

Oregon Retail Sale of Cannabidiol (CBD) Products FAQ

BACKGROUND

In the U.S., the 2018 Farm Bill removed industrial hemp (and its extracts) from the Controlled Substances Act and legalized hemp to be considered as an agricultural product. It has had a wide range of practical uses including the production of fibers, textiles, cosmetics, foods, beverages, oils and more.

Like marijuana, hemp is a variety of the *Cannabis sativa* plant species. However, it is typically distinguished by its lower concentration of tetrahydrocannabinol (THC) which is the main psychoactive component of cannabinoids (i.e. marijuana, hemp). Legally, industrial hemp cannot contain >0.3% THC on a dry weight basis. With its fast-growing popularity, hemp has also become a primary source of CBD which like THC is a major component of cannabinoids but has no psychoactive (“high”) effects.

In Oregon, cannabis is divided into 2 categories: industrial hemp and marijuana. If hemp-made, a license or registration is not required for a business to sell CBD products under the state’s Hemp Program as long as the product has <0.3% THC and is not advertised as a dietary supplement. Testing requirements are implemented and enforced by the Oregon Department of Agriculture (ODA) to ensure growers and handlers are in compliance prior to sale or transfer to consumers. Overall, there is no legal prohibition against the sale of CBD products to individuals who are <21 years of age (unless it is used for the sale of inhalant delivery systems and their components) or limitations on purchases from retail locations.

Per the Oregon Board of Pharmacy, CBD products can be sold at the pharmacy register by any staff, but all questions related to CBD products must be directed to the pharmacist. CBD products should not be stored in the pharmacy or ordered through the pharmacy. (source: April 2019 Board meeting minutes)

FAQs

The following FAQs are provided to address pharmacy involvement in the sales of CBD products. The Oregon Board of Pharmacy does not have jurisdictional oversight over the regulation of industrial hemp and CBD products in Oregon.

Q. Are pharmacy locations permitted to sell CBD products at the retail (front-end) of the store and if so does this require registration with a regulatory body?

A. Per the 2018 Farm Bill, which legalized industrial hemp (including its extracted products such as CBD), it is legal to sell hemp derived CBD products at a retail location as long as they are: 1) not advertised as a dietary supplement, and 2) provided that their THC concentration is <0.3%.

Currently, there is no requirement for a license or registration for a business to sell CBD products under ODA’s Hemp Program.

Q. Who regulates CBD products and verifies that the amount of THC is within legal concentrations, per 2018 Farm Bill, THC level <0.3%?

A. In Oregon, testing requirements are implemented and enforced by the [ODA](#) to ensure growers and processors of industrial hemp are in compliance prior to sale or transfer to consumers.

Q. Are there any restrictions to sale; age restriction, limit in quantity, delivery mechanism?

A. No, as long as the CBD product is derived from industrial hemp and meets federal requirements.

Q. Can CBD be sold as a dietary supplement?

A. No. According to the [FDA](#), under the FD&C Act, it is illegal to market CBD as a dietary supplement.

Q. Can CBD products be sold at the pharmacy register?

A. Yes.

Q. Who can answer health-related questions about CBD?

A. Pharmacists, when the pharmacy is open.

Q. Can a CBD product user test positive for a marijuana drug screen?

A. Yes, it is possible. The test does not distinguish between THC derived from hemp product or marijuana product. The test may be dependent on how much individuals take, when they use it and the frequency in which they consume it. (Note: Drug tests do not test for CBD, but do detect THC. The test cannot distinguish whether detectable THC metabolites is the result of CBD use or the use of marijuana.)

OREGON LAWS AND RULES

The laws and rules applicable to the retail sales of CBD in Oregon include:

[2018 OR SB 1544](#). Requires that products sold in an Oregon Liquor Control Commission (OLCC) retailer (recreational marijuana) must have a label that clearly identifies the source of the CBD – hemp vs marijuana.

[ORS 571.303](#). Industrial hemp is an agricultural product that is subject to regulation by ODA.

[ORS 571.333](#). ODA may enter an agreement with the Oregon Health Authority (OHA) to ensure that hemp crops contain THC concentrations <0.3% on a dry weight basis and are tested by a laboratory licensed by OLCC and accredited by OHA.

REGULATORY OVERSIGHT

	Medical Marijuana	Recreational Marijuana	Industrial Hemp
Product	Marijuana	Marijuana products and CBD products derived from marijuana or industrial hemp.	CBD products derived from industrial hemp containing <0.3% THC.
Location of Sales	Designated growers or medical marijuana dispensaries.	Licensed OLCC recreational marijuana dispensaries.	Any retail location.
Restriction on Sales	Must have a medical marijuana card. Individuals with a qualifying medical condition and a recommendation for medical marijuana from an attending physician may apply for a medical marijuana card.	Must be ≥21 years of age or older. Source of CBD must be labeled – hemp or marijuana.	None. Unless the product is used for the sale of inhalant delivery systems and their components, then must be ≥21 years of age or older.
Regulatory Body	OHA	OLCC	ODA

[FDA Regulation of Cannabis: Q&A](#) (posted 4/2/2019)