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OREGON LIQUOR AND CANNABIS COMMISSION

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RULES:

845-025-1015, 845-025-1060, 845-025-5500, 845-025-5520, 845-025-5540, 845-025-5560, 845-025-5590

AMEND: 845-025-1015

RULE TITLE: Definitions

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule sets the definitions for terms used in Division 25 and Division 26 rules. The proposed amendment adds a definition of "worker permit" to include temporary worker permits.

RULE TEXT:

For the purposes of OAR 845-025-1000 to 845-025-8590 and OAR 845-026-0100 to 845-026-7070, unless otherwise specified, the following definitions apply:

- (1) "Added substance" means any component or ingredient added to marijuana, usable marijuana, a cannabinoid concentrate, a cannabinoid extract, a cannabinoid product, industrial hemp, or a hemp item 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) "Adulterated" means to make a marijuana item or hemp item impure by adding foreign or inferior ingredients or substances. A marijuana item 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 item 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.

(3)(a) "Artificially derived cannabinoid" 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) "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) Any other chemical substance identified by the Commission, in consultation with the authority and the department, by rule.

(4) "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 batch or a receptacle holding a marijuana item.

(5) "Attractive to minors" means packaging, containers, inhalant delivery devices, labeling, or 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.

(6) "Authority" means the Oregon Health Authority.

(7) "Business day" means Monday through Friday excluding legal holidays.

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

(9) "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.

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

(11) "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.

(12) "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, or cannabinoid concentrates that have been combined with an added

substance; or

(B) Any combination of usable marijuana, cannabinoid extracts, or 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 571.269.

(13) "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of four 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.

(14) "Cannabinol" or "CBN" means 6,6,9-trimethyl-3-pentyl-6H-benzo[c]chromen-1-ol, Chemical Abstracts Service Number 521-35-7.

(15) "Cannabis reference laboratory" means the Oregon Department of Agriculture cannabis testing laboratory.

(16) "Cannabis Tracking System" or "CTS" means the system for tracking the transfer of marijuana items and other information as authorized by ORS 475C.117.

(17) "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.

(18) "Certificate of tax compliance" means a certificate issued by the Oregon Department of Revenue in accordance with OAR 150-305-0304 but does not include a written statement described in OAR 150-305-0304(4).

(19) "Commission" means the Oregon Liquor and Cannabis Commission.

(20) "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.

(21) "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.

(22) "Commissioner" means a member of the Oregon Liquor and Cannabis Commission.

(23) "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.

(24) "Compliance test" means a laboratory test required by OAR chapter 333, division 7 or OAR 845-025-5800 to 845-025-5850 conducted by a laboratory licensee or the cannabis reference laboratory to allow the transfer or sale of a marijuana item, hemp item, or industrial hemp.

(25) "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.

- (26) "Consumer" means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
- (27) "Container"
- (a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item or hemp item is placed and any outer receptacle intended to display a marijuana item or hemp 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 hemp items in bulk from one licensee or registrant to another.
- (28) "Contractor" means a person, other than a licensee representative, who temporarily visits the licensed premises to perform a service, maintenance, or repair.
- (29) "CTS administrator" means a CTS user who may add, edit or disable access for other CTS users.
- (30) "CTS user" means an individual with online access to CTS.
- (31) "Date of harvest" means the day the last mature marijuana plant in the harvest lot was harvested.
- (32) "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.
- (33) "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, Chemical Abstracts Service Number 1972-08-3.
- (34) "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, Chemical Abstracts Service Number 23978-85-0.
- (35) "Designated primary caregiver" has the meaning given that term in ORS 475C.777.
- (36) "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.
- (37)(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 475C.305.
- (38) "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 paragraph, "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.
- (39) "Flowering" means a marijuana plant that has formed a mass of pistils measuring greater than two centimeters wide

at its widest point.

(40) "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 475C.792.

(41)(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.

(42) "Harvest lot" has the meaning given that term in OAR 333-007-0310.

(43) "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;

(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 571.269;

(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.

(44) "Hemp cannabinoid product"

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

(b) Includes:

(A) Usable hemp, industrial hemp extracts, or industrial hemp concentrates that have been combined with an added substance; or

(B) Any combination of usable hemp, industrial hemp extracts, or industrial hemp concentrates.

(c) Does not include:

(A) Usable hemp by itself;

(B) Hemp stalk by itself;

(C) A hemp concentrate or extract by itself;

(D) Hemp seed incapable of germination by itself;

(E) Other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients; or

(F) A cannabinoid product.

(45) "Hemp edible"

(a) Means a food or potable liquid into which industrial hemp, an industrial hemp concentrate, an industrial hemp extract, or the dried leaves or flowers of hemp have been incorporated.

(b) Does not mean:

(A) Hemp seed incapable of germination by itself;

(B) Other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients; or

(C) A cannabinoid edible.

- (46) "Hemp grower" means a person or entity that is a "grower" as that term is defined in OAR 603-048-0010 and is licensed with the Oregon Department of Agriculture under ORS 571.281 to grow industrial hemp.
- (47) "Hemp handler" means a person or entity that is a "handler" as that term is defined in OAR 603-048-0010 and is licensed with the Oregon Department of Agriculture under ORS 571.281 to handle industrial hemp.
- (48) "Hemp item"
- (a) Means:
- (A) Usable hemp;
- (B) Hemp stalk as defined in OAR 603-048-2310;
- (C) A hemp cannabinoid product; 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.
- (49) "Hemp tincture"
- (a) Means a liquid hemp cannabinoid product packaged in a container of four 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 an industrial hemp concentrate, industrial 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; industrial hemp concentrate, industrial hemp extract, or usable hemp; and other ingredients that does not contain any added sweeteners and is intended for human consumption or ingestion.
- (b) Does not mean a cannabinoid tincture.
- (50) "Immature marijuana plant" means a marijuana plant that is not flowering.
- (51) "Industrial hemp" has the meaning given that term in ORS 571.269.
- (52) "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.
- (53) "Inhalable cannabinoid product" means a cannabinoid product or hemp cannabinoid product that is intended for human inhalation.
- (54) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.
- (55) "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.
- (56) "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.
- (57) "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.
- (58) "Invited guests" means family member and business associates of the licensee, not members of the general public.
- (59) "Laboratory licensee" or "Laboratory" means a laboratory in this state licensed under ORS 475C.548 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 845-025-1165.
- (60) "License year" means the period of time for which a license is issued.
- (a) For a producer, processor, wholesaler, retailer, or laboratory license, the license year is a one year period beginning on the effective date of the license, or that same period of time for each subsequent year.
- (b) For a research certificate the license year is a three year period beginning on the effective date of the license, or that

same period of time for each subsequent three year period.

(61) "Licensee" means any person who holds a license issued under ORS 475C.065, 475C.085, 475C.093, 475C.097, or 475C.548 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 845-025-1165.

(62) "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.

(63) "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.

(64) "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.

(65) "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.

(66) "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 571.269; 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.

(67) "Marijuana flowers" means the flowers of the plant genus Cannabis within the plant family Cannabaceae.

(68) "Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

(69) "Marijuana leaves" means the leaves of the plant genus Cannabis within the plant family Cannabaceae.

(70) "Marijuana plant batch" means a group of marijuana plants being cultivated by a producer, grow site subject to tracking in CTS, or a research certificate holder that meet the requirements of OAR 845-025-7570.

(71) "Marijuana processor" means a person who processes marijuana items in this state.

(72) "Marijuana producer" means a person who produces marijuana in this state.

(73) "Marijuana retailer" means a person who sells marijuana items to a consumer in this state.

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

(75) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.

(76) "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 475C.620 for consumers who hold a valid registry identification card issued under ORS 475C.783.

(77) "Micro-wholesaler" means a marijuana wholesaler licensed by the Commission that only purchases or receives marijuana from a micro tier I or micro tier II producer.

(78) "Minor" means any person under 21 years of age.

(79) "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.

(80) "Non-profit dispensary" means a medical marijuana dispensary registered under ORS 475C.833, 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 chapter 333, division 8.

- (81) "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.
- (82) "Patient" has the same meaning as "registry identification cardholder."
- (83) "Permittee" means any person who holds a Marijuana Workers Permit.
- (84) "Person" has the meaning given that term in ORS 174.100.
- (85) "Person responsible for a marijuana grow site" or "PRMG" has the meaning given that term in OAR 333-008-0010.
- (86) "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.
- (87) "Premises" or "licensed premises"
- (a) Means all areas of a location licensed under sections ORS 475C.005 to 475C.525 or 475C.548 and includes:
- (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
- (b) Does not include a primary residence.
- (88) "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.
- (89) "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.
- (90) "Process lot" means:
- (a) Any amount of cannabinoid concentrate, cannabinoid extract, industrial hemp concentrate, or industrial hemp extract of the same type and processed using the same extraction methods, standard operating procedures, and batches from the same or different harvest lots; or
- (b) Any amount of cannabinoid product or hemp cannabinoid product of the same type and processed using the same ingredients, standard operating procedures, and batches from the same or different harvest lots or process lots of cannabinoid concentrate, cannabinoid extract, industrial hemp concentrate, or industrial hemp extract.
- (91) "Processes"
- (a) 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 hemp items.
- (b) Does not include packaging or labeling.
- (92) "Producer" means a marijuana producer licensed by the Commission.
- (93) "Produces"
- (a) Means the manufacture, planting, propagation, cultivation, growing, or harvesting of marijuana.
- (b) 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.
- (94) "Propagate" means to grow immature marijuana plants or to breed or produce seeds.
- (95) "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.

- (96) "Registry identification cardholder" has the meaning given that term in ORS 475C.777.
- (97) "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 ORS chapter 471, ORS 474.005 to 474.095, 474.115, 475C.005 to 475C.525, 475C.540 to 475C.586, and 475C.600 to 475C.644; Commission rules; and any other statutes the Commission considers related to regulating liquor or marijuana.
- (98) "Retailer" means a marijuana retailer licensed by the Commission.
- (99) "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.
- (100) "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.
- (101) "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.
- (102) "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.
- (103) "These rules" means OAR chapter 845, division 25.
- (104) "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.
- (105) "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.
- (106) "UID number" means the 24-digit number on the UID tag.
- (107) "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.
- (108) "Usable hemp"
- (a) Means the flowers and leaves of industrial hemp intended for human consumption or use that does not fall within meaning of industrial hemp concentrate or industrial hemp extract as those terms are defined in ORS 571.269, 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.
- (109) "Usable Marijuana"
- (a) Means the dried leaves and flowers of marijuana and 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.
- (b) 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.
- (110) "Wholesaler" means a marijuana wholesaler licensed by the Commission.
- (111) "Worker permit" means a valid marijuana worker permit or temporary marijuana worker permit issued by the Commission pursuant to ORS 475C.273.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, ORS 475C.009

AMEND: 845-025-1060

RULE TITLE: Fees

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details application and licensing fees. The proposed amendments change the timing of collecting the worker permit fee, to be collected at application rather than after approval.

RULE TEXT:

- (1) At the time of initial license or certificate application an applicant must pay a \$250 non-refundable application fee.
- (2) If the Commission approves an application and grants an annual license, the following fees must be paid, prorated for an initial license that is issued for six months or less:
 - (a) Producers:
 - (A) Micro Tier I \$1,000.
 - (B) Micro Tier II \$2,000.
 - (C) Tier I \$3,750.
 - (D) Tier II \$5,750.
 - (b) Processors: \$4,750.
 - (c) Wholesalers: \$4,750.
 - (d) Micro Wholesalers: \$1,000.
 - (e) Retailers: \$4,750.
 - (f) Laboratories: \$4,750.
 - (g) Sampling Laboratory: \$2,250.
- (3) If the Commission approves an application and grants a research certificate, the fee is \$4,750 for a three year term.
- (4) If the Commission approves an application and grants a hemp certificate, the fee is \$1,000 for one year.
- (5) At the time of license or certificate application renewal, an applicant must pay a \$250 non-refundable application fee.
- (6) If the Commission receives a renewal application, the renewal license or certificate fees must be paid in the amounts specified in OAR 845-025-1070 and sections (2), (3), and (4) of this rule at the time of application. The Commission will not refund a renewal fee for a licensee who submits a license renewal application in accordance with OAR 845-025-1190 and exercises any license privileges after the date the license expires.
- (7) At the time of an initial or renewal application for a marijuana worker permit, the individual must pay a \$100 worker permit application fee.
- (8) The Commission shall charge the following fees:
 - (a) Criminal background checks: \$50 per individual listed on a license application if the background check is not part of an initial or renewal application.
 - (b) Transfer of location of premises review: \$1,000 per license.
 - (c) Packaging preapproval: \$100.
 - (d) Labeling preapproval: \$100.
 - (e) Change to previously approved package or label: \$25.
 - (f) Transferring packaging or labeling application to another individual or entity: \$25 per application.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.017, ORS 475C.065, 475C.085, 475C.093, 475C.097, 475C.273, 475C.548, 475C.608, 475C.616, 571.336

AMEND: 845-025-5500

RULE TITLE: Marijuana Worker Permit

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details marijuana worker permits. The proposed amendments update the implemented statutes.

RULE TEXT:

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

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

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

(c) The verification of any document described in ORS 475C.217; 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 their 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, wholesaler, or laboratory licensee 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, or continue to perform, any work at the licensed premises or laboratory.

(5) Violations.

(a) A violation of section (2) of this rule is a Category IV violation.

(b) A violation of section (3) or (4) of this rule is a Category III violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.269, 475C.273

STATUTES/OTHER IMPLEMENTED: ORS 475C.269, 475C.273, 2022 OL Ch. 117 Sec. 4, 2024 OL Ch. 16 Sec. 27

AMEND: 845-025-5520

RULE TITLE: Marijuana Worker Permit Applications

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes marijuana worker permit application requirements. The proposed amendments describe the temporary worker permitting process, conditions for eligibility and applicable rules.

RULE TEXT:

(1) In order to obtain a marijuana worker permit an individual must submit an application on a form prescribed by the Commission. The application must contain the applicant's:

- (a) Name;
- (b) Mailing address;
- (c) Date of birth;
- (d) Signature; and
- (e) Response to conviction history questions.

(2) In addition to the application an applicant must submit:

- (a) A copy of a driver's license or identification card issued by one of the fifty states in the United States of America or a passport; and
- (b) Proof of having passed the worker permit examination.
- (c) Payment of the worker permit application fee in OAR 845-025-1060(7).

(3) If an applicant fails to submit an application with all of the information required in section (1) of this rule or the applicant fails to provide any of the additional information and payment required in section (2) of this rule to the Commission, the application shall be considered incomplete.

(4) Temporary Worker Permit.

(a) The Commission shall issue a temporary worker permit when an applicant meets the following conditions:

- (A) The applicant submits a complete application pursuant to this rule;
- (B) The applicant has no other pending worker permit applications and does not hold any other temporary worker permit or worker permit;
- (C) The denial criteria in OAR 845-025-5540 do not apply or are otherwise not identified while processing the application; and
- (D) The worker permit application fee is paid.

(b) The Commission will notify the applicant in writing when a temporary worker permit is issued.

(c) A temporary worker permit expires on the date on which the application is considered incomplete, or the applicant is issued or denied a worker permit and is subject to the same renewal requirements in OAR 845-025-5580.

(d) The Commission may revoke a temporary worker permit or deny a worker permit in accordance with these rules.

(e) When the Commission completes its investigation and determines an applicant is eligible for a worker permit, the Commission will notify the applicant in writing that the worker permit is issued, and the temporary worker permit is expired. The worker permit will be in effect five years from the date of issuance of the temporary worker permit.

(f) A temporary worker permit and worker permit are subject to the same requirements in these rules.

STATUTORY/OTHER AUTHORITY: ORS 475C.269, 475C.273, 2024 OL Ch. 16 Sec. 28

STATUTES/OTHER IMPLEMENTED: ORS 475C.269, 475C.273

AMEND: 845-025-5540

RULE TITLE: Marijuana Worker Permit Denial Criteria

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the denial criteria for marijuana worker permits. The proposed amendments include that an applicant may not withdraw their worker permit application once the Commission proposes to denial.

RULE TEXT:

(1) The Commission must deny an initial or renewal application if the applicant:

(a) Is not 21 years of age or older; or

(b) Has had a marijuana license or worker permit revoked for violation of ORS 475C.005 to 475C.525 or any rule adopted under ORS 475C.005 to 475C.525 within two years of the date of the application.

(2) The Commission may deny an initial or renewal application, if the applicant:

(a) Has been convicted of a felony for possession, manufacture or delivery of a controlled substance within three years of the date the Commission received the application.

(b) Has been convicted of an offense under 475C.005 to 475C.525 within two years of the date of application or renewal;

(c) Has been convicted of a felony for a crime involving violence within three years of the date the Commission received the application;

(d) Has been convicted of a felony for a crime of dishonesty or deception, including but not limited to theft, fraud, or forgery, within three years of the date the Commission received the application;

(e) Has been convicted of a felony for a crime involving a firearm, within three years of the date the Commission received the application;

(f) Has more than one conviction for any of the crimes listed in subsections (a) to (e) of this section within five years of the date the Commission received the application;

(g) Has violated any provision of ORS 475C.005 to 475C.525 or any rule adopted under ORS 475C.005 to 475C.525; or

(h) Makes a material false statement to the Commission.

(3) If the Commission denies an application under subsection (2)(g) or (2)(h) of this rule the individual will not be eligible for a worker permit for two years from the date the Commission received the application.

(4) A Notice of Denial must be issued by the Commission in accordance with ORS Chapter 183.

(5) When the Commission proposes to deny a worker permit application pursuant to this rule, the applicant may not withdraw the application.

STATUTORY/OTHER AUTHORITY: ORS 475C.269, 475C.273, 2024 OL Ch. 16 Sec. 28 & 30

STATUTES/OTHER IMPLEMENTED: ORS 475C.269, 475C.273

AMEND: 845-025-5560

RULE TITLE: Marijuana Worker Examination Requirements

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the marijuana worker permit examination requirements. The proposed amendments provide a technical fix.

RULE TEXT:

- (1) An individual must, prior to applying for a marijuana worker permit pass the required examination.
- (2) An individual must score at least 70 percent on the marijuana worker examination in order to pass.
- (3) The Commission may require additional education or training for worker permit holders at any time, with adequate notice to worker permit holders.

STATUTORY/OTHER AUTHORITY: ORS 475C.269, 475C.273

STATUTES/OTHER IMPLEMENTED: ORS 475C.269, 475C.273

AMEND: 845-025-5590

RULE TITLE: Marijuana Worker Permit Suspension or Revocation

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the criteria for suspension or revocation of a marijuana worker permit. The proposed amendments add technical fixes and removes a revocation basis that is inconsistent with other Commission rules.

RULE TEXT:

(1) The Commission may suspend or revoke the worker permit of any marijuana worker if the worker:

(a) Is convicted of a felony;

(b) Is convicted of an offense under ORS 475C.005 to 475C.525 within two years of the application or renewal;

(c) Has violated a provision of ORS 475C.005 to 475C.525 or these rules; or

(d) Makes a material false statement to the Commission.

(2) The Commission may suspend or revoke the worker permit for any marijuana worker for any reasons that would be the basis for denying a worker permit application under OAR 845-025-5540.

(3) If an individual's worker permit is revoked under subsection (1)(c) or (1)(d) of this rule, future applications will be denied if received within two years of the date the final order of revocation was issued.

(4) A notice of suspension or revocation must be issued by the Commission in accordance with ORS 183.

(5) A permittee is subject to discipline for a violation of any rule of this chapter in the same manner as a licensee.

STATUTORY/OTHER AUTHORITY: ORS 475C.269, 475C.273, 2024 OL Ch. 16 Sec. 25

STATUTES/OTHER IMPLEMENTED: ORS 475C.269, 475C.273