that it is suitable fiber for textiles, rope, paper, hempcrete, or other building or fiber materials;**

**(B) Industrial hemp seed processed such that it is incapable of germination and processed such that is suitable for human consumption; or**

**(C) Other products derived only from hemp fiber or hemp seeds incapable of germination that may include other non-cannabis ingredients.**

**(3)(a) "Artificially derived cannabinoid"**

**(a) 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) Includes but is not limited to:**

**(A) A cannabinoid manufactured by exposing a marijuana item or hemp item to chemical reagents, catalysts, reactants, or other reactive materials under conditions that cause a reaction that changes the molecular structure of a cannabinoid; or**

**(B) A cannabinoid manufactured by processing a marijuana item or hemp item through column chromatography using a reactive material such as bleaching clay in the stationary phase which results in a reaction that changes the molecular structure of a cannabinoid.**

**(c) "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) Cannabinoids that occur naturally in the plant Cannabis family Cannabaceae manufactured from a chemical substance derived from the plant Cannabis family Cannabaceae by mimicking or accelerating natural degradation process using only heat, light, pressure, air, or oxygen; or**

**(D) Any other chemical substance identified by the commission **by rule**, in consultation with the Oregon Health Authority and the State Department of Agriculture, ~~by rule~~.**

**(4) "Authority" means the Oregon Health Authority.**

**(5)(4) "Cannabis plant" means a plant of the genus Cannabis within the plant family Cannabaceae.**

**(6) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.**

**(7) "Cannabinoid capsule" means a small, soluble pill, tablet or container that contains liquid or powdered cannabinoid product, concentrate or extract and is intended for human ingestion.**

**(8) "Cannabinoid concentrate" has the meaning given that term in OAR 845-025-1015.**

**(9) "Cannabinoid edible" means a food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.**

**(10) "Cannabinoid hemp product"**



**(a) Means an industrial hemp edible or any other product intended for human consumption including an industrial hemp topical or industrial hemp transdermal patch, that contains cannabinoids from industrial hemp or the dried leaves or flowers of hemp; or**

**(b) Usable hemp, industrial hemp extracts and industrial hemp concentrates that have been combined with non-cannabis additives.**

**(c) Industrial hemp product does not include usable hemp by itself, hemp stalk by itself, a hemp concentrate or extract by itself, hemp seed incapable of germination by itself, or other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients.**

**(11) "Cannabinoid extract" has the meaning given that term in OAR 845-025-1015.**

**(12) "Cannabinoid product" has the meaning given that term in OAR 845-025-1015.**

**(13) "Cannabinoid suppository" means a small soluble container designed to melt at body temperature within a body cavity other than the mouth, especially the rectum or vagina containing a cannabinoid product, concentrate or extract.**

**(14) "Cannabinoid transdermal patch" means an adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.**

**(15) "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:**

**(a) A non-potable solution consisting of at least 25 percent non-denatured alcohol, in addition to cannabinoid concentrate, extract or usable marijuana, and perhaps other ingredients intended for human consumption or ingestion, that is exempt from the Liquor Control Act under ORS 471.035; or**

**(b) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; cannabinoid concentrate, extract or usable marijuana; and other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.**

**(16) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.**

**(17) "Commission" means the Oregon Liquor and Cannabis Commission.**

**(18)(5) "Consumption or use" means to eat, drink, ingest, inhale, apply topically to the skin or hair, or otherwise consume an item.**

**(19)(6) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol.**

**(20)(7) "Delta-9-tetrahydrocannabinolic acid" or "delta-9-THCA" means (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-2-carboxylic acid.**

**(21) "Delta-8-tetrahydrocannabinol" or "delta-8-THC" means (6aR,-10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol, *Chemical Abstracts Service Number 5957-75-5.***

**(22)(8) "Flowering" means a cannabis plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.**

**(23)(9) "Immature cannabis plant" means a cannabis plant that is not flowering.**

(10) "Industrial hemp" has the meaning given that term in ORS 571.269.

**(24) "Industrial hemp concentrate" has the meaning given that term in ORS 571.269.**

**(25) Industrial hemp extract" has the meaning given that term in ORS 571.269.**

**(26) "Intended for human consumption" means intended for a human to eat, drink, or otherwise put in the mouth but does not mean intended for human inhalation or human use.**

**(27) "Intended for human use" means intended to be used by applying it to a person's skin or hair, inhalation or otherwise consuming the product except through the mouth.**

**(28) "Hemp edible"**

**(a) Means a food or potable liquid into which industrial hemp, a hemp concentrate, a hemp extract, or the dried leaves or flowers of hemp have been incorporated.**

**(b) Does not mean hemp seed incapable of germination by itself or other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients.**

~~(29)(11)~~ "Industrial hemp commodity or product" has the meaning given that term in OAR 603-048-0010.

**(30) "Hemp topical"**

**(a) Means a substance intended to be applied to skin or hair that contains a hemp cannabinoid product, hemp concentrate or extract.**

**(31) "Hemp tincture"**

**(a) Means a liquid Industrial hemp cannabinoid product packaged in a container of four fluid ounces or less that consists of either:**

**(A) A non-potable solution of at least 25 percent non-denatured alcohol, in addition to a hemp concentrate, hemp extract, or usable hemp and perhaps other ingredients intended for human consumption that is exempt from the Liquor Control Act under ORS 471.035; or**

**(B) A non-potable solution comprised of glycerin, plant-based oil, or concentrated syrup; hemp concentrate or extract or usable hemp, and perhaps other ingredients, that does not contain any added sweeteners and is intended for human consumption or ingestion.**

**(32) "Hemp transdermal patch" means an adhesive substance applied to human skin that contains a hemp cannabinoid product, hemp concentrate or extract for absorption into the bloodstream.**

**(33) "Hemp vapor item manufacturer" means a person responsible for the labeling or manufacturing of an industrial hemp-derived vapor item sold in Oregon. This includes:**

**(a) A hemp grower that is licensed with the Oregon Department of Agriculture under ORS 571.281 to produce industrial hemp.**

**(b) A hemp handler that is licensed with the Oregon Department of Agriculture under ORS 571.281 to process industrial hemp into commodities, products or agricultural hemp seed.**

**(c) Any other person who is responsible for the labeling of an industrial hemp-derived vapor item sold in Oregon.**

**(34) "Industrial hemp-derived vapor item" means an industrial hemp concentrate or industrial hemp extract, as those terms are defined in ORS 571.269, whether alone or combined with non-cannabis additives, that is intended for use in an inhalant delivery system.**

**(35) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.**

**(36) "Laboratory" means a laboratory certified by the Authority under ORS 438.605 to 438.620 and authorized to sample or test marijuana items for purposes specified in these rules.**

**(37) "Laboratory licensee" means a laboratory licensed under ORS 475B.560 and includes each applicant listed on an application that the Commission has approved and each person who is added to the license as described in OAR 845-025-1160(4).**

**(38) "Limit of quantification" or "LOQ" means the minimum levels, concentrations, or quantities of a target variable, for example, an analyte that can be reported by a laboratory with a specified degree of confidence.**

**(39)~~(12)~~ "Mature cannabis plant" means a cannabis plant that is not an immature marijuana plant.**

**(40)~~(13)~~ "Marijuana item" has the meaning given that term in OAR 845-025-1015.**

**(41)~~(14)~~ "Presumptive test" means testing under 845-026-4100.**

**(42) "Net weight" means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams.**

**(43) "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.**

**(44) "Non-cannabis additive" means a substance or group of substances that are derived from a source other than industrial hemp.**

**(a) "Non-cannabis additive" includes but is not limited to purified compounds, essential oils, oleoresins, essences or extractives, protein hydrolysates, distillates, or isolates.**

**(b) "Non-cannabis additive" does not include plant material that is in the whole, broken, or ground form.**

**(45) Person has the meaning given that term in ORS 174.100.**

**(46)~~(15)~~ "Total delta-9-tetrahydrocannabinol" or "total delta-9-THC" means the sum of the concentration or mass of delta-9-THCA multiplied by 0.877 plus the concentration or mass of delta-9-THC.**

**(47) "Usable hemp"**

**(a) Means the flowers and leaves of industrial hemp intended for human consumption that does not fall within meaning hemp concentrate or extract, hemp edible, or hemp cannabinoid product.**

**(b) Includes, for purposes of these rules, pre-rolled hemp as long as the pre-roll consists of only dried hemp leaves and flowers, an unflavored rolling paper and a filter or tip.**

**Statutory/Other Authority:** ORS 475B.025, 475B.015 & 2021 ~~H.B. 3000~~ OL Ch. 542

**Statutes/Other Implemented:** ORS 475B.025, 475B.015 & 2021 ~~H.B. 3000~~ OL Ch. 542

#### **845-026-0200**

##### **Marijuana Concentration and Serving Size Limits: Definitions, Purpose, Scope and Effective Date**

**(1) OAR 845-026-0200 through 845-026-0220 apply to:**

**(a) A licensee as that term is defined in OAR 845-025-1015; and**

**(b) A person registered with the Oregon Health Authority under ORS 475B.875 to 475B.949 who is not exempt under ORS 475B.630.**

**(2) A cannabinoid product or cannabinoid concentrate or extract meets the concentration limits permitted under OAR 845-026-0210 through 845-026-0220 if:**

**(a) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum amount of THC permitted by more than 10 percent; and**

**(b) The testing in accordance with ORS 475B.555 was performed using a method with a LOQ sufficient to demonstrate that the total delta-9-THC does not exceed the maximum amount of THC permitted by more than 10 percent.**

**(3) For purposes of OAR 845-026-0200 through 845-026-0220:**

**(a) The definitions in OAR 845-026-0100 apply unless otherwise specified.**

**(b) "Medical marijuana item" is a marijuana item for sale or transfer to a patient or designated primary caregiver and includes medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts.**

**(c) "Retail adult use marijuana item" is a marijuana item for sale to a consumer.**

**Statutory/Other Authority:** ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542

**Statutes/Other Implemented:** ORS 475B.625 & 2021 OL Ch. 542

#### **845-026-0210**

##### **Retail Marijuana Item Concentration and Serving Size Limits**

**(1) The maximum concentration or amount of total delta-9-THC permitted in a container and the maximum concentration or amount of total delta-9-THC permitted in a serving of a retail adult use marijuana item is listed in Table 1.**

**(2) A retail adult use marijuana item may not contain any artificially derived cannabinoids.**

**(3) Cannabinoid edible serving size identification:**

**(a) Except as provided in subsection (b) of this section, a cannabinoid edible must be scored. If a cannabinoid edible is not capable of being scored, 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.**

**(b) For solid cannabinoid edibles that exceeds 55 milligrams total delta-9-THC in the package, each serving must be scored.**

**(4) Serving size is as determined by the processor and must comply with applicable serving size limits.**

**(5) A retail adult use marijuana item that does not fall within a category in Table 1 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 1.**

**OAR 845-026-0210**

**Table 1**

<b><u>RETAIL ADULT USE CANNABIS CONCENTRATION AND SERVING SIZE LIMITS</u></b>		
<b><u>Type of Marijuana Item</u></b>	<b><u>Maximum Amount of total delta-9-THC Per Serving</u></b>	<b><u>Maximum Concentration or Amount of THC in Container</u></b>
<b><u>Cannabinoid Product – Edibles</u></b>	<b><u>5 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product – Topicals</u></b>	<b><u>N/A</u></b>	<b><u>6%</u></b>
<b><u>Cannabinoid Product – Transdermal Patches</u></b>	<b><u>10 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Product – Tinctures</u></b>	<b><u>N/A</u></b>	<b><u>1,000 mg</u></b>
<b><u>Cannabinoid Product – Capsules</u></b>	<b><u>10 mg</u></b>	<b><u>100 mg</u></b>
<b><u>Cannabinoid Concentrates or Extracts</u></b>	<b><u>N/A</u></b>	<b><u>2,000 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Not Intended for Human Consumption</u></b>	<b><u>N/A</u></b>	<b><u>1,000 mg</u></b>
<b><u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches and Intended for Human Consumption; or Cannabinoid Suppositories</u></b>	<b><u>5 mg</u></b>	<b><u>100 mg</u></b>

**Statutory/Other Authority: ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542**

**Statutes/Other Implemented: ORS 475B.625 & 2021 OL Ch. 542**

**845-026-0220**

**Medical Marijuana Item Concentration Limits**

**(1) The maximum concentration or amount of THC permitted in a container and the maximum concentration or amount of THC permitted in a serving of a medical marijuana item is listed in Table 2.**

(2) A medical marijuana item may not contain any artificially derived cannabinoids.

(3) A cannabinoid edible must be scored. If the cannabinoid edible is not capable of being scored, 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 patient to determine when a single serving has been consumed, as that serving size is determined by the processor.

(4) Serving size is as determined by the processor and must comply with applicable serving size limits.

(5) A medical marijuana item that does not fall within a category in Table 2 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 2.

Statutory/Other Authority: ORS 475B.025, ORS 475B.625, 2021 OL Ch. 542

Statutes/Other Implemented: ORS 475B.625, 2021 OL Ch. 542

OAR 845-026-0220

Table 2

<u>MEDICAL CANNABIS CONCENTRATION AND SERVING SIZE LIMITS</u>		
<u>Type of Marijuana Item</u>	<u>Maximum Amount of total delta-9-THC Per Serving</u>	<u>Maximum Concentration or Amount of THC in Container</u>
<u>Cannabinoid Product – Edibles</u>	<u>N/A</u>	<u>100 mg</u>
<u>Cannabinoid Product – Topicals</u>	<u>N/A</u>	<u>6%</u>
<u>Cannabinoid Product – Transdermal Patches</u>	<u>100 mg</u>	<u>4,000 mg</u>
<u>Cannabinoid Product – Tinctures</u>	<u>N/A</u>	<u>4,000 mg</u>
<u>Cannabinoid Product – Capsules</u>	<u>100 mg</u>	<u>4,000 mg</u>
<u>Cannabinoid Product – Cannabinoid Suppositories</u>	<u>100 mg</u>	<u>4,000 mg</u>
<u>Cannabinoid Concentrates or Extracts</u>	<u>N/A</u>	<u>4,000 mg</u>
<u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories or Transdermal Patches and Intended for Human Consumption</u>	<u>N/A</u>	<u>100 mg</u>
<u>Cannabinoid Product Other than Cannabinoid Edibles, Topicals, Tinctures, Capsules, Suppositories or Transdermal Patches and Not Intended for Human Consumption</u>	<u>N/A</u>	<u>4,000 mg</u>

845-026-0300

Adult Use Cannabis Item

*(1) In accordance with ORS 475B.015 as amended by 2021 Oregon House Bill 3000, the Commission must establish the concentration of adult use cannabinoids at which a hemp item qualifies as an adult use cannabis item.*

**(1)(2) An industrial hemp commodity or product is an adult use cannabis item if it is a hemp item as defined in OAR 603-048-2310 and:**

(a) Contains 0.5 milligrams or more of any combination of:

(A) Tetrahydrocannabinols or tetrahydrocannabinolic acids, including delta-9-tetrahydrocannabinol or delta-8-tetrahydrocannabinol; or

(B) Any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect;

(b) Contains any quantity of artificially-derived cannabinoids; or

**(c) The testing in accordance with ORS 571.330 or 571.339 was performed using a method with a LOQ that is not sufficient to demonstrate that the total delta-9-THC does not exceed 0.5 milligrams**~~(c) Has not been demonstrated to contain less than 0.5 milligrams total delta-9-THC when tested in accordance with ORS 571.330 or 571.339.~~

**(2)(3)**An adult use cannabis item cannot be sold or delivered to a person under 21 years of age, except by a marijuana retailer that holds a license issued under ORS 475B.105 and that is registered under ORS 475B.146 to sell or deliver marijuana items to a registry identification cardholder who is 18 years of age or older or as allowed under ORS 475B.785 to 475B.949.

**(3) Civil Penalties. The Commission may impose a civil penalty of no more than \$10,000 for each violation of section (3) of this rule.**

**Statutory/Other Authority:** ORS 475B.025, 475B.015, **475B.416** & 2021 ~~H.B. 3000~~**OL Ch. 542**

**Statutes/Other Implemented:** ORS 475B.025, 475B.015, 475B.211 & 2021 ~~H.B. 3000~~**OL Ch. 542**

**845-026-0400**

**Hemp Item Concentration and Serving Size Limits: Definitions, Purpose, Scope and Effective Date**

**(1) Applicability.**

**(a) Except as provided in subsection (b) of this section, this rule applies to industrial hemp products that:**

**(A) Contain cannabinoids and are intended for consumption or use; and**

**(B) Are offered for sale or transfer to a consumer in Oregon or imported into Oregon for delivery to a consumer on or after April 1, 2022.**

**(b) This rule does not apply to a hemp item as that term is defined in OAR 845-025-1015 that is subject to the concentration and serving size limits in OAR 845-025-2760.**

**(2) An industrial hemp product meets the concentration limits permitted under this rule if:**

**(a) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum amount of THC permitted by more than 10 percent;**

**(b) The total delta-9-THC as calculated in accordance with OAR 333-064-0100(4) does not exceed the maximum concentration of THC permitted by more than 10 percent; and**

(c) The testing in accordance with ORS 571.330 or 571.339 was performed using a method with a LOQ sufficient to demonstrate that the total delta-9-THC does not exceed the maximum amount of THC permitted in a container by more than 10 percent.

(3) The maximum concentration and amount of total delta-9-THC permitted in a container and the maximum concentration or amount of total delta-9-THC permitted in a serving is listed in Table 3.

(4) An industrial hemp product may not contain any artificially derived cannabinoids.

(5) Serving size is as determined by the processor and must comply with applicable serving size limits.

(6) An industrial hemp product that does not fall within a category in Table 3 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 3.

(7) Civil Penalties. The Commission may impose a civil penalty of no more than \$10,000 for each violation of ORS 475B.254 by a person other than a marijuana retailer that holds a license issued under ORS 475B.105 selling an industrial hemp product to a consumer that exceeds the concentration and serving size limits in this rule.

**OAR 845-026-0400**

**Table 3**

<b><u>INDUSTRIAL HEMP PRODUCT CONCENTRATION AND SERVING SIZE LIMITS</u></b>			
<b><u>Type of Industrial Hemp Product</u></b>	<b><u>Maximum Amount of total delta-9-THC Per Serving</u></b>	<b><u>Maximum Amount of total delta-9-THC in Container</u></b>	<b><u>Maximum Concentration of total delta-9-THC</u></b>
<b><u>Hemp Edibles</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Topicals</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Transdermal Patches</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Hemp Tinctures</u></b>	<b><u>N/A</u></b>	<b><u>50 mg</u></b>	<b><u>0.3%</u></b>
<b><u>Usable Hemp</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Industrial Hemp Concentrates or Extracts</u></b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b><u>0.3%</u></b>
<b><u>Cannabinoid Hemp Product Other than Hemp Edibles, Topicals, Tinctures, Capsules, or Transdermal Patches</u></b>	<b><u>1 mg</u></b>	<b><u>10 mg</u></b>	<b><u>0.3%</u></b>

**Statutory/Other Authority: ORS 475B.025, ORS 475B.416, ORS 475B.625, 2021 OL Ch. 542**

**Statutes/Other Implemented: ORS 475B.625 & 2021 OL Ch. 542**

**845-026-4100**

**Presumptive Testing**

(1) For the purpose of this rule:

(a) "Crop" has the meaning given that term in OAR 603-048-0010.

(b) "Composite Sample" means cuttings from at least five cannabis plants removing the top five to eight inches and compositing in one receptacle for purposes of testing.



(c) "Grow site" has the meaning given that term in OAR 603-048-0010.

(d) "Production area" has the meaning given that term in OAR 603-048-0010.

(2) In accordance with Section 41a, 2021 ~~Oregon House Bill 3000~~ **Oregon Laws Chapter 542**, the Commission must establish a methodology to distinguish whether a cannabis plant is marijuana or industrial hemp for purposes of Sections 40 to 44 of 2021 ~~House Bill 3000~~ **Oregon Laws Chapter 542**.

(3) Cannabis plants may be distinguished between hemp and marijuana for purposes of Sections 40 to 44 of 2021 ~~House Bill 3000~~ **Oregon Laws Chapter 542** by three methods:

(a) Testing pursuant to OAR 603-048-0600 to 603-048-0625.

(b) Testing by the State Department of Agriculture pursuant to ORS 571.281(7).

(c) Presumptive testing in accordance with this rule.

(4) In addition to any sampling conducted under OAR 603-048-0600, a representative of the State Department of Agriculture or the Oregon Liquor ~~Control~~ **and Cannabis** Commission may sample from an industrial hemp grow site registered under ORS 571.281 for the purposes of conducting a presumptive test.

(5) To conduct sampling for a presumptive test:

(a) A minimum of three composite samples from mature plants or a minimum of three composite samples from immature plants must be collected. Each composite sample must be taken from a different production area, or if the grow site has less than three production areas, each composite sample must be taken from three different areas of the grow site;

(b) Grow sites with multiple production areas must have a composite sample collected from at least one out of every ~~ten~~ **10** separate production areas; and

(c) Sampling is not required to be representative of the crop, grow site, or production area.

(6) All cannabis plants at a grow site are presumptively marijuana for purposes of Sections 40 to 44 of 2021 Oregon ~~House Bill 3000~~ **Laws Chapter 542** if sampling at the grow site meets any of the following criteria:

(a) At least ~~fifty~~ **50** percent of composite samples taken from mature plants test at or above five percent total delta-9-THC;

(b) The average total delta-9-THC among the composite samples taken from mature plants tests at or above five percent;

(c) At least ~~fifty~~ **50** percent of composite samples taken from immature plants test at or above a 5:1 ratio of total THC to total CBD, with total CBD calculated as described in OAR 333-064-0100;

(d) At least ~~fifty~~ **50** percent of composite samples taken from immature plants test at or above one percent total delta-9-THC; or

(e) The average total delta-9-THC among the composite samples taken from immature plants tests at or above one percent total delta-9-THC.

**Statutory/Other Authority:** ORS 475B.025 & 2021 ~~H.B. 3000~~OL Ch. 542  
**Statutes/Other Implemented:** ORS 475B.025 & 2021 ~~H.B. 3000~~OL Ch. 542

**OAR 845-026-XXXX**

**Industrial Hemp-derived Vapor Item Testing Requirements**

**(1) A hemp vapor item manufacturer must comply with the Authority's testing rules in OAR 333-007-0300 to 333-007-0490 and OAR 333, division 64 prior to the sale or transfer of an industrial hemp-derived vapor item, as specified in those rules.**

**(2) The Commission may impose a civil penalty of up to \$500 per day per violation for failure to comply with OAR 845-026-XXXX unless the person is a hemp grower or handler licensed under ORS 571.281.**

**(3) This rule is effective on and after June, 1, 2022.**

**Statutory/Other Authority:** ORS 475B.505, ORS 475B.555 & 2021 OL Ch. 646  
**Statutes/Other Implemented:** ORS 475B.505, ORS 475B.555 & 2021 OL Ch. 646

**845-026-XXXB**

**Audit, Compliance, and Random Testing of Industrial Hemp-derived Vapor Items**

**(1) The Commission may require a hemp vapor item manufacturer to submit samples identified by the Commission of an industrial hemp-derived vapor item to a laboratory of the Commission's choosing to be tested in order to determine whether a hemp vapor item manufacturer is in compliance with the marijuana testing rules found in Chapter 333, Division 7 of the Oregon Administrative Rules or any other rules of the Commission and may require additional testing that is not required by these rules.**

**(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods, unless otherwise authorized by the Commission.**

**(3) The Commission may, at any time, require a hemp vapor item manufacturer to permit the sampling of or submit a sample of an industrial hemp-derived vapor item to the Commission for testing. Such testing may include testing for:**

**(a) Any microbiological contaminant.**

**(b) Heavy metals.**

**(c) Other adulterants, pesticides, solvents, additives or contaminants that may pose a risk to public health and safety, or are prohibited by law.**

**(4) A hemp vapor item manufacturer shall submit all samples required for testing under this rule within a timeframe established by the Commission.**

**Statutory/Other Authority:** ORS 475B.550, 475B.555 & 2021 OL Ch. 646  
**Statutes/Other Implemented:** ORS 475B.550, 475B.555 & 2021 OL Ch. 646

**845-026-XXXC**

**Audit, Compliance, and Random Testing of Industrial Hemp or Industrial Hemp Items**

(1) The Commission may require a Person to submit samples identified by the Commission of industrial hemp or industrial hemp items to a laboratory of the Commission's choosing to be tested in order to determine whether a Person is in compliance with the Adult Use Cannabis rules found in 845-026-0200 to 845-026-0400 of the Oregon Administrative Rules or any other rules of the Commission and may require additional testing that is not required by these rules.

(2) A laboratory doing audit testing must comply with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods, unless otherwise authorized by the Commission.

(3) A Person shall submit all samples required for testing under this rule within a timeframe established by the Commission.

**Statutory/Other Authority: ORS 475B.550 & 475B.555**

**Statutes/Other Implemented: ORS 475B.550 & 475B.555**

#### 845-026-XXXD Industrial Hemp-derived Vapor Item Labeling – Definitions

For the purposes of OAR 845-026-XXXX through 845-026-XXXX, unless otherwise specified:

(1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling an industrial hemp-derived vapor item.

(2) "Attractive to minors" means packaging, receptacles, inhalant delivery devices, labeling and marketing that features:

(a) Cartoons;

(b) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;

(c) Symbols or celebrities that are commonly used to market products to minors;

(d) Images of minors; and

(e) Words that refer to products that are commonly associated with minors or marketed by minors.

(3) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:

(a) The use of comically exaggerated features;

(b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

(c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

(4) "CBD" means total cannabidiol as calculated pursuant to OAR 333-064-0100.

(5) "Consumer" means a person who purchases, acquires, owns, holds or uses industrial hemp-derived vapor items other than for the purpose of resale.

(6) "Container"

(a) Means a sealed, hard or soft-bodied receptacle in which an industrial hemp-derived vapor item is placed and any outer receptacle intended to display an industrial hemp-derived vapor item for ultimate sale to a consumer.

(b) Does not mean:

(A) Inner wrapping or lining;

(B) An exit package; or

(C) A shipping container used to transfer industrial hemp-derived vapor items in bulk from one hemp vapor item manufacturer to another.

(7) "Generic label"

(a) Means a label that does not have any graphics, pictures, or logos, other than symbols required by these rules and has:

(A) Only the information required by rule;

(B) Additional test information not required by rule; or

(C) Additional information described in OAR 845-026-XXXX(8)(c).

(8) "Health claim" means any claim made on the label that expressly states or implies a relationship between a substance and a disease or health-related condition.

(9) "Hemp symbol" means the image, established by the Commission and made available to a hemp vapor item manufacturer, indicating the item is an industrial hemp-derived vapor item.

(10) "Label" means any display of written, printed, or graphic matter printed on or affixed to any container, wrapper, liner, or insert accompanying the industrial hemp-derived vapor item.

(11) "Net quantity of contents" means a statement on the principal display panel of the net weight or net volume of the product expressed in the terms of weight, measure, or numerical count.

(12) "Net volume" means the fluid measure of a liquid product expressed as milliliters and fluid ounces.

(13) "Net weight" means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams.

(14) "Place of address" means the name, mailing address, city, state and zip code of the hemp vapor item manufacturer who made the industrial hemp-derived vapor item.

(15) "Principal display panel" means the part of a label on a package or container that is most likely to be displayed, presented, shown or seen under customary conditions of display for sale or transfer.

(16) "Product identity" means a truthful or common name of the product that is contained in the package.

(17) "Retailer" means a person or business that sells industrial hemp-derived vapor items to consumers.

(18) "Serving" or "serving size" means an amount of product that is suggested for use by a consumer trying the item for the first time.

(19) "THC" means total delta-9-tetrahydrocannabinol as calculated pursuant to OAR 333-064-0100.

(20) "These rules" means OAR 845-026-XXXX through 845-026-XXXX.

(21) "Ultimate sale" means the final sale from a retail location to a consumer.

Statutory/Other Authority: ORS 475B.605, ORS 475B.610 & 2021 OL Ch. 646

Statutes/Other Implemented: ORS 475B.605, ORS 475B.610 & 2021 OL Ch. 646

#### 845-026-XXE

##### Industrial Hemp-derived Vapor Item Labeling: Purpose, Scope, and Effective Date

(1) The purpose of OAR 846-026-XXXD through 845-026-XXXI is to set the minimum standards for the labeling of industrial hemp-derived vapor items that are for ultimate sale or transfer to a consumer at a retailer. These minimum standards are applicable to any person manufacturing a hemp-derived vapor item that will be transferred to a person other than a Commission licensee pursuant to ORS 571.336 and 571.337 and includes:

(a) A hemp grower that is licensed with the Oregon Department of Agriculture under ORS 571.281 to produce industrial hemp.

(b) A hemp handler that is licensed with the Oregon Department of Agriculture under ORS 571.281 to process industrial hemp into commodities, products or agricultural hemp seed.

(c) Any other person who is responsible for the labeling of an industrial hemp-derived vapor item sold in Oregon.

(2) The labeling requirements in these rules do not apply to a hemp vapor item manufacturer transferring a bulk quantity or amount of industrial hemp-derived vapor items to another hemp vapor item manufacturer for labeling.

(3) Nothing in these rules prohibits the Commission, the Authority, or the Oregon Department of Agriculture from:

(a) Imposing additional labeling requirements in their respective rules governing hemp vapor item manufacturers as long as those additional labeling requirements are not inconsistent with these rules; or

(b) Requiring hemp vapor item manufacturers to provide informational material to a consumer at the point of sale.

(4) These rules are effective on and after June, 1, 2022.

Statutory/Other Authority: ORS 475B.605, ORS 475B.615 & 2021 OL Ch. 646

Statutes/Other Implemented: ORS 475B.605, ORS 475B.615 & 2021 OL Ch. 646

#### 845-026-XXXF

##### Industrial Hemp-derived Vapor Item Labeling for Sale to Consumer

(1) A label required by these rules must:

(a) Be printed on or affixed to the container holding the industrial hemp-derived vapor item and printed on or affixed to any outer package or container that is used to display the industrial hemp-derived vapor item for sale or transfer to a consumer;

(b) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2016), Uniform Packaging and Labeling Regulation, incorporated by reference;

(c) Contain all required information in any typed, legible font that is easy to read and contrasts sufficiently with the background and is at least 1/16th of an inch in height based on the uppercase "K";

(d) Be in English, though it can also be in other languages; and

(e) Be unobstructed and conspicuous.

(2) A label may not:

(a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or

(b) Be attractive to minors, as that is defined in OAR 845-026-XXXX.

(3) Principal Display Panel.

(a) Every container that holds an industrial hemp-derived vapor item for sale or transfer to a consumer must have a principal display panel, as that term is defined in OAR 845-026-XXXX.

(b) If a container holding the industrial hemp-derived vapor item is placed within another container for sale or transfer to a consumer, both containers must have a principal display panel as that term is defined in OAR 845-026-XXXX in addition to the other labeling requirements provided in these rules.

(c) The principal display panel must contain the product identity, net quantity of contents, and hemp symbol.

(d) If the package or container is 1.75 inches or less in height and has a lid with a width of 2 inches or less, then the principal display panel must be on the top of the lid.

(4) Product Identity

(a) The product identity be in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel, and shall be parallel to the base on which the package rests as it is designed and displayed.

(b) The product identity must clearly identify that the item is derived from hemp.

(c) The product identity for industrial hemp extracts and concentrates must correctly identify whether the product is an industrial hemp extract or a concentrate.

(5) Net Quantity Declaration

(a) The net quantity of contents provided on the principal display panel must be the average net quantity of contents of all of the packages in the batch.

(b) The net quantity declaration shall be in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.

(c) The net quantity declaration shall be a distinct item separated from other printed label information on all sides by at least a space equal to the height of the lettering used in the declaration. The declaration shall be presented in bold type in the bottom 30 percent of the principal display panel and in lines generally parallel with the base of the container.

(6) Potency Labeling. The THC and CBD amounts required to be on a label must be the value calculated by the laboratory that did the testing in accordance with OAR 333-064-0100.

(a) The potency value shall be expressed as an average of the samples taken and tested under OAR 333-007-0360.

(b) If the potency value for THC or CBD is reported by the laboratory as less than the limit of quantification, the value on the label must be listed as "<LOQ".

(7) Hemp symbol. The hemp symbol must be at least 0.48 inches wide by 0.35 high and can be downloaded on the Commission's website.

(8) An industrial hemp-derived vapor item may have one or more label panels printed on or affixed to the container or packaging.

(9) Small Container Label. An industrial hemp-derived vapor item that is in a container that because of its size does not have sufficient space for a label that contains all the information required for compliance with these rules:

(a) May, in lieu of a label that has all the information required in OAR 845-026-XXXX to 845-026-XXXX, have a label printed on or affixed to the container holding the industrial hemp-derived vapor item that includes at least the following:

(A) A principal display panel containing the net weight or volume, product identity, and hemp symbol;

(B) The hemp vapor item manufacturer business, trade name, or personal name, and, if applicable, Oregon Department of Agriculture license number;

(D) Concentration or amount of THC and CBD in the container; and

(E) Required warnings.

(i) "This product is derived from hemp and could contain THC. Keep out of reach of children."

(b) Must include all required label information on an outer container or other required label information not listed in subsection (9)(a) of this rule on a hangtag attached to the industrial hemp-derived vapor item.

(c) May use a peel-back or accordion label with the information required in subsection (9)(b) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by consumer as containing important information.

(10) Tiny Container Label. An industrial hemp-derived vapor item that is in a container that has a complete surface area available for applying a label that is less than 2 inches squared:

(a) May have a label printed on or affixed to the container that holds the industrial hemp-derived vapor item that includes at least the following:

(A) A principal display panel with the hemp symbol and product identity;

(C) Concentration or amount of THC and CBD in the container;

(D) The hemp vapor item manufacturer's business, trade name, or personal name, and, if applicable, Oregon Department of Agriculture license number; and

(E) A warning that reads: "Keep out of reach of children."

(b) Must include all required label information on an outer container or other required label information not listed in subsection (10)(a) of this rule on a hangtag attached to the industrial hemp-derived vapor item.

(c) May use a peel-back or accordion label with the information required in subsection (10)(b) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a consumer as containing important information.

(11) The outer container used to display the industrial hemp-derived vapor item for sale or transfer to a consumer must comply with the labeling requirements in these rules, even if an inner container qualifies for the exception under section (9) or (10) of this rule.

(12) If an industrial hemp-derived vapor item is placed in a package that is being re-used, the old label must be removed and it must have a new label.

(13)(a) An industrial hemp-derived vapor item that contains an ingredient consisting of two or more sub ingredients must either:

(A) Use the common name of the ingredient followed by a parenthetical listing of all ingredients in a descending order of predominance; or

(B) List all sub ingredients as individual ingredients in descending order of predominance.

(a) The list of ingredients must correctly identify whether industrial hemp concentrate or industrial hemp extract was used to make the product.

(14) A cartridge or vaporizing device containing industrial hemp concentrate or industrial hemp extract, whether alone or combined with non-cannabis additives, intended for use with an inhalant delivery system is not required to be labeled in accordance with these rules except that the cartridge or device must have a label with the hemp symbol. All the remaining label requirements must be included on the packaging as required by these rules.

(15) The Commission may require that industrial hemp-derived vapor items sold at retail to be labeled with a Universal Product Code.

(16) Once a label is approved by the Commission, the label identification number provided by the Commission must be prominently displayed on the label of the outermost container.

Statutory/Other Authority: ORS 475B.605 & 2021 OL Ch. 646

Statutes/Other Implemented: ORS 475B.605 & 2021 OL Ch. 646



**845-026-XXXG**

**Industrial Hemp-derived Vapor Item Labeling Requirements**

**Prior to an industrial hemp-derived vapor item being sold or transferred to a consumer, the container holding industrial hemp-derived vapor item must have a label that has the following information:**

**(1) The hemp vapor item manufacturer's business, trade name, or personal name, and, if applicable, Oregon Department of Agriculture license number;**

**(2) Product identity that correctly identifies the item as either an industrial hemp concentrate or extract;**

**(3) Date the industrial hemp-derived vapor item was made;**

**(4) Net weight or volume in U.S. customary and metric units;**

**(5) Serving size and number of servings per container;**

**(6) Amount, in milligrams, of THC and CBD in each serving and in the container;**

**(7) Activation time, expressed in words or through a pictogram;**

**(8) Name of the lab that performed any test and any test analysis date;**

**(9) Hemp symbol;**

**(10) A statement that reads: "This product is not approved by the FDA to treat, cure, or prevent any disease";**

**(11) Warnings that state:**

**(a) "This product is derived from hemp and could contain THC. Keep out of reach of children."**

**(b) "DO NOT EAT" in bold, capital letters.**

**(12) For industrial hemp-derived vapor items that combine industrial hemp extract and concentrate:**

**(a) The product identity must indicate the item has industrial hemp extract and concentrate.**

**(b) List all ingredients in descending order of predominance by weight or volume.**

**(13) For industrial hemp-derived vapor items that contain non-cannabis additives:**

**(a) The product identity must clearly identify that the product contains non-cannabis additives and, in addition to the other requirements of OAR 845-026-XXXX through 845-026-XXXX, must include the words "non-cannabis additive."**

**(b) In addition to the other ingredients in the industrial hemp-derived vapor item, for each non-cannabis additive used, the ingredient listing must contain the words "non-cannabis additive" in a manner that clearly distinguishes each additive from any other additives.**

**(c) All of the ingredients in the non-cannabis additive:**

**(A) Must be listed either alphabetically or in descending order of predominance by weight or volume; and**

**(B) Must be listed on:**

- (i) The label's ingredient list as sub-ingredients of the ingredient term "non-cannabis additive"; or
- (ii) An insert within the product's container that clearly indicates that the ingredients listed are contained within the industrial hemp-derived vapor item that contain non-cannabis additives.

Statutory/Other Authority: ORS 475B.605, ORS 475B.232, ORS 475B.236 & 2021 OL Ch. 646  
Statutes/Other Implemented: ORS 475B.605 & 2021 OL Ch. 646

845-026-XXXX

Industrial Hemp-derived Vapor Item Labeling Pre-approval Process

(1) Prior to selling, offering for sale, or transferring an industrial hemp-derived vapor item that is for ultimate sale to a consumer, a hemp vapor item manufacturer must submit a label application to and receive approval from the Commission.

(a) The initial submission shall be made electronically if required by the Commission. The hemp vapor item manufacturer must submit a physical prototype upon request by the Commission.

(2) Except as provided in sections (5) to (7) of this rule, the packaging and label applications must be accompanied by the following:

(a) A fee as specified in OAR 845-025-1060; and

(b) Information including but not limited to:

(A) For label applications for an industrial hemp-derived vapor item that contain non-cannabis additives:

(i) The non-cannabis additive's list of ingredients from the non-cannabis additive's manufacturer; and

(ii) In a form and manner prescribed by the Commission, information regarding the manufacturer of the non-cannabis additive, the additive or additives being used by the hemp vapor item manufacturer, and attestation by the hemp vapor item manufacturer of the accuracy of the information submitted for label pre-approval.

(3) If a hemp vapor item manufacturer submits a list of ingredients to the Commission in order to comply with (2)(b)(A) of these rules, and that the hemp vapor item manufacturer believes the list of ingredients is a trade secret, the hemp vapor item manufacturer must mark the information "confidential - trade secret."

(a) If the Commission receives a public records request for information submitted by a hemp vapor item manufacturer, it will review all documents submitted to determine whether the documents contain trade secrets that would be exempt from disclosure under Oregon's Public Records Act, ORS 192.345.

(b) For purposes of this rule "trade secret" has the meaning given that term in ORS 192.345.

(4) The Commission will evaluate the label in order to determine whether the label:

(A) Complies with the labeling rules, OAR 845-026-XXXX to 845-026-XXXX, or any additional labeling requirements in ORS 475B, OAR 333, Divisions 7 and 8 or OAR 845, Division 26.

(B) Contains any material that is attractive to minors; and

**(C) Contains untruthful or misleading content.**

**(5) The Commission must review the labeling and notify the hemp vapor item manufacturer whether labeling is approved, and if not approved, a description of the packaging or labeling deficiencies.**

**(6) If the label is deficient, the hemp vapor item manufacturer must correct the deficiencies and resubmit the label for pre-approval, but the hemp vapor item manufacturer is not required to submit an additional fee unless the label is found deficient for a second time in which case the application will be denied and the hemp vapor item manufacturer must resubmit the labeling in accordance with section (1) of this rule.**

**(7) A hemp vapor item manufacturer may submit labeling for approval on the same application for a product that may have different flavors, colors or sizes, if the product is otherwise identical. Applications for approval of labeling under this section are subject to a single application fee.**

**(8) Labels that have been previously approved do not need to be resubmitted if the only changes to the label are:**

**(a) Changes in the:**

**(A) Processing date;**

**(C) Test results;**

**(D) Net weight or volume; or**

**(b) The deletion of any non-mandatory label information.**

**(c) The addition, deletion or change in the:**

**(A) UPC barcodes or 2D mobile barcodes (QR codes);**

**(B) Website address, phone number, fax number, or place of address of the hemp vapor item manufacturer; or**

**(d) The repositioning of any label information on the package, as long as the repositioning of label information is consistent with these rules.**

**(9) Prior to a hemp vapor item manufacturer transferring a label approval from one hemp vapor item manufacturer to another, the hemp vapor item manufacturer requesting to transfer the label must submit a form prescribed by the Commission and pay the applicable fee as described in OAR 845-025-1060.**

**(10) Labels for industrial hemp-derived vapor items do not require pre-approval if they are generic labels as defined in OAR 845-026-XXX and contain only the information required by these rules.**

**(11) Notwithstanding any provisions of this rule, the Commission may permit or require electronic submission of labels for approval.**

**(12) The Commission shall charge the following fees:**

**(a) Labeling preapproval: \$100.**

**(b) Change to previously approved package or label: \$25.**

**(c) Transferring labeling application to another hemp vapor item manufacturer: \$25 per application.**

**Statutory/Other Authority: ORS 475B.605, ORS 475B.610, ORS 475B.620, ORS 475B.236 & 2021 OL Ch. 646**

**Statutes/Other Implemented: ORS 475B.610, ORS 475B.620 & 2021 OL Ch. 646**

**845-026-XXXI**

**Industrial Hemp-derived Vapor Item Labeling Prohibited Conduct**

**The Commission may impose a civil penalty of up to \$500 per day per violation unless the person is a hemp grower or handler registered under ORS 571.281 for any of the following:**

**(1) Failure to comply with these rules.**

**(2) Transferring, selling or offering to sell an industrial hemp-derived vapor item for ultimate sale to a consumer to another hemp vapor item manufacturer that is not labeled in accordance with these rules.**

**(3) Failing to receive label approval prior to transferring, selling, or offering for sale an industrial hemp-derived vapor item that is for ultimate sale to a consumer.**

**(4) Transferring, selling, or offering for sale an industrial hemp-derived vapor item that has not received label approval.**

**(5) Selling or offering to sell an industrial hemp-derived vapor item under a different label than what was approved.**

**Statutory/Other Authority: ORS 475B.605 & 2021 OL Ch. 646**

**Statutes/Other Implemented: ORS 475B.605 & 2021 OL Ch. 646**

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**Housekeeping Changes – Updating references**

**845-025-2700**

**Industrial Hemp Grower Certificate Application; Denial; Revocation**

(1) Hemp growers may apply for an industrial hemp grower certificate to transfer industrial hemp to a processor licensed under ORS 475B.090 or a wholesaler licensed under ORS 475B.100.

(2) The application must:

(a) Include proof of registration under ORS 571.~~305~~**281**;

(b) Include the certificate and application fees specified in OAR 845-025-1060;

(c) Identify the registered Oregon Department of Agriculture location from which the industrial hemp will be transferred from for transport to a Commission licensee; and

(d) Include any other information identified in the application form.

(3) Incomplete Applications.

(a) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and certificate fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(b) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within ~~ten~~10 days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(4) Denial.

(a) The Commission may deny any application under this rule if:

(A) The application does not meet the requirements of subsection (2) of this rule;

(B) The applicant submits false or misleading information; or

(C) The Commission has reasonable cause to believe that the applicant does not have a good record of compliance with ORS 475B.010 to 475B.395 or applicable rules adopted thereunder, or with ORS 571.~~300-260~~ to ORS 571.348 or applicable rules adopted thereunder prior to or after certification.

(b) If the Commission denies an application, it shall issue a notice of denial in accordance with ORS 183. The applicant has the right to a hearing in accordance with ORS 183.

(5) Revocation.

(a) The Commission shall revoke any industrial hemp grower certificate if the holder no longer holds a valid industrial hemp grower registration issued under ORS 571.~~305~~281.

(b) The Commission may revoke any industrial hemp grower certificate if:

(A) The holder violates a provision of ORS 475B.010 to 475B.395, ORS 475B.550 to 475B.590, 475B.600 to 475B.655 or Commission rules adopted thereunder;

(B) The holder violates a provision of ORS 571.~~300-260~~ to ORS 571.348 or a rule adopted thereunder; or

(C) The holder submits false or misleading information to the Commission.

(c) If the Commission revokes a certificate, the holder has a right to a hearing in accordance with ORS 183.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** 2018 OL CH. 116, SEC. 15 & ORS 571.336

**845-025-2705**

**Industrial Hemp Handler Certificate Application; Denial; Revocation**

(1) Hemp handlers may apply for an industrial hemp certificate to transfer industrial hemp or hemp items to a processor licensed under ORS 475B.090, a wholesaler licensed under ORS 475B.100, or a retailer licensed under ORS 475B.105.

(2) The application must:

(a) Include proof of registration under ORS 571.~~305~~281;

(b) Include the certificate and application fees specified in OAR 845-025-1060;

(c) Identify the registered Oregon Department of Agriculture location from which the industrial hemp or hemp items will be transferred from for transport to a Commission licensee; and

(d) Include any other information identified in the application form.

(3) Incomplete Applications.

(a) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and certificate fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(b) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within ~~ten~~10 days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(4) Denial.

(a) The Commission may deny any application under this rule if:

(A)The application does not meet the requirements of subsection (2) of this rule;

(B) The applicant submits false or misleading information; or

(C) The Commission has reasonable cause to believe that the applicant does not have a good record of compliance with ORS 475B.010 to 475B.395 or applicable rules adopted thereunder, or with ORS 571.~~300~~260 to ORS 571.348 or applicable rules adopted thereunder prior to or after certification.

(b) If the Commission denies an application, it shall issue a notice of denial in accordance with ORS 183. The applicant has the right to a hearing in accordance with ORS 183.

(5) Revocation.

(a) The Commission shall revoke any industrial hemp handler certificate if the holder no longer holds a valid industrial hemp handler registration issued under ORS 571.~~305~~281.

(b) The Commission may revoke any industrial hemp certificate if:

(A) The holder violates a provision of ORS 475B.010 to 475B.395, ORS 475B.550 to 475B.590, 475B.600 to 475B.655 or Commission rules adopted thereunder;

(B) The holder violates a provision of ORS 571.~~300~~260 to ORS 571.348 or a rule adopted thereunder; or

(C) The holder submits false or misleading information to the Commission.

(c) If the Commission revokes a certificate, the holder has a right to a hearing in accordance with ORS 183.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** ORS 571.336 & 2018 OL CH. 116, SEC. 15

### **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(3)(a)-(2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D); 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~~7~~



## **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~~**281** 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 **total delta-9**-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:** ORS 475B.090, ORS 475B.299, ORS 571.336 & ORS 571.336~~7~~

### **845-025-2900**

#### **Retail Sale of Marijuana for Medical Purposes**

(1) In order to sell marijuana items for medical purposes, a marijuana retailer licensed under ORS 475B.110 must:

(a) Register in a form and manner specified by the commission; and

(b) Follow all requirements established by OAR 845-025-2800.

(2) A marijuana retailer licensed under ORS 475B.110 who has registered with the commission to sell marijuana items for medical purposes, may:

(a) Sell medical grade cannabinoid product, cannabinoid concentrate or extract to registry identification cardholders and designated primary caregivers.

(b) Sell or provide usable marijuana and medical grade cannabinoid products, concentrates and extracts to registry identification cardholders and designated primary caregivers free of charge or at a discounted price.

(c) Notwithstanding the requirements of OAR 845-025-1230, 845-025-2800, 845-025-2820 and 845-025-8520, permit registry identification cardholders 18 years of age and older to be present on the licensed premises and purchase marijuana items.

(3) A marijuana retailer who is registered with the commission to sell marijuana items for medical purposes must:

(a) Store and display medical grade cannabinoid products, concentrates and extracts in a manner that separates medical grade items from other marijuana items.

(b) Comply with the requirements of OAR ~~333-007-0100~~845-025-7000 to ~~333-007-0100~~845-025-7190 for labeling medical grade products.

(c) Prior to the sale or transfer of a marijuana item as described in section (2) of this rule, verify that the individual who is purchasing a marijuana item for medical purposes is currently registered with the Authority by viewing the individual's government issued photo identification and Authority issued registry identification card or designated primary care giver card, or a receipt issued by the Authority under OAR 333-008-0023 or 333-008-0040 and making sure the identities match and that the card is current or the receipt has not expired.

(d) Use CTS to record the receipt or card number of every registry identification cardholder and designated primary care giver who receives marijuana items as described in section (2) of this rule together with the date of the sale or transfer and amount sold or transferred.

(4) A marijuana retailer who is registered with the commission to sell marijuana items for medical purposes may not sell or transfer a medical grade product to a registry identification cardholder or designated primary caregiver that exceeds the concentration limits in OAR ~~333-007~~845-026-0220.

(5) Violation of any provisions of this rule is a Category III violation.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** ORS 475B.105

### **845-025-2910**

#### **Transfer of Medical Marijuana Dispensary Inventory**

(1) For purposes of this rule:

(a) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.450.

(b) "Person responsible for the medical marijuana dispensary" or "PRD" has the meaning given that term in OAR 333-008-1010.

(c) "Primary PRD" has the meaning given that term in OAR 333-008-1010.

(2) An applicant for a retail license under ORS 475B.110 that is also an owner of a medical marijuana dispensary may submit a transfer request to the Commission, on a form prescribed by the Commission, to transition from being registered with the Authority to being licensed by the Commission. The request must include, at a minimum, the following information:

(a) The name of the marijuana dispensary, dispensary address, and Authority issued registration number for the medical marijuana dispensary;

(b) The name and contact information of the owner of the medical marijuana dispensary;

(c) The names and contact information for each PRD;

(d) Identification of the primary PRD;

(e) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request; and

(f) The amount and type of marijuana items proposed to be transferred.

(3) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the medical marijuana dispensary; and

(b) The ownership of the dispensary and the identification of each PRD and the primary PRD.

(4) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(5) The Commission may inspect the marijuana items proposed for transfer to determine if they:

(a) Have been packaged, labeled and tested in accordance with OAR 845-025-7000 to 845-025-7060 and 845-025-5700; and

(b) Meet the applicable concentration limits in OAR ~~333-007~~845-026-0210 or ~~333-007~~845-026-0220.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(7) The Commission will deny the request to transfer any marijuana item that:

(a) Was not identified in the request to transfer; or

(b) Was not in the dispensary's inventory at the time of the request to transfer.

(8) The Commission will deny the request to transfer any marijuana that does not comply with the applicable packaging and testing rules in OAR 845-025-7000 to 845-025-7060 and 845-025-5700, except as provided in Section (9) of this rule.

(9) The Commission will allow the transfer of marijuana items received by the dispensary prior to October 1, 2016 if:

(a) The marijuana item was tested in accordance with OAR 333-008-1190 in effect at the time, if the item contains a label placed on the package where it can easily be seen by a consumer, patient or

designated primary caregiver that reads "DOES NOT MEET NEW TESTING REQUIREMENTS" in 12 point font, and in bold, capital letters; and

(b) The Marijuana item is packaged in a child resistant container as required by 845-025-7020(3).

(10) The Commission may deny a transfer request if it cannot verify the information in the request or the applicant submitted incomplete information to the Commission.

(11) Marijuana items transferred under section (9) of this rule may be retained in the retail licensee's inventory until March 1, 2017. Violation of this section is a Category III violation.

(12) Transferred inventory must be recorded in CTS as required by these rules.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** 2016 OL Ch. 24 & Sec. 25

### **845-025-3310**

#### **Transfer of Medical Marijuana Processing Site Inventory**

(1) For purposes of this rule:

(a) "Marijuana processing site" means a marijuana processing site registered under ORS 475B.435.

(b) "Person responsible for the marijuana processing site" or "PRP" has the meaning given that term in OAR 333-008-0160.

(c) "Primary PRP" has the meaning given that term in OAR 333-008-0160.

(2) An applicant for a processor license under ORS 475B.090 that is also an owner of a registered marijuana processing site or a business that applied to register as a marijuana processing site prior to December 31, 2016 under ORS 475B.435, may submit a transfer request to the Commission, on a form prescribed by the Commission, to transfer inventory produced or obtained under Authority approval or registration.

(3) Requests made under this rule must include, at a minimum, the following information:

(a) The name of the marijuana processing site, address, and Authority issued registration number for the marijuana processing site.

(b) The name and contact information of the owner of the marijuana processing site.

(c) The names and contact information for each PRP.

(d) Identification of the primary PRP.

(e) The endorsements of the marijuana processing site.

(f) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request; and

(g) The amount and types of marijuana items proposed to be transferred.

(4) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the marijuana processing site; and

(b) The ownership of the processing site and the identification of each PRP and the primary PRP.

(5) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(a) The Commission may not permit the transfer of a marijuana cannabinoid product, concentrate or extract packaged for ultimate sale to the consumer that exceeds the concentration limits established for retail adult use under OAR ~~333-007845-026~~ 845-026-0210 unless the licensee has been registered to process medical grade cannabinoid concentrates, extracts or products.

(b) For transfer requests that are received after January 31, 2017, the Commission may not permit the transfer of a marijuana item that was produced or acquired before December 31, 2016, unless the applicant is registered with the Authority as a processing site under ORS 475B.435 and the item was processed or acquired on or after the date the processing site was registered.

(c) Prior to licensure the marijuana processing site must return any marijuana item that is the lawful property of a patient.

(d) Any marijuana items that have not been approved by the Commission for transfer or returned to a patient as described in section (5)(b) of this rule must be removed from the premises by the applicant prior to the initial date of licensure and lawfully transferred or disposed of.

(7) Information regarding the usable marijuana, cannabinoid concentrates, extracts or products transferred must be recorded in CTS within ~~ten~~ 10 calendar days of licensure.

(8) The licensee must notify the Commission once the usable marijuana, cannabinoid concentrates, extracts or products are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(9) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the marijuana processing site is now a licensed premises and that the licensed premises may not be registered as a marijuana processing site address under ORS 475B.435.

(10) The Commission may deny a transfer request if:

(a) It cannot verify the information in the request or the applicant submitted incomplete information to the Commission; or

(b) The processor has not been granted an endorsement for the type of marijuana item requested for transfer.

(11) Any usable marijuana, cannabinoid concentrates, extracts or products transferred from a medical marijuana processing site to the licensed premises under this rule must be:

(a) Tested in accordance with OAR 845-025-5700 before being used or transferred; and

(b) Labeled and packaged in accordance with OAR 845-025-7000 to 845-025-7060 before being transferred to another licensee.

**Statutory/Other Authority:** ORS 475.025

**Statutes/Other Implemented:** 2016 OL Ch. 24 & Sec. 25

### **845-025-3600**

#### **Wholesaling Marijuana for Medical Purposes**

(1) In order to sell marijuana at wholesale for medical purposes a marijuana wholesaler licensed under ORS 475B.100 must register with the commission in a form and manner specified by the commission.

(2) A marijuana wholesaler licensed under ORS 475B.100 who has registered with the commission to wholesale marijuana items for medical purposes:

(a) May:

(A) Receive or purchase medical grade cannabinoid products, concentrates or extracts from processors that have registered to process marijuana items for medical purposes;

(B) Sell or transfer medical grade cannabinoid products, concentrates or extracts to wholesalers, processors and retailers who have registered to sell or process marijuana for medical purposes; and

(C) Sell or transfer medical grade cannabinoid products, concentrates or extracts to research certificate holders and non-profit dispensaries.

(b) Must comply with the requirements of OAR ~~333-007-0100~~ **845-025-7000** to ~~333-007-0100~~ **845-025-7190** for labeling medical grade products.

**Statutory/Other Authority:** ORS 475B.025

**Statutes/Other Implemented:** ORS 475B.075 & 2016 OL Ch. 83 & Sec. 4