

OREGON ADMINISTRATIVE RULES  
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION  
CHAPTER 333

**DIVISION 8**

**MEDICAL MARIJUANA**

**333-008-1200**

**Medical Marijuana Dispensaries: Operation of Registered Dispensaries**

(1) Policies and Procedures. In order to obtain a registration and to retain registration a dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:

- (a) Security;
- (b) Transfers of marijuana items to and from the dispensary;
- (c) Operation of a registered dispensary;
- (d) Required record keeping;
- (e) Testing requirements, including review of testing results prior to accepting transfers of marijuana items;
- (f) Packaging and labeling requirements;
- (g) Employee training;
- (h) Compliance with these rules, including but not limited to violations and enforcement; and
- (i) Roles and responsibilities for employees and PRDs in assisting the Authority during inspections or investigations.

(2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.

(3) Standardized Scales. In order to obtain a registration and to retain registration a dispensary registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a registered dispensary whenever marijuana items are:

- (a) Transferred to or from the dispensary and the transfer is by weight;
- (b) Packaged for transfer by weight; or
- (c) Weighed for purposes of documenting information required in OAR 333-008-1230, 333-008-1245, 333-008-1247 and 333-008-1248.

(4) Inventory Tracking and Point of Sale System: In order to obtain a registration and to retain registration a registered dispensary must have an installed and fully operational integrated inventory tracking and point of sale system that can and does, at a minimum:

- (a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;
- (b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;
- (c) Capture all information electronically that is required to be documented in OAR 333-008-1230 and 333-008-1245;
- (d) Generate inventory, transaction, and transfer reports viewable in excel format; and
- (e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248.

(5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.

(6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.

(7) Testing. A dispensary registrant may not:

(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450.

(b) Transfer a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 unless it was transferred to the dispensary prior to October 1, 2016 and is labeled in accordance with OAR 333-007-0300(5).

(c) Transfer a marijuana item that was received prior to October 1, 2016, that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490, after December 31, 2016.

(8) Packaging and Labeling. A dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(9) Oregon Department of Agriculture Licensure. On and after April 1, 2017, a registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles, must be licensed by the Oregon Department of Agriculture under ORS 616.706.

(10) Industrial Hemp Products.

(a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.

(11) Tobacco. A dispensary may not offer or sell tobacco products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as that is defined in OAR 333-015-0030.

(12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-1230**

#### **Medical Marijuana Dispensaries: Transfers to a Registered Dispensary**

(1) Transfer of Usable Marijuana, Seeds and Immature Plants. A patient, caregiver, or PRMG may transfer usable marijuana, seeds and immature plants produced by a PRMG to a registered dispensary, subject to the requirements in this rule.

(a) A registered dispensary may only accept a transfer of usable marijuana, seeds or immature marijuana plants from a caregiver or PRMG if the individual transferring the usable marijuana, seeds or immature plants provides the original or a copy of a valid:

- (A) Authorization to Transfer form prescribed by the Authority; or
- (B) Personal agreement as that is defined in OAR 333-008-0010.
- (b) Authorization to Transfer Forms. In order to be valid an Authorization to Transfer form must include at least:
  - (A) The patient's name, OMMP card number or receipt number and expiration date and contact information;
  - (B) The name and contact information of the individual who is authorized to transfer the usable marijuana, seeds or immature marijuana plants to the registered dispensary and that individual's OMMP card number and expiration date;
  - (C) The name and address of the registered dispensary that is authorized to receive the usable marijuana, seeds or immature marijuana plants; and
  - (D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.
- (c) Personal Agreements. In order to be valid a personal agreement must include at least:
  - (A) The patient's name, OMMP card number and expiration date and contact information;
  - (B) The name and contact information of the PRMG to whom the patient's property rights have been assigned and the producer's OMMP card number and expiration date, and the grow site address;
  - (C) The portion of the patient's rights to possess seeds, immature plants and usable marijuana that is being assigned to the producer.
- (2) Transfer of medical cannabinoid products, concentrates, and extracts.
  - (a) Beginning October 1, 2016, until April 1, 2017, a registered dispensary may accept the transfer of a medical cannabinoid product, concentrate or extract from an applicant that is listed on the Authority's website as having submitted a complete application for registration of a marijuana processing site on or before October 1, 2016.
  - (b) On and after April 1, 2017, a registered dispensary may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered medical marijuana processing site.
- (3) A registered dispensary may only accept a transfer of cannabinoid products, concentrates or extracts from a registered processing site or an applicant as described in subsection (2)(a) of this rule if the individual transferring the products, concentrates or extracts provides the dispensary with a Processing Site Authorization to Transfer form prescribed by the Authority. In addition to retaining a copy of the Processing Site Authorization to Transfer form the dispensary must obtain a copy of the photo identification of the individual transferring the cannabinoid product, concentrate or extract as required in paragraph (4)(b)(B) of this rule.
- (4) Transfer Records. At the time a marijuana item is transferred to a dispensary the dispensary registrant must:
  - (a) Document, on a form prescribed by the Authority, as applicable:
    - (A) The weight in metric units of all usable marijuana received by the registered dispensary;
    - (B) The number of seeds and immature plants received by the registered dispensary;
    - (C) The amount of a medical cannabinoid product, concentrate, or extract received by the registered dispensary, including, as applicable, the weight in metric units, or the number of units;
    - (D) The name of the marijuana item;
    - (E) The date the marijuana item was received;
    - (F) The harvest or process lot numbers, and batch numbers; and
    - (G) The amount paid by the registered dispensary.
  - (b) Obtain and maintain a copy of, as applicable:

- (A) Documents required in section (1) of this rule including the date it was received;
  - (B) The photo identification of the individual transferring the marijuana item to the dispensary, if such a copy is not already on file;
  - (C) The OMMP card of the individual transferring usable marijuana, seeds or immature plants;
  - (D) The medical marijuana processing site registration; and
  - (E) Test results for marijuana items transferred to the dispensary.
- (c) Review laboratory testing results and confirm that the:
- (A) Test results are associated with the marijuana items being transferred; and
  - (B) Marijuana item has passed all required testing.
- (5) Nothing in these rules requires a dispensary registrant to accept a transfer of a marijuana item.
- (6) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system or the electronic data management system described in OAR 333-008-1247.

Stat. Auth.: ORS 475B.450 & 475B.525

Stats. Implemented: ORS 475B.450

### **333-008-9910**

#### **Processing Site Applicants**

- (1) A person who submitted a complete processing site application to the Authority on or before October 1, 2016, who is permitted to transfer cannabinoid products, concentrates or extracts to a medical marijuana dispensary under OAR 333-008-1230(2)(a) must comply with all applicable processing site rules while operating.
- (2) Failure to comply with applicable processing site rules while operating may result in a denial of an application.
- (3) A person who submitted a processing site application to the Authority after October 1, 2016 may not operate unless the application is approved.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435