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RULES:

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AMEND: 845-025-1030

RULE TITLE: Application Process

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the process and requirements for applying for a recreational marijuana license. The proposed amendments implement per capita license application limits established by 2024 HB 4121 and conform language to conventions.

RULE TEXT:

- (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 Oregon Water Resources Department (OWRD) Marijuana Producer Water Use Form showing 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.
 - (g) For retailers, a certificate of tax compliance for each applicant as described in OAR 845-025-1045 that has been issued no earlier than 90 calendar days prior to the date the initial application is submitted.
- (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 documentation from the Oregon Water Resources Department (OWRD) that the source of water described on the completed OWRD Marijuana Producer Water Use Form does or does not require a water use permit or certificate from the OWRD and is intended for use in the cultivation of marijuana for commercial purposes.
 - (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) Per Capita Criteria to Accept Marijuana License Applications.
- (a) Beginning January 1, 2025, the Commission may only accept applications for a marijuana producer, processor, wholesaler, or retailer license if the conditions in subsection (b) of this section are met, based upon the ratio of active licenses for each license type to the population of Oregon residents 21 years of age or older. The Commission will request the population data source from the Oregon Population Forecast Program run by Population Research Center

at Portland State University (Annual Population Report or APR) in April each year.

(b) The Commission shall accept applications if the following conditions are met:

(A) For a production license under ORS 475C.065, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older.

(B) For a processor license under ORS 475C.085, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(C) For a wholesale license under ORS 475C.093, there is not more than one active license per 12,500 Oregon residents who are 21 years of age or older.

(D) For a retail license under ORS 475C.097, there is not more than one active license per 7,500 Oregon residents who are 21 years of age or older.

(c) Within 15 days after receiving the APR, the Commission will determine if any of the per capita criteria described in subsection (b) of this section are met. The number of licenses will be determined using OLCC licensing data of the number of active marijuana licenses for each license type as of 12:01am Pacific Time on April 15 of that year.

(d) If the Commission finds the number of active licenses for any license type does not exceed the per capita criteria, the Commission will notify the public of:

(A) The type of marijuana license applications that will be accepted;

(B) The date the Commission will be accepting applications; and

(C) The form and manner to apply for a license.

(e) The Commission will notify the public when the agency is no longer accepting a type of license application because the applicable per capita criterion has been met.

(f) Exceptions. Applications for a laboratory license under ORS 475C.548 or a research certificate under ORS 475C.289 are not subject to the per capita criteria described in this section.

(g) For the purposes of this section, "active marijuana license" means an active license, a suspended license, or an expired license that is eligible to submit a renewal application under OAR 845-025-1190.

(6) 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.

(7) A retailer application may be considered incomplete if all certificates of tax compliance are not submitted as described in subsection (3)(g) of this rule and in accordance with OAR 845-025-1135.

(8) 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 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 section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.033, 2024 OL Ch. 16 Sec. 19, 20, 21 & 23

STATUTES/OTHER IMPLEMENTED: ORS 475C.033, 475C.037, 475C.049, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548, 2024 OL Ch. 16 Sec. 19, 20 & 21

AMEND: 845-025-1115

RULE TITLE: Denial of Application

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details criteria for the Commission to deny an initial or renewal application. The proposed amendments update denial criteria related to schools in accordance with 2022 SB 1522, for hemp growers producing cannabis found to be presumptively marijuana, add good cause when a licensee loses access to their premises within 90 days prior to expiration, and clarify that the Commission may refuse to renew a license for the same reasons it can deny or revoke a license.

RULE TEXT:

(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) Outside of the State of Oregon.

(B) On federal property.

(C) 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.

(d) 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.

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

(A) Except as provided in ORS 475C.101, within 1,000 feet of:

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

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

(iii) A building where a public prekindergarten or kindergarten program is provided by a school district or an education service district.

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

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

(g) A city or county has prohibited the license type for which the applicant is applying, in accordance with ORS 475C.950.

(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 475C.005 to 475C.525 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 475C.333;

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

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

(iv) Violations of local ordinances adopted under ORS 475C.449, 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 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 845-025-1165.
- (K) Has diverted marijuana to the interstate market or an illicit market or has diverted resources to a criminal enterprise.
- (L) Has introduced into the marijuana industry regulated under ORS 475C.005 to 475C.525 cannabinoids or marijuana not produced or processed by a licensee and not tracked in the system developed and maintained under ORS 475C.177.
- (M) Has operated as a hemp grower registered or licensed under ORS 571.281 and grown cannabis that was found to be presumptively marijuana under OAR 845-026-4100 or OAR 845-026-4110.
- (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 475C.037(3). The Commission may consider factors set forth in section (8) 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) Any portion of the premises of the business proposed to be licensed overlaps or would overlap with a portion of:
- (A) An area licensed under ORS chapter 471 or a portion of any area operated or controlled by a retail liquor agent appointed by the Commission;
- (B) The premises of any other 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; or
- (C) An area licensed under ORS 475A.290 as a psilocybin manufacturer or an area licensed under 475A.305 as a psilocybin service center.
- (e) The location proposed to be licensed is prohibited under OAR 845-025-1230.
- (f) The proposed licensed premises of a producer applicant is on the same tax lot as another producer licensee under common ownership.
- (g) 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.
- (h) The applicant does not have access to the proposed or licensed premises. The Commission may consider it good cause for a renewal application when the licensee loses access to the licensed premises 90 days prior to expiration.
- (i) 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.
- (j) 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 location or address of the licensed business or business proposed to be licensed.

(b) The Commission will not deny an initial application under this section 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 location or address proposed to be licensed, and must surrender their registration at that location or address; 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 or refuse to renew 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 section:

(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 475C.037(3), that involved violence or the threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; 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 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.033, 475C.037, 475C.053, 475C.065, 475C.085, 475C.093, 475C.097,
475C.189, 475C.548, 475C.950

AMEND: 845-025-1131

RULE TITLE: Application Submission Deadlines

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule sets out application submission deadlines. The proposed amendments implement updated timelines and per capita license application limits established by 2024 HB 4121 and conform language to conventions.

RULE TEXT:

- (1) All license applications submitted on or before January 1, 2022 through the Commission's online licensing system with the nonrefundable application fee will be held until the application is assigned to a Commission staff member.
- (2) Until January 1, 2025, applications for producer, processor, wholesaler, and retailer licenses submitted after January 1, 2022 will be inactivated.
- (3) Beginning January 1, 2025, the Commission may not accept and will inactivate applications for a new license under producer, processor, wholesaler, or retailer license unless the Commission has issued a notice to the public under OAR 845-025-1030(5)(d) and has not closed applications by issuing a notice to the public under OAR 845-025-1030(5)(e).
- (4) Section (3) of this rule does not apply to:
 - (a) An application for renewal of a license;
 - (b) An application for reissuance of a license necessitated by a change in the location or ownership of a production, processing, wholesale or retail facility or premises;
 - (c) An application for a change in size of a mature marijuana plant grow canopy; or
 - (d) The sale or purchase of a license issued prior to December 31, 2024.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 2022 OL Ch. 108 Sec. 1, 2024 OL Ch. 16 Sec. 19, 20, 21 & 23

STATUTES/OTHER IMPLEMENTED: 2022 OL Ch. 108 Sec. 1, 2024 OL Ch. 16 Sec. 19, 20, 21 & 23

AMEND: 845-025-1132

RULE TITLE: Prohibited Changes to License Applications

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule sets out what changes may be made to a marijuana license application. The proposed amendments update timelines established by 2024 HB 4121.

RULE TEXT:

(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 1, 2025, an applicant that submitted an application for a producer license under ORS 475C.065, a processor license under ORS 475C.085, a wholesaler license under ORS 475C.093, or a retailer license under ORS 475C.097 on or before January 1, 2022 may not change the location of the proposed licensed premises for which the application was submitted.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 2022 OL Ch. 108 Sec. 1

STATUTES/OTHER IMPLEMENTED: 2022 OL Ch. 108 Sec. 1, 2024 OL Ch. 16 Sec. 23

AMEND: 845-025-1165

RULE TITLE: Change of Business Structure

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes processes and requirements for changes of business structure. The proposed amendments add that a licensee may request to withdraw a change of business structure request that is subject to the Commission's acceptance and updates language related to schools in accordance with 2022 SB 1522.

RULE TEXT:

(1) For the purposes of this rule, "change of business structure:"

(a) Means a change in a licensee's or laboratory licensee's ownership structure by adding an individual or legal entity who meets 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.

(b) Does not mean a "change of ownership" as described in OAR 845-025-1170.

(2) Process for a change of business structure:

(a) A licensee or laboratory licensee proposing a change of business structure must, prior to making the change, submit in a manner prescribed by the Commission:

(A) A form prescribed by the Commission;

(B) For a retailer proposing a change of business structure by adding an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045, a certificate of tax compliance for each proposed new applicant, issued no earlier than 90 calendar days prior to the date that the form required in paragraph (A) of this subsection is submitted; and

(C) Any other information identified in the form to be submitted to the Commission.

(b) The Commission must review the change of business structure request and other information submitted under subsection (a) of this section.

(A) If the Commission determines that the submission appears to be complete, the Commission will notify the licensee or laboratory licensee that the change is conditionally approved.

(B) If the Commission does not notify the licensee or laboratory licensee that the submission is incomplete within five business days of receiving the submission, the change is conditionally approved, except as provided in paragraph (C) of this subsection.

(C) If the licensee has not submitted the information required in paragraph (2)(a)(B) of this rule, as applicable, the change request is deemed incomplete and must be resubmitted.

(c) Notwithstanding subsection (a) of this section:

(A) A licensee or laboratory licensee must notify the Commission within 60 calendar days, but does not need to notify the Commission prior to making the following changes:

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

(ii) A publicly traded corporation adding or removing principal officers.

(B) Except as provided in subsection (2)(d) of this rule, the changes described in paragraph (A) of this subsection are considered conditionally approved if, within 60 calendar days of the changes occurring, the licensee or laboratory licensee submits:

(i) A form prescribed by the Commission;

(ii) For a retailer proposing a change of business structure by adding an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045, a certificate of tax compliance for each proposed new applicant, issued no earlier than 90 calendar days prior to the date that the form required in subparagraph (i) of this paragraph is submitted;

(iii) Any information identified in the form to be submitted to the Commission.

(C) The Commission must review the form and other information submitted under paragraph (B) of this subsection. If

the Commission determines that the submission does not include all information required by paragraph (B) of this subsection, the Commission will notify the licensee or laboratory licensee.

(D) If a licensee does not submit a change of business structure notice with the information required under paragraph (2)(c)(B)(ii) of this rule, as applicable, within 60 calendar days of the changes occurring, the notice is deemed incomplete and is not conditionally approved.

(d) The Commission may withdraw the conditional approval and deny a change requested under subsections (a) or (c) of this section if:

(A) The requested change constitutes a "change of ownership" as described in OAR 845-025-1170;

(B) The Commission has reason to believe 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;

(C) The Commission determines that the form or information submitted under subsection (2)(a) or paragraph (2)(c)(B) of this rule are incomplete;

(D) The form or information submitted under subsection (2)(a) or paragraph (2)(c)(B) of this rule contains false or misleading information; or

(E) The licensee fails to pay the fee specified in OAR 845-025-1060(8)(a) within 30 days if the Commission requires a criminal background check for any persons that the licensee or laboratory licensee requests to add to the license.

(e) If the Commission denies a change requested under this rule, the licensee or laboratory licensee has a right to a hearing under the procedures of ORS chapter 183.

(f) If the Commission determines that there is no basis to deny a change requested under this rule, the Commission shall notify the applicant in writing that the change has been approved.

(3) Violations. Failure to notify the Commission of changes in business structure as described in this rule is a Category III violation.

(4) A licensee may submit a written request to the Commission to withdraw a pending or conditionally-approved change of business structure request. Upon the Commission's acceptance of the withdrawal, the request and conditional approval, if applicable, is no longer valid.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.037, 475C.189, 475C.548

AMEND: 845-025-1180

RULE TITLE: Change of Location

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details requirements for changing the location of a licensed premises. The proposed amendments change the timeframe a licensee has to show legal access to a new premises to 90 days and updates language related to schools in accordance with 2022 SB 1522.

RULE TEXT:

- (1) For the purposes of this rule, "change of location" means a transfer of a license or laboratory license from the premises for which the license or laboratory license is currently issued to another premises that does not include any part of the premises for which the license or laboratory license is currently issued.
- (2) To request a change of location, a licensee or laboratory licensee must submit:
 - (a) A change of location request form as prescribed by the Commission;
 - (b) A Land Use Compatibility Statement for the new proposed location from the city or county that authorizes land use for that location.
 - (c) Any additional forms, documents, and information identified in the form to be submitted to the Commission;
 - (d) Additional information requested by the Commission if there is a reason to believe that the information is needed to determine the merits of the change of location request; and
 - (e) The fee specified in OAR 845-025-1060.
- (3) A licensee or laboratory licensee who requests a change of location 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.
- (4) 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 475C 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 475C 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 90 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 for that location and the use is not prohibited.
- (5) The licensee or laboratory licensee may not begin engaging in activities that require a license in the new location prior to the Commission approving a change of location request.
- (6) The Commission shall review a change of location request to determine if it is complete. A request may be considered incomplete if an application form is not complete, the fee specified in OAR 845-025-1060 has not been paid, or some or all of the additional information required under these rules is not submitted.
 - (a) The licensee or laboratory licensee will be notified in writing that its request is incomplete and has been inactivated by the Commission.
 - (b) The licensee or laboratory licensee may submit a written request for reconsideration of a decision that a change of location request 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 to the licensee or laboratory licensee. The Commission may give the licensee or laboratory licensee the opportunity to be heard if change of location request is inactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.
- (7) The Commission may deny a change of location request for any of the reasons that it may deny a license under OAR

845-025-1115. If the Commission denies a change of location request, the licensee or laboratory licensee has a right to a hearing under the procedures of ORS chapter 183.

(8) The Commission will refuse to process a change of location request submitted by:

(a) A person other than the licensee, laboratory licensee, or licensee representative of the licensed business for which the change of ownership is proposed;

(b) A business that is not currently licensed.

(9) The Commission may allow a marijuana retailer to change its location if, after issuing the license, the Commission becomes aware that a school or a building where a public prekindergarten or kindergarten program is provided by a school district or an education service district was established prior to issuance of the license is located within 1,000 feet of the retailer's premises. The retailer must submit a change of location request as described in this rule.

(10) Violations. A violation of this rule is a Category II violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.037, 475C.045, 475C.548, 2022 OL Ch. 117 Sec. 3

AMEND: 845-025-1230

RULE TITLE: Licensed Premises Restrictions and Requirements

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details licensed premises restrictions and requirements. The proposed amendments update language related to schools in accordance with 2022 HB 1522, and specify conditions where a producer needs an ODA food safety license.

RULE TEXT:

(1) A licensed premises may not be located:

(a) On federal property; or

(b) Such that any portion of the premises overlaps or would overlap any of the following:

(A) A medical marijuana processing site registered under ORS 475C.815.

(B) A medical marijuana dispensary registered under ORS 475C.833.

(C) A liquor license licensed under ORS chapter 471.

(D) A retail liquor agent appointed by the Commission.

(E) A psilocybin manufacturer licensed under ORS 475A.290.

(F) A psilocybin service center licensed under ORS 475A.305.

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

(a) Public land;

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

(c) The same physical location or address as a medical marijuana grow site registered under ORS 475C.792.

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

(a) Except as provided in ORS 475C.101, within 1,000 feet of:

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

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

(C) A building where a public prekindergarten or kindergarten program is provided by a school district or an education service district.

(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, wholesaler, or laboratory licensee may be exempt from this requirement if the processor, wholesaler, or laboratory 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 475C.783 may consume marijuana during their work shift on the licensed premises as necessary for their 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 subsection may not be intoxicated while on duty. For purposes of this subsection 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 18 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. All members of a tour group must sign in on the daily log.

(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 475C.217.

(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, retailer, or producer 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.

(16) If the proposed premises is located at the same address of any business or operation listed in section (1) of this rule or OAR 845-025-1115(2)(d), the Commission may require the licensee to designate within the license application an identifier separate from the address, such as a suite number, building number, or similar identifier, that differentiates the area of the licensed premises from other businesses or operations that share the address. This identifier is not

required to be part of a valid United States Postal Service recognized address.

(17) Violations.

(a) A violation of section (6) of this rule is a Category III violation.

(b) A violation of subsection (9)(a) of this rule is a Category IV violation. All other violations of section (9) of this rule are Category V violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548

STATUTES/OTHER IMPLEMENTED: ORS 475C.001, 475C.085, 475C.093, 475C.097, 475C.225, 475C.317, 475C.377, 475C.548

AMEND: 845-025-2840

RULE TITLE: Retailer Premises

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details retailer premises requirements. The proposed amendments replace language with statutory reference, updates language related to schools in accordance with 2022 SB 1522 and provides a technical citation fix.

RULE TEXT:

(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 475C.097(2)(d), may be located within 1,000 feet of a school or building described in ORS 475C.097(2)(d) if the criteria in ORS 475C.101 are met.

(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) Consumer sales area.

(a) A retailer must designate any portion of the licensed premises where consumers are permitted as a consumer sales area.

(b) The consumer sales area shall include the portion of the premises where marijuana items are displayed for sale or 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 except as otherwise allowed by these rules.

(c) A retailer that does not allow the general public to enter the licensed premises is not required to designate a consumer sales area.

(4) All inventory must be stored on the licensed premises.

(5) For purposes of determining the distance between a retailer and a school or building as defined in ORS 475C.097(2)(d) and 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 or building 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 or building as described subsection (1)(b) of this rule an applicant will not be licensed.

(6) Violations.

(a) A violation of section (2) or (3) of this rule is a Category III violation.

(b) A violation of section (4) of this rule is a Category I violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.097

STATUTES/OTHER IMPLEMENTED: ORS 475C.097, 475C.101, 475C.205

AMEND: 845-025-3220

RULE TITLE: General Processor Requirements

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details general processor requirements. The proposed amendments specify homogeneity requirements that reflect batch requirements for testing.

RULE TEXT:

(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 items 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 or name and enter this information into CTS pursuant to 845-025-7575.

(2) A processor may not process, transfer or sell a marijuana item 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.
 - (e) If such an item is a cannabinoid edible that:
 - (A) Is in its final form ready for packaging for sale or transfer to a consumer;
 - (B) Does not meet the serving size identification requirements in OAR 845-026-0210(3); and
 - (C) Is not a "medical marijuana item" as defined in OAR 845-026-0200.
- (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 ensure every process lot of a finished cannabinoid concentrate or extract or finished cannabinoid product, as those terms are defined in OAR 333-007-0310, is uniform in potency, texture, and weight per unit of sale.
- (5) A processor must maintain records of industrial hemp test results for two years.
- (6) Violations.
- (a) A violation of subsection (2)(e) of this rule is assessed as described in OAR 845-025-8590(3)(b)(B).
 - (b) All other violations of this rule are Category III violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.085, 475C.237, 571.336, 571.337

STATUTES/OTHER IMPLEMENTED: ORS 475C.085, 475C.233, 571.336, 571.337

AMEND: 845-025-3305

RULE TITLE: Processing for Cardholders

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the requirements for processing marijuana for medical cardholders. The proposed amendments increase the annual transfer limits for cardholder processing.

RULE TEXT:

(1) Eligibility. Notwithstanding OAR 845-025-3215(3), a processor licensed under ORS 475C.085 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 six 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) Four ounces of cannabinoid extracts;

(B) 64 ounces of cannabinoid concentrates;

(C) 64 ounces of cannabinoid products in solid form; or

(D) 288 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 475C.540 to ORS 475C.586 and OAR 333-007-0300 to 333-007-0500;

(B) The concentration limit requirements in ORS 475C.620 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 subsection (1)(e) of this rule, 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 patients or the patients' 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 475C.017, ORS 475C.085, 475C.141

STATUTES/OTHER IMPLEMENTED: ORS 475C.085, 475C.141

AMEND: 845-025-5765

RULE TITLE: Cannabis Reference Laboratory

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule describes the Commission's use of the Cannabis Reference Laboratory. The proposed amendments clarify that the Commission is responsible for requesting any reanalysis from the Cannabis Reference Laboratory.

RULE TEXT:

(1) The Commission may request that the cannabis reference laboratory conduct any of the following:

(a) Audit testing as described in OAR 845-025-5760; or

(b) Testing if the Commission has reason to believe the marijuana item, industrial hemp or hemp item is not in compliance with ORS 475C.544 or these rules.

(2) The Commission may consider a test conducted by the cannabis reference laboratory to be a compliance test.

(3) If a test conducted by the cannabis reference laboratory indicates a sample fails to comply with concentration limits in OAR chapter 845, division 26 or an action level in OAR chapter 333, division 7, the Commission may invalidate the results of the test conducted by the original laboratory. If the Commission invalidates a compliance test result:

(a) The Commission must notify the licensee who ordered the compliance test.

(b) The licensee must follow the applicable procedures under OAR 333-007-0450 regarding failed test samples.

(c) The Commission may request reanalysis by the reference laboratory conducted pursuant to OAR 333-007-0450.

(d) The Commission may request or require the recall any marijuana items, industrial hemp or hemp items associated with a failed sample that have been sold or transferred. The recall must be conducted in accordance with OAR 845-025-5790. The licensee must either:

(A) Destroy the affected marijuana items, industrial hemp, or hemp items; or

(B) Remediate the affected marijuana items, industrial hemp, or hemp items in accordance with OAR 333-007-0450.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.237, ORS 475C.523, 571.275, 571.337

STATUTES/OTHER IMPLEMENTED: ORS 475C.523

AMEND: 845-025-7030

RULE TITLE: Labeling for Sale to Consumer

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details requirements for labeling for sale to a consumer. The proposed amendments update nutrition templates for edibles, implement clear requirements for labeling ingestible products that contain a significant proportion of THCA, prohibit significant modifications to the universal and hemp symbols, and correct a reference.

RULE TEXT:

(1) A label required by these rules must:

(a) Be printed on or affixed to the container holding the marijuana item or hemp item and printed on or affixed to any outer package or container that is used to display the marijuana item or hemp item 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 one-sixteenth of an inch in height based on the uppercase "K";

(d) Be in English, though it can also 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 hemp item 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 hemp item 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 a hemp item, the principal display must include the hemp symbol in place of the universal symbol.

(f) On or after July 1, 2022, if the package or container is a jar and is 1.75 inches or less in height and has a lid with a width of two inches or less, then the principal display panel must be on the top of the lid.

(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 and hemp 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. Unless required to be relabeled as described in OAR 845-025-5760, 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 845-026-0200 to 845-026-0220 or 845-025-2760, 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."

(c) For cannabinoid edibles, cannabinoid tinctures, and cannabinoid capsules tested on and after January 1, 2025, if the delta-9-THC is less than 90% of the total THC, the label must separately display the delta-9-THC and THCA.

(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. Other than the size, which cannot be below the minimum size in this rule, the universal symbol may not be modified, including but not limited to, modifying the color or shape.

(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. Other than the size, which cannot be below the minimum size in this rule, the hemp symbol may not be modified, including but not limited to, modifying the color or shape.

(10) A marijuana item or hemp item may have one or more label panels printed on or affixed to the container or packaging.

(11) Small Container Label. A marijuana item or hemp item 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 845-025-7145, have a label printed on or affixed to the container holding the marijuana item or hemp item 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, 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 hemp item, the following warning is required to be on the label: "This product is derived from hemp and could contain THC. Keep out of reach of children."

(iii) 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 (a) of this section on a hangtag attached to the marijuana item or hemp item.

(c) May use a peel-back or accordion label with the information required in subsection (b) of this section 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 hemp item that is in a container that has a complete surface area available for applying a label that is less than two inches squared:

- (a) May have a label printed on or affixed to the container that holds the marijuana item or hemp item 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 (a) of this section on a hangtag attached to the marijuana item or hemp item.
- (c) May use a peel-back or accordion label with the information required in subsection (a) of this section 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 hemp item 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 hemp item that simultaneously falls within more than one category must comply with the labeling requirements that apply to each category, 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. 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.
- (15) If a marijuana item or hemp item 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 hemp item 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 or hemp 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 hemp item used to make the product.
- (18) A cannabinoid edible or hemp 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) Nutrition information formats.
- (a) A cannabinoid edible or hemp edible shall use one of the nutrition information formats listed in Table 1, incorporated herein by reference.
 - (b) On and after January 1, 2026, a cannabinoid edible or hemp edible shall use one of the nutrition information formats as listed in 21 CFR 101.9(c) for nutrition labeling of food, and as provided on pages 2 through 10 of Table 1. Nothing in this rule precludes the use of the nutrition information formats listed on pages 2 through 10 of Table 1 before January 1, 2026.
- (20) If the container holding the marijuana item or hemp item 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 hemp items 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 or hemp 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 475C.604, 475C.612, 571.337

STATUTES/OTHER IMPLEMENTED: ORS 475C.604, 571.337

OAR 845-025-7030
Table 1

Nutrition Facts Panel Templates

The following templates may be used to display the nutrition information, serving size, number of servings per container, list of ingredients, and allergen information. All cannabinoid edible and hemp edible labels must use one of the following templates to display this information. On and after **January 1, 2026**, one of the nutrition templates starting on page 2 of this Table **must** be used (see OAR [845-025-7030](#)).

Nutrition Facts	
5 servings per container	
Serving Size	1 cookie (10 g)
Amount per serving	
Calories	150
Total Fat	10g
Cholesterol	8mg
Sodium	150mg
Total Carb.	25g
Total Sugars	19g
Protein	3g
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt	
Contains: Wheat, Milk, Egg, Coconut	

Vertical Display

The vertical display should be used on most labels that do not qualify as a small or tiny container.

Nutrition Facts	Servings: 5, Serv. Size: 1 cookie (10g),
Amount per serving: Calories 150, Total Fat 10g, Cholest. 8mg, Sodium 150mg, Total Carb. 25g, Total Sugars 19g, Protein 3g.	
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt	
Contains: Wheat, Milk, Egg, Coconut	

Linear Display for Small Packages

The linear display can be used on small containers that do not have enough space to fit a full label.

Nutrition Facts	Amount/serving	Amount/serving	Amount/serving
5 servings per container	Total Fat	10g	Total Carb. 25g
Serv. Size: 1 cookie (10g)	Cholesterol	8mg	Total Sugars 19g
Calories , per serving	Sodium	150mg	Protein 3g
	150		
Ingredients: Sugar, Whole Wheat Flour, Malted Barley Flour, Butter, Palm Oil, Rolled Oats, Egg, Coconut, Sugar, Baking Soda, Salt			
Contains: Wheat, Milk, Egg, Coconut			

Tabular Display for Small Packages

The tabular display can be used on small containers that do not have enough space to fit a full label.

NOTE: the requirements listed above for what type of display must be used depending on the size of the package apply to the displays below.

Vertical Display

Nutrition Facts	
8 servings per container	
Serving size	2/3 cup (55g)
Amount per serving	
Calories	230
<small>% Daily Value*</small>	
Total Fat 8g	10%
Saturated Fat 1g	5%
<i>Trans</i> Fat 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugars	20%
Protein 3g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 240mg	6%
<small>* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</small>	

Vertical Display with Micronutrients Listed Side-by-Side

Nutrition Facts	
8 servings per container	
Serving size	2/3 cup (55g)
Amount per serving	
Calories	230
% Daily Value*	
Total Fat 8g	10%
Saturated Fat 1g	5%
<i>Trans Fat</i> 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugars	20%
Protein 3g	
Vit. D 2mcg 10% • Calcium 260mg 20%	
Iron 8mg 45% • Potas. 240mg 6%	
<small>* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</small>	

Vertical Display Including Some Voluntary Nutrients

Nutrition Facts	
17 servings per container	
Serving size	3/4 cup (28g)
Amount per serving	
Calories	140
% Daily Value*	
Total Fat 1.5g	2%
Saturated Fat 0g	0%
<i>Trans Fat</i> 0g	
Polyunsaturated Fat 0.5g	
Monounsaturated Fat 0.5g	
Cholesterol 0mg	0%
Sodium 160mg	7%
Fluoride 0mg	
Total Carbohydrate 22g	8%
Dietary Fiber 2g	7%
Soluble Fiber <1g	
Insoluble Fiber 1g	
Total Sugars 9g	
Includes 8g Added Sugars	16%
Protein 9g	18%
Vitamin D 2mcg (80 IU) 10%	
Calcium 130mg 10%	
Iron 4.5mg 25%	
Potassium 110mg 2%	
Vitamin A 90mcg 10%	
Vitamin C 9mg 10%	
Thiamin 0.3mg 25%	
Riboflavin 0.3mg 25%	
Niacin 4mg 25%	
Vitamin B ₆ 0.4mg 25%	
Folate 200mcg DFE 50%	
(120mcg folic acid)	
Vitamin B ₁₂ 0.6mcg 25%	
Phosphorus 100mg 8%	
Magnesium 25mg 6%	
Zinc 3mg 25%	
Choline 60mg 10%	
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.	
Calories per gram:	
Fat 9	• Carbohydrate 4 • Protein 4

Tabular Format

<h1>Nutrition Facts</h1> <p>10 servings per container</p> <p>Serving size 2 slices (56g)</p> <hr/> <p>Calories per serving 170</p>	<p>Amount/serving % Daily Value*</p>	<p>Amount/serving % Daily Value*</p>	<p>*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.</p>
	<p>Total Fat 1.5g 2%</p> <p>Saturated Fat 0.5g 3%</p> <p>Trans Fat 0.5g</p>	<p>Total Carbohydrate 36g 13%</p> <p>Dietary Fiber 2g 7%</p> <p>Total Sugars 1g</p> <p>Includes 1g Added Sugars 2%</p>	
	<p>Cholesterol 0mg 0%</p> <p>Sodium 280mg 12%</p>	<p>Protein 4g</p>	
	<p>Vitamin D 0mcg 0% • Calcium 80mg 6% • Iron 1mg 6% • Potassium 470mg 10% Thiamin 15% • Riboflavin 8% • Niacin 10%</p>		

Aggregate Display

Nutrition Facts		Wheat Squares Sweetened	Corn Flakes Not Sweetened	Mixed Grain Flakes Sweetened	
1 serving per container					
Serving size 1 box		(35g)	(19g)	(27g)	
Amount per serving					
Calories		130	70	100	
		% Daily Value*	% Daily Value*	% Daily Value*	
Total Fat		0g 0%	0g 0%	0g 0%	
Saturated Fat		0g 0%	0g 0%	0g 0%	
Trans Fat		0g	0g	0g	
Cholesterol		0mg 0%	0mg 0%	0mg 0%	
Sodium		0mg 0%	200mg 9%	120mg 5%	
Total Carbohydrate		29g 11%	17g 6%	24g 9%	
Dietary Fiber		3g 11%	1g 4%	1g 4%	
Total Sugars		8g	6g	13g	
Includes Added Sugars		8g 16%	5g 10%	13g 26%	
Protein		4g	1g	1g	
* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.		Vitamin D	2mcg 10%	2mcg 10%	0mcg 0%
		Calcium	0mg 0%	0mg 0%	0mg 0%
		Iron	2mg 10%	1mg 6%	4mg 20%
		Potassium	120mg 2%	80mg 2%	30mg 0%
		Vitamin A	0%	10%	10%
		Vitamin C	0%	15%	90%
		Thiamin	35%	15%	25%
		Riboflavin	30%	10%	25%
		Niacin	30%	10%	20%
		Vitamin B ₆	30%	20%	20%

Dual Colum Display, Per Serving and Per Container

Nutrition Facts				
2 servings per container				
Serving size		1 cup (255g)		
Calories	Per serving		Per container	
	220		440	
	% DV*		% DV*	
Total Fat	5g	6%	10g	13%
Saturated Fat	2g	10%	4g	20%
Trans Fat	0g		0g	
Cholesterol	15mg	5%	30mg	10%
Sodium	240mg	10%	480mg	21%
Total Carb.	35g	13%	70g	25%
Dietary Fiber	6g	21%	12g	43%
Total Sugars	7g		14g	
Incl. Added Sugars	4g	8%	8g	16%
Protein	9g		18g	
Vitamin D	5mcg	25%	10mcg	50%
Calcium	200mg	15%	400mg	30%
Iron	1mg	6%	2mg	10%
Potassium	470mg	10%	940mg	20%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Tabular Dual Colum Display

Nutrition Facts	Per serving		Per container		Per serving		Per container			
		% DV*		% DV*		% DV*		% DV*		
2 servings per container Serving size 1 cup (255g)	Total Fat	5g	6%	10g	13%	Total Carb.	35g	13%	70g	25%
Calories 220 440 per serving per container	Saturated Fat	2g	10%	4g	20%	Dietary Fiber	6g	21%	12g	43%
	<i>Trans Fat</i>	0g		0g		Total Sugars	7g		14g	
	Cholesterol	15mg	5%	30mg	10%	Incl. Added Sugars	4g	8%	8g	16%
	Sodium	240mg	10%	480mg	21%	Protein	9g		18g	
	Vitamin D	5mcg	25%	10mcg	50%	Iron	1mg	6%	2mg	10%
	Calcium	200mg	15%	400mg	30%	Potassium	470mg	10%	940mg	20%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Tabular Display for Small Packages

Nutrition Facts	Amount/serving	% DV	Amount/serving	% DV
	about 3 servings per container Serving size 1/3 cup (56g)	Total Fat 2g	3%	Total Carb. 15g
Calories per serving 90	Sat. Fat 1g	5%	Fiber 0g	0%
	<i>Trans Fat</i> 0.5g		Total Sugars 14g	
	Cholesterol 10mg	3%	Incl. 13g Added Sugars	26%
	Sodium 200mg	9%	Protein 3g	
	Vitamin D 0% • Calcium 6% • Iron 6% • Potassium 10%			

Linear Display for Small Packages

Nutrition Facts Servings: 12, Serv. size: 1 mint (2g), Amount per serving: Calories 5, Total Fat 0g (0% DV), Sat. Fat 0g (0% DV), <i>Trans Fat</i> 0g, Cholest. 0mg (0% DV), Sodium 0mg (0% DV), Total Carb. 2g (1% DV), Fiber 0g (0% DV), Total Sugars 2g (Incl. 2g Added Sugars, 4% DV), Protein 0g, Vit. D (0% DV), Calcium (0% DV), Iron (0% DV), Potas. (6% DV).
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Dual Columns, Two Forms of the Same Food

Nutrition Facts		
12 servings per container		
Serving size 1/4 cup dry mix (44g)		
	Per 1/4 cup dry mix	Per baked portion
Calories	170	300
	<small>% DV*</small>	<small>% DV*</small>
Total Fat	1.5g 2%	16g 21%
Saturated Fat	1g 5%	5g 25%
Trans Fat	0g	0g
Cholesterol	0mg 0%	60mg 20%
Sodium	300mg 13%	375mg 16%
Total Carb.	36g 13%	36g 13%
Dietary Fiber	<1g 2%	<1g 2%
Total Sugars	18g	18g
Incl. Added Sugars	18g 36%	18g 36%
Protein	2g	3g
Vitamin D	0mcg 0%	0mcg 0%
Calcium	100mg 8%	100mg 8%
Iron	1mg 6%	1mg 6%
Potassium	40mg 0%	40mg 0%

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Dual Columns, Per Serving and Per Unit

Nutrition Facts			
12 servings per container			
Serving size		1/2 muffin (144g)	
Calories	Per 1/2 muffin	Per 1 muffin	
	380	760	
	% DV*	% DV*	
Total Fat	16g 21%	32g 41%	
Saturated Fat	3g 15%	6g 30%	
Trans Fat	0g	0g	
Cholesterol	50mg 17%	100mg 33%	
Sodium	480mg 21%	960mg 42%	
Total Carb.	56g 20%	112g 41%	
Dietary Fiber	2g 7%	4g 14%	
Total Sugars	32g	64g	
Incl. Added Sugars	30g 60%	60g 120%	
Protein	3g	6g	
Vitamin D	0.1mcg 0%	0.2mcg 2%	
Calcium	40mg 4%	80mg 6%	
Iron	2mg 10%	4mg 20%	
Potassium	190mg 4%	380mg 8%	

* The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

AMEND: 845-025-7090

RULE TITLE: Cannabinoid Edible Labeling Requirements

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details requirements for labeling cannabinoid edibles for sale to a consumer. The proposed amendments update nutrition templates for edibles.

RULE TEXT:

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.

On and after January 1, 2026, the required nutrient, vitamin, and mineral information in 21 CFR 101.9(c) for nutrition labeling of food. Optional nutrient, vitamin, and mineral information as allowed in 21 CFR 101.9(c) may be listed. Nothing in this rule precludes the use of the required or optional nutrient, vitamin, or mineral information before January 1, 2026.
- (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 475C.604

STATUTES/OTHER IMPLEMENTED: ORS 475C.604

AMEND: 845-025-7160

RULE TITLE: Packaging and Labeling Pre-approval Process

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details the packaging and labeling pre-approval process. The proposed amendments establish inactivation, denial, hearings rights, and reconsideration criteria for package and label applications.

RULE TEXT:

- (1) Prior to selling, offering for sale, or transferring a marijuana item or hemp item that is for ultimate sale to a consumer, patient, or designated primary caregiver, a licensee, registrant, or Commission-certified hemp handler must submit both a package and a label application to and receive approval from the Commission. The initial submission shall be made electronically if required by the Commission. The licensee, registrant, or Commission-certified hemp handler must submit a physical prototype upon request by the Commission.
- (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 or Commission-certified hemp handler, and attestation by the licensee or Commission-certified hemp handler of the accuracy of the information submitted for label pre-approval.
 - (D) For label applications for marijuana items or hemp items that contain an artificially derived cannabinoid allowed by OAR 845-025-1310:
 - (i) The applicable documentation required by OAR 845-025-1310(1);
 - (ii) A copy of the food establishment license issued by the Oregon Department of Agriculture (ODA) to the manufacturer of the artificially derived cannabinoid; and
 - (iii) In a form and manner prescribed by the Commission, citations to the peer reviewed studies as required by OAR 845-025-1310(1), and attestation by the licensee of the accuracy of the information submitted for label pre-approval.
- (3) If a licensee or Commission-certified hemp handler submits a list of ingredients to the Commission in order to comply with paragraph (2)(b)(C) of these rules, and the licensee or Commission-certified hemp handler 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 or Commission-certified hemp handler, 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.
 - (D) Will contain a marijuana item or hemp item that is not compliant with ORS 475C, OAR chapter 333, divisions 7 and 8, or OAR chapter 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 475C, OAR chapter 333, divisions 7 and 8, or OAR chapter 845, division 25.

(B) Contains any material that is attractive to minors.

(C) Contains untruthful or misleading content.

(5) The Commission must review the packaging and labeling and notify the licensee, registrant, or Commission-certified hemp handler whether the packaging and labeling is approved, and if not approved, a description of the packaging or labeling deficiencies.

(6) If a licensee's, registrant's, or Commission-certified hemp handler's label or package fails to comply with these rules, it must correct the deficiencies and resubmit the label or package for pre-approval. Failure to correct the deficiencies within any deadline established by the Commission will result in the pre-approval application being considered incomplete.

(a) On and after January 1, 2025, if a package or label is found deficient for a third time, the application will be denied and the licensee, registrant, or Commission-certified hemp handler will be given the right to a hearing under the procedures in ORS Chapter 183.

(b) Reconsideration. A licensee, registrant, or Commission-certified hemp handler may submit a written request for reconsideration of an application's inactivation pursuant to section (6) of this rule. Such a request must be received by the Commission within 10 days of the date the inactivation notice was sent to the licensee, registrant, or Commission-certified hemp handler. The Commission shall give the licensee, registrant, or Commission-certified hemp handler the opportunity to be heard if the application is denied pursuant to section (6) of this rule. A hearing under this section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(c) A licensee, registrant or Commission-certified hemp handler may resubmit an application for label or package preapproval at any time, in accordance with section (2) of this rule.

(7) A licensee, registrant, or Commission-certified hemp handler 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.

(e) A marijuana wholesaler or a marijuana retailer with an approved usable marijuana or hemp label may change the producer's business name, trade name, or license number without resubmission and pre-approval.

(9) Prior to a licensee, registrant, or Commission-certified hemp handler transferring a package or label approval from one licensee, registrant, or Commission-certified hemp handler to another, the licensee, registrant, or Commission-certified hemp handler 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, registrants, and Commission-certified hemp handlers who have approved label applications.

(12) Labels for marijuana items and hemp items 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.

(15) On or after April 1, 2024, a new package or label application or a previously approved package or label application that has been opened by the Commission due to a request for an amendment to an existing package or label shall be inactivated and the fee collected under OAR 845-025-1060 shall not be refunded if a licensee, registrant, or Commission-certified hemp handler does not resubmit the application within 365 days of the Commission notifying the licensee, registrant, or Commission-certified hemp handler of deficiencies with the application.

STATUTORY/OTHER AUTHORITY: ORS 475C.237, ORS 475C.616, 571.337, 475C.604, 475C.608

STATUTES/OTHER IMPLEMENTED: ORS 475C.616, 571.337, 475C.608

AMEND: 845-025-7520

RULE TITLE: Unique Identification (UID) Tags

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details UID tag requirements. The proposed amendments harmonize plant tagging by grow site administrators with plant heights relevant under OMMP rules and prohibit packaging non-cannabis consumable products together with marijuana items or hemp items.

RULE TEXT:

- (1) 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 10 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 all 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.
 - (d) 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) A grow site administrator must assign and affix a UID tag to each marijuana plant batch being cultivated no later than when any plant in the marijuana plant batch reaches a height of 24 inches or is flowering, whichever is sooner.
- (3) A licensee must assign and affix a UID tag to each marijuana plant batch being cultivated no later than when any plant in the marijuana plant batch reaches a height of 36 inches or is flowering, whichever is sooner.
- (4) The requirements of subsection (1)(c) of this rule do not apply to:
 - (a) Marijuana harvested by producers or grow site administrators in the first 45 days after the harvest of the marijuana plant if a UID tag has not yet been designated in CTS; or
 - (b) Marijuana items that are part of an active process lot and that are being tracked pursuant to OAR 845-025-7575.
- (5) 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.
- (6) For the purposes of this rule, different potency means the total THC concentration of any item combined under a single UID is less than 90 percent of the total THC concentration of the item with the highest concentration of total THC under that UID tag.
- (7) 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 in the same package or container with non-cannabis consumable products.
- (8) Violations.
 - (a) A violation of subsection (1)(c) or section (7) of this rule is a Category III violation.
 - (b) All other violations of this rule are Category IV violations.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548, ORS 475C.177

STATUTES/OTHER IMPLEMENTED: ORS 475C.177

AMEND: 845-025-7570

RULE TITLE: Seed-To-Sale Tracking — Cultivation of Marijuana Plants

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details the requirements related to plant tracking. The proposed amendments harmonize plant tagging by grow site administrators with plant heights relevant under OMMP rules.

RULE TEXT:

(1) Cultivation Batches.

(a) Immature marijuana plants under 36 inches in height at the premises of a producer or a research certificate holder must be recorded in CTS as part of a cultivation batch.

(b) Immature marijuana plants under 24 inches in height at the premises of a grow site subject to tracking in CTS must be recorded in CTS as part of a cultivation batch.

(c) 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 marijuana plants in each cultivation batch in CTS.

(d) Batch names must be physically affixed to the cultivation batch or the segregated area where the cultivation batch is physically located.

(e) A cultivation batch may not have more than 100 immature marijuana plants.

(f) A producer, research certificate holder, or grow site administrator may have an unlimited number of cultivation batches at any one time.

(2) Marijuana Plant Batches.

(a) Marijuana plants that are flowering or are 36 inches or greater in height at the premises of a producer or at the premises of a research certificate holder must be recorded in CTS as part of a marijuana plant batch.

(b) Marijuana plants that are flowering or are 24 inches or greater in height at a grow site subject to tracking in CTS must be recorded in CTS as part of a marijuana plant batch.

(c) A producer, research certificate holder, or grow site administrator must assign and affix a UID tag to each marijuana plant batch, and record the number of marijuana plants in each marijuana plant batch in CTS.

(d) UID tags must be physically affixed to an outermost plant of the marijuana plant batch or the segregated area where the marijuana plant batch is physically located.

(e) A marijuana plant batch must be:

(A) Prior to April 22, 2024, no more than one plant;

(B) On or after April 22, 2024, no more than 100 plants;

(C) Comprised of plants of an identical strain;

(D) For grow sites subject to tracking in CTS, being cultivated for the same medical marijuana patient;

(E) Comprised of plants physically grouped in the same contiguous area of the licensed premises; and

(F) Physically separated and demarcated from other marijuana plant batches.

(f) A producer, research certificate holder, or grow site administrator may have an unlimited number of marijuana plant batches at any one time.

(3) Violations. A violation of this rule is a Category IV violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.177

STATUTES/OTHER IMPLEMENTED: ORS 475C.065, 475C.177

AMEND: 845-025-8520

RULE TITLE: Prohibited Conduct

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details prohibited conduct. The proposed amendments change the timeframe a licensee has to find a new premises to 90 days, provides technical fixes, prohibits diversion and inversion of marijuana that is not dependent on whether the marijuana items were exported or imported outside of Oregon, and adds a prohibition against worker permittees stealing from a licensee.

RULE TEXT:

(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, delivery, transfer, or making available to a minor by licensee, permittee, or licensee representative is a Category II violation.

(b) Violation of this section for other than intentional sales, deliveries, transfers, or making available to a minor by a licensee, permittee, or licensee representative is a Category II(b) violation.

(2) Identification. A licensee or licensee representative must require a person to produce identification as required by ORS 475C.217 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 themselves and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with ORS chapter 475C 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 themselves and requests entry on the basis that there is a reason to believe a violation of ORS chapter 475C 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 chapter 475C affecting the licensed privileges, or these rules.

(b) Violation of subsection (a) 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.

(A) Failure to retain such control or right of access is a Category II violation. If the licensee has marijuana items in physical inventory at the licensed premises or in CTS, 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.

(B) Notwithstanding paragraph (A) of this subsection, a licensee is not in violation of this section if:

(i) Licensee has met the requirements in OAR 845-025-1180(4);

(ii) Licensee lost access to the premises through no fault of their own, is unable to find a new location within 90 days of losing access to the premises, and removes all marijuana items from the licensed premises in compliance with ORS chapter 475C and these rules prior to losing access, or

(iii) Licensee promptly notifies the Commission of the failure to retain access to the premises and surrenders its 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, Export, Diversion and Inversion. A licensee, laboratory licensee, or permittee may not:

(a) Import marijuana items into this state;

(b) Export marijuana items out of this state;

(c) Transfer, sell, store, receive, or take marijuana items to an unlicensed location, entity, or party, except as otherwise allowed by ORS 475C or these rules, or

(d) Transfer, sell, store, receive or accept marijuana items from an unlicensed location, entity, or party except as allowed by ORS 475C or these rules.

(e) 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 violation of this section other than as described in subsections (a) and (b) of this section is a Category III violation.

(a) If the prohibited activity under this section results in death or serious physical injury, involves unlawful use or attempted use of a deadly weapon against another person, 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 475C.037.

(8) Permittee Theft. While exercising the privileges of their permit, a permittee may not engage in unlawful activity, as defined in paragraph (7)(c)(B) of this rule, that constitutes theft of money, marijuana items or property from a licensee. A violation of this section is a Category III violation.

(a) If the conduct involves theft of money, marijuana items, or property where the total value of the money or property in a single or aggregate incident is \$100 or more, the violation is a Category II violation.

(b) If the conduct involves theft of money, marijuana items, or property where the total value of the money or property in a single or aggregate incident is \$1000 or more, the violation is a Category I violation and could result in permit revocation.

(9) 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. Violation of this section is a Category V violation.

(10) 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.

(11) 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) Violation of this section is a Category III violation. An intentional violation of this section is a Category II violation.

(12) Additional Prohibitions. A licensee or permittee may not:

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

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

(c) Deliver marijuana items 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 and 845-025-2885.

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

(e) A violation of subsection (a) to (c) of this section is a Category III violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, ORS 475C.065, 475C.085, 475C.093, 475C.181, 475C.185, 475C.233, 475C.237

STATUTES/OTHER IMPLEMENTED: ORS 475C.065, 475C.085, 475C.093, 475C.097, 475C.109, 475C.229, 475C.329, 475C.333

AMEND: 845-025-8580

RULE TITLE: Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule details suspended licenses. The proposed amendments prohibit destroying marijuana while a license is suspended.

RULE TEXT:

- (1) Before 7 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 rules) 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 marijuana; the destruction of marijuana; or 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 section (2) or subsection (3)(b) of this rule is a Category IV violation.

STATUTORY/OTHER AUTHORITY: ORS 475C.017

STATUTES/OTHER IMPLEMENTED: ORS 475C.405, 475C.628

ADOPT: 845-026-8570

RULE TITLE: Uniform Standards for Hemp Minor Decoy Operations

NOTICE FILED DATE: 10/18/2024

RULE SUMMARY: This rule establishes standards for minor decoy operations to investigate the sale to minors of hemp items that are adult use cannabis items.

RULE TEXT:

(1) 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 to a natural person about their age; and

(d) The minor may interact with a website or other digital interface as though they were over 21 years of age, including answering prompts indicating they are 21 years of age or older or entering a date of birth that is different from their true date of birth, but may not present false identification to the website or digital interface.

(2) 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.

(3) In order for the Commission to take appropriate disciplinary action in a timely manner, law enforcement agencies will be encouraged to provide the Commission with the results of any minor decoy operation.

(4) Businesses or any employee of a business must immediately return identification presented by the minor decoy upon request of law enforcement or an OLCC representative.

STATUTORY/OTHER AUTHORITY: 2024 OL Ch. 16 Sec. 25-26

STATUTES/OTHER IMPLEMENTED: 2024 OL Ch. 16 Sec. 25