

SPECIAL COMMISSION MEETING RULES AGENDA

OREGON LIQUOR CONTROL COMMISSION CHAPTER 845 PROPOSED AMENDMENTS

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

845-025-2805

Prohibited Vapor Product Sales and Manufacture

(1) Definitions. For purposes of this rule:

(a) “Cannabinoid Vapor Product” means a cannabinoid product intended for human inhalation using an inhalant delivery system.

(b) “Flavor” means an artificial or naturally-occurring substance that contains a taste or smell, other than the taste or smell of cannabis, that is distinguishable by an ordinary consumer either prior to or during the inhalation of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, nut, fruit, any candy, dessert, alcoholic or non-alcoholic beverage, herb, spice or concept flavor.

(c) “Inhalant delivery system” has the same meaning given that term in ORS 431A.175 (1)(a).

(d) “Non-marijuana terpene” means a terpene or terpenoid derived from a source other than marijuana.

(2) Prohibitions. Notwithstanding any other rule in OAR 845, Division 25, on and after October 15, 2019:

(a) A retailer may not sell, offer for sale, deliver, transfer, or otherwise make available to a consumer any cannabinoid vapor product containing a flavor or a non-marijuana terpene.

(b) A processor may not make a cannabinoid vapor product that contains a flavor or non-marijuana terpene.

(3) For purposes of determining whether a cannabinoid vapor product contains a flavor or non-marijuana terpene, a public statement or claim, whether express or implied, made or disseminated by the licensee or licensees responsible for the manufacture of a cannabinoid vapor product, or by any person authorized or

permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of cannabis will be considered by the Commission to constitute presumptive evidence that the cannabinoid vapor product contains a flavor or non-marijuana terpene.

(4) Notwithstanding section (2) of this rule, a processor licensee may request, in a form and manner prescribed by the Commission, to manufacture a cannabinoid vapor product using terpenes derived from botanical sources other than marijuana, so long as every component of the terpene compound is naturally found in cannabis.

(a) The Commission will establish the form and manner for making a request under this rule, and standards for exemption, on or before November 15, 2019.

(b) If a cannabinoid vapor product containing terpenes derived from botanical sources other than marijuana meets the standards established by the Commission, that cannabinoid vapor product is not subject to the restrictions of sections (2)(a) and (b) of this rule.

(c) No cannabinoid vapor product containing terpenes derived from botanical sources other than cannabis may be manufactured or sold to consumers until the licensee receives written notification from the Commission that the product is exempt.

(5) Violation of this rule is a Category I violation, and may be grounds for immediate suspension and cancellation of the license.

Statutory/Other Authority: ORS 475B.025; 475B.105; 475B.186; 475B.232, 475B.246; EO 19-09

Statutes/Other Implemented: ORS 475B.025; 475B.105; 475B.186; 475B.232, 475B.246; EO 19-09

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 OAR 333-007-0300 through 333-007-0490 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.

(5) The Commission may, at any time, require a licensee to permit the sampling of or submit a sample of a marijuana 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.

(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 & 475B.555, **EO 19-09**

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