Oregon Liquor Control Commission

Chapter 845

Division 25
RECREATIONAL MARIJUANA

845-025-1000
Applicability

(1) A person may not produce, process, store, transport, sell, sample, test, or deliver marijuana for commercial recreational use without a license from the Commission or as otherwise authorized under these rules.

(2) Nothing in these rules exempts a licensee or licensee representative from complying with any other applicable state or local laws.

(3) Licensure under these rules does not protect a person from possible criminal prosecution under federal law.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.070, 475B.090, 475B.100, 475B.110, 475B.340, 475B.020 & 475B.560
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

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 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 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) “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 or a receptacle holding a marijuana item.

(4) “Attractive to minors” means packaging, labeling and 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.

(5) “Authority” means the Oregon Health Authority.

(6) “Business day” means Monday through Friday excluding legal holidays.

(7) “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.

(8) “Cannabinoid concentrate” means a substance obtained by separating cannabinoids from marijuana by:

(a) A mechanical extraction process;

(b) A chemical extraction process using a non-hydrocarbon-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.

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

(10) “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.

(11) “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 and cannabinoid concentrates that have been combined with an added substance; or

(B) Any combination of usable marijuana, cannabinoid extracts and 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 571.300.

(12) “Cannabinoid tincture” means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:
(a) A non-potable solution consisting of at least 25% 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.

(13) “Cannabis Tracking System” or “CTS” means the system for tracking the transfer of marijuana items and other information as authorized by ORS 475B.177.

(14) “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.

(15) “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.

(16) “Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature which may exhibit 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.

(17) “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.

(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.

(18) “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.

(19) “Container”

(a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed and any outer receptacle intended to display a marijuana 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 industrial commodities or products in bulk from one licensee or registrant to another.

(20) “Contractor” means a person, other than a licensee representative, who temporarily visits the licensed premises to perform a service, maintenance or repair.

(21) “Commission” means the Oregon Liquor Control Commission.

(22) “Commissioner” means a member of the Oregon Liquor Control Commission.

(23) “Consumer” means a person who purchases, acquires, owns, holds or uses marijuana items other than for the purpose of resale.

(24) “CTS Administrator” means a CTS user who may add, edit or disable access for other CTS users.

(25) “CTS User” means an individual with online access to CTS.

(26) “Date of Harvest” means the day the last mature marijuana plant in the harvest lot was harvested.

(27) “Designated primary caregiver” has the meaning given that term in ORS 475B.791.

(28)(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 475B.301.

(29) “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:

(29A) 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 subsection, “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.

(30) "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.

(31) “Flowering” means a marijuana plant that has formed a mass of pistils measuring greater than two centimeters wide at its widest point.

(32) “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 475B.810.

(33)(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.

(34) “Harvest lot” means a specifically identified quantity of marijuana that is, cultivated utilizing the same growing practices and harvested within a 72 hour period at the same location and cured under uniform conditions.

(35) “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 as defined in OAR 603-048-2310;

(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 571.300;

(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

https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873
(v) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.

(36) “Hemp Grower” means a person or entity that is registered with the Oregon Department of Agriculture under ORS 571.305 to produce industrial hemp.

(37) “Hemp Handler” means a person or entity that is registered with the Oregon Department of Agriculture under ORS 571.305 to process industrial hemp into commodities, products or agricultural hemp seed.

(38) “Hemp item”
   (a) Means:
      (A) Usable hemp as defined in OAR 603-048-2310;
      (B) Hemp stalk as defined in OAR 603-048-2310;
      (C) A cannabinoid product as defined in OAR 603-048-2310; 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 it is suitable for human consumption; or
      (C) Industrial hemp seed pressed or otherwise processed into oil.

(39) “Immature marijuana plant” means a marijuana plant that is not flowering.

(40) “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.

(41) “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.

(42) “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.

(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 or hemp cannabinoid product that is intended for human inhalation.

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

(46) “Laboratory” means a laboratory certified by the Authority under ORS 438.605 to 438.620 and authorized to sample or test marijuana items for purposes specified in these rules.

(47) “Laboratory licensee” means a laboratory licensed under ORS 475B.560 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 845-025-1160(4).

(48) “Licensee” means any person who holds a license issued under ORS 475B.070, 475B.090, 475B.100, or 475B.105 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 845-025-1160(4).
(49) "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.

(50) "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.

(51) "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.

(52) "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.

(53) "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 571.300; 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.

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

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

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

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

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

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

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

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

(62) "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 475B.625 for consumers who hold a valid registry identification card issued under ORS 475B.797.

(63) "Micro-Wholesaler" means a marijuana wholesaler licensed by the Commission that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy.

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

(65) "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.

(66) "Non-Toxic" means not causing illness, disability or death to persons who are exposed.

(67) "Non-profit Dispensary" means a medical marijuana dispensary registered under ORS 475B.858, 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 333, Division 8.

(68) "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.

(69) "Patient" has the same meaning as "registry identification cardholder."

(70) "Permittee" means any person who holds a Marijuana Workers Permit.

(71) "Person" has the meaning given that term in ORS 174.100.
(72) “Person Responsible for a Marijuana Grow Site” or “PRMG” has the meaning given that term in OAR 333-008-0010.

(73) “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.

(74) “Person responsible for a marijuana grow site” or “PRMG” has the meaning given that term in OAR 333-008-0010.

(75) “Premises” or “licensed premises” includes the following areas of a location licensed under sections ORS 475B.010 to 475B.545:

(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

(c) “Premises” or “licensed premises” does not include a primary residence.

(76) “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.

(77) “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.

(78) “Processes”

(a) “Processes” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(b) “Processes” does not include packaging or labeling.

(79) “Process lot” means:

(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or

(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract.

(80) “Producer” means a marijuana producer licensed by the Commission.

(81) “Produces”

(a) “Produces” means the manufacture, planting, propagation, cultivation, growing or harvesting of marijuana.

(b) “Produces” 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.

(82) “Propagate” means to grow immature marijuana plants or to breed or produce seeds.

(83) “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.

(84) “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 chapter 471, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.545, 475B.550 to 475B.590 and 475B.600 to 475B.655, Commission rules and any other statutes the Commission considers related to regulating liquor or marijuana.

(85) “Registry identification cardholder” has the meaning given that term in ORS 475B.791.

(86) “Retailer” means a marijuana retailer licensed by the Commission.
(87) “Safe” means:
(a) A metal receptacle with a locking mechanism capable of storing all marijuana items on a licensed premises that:
(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or
(B) Weighs more than 750 pounds.
(b) A “vault”; or
(c) A refrigerator or freezer capable of being locked for storing marijuana items that require cold storage that:
(A) Is rendered immobile by being securely anchored to a permanent structure of an enclosed area; or
(B) Weighs more than 750 pounds.
(88) “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.
(89) “Secondary school” means a learning institution containing any combination of grades 9 through 12 and includes junior high schools that have 9th grade.
(90) “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.
(91) “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.
(92) “These rules” means OAR 845-025-1000 to 845-025-8750.
(93) “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.
(94) “UID number” means the 24-digit number on the UID tag.
(95) “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.
(96)(a) “Usable Marijuana” means the dried leaves and flowers of marijuana.
(b) “Usable Marijuana” 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.
(c) “Usable marijuana” 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.
(97) “Vault” means an enclosed area or room that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.
(98) “Wholesaler” means a marijuana wholesaler licensed by the Commission.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025 & ORS 475B.015
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 24-2020, amend filed 12/21/2020, effective 12/22/2020
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1030
Application Process
(1) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, or laboratory license.

(2) An application for a license and all documentation required in the application instructions and any requirements of this rule must be submitted in a manner specified by the Commission. The application fee specified in OAR 845-025-1060 must also be paid in a manner specified by the Commission.

(3) An application must include the following:

(a) The names and other required information for all individuals and legal entities who are applicants as described in OAR 845-025-1045.

(b) Any forms required by the Commission and any information identified in the form that is required to be submitted;

(c) A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises, the location of any primary residence located on the same tax lot as the licensed premises, and a scaled floor or plot plan sketch of all enclosed areas with clear identification of walls, all areas of ingress and egress, and all limited access areas;

(d) An operating plan in a form prescribed by the Commission that demonstrates at a minimum, how the applicant’s proposed premises and business will comply with the applicable laws and rules regarding:

(A) Security;

(B) Employee qualifications and training;

(C) Transportation of product;

(D) Preventing minors from entering the licensed premises; and

(E) Preventing minors from obtaining or attempting to obtain marijuana items.

(e) For producers:

(A) The proposed production tier and producer type as described in OAR 845-025-2040.

(B) A report describing the applicant’s electricity and water usage, on a form prescribed by the Commission.

(i) For initial licensure, the report must describe the estimated electricity and water usage taking into account all portions of the premises and expected requirements of the operation for the next twelve months.

(ii) For renewal, the report must describe the actual electricity and water usage for the previous year taking into account all portions of the premises.

(C) An attestation that the applicant has a legal source of water.

(D) If the applicant is not the owner of the premises proposed to be licensed, a form, prescribed by the Commission, signed by the owner of the premises that states the owner consents to the production of marijuana on the premises.

(f) For processors, on a form prescribed by the Commission, the proposed endorsements as described in OAR 845-025-3210.

(4) In addition to submitting the application form and the items described in section (3) of this rule, the Commission may require the following to be submitted:

(a) For applicants:

(A) Information or fingerprints in order to perform a criminal background check in accordance with OAR 845-025-1080.

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(b) The names and other required information for all individuals and legal entities with a financial interest in the business.

(c) For an individual identified as a person with a financial interest:

(A) Information or fingerprints for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(d) For a legal entity that is identified as having a financial interest:

(A) Information or fingerprints for any individual within the legal entity for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.
(e) Proof of the right to occupy the premises proposed for licensure.

(f) For producers:

(A) A designation of the proposed canopy area within the licensed premises.

(B) Proof that the applicant has a legal source of water as evidenced by:

(i) A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department;

(ii) A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

(iii) Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.

(g) Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.

(5) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and license fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(6) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within ten days of the date the incomplete notice was sent to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.040
Statutes/Other Implemented: 2019 OL CH. 145, ORS 475B.040, 475B.045, 475B.060, 475B.070, 475B.090, 475B.100, 475B.105 & 475B.560
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1045
True Name on Application; Interest in Business

(1) True name on application. An application for a license must specify the real and true names of all individuals and legal entities required to be disclosed in the application under OAR 845-025-1030 and this rule.

(2) License privileges. License privileges are available only to licensees or laboratory licensees and licensee representatives and only for the premises designated on the license.

(3) The following individuals and legal entities are applicants:

(a) Any individual or legal entity who holds or controls a direct or indirect interest of 20 percent or more in the business proposed to be licensed;

(b) Any individual or legal entity who is entitled to receive a portion of revenue, proceeds, or profits from the business proposed to be licensed totaling 20 percent or more;

(c) Any individual or legal entity that has an ownership interest in the business as described in OAR 845-025-1045(5); and

(d) Any individual or entity required to be listed as applicants under section (4) of this rule.

(4) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:

(a) If an applicant is a limited partnership, each general partner in the limited partnership;

(b) If an applicant is a manager-managed limited liability company, each manager of the manager-managed limited liability company as those terms are defined in ORS 63.001; and
(c) If an applicant is a corporation, each principal officer of the corporation.

(5) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed or unapproved ownership interest exists other than as provided in OAR 845-025-1160(4). For purposes of these rules, an "ownership interest" is indicated by the following behaviors, benefits or obligations:

(a) Any individual or legal entity, other than an employee acting under the direction of an applicant, licensee, or laboratory licensee, that exercises control over, or is entitled to exercise control over, the business;

(b) Any individual or legal entity, other than an employee acting under the direction of an applicant, licensee, or laboratory licensee, that has the authority to bind the applicant, licensee, or laboratory licensee to contracts or other legal obligations, including the authority to cause the applicant, licensee, or laboratory licensee to incur debt or similar obligations on behalf of the business; or

(c) Any individual or legal entity identified as a lessee, tenant, or renter (or similar term) of the premises proposed to be licensed;

(d) Any individual or legal entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement; or

(e) When an applicant is a legal entity, any individual or legal entity required to be listed as an applicant under sections (3) or (4) of this rule.

Statutory/Other Authority: ORS 475B.025 & 475B.040
Statutes/Other Implemented: ORS 475B.045, 475B.070, 475B.090, 475B.100, 475B.105, 475B.560, 475B.040, 475B.060 & 2019 OL CH. 145

History:
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OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

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) Medical Canopy $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) 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 subsections (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(1)(a) or (b) and exercises any license privileges after the date the license expires.

(7) If the Commission approves an initial or renewal application and grants a marijuana worker permit, the individual must pay a $100 permit 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 475B.025
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.105, 475B.266, 475B.560, 475B.610, 475B.620 & 571.336
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1070
Late Renewal Fees

(1) If the Commission receives a completed license or certificate renewal application less than 20 days before the date the existing license or certificate expires, the Commission will charge a late renewal fee of $150 for licenses and certificates.

(2) If the Commission receives a completed license or certificate renewal application within 30 days after the date the existing license or certificate expires, the Commission will charge a late renewal fee equal to $300 for licenses and certificates.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1080
Criminal Background Checks

(1) If an individual is required by the Commission to undergo a criminal background check, the individual must provide to the Commission:

(a) A criminal background check request form, prescribed by the Commission that includes but is not limited to:

(A) First, middle and last name;
(B) Any aliases;
(C) Date of birth;
(D) Driver license information; and
(E) Address and recent residency information.

(b) Fingerprints in accordance with the instructions on the Commission’s webpage.

(2) The Commission may request that an applicant disclose his or her Social Security Number if notice is provided that:

(a) Indicates the disclosure of the Social Security Number is voluntary; and

(b) That the Commission requests the Social Security Number for the purpose of positively identifying the applicant
during the criminal records check process.

(3) An applicant’s criminal history must be evaluated by the Commission in accordance with ORS 670.280 and
475B.050.

(4) The Commission may require a licensee, laboratory licensee, or individual with a financial interest to undergo a
criminal background check in accordance with this rule once per license year.

(5) Records concerning criminal background checks must be kept and handled by the Commission in accordance with
ORS 181.534(15).

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.050
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1090
Application Review

(1) Once the Commission has determined that an application is complete it must review the application to determine
compliance with ORS Chapter 475B and these rules.

(2) The Commission:

(a) Must receive a land use compatibility statement from the city or county that authorizes land use in the city or county
in which the applicant’s proposed premises is located prior to acting on an application for a new license, a change to a
larger producer canopy designation, a change to producer cultivation method designation or change in processor
endorsement type.

(b) May, in its discretion, prior to acting on an application:

(A) Contact any applicant or individual with a financial interest and request additional documentation or information;
and

(B) Verify any information submitted by the applicant.

(3) The requirements of section (2)(a) of this rule do not apply to applicants for a producer license if the applicant
demonstrates in a form and manner specified by the Commission that:

(a) The applicant is applying for a license at an address where a marijuana grow site registered under ORS 475B.810 is
located;

(b) The address is outside of city limits;

(c) At least one person responsible for a marijuana grow site located at the address first registered with the Authority
under ORS 475B.810 before January 1, 2015, and was registered with the Authority under ORS 475B.810 on the date
on which the applicant submitted the application for a producer license;

(d) Each person responsible for a marijuana grow site located at the address first registered with the Authority under
ORS 475B.810 before February 1, 2016 and was registered with the Authority under ORS 475B.810 on the date on
which the applicant submitted the application for a producer license; and

(e) The applicant is applying for a mature marijuana plant grow canopy of:
(A) 5,000 square feet or less, if the marijuana is produced outdoors; or

(B) 1,250 square feet or less, if the marijuana is produced indoors.

(4) For purposes of section (3) of this rule an applicant for a license under ORS 475B.070 is not required to demonstrate that:

(a) At least one person responsible for a marijuana grow site located at the address for which the applicant is applying for a license was continuously registered with the Authority under ORS 475B.810 between January 1, 2015, and the date on which the applicant applies for a producer license; or

(b) Each person responsible for a marijuana grow site located at the address for which the applicant is applying for a license has been continuously registered with the Authority under ORS 475B.810 between February 1, 2016, and the date on which the applicant applies for a producer license.

(5) The Commission may require an inspection of the proposed premises prior to issuing a license.

(6) If during an inspection as described in (5) of this rule, the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met. An applicant that fails an inspection will have 30 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

(b) An applicant may request in writing one extension of the 30-day time limit in subsection (a) of this section, not to exceed 45 days.

(7) If an applicant does not submit a timely plan of correction or if the plan of correction does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

(8) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

(9) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.040
Statutes/Other Implemented: ORS 475B.045, ORS 475B.060, ORS 475B.063, ORS 475B.074 & 2019 OL Ch. 391

Approval of Application and Issuance of License

(1) If the Commission determines that an applicant is in compliance with ORS 475B.025 to 475B.235 and these rules the Commission must notify the applicant in writing that the application has been approved and after payment by the applicant of the license fee, provide the applicant with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. If the applicant paid the license fee with a check the Commission will not issue a license until it has confirmation that the check has cleared.

(2) A licensee or laboratory licensee:

(a) May not operate until on or after the effective date of the license.

(b) Must display proof of licensure in a prominent place on the premises.

(c) May not use the Commission name or logo on any signs at the premises, on the business’ website, or in any advertising or social media, except to the extent that information is contained on the proof of licensure or is contained in part of warnings, signage or other documents required by these rules.
Licensure is only valid for the premises indicated on the license and is only issued to the individuals or entities listed on the application or subsequently approved by the Commission.

A license may not be transferred except as provided in OAR 845-025-1160.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.055
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1115
Denial of Application

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

(a) An applicant is under the age of 21.

(b) The applicant’s land use compatibility statement shows that the proposed land use is prohibited in the applicable zone, if a land use compatibility statement is required.

(c) The proposed licensed premises is located:

(A) On federal property.

(B) On reservation or tribal trust land of a federally recognized Indian tribe unless that tribe has entered into an agreement with the State of Oregon which allows licensing of recreational marijuana businesses.

(C) At the same location as a producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location are held or sought by identical applicants. For the purpose of this paragraph, “at the same location” means that any area of the proposed licensed premises is within the licensed premises of another license.

(d) The location proposed to be licensed is prohibited under OAR 845-025-1230.

(e) The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.

(f) The proposed licensed premises of a retail applicant is located:

(A) Except as provided in ORS 475B.109, within 1,000 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(B) In an area that is zoned exclusively for residential use.

(g) The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.

(h) A city or county has prohibited the license type for which the applicant is applying, in accordance with ORS 475B.968.

(2) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if the Commission has reasonable cause to believe that:

(a) The applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

(B) Has made false statements to the Commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Is not of good repute and moral character.

(E) Does not have a good record of compliance with ORS 475B.010 to 475B.545, or these rules, prior to or after licensure, including but not limited to:
(i) The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of ORS 475B.333;

(ii) Providing marijuana items to an individual without checking that the individual is 21 or older;

(iii) Unlicensed transfer of marijuana items for financial consideration; or

(iv) Violations of local ordinances adopted under ORS 475B.486, pending or adjudicated by the local government that adopted the ordinance.

(F) Does not have a good record of compliance with ORS Chapter 471 or any rules adopted thereunder.

(G) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(H) Is unable to understand the laws of this state related to marijuana or these rules. This may be demonstrated by violations documented by the Oregon Health Authority.

(I) For license renewal, has not submitted all fees, forms, documents and information required to act on the renewal application that is pending on or after January 1, 2019 within the time period prescribed by the Commission.

(J) Has, or previously had, an unapproved ownership interest in a license issued by the Commission other than as provided in OAR 845-025-1160(4).

(b) Any individual listed on the application has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in ORS 475B.045(3). The Commission may consider factors set forth in subsection (B) of this rule to determine if this refusal basis is supported or overcome.

(c) Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.

(d) The business proposed to be licensed is located:

(A) At the same physical location or address as a premises licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission; or

(B) At the same address as a producer, retailer, processor, wholesaler, or laboratory license, unless the licenses are of different types and all of the licenses at the location or address are held or sought by identical applicants.

(e) The proposed licensed premises of a producer applicant is on the same tax lot as another producer licensee under common ownership.

(f) The proposed licensed premises of a producer is located on the same tax lot as a site registered with Oregon Department of Agriculture for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site shall be separated from the premises proposed to be licensed and how the applicant shall prevent transfer of industrial hemp to the licensed premises.

(g) The applicant proposed to be licensed does not have access to the proposed license premises.

(h) The proposed licensed premises of the producer applicant is on the same tax lot as another producer licensee and the presence of multiple producers on the same tax lot creates a risk of non-compliance with any of these rules.

(i) The applicant is a business entity that is required to be registered with the Oregon Secretary of State but has failed to register.

(3) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee or laboratory licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant, licensee or laboratory licensee.

(4)(a) The Commission may deny any initial or renewal application and may revoke any license if medical marijuana items are produced, processed, stored, sold or transported, to or from the same address or location of licensed business or business proposed to be licensed.

(b) The Commission will not deny an initial application under this subsection if:

(A) The applicant surrenders any registration issued by the Authority for the address or location of the business proposed to be licensed;

(B) If applicable, the applicant notifies all other growers registered by the Authority at the location or address proposed to be licensed, in a form and manner prescribed by the Commission, that the grower is no longer permitted to produce
medical marijuana at the address or location proposed to be licensed and must surrender his or her registration at that
address or location; and

(C) All medical marijuana activity at the location or address proposed to be licensed ceases prior to being issued an
OLCC license.

(5) If the Commission denies an application because an applicant submitted false or misleading information to the
Commission, the Commission may prohibit the applicant from re-applying for five years.

(6) The Commission may revoke a license for any of the reasons that it may deny a license.

(7) A notice of denial must be issued in accordance with ORS 183.

(8) Factors that may support or overcome license denial pursuant to subsection (2)(b) of this rule. These factors may
have occurred before or after the incident or incidents that are relevant to the specific criterion. The factors may be
weighed in favor of the applicant, weighed against the applicant, or weighed neither for nor against the applicant.

(a) Definitions. For purposes of this subsection:

(A) “Administrative violation” means an administrative agency has taken a final action finding that an individual, or a legal
entity that the individual is part of, violated a regulation of that administrative agency.

(B) “Compliance risk factors” means factors that show the individual's tendency to disobey laws, rules, and regulations;
including but not limited to probation and parole violations, non-relevant convictions, and administrative violations.

(C) “Relevant conviction” means a conviction, other than those listed in ORS 475B.045(3), that involved violence or the
threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; non-compliance with driver
license requirements; or a conviction as a felon in possession of a weapon.

(D) “Successful treatment” means:

(i) The Commission receives written confirmation from the individual’s licensed treatment provider that the individual
completed treatment that is related to a relevant conviction and the Commission has determined that the individual has
not had another conviction for a similar incident since the completion of the treatment; or

(ii) The individual is still in a treatment program that is related to a relevant conviction; however, the Commission
receives written confirmation from the individual’s licensed treatment provider that the individual has demonstrated
sufficient success towards stopping the behavior that led to the conviction and the Commission has determined that the
individual has not had another conviction for a similar incident since the date the provider determined that the
individual demonstrated sufficient success towards stopping the behavior that led to the conviction.

(b) Upon the Commission's determination that a basis to refuse the application has been established under this criterion,
the Commission may consider the following factors and may consider other factors, depending on the facts of the case:

(A) Passage of time, whichever date is later:

(i) Since the date of the most recent incident that led to a relevant conviction, but not counting time spent incarcerated
or other factors the Commission determines affect the passage of time; or

(ii) Since the date of the most recent compliance risk factor, but not counting time spent incarcerated or other factors
the Commission determines affect the passage of time.

(B) Compliance risk factors.

(C) Successful treatment.

(D) The severity of the individual's relevant conviction record as shown by the number of convictions, whether a
conviction was a felony or non-felony, and whether a conviction involved violence or the manufacture or delivery of
controlled substances.

(E) The individual’s record of compliance with the Commission.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.040, 475B.045, 475B.063, 475B.070, 475B.090, 475B.100, 475B.105,
475B.560 & 475B.968

History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
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OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
Withdrawal of Application

An applicant may withdraw an initial or renewal application at any time prior to the Commission acting on the application unless the Commission has determined that the applicant submitted false or misleading information in which case the Commission may refuse to accept the withdrawal and may issue a notice of proposed denial in accordance with OAR 845-025-1115.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.045

Producer Application Submission Deadlines

(1) All producer applications submitted on or before June 15, 2018 through the Commission's online licensing system with the non-refundable application fee will be held until the application is assigned to a Commission staff member.

(2) Producer applications will only be processed after the application is assigned to a Commission staff member.

(3) Producer applications submitted after June 15, 2018 will be inactivated.

Statutory/Other Authority: ORS 475B.025 & 2019 OL Ch. 419
Statutes/Other Implemented: ORS 475B.070

Prohibited Changes to License Applications

(1) The Commission will not allow changes of ownership of an application after submission of an application for licensure.

(2) For purposes of this rule, "change of ownership" is defined as:

(a) Adding or replacing an applicant who will be a licensee of record; or

(b) A business changing its ownership structure such that natural persons who did not previously hold a direct or indirect interest in the business will collectively hold a direct or indirect interest of 51 percent or greater.

(3) Until January 2, 2022, an applicant that submitted an application for a production license under ORS 475B.070 on or before June 15, 2018 may not change the location of the proposed licensed premises for which the application was submitted.

(4) The Commission will not allow an applicant to change the license type of the application after submission of an application for licensure.

Statutory/Other Authority: ORS 475B.025 & 2019 OL Ch. 419
Statutes/Other Implemented: ORS 475B.070

Application Processing Deadlines

(1) For the purposes of this rule, "complete the application process" means an applicant has submitted all fees, forms, documents and information required under OAR 845-025-1030 that are necessary to act on an application and the proposed premises meets all of the security requirements described in OAR 845-025-1400 to 845-025-1470.
Completing the application process does not include timeframes described in OAR 845-025-1090(5) to correct deficiencies discovered during a pre-licensing inspection.

(2) Assigned Applications

(a) An applicant that had an application assigned to a Commission staff member prior to January 1, 2020 must comply with any and all deadlines for completing the application process that the Commission previously provided to the applicant in writing.

(b) An applicant that has an application assigned to a Commission staff member on or after January 1, 2020 must complete the application process within 60 calendar days of the Commission notifying the applicant that the application has been assigned.

(c) If the applicant does not complete the application process within 60 calendar days, the application will be unassigned and placed on hold as described in subsection (3)(b) of this rule.

(d) If the Commission discovers a potential basis to deny the license that requires further investigation, the applicant is not subject to the deadline described in (2)(b) above. The Commission will communicate any new deadlines to the applicant in writing.

(3) Applications on Hold

(a) Applications placed on hold prior to January 1, 2020

(A) Before an application that was previously placed on hold is assigned to a Commission staff member, applicants must provide to the Commission all requested documents and information by the deadline previously communicated in writing by the Commission.

(B) If the applicant provides all requested documents and information by its deadline previously communicated by the Commission, the application will be assigned and the applicant must complete the application process within 60 calendar days of being placed in that status.

(C) If the applicant does not provide all requested documents and information by the deadline communicated by the Commission, the application is incomplete as described in subsection (5) of this rule.

(b) Applications placed on hold on or after January 1, 2020.

(A) If an applicant is unable to complete the application process in the initial 60 calendar days after the application is assigned as described in subsection 2(b) of this rule, the application will be unassigned and placed on hold.

(B) Applications placed on hold will not be processed until the application is reassigned to a Commission staff member.

(C) Once the Commission has reassigned the application to a Commission staff member, the applicant must complete the application process within a final 60-calendar-day period. If the applicant does not complete the application process within 60 calendar days, the application is incomplete as described in subsection (6) of this rule.

(4) Approved Applications. An applicant whose application has been approved by the Commission will have 30 calendar days after the application is approved to complete payment of the license fee described in OAR 845-025-1060. If payment is not received within 30 calendar days of application approval, the application is incomplete as described in subsection (5) of this rule.

(5) Incomplete Applications. The Commission will inactivate an incomplete application by placing the application into a withdrawn status in its licensing system.

(a) An applicant will be notified in writing as described in subsection (7) of this rule that its application is incomplete and has been inactivated by the Commission.

(b) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within 10 calendar days of the date the incomplete notice was sent or transmitted pursuant to subsection (7) of this rule. The Commission may give the applicant the opportunity to be heard if an application is inactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(6) The Commission may place an assigned application on hold to balance staff resources. When this occurs, the Commission will notify the applicant of the status change in writing and will provide the application with a new deadline for completion of the application.

(7) The Commission will communicate deadlines and changes in application status under this rule by e-mail to the contact e-mail identified on the application, unless an applicant makes a written request that any deadline communications be sent by regular mail. Upon such a request, the Commission will mail communications to an applicant's mailing address identified on the application.
845-025-1145
Communication With Commission

(1) If an applicant or licensee is required to or elects to submit anything in writing to the Commission, unless otherwise prescribed by the Commission, the applicant or licensee may submit the writing to the Commission via:

(a) Mail;
(b) In-person delivery;
(c) Facsimile; or
(d) E-mail.

(2) If a written notification must be submitted by a particular deadline it must be received, regardless of the method used to submit the writing, by 5:00 p.m. Pacific Time.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1160
Notification of Changes

(1) An applicant, licensee, or laboratory licensee must notify the Commission in writing within 10 calendar days of any of the following:

(a) A change in any contact information for anyone listed in an application or subsequently identified as an applicant;
(b) A disciplinary proceeding or licensing enforcement action by another governmental entity that may affect the business;
(c) The temporary closure of the business for longer than 30 days; or
(d) The permanent closure of the business.

(2) An applicant, licensee, or laboratory licensee must notify the Commission in a manner prescribed by the Commission within 72 hours of an arrest, a citation issued in lieu of arrest, or a conviction for any misdemeanor or felony of an individual listed in an application or subsequently identified as an applicant, or licensee.

(a) Failure to notify the Commission of a conviction within the prescribed timeframe is a Category II violation.

(b) Failure to notify the Commission of an arrest or a citation in lieu of arrest within the prescribed timeframe is a Category III violation. An arrest or citation in lieu of arrest in itself is not a basis for compliance or licensing action but the Commission may investigate the conduct underlying the arrest.

(3) A licensee or laboratory licensee must notify the Commission in a manner prescribed by the Commission as soon as reasonably practical and in no case more than 24 hours from the theft of marijuana items or money from the licensed premises.

(4) Changes in Business Structure.

(a) A licensee or laboratory licensee that changes its ownership structure by adding an individual or legal entity who will meet the qualifications of an applicant as described in OAR 845-025-1045 or by removing an individual or legal entity that is a licensee or laboratory licensee must, prior to making the change, submit:

(A) A form prescribed by the Commission; and
(B) Any information identified in the form to be submitted to the Commission.

(b) The Commission must review the form and other information submitted under subsection (4)(a) of this rule.

(c) If the Commission determines that the addition of an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045 would result in an initial or renewal application denial under OAR 845-
025-1115, or serve as the basis of a license suspension or revocation, the licensee may remove that individual or legal entity from the business. If the licensee does not remove that individual or legal entity from the business, the Commission shall propose license suspension or revocation under OAR 845-025-1115.

(d) Notwithstanding subsection (4)(a) of this rule, a licensee or laboratory licensee does not need to notify the Commission prior to the following changes occurring, but must notify the Commission within 60 calendar days of the following change occurring:

(A) A shareholder of a publicly traded corporation acquiring or accumulating twenty percent or more of the voting stock.

(B) A publicly traded corporation adding or removing Principal Officers.

(5) Change of Ownership. A new application must be submitted in accordance with OAR 845-025-1030 if:

(a) A business proposes to add or replace a licensee of record; or

(b) A business proposes a change in its ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.

(6) Change of Location.

(a) A licensee or laboratory licensee who wishes to change the location of the licensed premises must submit a completed application for the new premises including all required forms and documents and the fee specified in OAR 845-025-1060, but does not need to submit information and fingerprints required for a criminal background check if there are no changes to the individuals listed on the initial application.

(b) If a licensee or laboratory licensee loses access to the licensed premises, the Commission may allow the licensee or laboratory licensee to change location if:

(A) The licensee or laboratory licensee submits written notice, in a form and manner prescribed by the Commission, at least 15 days in advance of losing access;

(B) The licensee or laboratory licensee removes all marijuana items from the licensed premises in compliance with ORS Chapter 475B and these rules prior to losing access;

(C) The licensee or laboratory licensee is not under investigation for suspected violations of any provision of ORS Chapter 475B or these rules and does not have pending administrative violations;

(D) The licensee or laboratory licensee supplies documentation showing legal access to a new proposed location within 30 days of losing access to the licensed premises; and

(E) The licensee or laboratory licensee submits a Land Use Compatibility Statement for the new proposed location from the city or county that authorizes land use where the new location is located and the use is not prohibited.

(c) The Commission must approve any change of location prior to licensee or laboratory licensee beginning business operations in the new location.

(7) Addition or Change of Trade Name.

(a) A licensee or laboratory licensee must notify and receive approval from the Commission on a form prescribed by the Commission prior to any changes or additions to the business trade name.

(b) The Commission may deny any addition or change to a business trade name.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.055 & 475B.045
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1175
Changing, Altering, or Modifying Licensed Premises
(1) The Commission issues licenses with the expectation that the licensee will operate the business as proposed at the time of licensing. A licensee may not make any physical changes to the licensed premises that materially or substantially alter the licensed premises or the usage of the licensed premises from the plans originally approved by the Commission without the Commission's prior written approval.

(2) A licensee who intends to make any material or substantial changes to the licensed premises must submit a form prescribed by the Commission, and submit any information identified in the form to be submitted, to the Commission, prior to making any such changes.

(3) The Commission must review the form and other information submitted under subsection (2) of this rule, and will approve the changes if the changes would not result in an initial or renewal application denial under OAR 845-025-1115.

(4) If the Commission denies the change the licensee must not make the proposed changes. If the licensee makes the proposed changes, the licensee must surrender the license or the Commission will propose to suspend or revoke the license.

(5) If the Commission approves the change, the Commission may require a site inspection of the changed area and a modification of the licensee's security plan prior to the licensee exercising any license privileges.

(6) For purposes of this rule a material or substantial change requiring approval includes, but is not limited to:

(a) Any increase or decrease in the total physical size or capacity of the licensed premises;

(b) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway or passage alters or changes limited access areas, such as the areas in which cultivation, harvesting, processing, or sale of marijuana items occurs within the licensed premises;

(c) Any physical change that would require the installation of additional video surveillance cameras or a change in the security system; or

(d) Any addition or change of location of a primary residence located on the same tax lot as a licensed premises.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.070, 475B.090, 475B.100, 475B.110 & 475B.560
History:
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1190
License Renewal

(1) Renewal Applications:

(a) Any licensee who submits a renewal application with the Commission at least 20 days before the date the license expires may continue to operate as if the license were renewed, pending a decision by the Commission;

(b) Any licensee who does not submit a renewal application at least 20 days before the existing license expires must stop engaging in any licensed activity when the license expires. However:

(A) If the licensee submits a license renewal application less than 20 days before the date the existing license expires, the Commission will, upon receipt of the appropriate late renewal fee in OAR 845-025-1070, issue a letter of authority to operate beyond the expiration of the license, pending a decision by the Commission.

(B) A licensee must not engage in any licensed activity after the license expires. If the licensee submits a license renewal application within 30 days after the date the existing license expires, the Commission will, upon receipt of the appropriate late renewal fee in OAR 845-025-1070, issue a letter of authority to resume operation, pending a decision by the Commission.

(c) The Commission will not renew a license if the Commission receives the renewal application more than 30 days after the license expires. A person who wants to resume licensed activity in this circumstance:

(A) Must submit a new application, including the application fee, license fee, documents and information required by the Commission; and

(B) Must not engage in any licensed activity unless and until they receive authority to operate from the Commission after submitting the new application.
(d) A person relicensed under section (1)(c) of this rule who engaged in any activity that would require a license while not licensed in violation of section (1)(b)(B) of this rule may be subject to administrative and criminal sanctions.

(e) A person who engages in any activity that requires a license but is not licensed may be subject to criminal prosecution.

(2) For purposes of this rule, an application is considered submitted when:

(a) The application is signed by an applicant and includes the appropriate application and license fees; and

(b) The application is received by the Commission.

(3) The Commission may require a licensee with a pending renewal application to submit forms, documents and information described in OAR 845-025-1030 in order to complete an investigation of a renewal application. Failure to submit fees, forms, documents or information requested by the Commission under this subsection within a time period prescribed by the Commission may result in denial of the renewal application.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.105 & 475B.560
Statutes/Other Implemented: ORS 475B.040
History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1200
Financial and Business Records

In addition to any other recordkeeping requirements in these rules, a licensee or laboratory licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form and must be maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission:

(1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase;

(2) Bank statements for any accounts relating to the licensed business;

(3) Accounting and tax records related to the licensed business;

(4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business;

(5) All employee records, including training; and

(6) Information relating to the structure and ownership of the business, including:

(a) A list of all individuals and legal entities who are applicants as described in OAR 845-025-1045;

(b) For each legal entity that is an applicant as described in OAR 845-025-1045, complete information about the ownership structure of that legal entity; and

(c) A list of all individuals and legal entities who are entitled to receive a portion of revenue, proceeds, or profits from the business.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.130
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1215
Standardized Scales

(1) A licensee shall use an Oregon Department of Agriculture licensed weighing device as defined in ORS chapter 618 and OAR 603, Division 27:

(a) Whenever marijuana items are bought and sold by weight;
(b) Whenever marijuana items are packaged for sale by weight;

(c) Whenever marijuana items are weighed for entry into CTS; and,

(d) Whenever the weighing device is used commercially as defined in ORS 618.010.

(2) Notwithstanding the requirements in sections (1) of this rule a laboratory licensee may utilize any scale permitted by ORELAP under OAR 333, Division 64.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.070, 475B.090, 475B.100 & 475B.110

845-025-1230
Licensed Premises Restrictions and Requirements

(1) A licensed premises may not be located:

(a) On federal property; or

(b) At the same physical location or address as a:

(A) Medical marijuana grow site registered under ORS 475B.810;

(B) Medical marijuana processing site registered under ORS 475B.840;

(C) Medical marijuana dispensary registered under ORS 475B.858; or

(D) Liquor license licensed under ORS Chapter 471 or as a retail liquor agent appointed by the Commission.

(2) The licensed premises of a producer applicant may not be on:

(a) Public land; or

(b) The same tax lot as another producer licensee under common ownership.

(3) The licensed premises of a retailer may not be located:

(a) Except as provided in ORS 475B.109, within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

(b) In an area that is zoned exclusively for residential use.

(4) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.

(5) The licensed premises of a processor, wholesaler, laboratory and retailer must be enclosed on all sides by permanent walls and doors. A processor or wholesaler licensee may be exempt from this requirement if the processor or wholesaler licensee can show in its security plan how the licensee will maintain security within an unenclosed area, and the Commission determines it does not present a risk to public health and safety.

(6) A licensee may not permit:

(a) Any minor to work or be on a licensed premises except as described in this rule; or

(b) On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that a licensee representative who has a current registry identification card issued under ORS 475B.797 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. A licensee representative who consumes a marijuana item as permitted under this section may not be intoxicated while on duty. For purposes of this section allowable on-site consumption in an enclosed area, as that as defined in OAR 333-015-0030 does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(7) A licensee may permit a minor to be on the licensed premises, if the minor:

(a) Has a legitimate business purpose for being on the licensed premises. For example, a minor plumber may be on the premises in order to make a repair;
(b) Passes through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor is not present in areas that contain marijuana items;

(c) Resides on the tax lot where a marijuana producer is licensed, so long as the minor is not present in areas of a producer’s licensed premises that contain usable marijuana or cut and drying marijuana plants; or

(d) Is a current Oregon Medical Marijuana Program cardholder or designated primary caregiver and is over eighteen years of age.

(8) A licensee must clearly identify all limited access areas in accordance with OAR 845-025-1245.

(9) Log. A licensee must keep a daily log of all employees and permitted visitors who perform work on the licensed premises, except for Commission employees and other state or local government officials acting in an official capacity who have jurisdiction over some aspect of the licensed premises or operation.

(a) In CTS, a licensee must record the following information for each current employee and licensee representative:

(A) For an employee or licensee representative required to have a marijuana worker permit, the permit number and name of the individual as they appear on the marijuana worker permit.

(B) For an employee or licensee representative not required to have a marijuana worker permit, the name and date of birth of the individual as this information is displayed on valid government-issued ID.

(b) All employees and permitted visitors, present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee or permitted visitors. A visitor badge is not required for government officials.

(c) All permitted visitors must be accompanied by a licensee representative at all times.

(d) On the daily log, a licensee must record the name and date of birth as this information is displayed on valid government-issued ID for every contractor who performs work on the licensed premises. If the contractor is licensed by the State of Oregon, the licensee must also record the contractor’s license number.

(e) A licensee must maintain a copy of the daily log required by this rule for a period of at least 90 days.

(10) Permitted Visitors. The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer. In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements of this rule and other pertinent rules:

(a) Laboratory personnel, if the laboratory is licensed by the Commission;

(b) A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;

(c) Another licensee or that licensee’s representative;

(d) Invited guests as defined in OAR 845-025-1015 subject to requirements of this rule; or

(e) Tour groups as permitted by this rule.

(11) Producer Tours. A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public if the licensee submits a control plan in writing and the plan is approved by the Commission.

(a) The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.

(b) The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.

(12) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises. When Commission employees identify themselves, these employees shall present Commission-issued identification while performing their job duties, but are not required to provide a date of birth or any form of identification listed ORS 475B.216.

(13) A licensee may not sublet any portion of a licensed premises.

(14) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these rules.
(15) A licensed wholesaler or retailer who sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles must also be licensed by the Oregon Department of Agriculture under ORS 616.706.

Statutory/Other Authority: ORS 475B.070, ORS 475B.090, ORS 475B.100, ORS 475B.105 & ORS 475B.025
Statutes/Other Implemented: ORS 475B.090, ORS 475B.100, ORS 475B.105, ORS 475B.260, ORS 475B.005, ORS 475B.224 & ORS 475B.381
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1245
Signage

(1) A licensee must post:

(a) At every licensed premises signs that read:
   (A) "No Minors Permitted Anywhere on This Premises"; and
   (B) "No On-Site Consumption of Marijuana"; and

(b) At all areas of ingress or egress to a limited access area a sign that reads: "Do Not Enter – Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors."

(2) All signs required by this rule must be:

(a) Legible, not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height;

(b) In English and Spanish; and

(c) Posted in a conspicuous location where the signs can be easily read by individuals on the licenses premises.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.260
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1260
Standards for Authority to Operate a Licensed Business as a Trustee, a Receiver, a Personal Representative or a Secured Party

(1) The Commission may issue a temporary authority to operate a licensed business to a trustee, the receiver of an insolvent or bankrupt licensed business, the personal representative of a deceased licensee, or a person holding a security interest in the business for a reasonable period of time to allow orderly disposition of the business.

(a) The trustee, receiver or personal representative must provide the Commission with the following information:

(A) Proof that the person is the legal trustee, receiver or personal representative for the business; and

(B) A written request for authority to operate as a trustee, receiver or personal representative, listing the address and telephone number of the trustee, receiver or personal representative.

(b) The secured party must provide the Commission with the following information:

(A) Proof of a security interest in the licensed business;

(B) Proof of the licensee's default on the secured debt;

(C) Proof of legal access to the real property; and

(D) A written request for authority to operate as a secured party listing the secured party's address and telephone number.

(2) The Commission may revoke or refuse to issue or extend authority for the trustee, receiver, personal representative, or secured party to operate:
(a) If the trustee, receiver, personal representative or secured party does not propose to operate the business immediately or does not begin to operate the business immediately upon receiving the temporary authority;

(b) For any of the reasons that the Commission may revoke or refuse to issue or renew a license;

(c) If the trustee, receiver, personal representative or secured party operates the business in violation of ORS 475B, or these rules; or

(d) If a reasonable time for disposition of the business has elapsed.

(3) No person or entity described in section (1) of this rule may operate the business until a certificate of authority has been issued under this rule, except that the personal representative of a deceased licensee may operate the business for up to 10 days after the death provided that the personal representative submits the information required in section (1)(a) of this rule and obtains a certificate of authority within that time period.

(4) A certificate of authority under this rule is initially issued for a 60-day period and may be extended as reasonably necessary to allow for the disposition of the business.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.033
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1275
Closure of Business

(1) A license expires upon death of a licensee unless the Commission issues an order as described in subsection (2) of this rule.

(2) The Commission may issue an order providing for the manner and condition under which:

(a) Marijuana items left by a deceased, insolvent or bankrupt person or licensee, or subject to a security interest, may be foreclosed, sold under execution or otherwise disposed.

(b) The business of a deceased, insolvent or bankrupt licensee may be operated for a reasonable period following the death, insolvency or bankruptcy.

(3) A secured party, as defined in ORS 79.0102, may continue to operate a business for which a license has been issued under section ORS 475B.070, 475B.090, 475B.100 or 475B.110 for a reasonable period after default on the indebtedness by the debtor.

(4) If a license is revoked, the Commission may address in its order the manner and condition under which marijuana items held by the licensee may be transferred or sold to other licensees or must be otherwise disposed.

(5) If a license is surrendered or expires the Commission may address by order the manner and condition under which marijuana items held by the licensee may be transferred or sold to other licensees or must be otherwise disposed of.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.033
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1290
Licensee Responsibility

A licensee is responsible for:

(1) The violation of any administrative rule of the Commission; any provision of ORS chapter 475B affecting the licensee's license privileges.

(2) Any act or omission of a licensee representative in violation of any administrative rule of the Commission or any provision of ORS chapter 475B affecting the licensee's license privileges.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
Local Ordinances

The Commission may impose a civil penalty, suspend or revoke any license for failure to comply with an ordinance adopted by a city or county pursuant ORS 475B.486 if the city or county:

(1) Has provided the licensee with due process substantially similar to the due process provided to a licensee under the Administrative Procedures Act, ORS 183.413 to 183.470; and

(2) Provides the Commission with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes that the licensee has violated the local ordinance.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.340

Licensee Prohibitions

(1) A licensee may not:

(a) Import into this state or export from this state any marijuana items;

(b) Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;

(c) Sell, give, or otherwise make available any marijuana items to any person who is visibly intoxicated;

(d) Make false representations or statements to the Commission in order to induce or prevent action by the Commission;

(e) Maintain a noisy, disorderly, or insanitary establishment or supply adulterated marijuana items;

(f) Misrepresent any marijuana item to a customer or to the public;

(g) Sell any marijuana item through a drive-up or walk-up window;

(h) Deliver or transfer marijuana items to any consumer off the licensed premises or to any unlicensed location except as permitted by OAR 845-025-2500 or OAR 845-025-2880;

(i) Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the statutory laws of this state; or

(j) Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container’s contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.

(2) No licensee or licensee representative may be under the influence of intoxicants while on duty.

(a) For purposes of this rule "on duty” means:

(A) The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;

(B) For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, if the individual has the authority to put himself or herself on duty; or

(C) A work shift that includes supervising those who handle or sell marijuana items, check identification or control the licensed premises.

(b) Whether a person is paid or scheduled for work is not determinative of whether the person is considered "on duty” under this subsection.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.185, 475B.190, 475B.195, 475B.205, 475B.270 & 475B.275
845-025-1330
Trade Samples

(1) For purposes of this rule, "cannabinoid product line" means industrial hemp cannabinoid products as defined in 845-025-1015(38)(a)(C) or marijuana cannabinoid products that may differ in flavor, color, or total THC concentration or total CBD concentration but may not differ in net quantity or any other characteristic.

(2) The following licensees and hemp certificate holders may provide samples within the limits listed below to licensees for the purpose of determining whether to purchase the product.

(a) A producer may provide a sample of usable marijuana to a marijuana producer, wholesaler, retailer or processor licensee.

(b) A processor may provide a sample of:

(A) A cannabinoid product, concentrate, or extract to a marijuana producer, processor, wholesaler, or retailer; or

(B) A hemp concentrate, extract, or cannabinoid product to a marijuana processor, wholesaler, or retailer.

(c) A wholesaler may provide a sample of usable marijuana, a cannabinoid product, concentrate or extract, or a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(d) A hemp handler certificate holder may provide a sample of a hemp item to a marijuana wholesaler, retailer, or processor licensee.

(3) The trade samples provided under this section:

(a) May not be consumed or used on a licensed premises;

(b) May not be sold to another licensee or consumer;

(c) Must be transported in compliance with OAR 845-025-7700; and

(d) Must be tested in accordance with OAR 333-007-0300 to 333-007-0500.

(4) Trade Sample limits.

(a) A licensee is limited to providing the following aggregate amounts of trade samples to an individual recipient licensee in a calendar month period:

(A) 5 grams per strain and no more than 6 strains of usable marijuana or usable hemp;

(B) 5 grams of cannabinoid or hemp concentrates or extracts; and

(C) 5 units of sale per cannabinoid product line and no more than 6 individual cannabinoid product lines.

(b) A wholesale licensee is limited to providing the following aggregate amounts of trade samples per originating licensee to an individual recipient licensee in a calendar month:

(A) 5 grams per strain and no more than 6 strains of usable marijuana or usable hemp;

(B) 5 grams of cannabinoid or hemp concentrates or extracts; and

(C) 5 units of sale per cannabinoid product line and no more than 6 individual cannabinoid product lines.

(5) Any sample given to a licensee shall have a label containing the following in any legible font that is at least 1/16th of an inch in height based on the lower case "o":

(a) A statement that reads: "TRADE SAMPLE NOT FOR RESALE" in bold, capital letters attached to the trade sample;

(b) The product identity;

(c) The UID; and

(d) The net weight or contents of the trade sample.

(6) Reconciliation in CTS.
(a) When assigning and affixing the UID tag, a licensee or hemp certificate holder must designate samples as trade samples in CTS.

(b) Notwithstanding OAR 845-025-7520(3), each cannabinoid product line intended as a trade sample must be assigned a single unique product line name in CTS and may be assigned a single UID tag.

(c) Licensees accepting trade samples may provide their employees with samples of hemp or marijuana items.

(d) When providing an employee a sample of a hemp or marijuana item, a licensee must record the following in CTS:

(A) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;

(B) The date and time the sample was provided to the employee;

(C) The worker permit number of the employee receiving the sample; and

(D) The name of the employee as it appears on their worker permit.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

Marijuana Promotional Events

(1) Eligibility. ORS 475B.539 allows businesses licensed by the Commission under ORS 475B.010 to 475B.395 to transport marijuana items to and exhibit marijuana items at a trade show or similar event. This rule sets the qualifications and requirements for promotional events.

(2) Definitions.

(a) "Approved area" means the area approved by the Commission to display and store marijuana items.

(b) "Event organizer" means a person licensed under ORS 475B.010 to 475B.395 who submits a promotional event application and serves as the primary contact with the Commission.

(c) "Participating licensee" means a person licensed under ORS 475B.010 to 475B.395 who has been named as a participant in a promotional event application.

(d) "Promotional event" means an event at which marijuana items are displayed pursuant to the requirements of this rule.

(3) Event Organizer.

(a) One participating licensee listed on the application must be identified as the event organizer. Participating licensees and the event organizer may be charged with any violations of this rule.

(b) Event Organizers must:

(A) Receive approval from the Commission prior to the event date that specifies all approved participating licensees;

(B) Update and maintain the application;

(C) Verify that all participating licensees' manifests accurately reflect the marijuana items and hemp items that are transported to the promotional event;

(D) Maintain a log of participating licensees' attendance;

(E) Keep a copy of the approved application at the event; and

(F) Be present or designate another license representative to be present during the event.

(4) Promotional events may not be held:

(a) At a location licensed under ORS 475B.010 to 475B.395 or 475B.560; or

(b) In a city or county that has adopted an ordinance to prohibit recreational marijuana businesses.

(5) Promotional events may be held at a location that holds a license under ORS 471, as long as no alcohol beverages are stored or consumed within the approved area.
(6) Approved promotional events allow participating licensees to display:

(a) Marijuana plants from the inventory of the participating licensee;

(b) Marijuana items from the inventory of the participating licensee; and

(c) Hemp items from the inventory of the participating licensee if received, processed, and otherwise in compliance with these rules.

(7) An event organizer or participating licensee may not:

(a) Display any marijuana items or hemp items not in the participating licensee’s inventory;

(b) Sell, transfer or distribute any marijuana items or hemp items at the promotional event;

(c) Distribute any samples of marijuana items or hemp items; or

(d) Allow consumption or use of alcohol, or marijuana items, or hemp items of any kind in the approved area.

(8) Transportation and Possession.

(a) Participating licensees may not transport to or possess at the promotional event more than the following amounts:

A. 24 ounces of usable marijuana;

B. 4 mature marijuana plants;

C. 10 immature plants;

D. 500 seeds, tracked by count in CTS;

E. 16 ounces of cannabinoid products in solid form; or

F. 72 ounces of cannabinoid products in liquid form.

(b) All participating licensees must immediately return all marijuana items and hemp items to their licensed premises after the conclusion of the event.

(9) Promotional event CTS requirements.

(a) All marijuana items or hemp items must be tracked and tagged pursuant to CTS rule requirements.

(b) Each marijuana item or hemp item is required to have the item’s associated UID tag affixed to the item or package.

(c) All participating licensees must generate a printed transport manifest in CTS that accompanies all marijuana items or hemp items for the duration of the promotional event that contains the following information:

A. The name, contact information of a licensee representative, licensed premises address and license number of the licensee transporting the marijuana items or hemp items;

B. Product name and quantities (by weight or unit) of each marijuana item or hemp item contained in each transport, along with the UIDs for every item;

C. The date of transport and approximate time of departure;

D. Date and estimated time when the marijuana items or hemp items will be returned to the licensed premises at the conclusion of the promotional event; and

E. Delivery vehicle make and model and license plate information.

(d) Failure to properly track marijuana items or hemp items as required in this subsection is a Category III violation. An intentional violation of this rule is a Category I violation and may result in license revocation.

(10) Application Requirements.

(a) The Commission may refuse to process any application that is not made in writing at least 28 days before the date of the event in a form and manner prescribed by the Commission.

(b) The Commission may only accept one application per promotional event.

(c) The Commission may require additional forms, documents, or information as part of the application.

(d) The Commission may refuse to process any application that is not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate and process the application.
(e) The Commission may limit approval of any application to a single day or to any consecutive number of days, not to exceed sixteen consecutive days.

(11) The application for a promotional event under this rule shall include:

(a) The names of all participating licensees;

(b) A description of the amount and types of marijuana items or hemp items proposed to be transported and displayed at the promotional event;

(c) A written control plan that the Commission determines:

(A) Adequately manages the event to prevent unlawful activity and violations; and

(B) Prevents any person under 21 years to be admitted to the areas where marijuana items are present at the event.

d) The names of the licensee representatives onsite at the promotional event and if applicable, their worker permit numbers issued under OAR 845-025-5500;

(e) Identification of the premises or area proposed for the promotional event;

(f) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall, minor control plan and proposed hours of operation; and

g) A statement signed by every participating licensee indicating that the licensee agrees to follow the final approved control plan.

(12) Denial. The Commission may deny any application for a promotional event that does not meet the requirements of this rule. The Commission may deny, cancel or restrict an application for a promotional event:

(a) For any reason for which the Commission may deny, cancel or restrict a regular license or if the Commission, in its discretion, determines that promotional event presents a risk to public health and safety; or

(b) If any participating licensee has been found to have violated ORS 475B.010 to 475B.395 or any rules adopted there under in the past 24 months.

(13) When the Commission approves a written control plan required under this rule, the licensees must follow that written plan. Failure to follow that written plan is a Category III violation. An intentional violation of this rule is a Category I violation and may result in license revocation.

(14) The Commission may immediately revoke authority of any participating licensee to participate in the promotional event if the Commission has reasonable grounds to believe continued operation of the event presents a risk to public health and safety.

**Statutory/Other Authority:** ORS 475B.025 & ORS 475B.539

**Statutes/Other Implemented:** ORS 475B.539

**History:**
OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019
OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017
OLCC 8-2017(Temp), f. 6-30-17, cert. ef. 7-1-17 thru 12-27-17

**845-025-1360**

**Quality Control Samples**

(1) Producer licensees, processor licensees, and hemp handler certificate holders may provide sample marijuana items or hemp items directly to their own license representatives for the purpose of quality control and product development.

(2) The sample marijuana items or hemp items may not be consumed or used on a licensed premises.

(3) The sample marijuana items or hemp items may not be provided to or resold to another licensee or consumer.

(4) Any sample provided under this rule must be recorded in CTS. When providing an employee or licensee representative a sample of a hemp or marijuana item, a licensee must record the following in CTS:

(a) The reduction in quantity of the total weight or item count as applicable under the associated UID for the item;

(b) The date and time the sample was provided to the employee or licensee representative;

(c) The worker permit number of the employee or licensee representative receiving the sample; and

(d) The name of the employee or licensee representative as it appears on their worker permit.

(5) A producer licensee may provide the following amounts of sample marijuana items:
(a) Twenty-eight (28) grams of usable marijuana per strain harvested in a 72 hour period;

(b) Five (5) grams of kief per process lot; and

(c) Five (5) grams of cannabinoid concentrates per process lot if the producer holds a concentrate endorsement under OAR 845-025-2025.

(6) A processor licensee is limited to providing a total of the following amounts of sample marijuana items or hemp items:

(a) Five (5) grams of cannabinoid concentrates or extracts or hemp concentrates or extracts per process lot; and

(b) Twelve (12) individual units of sale per process lot for other cannabinoid products or industrial hemp cannabinoid product as defined in OAR 845-025-1015(38)(a)(C).

Statutory/Other Authority: ORS 475B.025, 475B.070 & 475B.090
Statutes/Other Implemented: ORS 475B.025, 475B.070 & 475B.090
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-1400
Security Plans

(1) An applicant must have a security plan. The Commission will not conduct any pre-licensing inspection under OAR 845-025-1090(4) until it has approved an applicant’s security plan.

(2) The Commission must notify an applicant in writing whether the security plan has been approved. If the security plan is approved with a waiver granted under OAR 845-025-1405, the notice must specifically describe the alternate safeguards that are required and, if time limited, must state the time period the security plan is in effect.

(3) A licensee must notify the Commission of any proposed changes to a security plan and must have approval prior to implementing any change. The Commission will notify a licensee whether the change is approved in the same manner described in subsection (2) of this rule.

(4) The Commission may withdraw approval of the security plan at any time if there have been one or more documented instances of theft or loss of marijuana items on the licensed premises within the past year. If the Commission withdraws its approval of the security plan, the licensee will be given a reasonable period of time to modify the plan and if the security plan was approved with a waiver of any security requirements, will be given a reasonable period of time to come into compliance with the security requirements that were waived.

(5) Failure to comply with the terms of an approved security plan is a Category III violation.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
History:
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1405
Security Waivers

(1) An applicant or licensee may, in writing, request that the Commission waive one or more of the security requirements described in OAR 845-025-1400 to 845-025-1470 by submitting a security waiver request for Commission approval. The waiver request must include:

(a) The specific rules and subsections of a rule that is requested to be waived;

(b) The reason for the waiver;

(c) A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver; and

(d) An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to minors.
(2) The Commission may, in its discretion and on a case by case basis, approve the security waiver if it finds that the alternative safeguard that is proposed meets the goals of the security rules.

(3) Approved security waivers expire at the same time as the underlying license.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110

History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-1410
Security Requirements

(1) A licensee is responsible for the security of all marijuana items on the licensed premises or in transit, including providing adequate safeguards against theft or diversion of marijuana items and records that are required to be kept.

(2) The licensee must ensure that commercial grade, non-residential door locks are installed on every external door, and gate if applicable, of a licensed premises where marijuana items are present.

(3) During all hours when the licensee is not operating a licensee must ensure that:

(a) All points of ingress and egress from a licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel;

(b) All usable marijuana, cut and drying mature marijuana plants, cannabinoid concentrates, extracts or products on the licensed premises of a licensee other than a retailer are kept in a locked, enclosed area within the licensed premises that is secured with at a minimum, a properly installed steel door with a steel frame, and a commercial grade, non-residential door lock; and

(c) Except for immature marijuana plants, all marijuana items on a licensed retailer’s premises are kept in a locked, secured location or enclosure within any area such that marijuana items are not visible from any area outside the licensed premises.

(4) A licensee must:

(a) Have an electronic back-up system for all electronic records; and

(b) Keep all video recordings and archived required records not stored electronically in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the licensed business is open.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1420
Alarm System

(1) A licensed premises must have a fully operational security alarm system, activated at all times when the licensed premises is closed for business.

(2) The security alarm system for the licensed premises must:

(a) Be able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where mature marijuana plants, usable marijuana, cannabinoid concentrates, extracts or products are present;

(b) Be programmed to notify a the licensee, licensee representative or authorized personnel in the event of an unauthorized entry; and

(c) Have a mechanism to ensure that the licensee, licensee's employees and authorized representatives can immediately notify law enforcement or a security company of any unauthorized entry. This subsection may be satisfied in one of the following ways:

(A) Having at least two operational “panic buttons” located inside the licensed premises that are linked with the alarm system that immediately notifies a security company or law enforcement; or

https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873
(B) Having operational “panic buttons” physically carried by all licensee representatives present on the licensed premises that are linked with the alarm system that immediately notifies a security company or law enforcement; or

(C) Having a landline telephone present in all limited access areas that is capable of immediately calling a security company or law enforcement.

(3) A licensee that has at least one authorized representative physically present on the licensed premises at all times when it is closed for business is not required to comply with section (1) and sections (2)(a) and (b) of this rule.

(4) Upon request, licensees shall make all information related to security alarm systems, monitoring and alarm activity available to the Commission.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1430
Video Surveillance Equipment

(1) A licensed premises must have a fully operational video surveillance recording system.

(2) Video surveillance equipment must, at a minimum:

(a) Consist of:

(A) Digital or network video recorders;

(B) Cameras capable of meeting the requirements of OAR 845-025-1450 and this rule;

(C) Video monitors;

(D) Digital archiving devices;

(E) A minimum of one monitor on premises capable of viewing video; and

(F) Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard.

(b) Have the capability of producing and printing a still photograph from any camera image:

(c) Be equipped with a failure notification system that provides, within one hour, notification to an authorized representative of any prolonged surveillance interruption or failure; and

(d) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

(3) Except for mounted cameras and monitors, all video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to authorized personnel, Commission employees and contractors, and other state or local government officials that have jurisdiction over some aspect of the licensed premises or licensee.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1440
Required Camera Coverage and Camera Placement

(1) A licensed premises must have camera coverage, as applicable, for:

(a) All points of ingress and egress to and from the licensed premises;

(b) All limited access areas as that term is defined in OAR 845-025-1015;

(c) All consumer sales areas;

(d) All points of ingress and egress to or from limited access areas;
(e) The surveillance room or surveillance area as defined in OAR 845-025-1460(1)(a) and (b);

(f) Any other area that the Commission believes presents a public safety risk based on the overall operation and characteristics of the licensed premises; and

(g) All areas where marijuana waste is required to be stored, destroyed or rendered unusable as required by OAR 845-025-7750.

(2) A licensee must ensure that cameras are placed so that they capture clear and certain images of any individual and activity occurring:

(a) Within 15 feet both inside and outside of all points of ingress and egress to and from the licensed premises; and

(b) In all locations within limited access areas, and consumer sales areas on the licensed premises.

(3) Failure to comply with subsection (1)(a) through (e) of this rule is a Category I violation and may result in license revocation.

(4) Failure to comply with subsection (1)(f), (1)(g), (2)(a) or (2)(b) of this rule is a Category III violation.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
History:
OLCC 3-2021, amend led 04/13/2021, effective 04/16/2021
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16
(a) At least 24 hours before stopping recording, a licensee or laboratory licensee must submit written notice to the Commission by email using a designated form as published by the Commission on its website and the notice must include:

(A) A copy of the licensee’s plot plan or diagram as described in OAR 845-025-1030 showing which cameras will be deactivated, the total number of cameras that will be deactivated, and a description or list of areas or applicable labels of the deactivated cameras.

(B) The date and time recording will stop.

(C) An explanation for why recording will be stopped.

(D) The date and time recording will resume.

(b) A licensee or laboratory licensee:

(A) May not stop the recording or continuous real time back up of the recording for a surveillance area unless all other cameras on the licensed premises are shut down under this rule.

(B) Must resume all required recording no later than the date and time specified in the notice submitted under subsection (a) of this section.

(C) May not engage in any licensed privileges in any areas where recording was stopped under this section.

(4) Failure to comply with subsections (2)(e), (g) or (h) of this rule is a Category I violation and may result in license revocation.

(5) Failure to comply with subsections (1)(a), (b) or (2)(f), or (i) of this rule is a Category II violation.

(6) Failure to comply with subsection (2)(a), (b), (d), (j), or (k) is a Category III violation.

(7) Failure to comply with subsection (2)(c) of this rule is:

(a) For the first violation in a two-year period:

(A) A Category I violation if the licensee maintained surveillance recordings for 7 days or less;

(B) A Category II violation if the licensee maintained surveillance recordings for more than 7 days but less than 30 days; or

(C) A Category III violation if the licensee maintained surveillance recordings for more than 30 days but less than 90 days.

(b) A Category I violation for any subsequent violation in a two-year period.

(8) A licensee may not engage in any privileges of the license in an area that does not have camera coverage as described in OAR 845-025-1440 and 845-025-1450 or in an area where camera coverage has been stopped pursuant to section (3) of this rule, including but not limited to possessing, storing, cultivating, transporting, transferring, or receiving marijuana items.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
History:
OLCC 3-2021, amend filed 04/13/2021, effective 04/16/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1460
Location and Maintenance of Surveillance Equipment

(1) A licensee must:

(a) Have the surveillance room or surveillance area in a limited access area; and

(b) Have the surveillance recording equipment housed in a designated, locked, and secured room or other enclosure with access limited to:

(A) The licensee, licensee representatives, and authorized personnel;

(B) Employees of the Commission;
C. State or local law enforcement agencies for a purpose authorized under ORS Chapter 475B, these rules, or for any other state or local law enforcement purpose; and

D. Service personnel or contractors.

2. Off-site storage must be secure and the recordings must be kept in a format approved by the Commission that can be easily accessed for viewing and easily reproduced.

3. A licensee must keep a current list of all authorized employees and service personnel who have access to the surveillance system and room on the licensed premises.

4. Licensees must keep a surveillance equipment maintenance activity log on the licensed premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.

5. Off-site monitoring of the licensed premises by a licensee or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1470
Producer Security Requirements

1. A producer must effectively prevent public access to all areas of the licensed premises used in the production of marijuana. In addition to the security requirements in OAR 845-025-1400 to 845-025-1460, a producer’s approved security plan as described in OAR 845-025-1400 must include a method to prevent public access to all areas of the licensed premises used in the production of marijuana.

2. If a producer chooses to dispose of marijuana items by any method of composting, as described in OAR 845-025-7750, the producer must prevent public access to the composting area.

Statutory/Other Authority: ORS 475B.025 & 475B.070
Statutes/Other Implemented: ORS 475B.025 & 475B.070
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1600
State and Local Safety Inspections

1. All marijuana licensees may be subject to inspection of licensed premises by state or local government officials to determine compliance with state or local health and safety laws.

2. A licensee must contact any utility provider to ensure that the licensee complies with any local ordinance or utility requirements such as water use, discharge into the sewer system, or electrical use.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-1620
General Sanitary Requirements

A marijuana licensee must:

1. Prohibit an individual from working on a licensed premises, until the condition is corrected, who has or appears to have:

   a. An open or draining skin lesion unless the individual wears an absorbent dressing and protective gloves; or

   b. Any illness accompanied by diarrhea or vomiting if the individual has a reasonable possibility of contact with marijuana items on the licensed premises.
(2) Require all persons who work in direct contact with marijuana items conform to hygienic practices while on duty, including but not limited to:

(a) Maintaining adequate personal cleanliness; and

(b) Washing hands thoroughly in an adequate hand-washing area before starting work, prior to having contact with a marijuana item and at any other time when the hands may have become soiled or contaminated.

(3) Provide hand-washing facilities adequate and convenient, furnished with running water at a suitable temperature and provided with effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying device.

(4) Properly remove all litter and waste from the licensed premises and maintain the operating systems for waste disposal in an adequate manner so that they do not constitute a source of contamination in areas where marijuana items are exposed.

(5) Provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(6) Hold marijuana items that can support pathogenic microorganism growth or toxic formation in a manner that prevents the growth of these pathogenic microorganism or formation toxins.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.205
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2000
Canopy Definitions

As used in OAR 845-025-2000 to 845-025-2080:

(1) “Mature Canopy” means the surface area which may be utilized to produce mature marijuana plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants including all of the space within the boundaries. Both immature and mature marijuana plants may be cultivated in this space.

(2) “Indoor production” means producing marijuana in any manner:

(a) Utilizing artificial lighting on mature marijuana plants; or

(b) Other than “outdoor production” as that is defined in this rule.

(3) “Outdoor production” means producing mature marijuana plants:

(a) In an expanse of open or cleared ground; or

(b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

(4) “Immature Canopy” means the area used exclusively to propagate immature marijuana plants calculated in square feet and measured using the outside boundaries of the footprint that includes immature marijuana plants including all of the space within the boundaries.

Statutory/Other Authority: ORS 475B.025, 475B.070 & 475B.075
Statutes/Other Implemented: ORS 475B.025, 475B.070 & 475B.075
History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2020
Producer Privileges; Prohibitions

(1) A producer may:

(a) Possess, plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with ORS 475B and these rules;

(b) Engage in indoor or outdoor production of marijuana, or a combination of the two;
(c) Produce kief as that term is defined in ORS 475B.096 and possess kief produced by the producer.

(A) A producer who produces kief is not a marijuana processor as defined in OAR 845-025-1015.

(B) Kief produced under this rule may not be used in a cannabinoid edible unless the producer complies with all provisions set forth in OAR 845-025-3250.

(d) Sell, transfer, transport, and deliver:

(A) Usable marijuana to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, non-profit dispensary, or research certificate holder;

(B) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana processor, wholesaler, non-profit dispensary or research certificate holder;

(C) Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;

(D) Cannabinoid concentrates manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder if the producer holds a concentrate endorsement under OAR 845-025-2025;

(E) Marijuana waste to a producer, processor, wholesaler, or research certificate holder;

(F) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330;

(G) Quality control samples to a license representative of the producer licensee, only as allowed under OAR 845-025-1360; and

(H) Kief, as that term is defined in ORS 475B.096, manufactured by the producer to the licensed premises of a marijuana processor, wholesaler, retailer, laboratory, or research certificate holder.

(e) Purchase and receive:

(A) Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;

(B) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(C) Usable marijuana produced by the licensee that has been stored by a wholesaler on the producer’s behalf; and

(D) Trade samples from a producer or processor licensee, as allowed under these rules.

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(g) Accept or make returns, as long as the producer:

(A) Accepts or returns usable marijuana, kief, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Accepts or returns cannabinoid concentrates, if the producer holds a concentrate endorsement under OAR 845-025-2025;

(C) Only accepts or returns eligible items listed in paragraph (A) or (B) of this section from the original licensee whom received or purchased the item; and

(D) Accurately records the transaction in the CTS.

(2) A producer may not possess, plant, cultivate, grow, harvest, dry, sell, deliver, transfer, transport, purchase, or receive any marijuana item other than as provided in:

(a) Section (1) of this rule;

(b) OAR 845-025-2025, if the producer has an approved concentrate endorsement; or

(c) OAR 845-025-2550, if the producer has been properly registered by the Commission.

Statutory/Other Authority: ORS 475B.025, 475B.070 & 475B.085
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.085, 475B.526, 475B.070, 475B.177 & 2019 OL Ch. 391
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
845-025-2025
Micro Tier Processing. Privileges; Prohibitions

(1) In addition to the privileges in OAR 845-025-2020, Micro Tier I & Micro Tier II producer licensee may process marijuana concentrates, as long as:

(a) The process involves separating cannabinoids from marijuana by:

(A) A mechanical process; or

(B) An extraction process using water as the solvent.

(b) The producer applies for a concentrate endorsement.

(c) The producer only sells or transports marijuana concentrates to the licensed premises of a processor, wholesaler, retailer or research certificate holder.

(d) Follows all the provisions relating to the processing of concentrates set forth within OAR 845-025-3210, 845-025-3220, 845-025-3230, 845-025-3240, and 845-025-3250.

(e) If using water or ice in processing, the producer uses only potable water and ice made from potable water.

(f) If using dry ice, the producer uses or stores the dry ice in a well-ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.

(g) If making a concentrate intended to be used in a cannabinoid edible, the producer follows all provisions set forth within OAR 845-025-3250.

(2) In addition to the prohibitions in OAR 845-025-2020, a micro producer may not:

(a) Make cannabinoid extracts; or

(b) Make a concentrate using steam.

(3) Concentrate Endorsement.

(a) In order to apply for an endorsement, a micro producer applicant or micro producer licensee must submit a form prescribed by the Commission that includes:

(A) A description of the process the micro producer intends to implement to process usable marijuana into a concentrate; and

(B) A description of equipment to be used.

(b) In order to be eligible for a concentrate endorsement, a micro producer applicant or micro producer licensee must submit a land use compatibility statement showing that processing concentrates is not a prohibited use.

(c) The Commission may deny a producer’s request for an endorsement under this rule if the producer does not meet the applicable requirements for the concentrate endorsement. If the Commission denies approval the producer has a right to a hearing under the procedures of ORS Chapter 183.

Statutory/Other Authority: ORS 475B.070 & 475B.096
Statutes/Other Implemented: ORS 475B.025 & 475B.096
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

845-025-2030
Licensed Premises of Producer

(1) The licensed premises of a producer includes all public and private areas used in the business operated at the location.

(2) A producer may not engage in any privileges of the license within a residence.

Statutory/Other Authority: ORS 475B.025 & 475B.070
Statutes/Other Implemented: ORS 475B.070, 475B.080 & 2016 OL, Ch. 24 & Sec. 63
845-025-2040
Production Size Limitations

(1) Definitions. For the purposes of this rule:

(a) "Mixed production" means a producer who has the privilege to grow marijuana both indoors and outdoors at the same licensed premises.

(b) "Producer type" means indoor production, outdoor production, or mixed production.

(c) "Production method" means indoor mature canopy, outdoor mature canopy, or immature canopy.

(d) "Production tier" means micro tier I, micro tier II, tier I, or tier II as described in section (3) of this rule.

(2) General Requirements.

(a) A producer must maintain documentation clearly identifying the size, production method, measurements, and shapes for each mature and immature canopy area in the licensed premises. The documentation may be kept in either paper or electronic form and must be made available for inspection if requested by an employee of the Commission.

(b) A mature marijuana plant, as defined in these rules, may only be located in an area designated as a mature canopy area.

(c) A producer must have written approval from the Commission prior to changing the location of a designated canopy area, the shape of a canopy area, producer type, production method, or production tier.

(d) A producer engaging in mixed production may only request to increase its designated mature canopy of one production method by decreasing the designated mature canopy of another production method once per license year.

(3) Mature Canopy Size Limits.

(a) Indoor Production. Unless otherwise provided by these rules, the maximum mature canopy size limits for indoor production are:

(A) Micro tier I: Up to 625 square feet.

(B) Micro tier II: 626 to 1,250 square feet.

(C) Tier I: 1,251 to 5,000 square feet.

(D) Tier II: 5,001 to 10,000 square feet.

(b) Outdoor Production. Unless otherwise provided by these rules, the maximum mature canopy size limits for outdoor production are:

(A) Micro tier I: Up to 2,500 square feet.

(B) Micro tier II: 2,501 to 5000 square feet.

(C) Tier I: 5,001 to 20,000 square feet.

(D) Tier II: 20,001 to 40,000 square feet.

(c) Mixed Production. For a producer engaging in mixed production, the Commission will use a 4:1 ratio, for outdoor and indoor respectively, to allocate canopy size limits under this section, not to exceed the sum canopy size limits set forth in section (3) of this rule. For example, if a Tier II producer in the first year of licensure has 1,000 square feet of indoor mature canopy area, then the producer may have up to 36,000 square feet of mature outdoor canopy area at the same time.

(4) Immature Canopy Size Limits. Unless otherwise provided by these rules, the maximum canopy size limits for immature canopy area for licenses issued or renewed after April 1, 2018 shall be:

(a) 625 square feet for Micro tier I producers.

(b) 1,250 square feet for Micro tier II producers.

(c) 5,000 square feet for Tier I producers.
(d) 10,000 square feet for Tier II producers.

(5) Canopy Area Measurements and Shapes.

(a) Square footage of a canopy area is measured horizontally starting from the outermost point of the furthest plant in a designated canopy area and continuing around the outside of all plants located within the designated canopy area. If immature plants are grown on racks or shelving within the immature canopy area, only the footprint of the area containing the immature plants will be used to calculate the immature canopy area. The total canopy area of mature plants grown on racks or shelving is measured to include each layer of plants as a separate canopy area.

(b) Maximum canopy areas allowed. A producer must either:

(A) Designate no more than 20 quadrilateral canopy areas including both immature and mature canopy areas at a licensed premises and clearly demarcate each canopy area with a physical boundary, wall, or marker at the outermost edge or each corner of each designated canopy space; or by at least eight feet of open space.

(B) Designate no more than 20 canopy areas of any shape including both immature and mature canopy areas at a licensed premises and provide the Commission with a survey of the canopy space conducted by a Professional Land Surveyor licensed by Oregon State Board of Examiners for Engineering and Land Surveying that shows the total square footage each of mature and immature canopies are within the applicable canopy size limits described in this rule.

(6) Production Tier Changes.

(a) A producer licensed under ORS 475B.070 for at least one year may request to increase its approved production tier at any time after the first license year, up to the maximum production tier allowed under this rule. A producer must make a request for an increase in writing, in a form and manner prescribed by the Commission.

(b) The Commission may approve a request for a production tier increase if the Commission believes that granting the request does not present an increased risk of noncompliance with the provisions of ORS Chapter 475B and these rules and if the producer:

(A) Has not already been approved for a production tier increase during the current license year;

(B) Has submitted an approved Land Use Compatibility Statement showing the increased production tier is not prohibited; and

(C) Has not been sanctioned by the Commission for violating a provision of ORS 475B.010 to 475B.545 or a rule adopted under ORS 475B.010 to 475B.545 during the past year.

(c) A producer may not increase its production tier without prior written approval from the Commission.

(d) If the Commission determines a producer meets the requirements to increase its production tier at a time other than renewal, the producer must submit payment to the Commission for the difference in the fee paid by the producer at the prior renewal and the fee described in OAR 845-025-1160 for the increased tier size before the Commission will provide the producer with written approval.

(e) The Commission may deny a producer’s request to increase its production tier if the producer does not meet the requirements of this or any other pertinent rule. If the Commission denies the request, the producer has a right to a hearing under the procedures of ORS chapter 183.

(7) Producer Type Changes.

(a) A producer licensed under ORS 475B.070 for at least one year may request to change its approved producer type at any time after the first license year. A producer must make a request for the change of producer type in writing, in a form and manner prescribed by the Commission.

(b) The Commission may approve a request for a change of producer type if the Commission believes that granting the request does not present an increased risk of noncompliance with the provisions of ORS Chapter 475B and these rules and if the producer:

(A) Has not already been approved for a change of producer type during the current license year; and

(B) Has submitted an approved Land Use Compatibility Statement showing the proposed producer type is not prohibited.

(c) A producer may not change its producer type without prior written approval from the Commission.

(d) The Commission may deny a producer’s request to change its producer type if the producer does not meet the requirements of this or any other pertinent rule. If the Commission denies the request, the producer has a right to a hearing under the procedures of ORS chapter 183.

(B) Violations. An intentional violation of this rule is a Category I violation and may result in license revocation. All other violations are Category III violations.
(9) On an annual basis, the Commission shall evaluate market demand for marijuana items, the number of persons applying for producer licenses or licensed as producers and whether the availability of marijuana items in this state is commensurate with the market demand. Following this evaluation, the Commission may amend this rule as needed.

Statutory/Other Authority: ORS 475B.025, 475B.070 & ORS 475B.085
Statutes/Other Implemented: ORS 475B.085
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2045
Propagation Endorsement

(1) A producer licensee may apply for a propagation endorsement in order to grow additional immature marijuana plant canopy as defined by these rules.

(2) Application. A producer applying for an endorsement under this rule must attest that additional immature marijuana plant canopy is required for the production of immature plants for sale to other licensees.

(3) Denial and Revocation. The Commission may deny a producer's request for an endorsement or revoke the endorsement. If the Commission denies or revokes the endorsement, the producer has a right to a hearing under the procedures of ORS chapter 183.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.085
Statutes/Other Implemented: ORS 475B.085
History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

845-025-2050
Recreational Marijuana Producers — Operating Procedures

(1) A producer must:

(a) Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and

(b) Maintain a copy of all standard operating procedures on the licensed premises.

(2) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records detailing the material change must be maintained on the licensed premises by the producer.

Statutory/Other Authority: ORS 475B.025 & 475B.070
Statutes/Other Implemented: ORS 475B.070
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2060
Recreational Marijuana Producers — Start-up Inventory

(1) Marijuana producers may not receive immature marijuana plants or seeds from any source other than from another licensee, except:

(a) A marijuana producer that submitted an application on or before July 1, 2018 may receive immature marijuana plants and seeds from any source within Oregon for up to 90 days following initial licensure by the Commission;
(b) Pursuant to the transfer of medical marijuana inventory under OAR 845-025-2100.

(2) The marijuana producer shall, through CTS, report receipt of the number of immature marijuana plants or seeds received under this section within 24 hours of the plants or seeds arriving at the licensed premises. A producer does not have to document the source of the immature plants or seeds during the 90 day start-up period.

(3) The requirements in section (2) of this rule do not apply during the first ten calendar days of licensure so long as the licensee has ordered UID tags and the UID tags are in transit to the licensee.

(4) Failure to comply with this rule is a Category I violation and could result in license revocation.

Statutory/Other Authority: ORS 475B.025 & 475B.070
Statutes/Other Implemented: ORS 475B.025 & 475B.070
History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 5-2018, temporary amend filed 04/26/2018, effective 05/01/2018 through 10/26/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2070
Pesticides, Fertilizers and Agricultural Chemicals

(1) Pesticides. A producer may only use pesticides in accordance with ORS Chapter 634 and OAR 603, division 57.

(2) Fertilizers, Soil Amendments, Growing Media. A producer may only use fertilizer, agricultural amendments, agricultural minerals and lime products in accordance with ORS Chapter 633.

(3) A producer may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell.

(4) In addition to other records required by these rules, a producer must maintain, at all times and on the licensed premises:

(a) The material safety data sheet (MSDS) for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana;

(b) The original label or a copy thereof for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana; and

(c) A log of all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana. The log must include:

(A) The information required to be documented by a pesticide operator in ORS 634.146; and

(B) The unique identification tag number of the cultivation batch or individual mature marijuana plant to which the product was applied, or if applied to all plants on the licensed premises a statement to that affect.

(5) A producer may maintain the records required under this rule in electronic or written form. If electronic, a producer shall maintain a backup system or sufficient data storage so that records are retained for no less than two years after harvest of any marijuana on which documented products were used. If written, a producer shall ensure that the records are legible and complete, shall keep them in a safe and secure location, and shall retain the records for no less than two years after harvest of any marijuana on which documented products were used.

(6) A producer must make the records required under this rule immediately available during a premises inspection by a Commission regulatory specialist. If the Commission requests copies of the records at any time other than during a premises inspection, a producer shall produce the records upon request.

(7) A violation of sections (1) to (3) of this rule is a Category 1 violation and could result in license revocation.

(8) Notwithstanding (7) of this rule, if a licensee accepts responsibility for an illegal pesticide application through Department of Agriculture's Marijuana Compliance Assistance Program and successfully completes the program, the licensee will receive a notice of warning for their first violation. Any subsequent violations are Category I violations.

(9) A failure to keep complete records as required by section (4) rule is a Category III violation. A failure to keep records on the licensed premises, or failure to timely produce records, is a Category III violation.
845-025-2080
Harvest Lot Segregation

(1) A producer or grow site administrator, within 45 days of harvesting a harvest lot, must:

(a) Physically segregate the harvest lot from other harvest lots;

(b) Place the harvest lot in a receptacle or multiple receptacles;

(c) Record moisture loss by marking the harvest as complete in CTS; and

(d) Ensure all inventory tracking procedures are completed as required by 845-025-7520 to 845-025-7580.

(2) Failure by a licensee to comply with any portion of section (1) of this rule is a Category III violation.

845-025-2090
Harvest Notification

(1) Notice Requirement. A producer licensee must file a harvest notice before harvesting usable marijuana from any mature plant located in an outdoor canopy area.

(2) Notices required under this rule must:

(a) Be filed no later than 9:00 a.m. on the day of the harvest activity;

(b) Identify the dates of the proposed harvest; and

(c) Be filed in a form and manner prescribed by the Commission.

(3) Alteration of Dates. If the harvest does not take place as described in the notice, a harvest notice may be rescinded or amended within 24 hours of the harvest date(s) identified in the harvest notice.

(4) Tracking. Filing a harvest notice does not relieve the producer from recording harvest data and other information in CTS as required by these rules.

(5) Violations.

(a) Failure to file a harvest notice is a Category III violation.

(b) Failure to properly amend a notice is a Category IV violation.

845-025-2100
Transfer of Medical Marijuana Grower Inventory
(1) An individual applicant listed on an application for a producer license under ORS 475B.070 that is also a PRMG may submit a transfer request to the Commission, on a form prescribed by the Commission, to transition a medical marijuana grow site from being registered with the Authority to being licensed by the Commission. The request must include, at a minimum, the following information:

(a) The names, contact information, and Authority issued registry identification number for each PRMG currently registered at the grow site address that is the proposed premises to be licensed;

(b) Copies of all personal agreements entered into under ORS 475B.822 that specify whether a patient has authorized the transfer of marijuana plants or usable marijuana to the Commission license and if so, how much may be transferred; and

(c) An authorization that permits the Authority to disclose to the Commission the PRMG’s registration information.

(2) Upon receipt of a request under section (1) of this rule the Commission must verify with the Authority:

(a) The registration status of each PRMG identified in the transfer request;

(b) The number of PRMGs registered at the grow site address that is the proposed premises to be licensed; and

(c) The number of patients each PRMG is producing marijuana for at that grow site address.

(3) The Commission will deny a transfer request if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(4) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.070, the Commission must notify the applicant of the number of seeds, marijuana plants and usable marijuana permitted to be transferred in accordance with ORS 475B.831 and ORS 475B.834 or as allowed by 2016 Oregon Laws Chapter 83, Section 23. Information regarding the seeds, marijuana plants and usable marijuana transferred must be recorded in CTS within ten calendar days of licensure.

(a) The number of mature marijuana plants, immature marijuana plants and amount of usable marijuana that is permitted to be transferred will be based on the number of patients whose registration status has been verified by the Authority in accordance with section (2) of this rule and who have authorized the transfer of marijuana items to the Commission license.

(b) There is no limit on seeds that may be transferred to the Commission license, subject to subsection (a) of this section.

(c) No more than six mature plants and 12 immature plants per patient may be transferred to the Commission license, subject to subsection (a) of this section.

(d) For a medical marijuana grow site located outdoors no more than 12 pounds of usable marijuana per mature plant may be transferred to the Commission license, subject to subsection (a) of this section.

(e) For a medical marijuana grow site located indoors no more than 6 pounds of usable marijuana per mature plant may be transferred to the Commission license, subject to subsection (a) of this section.

(f) Any seeds, marijuana plants or usable marijuana that exceed the amount permitted by the Commission to be transferred must be removed from the premises by the applicant prior to the initial date of licensure and lawfully transferred or disposed of.

(5) The licensee must notify the Commission once the marijuana plants and usable marijuana are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(6) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the grow site address is now a licensed premises and that the licensed premises may not be registered as a grow site address under ORS 475B.810.

(7) The Commission may deny a transfer request if it cannot verify the information in the request or if the applicant submits incomplete information to the Commission.

(8) Any usable marijuana transferred from a medical marijuana grow site to the licensed premises under this rule must be tested, labeled and packaged, in accordance with OAR 845-025-7000 to 845-025-7060 and 845-025-5700 as applicable, before transferring the usable marijuana to another licensee.

(9) All transfers must follow the limits as set forth in ORS 475B.831 and 475B.834.

Statutory/Other Authority: ORS 475B.025, 475B.070 & 475B.813
Statutes/Other Implemented: 2018 OL Ch. 103 Sec. 6
History:
845-025-2110
Medical Marijuana Registrant CTS Registration

A grow site administrator approved by the Authority for a grow site that is subject to tracking under OAR 333, Division 8 and a processing site or dispensary registered with the Authority under 475B.840 or 475B.858 must:

(1) Activate the assigned CTS account within 10 calendar days of notification; and

(2) Use CTS to track inventory as required by these rules.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.895

History:
OLCC 11-2018, amend led 09/21/2018, effective 09/28/2018
OLCC 3-2018, temporary amend led 03/28/2018, effective 04/01/2018 through 09/27/2018
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-2120
Medical Registrant CTS Requirements

(1) A grow site administrator approved by the Authority under OAR 333-008-0638 for a grow site that is subject to tracking under ORS 475B.895 must:

(a) Record all inventory in CTS within 10 calendar days of activating the CTS account;

(b) Use CTS to record all inventory as specified by the requirements of these rules, including but not limited to OAR 845-025-7500, 845-025-7520, 845-025-7540, 845-025-7560, 845-025-7570 and 845-025-7580; and

(c) Use CTS to record all transfers of marijuana items to patients, designated primary caregivers, registered medical marijuana dispensaries, registered medical marijuana processing sites, and to laboratories for testing, documenting:
   (A) The amount of marijuana items transferred to each patient or designated primary caregiver, the patient or caregiver’s OMMP card number, and the date of the transfer;
   (B) The amount of usable marijuana, seeds and number of immature plants transferred to each registered dispensary, the dispensary’s OMMP registration number and the date of transfer;
   (C) The amount of usable marijuana transferred to each registered processing site, the processing site’s OMMP registration number and the date of transfer; and
   (D) The amount of usable marijuana transferred to each laboratory for testing, the laboratory’s license number, and the date of the transfer.

(2) A medical marijuana processing site registered under ORS 475B.840 must:

(a) Record all inventory within 10 calendar days of activating the CTS account;

(b) Use CTS to record all inventory as specified by the requirements of these rules, including but not limited to OAR 845-025-7500, 845-025-7520, 845-025-7540, 845-025-7560, 845-025-7570 and 845-025-7580;

(c) Use CTS to record all transfers of medical marijuana items received from patients, designated primary caregivers and medical marijuana processing sites, the applicable OMMP number and the date of transfer; and

(d) Use CTS to record all transfers of marijuana items to patients, designated primary caregivers, registered medical marijuana dispensaries, registered medical marijuana processing sites, and to laboratories for testing, documenting:
   (A) The amount of marijuana items transferred to each patient or designated primary caregiver, the patient or caregiver’s OMMP card number, and the date of the transfer;
   (B) The amount of marijuana items transferred to each registered dispensary, the dispensary’s OMMP registration number and the date of transfer; and
   (C) The amount of marijuana items transferred to each registered processing site, the processing site’s OMMP registration number and the date of transfer.

(3) A medical marijuana dispensary registered under ORS 475B.858 must:

(a) Record all inventory within 10 calendar days of activating the CTS account;
(b) Use the CTS to record all inventory as specified by the requirements of these rules, including but not limited to OAR 845-025-7500, 845-025-7520, 845-025-7540, 845-025-7560, 845-025-7570 and 845-025-7580;

(c) Use CTS to record all transfers of marijuana items to patients or designated primary care givers, documenting the amount of marijuana items transferred to each patient or designated primary caregiver, the patient or caregiver's OMMP card number, and the date of the transfer; and

(d) Use CTS to record all transfers of medical marijuana items received from PRMGs and medical marijuana processing sites, the applicable OMMP number and the date of transfer.

(4) Except as allowed under OAR 333-007-0300 to 333-007-0490 for purposes of sampling, or when providing usable marijuana to a processor, a grow site administrator may not combine harvest lots that are of a different strain, were produced using different growing practices or harvested at different locations or at different times.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.895
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 11-2018, amend led 09/21/2018, effective 09/28/2018
OLCC 3-2018, temporary amend led 03/28/2018, effective 04/01/2018 through 09/27/2018
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-2130
Grow site Transfers to Processor or Wholesaler Licensees

(1) Medical Marijuana Grow Site Transfers to Licensees of the Commission.

(a) Registration and Eligibility. A grow site that is authorized to produce more than twelve mature marijuana plants may apply to the Commission for approval to transfer limited quantities of usable marijuana to a processor or wholesaler licensed under ORS 475B.090 or 475B.100 if the grow site's Grow Site Administrator:

(A) Registers in a form and manner specified by the Commission;

(B) Provides proof to the Commission of a legal source of water as evidenced by:

(i) A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department;

(ii) A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

(iii) Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right; and

(C) Has an active assigned CTS account.

(b) The Commission will:

(A) Approve a transfer application if a grow site meets the criteria in subsection (1)(a) of this rule.

(B) Deny a transfer application if a grow site does not meet the criteria in subsection(1)(a) of this rule.

(2) If a grow site has been approved by the Commission to transfer usable marijuana to a processor or wholesaler licensee of the Commission, such a transfer is only permitted if:

(a) Prior to transfer, the usable marijuana must be tested in accordance with the Authority's rules in OAR 333-007-0300 to 333-007-0500 and OAR 333, division 64.

(b) A PRMG transferring usable marijuana to a processor or wholesaler licensee of the Commission generates a manifest in CTS that contains the following information:

(A) The name, contact information of the PRMG representative, grow site address and grow site registration number of the PRMG transporting the usable marijuana;

(B) The name, contact information of the licensee representative, licensed premises address, and license number of the licensee receiving the delivery;

(C) Product name and quantities (by weight) of the usable marijuana contained in each transport, along with the UIDs for every item;

(D) The date of transport and approximate time of departure;
(E) Arrival date and estimated time of arrival;
(F) Delivery vehicle make and model and license plate number; and
(G) Name and signature of the PRMG medical grower’s representative accompanying the transport.

(c) The total amount of usable marijuana transferred from a grow site may not exceed twenty pounds in any twelve month period.

(3) Notwithstanding section (2) of this rule, if the Commission issues an order either temporarily reducing the amount of usable marijuana that may be transferred or temporarily suspends the ability to transfer under ORS 475B.825 and this rule, a grow site approved to transfer under this rule must comply with the Commission order.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: 2017 OL Ch. 613 & ORS 475B.825
History:
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-2140
Registrant to Patient Transfers

A medical grow site registered with the Commission must follow all applicable requirements of OAR 845-025-7700 for transfers to patients or designated primary caregivers.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.895
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-2150
Medical Marijuana Inspections and Compliance

(1) An Authority registrant that is subject to tracking in CTS, under OAR 333, Division 8 must permit Commission staff to conduct inspections of the registered premises.

(2) The Commission will refer all compliance issues concerning registrants to the Authority who will determine, in its discretion and under its rules whether enforcement action should be taken.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: 2017 OL Ch. 183
History:
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-2500
Registration to Produce Usable Marijuana for Patients

(1) Eligibility. A licensed producer may produce a medically designated mature canopy in an amount equal to ten percent of their production tier licensed under ORS 475B.075, as long as the producer provides at least seventy five percent of the annual yield of usable marijuana from their medically designated mature canopy to patients or a patient’s designated primary caregivers for no consideration.

(2) In order to produce a medically designated mature grow canopy, a licensed producer must:

(a) Register in a form and manner specified by the commission;

(b) Pay the fee specified in OAR 845-025-1060;

(c) Submit a control plan in a form prescribed by the Commission describing how the producer will:

(A) Identify the medically designated mature canopy and separate the medically designated mature canopy from the recreational canopy; and

(B) Segregate usable marijuana harvested from the medically designated mature canopy from the usable marijuana harvested from other plants.

(3) Land-use Compatibility Statement.
(a) 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.

(b) 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.

4. Notwithstanding OAR 845-025-2020(2), a producer registered under this section may transfer or deliver:

(a) Usable marijuana to a registry identification cardholder or designated primary caregiver at the licensed premises of the producer or the residence of a registry identification cardholder or designated primary caregiver;

(b) Immature marijuana plants to a registry identification cardholder or designated primary caregiver at the licensed premises of the producer or the residence of a registry identification cardholder or designated primary caregiver; or

(c) Immature marijuana plants to a PRMG at the PRMG’s grow site.

5. Prior to the transfer of marijuana items under this rule, a producer must obtain and retain, if not already on file, a copy of the patient’s or designated primary caregiver’s:

(a) Registry identification card if transferring to a registry identification cardholder;

(b) OMMP identification card if transferring to designated primary caregiver; or

(c) Marijuana grow site registration card if transferring to a PRMG.

6. A producer may not sell, deliver, or transfer any marijuana item under this rule to an individual who does not possess a valid card identified in section (5) of this rule.

7. A producer may maintain the records required under section (5) of this rule in electronic or physical form.

(a) For records maintained electronically, a producer shall maintain a backup system or sufficient data storage so that records are retained for no less than two years after the transfer of marijuana for which the records were last obtained or used.

(b) For physical records, a producer must ensure the records:

(A) Are legible and complete;

(B) Kept in a safe and secure location; and

(C) Are retained for no less than two years after the transfer of marijuana for which the records were last obtained or used.

8. In addition to the information required on a transport manifest under OAR 845-025-7700, a producer transferring marijuana as described in section (4) of this rule must include:

(a) The registry identification card number of the registry identification cardholder to whom the items are being transferred;

(b) The OMMP identification card number of the designated primary caregiver if transferring to a designated primary caregiver; or

(c) The marijuana grow site registration card number of the PRMG if transferring to a PRMG.

9. Denial. 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. A notice of denial must be issued in accordance with ORS Chapter 183.

10. The Commission may revoke a registration under this section for any of the reasons that it may deny a registration under this section.

11. A producer transferring immature plants under this section to a registry identification cardholder, designated primary caregiver, or a PRMG may transfer on a single manifest or to a person to possess on behalf of a single patient in any 24-hour period:

(a) No more than 6 immature marijuana plants over 24 inches in height; or

(b) No more than 36 immature marijuana plants under 24 inches in height.

12. Violations.

(a) A transfer of marijuana to a registry identification cardholder, primary caregiver, or PRMG that fails to meet the requirements in sections (5), (7) or (8) of this rule is a Category III violation.
(b) A violation of section (6) or (11) of this rule is a Category I violation.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.136

History:
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 22-2020, temporary amend filed 10/15/2020, effective 10/15/2020 through 04/12/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
Suspended by OLCC 11-2017(Temp), f. & cert. ef. 8-1-17 thru 12-27-17
OLCC 4-2017, f. 4-28-17, cert. ef. 5-1-17

845-025-2550
Requirements for Producing and Providing Marijuana for Patients

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

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

(b) Comply with testing rules in OAR 333-007-0300 to 333-007-0500 applicable to licensee testing of usable marijuana 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 any licensee of the Commission;

(d) In addition to subsection (a) of this section, use CTS to document the amount of usable marijuana transferred to each patient or designated primary caregiver, the date of the transfer, and the patient or designated primary caregiver's OMMP number;

(e) Provide at least 75 percent of the annual yield of usable marijuana to patients or their designated primary caregivers; and

(f) Generate a manifest in CTS and carry a physical copy of the manifest when delivering usable marijuana to a patient or designated primary caregiver. If a patient or designated primary caregiver is picking up the usable marijuana, the producer must generate a manifest in CTS but a physical copy is not required.

(2) Notwithstanding OAR 845-025-2020(2), a producer registered to produce marijuana for patients may:

(a) 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;

(b) Provide a patient or a designated primary caregiver:

(A) No more than 24 ounces of usable marijuana per patient in any one transfer or in any 24 hour period;

(B) An aggregate amount of three pounds of usable marijuana per patient in a calendar year; or

(C) No more than 12 immature marijuana plants in one transfer or in any 24-hour period.

(c) Provide a PRMG with immature marijuana plants;

(d) Terminate their registration with prior notice to the commission; and

(e) Upon termination, the producer must:

(A) Cease production in the medically designated canopy area; and

(B) Transfer any remaining usable marijuana yielded from the medically designated canopy to either a registry identification cardholder or designated primary caregiver, as allowed by these rules.

(3) May not:

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

(b) Transfer more than 25% of the total annual yield of usable marijuana from the producer's medically designated canopy to licensees of the Commission; or

(c) Transfer marijuana to a patient or designated primary caregiver other than as described in (2) of this rule.

(4) A violation of section (3) of this rule is a Category I violation.
Cancellation of Registration; Violations

(1) In addition to taking action against the producer’s license, the Commission may cancel or suspend a licensed producer’s registration to produce marijuana plants on a medically designated grow canopy if the producer violates these rules.

(2) The Commission may revoke a registration to produce marijuana for patients for any of the reasons that it may deny a registration under OAR 845-025-2500.

Industrial Hemp Grower Certificate Application; Denial; Revocation

(1) Hemp growers may apply for an industrial hemp grower certificate to transfer industrial hemp to a processor licensed under ORS 475B.090 or a wholesaler licensed under ORS 475B.100.

(2) The application must:

(a) Include proof of registration under ORS 571.305;

(b) Include the certificate and application fees specified in OAR 845-025-1060;

(c) Identify the registered Oregon Department of Agriculture location from which the industrial hemp will be transferred from for transport to a Commission licensee; and

(d) Include any other information identified in the application form.

(3) Incomplete Applications.

(a) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and certificate fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(b) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within ten days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(4) Denial.

(a) The Commission may deny any application under this rule if:

(A) The application does not meet the requirements of subsection (2) of this rule;

(B) The applicant submits false or misleading information; or

(C) The Commission has reasonable cause to believe that the applicant does not have a good record of compliance with ORS 475B.010 to 475B.395 or applicable rules adopted thereunder, or with ORS 571.300 to ORS 571.348 or applicable rules adopted thereunder prior to or after certification.

(b) If the Commission denies an application, it shall issue a notice of denial in accordance with ORS 183. The applicant has the right to a hearing in accordance with ORS 183.

(5) Revocation.
(a) The Commission shall revoke any industrial hemp grower certificate if the holder no longer holds a valid industrial hemp grower registration issued under ORS 571.305.

(b) The Commission may revoke any industrial hemp grower certificate if:

(A) The holder violates a provision of ORS 475B.010 to 475B.395, ORS 475B.550 to 475B.590, 475B.600 to 475B.655 or Commission rules adopted thereunder;

(B) The holder violates a provision of ORS 571.300 to ORS 571.348 or a rule adopted thereunder; or

(C) The holder submits false or misleading information to the Commission.

(c) If the Commission revokes a certificate, the holder has a right to a hearing in accordance with ORS 183.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: 2018 OL CH. 116, SEC. 15 & ORS 571.336
History:
OLCC 3-2019, amended 02/25/2019, effective 03/01/2019

845-025-2705
Industrial Hemp Handler Certificate Application; Denial; Revocation

(1) Hemp handlers may apply for an industrial hemp certificate to transfer industrial hemp or hemp items to a processor licensed under ORS 475B.090, a wholesaler licensed under ORS 475B.100, or a retailer licensed under ORS 475B.105.

(2) The application must:

(a) Include proof of registration under ORS 571.305;

(b) Include the certificate and application fees specified in OAR 845-025-1060;

(c) Identify the registered Oregon Department of Agriculture location from which the industrial hemp or hemp items will be transferred from for transport to a Commission licensee; and

(d) Include any other information identified in the application form.

(3) Incomplete Applications.

(a) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and certificate fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(b) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such a request must be received by the Commission within ten days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(4) Denial.

(a) The Commission may deny any application under this rule if:

(A) The application does not meet the requirements of subsection (2) of this rule;

(B) The applicant submits false or misleading information; or

(C) The Commission has reasonable cause to believe that the applicant does not have a good record of compliance with ORS 475B.010 to 475B.395 or applicable rules adopted thereunder, or with ORS 571.300 to ORS 571.348 or applicable rules adopted thereunder prior to or after certification.

(b) If the Commission denies an application, it shall issue a notice of denial in accordance with ORS 183. The applicant has the right to a hearing in accordance with ORS 183.

(5) Revocation.

(a) The Commission shall revoke any industrial hemp handler certificate if the holder no longer holds a valid industrial hemp handler registration issued under ORS 571.305.

(b) The Commission may revoke any industrial hemp certificate if:

(A) The holder violates a provision of ORS 475B.010 to 475B.395, ORS 475B.550 to 475B.590, 475B.600 to 475B.655 or Commission rules adopted thereunder;
(B) The holder violates a provision of ORS 571.300 to ORS 571.348 or a rule adopted thereunder; or

(C) The holder submits false or misleading information to the Commission.

(c) If the Commission revokes a certificate, the holder has a right to a hearing in accordance with ORS 183.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 571.336 & 2018 OL CH. 116, SEC. 15
History:
OLCC 3-2019, adopt led 02/25/2019, effective 03/01/2019

845-025-2750
Industrial Hemp Grower Certificate Privileges; Prohibitions

(1) A Commission-certified hemp grower may deliver industrial hemp to a processor or wholesaler that holds a license issued under ORS 475B.090 or 475B.100 in accordance with this rule.

(2) If transferring, selling or transporting to a Commission licensee, a Commission-certified hemp grower may:

(a) Transfer, sell, or transport harvested industrial hemp to a processor licensed under ORS 475B.090 that holds an industrial hemp endorsement; or

(b) Transfer, sell, or transport harvested industrial hemp to a wholesaler licensed under ORS 475B.100.

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

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

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

(B) Has been tested for potency in accordance with OAR 333-007-0430, notwithstanding whether a test for potency would be required for usable marijuana; 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 from the location identified in the application under OAR 845-025-2700(2)(c);

(c) Must:

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

(B) Provide the licensee a copy of any test result conducted on the industrial hemp. 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 in compliance with the requirements for a licensee transporting marijuana items under OAR 845-025-7700(3)(a)-(2)(a), (2)(b)(A)-(C), (2)(b)(F)-(K), and (2)(d)(A)-(D); and

(d) May not transfer:

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

(C) Any living industrial hemp plants; or

(D) Industrial hemp seed.

(4) Failed potency testing; remediation.

(a) If a batch of industrial hemp tested under OAR 333-007-0430 exceeds the THC limits specified in OAR 845-025-2760 when a compliance test is conducted under OAR 333-007-0430, it fails potency testing for the purposes of these rules.

(b) If a batch of industrial hemp fails potency testing, the Commission-certified hemp grower must:

(A) Store and segregate the batch in a secure area until it is transferred or destroyed;

(B) Label the batch clearly to indicate it has failed a test and the label must include a test batch number; and
(C) Either:

(i) Transfer the batch of industrial hemp that failed potency testing to a Commission-certified hemp handler for the purposes of processing the industrial hemp into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760; or

(ii) Destroy the batch of industrial hemp that failed potency testing in a manner specified by the Commission.

(c) A Commission-certified hemp grower may not transfer, sell, or transport industrial hemp that fails potency testing other than as provided in these rules.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025, ORS 571.336 & ORS 571.336
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 6-2019, amend filed 03/13/2019, effective 03/13/2019
OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019
OLCC 15-2017, adopt filed 12/22/2017, effective 12/28/2017

845-025-2755
Industrial Hemp Handler Certificate Privileges; Prohibitions

(1) A Commission-certified hemp handler may deliver industrial hemp or hemp items to a processor, wholesaler, or retailer that holds a license issued under ORS 475B.090, 475B.100, or 475B.105 in accordance with this rule.

(2) If transferring, selling or transporting to a Commission licensee, a Commission-certified hemp handler may only:

(a) Transfer, sell, or transport harvested industrial hemp or hemp items to a processor licensed under ORS 475B.090 that holds an industrial hemp endorsement;

(b) Transfer, sell, or transport harvested industrial hemp or hemp items to a wholesaler licensed under ORS 475B.100; or

(c) Transfer, sell, or transport hemp items to a retailer licensed under ORS 475B.105.

(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;
(E) Industrial hemp seed; or

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

(4) Failed potency testing; remediation.

(a) If a batch of industrial hemp or hemp items tested under OAR 333-007-0430 exceeds the THC limits specified in OAR 845-025-2760 when a compliance test is conducted under OAR 333-007-0430, it fails potency testing for the purposes of these rules.

(b) If a batch of industrial hemp or hemp items fails potency testing, the Commission-certified hemp handler must:

(A) Store and segregate the batch in a secure area until it is transferred or destroyed;

(B) Label the batch clearly to indicate it has failed a test and the label must include a test batch number; and

(c) For each batch of industrial hemp or hemp items that fails potency testing, the Commission-certified hemp handler must:

(A) Process the batch into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760;

(B) Transfer the batch to a Commission-certified hemp handler for the purposes of processing the industrial hemp into a hemp item that does not exceed the THC limits specified in OAR 845-025-2760; or

(C) Destroy the batch in a manner specified by the Commission.

(d) A Commission-certified hemp handler may not transfer, sell, or transport:

(A) Any hemp item derived from a batch of industrial hemp or hemp items that failed potency testing except to a licensee or laboratory licensee as provided in these rules.

(B) Industrial hemp that fails potency testing other than as provided in these rules.

(5) Equivalent marijuana items. For the purposes of this rule:

(a) Cannabinoid capsule as defined in OAR 603-048-2310 is equivalent to cannabinoid capsule as defined in OAR 333-007-0310.

(b) Cannabinoid product as defined in OAR 603-048-2310 is equivalent to cannabinoid product as defined in OAR 333-007-0310.

(c) Harvested industrial hemp is equivalent to usable marijuana as defined in OAR 333-007-0310.

(d) Hemp concentrate or extract as defined in OAR 603-048-2310 is equivalent to cannabinoid concentrate or extract as defined in OAR 333-007-0310.

(e) Hemp edible as defined in OAR 603-048-2310 is equivalent to cannabinoid edible as defined in OAR 333-007-0310.

(f) Hemp stalk as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

(g) Hemp tincture as defined in OAR 603-048-2310 is equivalent to cannabinoid tincture as defined in OAR 333-007-0310.

(h) Hemp topical as defined in OAR 603-048-2310 is equivalent to cannabinoid topical as defined in OAR 333-007-0310.

(i) Hemp transdermal patch as defined in OAR 603-048-2310 is equivalent to cannabinoid transdermal patch as defined in OAR 333-007-0310.

(j) Usable hemp as defined in OAR 603-048-2310 is equivalent to usable marijuana as defined in OAR 333-007-0310.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 571.336
History:
OLCC 24-2020, amended 12/21/2020, effective 12/22/2020
OLCC 3-2020, amended 01/28/2020, effective 02/01/2020
OLCC 5-2019, adopted 03/11/2019, effective 03/11/2019

845-025-2760
THC Concentration Limits for Industrial Hemp and Hemp Items

(1) This rule applies to:
(a) Commission-certifed hemp growers and Commission-certifed hemp handlers transferring industrial hemp or hemp items to licensees;

(b) Licensees receiving industrial hemp or industrial hemp items from licensees, Commission-certifed hemp growers, or Commission-certifed hemp handlers; and

(c) Retailers selling, transferring, or delivering hemp items to a consumer, patient, or primary caregiver in accordance with OAR 845-025-2800.

(2) For the purposes of this rule:

(a) “Total THC” means the amount or percentage of THC as calculated pursuant to OAR 333-064-0100.

(b) "Container" has the meaning given that term in OAR 845-025-7000.

(c) “Serving” has the meaning given that term in OAR 845-025-7000.

(3) Concentration, serving size, and container limits.

(a) Harvested industrial hemp or a hemp item must be tested by a laboratory using a method with a LOQ capable of detecting whether a sample exceeds any applicable concentration, serving size, or container limit separately for delta-9-THC and for the total THC equivalent of delta-9-THCA.

(b) Harvested industrial hemp may not exceed a concentration of one percent total THC.

(c) A hemp item other than a hemp concentrate or extract as defned in OAR 603-048-2310 may not exceed a concentration of one percent total THC.

(d) A hemp concentrate or extract as defned in OAR 603-048-2310 may not exceed a concentration of five percent total THC.

(e) A hemp item other than usable hemp or a hemp concentrate, extract, or tincture may not exceed 10 milligrams total THC in a container. A hemp concentrate, extract, or tincture may not exceed 50 milligrams total THC in a container.

(f) A hemp item other than a hemp tincture that is intended for human consumption may not exceed one milligram total THC per serving.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 571.336
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 3-2019, adopt led 02/25/2019, effective 03/01/2019

845-025-2775
CTS Requirements for Industrial Hemp and Hemp Items

(1) This rule applies only to industrial hemp and industrial hemp items that a Commission-certifed hemp grower or Commission-certifed hemp handler intends to transfer, sell or transport to a licensee.

(2) Commission-certifed hemp growers and Commission-certifed hemp handlers must:

(a) Enter any industrial hemp or hemp items into CTS prior to transfer to a licensee or laboratory licensee.

(b) Complete tracking as specifed by Commission rules as applicable to industrial hemp and hemp items, including but not limited to: OAR 845-025-7500, 845-025-7520(1)(a),(b),(d),(e), (2), 845-025-7540, 845-025-7560, and 845-025-7580(1)(a)-(c), (e), (2), (5).

(c) Use CTS to record all transfers of industrial hemp and hemp items to a licensee or laboratory licensee.

(d) Use CTS to record all transfers of industrial hemp and hemp items that failed potency testing to a Commission-certifed hemp handler in accordance with OAR 845-025-2750 to OAR 845-025-2755.

(3) Manifest.

(a) A Commission-certifed hemp grower transferring industrial hemp to a processor, wholesaler, or laboratory must generate a manifest in CTS that contains the following information:

(A) The name, contact information of the hemp grower’s representative, address of where the industrial hemp is being transferred from as identifed under OAR 845-025-2700(2)(c), and the hemp grower registration number designated by the Oregon Department of Agriculture;

(B) The name, contact information of the licensee representative, licensed premises address, and license number of the licensee receiving the delivery;
(C) Product name and quantities (by weight) of the industrial hemp contained in each transport, along with the UIDs for every item;

(D) The date of transport and approximate time of departure;

(E) Arrival date and estimated time of arrival;

(F) Delivery vehicle make and model and license plate number; and

(G) Name and signature of the hemp grower’s representative accompanying the transport.

(b) A Commission-certified hemp handler transferring industrial hemp or hemp items to a processor, wholesaler, retailer, or laboratory must generate a manifest in CTS that contains the following information:

(A) The name, contact information of the hemp handler’s representative, address of where the industrial hemp or hemp items are being transferred from as identified under OAR 845-025-2705(2)(c), and the hemp handler registration number designated by the Oregon Department of Agriculture;

(B) The name, contact information of the licensee representative, licensed premises address, and license number of the licensee receiving the delivery;

(C) Product name and quantities (by weight) of the industrial hemp or hemp items contained in each transport, along with the UIDs for every item;

(D) The date of transport and approximate time of departure;

(E) Arrival date and estimated time of arrival;

(F) Delivery vehicle make and model and license plate number; and

(G) Name and signature of the hemp handler’s representative accompanying the transport.

(c) A Commission-certified hemp grower transferring industrial hemp that failed potency testing to a Commission-certified hemp handler in accordance with OAR 845-025-2750 must generate a manifest in CTS that contains the following information:

(A) The name, contact information of the hemp grower’s representative, address of where the industrial hemp is being transferred from as identified under OAR 845-025-2700(2)(c), and the hemp grower registration number designated by the Oregon Department of Agriculture;

(B) The name, contact information of the hemp handler’s representative, address of where the industrial hemp is being transferred to as identified under OAR 845-025-2705(2)(c), and the hemp handler registration number designated by the Oregon Department of Agriculture;

(C) Product name and quantities (by weight) of the industrial hemp or hemp items contained in each transport, along with the UIDs for every item;

(D) The date of transport and approximate time of departure;

(E) Arrival date and estimated time of arrival;

(F) Delivery vehicle make and model and license plate number; and

(G) Name and signature of the hemp grower’s representative accompanying the transport.

(d) A Commission-certified hemp handler transferring industrial hemp or industrial hemp items that failed potency testing to a Commission-certified hemp handler in accordance with OAR 845-025-2755 must generate a manifest in CTS that contains the following information:

(A) The name, contact information of the hemp handler’s representative, address of where the industrial hemp or hemp items are being transferred from as identified under OAR 845-025-2705(2)(c), and the hemp handler registration number designated by the Oregon Department of Agriculture of the hemp handler transporting the industrial hemp or hemp items;

(B) The name, contact information of the hemp handler’s representative, address of where the industrial hemp or hemp items are being transferred to as identified under OAR 845-025-2705(2)(c), and the hemp grower registration number designated by the Oregon Department of Agriculture of the hemp handler receiving the industrial hemp or hemp items;

(C) Product name and quantities (by weight) of the industrial hemp or hemp items contained in each transport, along with the UIDs for every item;

(D) The date of transport and approximate time of departure;

(E) Arrival date and estimated time of arrival;
(F) Delivery vehicle make and model and license plate number; and

(G) Name and signature of the hemp grower’s representative accompanying the transport.

(4) Once industrial hemp or a hemp item has been entered into CTS, it may not be transferred, sold, or transported except in accordance with these rules.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 571.336 & 2018 OL CH. 116
History:
OLCC 3-2019, adopt led 02/25/2019, effective 03/01/2019

845-025-2785
Licensee Industrial Hemp Privileges; Requirements

(1) A processor with an industrial hemp endorsement may transfer, sell, transport, purchase, possess, accept, return, or receive industrial hemp and hemp items in accordance with OAR 845-025-3215.

(2) A wholesaler may transfer, sell, transport, purchase, possess, accept, return, or receive industrial hemp and hemp items in accordance with OAR 845-025-3500.

(3) A retailer may:
(a) Transfer, sell, transport, purchase, possess, accept, return, or receive hemp items in accordance with OAR 845-025-2800.
(b) Sell, transfer, or deliver hemp items to a consumer, patient, or designated primary caregiver in accordance with all requirements for selling or transferring marijuana items.

(4) A licensee may only receive industrial hemp and hemp items from a Commission-certified hemp grower or Commission-certified hemp handler if:
(a) The industrial hemp or hemp item does not exceed the THC limits specified in OAR 845-025-2760;
(b) The licensee receives a copy of any test result conducted on the industrial hemp or hemp item as a condition of receipt. Test results include, but are not limited to, any pre-harvest test result conducted under OAR 603-048-0600 and any results from quality control and research and development testing conducted under OAR 333-007-0500; and
(c) The licensee complies with any applicable requirements of ORS 571.305 to ORS 571.348 or any rules adopted thereunder.

(5) A licensee may only deliver industrial hemp and hemp items if the industrial hemp and hemp items are:
(a) Delivered to a licensed marijuana retailer or wholesaler, or to a processor with an industrial hemp endorsement in compliance with all rules for delivering marijuana;
(b) Meet any applicable requirement for marijuana items set forth in ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655 and rules adopted thereunder; and
(c) Were entered into and tracked by CTS prior to receipt.

(6) Licensees must track industrial hemp or any hemp item using CTS in the same manner that they track marijuana items.

(7) All requirements for marijuana items under ORS 475B.010 to 475B.395, 475B.550 to 475B.590 and 475B.600 to 475B.655 and any rules adopted thereunder apply to industrial hemp and hemp items received, delivered, or manufactured by a licensee or laboratory licensee unless specifically excluded by these rules.

(8) A laboratory licensee must comply with all of the requirements of OAR 845-025-5045 when performing sampling or testing of industrial hemp or hemp items entered in CTS by a processor, wholesaler, retailer, Commission-certified hemp grower, or Commission-certified hemp handler in accordance with OAR 845-025-2775.

(9) A licensee or laboratory licensee may not:
(a) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item other than as provided in this rule;
(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760;
(c) Transfer, sell, transport, purchase, possess, accept, or receive hemp items that exceeded 0.3 percent THC when imported into the state;
(d) Purchase, possess, or receive any industrial hemp that has failed the testing described in OAR 603-048-0600 to 603-048-0650; or

(e) Plant, propagate, cultivate, grow or harvest industrial hemp within their licensed premises.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.090, ORS 475B.299, ORS 571.336 & ORS 571.336
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 3-2019, adopt filed 02/25/2019, effective 03/01/2019

845-025-2800
Retailer Privileges; Prohibitions

(1) A retailer is authorized to sell, transfer or deliver a marijuana item or hemp item to a consumer.

(2) A retailer may:

(a) Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items and hemp items from the licensed premises to a consumer 21 years of age or older;

(b) Sell, transfer or deliver:

(A) Marijuana items or hemp items to a consumer 21 years of age or older pursuant to a bona fide order as described in OAR 845-025-2880.

(B) Marijuana items or hemp items to a patient or designated primary caregiver between ages 18-21, so long as:

(i) The registry identification cardholder has a valid OMMP card; and

(ii) The retailer has a valid medical endorsement.

(C) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.

(D) Hemp waste to a wholesaler, processor with an industrial hemp endorsement, or research certificate holder.

(c) Accept or make returns, as long as the retailer:

(A) Only accepts or returns usable marijuana, marijuana items, hemp items, immature marijuana plants and seeds;

(B) Only accepts or returns eligible items listed in subsection (A) of this section from either the original licensee that supplied the item or the customer or registry identification cardholder that purchased or was given the item;

(C) Accurately records the transaction in the CTS; and

(D) Does not resell any items returned by customers.

(d) Purchase, possess or receive:

(A) Usable marijuana, immature marijuana plants, seeds, and kief from a producer or from a research certificate holder;

(B) Cannabinoid concentrates from a micro tier producer with a concentrate endorsement issued under OAR 845-025-2025;

(C) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received or from a research certificate holder;

(D) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler;

(E) Any marijuana item from a laboratory licensee;

(F) Trade samples as allowed by 845-025-1330;

(G) Marijuana items from a retailer that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical;

(H) Hemp items from a Commission-certified hemp handler, a wholesaler, a laboratory licensee, or a processor with an industrial hemp endorsement; and

(I) Hemp items from a retailer that is owned by the same or substantially the same persons. For purposes of this rule, substantially the same means that individuals named on the approved license or persons with a financial interest in the licensed businesses are identical.
(e) Refuse to sell marijuana items or hemp items to a consumer;

(f) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500;

(g) Accept returned marijuana items or hemp items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value as long as the product is not resold; and

(h) Sell marijuana items for medical purposes, as long as the retailer follows the provisions set forth in 845-025-2900.

(3) Hemp items sold, transferred, or delivered under subsection (2) of this rule must have been received from a Commission-certified hemp handler, a processor with an industrial hemp endorsement, a wholesaler, or a retailer owned by the same or substantially the same persons in accordance with these rules.

(4) A retailer may not:

(a) Knowingly sell more than the following amounts to an individual at any one time or within one day:

(A) One ounce of usable marijuana;

(B) 16 ounces of a cannabinoid product in solid form;

(C) 72 fluid ounces of a cannabinoid product in liquid form;

(D) Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system or combined with usable marijuana;

(E) Five grams of cannabinoid products intended for inhalation;

(F) Four immature marijuana plants; and

(G) Ten marijuana seeds;

(b) Knowingly provide more than the following amounts to registry identification cardholders or designated primary caregivers:

(A) 8 ounces of usable marijuana at any one time or within one day per patient; and

(B) No more than 32 ounces in one calendar month per patient.

(c) Transfer, sell, transport, purchase, possess, accept, return, or receive any hemp item that exceeds the THC limits specified in OAR 845-025-2760 unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A retailer licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019.

(d) Provide free marijuana items to a recreational consumer.

(e) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.

(f) Sell or give away any non-marijuana items, including hemp items, that are attractive to minors as defined by these rules.

(g) Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items or hemp items.

(h) Sell a marijuana item at a nominal price for promotional purposes.

(i) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 7:00 a.m. local time the following day.

(j) Permit a licensed representative to handle an unpackaged marijuana item or hemp item without the use of protective gloves, tools or instruments that prevent the marijuana item from coming into contact with the licensed representative’s skin.

(k) Sell or transfer a returned marijuana item or hemp item to another consumer.

(l) Sell, transfer, deliver, purchase, possess, accept, return or receive any marijuana item or hemp item other than as provided in this rule.

(m) Permit a consumer to open or alter a package containing a marijuana item or hemp item or otherwise remove a marijuana item or hemp item from packaging required by these rules within the licensed premises or in an area that the licensee controls.
(n) Permit a consumer to bring marijuana items or hemp items onto the licensed premises except for being returned for refund or exchange as allowed by this rule.

(o) Sell a marijuana item to an individual that exceeds the concentration limits in OAR 333-007-0210 and 333-007-0220.

(p) Sell any item not allowed under OAR 845-025-3220 or any of the following items:
   (A) Pet or animal food, treats, or other pet or animal products containing hemp or marijuana;
   (B) Injectable marijuana or hemp items; or
   (C) Any other marijuana items not meant for human consumption or use.

(q) Impose or collect a tax on the retail sale of a marijuana item to a patient or designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder.

(r) Notwithstanding section (2)(c)(B) of this rule, a retailer may transfer its entire inventory of marijuana items to a single wholesaler if all requirements in OAR 845-025-7700 are met.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.105
Statutes/Other Implemented: ORS 475B.025 & ORS 475B.105

Retailer Operational Requirements

(1) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer’s:
   (a) Passport;
   (b) Driver license, whether issued by the State of Oregon or by another state of the United States.
   (c) Identification card issued under ORS 807.400;
   (d) United States military identification card;
   (e) Any other identification card issued by a state or territory that bears a picture of the person, the name of the person, the person’s date of birth and a physical description of the person; or
   (f) An identification card issued by a federally recognized Indian tribe with photo, name and date of birth.

(2) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.

Statutory/Other Authority: ORS 475B.025 & 475B.110
Statutes/Other Implemented: ORS 475B.035

Retailer Premises

(1) The licensed premises of a retailer:
   (a) May not be located in an area that is zoned exclusively for residential use.
(b) Notwithstanding ORS 475B.105(2)(d) may be located within 1,000 feet of a school if:

(A) The marijuana retailer is not located within 500 feet of:

(i) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(ii) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a); and

(B) The Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the marijuana retailer; or

(C) The marijuana retailer was established before August 1, 2017, in accordance with a city or county ordinance adopted under section 29b, chapter 83, Oregon Laws 2016.

(c) Must be enclosed on all sides by permanent walls and doors.

(2) A retailer must post in a prominent place signs that read:

(a) “No Minors Permitted Anywhere on the Premises”;

(b) “No On-Site Consumption”; and

(c) “Security Cameras in Use”.

(d) Exit from the licensed premises that reads: ‘Marijuana or Marijuana Infused Products May Not Be Consumed In Public’.

(3) A retailer must designate a consumer sales area on the licensed premises where consumers are permitted. The area shall include the portion of the premises where marijuana items are displayed for sale to the consumer and sold and may include other contiguous areas such as a lobby. The consumer sales area is the sole area of the licensed premises where consumers are permitted.

(4) All inventory must be stored on the licensed premises.

(5) For purposes of determining the distance between a retailer and a school referenced in subsection (1)(b) of this rule, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 1,000 feet of a school as described subsection (1)(b) of this rule an applicant will not be licensed.

Statutory/Other Authority: ORS 475B.025 & 475B.105
Statutes/Other Implemented: 475B.105, ORS 475B.109 & 475B.206
History:
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2860
Marijuana Retailers — Consumer Health and Safety Information

A retailer must:

(1) Post at a conspicuous location the following posters prescribed by the Commission, measuring 22 inches high by 17 inches wide that can be downloaded at www.oregon.gov/olcc/marijuana:

(a) A Pregnancy Warning Poster; and

(b) A Poisoning Prevention Poster.

(2) Post at a conspicuous location a color copy of the “Educate Before You Recreate” flyer measuring 22 inches high by 17 inches wide that can be downloaded at WHATSLEGALOREGON.COM.

(3) Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Commission, measuring 3.5 inches high by 5 inches long that can be downloaded at www.oregon.gov/olcc/marijuana.

Statutory/Other Authority: ORS 475B.025 & 475B.110
Statutes/Other Implemented: ORS 475B.025 & 475B.110
History:
845-025-2880
Delivery of Marijuana Items by Retailer

(1) A marijuana retailer may deliver a marijuana item to a residence in Oregon subject to compliance with this rule. For purposes of this rule, “residence” means a dwelling such as a house or apartment but does not include a dormitory, hotel, motel, bed and breakfast or similar commercial business.

(2) Delivery Approval Process.

(a) The retailer must request approval from the Commission prior to undertaking delivery service of marijuana items, on a form prescribed by the Commission that includes a statement that the retailer:

(A) Understands and will follow the requirements for delivery listed in this rule; and

(B) Has taken steps to ensure the personal safety of delivery personnel, including providing any necessary training.

(b) The retailer must receive written approval from the Commission prior to making any deliveries.

(c) The Commission may refuse to review any request for approval that is not complete and accompanied by the documents or disclosures required by the form.

(d) The Commission may deny a retailer’s request for approval to deliver marijuana items if the retailer does not meet the requirements of this or any other pertinent rule. If the Commission denies the request, the retailer has a right to a hearing under the procedures of ORS chapter 183.

(e) The Commission may withdraw approval for delivery service at any time if the Commission finds that the retailer is not complying with this rule, the personal safety of delivery personnel is at risk, the retailer’s delivery service has been the target of theft, or the delivery service is creating a public safety risk.

(3) Bona Fide Orders.

(a) A bona fide order must be received by an approved retailer from the individual requesting delivery, before 8:00 p.m. on the day the delivery is requested.

(b) The bona fide order must contain:

(A) The individual requestor’s name, date of birth, the date delivery is requested and the address of the residence where the individual would like the items delivered;

(B) A document that describes the marijuana items proposed for delivery and the amounts; and

(C) A statement that the marijuana is for personal use and not for the purpose of resale.

(4) Delivery Requirements.

(a) Deliveries must be made before 9:00 p.m. local time and may not be made between the hours of 9:00 p.m. and 8:00 a.m. local time.

(b) The marijuana retailer may only deliver in a motor vehicle to the individual who placed the bona fide order and only to individuals who are 21 years of age or older.

(c) At the time of delivery the individual performing delivery must check the identification of the individual to whom delivery is being made in order to determine that it is the same individual who submitted the bona fide order. This includes ensuring that the individual:

(A) Is either 21 years of age or older; or

(B) If the individual is age 18-20, that the individual is a current registry identification cardholder; and

(C) Signs a document indicating that the items were received.

(d) A marijuana retailer may not deliver a marijuana item to an individual who is visibly intoxicated at the time of delivery.

(e) Deliveries may not be made more than once per day to the same physical address or to the same individual.

(f) Marijuana items delivered to an individual’s residence must:

(A) Comply with the packaging rules in OAR 845-025-7000 to 845-025-7190; and
(B) Be placed in a larger delivery receptacle that has a label that reads: "Contains marijuana: Signature of person 21 years of age or older required for delivery".

(g) A retailer may not carry or transport at any one time more than a total of $3000 in retail value worth of marijuana items designated for retail delivery.

(h) All marijuana items must be kept in a lock-box securely affixed inside the delivery motor vehicle.

(i) A manifest must be created for each delivery or series of deliveries and the individual doing the delivery may not make any unnecessary stops between deliveries or deviate substantially from the manifest route.

(5) Documentation Requirements. A marijuana retailer must document the following regarding deliveries:

(a) The bona fide order and the date and time it was received by the retailer;

(b) The date and time the marijuana items were delivered;

(c) A description of the marijuana items that were delivered, including the weight or volume and price paid by the consumer;

(d) Who delivered the marijuana items; and

(e) The name of the individual or the patient or designated primary caregiver's OMMP card number to whom the delivery was made and the delivery address.

(6) A retailer is only required to maintain the name of an individual to whom a delivery was made for one year.

(7) Prohibitions.

(a) A retailer may deliver marijuana items only to a location within:

(A) The city in which the licensee is licensed, if a licensee is located within a city; or

(B) Unincorporated areas of the county in which the licensee is licensed, if a licensee is located in an unincorporated city or area within the county.

(b) A retailer may not deliver marijuana items to a residence located on publicly-owned land.

(8) Medical Delivery Exemption. Notwithstanding the delivery prohibitions in subsection (7)(a) of this rule, a retail licensee may deliver marijuana items to a patient or a patient's designated primary caregiver at an individual's residence in accordance with the other provisions of this rule, if the retailer follows the delivery approval process set forth in subsection (2) of this rule.

(9) Sanction. A violation of any section of this rule that is not otherwise specified in OAR 845-025-8590 is a Category III violation.

Statutory/Other Authority: ORS 475B.025, ORS 475B.105 & ORS 475B.206
Statutes/Other Implemented: ORS 475B.206
History:
OLCC 14-2019, minor correction filed 11/04/2019, effective 11/04/2019
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2885
On-Site Delivery of Marijuana by Retailer

(1) Notwithstanding OAR 845-025-2880, a retailer may deliver a bona fide order to an individual who is on-site but outside of the store, such as to the retailer's parking lot or the front entrance.

(2) "On-site" means an area within 150 feet of the boundary of the retail licensee's licensed premises.

(3) Bona Fide Orders for On-Site Delivery.

(a) A bona fide order must be received by a retailer from the individual requesting delivery.

(b) The bona fide order must contain:

(A) The individual requestor's name, date of birth, and the date delivery is requested; and

(B) A document that describes the marijuana items proposed for delivery and the amounts.
(4) On-Site Delivery Requirements.

(a) A retailer may only make an on-site delivery during regular business hours and between the hours of 7:00 AM and 10:00 PM local time.

(b) Delivery may only occur within 150 feet of the boundary of the licensee's premises.

(c) At the time of on-site delivery, the licensee or licensee representative delivering marijuana items to the customer must check the identification of the individual to whom delivery is being made in compliance with OAR 845-025-2820 in order to determine that the identification matches the individual who submitted the bona fide order. This includes, but is not limited to, ensuring that the individual:

(A) Is 21 years of age or older; or

(B) If the individual is age 18-20, is a current registry identification cardholder.

(d) A retailer may not allow a marijuana item to be purchased by an individual who is visibly intoxicated at the time of pick-up.

(e) Marijuana items being delivered to an individual must comply with the packaging and labeling rules in OAR 845-025-7000 to 845-025-7190.

(f) A retailer licensee or licensee representative must accurately record all on-site delivery sales in CTS in the same manner as a non-delivery sales transaction pursuant to OAR 845-025-7580(5).

(5) A licensee or licensee representative may not allow on-site delivery to occur on any federal public land within 150 feet of the licensed premises. Retailers should comply with any time, place and manner ordinances imposed by a local government.

(6) A violation of any section of this rule that is not otherwise specified in OAR 845-025-8590 is a Category III violation.

Statutory/Other Authority: ORS 475B.025, ORS 475B.105 & ORS 475B.206
Statutes/Other Implemented: ORS 475B.206 & E.O. 20-07
History:
OLCC 19-2020, adopt led 09/15/2020, effective 09/18/2020
OLCC 7-2020, temporary adopt led 03/22/2020, effective 03/22/2020 through 09/17/2020

845-025-2890
Marijuana Retailers — Collection of Taxes

(1) A retailer must collect, at the point of sale, the tax imposed on the consumer under ORS 475B.705 and remit the tax to the Oregon Department of Revenue in accordance with Department of Revenue rules.

(2) A retailer may not collect a tax on:

(a) Any medical sales to either Oregon Medical Marijuana Program patients or their designed primary caregivers; or

(b) On sales of products other than marijuana items.

(3) A violation of this rule is a Category III violation.

(4) An intentional violation of this rule is a Category I violation.

Statutory/Other Authority: ORS 475B.025 & 475B.160
Statutes/Other Implemented: ORS 475B.025 & 475B.160
History:
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-2900
Retail Sale of Marijuana for Medical Purposes

(1) In order to sell marijuana items for medical purposes, a marijuana retailer licensed under ORS 475B.110 must:

(a) Register in a form and manner specified by the commission; and

(b) Follow all requirements established by OAR 845-025-2800.

(2) A marijuana retailer licensed under ORS 475B.110 who has registered with the commission to sell marijuana items for medical purposes, may:
(a) Sell medical grade cannabinoid product, cannabinoid concentrate or extract to registry identification cardholders and designated primary caregivers.

(b) Sell or provide usable marijuana and medical grade cannabinoid products, concentrates and extracts to registry identification cardholders and designated primary caregivers free of charge or at a discounted price.

(c) Notwithstanding the requirements of OAR 845-025-1230, 845-025-2800, 845-025-2820 and 845-025-8520, permit registry identification cardholders 18 years of age and older to be present on the licensed premises and purchase marijuana items.

(3) A marijuana retailer who is registered with the commission to sell marijuana items for medical purposes must:

(a) Store and display medical grade cannabinoid products, concentrates and extracts in a manner that separates medical grade items from other marijuana items.

(b) Comply with the requirements of OAR 333-007-0100 to 333-007-0100 for labeling medical grade products.

(c) Prior to the sale or transfer of a marijuana item as described in section (2) of this rule, verify that the individual who is purchasing a marijuana item for medical purposes is currently registered with the Authority by viewing the individual’s government issued photo identification and Authority issued registry identification card or designated primary care giver card, or a receipt issued by the Authority under OAR 333-008-0023 or 333-008-0040 and making sure the identities match and that the card is current or the receipt has not expired.

(d) Use CTS to record the receipt or card number of every registry identification cardholder and designated primary care giver who receives marijuana items as described in section (2) of this rule together with the date of the sale or transfer and amount sold or transferred.

(4) A marijuana retailer who is registered with the commission to sell marijuana items for medical purposes may not sell or transfer a medical grade product to a registry identification cardholder or designated primary caregiver that exceeds the concentration limits in OAR 333-007-0220.

(5) Violation of any provisions of this rule is a Category III violation.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.105
History:
OLCC 3-2020, amend ed 01/28/2020, effective 02/01/2020
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

845-025-2910
Transfer of Medical Marijuana Dispensary Inventory

(1) For purposes of this rule:

(a) “Medical marijuana dispensary” means a medical marijuana dispensary registered under ORS 475B.450.

(b) “Person responsible for the medical marijuana dispensary” or “PRD” has the meaning given that term in OAR 333-008-1010.

(c) “Primary PRD” has the meaning given that term in OAR 333-008-1010.

(2) An applicant for a retail license under ORS 475B.110 that is also an owner of a medical marijuana dispensary may submit a transfer request to the Commission, on a form prescribed by the Commission, to transition from being registered with the Authority to being licensed by the Commission. The request must include, at a minimum, the following information:

(a) The name of the marijuana dispensary, dispensary address, and Authority issued registration number for the medical marijuana dispensary;

(b) The name and contact information of the owner of the medical marijuana dispensary;

(c) The names and contact information for each PRD;

(d) Identification of the primary PRD;

(e) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request; and

(f) The amount and type of marijuana items proposed to be transferred.
(3) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the medical marijuana dispensary; and

(b) The ownership of the dispensary and the identification of each PRD and the primary PRD.

(4) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(5) The Commission may inspect the marijuana items proposed for transfer to determine if they:

(a) Have been packaged, labeled and tested in accordance with OAR 845-025-7000 to 845-025-7060 and 845-025-5700; and

(b) Meet the applicable concentration limits in OAR 333-007-0210 or 333-007-0220.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(7) The Commission will deny the request to transfer any marijuana item that:

(a) Was not identified in the request to transfer; or

(b) Was not in the dispensary’s inventory at the time of the request to transfer.

(8) The Commission will deny the request to transfer any marijuana that does not comply with the applicable packaging and testing rules in OAR 845-025-7000 to 845-025-7060 and 845-025-5700, except as provided in Section (9) of this rule.

(9) The Commission will allow the transfer of marijuana items received by the dispensary prior to October 1, 2016 if:

(a) The marijuana item was tested in accordance with OAR 333-008-1190 in effect at the time, if the item contains a label placed on the package where it can easily be seen by a consumer, patient or designated primary caregiver that reads “DOES NOT MEET NEW TESTING REQUIREMENTS” in 12 point font, and in bold, capital letters; and

(b) The Marijuana item is packaged in a child resistant container as required by 845-025-7020(3).

(10) The Commission may deny a transfer request if it cannot verify the information in the request or the applicant submitted incomplete information to the Commission.

(11) Marijuana items transferred under section (9) of this rule may be retained in the retail licensee’s inventory until March 1, 2017. Violation of this section is a Category III violation.

(12) Transferred inventory must be recorded in CTS as required by these rules.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: 2016 OL Ch. 24 & Sec. 25
History:  
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16  
OLCC 14-2016(Temp), f. 12-27-16 thru 3-1-17  
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

845-025-3200  
Marijuana Processors — Definitions

(1) “Cannabinoid topical” means a cannabinoid product intended to be applied to skin or hair.

(2) “Food” means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, chewing gum, and includes beverages.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090
History:  
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018  
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16  
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3210  
Marijuana Processors — Endorsements
(1) A processor may only process and sell cannabinoid edible, topical, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity. Endorsements types are:

(a) Cannabinoid edible processor;

(b) Cannabinoid topical processor;

(c) Cannabinoid concentrate processor; and

(d) Cannabinoid extract processor.

(2) Industrial Hemp processor. A processor may only process industrial hemp items if the processor licensee has received an industrial hemp processor endorsement.

(3) An applicant must request an endorsement upon submission of an initial application but may also request to add or remove an endorsement at any time following licensure.

(4) To apply for an endorsement, an applicant or processor licensee must submit:

(a) A form prescribed by the Commission that identifies the proposed endorsements;

(b) A land use compatibility statement showing that any proposed processing endorsements are not prohibited uses; and

(c) If applicable, proof of compliance with OAR 845-025-3260(2)(b).

(5) Only one application and license fee is required regardless of how many endorsements an applicant or licensee requests or at what time the request is made.

(6) An individual processor licensee may hold multiple endorsements.

(7) For the purposes of endorsements any cannabinoid product that is intended to be consumed or ingested orally or applied in the mouth is considered a cannabinoid edible.

(8) If a processor is no longer going to process the product for which the processor is endorsed, the processor must notify the Commission in writing and provide the date on which the processing of that product will cease.

(9) The Commission may deny a processor’s request for an endorsement or revoke an existing endorsement if the processor cannot or does not meet the requirements in OAR 845-025-3200 to 845-025-3290 for the endorsement that is requested. If the Commission denies or revokes approval the processor has a right to a hearing under the procedures of ORS chapter 183.

**Statutory/Other Authority:** ORS 475B.025 & 475B.090

**Statutes/Other Implemented:** ORS 475B.090, 475B.158 & 571.336

**History:**
OLCC 2-2021, amend filed 04/09/2021, effective 04/13/2021
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 3-2019, amend filed 02/25/2019, effective 03/01/2019
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

**845-025-3215**

**Processor Privileges; Prohibitions**

(1) A processor may:

(a) Transfer, sell or transport:

(A) Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, wholesaler, retailer, non-profit dispensary, or research certificate holder;

(B) Marijuana or Industrial Hemp waste to a producer, processor, wholesaler, or research certificate holder;

(C) Trade samples to a producer, processor, wholesaler, or retailer licensee, only as allowed under OAR 845-025-1330; and

(D) Quality control samples to a license representative, only as allowed under OAR 845-025-1360;

(b) Purchase, possess or receive as allowed by these rules:
(A) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(B) Usable marijuana from a producer, wholesaler, patient or designated primary caregiver, or from a research certificate holder;

(C) Kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;

(F) Trade samples as allowed by 845-025-1330;

(G) Marijuana or industrial hemp waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and

(H) Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a wholesaler.

(c) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(d) Accept or make returns of marijuana items, as long as the processor:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from the original licensee that supplied or purchased the item; and

(C) Accurately records the transaction in the CTS.

(2) A processor with an industrial hemp endorsement may:

(a) Transfer, sell, or transport hemp items to a wholesaler, a retailer, or a processor with an industrial hemp endorsement.

(b) Purchase, posses, or receive as allowed by these rules:

(A) Hemp items from a wholesaler, a processor with an industrial hemp endorsement, or a Commission-certified hemp handler; and

(B) Harvested industrial hemp from a wholesaler, a Commission-certified hemp handler, or a Commission-certified hemp grower.

(c) Process industrial hemp and hemp items into any hemp item in compliance with all rules for processing marijuana.

(d) Use industrial hemp and hemp items as an ingredient in the processing of marijuana items.

(3) A processor may not:

(a) Transfer, sell, transport, purchase, possess, accept, return, or receive any marijuana, industrial hemp or hemp item other than as provided in this rule;

(b) Use any unapproved process set forth in OAR 845-025-3200 to OAR 845-025-3305;

(c) Allow minors on any portion of the licensed premises except as allowed by OAR 845-025-1230. A violation of this is a Category I violation;

(d) Make any product that is prohibited from sale in a retail store, as set forth in OAR 845-025-2800;

(e) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760 unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A processor licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019; or

(f) Process any kief received from a producer into a cannabinoid edible, unless the producer has complied with all provisions set forth in OAR 845-025-3250.

(4) A processor must be licensed by the Commission and obtain the proper endorsement for the type of processing they perform per OAR 845-025-3210.
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 item:

(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) If such an item is an inhalable cannabinoid product that does not meet the requirements in OAR 845-025-3265, except that a processor may transfer or sell an inhalable cannabinoid product that does not meet the requirements in OAR 845-025-3265 until July 1, 2021, if the non-compliant inhalable cannabinoid product was processed prior to April 1, 2021.

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

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

Processor Policies and Procedures

A processor must create and maintain written, detailed standard policies and procedures that include but are not limited to:

(1) Instructions for making each cannabinoid concentrate, extract or product.

(2) The ingredients and the amount of each ingredient for each process lot;
(3) The process for making each product;
(4) The number of servings in a process lot;
(5) The intended amount of THC per serving and in a unit of sale of the product;
(6) The process for making each process lot homogenous;
(7) If processing a cannabinoid concentrate or extract:
   (a) Conducting necessary safety checks prior to commencing processing;
   (b) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract;
(8) Procedures for cleaning all equipment, counters and surfaces thoroughly;
(9) Procedures for preventing growth of pathogenic organisms and toxin formation;
(10) Proper handling and storage of any solvent, gas or other chemical used in processing or on the licensed premises in accordance with material safety data sheets and any other applicable laws;
(11) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations;
(12) Quality control procedures designed to maximize safety and minimize potential product contamination;
(13) Appropriate use of any necessary safety or sanitary equipment; and
(14) Emergency procedures to be followed in case of a re, chemical spill or other emergency.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3240
Processor Training Requirements

(1) A processor must have a comprehensive training program that includes, at a minimum, the following topics:
   (a) The standard operating policies and procedures;
   (b) The hazards presented by all solvents or other chemicals used in processing and on the licensed premises as described in the material safety data sheet for each solvent or chemical; and
   (c) Applicable Commission statutes and rules.

(2) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a cannabinoid concentrate, extract or product must be trained in accordance with the processor’s training program.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3250
Cannabinoid Edible Processor Requirements

(1) A cannabinoid edible processor may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with the applicable provisions of OAR 603, division 21, division 24, division 25 and division 28.

(2) A cannabinoid edible processor may not:
   (a) Engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant, single-event temporary restaurant, commissary, mobile unit, bed or breakfast, or warehouse licensed under ORS 624;
(b) Share a food establishment with a person not licensed and endorsed by the Commission as a cannabinoid edible processor;

(c) Process food intended for commercial sale that does not contain cannabinoids, at the licensed premises; or

(d) Use a cannabinoid concentrate or extract to process food unless that concentrate or extract was processed by a licensee in a food establishment licensed by the ODA in compliance with the applicable provisions of OAR chapter 603, division 21, division 24, division 25, and division 28.

(3) A food establishment used by a cannabinoid edible processor is considered a licensed premises and must meet the security and other licensed premises requirements in these rules.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090 & 475B.158
History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 6-2017, f. & cert. ef. 6-30-17
OLCC 24-2016(Temp), f. 12-30-16, cert. ef. 1-1-17 thru 6-29-17
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3255
Alternating Proprietors

(1) A cannabinoid edible or topical processor that applied for a license prior to January 1, 2019, may share a food establishment, as defined in ORS 616.695, with another cannabinoid edible or topical processor, or a cannabinoid concentrate processor who was licensed and authorized to share a food establishment under this rule prior to January 1, 2019, if:

(a) The schedule, with specific hours and days that each processor will use the food establishment, is prominently posted at the entrance to the food establishment and has been approved by the Commission:

(A) The schedule must be submitted to the Commission in writing and will be approved if it demonstrates that use of a shared food establishment by multiple processor licensees does not create an increased compliance risk.

(B) A processor licensee may only change the schedule with prior written approval from the Commission.

(b) In addition to the applicable requirements of OAR 845-025-1410, each licensee must designate a separate area to secure any marijuana, cannabinoid products, concentrates or extracts that a licensee stores at the food establishment. The designated area must only be accessible to the licensee. If a cannabinoid processor does not store marijuana, cannabinoid products, concentrates or extracts at the food establishment those items must be stored on a licensed premises.

(2) A food establishment used by a processor licensee is considered a licensed premises and must meet the security and other licensed premises requirements in these rules.

(3) In order to qualify to share a food establishment under this rule:

(a) Concentrates manufactured under this rule must be used in the production of the processor’s cannabinoid edibles or topicals; and

(b) Concentrates manufactured under this rule may not be transferred to another licensee.

(4) A processor is strictly liable for any violation found at a shared food establishment during that processor’s scheduled time or within that processor’s designated area in the food establishment.

(5) On and after January 1, 2019, a licensee who was approved to share a food establishment under this rule may not continue to share a food establishment if there are any changes of ownership.

(6) Violation of this rule is a Category I violation.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090 & 475B.158
History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 6-2017, f. & cert. ef. 6-30-17
OLCC 24-2016(Temp), f. 12-30-16, cert. ef. 1-1-17 thru 6-29-17

845-025-3260
Cannabinoid Concentrate and Extract Processor Requirements
(1) Cannabinoid Concentrates or Extracts. A processor with a cannabinoid concentrate or extract endorsement:

(a) May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 FR 67377).

(b) Must:

(A) Only use a hydrocarbon-based solvent that is at least 99 percent purity.

(B) Only use a non-hydrocarbon-based solvent that is food-grade.

(C) Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) Use only potable water and ice made from potable water in processing.

(E) If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor and comply with OAR 845-025-3250.

(2) Cannabinoid Extracts. A processor with an endorsement to make cannabinoid extracts:

(a) May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products.

(b) Prior to licensure or renewal the applicant must:

(A) Provide proof in a form and manner specified by the commission that the premises proposed to be licensed has received a Certificate of Occupancy for the intended use issued by the appropriate local building official;

(B) Must list all equipment used in extraction and, if applicable, provide proof that equipment and process has been inspected by a:

(i) Certified mechanical or electrical engineer;

(ii) Industry recognized third party; or

(iii) Manufacturer.

(c) Must:

(A) Process in a fully enclosed room clearly designated on the current diagram of the licensed premises.

(B) Process, if using hydrocarbon solvents, in a room with equipment, including all electrical installations that meet the requirements of the Oregon Structural Specialty Code, related Oregon Specialty Codes and the Oregon Fire Code.

(C) Use a professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering standards, such as those of:

(i) American National Standards Institute (ANSI);

(ii) Underwriters Laboratories (UL); or


(D) If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.

(E) For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the Oregon State Board of Examiners for Engineering and Land Surveying, unless an exemption under ORS 672.060 applies.

(F) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.

(G) Have all applicable material safety data sheets readily available to personnel working for the processor.

(H) If subject to inspection by local and state fire officials, maintain the premises’ Certificate of Occupancy at intervals specified by the fire official.

(3) Cannabinoid Concentrates. A processor with an endorsement to make cannabinoid concentrates:

(a) May not:

(A) Use denatured alcohol.

(B) If using carbon dioxide, apply high heat or pressure.
(b) Must only use or store dry ice in a well-ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.

(c) May use:

(A) A mechanical extraction process; or

(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.

(C) An extraction process using the solvent carbon dioxide, provided that the process does not involve the use of heat over 180 degrees (Fahrenheit) or pressure.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090 & 2017 OL Ch. 531
History:
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3265
Inhalable Cannabinoid Product Processor Requirements

(1) A processor may only use a non-cannabis additive in an inhalable cannabinoid product if the non-cannabis additive is accompanied by a list of ingredients from the manufacturer of the non-cannabis additive that:

(a) In a header section, displays the name of the non-cannabis additive and the business name of the manufacturer of the non-cannabis additive;

(b) In clear and legible font, includes a statement that the non-cannabis additive is for use in a product intended for human inhalation;

(c) Accurately identifies all ingredients in the non-cannabis additive; and

(d) For each ingredient of the non-cannabis additive, includes:

(A) A Chemical Abstracts Service Reference Number that specifies the ingredient’s isomer and, if applicable, enantiomer; and

(B) The ingredient’s concentration range within 20 percentage points.

(2) A processor may not use a non-cannabis additive in an inhalable cannabinoid product that contains any amount of:

(a) Squalene;

(b) Squalane;

(c) Vitamin E Acetate;

(d) Triglycerides, including but not limited to Medium-Chain Triglyceride (MCT) Oil; or

(e) Propylene Glycol, unless the product is going to be delivered through a metered dose inhaler whose functionality does not require combustion or heated vaporization.

(3) On or after April 1, 2021, a processor may not manufacture or process an inhalable cannabinoid product that does not meet the requirements of this rule.

(4) On or after July 1, 2021, a processor may not possess, sell, deliver, transfer, transport, purchase, or receive an inhalable cannabinoid product that does not meet the requirements of this rule.

(5) Sanction.

(a) An intentional violation of this rule is a Category II violation.

(b) An unintentional violation of this rule is a Category III violation.

Statutory/Other Authority: ORS 475B.025, 475B.232 & 475B.236
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 24-2020, adopt filed 12/21/2020, effective 12/22/2020
845-025-3270
CTS Requirements for Inhalable Cannabinoid Products with Non-Cannabis Additives

(1) On and after April 1, 2021:

(a) A licensee, research certificate holder, or hemp certificate holder in possession of an inhalable cannabinoid product with non-cannabis additives must record the item in CTS with the item category of:

(A) “Inhalable Cannabinoid Product with Non-Cannabis Additives” for an inhalable cannabinoid product that is a marijuana item; or

(B) “Inhalable Hemp Cannabinoid Product with Non-Cannabis Additives” for an inhalable cannabinoid product that is a hemp item.

(b) In addition to the requirements of (1)(a) of this rule, a processor in possession of an inhalable cannabinoid product with non-cannabis additives must, in the item’s ingredients section of CTS, record:

(A) The name of all non-cannabis additives used in the item; and

(B) For each non-cannabis additive used, the business name of the manufacturer of the non-cannabis additive.

(2) The ingredients recorded in CTS under (1)(b) of this rule must match the information that is contained in the header section of the non-cannabis additive’s list of ingredients as required by OAR 845-025-3265(1)(a).

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.560 & 475B.105
Statutes/Other Implemented: ORS 475B.177
History: OLCC 24-2020, adopt filed 12/21/2020, effective 12/22/2020

845-025-3280
Cannabinoid Topical Processor

A processor with a cannabinoid topical endorsement may not engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS 624.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090
History: OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3290
Processors Recordkeeping

(1) A processor must keep records documenting the following:

(a) How much marijuana or industrial hemp is in each process lot;

(b) If a product is returned by a licensee, how much product is returned and why;

(c) If a defective product was reprocessed, how the defective product was reprocessed; and

(d) Each training provided in accordance with OAR 845-025-3240, the names of employees who participated in the training, and a summary of the information provided in the training.

(2) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.

(3) If the Commission requires a processor to submit or produce documents to the Commission that the processor believes falls within the definition of a trade secret as defined in ORS 192.501, the processor must mark each document “confidential” or “trade secret”.

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.090 & 2017 OL Ch. 531
History: OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16
845-025-3300
Processing Marijuana for Medical Purposes

(1) In order to process marijuana items for medical purposes a marijuana processor licensed under ORS 475B.090 must register with the commission in a form and manner specified by the commission.

(2) A marijuana processor licensed under ORS 475B.090 who has registered with the commission to process marijuana items for medical purposes:

(a) May:

(A) Process medical grade cannabinoid products, concentrates or extracts; and

(B) Sell or transfer medical grade cannabinoid products, concentrates or extracts to wholesalers, processors and retailers who have registered to sell or process marijuana for medical purposes.

(C) Sell or transfer medical grade cannabinoid products, concentrates or extracts to research certificate holders and non-profit dispensaries.

(b) Must comply with the requirements of OAR 333-007-0010 to 333-007-0100 for labeling medical grade products.

Statutory/Other Authority: ORS 475.025
Statutes/Other Implemented: 2016 OL Ch. 83 & Sec. 3
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

845-025-3305
Processing for Cardholders

(1) Eligibility. Notwithstanding OAR 845-025-3215(3), a processor licensed under ORS 475B.090 who has registered in the form and manner prescribed by the commission may receive usable marijuana from a patient or the patient’s designated primary caregiver and, for a fee, process that usable marijuana into cannabinoid products, concentrates and extracts for transfer to the patient or the patient’s designated primary caregiver subject to the following conditions:

(a) The processor cannot receive more than 24 ounces of usable marijuana from a patient or the patient’s designated primary caregiver in a single transaction;

(b) The processor cannot receive more than three pounds from a patient or the patient’s designated primary caregiver in any 12-month period; and

(c) The processor may not transfer more than the following amounts of marijuana items to a patient or the patient’s designated primary caregiver in a single transaction:

(A) One ounce of cannabinoid extracts;

(B) 16 ounces of cannabinoid concentrates;

(C) 16 ounces of cannabinoid products in solid form;

(D) 72 ounces of cannabinoid products in liquid form; or

(E) Five grams of cannabinoid products intended for inhalation.

(d) In total the processor may not transfer more than the following amounts of marijuana items to a patient or the patient’s designated primary caregiver in any 12 month period:

(A) Two ounces of cannabinoid extracts;

(B) 32 ounces of cannabinoid concentrates;

(C) 32 ounces of cannabinoid products in solid form; or

(D) 144 ounces of cannabinoid products in liquid form.

(e) The processor must:

(A) Record all activity under this rule in CTS; and

(B) Have the proper endorsements listed within 845-025-3210.

(2) Transfer requirements. Prior to transferring any cannabinoid products, concentrates or extracts processed under this rule to a patient or the patient’s designated primary caregiver the processor must:
(a) Securely affix a label that contains the following information in a legible font to all containers holding a marijuana item:

(A) A statement that reads: “NOT FOR SALE” in bold, capital letters attached to the marijuana item;

(B) The universal symbol;

(C) The UID number;

(D) The business name and license number of the processor; and

(E) The net weight or volume of the marijuana or marijuana item.

(b) Comply with the:

(A) Testing requirements applicable to licensed processors in ORS 475B.550 to ORS 475B.590 and OAR 333-007-0300 to 333-007-0500;

(B) The concentration limit requirements in ORS 475B.625 and any rules adopted thereunder; and

(C) Generate a manifest in CTS and carry a physical copy of the manifest during transportation, if delivering to a patient or designated primary caregiver. If the cardholder or designated primary caregiver is picking up the cannabinoid products, extracts or concentrates from the processor, a physical manifest is not required to be printed but must be generated in CTS.

(3) Record Keeping. In addition to the requirements of (1)(e) the processor must record all patient or designated primary caregiver’s OMMP number from whom they receive usable marijuana and the OMMP number of the patient or designated primary caregiver to whom they transfer cannabinoid products, concentrates and extracts.

(4) Processing Requirements. The processor may only combine usable marijuana received from patients or designated primary caregivers when processing cannabinoid products, concentrates and extracts for a patient’s or the patient’s designated primary caregiver. A processor may not add or contribute any other usable marijuana, industrial hemp, or hemp items to the processing.

(a) When distributing a cannabinoid product derived from usable marijuana received from multiple patients in (4) of this rule, the processor must distribute in proportional shares.

(b) The processor must segregate all usable marijuana received under this rule and all cannabinoid products, concentrates and extracts processed under this rule from its other inventory.

(5) Violations. Failure to comply with this rule is a Category III violation.

Statutory/Other Authority: ORS 475B.025, ORS 475B.090 & ORS 475B.139
Statutes/Other Implemented: ORS 475B.090 & ORS 475B.139
History:
OLCC 3-2021, amend led 04/13/2021, effective 04/16/2021
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, adopt led 12/22/2017, effective 12/28/2017

845-025-3310
Transfer of Medical Marijuana Processing Site Inventory

(1) For purposes of this rule:

(a) “Marijuana processing site” means a marijuana processing site registered under ORS 475B.435.

(b) “Person responsible for the marijuana processing site” or “PRP” has the meaning given that term in OAR 333-008-0160.

(c) “Primary PRP” has the meaning given that term in OAR 333-008-0160.

(2) An applicant for a processor license under ORS 475B.090 that is also an owner of a registered marijuana processing site or a business that applied to register as a marijuana processing site prior to December 31, 2016 under ORS 475B.435, may submit a transfer request to the Commission, on a form prescribed by the Commission, to transfer inventory produced or obtained under Authority approval or registration.

(3) Requests made under this rule must include, at a minimum, the following information:

(a) The name of the marijuana processing site, address, and Authority issued registration number for the marijuana processing site.
(b) The name and contact information of the owner of the marijuana processing site.

(c) The names and contact information for each PRP.

(d) Identification of the primary PRP.

(e) The endorsements of the marijuana processing site.

(f) An authorization that permits the Authority to disclose to the Commission any information necessary to verify the information submitted in the request; and

(g) The amount and types of marijuana items proposed to be transferred.

(4) Upon receiving a request under section (2) of this rule the Commission must verify with the Authority:

(a) The registration status of the marijuana processing site; and

(b) The ownership of the processing site and the identification of each PRP and the primary PRP.

(5) A transfer request will be denied if an applicant has not complied with this rule or if a license is denied under OAR 845-025-1115.

(6) If the information in the transfer request is verified by the Authority and the Commission approves a license application under ORS 475B.090, the Commission must notify the applicant of the amount and type of marijuana items permitted to be transferred.

(a) The Commission may not permit the transfer of a marijuana cannabinoid product, concentrate or extract packaged for ultimate sale to the consumer that exceeds the concentration limits established for retail adult use under OAR 333-007-0210 unless the licensee has been registered to process medical grade cannabinoid concentrates, extracts or products.

(b) For transfer requests that are received after January 31, 2017, the Commission may not permit the transfer of a marijuana item that was produced or acquired before December 31, 2016, unless the applicant is registered with the Authority as a processing site under ORS 475B.435 and the item was processed or acquired on or after the date the processing site was registered.

(c) Prior to licensure the marijuana processing site must return any marijuana item that is the lawful property of a patient.

(d) Any marijuana items that have not been approved by the Commission for transfer or returned to a patient as described in section (5)(b) of this rule must be removed from the premises by the applicant prior to the initial date of licensure and lawfully transferred or disposed of.

(7) Information regarding the usable marijuana, cannabinoid concentrates, extracts or products transferred must be recorded in CTS within ten calendar days of licensure.

(8) The licensee must notify the Commission once the usable marijuana, cannabinoid concentrates, extracts or products are entered into CTS and the Commission may inspect the premises to verify the information the licensee entered into CTS.

(9) Once the transfer of inventory under this section is complete the Commission must notify the Authority that the marijuana processing site is now a licensed premises and that the licensed premises may not be registered as a marijuana processing site address under ORS 475B.435.

(10) The Commission may deny a transfer request if:

(a) It cannot verify the information in the request or the applicant submitted incomplete information to the Commission; or

(b) The processor has not been granted an endorsement for the type of marijuana item requested for transfer.

(11) Any usable marijuana, cannabinoid concentrates, extracts or products transferred from a medical marijuana processing site to the licensed premises under this rule must be:

(a) Tested in accordance with OAR 845-025-5700 before being used or transferred; and

(b) Labeled and packaged in accordance with OAR 845-025-7000 to 845-025-7060 before being transferred to another licensee.

Statutory/Other Authority: ORS 475.025
Statutes/Other Implemented: 2016 OL Ch. 24 & Sec. 25
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
845-025-3500
Wholesale License Privileges; Prohibitions

(1) A wholesale licensee may:

(a) Sell, including sale by auction, transfer, deliver or transport:

(A) Any type of marijuana item or hemp item to a retailer, wholesaler, non-profit dispensary or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer or to a non-profit dispensary;

(B) Immature marijuana plants and seeds to a producer;

(C) Usable marijuana to the producer licensee that the wholesale licensee has stored on the producer's behalf;

(D) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee;

(E) Trade samples as allowed under OAR 845-025-1330;

(F) Marijuana or hemp waste to a producer, processor, wholesaler or research certificate holder;

(G) Harvested industrial hemp to a wholesaler or to a processor with an industrial hemp endorsement; and

(H) Industrial hemp items to a processor with an industrial hemp endorsement.

(I) Inventory from a retailer as allowed by OAR 845-025-2800(5).

(b) Purchase, possess or receive:

(A) Any type of marijuana item or hemp item from a wholesaler;

(B) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;

(C) Seeds, immature plants, or usable marijuana, or kief from a producer;

(D) Cannabinoid concentrates from a producer that holds a concentrate endorsement under OAR 845-025-2025;

(E) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer;

(F) Trade samples as allowed under OAR 845-025-1330;

(G) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder;

(H) Hemp Items from a processor with an industrial hemp endorsement or a Commission-certified hemp handler;

(I) Harvested industrial hemp from a wholesaler, a processor with an Industrial Hemp endorsement, a Commission-certified hemp handler, or a Commission-certified hemp grower; and

(J) Inventory from a retailer as allowed under OAR 845-025-2800(5).

(c) Transport and store marijuana items and hemp items received from other licensees, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.

(d) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(e) Accept or make returns of marijuana items, as long as the wholesaler:

(A) Only accepts or returns usable marijuana, marijuana items, harvested industrial hemp, hemp items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in (A) of this section from the original licensee whom supplied or purchased the item; and

(C) Accurately records the transaction and its disposition once returned in the CTS.

(f) Trim whole non-living plants and usable marijuana on behalf of a producer licensee, as long as both the wholesale licensee and producer licensee comply with all applicable rules including tracking all transactions and any packaging of marijuana items in CTS; and if:

(A) Trimming is performed on the wholesaler’s licensed premises; or
(B) Trimming is performed at the producer’s licensed premises and the wholesale licensee holds a “For Hire Trimming Privilege” as set forth in OAR 845-025-3505.

(2) A wholesale licensee may not:

(a) Sell, deliver, purchase, or receive any marijuana item, industrial hemp, or hemp item other than as provided in this rule.

(b) Transfer, sell, transport, purchase, possess, accept, return, or receive any industrial hemp or hemp item that exceeds the THC limits specified in OAR 845-025-2760 unless the item was manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019. A wholesale licensee may transfer, sell, transport, purchase, possess, accept, return, or receive hemp items manufactured by a processor with an industrial hemp endorsement prior to March 1, 2019 in accordance with these rules until December 31, 2019.

(3) For purposes of this rule, “marijuana item” does not include a mature marijuana plant

Statutory/Other Authority: ORS 475B.025 & 475B.090
Statutes/Other Implemented: ORS 475B.100 & ORS 571.336
History:
OLCC 3-2020, amended 01/28/2020, effective 02/01/2020
OLCC 4-2019, amended 02/25/2019, effective 03/01/2019
OLCC 13-2017, temporary amended 10/05/2017, effective 10/05/2017 through 12/27/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-3505
Wholesaler For-Hire Trimming Privilege

(1) Eligibility.

(a) A licensee that holds a wholesaler license under ORS 475B.100 may apply for a for-hire trimming privilege.

(b) This rule does not apply to entities solely providing staffing services for trimming operations.

(2) Definitions.

(a) “For-hire trimmer” means any wholesale licensee who has applied for and received approval under this rule.

(b) “Mobile trimming equipment” is equipment that is transported to the licensed premises which alters the security plan approved by the Commission.

(c) “Trim” means the process of separating marijuana usable flower from usable marijuana leaves and stems.

(3) Application Requirements.

(a) A wholesale licensee must receive approval from the Commission prior to providing for-hire trimming services of marijuana, on a form prescribed by the Commission.

(b) The application for a for-hire trimmer privilege under this rule shall include a description of any mobile equipment that will be transported to the producer’s licensed premises and a written control plan on a form prescribed by the Commission. The control plan shall include:

(A) Procedures that prevent unlawful activity and violations; and

(B) Procedures that prevent any person under 21 years to be admitted to the areas where marijuana will be trimmed.

(c) The Commission may require additional forms, documents or information as part of the application.

(d) The Commission may require an inspection of the wholesale licensee’s mobile trimming operation at any time.

(e) The Commission may refuse to process any application that is not complete or is not accompanied by the documents or disclosures required by the form or the Commission.

(4) Operations Requirements.

(a) The approved wholesaler must notify the Commission at least 3 business days in advance before transporting the mobile trimming equipment to the producer’s licensed premises.
(b) The approved wholesaler and producer must:

(A) Ensure that all trimming activities are captured on video and meet the requirements of OAR 845-025-1450;

(B) Capture and maintain surveillance video as set forth in 845-025-1450. If the activity is captured on video by the wholesaler, the wholesaler licensee must provide a copy of the video to the producer before leaving the licensed premises; and

(C) Maintain a log of all activity allowed under this rule. The log must contain the first and last name and date of birth of every visitor and the date they visited.

(5) The Commission may deny any application for a for-hire trimmer that does not meet the requirements of this rule.

(6) The Commission may deny, cancel or restrict an application for a for-hire trimmer privilege for any reason for which the Commission may deny, revoke or restrict a regular license or if the Commission, in its discretion, determines that approving the privilege would present a risk to public health and safety.

(7) The Commission may deny or restrict an application for a for-hire trimmer privilege if any participating licensee has been found to have violated ORS 475B.010 to 475B.395 or any rules adopted thereunder in the past 24 months.

(8) When the Commission approves a control plan required under this rule, the licensee(s) must follow that written plan. Failure to follow that written plan is a Category III violation. An intentional violation of this rule is a Category I violation and may result in license revocation.

(9) The Commission may immediately revoke for-hire trimmer privilege if the Commission has reasonable grounds to believe continued operation presents a risk to public health and safety.

(10) The wholesaler and the producer are jointly liable for any violation of ORS 475B.010 to ORS 475.390 or any rules adopted thereunder that occur on the producer's licensed premises while the wholesaler is present and exercising the for-hire trimmer privilege.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: 475B.100 & 2017 OL Ch. 183
History:
OLCC 13-2017, temporary adopted 10/05/2017, effective 10/05/2017 through 12/27/2017

845-025-3510
Micro-Wholesaler License Privileges

(1) A micro-wholesale licensee may:

(a) Purchase, possess, or receive usable marijuana, immature marijuana plants, seeds, whole non-living marijuana plants and marijuana waste only from a producer with a micro tier I or micro tier II canopy; and

(b) Accept or make returns marijuana items, as long as the micro-wholesale licensee:

(A) Only accepts or returns usable marijuana, marijuana items, immature marijuana plants, seeds and whole non-living marijuana plants;

(B) Only accepts or returns eligible items listed in paragraph (A) of this subsection from a producer with a micro tier I or micro tier II canopy; and

(C) Accurately records the transaction in the CTS.

(2) Sell including sale by auction, transfer, deliver or transport:

(a) Usable marijuana to a retailer, wholesaler, processor, non-profit dispensary or research certificate holder;

(b) Seeds and immature plants to a retailer, wholesaler, producer, non-profit dispensary or research certificate holder;

(c) Whole non-living marijuana plants to a wholesaler, processor or non-profit dispensary; and

(d) Marijuana waste to a producer, processor, wholesaler or research certificate holder.

(3) Transport and store marijuana items received from producers with a micro tier 1 or micro tier II canopy, pursuant to the requirements of OAR 845-025-7500 to 845-025-7590 and 845-025-7700.

(4) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules and OAR 333-007-0300 to 333-007-0500.

(5) A micro-wholesaler may not purchase, possess, receive, sell, transfer, deliver, transport, trim or store any marijuana item other than as provided in this rule.
845-025-3600
Wholesaling Marijuana for Medical Purposes

(1) In order to sell marijuana at wholesale for medical purposes a marijuana wholesaler licensed under ORS 475B.100 must register with the commission in a form and manner specified by the commission.

(2) A marijuana wholesaler licensed under ORS 475B.100 who has registered with the commission to wholesale marijuana items for medical purposes:

(a) May:

(A) Receive or purchase medical grade cannabinoid products, concentrates or extracts from processors that have registered to process marijuana items for medical purposes;

(B) Sell or transfer medical grade cannabinoid products, concentrates or extracts to wholesalers, processors and retailers who have registered to sell or process marijuana for medical purposes; and

(C) Sell or transfer medical grade cannabinoid products, concentrates or extracts to research certificate holders and non-profit dispensaries.

(b) Must comply with the requirements of OAR 333-007-0100 to 333-007-0100 for labeling medical grade products.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.075 & 2016 OL Ch. 83 & Sec. 4
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16

845-025-5000
Laboratory License Privileges; Requirements

(1) A licensed marijuana testing laboratory may:

(a) Obtain samples of marijuana items from licensees or registrants for the purpose of testing as provided in these rules and OAR 333-007-0300 to 333-007-0500 if the laboratory has an accredited scope item for sampling;

(b) Transport and dispose of samples as provided in these rules;

(c) Perform testing on marijuana items in a manner consistent with the laboratory’s accreditation by the Authority, these rules, OAR 333-007-0300 to 333-007-0500, and OAR 333, Division 64; and

(d) Transfer the laboratory’s marijuana waste to a producer, processor, wholesaler, or research certificate holder.

(2) A licensed marijuana testing laboratory must, upon request of the Oregon Department of Agriculture, provide a test result and any other information or sample material to the Department.

(3) Notwithstanding the requirements of OAR 845-025-1230, a laboratory licensee may permit a registrant 18 years of age or older to be present on the licensed premises for the purpose of delivering a marijuana item for sampling and testing.

(4) Nothing in these rules prohibits a laboratory licensee from testing industrial hemp or industrial hemp commodities and products in accordance with the rules established by the Oregon Department of Agriculture.

(5) A licensed laboratory may return a marijuana item obtained for purposes of testing to the licensee, registrant or research certificate holder, in accordance with any applicable accreditation standards for retaining samples. The return of such marijuana items must be entered into CTS or, if the return is to a registrant, documented in the laboratory’s records.

(6) A licensed laboratory may not obtain samples, transport, dispose of, perform testing, transfer or return any marijuana item other than as provided in this rule.

Statutory/Other Authority: ORS 475B.560
Statutes/Other Implemented: ORS 475B.560
845-025-5030
Laboratory Licensing Requirements

(1) General Requirements.

(a) A laboratory that intends to collect samples or test marijuana items for producer, processor, wholesale, or retail licensees, or research certificate holders must be licensed by the Commission.

(b) An applicant for a license under this rule must comply with all applicable application requirements in OAR 845-025-1030 and pay the required application and license fees.

(c) A laboratory application is subject to the same application review procedures as other applicants.

(d) In addition to the denial criteria in OAR 845-025-1115, the Commission may refuse to issue a laboratory license for any violation ORS 475B.550 to 475B.590, OAR 333-007-0300 to 333-007-0490, OAR 333, Division 64 or these rules.

(e) In addition to the denial criteria in OAR 845-025-1115, the Commission may refuse to issue a laboratory license to any person who:

(A) Holds a producer, processor, wholesale or retail license;

(B) Is registered with the authority under ORS 475B.420 and is a person designated to produce marijuana by a registry identification cardholder as that is defined in ORS 475B.410; or

(C) Is registered with the authority under ORS 475B.435 or 475B.450.

(f) Laboratory application and license fees are established in OAR 845-025-1060.

(g) A laboratory that is only accredited to perform sampling may be designated as a Sampling Laboratory for purposes of the licensing fee in OAR 845-025-1060. This designation may only be changed upon license renewal.

(2) Accreditation by the Authority

(a) In addition to the requirements listed in section (1) of this rule, an applicant for a laboratory license must be accredited by the Authority under OAR 333, Division 64 for any cannabis sampling or testing the applicant will perform under OAR 333-007-0300 to 333-007-0490.

(b) An applicant for a license under this rule may apply for licensure prior to receiving accreditation, but the Commission will not issue a license until proof of accreditation is received.

(c) The Commission may make efforts to verify or check on an applicant’s accreditation status during the licensing process, but an applicant bears the burden of taking all steps needed to secure accreditation and present proof of accreditation to the Commission.

(d) In addition to the denial criteria in OAR 845-025-1115, the Commission may consider an application incomplete if the applicant does not obtain accreditation from the Authority within six months of applying for a license. The Commission shall give an applicant an opportunity to be heard if an application is declared incomplete under this section, but an applicant is not entitled to a contested case proceeding under ORS chapter 183. An applicant whose application is declared incomplete may reapply at any time.

(e) A licensed laboratory must maintain accreditation by the Authority at all times while licensed by the Commission. If a laboratory’s accreditation lapses or is revoked at any time for any reason while licensed by the Commission, the laboratory may not perform any activities that are subject to the lapsed or revoked accreditation until it is reinstated.

(f) Exercising license privileges without proper accreditation is a Category I violation and could result in license revocation.

(3) Renewal.

(a) A laboratory must renew its license annually and pay the required renewal fees in accordance with OAR 845-025-1190.

(b) A laboratory renewal application may be denied for any violation of ORS 475B.550 to 475B.590, OAR 333-007-0300 to 333-007-0490, OAR 333, Division 64, or these rules.
Laboratory Tracking and Reporting

(1) A laboratory licensee is required to utilize CTS for sampling or testing conducted for medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, medical marijuana dispensaries, licensees and research certificate holders, and follow all requirements established by OAR 845-025-7500 to 845-025-7590.

(2) A laboratory licensee conducting sampling or testing for licensees, medical marijuana grow sites subject to CTS tracking, medical marijuana processing sites, or medical marijuana dispensaries is responsible for tracking and entering the following information into CTS.

(a) Receipt of samples for testing, including:

(A) Size of the sample;

(B) Name of the licensee, grow site administrator, person responsible for the marijuana processing site, or person responsible for a medical marijuana dispensary from whom the sample was obtained;

(C) Date the sample was collected; and

(D) UID tag information associated with the harvest or process lot from which the sample was obtained.

(b) Tests performed on samples, including:

(A) Date testing was performed;

(B) What samples were tested for;

(C) Name of laboratory responsible for testing;

(D) Results of all testing performed; and

(E) An electronic copy of the report provided under OAR 333-064-0110 to the licensee, grow site administrator, processing site or dispensary.

(c) Disposition of any testing sample material.

(3) A laboratory licensee receiving a sample from another laboratory licensee for the purposes of performing a subcontracted compliance test, as described in is responsible for tracking and entering information into CTS as described in section (2)(b)(A) and (B) of this rule.

(4) A laboratory licensee must also comply with any recordkeeping requirements in OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(5) The Oregon Health Authority or the Commission may request records at any time of a laboratory licensee.

Laboratory Transportation and Waste Disposal

(1) A laboratory licensee must follow OAR 845-025-7700 and any applicable rules in 333-007-0300 to 333-007-0490 and OAR 333, division 64 regarding transportation of marijuana items.

(2) A laboratory licensee must follow all rules regarding disposal of samples from marijuana items established in OAR 845-025-7750.
845-025-5075
Laboratory Licensee Prohibited Conduct

(1) In addition to the prohibitions set forth in OAR 845-025-8520, a laboratory licensee may not:

(a) Perform any required marijuana sampling or testing using any sampling or testing methods or equipment not permitted under the laboratory's accreditation through the Authority;

(b) Perform any required marijuana sampling or testing for any licensed marijuana producer, processor, wholesaler or retailer in which the laboratory licensee has a financial interest;

(c) Perform any required hemp or hemp item sampling or testing for any hemp grower or hemp handler in which the laboratory licensee has a financial interest; or

(d) Engage in any activity that violates any provision of ORS Chapter 475B, OAR 333-007-0300 through OAR 333-007-0500 or OAR 333, Division 64 as applicable or these rules.

(2) The Commission may suspend or revoke a laboratory license for any violation of ORS 475B.550 to ORS 475B.590, OAR 333-007-0300 to 333-007-0500, OAR 333, Division 64, or these rules. The licensee has a right to a hearing under the procedures of ORS chapter 183; OAR chapter 137, division 003; and OAR chapter 845, division 003.

(3) A violation of this rule is a Category I violation and could result in license revocation.

845-025-5300
Application for Marijuana Research Certificate

(1) The Commission shall issue Marijuana Research Certificates to qualifying public and private researchers who present research proposals that demonstrate:

(a) The proposed research would benefit the state's cannabis industry, medical research or public health and safety; and

(b) The proposed operation and methodology complies with all applicable laws and administrative rules governing marijuana licensees and licensee representatives.

(2) The process for applying for, receiving and renewing a certificate shall be the same as the process for applying for, receiving and renewing a marijuana license under OAR 845-025-1030 to 845-025-1115.

(3) In addition to the application requirements in OAR-025-1030, the applicant must also provide:

(a) A clear description of the research proposal;

(b) A description of the researchers' expertise in the scientific substance and methods of the proposed research;

(c) An explanation of the scientific merit of the research plan, including a clear statement of the overall benefit of the applicant's proposed research to Oregon's cannabis industry, medical research, or to public health and safety;

(d) Descriptions of key personnel, including clinicians, scientists, or epidemiologists and support personnel who would be involved in the research, demonstrating they are adequately trained to conduct this research;

(e) A clear statement of the applicant's access to funding and the estimated cost of the proposed research;

(f) A disclosure of any specific conflicts of interest that the researcher or other key personnel have regarding the research proposal;

(g) A description of the research methods demonstrating an unbiased approach to the proposed research;

(h) A description of the quantities of marijuana items, if any, that are proposed be transferred to licensees; and
(i) If the applicant intends to research the use of pesticides, an experimental use permit issued by Oregon Department of Agriculture pursuant to OAR 603-057-0160.

(4) Research certificates will be granted for up to a three-year term.

(5) The Commission may request that the research certificate holder submit information and fingerprints required for a criminal background check at any time within the research certificate term.

(6) A certificate holder may, in writing, request that the Commission waive one or more of these rules. The request must include the following information:

(a) The specific rule and subsection of a rule that is requested to be waived;

(b) The reason for the waiver;

(c) A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver, or why such a safeguard is not necessary; and

(d) An explanation of how and why the alternative safeguard or waiver of the rule protects public health and safety, prevents diversion of marijuana, and provides for accountability.

(7) The Commission may, in its discretion, and on a case-by-case basis, grant the waiver in whole or in part if it finds:

(a) The reason the certificate holder is requesting the waiver is because another state or local law prohibits compliance;

(b) The certificate holder cannot comply with the particular rule, for reasons beyond the certificate holder’s control or compliance with the rule is cost prohibitive; or

(c) Because of the nature of the research, the Commission finds that compliance with a particular rule is not necessary and that even with the waiver public health and safety can be protected, there is no increased opportunity for diversion of marijuana, and the certificate holder remains accountable.

(8) The Commission must notify the certificate holder in writing whether the request has been approved. If the request is approved the notice must specifically describe any alternate safeguards that are required and, if the waiver is time limited, must state the time period the waiver is in effect.

(9) The Commission may withdraw approval of the waiver at any time upon a finding that the previously approved waiver is not protecting public health and safety or the research certificate holder has other issues with compliance. If the Commission withdraws its approval of the waiver the certificate holder will be given a reasonable period of time to come into compliance with the requirement that was waived.

Statutory/Other Authority: ORS 475B.235
Statutes/Other Implemented: ORS 475B.235 & 2016 OL Ch. 24, Sec. 12 & 65
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5350
Marijuana Research Certificate Privileges; Prohibitions

(1) A certificate holder may receive marijuana items from a licensee or a registrant under ORS 475B.400 to 475B.525.

(2) A certificate holder:

(a) May not:

(A) Sell or otherwise transfer marijuana items to any other person except when disposing of waste pursuant to OAR 845-025-7750, transferring to another certificate holder or transferring to another licensee pursuant these rules.

(B) Transfer more to another licensee than is permitted in the Commission’s order granting the research certificate.

(b) Must comply with the testing rules in OAR 333-007-0300 to 333-007-0490 applicable to a producer or processor prior to transferring marijuana items to a licensee.

(3) A certificate holder may not conduct any human subject research related to marijuana unless the certificate holder has received approval from an institutional review board that has adopted the Common Rule, 45 CFR Part 46.

(4) All administrative rules adopted by Commission for the purpose of administering and enforcing ORS Chapter; and any rules adopted thereunder with respect to licensees and licensee representatives apply to certificate holders except for those which are inconsistent with this rule.
Statutory/Other Authority: ORS 475B.235
Statutes/Other Implemented: ORS 475B.235 & 2016 OL Ch. 24, Sec. 12 & 65

History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5500
Marijuana Worker Permit

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

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

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

(c) The verification of any document described in ORS 475B.216; 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 his or her 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 or wholesaler 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 any work at the licensed premises.

Statutory/Other Authority: ORS 475B.215 & 475B.266
Statutes/Other Implemented: ORS 475B.215, 475B.266, 2016 OL Ch. 23 & 2017 OL Ch. 183

History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5520
Marijuana Worker Permit Applications

(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.

(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 required in section (2) of this rule to the Commission, the application shall be considered incomplete.
(4) Once the permit application has been processed and approved by the Commission, the applicant must pay the fee described in OAR 845-025-1060 before the permit is issued. If the applicant fails to pay the permit fee within 30 calendar days of receiving notice that the application has been approved, the application shall be considered incomplete.

Statutory/Other Authority: ORS 475B.215 & 475B.218
Statutes/Other Implemented: ORS 475B.215 & 475B.218
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5540
Marijuana Worker Permit Denial Criteria

(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 475B.010 to 475B.545 or any rule adopted under ORS 475B.010 to 475B.545 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 475B.010 to 475B.545 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 475B.010 to 475B.545 or any rule adopted under ORS 475B.010 to 475B.545; or

(h) Makes a false statement to the Commission.

(3) If the Commission denies an application under subsection (2)(g) to (h) of this rule the individual will not be eligible for a 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.

Statutory/Other Authority: ORS 475B.261 & ORS 475B.266
Statutes/Other Implemented: ORS 475B.261 & ORS 475B.266
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 10-2019, minor correction filed 07/09/2019, effective 07/09/2019
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 9-2016(Temp), f. 6-28-16, cert. ef. 6-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5560
Marijuana Worker Examination Requirements

(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 permit holders at any time, with adequate notice to permit holders.

Statutory/Other Authority: ORS 475B.215 & 475B.218
Statutes/Other Implemented: ORS 475B.215 & 475B.218
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5580
Marijuana Worker Renewal Requirements

(1) An individual must renew his or her marijuana worker permit every five years by submitting a renewal application, on a form prescribed by the Commission and the applicable fee specified in OAR 845-025-1060.

(2) Renewal applications will be reviewed in accordance with OAR 845-025-5520 and 845-025-5540.

Statutory/Other Authority: ORS 475B.215 & 475B.218
Statutes/Other Implemented: ORS 475B.215, 475B.218 & 2017 OL Ch. 183
History:
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5590
Suspension or Revocation

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

(a) Is convicted of a felony or is convicted of an offense under ORS 475B.010 to 475B.545, within two years of the application or renewal;

(b) Has violated a provision of ORS 475B.010 to 475B.545 or these rules; or

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

(2) The Commission shall revoke a marijuana worker permit if a permittee knowingly sells, delivers, transfers or makes available a marijuana item to a person under 21 years of age. This section does not apply to sales, deliveries, or transfers to registry identification cardholders who are 18 years of age or older.

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

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

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

(6) 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 475B.266 & ORS 475B.261
Statutes/Other Implemented: ORS 475B.266 & ORS 475B.261
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 7-2018, amend filed 07/26/2018, effective 08/01/2018
OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5700
Licensee Testing Requirements

(1) Licensees must comply with the Authority's testing rules in OAR 333-007-0300 to 333-007-0490 and OAR 333, division 64 prior to the sale or transfer of a marijuana item, as specified in those rules, except as described in subsection (2) of this rule.

(2) If commission staff finds there is insufficient laboratory capacity for the testing of pesticides, staff may issue an order allowing licensed marijuana testing laboratories to test randomly chosen samples from batches of usable marijuana
submitted for testing by a licensee, for pesticides, rather than testing every batch of usable marijuana for pesticides.

(a) The number of batches to be tested randomly will be specified in the order and may vary based on the laboratory capacity at the time the order is issued and the size of the harvest lot to be tested. Samples from at least one batch of every harvest lot must be tested for pesticides.

(b) If any one of the randomly chosen samples from a batch of a producer licensee's harvest lot fails a pesticide test every batch from the harvest lot must be tested for pesticides.

(c) If samples from each randomly chosen batch that are tested for pesticides pass, the entire harvest lot is considered to have passed pesticide testing and may be transferred or sold.

(d) If Commission staff determines that there is sufficient laboratory capacity to test every batch of usable marijuana for pesticides the staff shall give licensees 10 days' notice that all batches shall thereafter be required to be tested.

(e) Producer licenses are responsible for testing fee and may choose any laboratory licensee to conduct the test.

(3) A violation of this rule is a Category I violation.

Statutory/Other Authority: ORS 475B.550 & 475B.555
Statutes/Other Implemented: ORS 475B.550 & 475B.555
History:
Reverted to OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 3-2017(Temp), f. & cert. ef. 3-3-17 thru 8-29-17
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 16-2016(Temp), f. & cert. ef. 9-30-16 thru 3-31-17
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-5720
Labeling, Storage, and Security of Pre-Tested Marijuana Items

(1) Following samples being taken from a harvest or process lot batch a licensee must:

(a) Label the batch with the following information:

(A) The licensee's license number;

(B) The harvest or process lot unique identification number;

(C) The name and accreditation number of the laboratory that took samples and the name and accreditation number of the laboratory that will perform the testing, if different;

(D) The test batch or sample unique identification numbers supplied by the laboratory personnel;

(E) The date the samples were taken; and

(F) In bold, capital letters, no smaller than 12 point font, “PRODUCT NOT TESTED.”

(b) Store and secure the batch in a manner that prevents the product from being tampered with or transferred or sold prior to test results being reported.

(c) Be able to easily locate a batch stored and secured under section (1)(b) of this rule and provide that location to the Commission or a laboratory upon request.

(2) A batch may be stored in more than one receptacle as long as the labeling requirements are met.

(3) If the samples pass testing the product may be sold or transferred in accordance with the applicable Commission rules.

(4) If the samples do not pass testing the licensee must comply with OAR 845-025-5740 and 333-007-0450, as applicable.

Statutory/Other Authority: ORS 475B.550 & 475B.555
Statutes/Other Implemented: ORS 475B.550 & 475B.555
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16
845-025-5730
Wholesaler Coordination of Sampling and Testing

A wholesaler:

(1) May accept a batch, as that term is defined in OAR 333-007-0310 from a producer or processor that:

(a) Has not been sampled or tested in accordance with OAR 333-007-0300 to 333-007-0490, and OAR 333, Division 64 and may order tests and arrange for the sampling and testing of the batch in accordance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(b) Has been sampled but has not yet been tested in accordance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(2) Must secure, label, and store pre-tested marijuana items in accordance with OAR 845-025-5720.

(3) May not transfer or sell a marijuana item unless that marijuana item:

(a) Has been sampled and tested in accordance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64.

(b) Has passed all the required tests in OAR 333-007-0300 to 333-007-0490.

(4) Is jointly and severally responsible for ensuring compliance with OAR 333-007-0300 to 333-007-0490 and OAR 333, Division 64 with the licensee who produced or processed the marijuana item.

Statutory/Other Authority: ORS 475B.100 & 475B.555
Statutes/Other Implemented: ORS 475B.100 & 475B.555
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-5740
Failed Test Samples

If a licensee fails a test the licensee must comply with OAR 333-007-0450.

Statutory/Other Authority: ORS 475B.550 & 475B.555
Statutes/Other Implemented: ORS 475B.550 & 475B.555
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

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 the marijuana testing rules found in Chapter 333, Division 7 of the Oregon Administrative Rules 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.
Marijuana Item Recalls

(1) The Commission may require a licensee to recall any marijuana item that the licensee has sold or transferred upon a finding that circumstances exist that pose a risk to public health and safety. A recall may be based on, but it is not limited to, evidence that:

(a) Pesticides were used in the production of marijuana in violation of ORS 634 and OAR 603, Division 57;

(b) A marijuana item is contaminated or otherwise unfit for human use, consumption or application; or

(c) A marijuana item, including any marijuana, usable marijuana, cannabinoid concentrate or extract used in the processing of the marijuana item was not produced or processed by a licensee.

(2) If the Commission finds that a recall is required, the Commission must notify the public and licensees of the recall, may require a licensee to notify an individual to whom a marijuana item was sold and may require that the licensee destroy the recalled product.

Packaging and Labeling — Definitions

For the purposes of OAR 845-025-7000 through 845-025-7190, unless otherwise specified:

(1) "Activation time" means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a marijuana or hemp item.

(2) "Added substances" 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 added flavors, non-marijuana derived terpenes, and any substances used to change viscosity or consistency of the cannabinoid product.

(3) "Attractive to minors" means packaging, receptacles, inhalant delivery devices, labeling and marketing 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; and

(e) Words that refer to products that are commonly associated with minors or marketed by minors.

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

(5) "Cannabinoid" for the purposes of labeling means any of the chemical compounds that are the active constituents of marijuana or industrial hemp.

(6) "Cannabinoid capsule" means a small, soluble pill, tablet, or container that contains liquid or powdered cannabinoid product, concentrate or extract and is intended for human ingestion.

(7) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process. For the purposes of labeling, cannabinoid concentrate or extract also includes concentrates and extracts derived from industrial hemp.

(a) "Cannabinoid edible" means:
(A) Food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated; or

(B) For purposes of labeling, includes any marijuana, cannabinoid concentrate, extract or cannabinoid product that is intended for human consumption or marketed in a manner that implies the item is for human consumption.

(b) For purposes of labeling "cannabinoid edible" does not include a cannabinoid tincture or capsule.

(9) "Cannabinoid product" means:

(a) A cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana; or

(b) Usable marijuana, cannabinoid extracts and cannabinoid concentrates that have been combined with an added substance.

(c) "Cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate or extract by itself; or

(C) Industrial hemp, as defined in ORS 571.300.

(10) "Cannabinoid tincture" means a liquid cannabinoid product packaged in a container of 4 fluid ounces or less that consists of either:

(a) A non-potable solution consisting of at least 25% 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.

(11) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.

(12) "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.

(13) "CBD" means cannabidiol.

(14) "Child resistant" means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.

(15) "Commission" means the Oregon Liquor Control Commission.

(16) "Consumer," for the purposes of these rules, has the meaning given that term in ORS 475B.015 and does not include a patient or designated primary caregiver.

(17) "Container"

(a) Means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed and any outer receptacle intended to display a marijuana item for ultimate sale to a consumer, patient, or designated primary caregiver.

(b) Does not mean:

(A) Inner wrapping or lining;

(B) An exit package; or

(C) A shipping container used to transfer marijuana items or industrial commodities or products in bulk from one licensee or registrant to another.

(18) "Date of harvest" means the day the last mature marijuana plant in the harvest lot was removed from the soil or other growing media.
(19) "Delta-9 THC" is the principal psychoactive constituent (the principal cannabinoid) of cannabis.

(20)(a) "Designated primary caregiver" means an individual:

(A) Who is 18 years of age or older;

(B) Who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and

(C) Who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.

(b) "Designated primary caregiver" does not include a person's attending physician.

(21) "Exit Package" means a sealed, child-resistant certified receptacle into which marijuana items already within a container are placed at the point of sale.

(22) "Food" means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum and includes beverages.

(23) "Generic label"

(a) Means a label that does not have any graphics, pictures, or logos, other than symbols required by these rules and has:

(A) Only the information required by rule;

(B) Additional test information not required by rule; or

(C) Additional information described in OAR 845-025-7160(7)(c).

(b) Does not mean a label for an inhalable cannabinoid product with a non-cannabis additive that is processed or manufactured on or after April 1, 2021.

(24) "Grower" has the same meaning as "person responsible for a marijuana grow site".

(25) "Health claim" means any claim made on the label that expressly states or implies a relationship between a substance and a disease or health-related condition.

(26) "Hemp symbol" means the image, established by the Commission and made available to licensees, indicating the item contains industrial hemp.

(27) "Industrial hemp commodity or product" means an item processed by a handler or processor containing any industrial hemp or containing any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp. "Industrial hemp commodity or product" does not include industrial hemp that has been minimally processed or has not been processed in any form.

(28) "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.

(29) "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.

(30) "Label" means any display of written, printed, or graphic matter printed on or affixed to any container, wrapper, liner, or insert accompanying the marijuana item or industrial hemp commodity or product.

(31) "Licensee" has the meaning given that term in ORS 475B.015.

(32) "Major food allergen" means an ingredient that contains any of the foods or food groups listed in subsections (a) to (h) or an ingredient that contains protein derived from one of the foods listed in subsections (a) to (h):

(a) Milk;

(b) Egg;

(c) Fish;

(d) Crustacean shellfish;

(e) Tree nuts;

(f) Wheat;

(g) Peanuts; and
(h) Soybeans.

(33)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

(34) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product, or a cannabinoid concentrate or extract.

(35) "Medical grade cannabinoid product, cannabinoid concentrate or cannabinoid extract" means a cannabinoid product, cannabinoid concentrate or cannabinoid extract that has a concentration of THC that is permitted under ORS 475B.625 in a single serving of the cannabinoid product, cannabinoid concentrate or cannabinoid extract for a patient.

(36) "Medical grade symbol" means the image established by the Commission and made available to licensees indicating the cannabinoid product, concentrate or extract may only be sold or transferred to a designated primary caregiver or patient, for use only by a patient.

(37) "Medical marijuana dispensary" means a facility registered under ORS 475B.858.

(38) "Net quantity of contents" means a statement on the principal display panel of the net weight or net volume of the product expressed in the terms of weight, measure, or numerical count.

(39) "Net volume" means the fluid measure of a liquid product expressed as milliliters and fluid ounces.

(40) "Net weight" means the gross weight minus the tare weight of the packaging expressed as ounces and grams or milligrams. "Net weight" as applied to pre-rolled marijuana includes the dried marijuana leaves and flowers, the rolling paper, and the filter or tip.

(41)(a) "Other Cannabinoid Product" means a cannabinoid product that contains two or more ingredients and is not intended for human consumption, including but not limited to products that combine usable marijuana and concentrates or extracts; or usable marijuana, concentrates or extracts that contain added substances.

(b) "Other Cannabinoid Product" does not include pre-rolled marijuana consisting of only dried marijuana leaves and flowers, an unflavored rolling paper and a filter or tip.

(42) "Patient" has the same meaning as "registry identification cardholder.

(43) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as "grower.

(44) "Place of address" means the name, mailing address, city, state and zip code of the processor who made the cannabinoid edible.

(45) "Principal display panel" means the part of a label on a package or container that is most likely to be displayed, presented, shown or seen under customary conditions of display for sale or transfer.

(46) "Processor" means a person:

(a) Licensed by the Commission to process marijuana under ORS 475B.090;

(b) Licensed by the Commission under ORS 475B.070 who produces kief;

(c) Registered with the Oregon Department of Agriculture under ORS 571.305 who manufactures hemp items; or

(d) Registered with the Authority under ORS 475B.840 as a processing site and who is not exempt from labeling requirements under ORS 475B.605.

(47) "Producer" means a person:

(a) Licensed by the Commission to produce marijuana under ORS 475B.070; and

(b) Registered with the Authority under ORS 475B.810 as a grower and who is not exempt from labeling requirements under ORS 475B.605.

(48) "Product identity" means a truthful or common name of the product that is contained in the package.

(49) "Registrant" means a person registered with the Authority under ORS 475B.785 to 475B.949.

(50) "Registry identification cardholder" means a person to whom a registration card has been issued under ORS 475B.797.
(51) "Serving" or "serving size" means an amount of product that is suggested for use by a consumer or patient trying the item for the first time.

(52) "THC" means tetrahydrocannabinol and includes both THCA and delta 9 THC.

(53) "These rules" means OAR 845-025-7000 through 845-025-7190.

(54) "UID number" for the purpose of labeling, means the unique identification number generated by CTS at the time the marijuana item was packaged and labeled for ultimate sale to a consumer, patient, or designated primary caregiver.

(55) "Ultimate sale" means the final sale from a retail location or dispensary to a consumer, patient, or designated primary caregiver.

(56) "Universal symbol" means the image, established by the Authority and made available to licensees and registrants, indicating the marijuana item contains marijuana.

(57)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.

(b) "Usable Marijuana" 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.

(c) "Usable marijuana" 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.

Statutory/Other Authority: ORS 475B.605 & 475B.610
Statutes/Other Implemented: ORS 475B.605

Purpose, Scope and Effective Date

(1) The purpose of OAR 845-025-7000 through 845-025-7190 is to set the minimum standards for the packaging and labeling of marijuana items and industrial hemp commodities and products that are for ultimate sale or transfer to a consumer, patient, or designated primary caregiver at an OMMP registered dispensary or OLCC licensed retailer. These minimum standards are applicable to:

(a) A Commission licensee as defined in OAR 845-025-1015; and

(b) A person registered with the Authority under ORS 475B.785 to 475B.949 who is not exempt from the labeling requirements as described in section (2) of this rule.

(2) The labeling requirements in these rules do not apply to:

(a) A grower if the grower is transferring usable marijuana or an immature marijuana plant to:

(A) A patient who designated the grower to grow marijuana for the patient; or

(B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient.

(b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.

(c) A licensee or registrant transferring a bulk quantity or amount of marijuana items to another licensee or registrant for processing or packaging.

(d) A licensee, hemp handler, or hemp grower transferring a bulk quantity or amount of industrial hemp or industrial hemp commodities or products to a licensee for processing or packaging.

(e) A marijuana processor registered under ORS 475B.139 when the marijuana processor receives marijuana or usable marijuana from a patient or a designated primary caregiver and processes the marijuana or usable marijuana into
cannabinoid products, cannabinoid concentrates and cannabinoid extracts and transfers the processed marijuana items back to the patient or designated primary caregiver.

(3) Nothing in these rules prohibits the Commission, the Authority, or the Oregon Department of Agriculture from:

(a) Imposing additional labeling requirements in their respective rules governing licensees and registrants as long as those additional labeling requirements are not inconsistent with these rules; or

(b) Requiring licensees or registrants to provide informational material to a consumer, patient or designated primary caregiver at the point of sale.

Statutory/Other Authority: ORS 475B.605 & ORS 475B.615
Statutes/Other Implemented: ORS 475B.605 & ORS 475B.615
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7020
Packaging for Sale to Consumer

(1) Containers or packaging for marijuana items and industrial hemp commodities or products must protect the packaged item from contamination and must not impart any toxic or deleterious substance to the packaged item.

(2) Marijuana items and industrial hemp commodities or products for ultimate sale to a consumer, patient, or designated primary caregiver, except for immature plants and seeds, must:

(a) Be packaged in a container that is resealable and continually child-resistant as certified by a qualified third party child-resistant package testing firm or placed within an exit package that is resealable and continually child-resistant as certified by a qualified third party child-resistant package testing firm prior to final sale or transfer to consumer, patient, or designated primary caregiver if the product is a cannabinoid product, cannabinoid concentrate or cannabinoid extract;

(b) Be packaged in a container that is child-resistant for at least a single use as certified by a qualified third party child-resistant package testing firm or placed within an exit package that is child-resistant as certified by a qualified third party child-resistant package testing firm prior to final sale to consumer, if the item is usable marijuana;

(c) Not be packaged or labeled in a manner that is attractive to minors; and

(d) Be labeled in accordance with OAR 845-025-7000 to 845-025-7190.

(3) Packaging may not contain any untruthful or misleading content.

(4) Nothing in this rule:

(a) Prevents the re-use of packaging that is capable of continuing to be child-resistant, as long as the package is in good working order and maintains its child-resistant properties, and as permitted by rules established by the Commission or the Authority; or

(b) Prohibits the Commission or the Authority from imposing additional packaging requirements in their respective rules governing licensees and registrants.

(5) A licensee or registrant must provide to the Commission or the Authority upon that agency's request, additional information about the testing that was performed by the qualified third party child-resistant package testing firm in accordance with 16 CFR 1700.

(6) Licensees and registrants are prohibited from selling packages, containers or devices intended for intravenous delivery.

Statutory/Other Authority: ORS 475B.615
Statutes/Other Implemented: ORS 475B.070, 475B.090, 475B.100 & 475B.615
History:
OLCC 6-2018, amend led 05/23/2018, effective 06/01/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 12-2016(Temp), f. & cert. ef. 8-23-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 2-2016(Temp), f. & cert. ef. 2-23-16 thru 8-18-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7030
Labeling for Sale to Consumer
(1) A label required by these rules must:

(a) Be printed on or affixed to the container holding the marijuana item or industrial hemp commodity or product and printed on or affixed to any outer package or container that is used to display the marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient or designated primary caregiver;

(b) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2016), Uniform Packaging and Labeling Regulation, incorporated by reference;

(c) Contain all required information in any typed, legible font that is easy to read and contrasts sufficiently with the background and is at least 1/16th of an inch in height based on the uppercase “K”; 

(d) Be in English, though it can be in other languages; and

(e) Be unobstructed and conspicuous.

(2) A label may not:

(a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner that is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or

(b) Be attractive to minors, as that is defined in OAR 845-025-7000.

(3) Principal Display Panel.

(a) Every container that holds a marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient or designated primary caregiver must have a principal display panel, as that term is defined in OAR 845-025-7000.

(b) If a container holding the marijuana item or industrial hemp commodity or product is placed within another container for sale or transfer to a consumer, patient or designated primary caregiver, both containers must have a principal display panel as that term is defined in OAR 845-025-7000 in addition to the other labeling requirements provided in these rules.

(c) The principal display panel must contain the product identity, net quantity of contents, and universal symbol or hemp symbol, whichever is applicable.

(d) If the product is a medical grade cannabinoid product, concentrate or extract processed by a licensee, or medical marijuana processing site, the principal display panel must also include the medical grade symbol.

(e) If the product is an industrial hemp commodity or product processed by a licensee, the principal display must include the hemp symbol in place of the universal symbol.

(4) Product Identity

(a) The product identity be in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel, and shall be parallel to the base on which the package rests as it is designed and displayed.

(b) The product identity must clearly identify whether the item is derived from marijuana or hemp. An item that contains both industrial hemp and marijuana must identify the item as a marijuana item.

(c) The product identity for cannabinoid extracts and concentrates must correctly identify whether the product is an extract or a concentrate.

(5) Net Quantity Declaration

(a) The net quantity of contents provided on the principal display panel must be the average net quantity of contents of all of the packages in the batch.

(b) The net quantity declaration shall be in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.

(c) The net quantity declaration shall be a distinct item separated from other printed label information on all sides by at least a space equal to the height of the lettering used in the declaration. The declaration shall be presented in bold type in the bottom 30 percent of the principal display panel and in lines generally parallel with the base of the container.

(6) Potency Labeling. The THC and CBD amounts required to be on a label must be the value calculated by the laboratory that did the testing in accordance with OAR 333-064-0100.

(a) The potency value shall be expressed as an average of the samples taken and tested under OAR 333-007-0360. A label may not have a THC value that exceeds the applicable maximum concentration limit by over 10 percent as
specified in OAR 333-007-0200 to 333-007-0220, as applicable.

(b) For products tested on or after February 1, 2020, if the potency value for THC or CBD is reported by the laboratory as less than the limit of quantification, the value on the label must be listed as “<LOQ”.

(7) The universal symbol. The universal symbol must be at least 0.48 inches wide by 0.35 inches high and can be downloaded on the Commission’s website.

(8) Medical grade symbol. The medical grade symbol must be at least 0.35 inches in diameter and can be downloaded at marijuana.oregon.gov.

(9) Hemp symbol. The hemp symbol must be at least 0.48 inches wide by 0.35 high and can be downloaded on the Commission’s website.

(10) A marijuana item or industrial hemp commodity or product may have one or more label panels printed on or affixed to the container or packaging.

(11) Small Container Label. A marijuana item or industrial hemp commodity or product that is in a container that because of its size does not have sufficient space for a label that contains all the information required for compliance with these rules:

(a) May, in lieu of a label that has all the information required in OAR 845-025-7030 to 845-025-7140, have a label printed on or affixed to the container holding the marijuana item or industrial hemp commodity or product that includes at least the following:

(A) A principal display panel containing the net weight or volume, product identity, and universal symbol;
(B) Licensee business or trade name and license number or registrant business or trade name and registrant number;
(C) UID number;
(D) Concentration or amount of THC and CBD in the container; and
(E) Required warnings.

(i) For a retail marijuana item or industrial hemp commodity or product, the following warning is required on the label: “For use only by adults 21 and older. Keep out of reach of children.”

(ii) For a medical marijuana item, the following warning is required on the label: “For use by OMMP patients only. Keep out of reach of children.”

(b) Must include all required label information on an outer container or other required label information not listed in subsection (11)(a) of this rule on a hangtag attached to the marijuana item or industrial hemp commodity or product.

(c) May use a peel-back or accordion label with the information required in subsection (11)(b) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a patient or consumer as containing important information.

(12) Tiny Container Label. A marijuana item or industrial hemp commodity or product that is in a container that has a complete surface area available for applying a label that is less than 2 inches squared:

(a) May have a label printed on or affixed to the container that holds the marijuana item or industrial hemp commodity or product that includes at least the following:

(A) A principal display panel with the universal symbol and product identity;
(B) UID number;
(C) Concentration or amount of THC and CBD in the container;
(D) Licensee or registrant business or trade name and license or registrant number; and
(E) A warning that reads: “Keep out of reach of children.”

(b) Must include all required label information on an outer container or other required label information not listed in subsection (12)(a) of this rule on a hangtag attached to the marijuana item or industrial hemp commodity or product.

(c) May use a peel-back or accordion label with the information required in subsection (12)(b) of this rule on the inside of the peel-back or accordion label, if the peel-back or accordion label can be easily identified by a patient or consumer as containing important information.

(13) The outer container used to display the marijuana item or industrial hemp commodity or product for sale or transfer to a consumer, patient, or designated primary caregiver must comply with the labeling requirements in these rules, even if an inner container qualifies for the exception under section (11) or (12) of this rule.
(14) A marijuana item or industrial hemp commodity or product that simultaneously falls within more than one category, for example a cannabinoid concentrate that is intended for human consumption, must comply with the labeling requirements that apply to both cannabinoid concentrates and cannabinoid edibles, with the exception of the "DO NOT EAT" warning if the product is intended for human consumption or the "BE CAUTIOUS" warning if the effects of the product are customarily felt immediately.

(15) If a marijuana item or industrial hemp commodity or product is placed in a package that is being re-used, the old label must be removed and it must have a new label.

(16) A licensee or registrant must have documentation that demonstrates the validity of the calculation of the amount of sodium, cholesterol, protein, sugar, carbohydrates and total fat in a cannabinoid edible and must make that documentation available to the Commission or the Authority upon request.

(17)(a) A marijuana item or industrial hemp commodity or product that contains an ingredient consisting of two or more sub ingredients must either:

(A) Use the common name of the ingredient followed by a parenthetical listing of all ingredients in a descending order of predominance; or

(B) List all sub ingredients as individual ingredients in descending order of predominance.

(b) The list of ingredients must include any substance used in processing, preparing, manufacturing, packaging, or holding the cannabinoid product that is present in the final product, including any cooking or release spray.

(c) The list of ingredients must correctly identify the type of marijuana item or industrial hemp ingredient used to make the product.

(18) A cannabinoid edible that contains only a single serving may omit the servings per container declaration as long as the label clearly states that the package contains a single serving.

(19) A cannabinoid edible shall use one of the nutrition information formats provided by the Commission to display on the label the amount of calories, sodium, protein, added sugars, cholesterol, total carbohydrates, and total fat per serving, the serving size and number of servings per container, and the list of ingredients and potential allergens.

(20) If the container holding the marijuana item or industrial hemp commodity or product does not meet the child resistant standards set out in these rules, the outermost label must contain the following statement: “This package is not child resistant.”

(21) Exit packaging must contain a label that reads: “Keep out of the reach of children.”

(22) A cartridge or vaporizing device containing a cannabinoid or hemp concentrate, extract or product intended for use with an inhalant delivery system as that is defined in ORS 431A.175 is not required to be labeled in accordance with these rules except that the cartridge or device must have a label with the universal symbol or hemp symbol, as appropriate. All the remaining label requirements must be included on the packaging as required by these rules.

(23) The Commission may require that marijuana items and industrial hemp commodities and products sold at retail by Commission licensees be labeled with a Universal Product Code.

(24) Once a label is approved by the Commission, the label identification number provided by the Commission must be prominently displayed on the label of the outermost container.

(25) If a cannabinoid concentrate or extract contains any added substances, the item shall be considered a cannabinoid product and labeled under OAR 845-025-7120.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 6-2018, amend filed 05/23/2018, effective 06/01/2018
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 17-2016(Temp), f & cert. ef. 9-30-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-7045
Marijuana Plant Labeling Requirements

Prior to an immature marijuana plant being sold or transferred to a consumer, patient or designated primary caregiver a tag or label must be affixed to the plant or plant container that has the following information:

(1) Producer’s business or trade name and license number;
Prior to marijuana seeds being sold or transferred to a consumer, patient or designated primary caregiver the container holding the seeds must have a label that has the following information:

(1) Producer’s business or trade name and license number;
(2) Business or trade name of licensee that packaged the product, if different from the producer;
(3) Name of the strain of seed;
(4) Date of harvest;
(5) Number of seeds or net weight in grams and ounces;
(6) Product identity;
(7) UID number; and
(8) Universal symbol.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History: OLCC 6-2018, adopt filed 05/23/2018, effective 06/01/2018

Prior to usable marijuana being sold or transferred to a consumer, patient or designated primary caregiver the container holding the usable marijuana must have a label that has the following information:

(1) Producer’s business or trade name and license number;
(2) Business or trade name of licensee that packaged the product, if different from the producer;
(3) UID number; and
(4) Universal symbol;

(5) Date of harvest;
(6) Net weight in grams and ounces;
(7) For pre-rolled marijuana, weight of usable marijuana used in product in grams;
(8) Concentration of THC and CBD, as calculated under OAR 333-064-0100;
(9) Name of the lab that performed any test and any test analysis date;
(10) Universal symbol;
(11) Product identity; and
(12) For usable marijuana for sale to a consumer, warnings that state:

(a) “For use only by adults 21 and older. Keep out of reach of children.”
(b) "Do not drive a motor vehicle while under the influence of marijuana."

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7080
Cannabinoid Topical Labeling Requirements

Prior to a cannabinoid topical product being sold or transferred to a consumer, patient or designated primary caregiver the container holding the cannabinoid product must have a label that has the following information:

(1) Processor’s business or trade name and license number;

(2) Business or trade name of licensee that packaged the product, if different from the processor;

(3) UID number;

(4) Product identity;

(5) Date the product was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Amount suggested for use by the consumer or patient at any one time;

(8) Concentration of THC and CBD in the container (%);

(9) List of ingredients in descending order of predominance by weight or volume used to process the cannabinoid topical;

(10) Name of the lab that performed any test and any test analysis date;

(11) Universal symbol;

(12) A statement that reads: "This product is not approved by the FDA to treat, cure, or prevent any disease";

(13) For cannabinoid topicals for sale to a consumer, warnings that state:

(a) "For use only by adults 21 and older. Keep out of reach of children."

(b) "DO NOT EAT" in bold, capital letters.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7090
Cannabinoid Edible Labeling Requirements

Prior to a cannabinoid edible being sold or transferred to a consumer, patient or designated primary caregiver the container holding the edible must have a label that has the following information:

(1) Processor’s business or trade name, place of address, and license number;

(2) Business or trade name and place of address of licensee that packaged the product, if different from the processor;

(3) Product identity;

(4) UID number;

(5) Date the edible was made;

(6) Net weight or volume in U.S. customary and metric units;

(7) Serving size and number of servings per container;

(8) Amount, in milligrams, of THC and CBD in each serving and in the container;

(9) List of all ingredients in descending order of predominance by weight or volume used to process the cannabinoid edible;
(10) List of potential major food allergens:
   (a) Using a “contains” statement list the name of the food source of any major food allergen at the end of or immediately
       adjacent to the ingredient list; or
   (b) Placing the term for the appropriate major food allergen in parenthesis within the ingredient list after the common or
       usual name of the ingredient derived from that major food allergen;
(11) The amount of calories, sodium, protein, added sugars, cholesterol, total carbohydrates, and total fat per serving, in
    grams or milligrams as appropriate;
(12) If the edible is perishable, a statement that the edible must be refrigerated or kept frozen;
(13) Name of the lab that performed any test and any test analysis date;
(14) Activation time, expressed in words or through a pictogram;
(15) Universal symbol;
(16) A statement that reads: "This product is not approved by the FDA to treat, cure, or prevent any disease";
(17) For cannabinoid edibles for sale to a consumer, warnings that state:
   (a) "For use only by adults 21 and older. Keep out of reach of children."
   (b) "Do not drive a motor vehicle while under the influence of marijuana."
   (c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take
       effect."
(18) For medical grade cannabinoid edibles for use by a patient, the medical grade symbol and medical warnings that
    state:
   (a) "For use by OMMP patients only. Keep out of reach of children."
   (b) "Do not drive a motor vehicle while under the influence of marijuana."
   (c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take
       effect."
(19) For all beverage containers that require a refund value under ORS 459A.702, the label must contain “OR 10¢.”

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7100
Cannabinoid Concentrate and Extract Labeling Requirements
Prior to a cannabinoid concentrate or extract being sold or transferred to a consumer, patient or designated primary
caregiver the container holding the concentrate or extract must have a label that has the following information:
(1) Processor’s business or trade name and license number;
(2) Business or trade name of licensee that packaged the product, if different from the processor;
(3) UID number;
(4) Product identity that correctly identifies the item as either a concentrate or extract;
(5) Date the concentrate or extract was made;
(6) Net weight or volume in U.S. customary and metric units;
(7) Serving size and number of servings per container;
(8) Amount, in milligrams, of THC and CBD in each serving and in the container;
(9) Activation time, expressed in words or through a pictogram;
(10) Name of the lab that performed any test and any test analysis date;
(11) Universal symbol;
(12) A statement that reads: "This product is not approved by the FDA to treat, cure, or prevent any disease";

(13) For cannabinoid concentrates and extracts for sale to a consumer, warnings that state:
(a) "For use only by adults 21 and older. Keep out of reach of children."
(b) "Do not drive a motor vehicle while under the influence of marijuana."
(c) "DO NOT EAT" in bold, capital letters.

(14) For medical grade cannabinoid concentrates and extracts for use by a patient, the medical grade symbol and medical warnings that state:
(a) "For use by OMMP patients only. Keep out of reach of children."
(b) "Do not drive a motor vehicle while under the influence of marijuana."
(c) "DO NOT EAT" in bold, capital letters.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7110
Cannabinoid Tincture and Capsule Labeling Requirements

Prior to a cannabinoid tincture or capsule being sold or transferred to a consumer, patient or designated primary caregiver the container holding the tincture or capsule must have a label that has the following information:

(1) Processor’s business or trade name, place of address and license number;
(2) Business or trade name and place of address of licensee that packaged the product, if different from the processor;
(3) Product identity;
(4) UID number;
(5) Date the product was made;
(6) Net weight or volume in U.S. customary and metric units;
(7) Serving size and number of servings per container;
(8) Amount, in milligrams, of THC and CBD in each serving and in the container;
(9) List of all ingredients in descending order of predominance by weight or volume used to process the product;
(10) Name of the lab that performed any test and any test analysis date;
(11) Universal symbol;
(12) Activation time expressed in words or through a pictogram;
(13) A statement that reads: "This product is not approved by the FDA to treat, cure, or prevent any disease";
(14) For cannabinoid tinctures and capsules for sale to a consumer, warnings that state:
(a) "For use only by adults 21 and older. Keep out of reach of children."
(b) "Do not drive a motor vehicle while under the influence of marijuana."
(c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid products can take up to 2 hours or more to take effect."
(15) For medical grade cannabinoid tinctures and capsules for use by a patient, the medical grade symbol and medical warnings that state:
(a) "For use by OMMP patients only. Keep out of reach of children."
(b) "It is illegal to drive a motor vehicle while under the influence of marijuana."
(c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid products can take up to 2 hours or more to take effect."
Prior to a cannabinoid product other than a cannabinoid edible, topical, tincture or capsule being sold or transferred to a consumer, patient or designated primary caregiver, the container holding the product must have a label that has the following information:

1. Processor’s business or trade name, license number, and place of address;
2. Business or trade name of licensee, license number, and place of address for licensee that packaged the product, if different from the processor;
3. Product identity;
4. UID number;
5. Date the product was made;
6. Net weight or volume in U.S. customary and metric units;
7. Serving size and number of servings per container;
8. Amount, in milligrams, of THC and CBD in each serving and in the container;
9. List of all ingredients in descending order of predominance by weight or volume used to process the cannabinoid product;
10. Name of the lab that performed any test and any test analysis date;
11. Universal symbol;
12. Activation time expressed in words or through a pictogram;
13. A statement that reads: “This product is not approved by the FDA to treat, cure, or prevent any disease”;
14. For cannabinoid products for sale to a consumer, warnings that state:
   a) “For use only by adults 21 and older. Keep out of reach of children.”
   b) “Do not drive a motor vehicle while under the influence of marijuana.”
   c) “DO NOT EAT” in bold, capital letters.
15. For medical grade cannabinoid products for use by a patient, the medical grade symbol and medical warnings that state:
   a) “For use by OMMP patients only. Keep out of reach of children.”
   b) “Do not drive a motor vehicle while under the influence of marijuana.”
   c) “DO NOT EAT” in bold, capital letters.
16. For inhalable cannabinoid products that contain non-cannabis additives:
   a) The product identity must clearly identify that the product contains non-cannabis additives and, in addition to the other requirements of OAR 845-025-7000 through 845-025-7190, must include the words “non-cannabis additive.”
   b) In addition to the other ingredients in the inhalable cannabinoid product, for each non-cannabis additive used, the ingredient listing must contain the words “non-cannabis additive” in a manner that clearly distinguishes each additive from any other additives.
   c) All of the ingredients in the non-cannabis additive:
      A) Must match the ingredients identified on the list of ingredients required by OAR 845-025-3265(1);
      B) Must be listed either alphabetically or in descending order of predominance by weight or volume; and
      C) Must be listed on:
      i) The label’s ingredient list as sub-ingredients of the ingredient term “non-cannabis additive”; or
(ii) An insert within the product's container that clearly indicates that the ingredients listed are contained within the inhalable cannabinoid product.

Statutory/Other Authority: ORS 475B.605, 475B.232 & 475B.236
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 24-2020, amend led 12/21/2020, effective 12/22/2020
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7130
Labeling Requirements for Medical Registrants Registered with the Oregon Health Authority

A person registered with the Authority as a grower, processing site, or dispensary must label a marijuana item for ultimate sale to a patient or caregiver as outlined in 845-025-7000 to 845-025-7120, with the following exceptions:

(1) The label must contain the registrant number instead of the OLCC license number; and
(2) The label must contain the medical warning, "For use by OMMP patients only," in place of the consumer warning, "For use only by adults 21 and older".
(3) The label must contain the name of the lab that performed any test, any associated test batch number and any test analysis date for the final product.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7140
Labeling Requirements for Industrial Hemp Commodities or Products Intended for Human Consumption or Use

A licensee processing or selling an industrial hemp commodity or product may only possess and offer for sale industrial hemp commodities and products that are labeled and packaged for ultimate sale to a consumer as outlined in 845-025-7000 to 845-025-7120 with the following exceptions:

(1) The principal display panel must contain the hemp symbol instead of the universal symbol;
(2) The label shall contain the following warning in place of the warnings required on items for sale to a consumer described in OAR 845-025-7070 to 845-025-7120, "This product is derived from hemp and could contain THC. Keep out of reach of children."
(3) If the item is a hemp extract, concentrate, topical, or a hemp product other than an edible, tincture, or capsule, the label shall contain the warning, "DO NOT EAT" in bold, capital letters.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7150
Wholesaler and Retailer Packaging and Labeling Compliance Requirements

(1) If a wholesaler or a retailer receives a marijuana item or industrial hemp commodity or product that is not packaged or labeled in accordance with OAR 845-025-7000 to 845-025-7190, the wholesaler or retailer must immediately notify the Commission and either:
   (a) Return the marijuana item or industrial hemp commodity or product to the licensor who transferred the item or product to the wholesaler or retailer; or
   (b) Correct the label by adding only the label components required to make the label compliant. If the problem cannot be corrected by adding a sticker with the required information, the item or product must be returned to the licensor who transferred it to the wholesaler or retailer.
(2) If a wholesaler or retailer returns a marijuana item or industrial hemp commodity or product to the licensor who transferred the item or product, the wholesaler or retailer must document the return and the reason for the return in CTS.

Statutory/Other Authority: ORS 475B.615
Statutes/Other Implemented: ORS 475B.615 & ORS 475B.100
845-025-7160
Packaging and Labeling Pre-approval Process

(1) Prior to selling, offering for sale, or transferring a marijuana item or industrial hemp commodity or product that is for ultimate sale to a consumer, patient, or designated primary caregiver, a licensee, a license applicant or a registrant must submit both a package and a label application to and receive approval from the Commission.

(a) The initial submission shall be made electronically if required by the Commission. The licensee, license applicant or registrant must submit a physical prototype upon request by the Commission.

(b) If a license applicant submits packages and labels for pre-approval, final determination for packages and labels will not be made until the applicant has been issued a license.

(2) Except as provided in sections (5) to (7) of this rule, the packaging and label applications must be accompanied by the following:

(a) A fee as specified in OAR 845-025-1060; and

(b) Information including but not limited to:

(A) Documentation that the package has been certified as child resistant as defined by 16 CFR 1700 by a qualified third party child-resistant package testing firm.

(B) A picture of and description of the item to be placed in the package.

(C) For label applications for inhalable cannabinoid products that contain non-cannabis additives:

(i) The non-cannabis additive’s list of ingredients as required by 845-025-3265(1); and

(ii) In a form and manner prescribed by the Commission, information regarding the manufacturer of the non-cannabis additive, the additive or additives being used by the licensee, and attestation by the licensee of the accuracy of the information submitted for label pre-approval.

(3) If a licensee submits a list of ingredients to the Commission in order to comply with (2)(b)(C) of these rules, and that the licensee believes the list of ingredients is a trade secret, the licensee must mark the information “confidential - trade secret.”

(a) If the Commission receives a public records request for information submitted by a licensee, it will review all documents submitted to determine whether the documents contain trade secrets that would be exempt from disclosure under Oregon’s Public Records Act, ORS 192.345.

(b) For purposes of this rule “trade secret” has the meaning given that term in ORS 192.345.

(4) The Commission will evaluate the packaging and label in order to determine whether:

(a) The packaging:

(A) Has been certified as child resistant by a qualified third party child-resistant package testing firm;

(B) Is attractive to minors or is marketed in a manner attractive to minors;

(C) Contains untruthful or misleading content; and

(D) Will contain a marijuana item or industrial hemp commodity or product that is not compliant with ORS 475B, OAR 333, Divisions 7 and 8, or OAR 845, Division 25.

(b) The label:

(A) Complies with the labeling rules, OAR 845-025-7000 to 845-025-7190, or any additional labeling requirements in ORS 475B, OAR 333, Divisions 7 and 8 or OAR 845, Division 25.

(B) Contains any material that is attractive to minors; and

(C) Contains untruthful or misleading content.

(5) The Commission must review the packaging and labeling and notify the licensee, license applicant or registrant whether the packaging and labeling is approved, and if not approved, a description of the packaging or labeling deficiencies.
(6) If a licensee or registrant's label or package is deficient, it must correct the deficiencies and resubmit the label or package for pre-approval, but the licensee or registrant is not required to submit an additional fee unless the label or package is found deficient for a second time in which case the application will be denied and the licensee or registrant must resubmit the packaging or labeling in accordance with section (1) of this rule.

(7) A licensee, applicant or registrant may submit packaging and labeling for approval on the same application for a product that may have different flavors, colors or sizes, if the product and packaging is otherwise identical. Applications for approval of packaging and labeling under this section are subject to a single application fee.

(8) Packages and labels that have been previously approved do not need to be resubmitted if the only changes to the packaging or label are:

(a) Changes in the:
   (A) Harvest or processing date;
   (B) Strain;
   (C) Test results;
   (D) Net weight or volume; or
   (E) UID numbers.

(b) The deletion of any non-mandatory label information.

(c) The addition, deletion or change in the:
   (A) UPC barcodes or 2D mobile barcodes (QR codes);
   (B) Website address, phone number, fax number, or place of address of the licensee or registrant; or
   (C) Instructions for opening or using child-resistant packages.

(d) The repositioning of any label information on the package, as long as the repositioning of label information is consistent with these rules.

(9) Prior to a licensee transferring a package or label approval from one licensee to another, the licensee requesting to transfer the label must submit a form prescribed by the Commission and pay the applicable fee as described in OAR 845-025-1060.

(10) The Commission may publish a list of previously-approved, child-resistant, commercially available packaging. Packaging identified on this list as approved for certain product types does not need to be submitted for package approval if the packaging is identical to the previously-approved package.

(11) The Commission may publish a list of licensees and registrants who have approved label applications.

(12) 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.

(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).

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

Statutory/Other Authority: ORS 475B.610, ORS 475B.620, 475B.236 & 475B.605
Statutes/Other Implemented: ORS 475B.610 & ORS 475B.620
History:
OLCC 24-2020, amend filed 12/21/2020, effective 12/22/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 6-2018, adopt filed 05/23/2018, effective 06/01/2018

**845-025-7170**

Packaging and Labeling Prohibited Conduct

The Commission may impose a civil penalty of up to $500 per day per violation for any of the following:

(1) Failure to comply with these rules.

(2) Transferring, selling or offering to sell a marijuana item or industrial hemp commodity or product for ultimate sale to a consumer to another licensee that is not packaged or labeled in accordance with these rules.
(3) Failing to receive package and label approval prior to transferring, selling, or offering for sale a marijuana item or industrial hemp commodity or product that is for ultimate sale to a consumer.

(4) Transferring, selling, or offering for sale a marijuana item or industrial hemp commodity or product that has not received package or label approval.

(5) Selling or offering to sell a marijuana item or industrial hemp commodity or product under a different label or package than what was approved.

(6) Selling a marijuana item or industrial hemp commodity or product in a package that is not resealable and continually child-resistant as required by these rules.

Statutory/Other Authority: ORS 475B.605
Statutes/Other Implemented: ORS 475B.605
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7180
Approval Withdrawal

(1) The licensee or registrant is responsible for ensuring that all packages and labels are compliant with OAR 845-025-7000 to 845-025-7190. The Commission may find a package or label violates these rules even if the package or label has received previous approval.

(2) After a package or label application has been approved, if the package or label is found to fall below the minimum standards described in these rules, the Commission may withdraw its label or package approval. The Commission will notify the licensee or registrant of the withdrawal of approval and provide the licensee or registrant with the deficiencies that provide the basis for the withdrawal. The licensee or registrant will have 30 days after notification is sent by the Commission to correct the deficiencies. If the deficiencies identified by the Commission are not corrected within 30 days, the application may be denied. If the Commission denies a label or package application, the licensee or registrant has the right to a hearing under the procedures in ORS Chapter 183; OAR chapter 137, division 3; and chapter 845, division 3.

(3) With Commission approval, the licensee or registrant may sell down any package or label inventory purchased during the time the application was approved.

Statutory/Other Authority: ORS 475B.605 & ORS 475B.615
Statutes/Other Implemented: ORS 475B.605, ORS 475B.615, ORS 475B.610 & ORS 475B.620
History:
OLCC 6-2018, adopt led 05/23/2018, effective 06/01/2018

845-025-7190
Effective Date

(1) These rules become effective on August 15, 2018. On and after August 15, 2018, all package and label applications received by the Commission will be reviewed and evaluated under these rules.

(2) All marijuana items and industrial hemp commodities and products packaged or transferred for sale to a consumer on or after April 1, 2019 must be labeled and packaged according to these rules.

(3) On and after January 1, 2020, marijuana items and industrial hemp commodities and products with labels approved prior to August 15, 2018, can no longer be sold, offered for sale, or transferred to a consumer, patient, or designated primary caregiver.

(4) For inhalable cannabinoid products that contain a non-cannabis additive and are processed or manufactured on or after April 1, 2021, all labels must be pre-approved by the Commission in accordance with these rules.

(a) An inhalable cannabinoid product with a label approved by the Commission prior to April 1, 2021 that contains a non-cannabis additive and that does not meet the requirements of OAR 845-025-3265 or 845-025-7120 may not be possessed, sold, delivered, transferred, transported, purchased, or received on or after July 1, 2021.

(b) An inhalable cannabinoid product that contains a non-cannabis additive that is manufactured prior to April 1, 2021 and that has a compliant generic label may be possessed, sold, delivered, transferred, transported, purchased, or received prior to July 1, 2021.

Statutory/Other Authority: ORS 475B.605, 475B.615, 475B.236, 475B.610 & 475B.620
Statutes/Other Implemented: ORS 475B.605
History:
845-025-7500
Seed-To-Sale Tracking — CTS Requirements

(1) A licensee must:
   (a) Use CTS as the primary inventory and recording keeping system.
   (b) Have a CTS account activated and functional prior to operating or exercising any privileges of the license and must maintain an active account while licensed.

(2) A licensee must have at least one license holder who is a CTS administrator. A licensee may authorize additional license holders or licensee representatives to obtain Administrator accounts.

(3) In order to obtain a CTS administrator account, a license holder must attend and successfully complete all required CTS training, except as provided in section (4) of this rule. The Commission may also require additional ongoing, continuing education for individual administrators to retain his or her CTS administrator account.

(4) A licensee may designate licensee representatives as CTS users. A designated user must be trained by a CTS administrator in the proper and lawful use of CTS. Notwithstanding section (3) of this rule a licensee may designate a licensee representative to attend and successfully complete required CTS training so long as both the licensee and the designated representative obtain CTS administrator accounts.

(5) A licensee must:
   (a) Maintain an accurate and complete list of all CTS administrators and CTS users for each licensed premises and must update the list when a new CTS user is trained.
   (b) Train and authorize any new CTS users before those users are permitted to access CTS or input, modify, or delete any information in CTS.
   (c) Cancel any CTS administrator or user from an associated CTS account if that individual is no longer a licensee representative or the administrator or user has violated OAR 845-025-7500 to 845-025-7590.
   (d) Correct any data that is entered into CTS in error.

(6) A licensee is accountable for all actions licensee representatives take while logged into CTS or otherwise conducting inventory tracking activities.

(7) Nothing in this rule prohibits a licensee from using secondary separate software applications to collect information to be used by the business including secondary inventory tracking or point of sale systems. If a licensee uses a separate software application that links to the CTS system it must get approval from the CTS vendor contracting with the Commission and the software application must:
   (a) Accurately transfer all relevant CTS data to and from CTS for the purposes of reconciliations with any secondary systems.
   (b) Preserve original CTS data when transferred to and from a secondary application.
   (b) If at any point a licensee loses access to CTS for any reason, the licensee must keep and maintain comprehensive records detailing all tracking inventory activities that were conducted during the loss of access.
      (a) Once access is restored, all inventory tracking activities that occurred during the loss of access must be entered into CTS.
      (b) A licensee must document when access to the system was lost and when it was restored.
      (c) A licensee may not transport any marijuana items to another licensed premises until such time as access is restored and all information is recorded into CTS.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110 & 475B.560
Statutes/Other Implemented: ORS 475B.150
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7520
Unique Identification (UID) Tags
A licensee, grow site administrator, person responsible for a marijuana processing site, person responsible for a dispensary, and hemp certificate holder must:

(a) Use UID tags issued by a Commission-approved vendor that is authorized to provide UID tags for CTS. Each licensee is responsible for the cost of all UID tags and any associated vendor fees.

(b) Have an adequate supply of UID tags at all times, except during the first ten calendar days of licensure so long as UID tags have been ordered and are in transit to the premises.

(c) Assign and affix a UID tag to each individual marijuana plant being cultivated no later than when each plant reaches a height of twenty four inches or when the individual plant is flowering, whichever is sooner.

(d) Assign and affix a UID tag to all other marijuana items, or receptacles containing marijuana items, in a manner that:
   (A) Establishes an accurate record from one marijuana item to another; and
   (B) Uses a new UID tag each time a marijuana item is added to or placed in a receptacle.

(e) Place tags in a position that can be clearly read by an individual standing next to the item and the tag must be kept free from dirt and debris.

(2) The requirements of (1)(d) do not apply to producers or grow site administrators in the first 45 days after the harvest of a marijuana plant if a UID tag has not yet been designated in CTS.

(3) A licensee, research certificate holder, laboratory licensee, hemp certificate holder, grow site subject to CTS tracking, or medical marijuana processing site may not combine marijuana items or hemp items of different size, potency, or category under a single UID tag, except for:
   (a) Mixed lots of usable marijuana;
   (b) Mixed lots of usable hemp;
   (c) Pre-rolled marijuana of identical weight of usable marijuana; or
   (d) Cannabinoid concentrates, extracts, or hemp items that are transferred to a processor or processing site to be processed.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.560 & ORS 475B.105
Statutes/Other Implemented: ORS 475B.105
History:
OLCC 3-2020, amended 01/28/2020, effective 02/01/2020
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7540
Seed-To-Sale Tracking — CTS User Requirements

(1) A licensee and any designated CTS administrator or user shall enter data into CTS that fully and transparently accounts for all inventory tracking activities.

(2) A licensee is responsible for the accuracy of all information entered into CTS.

(3) An individual entering data into the CTS system may only use that individual's CTS account. Each CTS administrator and CTS user must have a unique log-on and password, which may not be used by any other person.

(4) A violation of this rule is a Category III violation. Intentional misrepresentation of data entered into the CTS system is a Category I violation.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110 & 475B.560
Statutes/Other Implemented: ORS 475B.150
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7560
Seed-To-Sale Tracking — System Notifications

A licensee must:
(1) Monitor all compliance notifications from CTS and resolve the issues detailed in the compliance notification in a timely fashion. A licensee may not dismiss a compliance notification in CTS until the licensee resolves the compliance issues detailed in the notification.

(2) Take appropriate action in response to informational notifications received through CTS, including but not limited to notifications related to UID billing, enforcement alerts, and other pertinent information.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100, 475B.110 & 475B.560
Statutes/Other Implemented: ORS 475B.150
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7570
Seed-To-Sale Tracking — Cultivation Batches

(1) Immature plants under 24 inches in height at the premises of a producer, at a grow site subject to tracking in CTS, or at the premises of a research certificate holder must be recorded in CTS as part of a cultivation batch.

(2) A producer, research certificate holder, or grow site administrator must assign each cultivation batch a unique user-generated batch name and record the batch name and number of immature plants in each cultivation batch in CTS.

(3) Batch names must be physically affixed to the cultivation batch or the segregated area where the cultivation batch is physically located.

(4) A cultivation batch may not have more than 100 immature marijuana plants less than 24 inches tall.

(5) A producer, research certificate holder, or grow site administrator may have an unlimited number of cultivation batches at any one time.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.070 & 475B.150
History:
OLCC 3-2020, amend led 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend led 12/22/2017, effective 12/28/2017
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-7580
Reconciliation with Inventory

(1) All licensees, laboratory licensees, research certificate holders, grow site administrators, medical marijuana processing sites, and medical marijuana dispensaries must:

(a) Use CTS for all inventory tracking activities, as defined by these rules.

(b) By 8:00 AM local time of the next calendar day, reconcile all marijuana item inventories and weights in CTS;

(c) Record all required information for seeds, usable marijuana, cannabinoid concentrates and extracts by weight;

(d) Record the wet weight of each harvested marijuana plants immediately after harvest; and

(e) Record all required information for cannabinoid products by unit count but must also record the weight per unit of a product.

(2) Notwithstanding (1)(b) of this rule, during the first 45 days following the harvest of a marijuana plant, daily reconciliation of the weight of moisture lost to evaporation is not required for marijuana. The weight of moisture loss must be reconciled prior to any transfer, processing, sale, or packaging and no later than 45 days after the harvest, whichever comes first.

(3) The requirements in section (1)(b) and (5) of this rule do not apply during the first ten calendar days of licensure or registration so long as the licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary has ordered UID tags and the UID tags are in transit to the receiving party.

(4) The requirements in section (1)(b) of this rule do not apply to marijuana items held by a laboratory licensee that are undergoing analytical testing required by these rules or OAR 333-007-0300 to 333-007-0490 so long as the marijuana items do not leave the laboratory’s licensed premises and are reconciled on the same day that the analytical testing concludes.
(5) In addition to the requirements in section (1) of this rule, retailers and medical marijuana dispensaries must record each sale, delivery, or transfer of a marijuana item to a consumer as a sales transaction and record the price before tax and amount of each item sold and the date of each transaction in CTS for each individual transaction. A marijuana item transferred to a medical marijuana patient or caregiver for no cost must be recorded as a sales transaction with zero price.

(6) Information that was not required to be recorded and reconciled daily pursuant to section (3) of this rule must be recorded and reconciled within three calendar days of the licensee’s, grow site administrator’s, medical marijuana processing site’s, or medical marijuana dispensary’s receipt of UID tags.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.150

History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 15-2016(Temp), f. & cert. ef. 9-20-16 thru 12-26-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7590
Seed-To-Sale Tracking — Inventory Audits

The Commission may perform a physical audit of the inventory of any licensee at the agency’s discretion and with reasonable notice to the licensee. Variances between the physical audit and the inventory reflected in CTS at the time of the audit, which cannot be attributed to normal moisture variation in usable marijuana, are violations. The Commission may impose a civil penalty, suspend or revoke a licensee for violation of this section.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.160

History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7700
Transportation and Delivery of Marijuana Items

(1) Marijuana items transferred by licensees.
(a) Marijuana items transferred between licensed premises may only be transported by:
(A) A licensee or licensee representative of the originating or receiving license; or
(B) A wholesale licensee or wholesale licensee representative on behalf of the originating or receiving licensee.
(b) Marijuana items transferred by a licensee to a PRMG or to the residence of a registry identification cardholder or designated primary caregiver may only be transported by the originating licensee or a licensee representative of the originating licensee.
(c) Samples of marijuana items that are obtained by a laboratory licensee pursuant to OAR 333-007-0360 may only be transported by the laboratory licensee or a laboratory licensee representative of the receiving laboratory.

(2) Physical transport requirements for licensees.
(a) An individual authorized to transport marijuana items on behalf of a licensee or laboratory licensee must have a valid Driver License.
(b) A licensee or laboratory licensee must:
(A) Store marijuana items in the delivery vehicle within a locked, secured area, shielded from view from the exterior of the vehicle;
(B) When transporting perishable marijuana items, provide appropriate temperature control within the transport vehicle;
(C) Use a delivery vehicle that is equipped with an alarm system and is insured at or above the legal requirements in Oregon;
(D) Deliver marijuana items to all destinations and return any remaining marijuana items to the origin premises within 60 hours of original departure;
(E) Document all overnight stops in the planned route of the manifest and include the address, estimated arrival time at, and estimated departure time from the location of each overnight stop;

(F) Package all marijuana items for transport in shipping containers and assign and affix a UID tag to all receptacles containing marijuana items as required by these rules;

(G) Provide a copy of the manifest to each location receiving the inventory described on the manifest, but may prepare a separate CTS manifest for each receiving location in order to maintain transaction confidentiality;

(H) Contact the Commission immediately, or as soon as possible under the circumstances, if a vehicle transporting marijuana items is involved in any accident or other situation involving product loss;

(I) Travel directly from the originating location to the destination location as described in the manifest route;

(J) Notify the Commission in advance of every stop at an unlicensed location that exceeds two hours in duration and is not already listed in the manifest route; and

(K) Immediately make the vehicle and its contents available for inspection upon the Commission’s request if the delivery vehicle is stopped at an unlicensed location.

c) A licensee or laboratory licensee may not:

(A) Make any unnecessary stops in between the originating and destination locations except to other licensed premises receiving inventory as described on the manifest;

(B) Remove the marijuana items from the vehicle until they arrive at the destination recorded in the manifest. Licensees or laboratory licensees may not transfer marijuana items to, nor store marijuana items in a hotel or any other unlicensed premises;

(C) Except as allowed in (8) of this section, void or change a manifest after departing the originating premises; or

(D) Travel with any persons not listed on the manifest.

(3) CTS Manifest General Requirements.

(a) Prior to removing a marijuana item from the originating location for the purposes of transport or delivery, the originating licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing the following information:

(A) The originating location's license number and address as it appears in CTS;

(B) The destination location's license number and address as it appears in CTS;

(C) The UID, product name, and quantity (by weight or unit as applicable) of each marijuana item;

(D) The actual date and estimated time of departure;

(E) A written description of the route that will be used to get to each location;

(F) The arrival date and estimated time of arrival or completion of delivery;

(G) The delivery vehicle make, model, and license plate number; and

(H) The name, contact information, and signature of the individual accompanying the transport.

(b) A physical, printed copy of the generated manifest must accompany every transport of marijuana items.

(c) An originating licensee transporting marijuana items to a retailer licensee must generate a manifest at least 24 hours in advance of initiating transport, if the marijuana items being transported exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of cannabinoid concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

(d) Notwithstanding (3)(b) of this rule, a manifest is not required for a sales transaction or transfer of marijuana to a consumer, patient, or caregiver when the physical transfer of the marijuana occurs at the premises of a licensed retailer or at a medical marijuana dispensary.

(4) CTS Manifest Requirements for Transports to Consumers. When transporting marijuana items to a consumer as allowed by these rules, the manifest must include:

(a) The information required on the manifest by section (3)(a) of this rule, except for a destination location license number;
(b) The name of the individual receiving the marijuana item;
(c) The address of the destination; and
(d) All information for the manifest required under OAR 845-025-2880.

(5) CTS Manifest Requirements for Transfers to PRMGs, Registry Identification Cardholders, or Designated Primary Caregivers.

(a) Prior to transferring marijuana items to a PRMG, registry identification cardholder, or designated primary caregiver, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must use CTS to generate a printed transport manifest containing:

(A) The information required on a manifest by section (3)(a) of this rule, except for a destination location license number;

(B) The name of the individual receiving the marijuana item;

(C) The address of the destination, if the delivery is not completed at the originating location;

(D) If delivered to a registry identification cardholder, the registry identification card number;

(E) If delivered to a designated primary caregiver on behalf of a patient, designated primary caregiver identification card; and

(F) If delivered to a PRMG, the marijuana grower and grow site registration card number of the PRMG.

(b) A licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary transporting marijuana to individuals or locations not in CTS must record whether each marijuana item was accepted by the recipient or rejected and returned to the originating location inventory, and if accepted, record the transport as complete in CTS.

(6) CTS Requirements when Receiving from Locations in CTS. Upon receipt of a delivery of marijuana items, the receiving licensee, laboratory licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Record each applicable UID as accepted and received or rejected in CTS as applicable;

(b) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS if accepted; and

(c) Separately and for each UID, document any differences between the quantities specified on the manifest and the quantities received in CTS.

(7) CTS Requirements when Receiving from Locations Not in CTS. When receiving marijuana items from a source not subject to CTS tracking but otherwise allowed by these rules or OAR Chapter 333 Division 8, a licensee, grow site administrator, medical marijuana processing site, or medical marijuana dispensary must:

(a) Use CTS to record an incoming manifest including the registry identification card number, designated primary caregiver identification card number, or grow site registration card number, as applicable;

(b) Assign and affix a UID tag to each quantity of marijuana items received;

(c) Use CTS to record the incoming transport no later than the time of daily inventory reconciliation as required by these rules; and

(d) Verify the marijuana items received are as described on the manifest and record receipt of the marijuana items in CTS.

(8) Licensee Transport of Marijuana to Intermediary Stops. A licensee may remove marijuana items from a manifest after departing from the originating premises if:

(a) The route of the original manifest lists the trade name, license number, address, and estimated arrival time for each licensed premises that will be visited as an intermediary stop;

(b) All marijuana items in the vehicle are included on a CTS manifest at the time of departure from the originating premises;

(c) Marijuana items that are removed from the original manifest at an intermediary stop are immediately added to a new CTS manifest. The destination license on the new manifest must be listed on the original manifest route as an intermediary stop;

(d) Changes to the original manifest under (8)(c) of this rule are only made while the marijuana items subject to the change are physically located within the licensed premises of the intermediary stop to which they are being transferred; and
(e) The amount of marijuana items being transported in the vehicle does not exceed:

(A) 25 pounds of usable marijuana;

(B) One pound of concentrate or extract; or

(C) 1,000 units of sale of any individual cannabinoid product.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105
Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

History:
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-7750
Waste Management

(1) A licensee must:

(a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to:

(A) Solid waste requirements in ORS 459 and OAR 340 Divisions 93 to 96;

(B) Hazardous waste requirements in ORS 466 and OAR 340, Divisions 100 to 106; and

(C) Wastewater requirements in ORS 468B and OAR 340, Divisions 41 to 42, 44 to 45, 53, 55 and 73.

(b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.

(c) If a licensee generates the waste post-harvest or if an entire marijuana plant greater than 24 inches tall is designated as waste:

(A) The waste must be held on the licensed premises for at least three business days under camera coverage prior to disposal.

(B) The licensee must document a reason for the waste in a form and manner prescribed by the Commission.

(C) The licensee must document the exact time and method of destruction in a form and manner prescribed by the Commission.

(d) For waste that was previously designated a marijuana item, all licensees must:

(A) Hold on the licensed premises for at least three business days under camera coverage prior to disposal;

(B) Document a reason for the waste in a form and manner prescribed by the Commission; and

(C) Document the exact time and method of destruction in a form and manner prescribed by the Commission.

(2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500.

(3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.

(4) Waste items consisting of usable marijuana, concentrates, extracts or cannabinoid products must be disposed of on the licensed premises or transferred to another licensee for disposal.

(5) Any product containing marijuana or hemp waste may not be transferred or sold to any licensee for consumption.

Statutory/Other Authority: ORS 475B.025 & 475B.177
Statutes/Other Implemented: 475B.070, 475B.090, ORS 475B.100, 475B.105 & 475B.177

History:
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
Advertising — Purpose and Application of Rules

(1) The Commission serves the interests of the citizens of Oregon by regulating and prohibiting advertising marijuana items in a manner:

(a) That is attractive to minors;
(b) That promotes excessive use;
(c) That promotes activity that is illegal under Oregon law; or
(d) That otherwise presents a significant risk to public health and safety.

(2) The Commission also serves the interests of Oregonians by allowing advertising for the purpose of informing the public of the availability and characteristics of marijuana.

(3) All marijuana advertising by a licensee must conform to these rules.

Advertising — Definitions

As used in OAR 845-025-8000 through 845-025-8080:

(1) “Advertising” is publicizing the trade name of a licensee together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a marijuana product.

(2) “Billboard” means a large outdoor advertising structure.

(3) “Handbill” is a flyer, leaflet, or sheet that advertises marijuana.

(4) “Radio” means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite, or internet programming. Radio includes any audio programming downloaded or streamed via the internet.

(5) “Television” means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

Advertising Restrictions

(1) Marijuana advertising may not:

(a) Contain statements that are deceptive, false, or misleading;
(b) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;
(c) Specifically encourages the transportation of marijuana items across state lines or otherwise encourages illegal activity;
(d) Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;
(e) Make claims that recreational marijuana has curative or therapeutic effects;
(f) Display consumption of marijuana items;
(g) Contain material that encourages the use of marijuana because of its intoxicating effect; or
(h) Contain material that encourages excessive or rapid consumption.

(2) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.

(3) A licensee must include the following statements on all print, billboard, television, radio and internet advertising in font size legible to the viewer:
(a) "Do not operate a vehicle or machinery under the influence of this drug;"
(b) "For use only by adults twenty-one years of age and older;" and
(c) "Keep out of the reach of children."

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8060
Advertising Media, Coupons, and Promotions

(1) The Commission prohibits advertising through handbills that are passed out in public areas such as parking lots and publicly owned property.

(2) A licensee may not utilize television, radio, billboards, print media or internet advertising unless the licensee has reliable evidence that no more than 30 percent of the audience for the program, publication or internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

(3) A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.

(4) A licensee may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8080
Removal of Objectionable and Non-Conforming Advertising

(1) A licensee must remove any sign, display, or advertisement if the Commission finds it violates these rules.

(2) The Commission will notify the licensee and specify a reasonable time period for the licensee to remove any sign, display or advertisement that the Commission finds objectionable.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8500
Responsibility of Licensee, Responsibility for Conduct of Others
Each licensee is responsible for violations of any provision of ORS 475B affecting the licensed privileges, or these rules and for any act or omission of a licensee representative that violates any law, administrative rule, or regulation affecting the licensed privileges.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8520
Prohibited Conduct

(1) Sale to a Minor. A licensee or permittee may not sell, deliver, transfer or make available any marijuana item or hemp item to a person under 21 years of age unless the individual holds a valid OMMP patient or designated primary caregiver card.

(a) Violation of this section for an intentional sale to a minor by licensee or permittee or licensee representative is a Category II violation.

(b) Violation of this section for other than intentional sales is a Category II(b) violation.

(2) Identification. A licensee or licensee representative must require a person to produce identification as required by ORS 475B.216 before selling or providing a marijuana item or hemp item to that person. Violation of this section is a Category IV violation.

(3) Access to Premises.

(a) A licensee, laboratory licensee, or permittee may not:

(A) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS 475B affecting the licensed privileges; or these rules;

(B) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory specialist who identifies him or herself and requests entry on the basis that there is a reason to believe a violation of ORS 475B affecting the licensed privileges; or these rules is occurring; or

(C) Once a regulatory specialist is on the licensed premises, ask the regulatory specialist to leave until the specialist has had an opportunity to conduct an inspection to ensure compliance with ORS 475B affecting the licensed privileges; or these rules.

(b) Violation of this section is a Category II violation.

(c) A licensee or laboratory licensee must at all times retain control of, or the right of access to, all or any part of the licensed premises. Except as provided in OAR 845-025-1160(5), failure to retain such control or right of access is a Category I violation and may be grounds for immediate suspension or cancellation of the license.

(4) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.

(a) No licensee, licensee representative, laboratory licensee, laboratory licensee representative, or permittee may consume any intoxicating substances while on duty, except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this subsection is a Category III violation.

(b) No licensee, licensee representative, laboratory licensee, laboratory licensee representative, or permittee may be under the influence of intoxicating substances while on duty. Violation of this subsection is a Category II violation.

(c) Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered “on duty.”

(d) As used in this section:

(A) “On duty” means:

(i) From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or

(ii) Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.

(B) “Intoxicants” means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.
(5) Permitting Use of Marijuana at Licensed Premises. A licensee, laboratory licensee, or permittee may not permit the use or consumption of marijuana, hemp items, or any other intoxicating substance, anywhere in or on the licensed premises, or in surrounding areas under the control of the licensee, except for employees as permitted under OAR 845-025-1230(6)(b). Violation of this section is a Category III violation.

(6) Import and Export. A licensee, laboratory licensee, or permittee may not import marijuana items into this state or export marijuana items out of this state. Violation of this section is a Category I violation and could result in license or permit revocation.

(7) Permitting, Disorderly or Unlawful Conduct. A licensee, laboratory licensee, or permittee may not permit disorderly activity or activity that is unlawful under Oregon state law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.

(a) If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation is a Category I violation and could result in license or permit revocation.

(b) If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a Category II violation.

(c) As used in this section:

(A) “Disorderly activities” means activities that harass, threaten or physically harm oneself or another person.

(B) “Unlawful activity” means activities that violate the laws of this state, including but not limited to any activity that violates a state criminal statute.

(d) The Commission does not require a conviction to establish a violation of this section except as required in ORS 475B.045.

(8) Marijuana as a Prize, Premium or Consideration. No licensee or permittee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premises.

(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.

(a) For purposes of this rule, a "prohibited inhalable cannabinoid product" is an inhalable cannabinoid product that does not meet the requirements of OAR 845-025-3265.

(b) No licensee or permittee may:

(A) Process or manufacture a prohibited inhalable cannabinoid product on or after April 1, 2021;

(B) Possess, sell, deliver, transfer, transport, purchase, or receive the prohibited inhalable cannabinoid product on or after July 1, 2021, if the prohibited inhalable cannabinoid product was processed or manufactured prior to April 1, 2021; or

(C) Possess, sell, deliver, transfer, transport, purchase, or receive a prohibited inhalable cannabinoid product that was processed or manufactured on or after April 1, 2021.

(c) An intentional violation of this section is a Category II violation.

(d) An unintentional violation of this section is a Category III violation.

(11) Additional Prohibitions. A 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 III violation. An intentional violation is a Category I violation.
Statutory/Other Authority: ORS 475B.025, ORS 475B.070, 475B.090, 475B.100, 475B.232 & 475B.236
Statutes/Other Implemented: ORS 475B.070, 475B.090, 475B.100, 475B.105, 475B.227, 475B.329, 475B.333 & 475B.119

History:
OLCC 3-2021, amend filed 04/13/2021, effective 04/16/2021
OLCC 24-2020, amend filed 12/21/2020, effective 12/22/2020
OLCC 3-2020, amend filed 01/28/2020, effective 02/01/2020
OLCC 4-2019, amend filed 02/25/2019, effective 03/01/2019
OLCC 14-2018, amend filed 12/27/2018, effective 12/28/2018
OLCC 7-2018, amend filed 07/26/2018, effective 08/01/2018
OLCC 1-2018, temporary amend filed 01/25/2018, effective 01/26/2018 through 07/23/2018
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8540

Dishonest Conduct

(1) False Statements. A licensee or permittee may not:

(a) Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement. Violation of this subsection is a Category II violation.

(b) If the Commission finds that the false statement or representation was intentional, the Commission may charge the violation as a Category I violation and could result in license or permit revocation.

(2) Marijuana Item Misrepresentations.

(a) A licensee or permittee may not misrepresent any marijuana item to a consumer, licensee, or the public, including:

(A) Misrepresenting the contents of a marijuana item;

(B) Misrepresenting the testing results of a marijuana item;

(C) Misrepresenting the potency of a marijuana item; or

(D) Making representations or claims that the marijuana item has curative or therapeutic effects.

(b) A licensee may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell or that has the effect or intent of increasing potency, toxicity or addictiveness.

(c) A knowing or intentional violation of this section is a Category I violation and could result in license or permit revocation.

(d) Violation of this section in any manner other than knowing or intentional is a Category II violation.

(3) Supply of Adulterated Marijuana Items.

(a) A licensee may not supply adulterated marijuana items.

(b) Violation of this section is a Category I violation and could result in license revocation.

(4) Evidence. A licensee or permittee may not:

(a) Intentionally destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection is a Category I violation and could result in license revocation.

(b) Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional. Violation of this subsection is a Category II violation.

(c) Refuse to give, or fail to promptly give, a Commission regulatory specialist or law enforcement officer evidence when lawfully requested to do so. Violation of this subsection is a Category II violation.
845-025-8560
Inspections

(1) The Commission may conduct:

(a) An inspection at any time to ensure that a registrant, licensee or permittee is in compliance with ORS 475B or these rules; or

(b) Compliance transactions in order to determine whether a licensee or permittee is complying with ORS 475B or these rules.

(2) A licensee, licensee representative, or permittee must cooperate with the Commission during an inspection.

(3) If licensee, licensee representative or permittee fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.110
Statutes/Other Implemented: ORS 475B.285 & 475B.635
History:
OLCC 15-2017, amend filed 12/22/2017, effective 12/28/2017
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8570
Uniform Standards for Minor Decoy Operations

(1) Purpose. ORS 475B prevents anyone who has not reached 21 years of age from obtaining marijuana or marijuana items. It is the Commission’s intention that decoy operations are to be an impartial test of a licensee’s ability and willingness to obey laws on preventing sale marijuana or marijuana items to minors.

(2) Uniform standards for minors used in minor decoy operations:

(a) The minor must be under 21 years of age; and

(b) The minor may not use false identification; and

(c) The minor may not lie about their age.

(3) Uniform standards for coordination with law enforcement agencies. The Commission will coordinate with law enforcement agencies to ensure, to the greatest extent possible, that:

(a) Law enforcement agencies are informed of the Commission’s uniform standards for minor decoy operations; and

(b) Law enforcement agencies provide the Commission with copies of their minor decoy policies.

(4) In order for the Commission to process violation cases in a timely manner, law enforcement agencies will be encouraged to provide the Commission with the results of any minor decoy operation.

(5) Licensees or any employee of a licensee must immediately return identification presented by the minor decoy upon request of law enforcement or an OLCC representative.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-8575
Restricting License Privileges and Conduct of Operations

(1) The Commission may issue a restricted license when in the absence of a restriction, the Commission has a basis to cancel, suspend/fine or deny the license.

(2) The Commission may restrict a license when, in addition to all or part of a suspension or civil penalty, a restriction may prevent the recurrence of the problem(s) that caused the violation(s).

(3) A licensee will be notified in writing by the Commission if it intends to restrict the license and the licensee will be given the opportunity to appeal the proposed restriction in accordance with ORS Chapter 183.
(4) A licensee who has a restricted license may only exercise license privileges in compliance with the restrictions. Failure to comply with any restriction is a Category I violation.

(5) A restriction remains in effect until the Commission removes it. The licensee may request in writing that the Commission remove or modify a restriction. The written request must explain why the licensee believes the Commission should remove or modify the restriction. The Commission will notify the licensee, in writing, of its decision to approve or deny the request and the basis for its decision. If the Commission denies the request, the licensee has the right to a hearing under the procedures in ORS Chapter 183.

Statutory/Other Authority: ORS 475B.045 & ORS 475B.256
Statutes/Other Implemented: ORS 475B.256
History:
OLCC 14-2018, adopt led 12/27/2018, effective 12/28/2018

845-025-8580
Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension

(1) Before 7:00 a.m. on the date a license suspension goes into effect, and until the suspension is completed, Commission staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.

(2) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the Commission. The sign will state that the license has been suspended by order of the Commission due to violations of the recreational marijuana laws (statutes or administrative rule) of Oregon. If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.

(3) During the period of license suspension, the licensee is responsible for ensuring:

(a) Compliance with all applicable laws and rules; and

(b) That the suspension notice sign is not removed, altered, or covered.

(4) A licensee or licensee representative may not allow the sale, delivery to or from, or receipt of marijuana items at the licensed premises, the harvesting of usable marijuana, the processing of marijuana or marijuana items during the period of time that the license is under suspension, except as otherwise permitted by the Commission in the order of suspension. During a period of time that the license is under suspension, a recreational marijuana licensee may operate the business only in compliance with this rule.

(5) Sanction:

(a) A violation of section (4) of this rule is a Category I violation.

(b) A violation of sections (2) or (3)(b) of this rule is a Category IV violation.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.295 & 475B.635
History:
OLCC 14-2018, amend led 12/27/2018, effective 12/28/2018
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16
OLCC 3-2015(Temp), f. 12-3-15, cert. ef. 1-1-16 thru 6-28-16

845-025-8590
Suspension, Cancellation, Civil Penalties, Sanction Schedule

(1) The Commission may suspend or revoke:

(a) A license issued under ORS 475B.010 to 475B.545 or 475B.560.

(b) A marijuana worker permit issued under ORS 475B.261.

(c) A research certificate issued under ORS 475B.286.

(d) An industrial hemp certificate issued under OAR 845-025-2700 or 845-025-2705.

(2) Civil Penalties.

(a) The Commission may impose a civil penalty under ORS 475B.416. Civil penalties will be calculated by multiplying:

(A) The number of days in a suspension, if suspension could be or is being imposed, by $165 for licensees or certificate holders for Category II(b) violations;
(B) The number of days in a suspension, if suspension could be or is being imposed, by $250 for licensees or certificate holders for all other violation categories; or

(C) The number of days in a suspension, if suspension could be or is being imposed, by $25 for permittees.

(b) The Commission may impose for each violation of a provision of ORS 475B.600 to 475B.655 or OAR 845-025-7000 to 845-025-7190, a civil penalty of no more than $500 for each day the violation occurs.

(3) The Commission uses the following violation categories for licensees licensed under ORS 475B.010 to 475B.545:

(a) Category I — Violations that make licensee ineligible for a license;

(b) Category II — Violations that create a present threat to public health or safety;

(c) Category II (b) — Violations for sales to a minor;

(d) Category III — Violations that create a potential threat to public health or safety;

(e) Category IV — Violations that create a climate conducive to abuses associated with the sale or manufacture of marijuana items;

(f) Category V — Violations inconsistent with the orderly regulation of the sale or manufacture of marijuana items.

(4) Violation sanctions.

(a) The Commission may sanction a licensee, permittee, Commission-certified hemp grower, or Commission-certified hemp handler in accordance with the guidelines set forth in Exhibit 1, incorporated by reference. Exhibit 1 also contains the categories for the most common violations.

(b) Exhibit 1 lists the proposed sanctions for single or multiple violations that occur within a two year period for each category described in section (3) of this rule. The Commission may allege multiple violations in a single notice or may count violations alleged in notices issued within the previous two year period toward the total number of violations. In calculating the total number of violations, the Commission may consider a proposed violation for which the Commission has not yet issued a final order.

(c) The proposed sanctions in Exhibit 1 are guidelines. If the Commission finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. The Commission may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.

(d) Mitigating circumstances include, but are not limited to:

(A) Making a good faith effort to prevent a violation.

(B) Extraordinary cooperation in the violation investigation demonstrating the licensee, permittee, certificate holder, Commission-certified hemp grower, or Commission-certified hemp handler accepts responsibility. The Commission may, at its discretion, determine that a penalty be mitigated if a violation is self-reported.

(e) Aggravating circumstances include, but are not limited to:

(A) Receiving a prior warning about one or more compliance problems.

(B) Repeated failure to comply with laws.

(C) Failure to use age verification equipment purchased as an offset to a previous penalty.

(D) Efforts to conceal a violation.

(E) Intentionally committing a violation.

(F) A violation involving more than one consumer or employee.

(G) A violation involving a juvenile.

(H) A violation resulting in injury or death.

(I) A violation that occurred at a licensed premises that has been granted a security waiver.

(J) Three or more violations within a two-year period, regardless of the category, where the number of the proposed or final violations indicate a disregard for the law or failure to control the premises.

(5) A licensee, certificate holder, Commission-certified hemp grower, or Commission-certified hemp handler may not avoid the sanction for a violation or the application of the provision for successive violations by changing the corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.
845-025-8700
Prohibited Interests in the Marijuana Industry

(1) Definitions. For purposes of this rule:

(a) "Business connections" include, but are not limited to, the following behaviors and relationships:

(A) Knowingly providing anything of value to a business licensed by the Commission in return for something of value except for the exchange of commodities or services that are routinely provided to the general public under the same terms; and

(B) Partnerships with a licensee and similar ventures formed for the purpose of making a profit.

(b) "Employee" means any permanent, temporary or limited duration Commission employee.

(c) "Financial Interest" means knowingly holding an ownership interest as a sole proprietor, partner, limited partner or stockholder, in any marijuana business. This definition excludes any investment that the investor does not control in nature, amount or timing.

(d) "Household member" means all persons living as a family unit in the same dwelling as the commissioner or Commission employee.

(e) "Immediate family" means the spouse, and juvenile dependent children of a commissioner or Commission employee.

(f) "Knowledge" and "knowingly" mean that the person had actual knowledge of or reasonably should have known of the fact in question.

(g) "Marijuana Business" means any business or individual licensed by the Commission under ORS 475B.070, 475B.090, 475B.100, 475B.110 and 475B.560, any business or individual registered by the Authority under ORS 475B.420, 475B.435 and 475B.450 and any business whose primary activity is to provide services to marijuana licensees or registrants.

(h) "Position to take action or make decisions that could affect the marijuana business" means that a commissioner or employee's job duties include the discretion to take actions or make decisions that are reasonably likely to create more than a trivial cost or benefit for a licensed business in money, time or anything else of value.

(2) Prohibitions.

(a) Financial Interests. No commissioner, employee, household member or immediate family member may hold a financial interest in a marijuana business.

(b) Employment. No commissioner, employee, household member or family member may be employed by a marijuana business unless the commissioner or employee is not in a position at the Commission to take action or make decisions that could affect the business. An individual is not in a "position to take action or make decisions that could affect the marijuana business" if the Commission removes the employee from actions and decisions affecting the business. The Commission will do so where the removal would not unreasonably affect the employee's ability to perform his or her job duties.

(c) Business Connections. No commissioner, employee, household member or family member may have a business connection described in this rule unless the commissioner or employee is not in a position to take action or make decisions that could affect the licensed business.

(3) Reporting Requirements.

(a) A commissioner or employee who has a business connection association with a marijuana business must:
(A) Inform the Commission of the association as soon as the commissioner or employee has knowledge of the
association, and

(B) Refrain from participating in any decision that directly affects the marijuana business.

(b) An applicant for a Commission job must disclose all financial interests, current employment relationships and
business connections that the applicant, or any person in the applicant's household or immediate family, has with a
marijuana business of which the applicant has knowledge. If the Commission determines that a prohibited financial
interest, employment relationship or business connection exists, the applicant must divest the financial interest,
employment relationship or business connection before he or she may be hired.

(c) A Commission employee must report all financial interests, current employment relationships and business
connections that the employee, or any person in the employee's household or immediate family, has with a marijuana
business to his or her supervisor as soon as the employee has knowledge of it. If the financial interest, employment
relationship or business connection is prohibited, the Commission will set a reasonable time period for divestiture. If
divestiture does not occur within the given time period, the Commission will terminate the employee's employment.

(4) Disciplinary Action. The Commission will appropriately discipline any employee, up to and including termination,
who:

(a) Fails to report a prohibited financial interest, employment relationship or business connection as required under this
rule, or

(b) Knowingly acquires or establishes a financial interest, employment relationship or business connection prohibited
under this rule.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 6-2016, f. 6-28-16, cert. ef. 6-29-16

845-025-8750
License Surrender

A licensee may request the Commission to accept the surrender of a license. The license remains in effect until the
Commission accepts the surrender. If the Commission accepts the surrender, the Commission will notify the licensee of
the date of acceptance. The licensee must cease all license privileges from on this date through the remainder of the
licensing period. The licensee must apply for and receive a new license before engaging in any licensed activities.

Statutory/Other Authority: ORS 475B.025
Statutes/Other Implemented: ORS 475B.025
History:
OLCC 22-2016, f. 12-22-16, cert. ef. 12-27-16