

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

**FILED**  
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ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Health Authority, Public Health Division  
Agency and Division

333  
Administrative Rules Chapter Number

Cannabis Testing and Labeling

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporarily amending Oregon Administrative Rules in chapter 333, divisions 7 and 64, related to the testing and labeling of marijuana and marijuana products.

**Statutory Authority:**

ORS 438.605, 438.610, 438.615, 438.620, 475B.555 & 475B.605

**Other Authority:**

**Statutes Implemented:**

ORS 438.605, 438.610, 438.615, 438.620, 475B.555 & 475B.605

**Need for the Temporary Rule(s):**

The Oregon Health Authority establishes rules and standards for the testing of marijuana items. As of October 1, 2016, all marijuana items must be tested to standards outlined in division 7 and division 64 of the testing rules. These temporary rules reduce the regulatory burden and costs of testing marijuana for registered and licensed marijuana growers, producers and processors. The temporary rules will likely reduce regulatory costs that will in effect increase market access of marijuana items to consumers and medical marijuana patients while still ensuring the implementation of statutorily required testing standards. In addition, these temporary rules are needed so that laboratories, registrants, licensees, and the Authority follow up and respond appropriately to failed test samples to ensure that tainted marijuana and marijuana items do not adversely impact consumer and patient safety. Revisions to these rules include:

- Amending the date that processor must place a label with the universal symbol on a cartridge.
- Amending batch requirements allowing for 35,000 unit batches of cannabinoid products.
- Amending sampling and sample size requirements for usable marijuana allowing for the combination of samples from multiple batches for purposes of testing potency and pesticides in some instances.
- Amending sampling requirements for cannabinoid concentrates, extracts and products; adjusting sample increments for control study tests.
- Revising control study and post-control study sampling requirements incorporating by reference the revised marijuana item sampling procedures and testing rule and laboratory sampling protocol revision.
- Revising marijuana item sampling procedures and testing requirements for laboratories by incorporating by reference revisions to the cannabis sampling protocols.
- Amending the date that laboratories must include specified information when reporting marijuana test results.

**Documents Relied Upon, and where they are available:**

Oregon Revised Statutes chapter 475B  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors475B.html](https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html)

**Justification of Temporary Rule(s):**

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, marijuana producers, growers and processors, to medical marijuana patients and caregivers and adult consumers. These rules need to be adopted promptly so that the regulatory costs of testing are reduced while still ensuring that marijuana and marijuana items are tested to standards in division 7 and division 64. These temporary rules may reduce ultimate costs to the consumer because registrants and licensees may pass down some of the cost savings associated with reduced testing costs to consumers and medical marijuana patients. However, it is unknown how much, if any, of the cost savings from the reduced testing costs will be passed down from regulated entities to the consumer or medical marijuana patient. In addition, these rules amend test result reporting requirements for laboratories so that the Authority can ensure that marijuana and marijuana items are safe for consumers and medical marijuana patients.

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