

## INFORMATION BULLETIN 2016-28

October 21, 2016

To: Medical Marijuana Dispensaries, Processors, and Interested Parties  
From: Oregon Medical Marijuana Program  
Subject: Testing Requirements

The Oregon Medical Marijuana Program (OMMP) has recently become aware of medical marijuana failing tests for pesticides. Division 7 testing requirements that went into effect October 1, 2016, require that a laboratory report to the OMMP any failed test result within 24 hours.

The [list of pesticides](#) for which marijuana products are being tested, and the action levels of those pesticides, can be found on the [OMMP rules page](#) as Exhibit A, Tables 3 & 4. <http://healthoregon.org/ommprules>.

In addition, information on testing may be found on the new [testing requirements](#) webpage.

OMMP wants to make clear that any grower, processor or dispensary that does not follow any of the testing requirements, or fails to label, store or retain product that failed a test, will be subject to enforcement action, which may include civil penalties, suspension, or revocation of their registration.

### **Who is subject to the new testing requirements?**

- OMMP registered growers and processors that will be transferring to a dispensary; and
- OLCC licensees.

If you are a grower and will be transferring marijuana to your patient or your patient's designated caregiver, you are **not** required to have the marijuana tested.

All marijuana and marijuana products must pass testing before being transferred into a dispensary.

### **What pesticides may I use and what pesticides am I prohibited from using?**

Currently, there are no registered pesticide products in Oregon that are specifically labeled for use on marijuana. However, Oregon Department of Agriculture (ODA) has established criteria

for possible products that may be used on marijuana. The intent of developing criteria is to assist growers in distinguishing those pesticide products with labels that do not legally prohibit use on cannabis from those that clearly do not allow use.

When the OMMP receives a failed test result for pesticides, it must report the finding to ODA. ODA may initiate a separate investigation into the suspected use of prohibited pesticides. The grower may then be subject to additional penalties and fines by ODA.

### **Guidance list for pesticides used on cannabis**

The ODA has created a list of pesticides products to help guide marijuana growers and pesticide applicators throughout the state. The guide list of pesticide products is available on [ODA's cannabis pesticides webpage](#).

### **What are the testing requirements?**

A new testing webpage on the OMMP site outlines the requirements for testing and what the options are when an item fails a test. This webpage is located at:

<http://healthoregon.org/marijuanatesting>

- If a grower or processor has a marijuana item that failed an initial test, the laboratory is required to notify OMMP.
- OMMP will follow up with the grower or processor to ensure appropriate steps are undertaken to address the failed test result.
- A grower or processor may choose to retest a sample that failed an initial test.
- If the sample passes the retest, a separate accredited and licensed laboratory must also resample the batch and confirm the result in order for the batch to pass testing.
- A testing laboratory must be notified by the grower and processor if it will be testing any sample that has failed any previous testing.
- Marijuana and marijuana products that fail testing may be subject to destruction that must be witnessed and recorded by the OMMP.
- When a **medical marijuana** item must be destroyed, **the registrant must contact the OMMP and arrange for witness of the destruction** of the batch. The OMMP may be contacted at: [OMMP.Labs@state.or.us](mailto:OMMP.Labs@state.or.us)
- A medical marijuana registrant that fails to comply with any of the testing rules will be subject to enforcement action which may include civil penalties or having their registration suspended or revoked.

### **Recordkeeping requirements related to testing**

When a grower or processor has samples taken from a harvest or process lot, a label must be attached to the batch with the following information:

- The registrant's registration number;
- The harvest or process lot unique identification number;

- The name and accreditation number of the laboratory that took the samples and the name and accreditation number of the laboratory responsible for the testing, if different;
- The test batch or sample unique identification numbers supplied by the laboratory personnel;
- The date the samples were taken; and
- In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED."

The batch must be stored and secured in a manner that prevents the product from being tampered with or transferred prior to testing results being reported. If the samples pass testing the product may be sold or transferred. If the samples do not pass testing the grower or processing site must comply with the requirements outlined in OAR 333-007-0450.

Rules regarding testing requirements for cannabis may be found at:

<http://healthoregon.org/ommprules>