

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
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, 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) "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 item injurious **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.

[...]

(43) “Industrial hemp”:

(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.

(44) “Inhalable Cannabinoid Product” means a cannabinoid product that is intended for human inhalation.

~~(4445)~~ “Invited guests” means family member and business associates of the licensee, not members of the general public.

845-025-2755

Industrial Hemp Handler Certificate Privileges; Prohibitions

[...]

(3) When transferring, selling, or transporting pursuant to subsection (2) of this rule a Commission-certified hemp handler:

(a) May only transfer, sell, or transport industrial hemp and hemp items that:

(A) Have been tested in accordance with the Authority’s rules for testing the equivalent marijuana item in OAR 333-007-0300 to 333-007-0500 and OAR 333, division 64;

(B) Have been tested for THC and CBD concentration in accordance with OAR 333-007-0430, notwithstanding whether a test for potency would be required for the equivalent marijuana item; 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 or hemp items from the location identified in the application under OAR 845-025-2705(2)(c).

(c) Must:

(A) Hold a valid Industrial Hemp Handler Certificate issued by the Commission.

(B) Provide the licensee a copy of any test result conducted on the industrial hemp or hemp items. 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 or hemp items in compliance with the requirements for a licensee transporting marijuana items under OAR 845-025-7700(2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D).

(d) May not transfer to a licensee:

(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 that exceeds the THC limits specified in OAR 845-025-2760;

(C) Any hemp item that exceeds the THC limits specified in OAR 845-025-2760;

(D) Any living industrial hemp plants; ~~or~~

(E) Industrial hemp seed; or

(F) On or after April 1, 2021, any inhalable cannabinoid product that a licensee is prohibited from receiving under OAR 845-025-8520.

845-025-3220

General Processor Requirements

(1) A processor must:

(a) Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.

(b) Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.

(c) Maintain the licensed premises in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.

(d) Store all marijuana or hemp items not in use in a locked area, including products that require refrigeration in accordance with OAR 845-025-1410.

(e) Assign every process lot a unique identification number and enter this information into CTS.

(2) A processor may not process, transfer or sell a marijuana or hemp items:

(a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:

(A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or

(B) Products in the shape of an animal, vehicle, person or character.

(b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.

(c) That contains Dimethyl Sulfoxide (DMSO).

(d) That is an inhalable cannabinoid product prohibited under OAR 845-025-8520.

(3) Notwithstanding (2)(d) of this rule, a processor may transfer or sell an inhalable cannabinoid product prior to April 1, 2021, if the item was processed prior to November 1, 2020.

~~(34)~~ A processor may not treat or otherwise adulterate a cannabinoid product, concentrate or extract with any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, caffeine, polyethylene glycol, or any chemicals that increase carcinogenicity or cardiac effects.

~~(45)~~ A processor must maintain records of industrial hemp test results for 2 years.

845-025-7000

Packaging and Labeling — Definitions

[...]

(23) “Generic label” means a label that contains only the information required by rule.

(a) A generic label does not include a label for an inhalable cannabinoid product.

~~(ab)~~ A generic label may not contain any graphics, pictures, or logos other than symbols required by these rules.

(~~b~~**c**) A generic label may include additional test information not required by rule or additional information described in OAR 845-025-7160(7)(c).

845-025-7160

Packaging and Labeling Pre-approval Process

[...]

(11) 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; ~~and~~ have no graphics, pictures or logos; **and are not for an inhalable cannabinoid product.**

(12) All labels for inhalable cannabinoid products require pre-approval by the Commission.

(~~12~~**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).

(~~13~~**14**) Notwithstanding any provisions of this rule, the Commission may permit or require electronic submission of labels and packaging for approval.

845-025-8520

Prohibited Conduct

[...]

(9) Visibly Intoxicated Persons. No licensee or permittee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated. Violation of this section is a Category III violation.

(10) Prohibited Inhalable Cannabinoid Products. No licensee, lab licensee, or permittee may:

(a) Process or manufacture a prohibited inhalable cannabinoid product on or after November 1, 2020; or

(b) Possess, sell, deliver, transfer, transport, purchase, or receive a prohibited inhalable cannabinoid product on or after April 1, 2020.

(c) For purposes of this rule, a “prohibited inhalable cannabinoid product” is an inhalable cannabinoid product that contains any substance or group of substances that are derived from any source other than marijuana or industrial hemp and that:

(i) impart a flavor, aroma, or effect, physiological or otherwise; or

(ii) alter consistency, texture, or viscosity.

(d) For purposes of this rule, "substance or group of substances":

(i) Includes but is not limited to purified compounds, essential oils, oleoresins, essences or extractives, protein hydrolysates, distillates, or isolates.

(ii) Does not include plant material that is in the whole, broken, or ground form.

(e) Violation of this section is a Category I violation.

(~~10~~**11**) Additional Prohibitions. A licensee, lab licensee, or permittee may not:

(a) Sell or deliver any marijuana item or hemp item through a drive-up or walk-up window.

(b) Use any device or machine that both verifies the age of the consumer and delivers marijuana or hemp items to the consumer.

(c) Deliver marijuana or hemp items to a consumer off the licensed premises, except that retail licensees may provide delivery as set forth in OAR 845-025-2880.

(d) Violation of this subsection is a Category III violation.

(e) Permit industrial hemp or a hemp item to be present on the licensed premises, except as allowed by these rules. Violation of this subsection is a Category I violation.