

INFORMATION BULLETIN 2016-14

June 1, 2016

To: Medical Marijuana Dispensaries and Processors and Interested Parties
From: Oregon Medical Marijuana Program (OMMP)
Subject: Clarification of Expanded Early Start and Temporary Limited Marijuana Retail Sales Rules

Expansion of Early Start Limited Marijuana Retail Sales:

Effective June 2, 2016, registered medical marijuana dispensaries that are participating in early start retail sales may sell expanded limited marijuana retail products. The expansion of limited marijuana retail sales include:

- Sale of one low-dose unit of a cannabinoid edible to a retail customer per day. A “low-dose cannabinoid edible” means a cannabinoid edible that has no more than 15 mg of THC in a unit.
 - A single low-dose unit of a cannabinoid edible may contain multiple edibles or a single edible so long as the total THC in the unit does not exceed 15 mg THC.
 - “Unit” means a package for sale.
- Sale of one “prefilled receptacle of cannabinoid extract” to a retail customer per day that contains no more than 1,000 milligrams of THC.
 - “Prefilled receptacle of cannabinoid extract” means a single use cartridge prefilled with a cannabinoid extract by itself.
 - The receptacle could be any container that is pre-filled before sale.
 - The receptacle may not be refillable.

- The receptacle may not contain more than 1000 mg THC.
- A cannabinoid product that is an extract with any kind of additional ingredient or cutting agent is by definition not an extract and may not be sold during early retail sales. Only the extract by itself can be sold during early retail sales.
- Pursuant to ORS 475B.410(5), extracts are defined as a substance obtained by separating cannabinoids from marijuana by:
 - (a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;
 - (b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure.
- Extracts may only be transferred to a dispensary from an OHA registered processing site or a processing site that is listed on the OHA [website](http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/processors-pending.aspx) as having submitted a complete application:

<http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/processors-pending.aspx>
- Sales of non-psychoactive medical cannabinoid topicals which contain no more than 6% of THC that does not affect the mind or mental process.
 - To determine 6% THC in a topical the cannabinoid results will first need to be determined as a concentration (i.e. mg/L or ug/g) and that number can be turned into a percentage with total product weight calculated with % moisture. This conversion will have to be made after using the acid derivative equation in OAR 333-064-0100.
- Cannabinoid concentrates and cannabinoid products defined in ORS 475B.410 are not included in limited marijuana retail sales and may not be sold to retail consumers during the early start period.

Packaging and Labeling of Marijuana Products:

- All early retail sales products must comply with the packaging rules in OAR 333-008-1225 until October 1, 2016. On and after October 1, 2016, all marijuana items must be packaged in compliance with the packaging rules in OAR 845-025-7000 to 845-025-7060.
- All early retail sales products must comply with the labeling rules in OAR 333-008-1220 until October 1, 2016. Nothing prohibits a dispensary or processor from complying with the labeling rules in OAR 333-007-0010 to 333-007-0100 prior to October 1, 2016, but on and after October 1, 2016, all marijuana items must be labeled in accordance with OAR 333-007-0010 to 333-007-0100.

General Rule Information for Limited Marijuana Retail Sales:

Registered medical marijuana dispensaries participating in early retail marijuana sales must continue to comply with OHA rules for early retail marijuana sales. OAR 333-008-1500 to 333-008-1505. These temporary rules are available to view on the OMMP website:

<http://www.oregon.gov/oha/mmj/Pages/rules.aspx>

- Verify that the individual purchasing the limited marijuana retail product is age 21 and older by examining the individual's photo ID.
- Only sell one quarter ounce of dried leaves and flowers to a retail customer in one day.
- Only sell four immature marijuana plants to the same individual through December 31, 2016.
- May not give away, provide free samples, or otherwise give or share any marijuana products, including concentrates, extracts, edibles and topicals, to retail customers, inside or outside of the dispensary.
- Must continue to record Oregon Medical Marijuana Program cardholder information: name, card number, expiration date and a copy of the person's picture identification.
- Must document for each limited marijuana retail product sold:
 - The limited marijuana retail product that was sold
 - The amount in metric units or number of sold
 - The birth date of the individual who bought the product
 - The sales price
 - The sales date

Medical dispensaries will not be able to sell limited retail marijuana products after December 31, 2016.

All limited retail marijuana products sold at medical marijuana dispensaries are subject to a 25% sales tax. Please contact the Oregon Department of Revenue, Marijuana Tax Program team for more information at 503-947-2597. Or visit their website at:

www.oregon.gov/dor/marijuana

Rules related to medical marijuana patients, caregivers, growers, dispensaries and processors may be reviewed at: <http://www.oregon.gov/oha/mmj/Pages/rules.aspx>