

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
PROPOSED AMENDMENTS

845-025-1060

Fees

- (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.
 - (E) Canopy for patients: \$100**
 - (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) At the time of license or certificate application renewal, an applicant must pay a \$250 non-refundable application fee.
- (5) If the Commission approves a renewal application the renewal license or certificate fees must be paid in the amounts specified in subsections (2) and (3) of this rule.
- (6) If the Commission approves an initial or renewal application and grants a marijuana worker permit, the individual must pay a \$100 permit fee.
- (7) 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) Change of ownership review: \$1000 per license.
 - (c) Change in business structure review: \$1000 per license.
 - (d) Transfer of location of premises review: \$1000 per license.
 - (e) Packaging preapproval: \$100.
 - (f) Labeling preapproval: \$100.
 - (g) Change to previously approved package or label: \$25.

Stat. Auth.: ORS 475B.025

Stats. Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110, 475B.218, 475B.560, 475B.610 & 475B.620, & 2016 OL Ch. 24 Sec. 1, **& 2016 OL Ch.**

83 Sec. 2

845-025-2500

Registration to Produce Usable Marijuana for Patients

(1) In order to produce marijuana for a patient a licensed producer must register in a form and manner specified by the commission and submit the fee specified in OAR 845-025-1060.

(2) To qualify for registration a producer must:

(a) Submit a control plan describing how the producer will:

(A) Identify the medical canopy and separate the medical canopy from the recreational canopy;

(B) Segregate usable marijuana harvested from the medical plants from recreational plants from the usable marijuana harvested from recreational plants.

(b) Provide the Commission with a scaled floor plan or map specifying where the medical production will occur on the licensed premises.

(c) Provide the Commission with the agreement that meets the requirements of these rules for any patient for which the producer intends to produce usable marijuana under these rules.

(3) Licensed producers who have previously submitted a land use compatibility statement are not required to submit an additional land use compatibility statement when registering to produce usable marijuana for patients.

(4) Licensed producers who were exempt from submitting a land use compatibility statement under these rules at the time of licensure must submit a land use compatibility statement when registering to produce marijuana for patients if the producer's total canopy of mature medical and recreational plants exceeds 5000 square feet for outdoor producers and 1250 square feet for indoor producers.

(5) Upon receiving a registration form, fee and other information required to be submitted by this rule the Commission must verify the information submitted by the producer with the Authority, if applicable.

(6) A registration request will be denied if the producer has not complied with this rule or if any information submitted by the producer is false or misleading.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2510

Licensed Producer and Patient Agreements

(1) A licensed producer who is registered by the Commission to produce marijuana for patients may have agreements with up to 24 patients during any one calendar year.

(2) A licensed producer must use a form of patient agreement prescribed by the Commission that includes:

(a) The name, contact information, and OMMP card number of the patient and the patient's designated primary caregiver, if applicable.

- (b) A statement that the producer may not be compensated by the patient for producing or providing marijuana to the patient, but may reimburse the producer for the costs associated with producing or providing marijuana to the patient.**
- (c) A statement that the producer may not produce more than the equivalent in square feet of six mature plants for the patient.**
- (d) The amount of usable marijuana that may be provided to the patient or to the patient's designated primary caregiver, not to exceed three pounds in a 12 month period unless the agreement demonstrates that this limit is insufficient to treat the patient's condition as described in section (3) of this rule.**
- (e) The amount of usable marijuana the producer is permitted to transfer or sell, if any, to other patients not named in the agreement, not to exceed three pounds per patient in a 12 month period.**
- (f) The amount of usable marijuana the producer is permitted to transfer or sell if any to a registered marijuana processing site or registered dispensary.**
- (g) The requirements for terminating an agreement as proscribed by the Commission.**
- (h) A statement that the producer may not produce marijuana for the patient unless the producer has been registered with the Commission to produce marijuana for patients.**
- (3) The Commission may approve transfer limits in excess of the limits described in section (1)(d) of this rule, of up to twelve pounds of usable marijuana in a 12 month period, if the patient agreement includes:**
- (a) Information which demonstrates the amount of usable marijuana proposed to be transferred is necessary for the treatment of the patient's qualifying condition; and**
- (b) The method by which the patient will consume usable marijuana transferred under the agreement, including where and how the usable marijuana will be converted to cannabis concentrates, extracts or cannabis products, if applicable.**
- (4) A producer may not enter into an agreement with a patient who has a grower registered with the Authority or with a patient who has entered into an agreement with another licensed producer under this rule.**
- (5) A producer may not produce marijuana for a patient until the Commission:**
- (a) Verifies the patient's registration status with the Authority;**
- (b) Approves the agreement; and**
- (c) Notifies the producer that the producer may produce and provide usable marijuana to that patient.**
- (6) A producer may neither give nor receive consideration for entering into a patient agreement, except as allowed by these rules.**

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2520

Termination of Producer and Patient Agreements

(1) A producer or a patient may terminate an agreement at any time with 30 days written notice.

(2) The producer must provide a copy of any notice of termination to the Commission within 2 business days of terminating an agreement or receiving notice of termination from a patient.

(3) Effect of the termination. The producer's medical canopy will be reduced by 280 square feet for outdoor producers and 70 square feet for indoor producers if the producer has agreements with less than 14 patients and the producer fails to enter into a new agreement as described in OAR 845-025-2530.

(4) If a patient, at any time during the term of the producer-patient agreement is no longer registered with the Authority, the agreement is invalid.

(5) If the Commission learns that a patient has been disciplined by the Authority for violations of the Oregon Medical Marijuana Act or the Authority's rules, has been convicted of marijuana related crimes, or has a registered grower under ORS 475B.420, the Commission may notify the producer and the patient that the agreement is no longer valid and will provide instructions to the producer regarding the disposition of any marijuana plants or usable marijuana that were produced for that patient.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2530

Adding or Replacing Patients Agreements

(1) If a producer or a patient terminates an agreement at least 90 days before the date the producer's license expires, the producer may, within 90 days of the notice of termination, enter into a new agreement with a patient to replace a patient whose agreement is being terminated.

(2) Except as provided in section (1) of this rule, after August 31, 2017, new patient agreements may only be entered into and submitted to the Commission for verification and review at the time the producer applies for a new license or renewal of an existing license.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2540

Grow Canopy Limitation for Producers Registered to Produce Marijuana for Patients

(1) A licensed producer who has been registered by the Commission to produce marijuana for patients may only produce the following amounts of marijuana for patients:

(a) For outdoor producers, up to 240 square feet per patient agreement, not to exceed a sum total of 3360 square feet.

(b) For indoor producers, up to 60 square feet per patient agreement, not to exceed a sum total of 840 square feet.

(2) A licensed producer must physically separate usable marijuana produced for patients from the marijuana canopy authorized under OAR 845-025-2040.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2550

Requirements for Producing and Providing Marijuana for Patients

A licensed producer who has been registered by the Commission to produce marijuana for patients:

(1) Must:

(a) Comply with all seed-to-sale tracking requirements required in these rules.

(b) Comply with all applicable testing rules prior to transferring usable marijuana to a patient or the patient's designated primary caregiver and upon request by a patient, provide a patient with a copy of all testing results.

(c) Comply with all applicable testing, labeling and packaging rules when transferring or selling usable marijuana to registered processing sites and registered dispensaries.

(d) In addition to subsection (a) of this section, use CTS to document the amount of usable marijuana transferred or sold to each registrant, the date of the transfer, and the registrant's OMMP number.

(e) Identify the mature marijuana plants being grown pursuant to grower-patient agreements separately from the producer's recreational marijuana canopy in a manner proscribed the Commission.

(2) May transfer immature marijuana plants, seeds and tissue cultures from the producer's recreational plant stock to the area used for the production of marijuana for patients.

(3) May not:

(a) Be compensated for producing or providing marijuana to a patient or the patient's designated primary caregiver.

(b) Produce more than the equivalent in square feet of six mature marijuana plants for any one patient. Equivalent square feet of mature canopy space is calculated at the rate of 40 square feet of canopy per outdoor marijuana plant and 10 square feet for indoor marijuana plants.

(c) Provide more than the amount of usable marijuana specified in an approved patient agreement to a patient or the patient's designated primary caregiver.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

845-025-2560

Cancellation of Registration; Violations

The Commission may cancel or suspend a licensed producer's registration to produce for patients or the producer's license if the producer violates these rules.

Stat. Auth.: ORS 475B.025

Stats. Implemented: 2016 OL Ch. 83 Sec. 2

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