

Presumptive Marijuana Testing – HB 3000

Legal

Questionable

Illegal

State Agency Oversight

Law Enforcement

2021 saw an explosion of illegal cannabis activity in Oregon. The 2021 Oregon Legislature passed House Bill 3000. HB 3000 addressed various parts of the cannabis industry - hemp and marijuana. One part was the intention of bringing cannabis growers (hemp and marijuana) who are not following the law and rules into compliance. It strengthened enforcement against illegal cannabis growers and increased multi-agency efforts to support Oregon's legal hemp growers.

As directed by HB 3000, the Oregon Department of Agriculture (ODA) and the Oregon Liquor and Cannabis Commission (OLCC) working with numerous other agencies conducted focused sampling and testing of licensed hemp farms in Southern Oregon (Jackson and Josephine counties) in 2021. In 2022, the testing was continued around the state.

PRESUMPTIVE MARIJUANA DEFINITION

- At least 50% of composite samples from mature plants test at or above 5% total delta-9 THC.
- Average among the composite samples from mature plants test at or above 5% total delta-9 THC.
- At least 50% of composite samples from immature plants test at or above 1% total delta-9 THC.
- Average among the composite samples from immature plants test at or above 1% total delta-9 THC.
- At least 50% of composite samples from immature plants test at or above a 5:1 ratio of total delta-9 THC to total CBD.

ACTIONS

From late July to September 2021, ODA and OLCC staff attempted to visit each of the 381 registered hemp growers in Jackson and Josephine County. This put illegal cannabis growers on notice that an ODA hemp license no longer provided good cover for their illegal activities. The work in 2021 was continued statewide in 2022.

- A minimum of three composite samples from different fields or greenhouses were collected.
- Samples were tested using the LightLab portable HPLC Cannabis Analyzer.
- Any samples greater than 5% total delta-9 THC were referred to local law enforcement.
- Any sites that met the definition of presumptive marijuana or that had a production area over 0.3% total delta-9 THC were placed under an administrative detention for further enforcement under OAR 603-048
 - Administrative warrants were obtained for sites that refused access.



	2021	2022
Number of Growers Tested*	183	76
No issues	42% (78)	83% (63)
Test results between 0.3% - 5%	3% (7)	4% (3)
One or more test results above 5% but did not meet presumptive marijuana definition	31% (57)	0% (0)
Met presumptive marijuana definition	22% (41)	7% (5)

* 2021 testing was limited to Jackson and Josephine County with a total of 268 growers in those two counties. Growers not tested are not included in table above. Some growers may have multiple sites. 76 growers out of 284 statewide tested in 2022.

	2021	2022
Total Sites Visited	316	138
Sites with all compliant hemp	32% (100)	89% (123)
Sites with no plants at the time of the inspection	24% (78)	45% (62)
Sites with one or more failed tests but did not meet the definition of presumptive marijuana*	21% (68)	9% (13)
Access denied**	3% (18)	1% (2)
Sites presumptively marijuana**	13% (42)	4% (5)

* ODA issued enforcement actions to include detentions, warrants, crop destruction, and civil penalties.

** In addition to the above enforcement actions, ODA will have potential license denials if the grower reapplies.

RESOURCES

Email

- hemp@oda.oregon.gov
- hemp-records@oda.oregon.gov

Listserv

- <https://oda.fyi/Subscribe>

Websites

- <https://oda.direct/Hemp>
- <https://oda.direct/Cannabis>
- <https://oda.direct/CannabisPesticides>
- <https://oda.direct/HempSeed>



Plant Program Area - Hemp
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