

INFORMATION BULLETIN 2016-25

September 9, 2016

To: Medical Marijuana Dispensaries, Processors, and Interested Parties
From: Oregon Medical Marijuana Program
Subject: Changes and Reminder of Upcoming October 1st Compliance Deadline

The upcoming compliance deadline of October 1, 2016, for transferring, labeling, setting concentration limits, packaging and testing of marijuana and marijuana products is less than 30 days away. As a reminder, the October 1st compliance date applies to all registered medical dispensaries, processors and growers, patients or caregivers, who transfer marijuana and marijuana products intended for ultimate sale to a consumer.

The Oregon Medical Marijuana Program (OMMP) has made two changes to the October 1st compliance deadline by filing an emergency temporary rule. The two changes are outlined below:

New Compliance Date as of September 9, 2016

Requirement	Compliance Date	Rule Reference
Dispensary may only accept transfers of cannabinoid products, concentrates and extracts from a processor listed on the OMMP website.	Until January 1, 2017	OAR 333-008-1230(2)
Explanation: A dispensary may only accept marijuana products, concentrates and extracts, from a medical marijuana processor. Patients, caregivers and growers will NOT be able to transfer cannabinoid products, concentrates or extracts to dispensaries starting October 1, 2016. A processor will have to be listed on the OMMP processor web page in order to transfer to a dispensary or another processor. The list should be monitored regularly for updates. Transfers from a processing site must be made according to OAR 333-008-1770. A processor is required to be fully registered by January 1, 2017, if they want to continue transferring products, concentrates or extracts to a medical marijuana dispensary. Dispensaries may continue to sell already stocked cannabinoid products, concentrates and extracts that were transferred in prior to October 1, 2016, but the products, concentrates and extracts must meet labeling, concentration limits, packaging and testing rules found in division 7.		

New Compliance Date as of September 9, 2016

Requirement	Compliance Date	Rule Reference
Dispensary that sells food or cannabinoid edibles must be licensed by Oregon Dept. of Agriculture (ODA).	On and after January 1, 2017	OAR 333-008-1200(9)
<p>Explanation: In order for a dispensary to apply with ODA, every edible product in the dispensary must come from an ODA approved source. For more information, please contact ODA at 503-986-4565 or visit the ODA cannabis website: https://www.oregon.gov/ODA/agriculture/Pages/Cannabis.aspx</p>		

All sections outlined below are required to be met by the October 1, 2016 compliance deadline, unless otherwise stated.

Requirement	Compliance Date	Rule Reference
Testing	October 1, 2016	OAR 333-007-0300 to 333-007-0490 and OAR 333-064-010 to 333-064-0110.
<p>Explanation: <i>For Dispensaries, Processors and Growers:</i> On and after October 1, 2016, any laboratory that tests marijuana items must be accredited by ORELAP and licensed by OLCC. Only accredited and licensed laboratories may sample and test marijuana items. A link to review a list of accredited and licensed laboratories will be made available on the OMMP laboratories web page. http://public.health.oregon.gov/DiseasesConditions/ChronicDisease/MedicalMarijuanaProgram/Pages/laboratories.aspx</p> <p><i>For Dispensaries:</i> On or after October 1, 2016, a dispensary may continue to sell marijuana items that were not sampled and tested by an accredited and licensed laboratory if:</p> <ul style="list-style-type: none"> • The items are transferred to the dispensary before October 1, 2016; • The items comply with the concentration limits, labeling and packaging rules found in division 7 of the rules; and • The items are labeled with a label that reads “DOES NOT MEET NEW TESTING REQUIREMENTS” in 12 point font, and in bold, capital letters. <p>A dispensary will only be allowed to transfer these products to patients, caregivers and consumers until January 1, 2017.</p>		

Requirement	Compliance Date	Rule Reference
Concentration Limits	October 1, 2016	OAR 333-007-0200, 333-007-0220 and 333-008-1500(1)(k)
<p>Explanation:</p> <p>For Processors: Medical marijuana processors may only make products that fall within the medical concentration and serving size limits found in Table 2 of OAR 333-007-0220. Products being made by medical marijuana processors to be sold to adult consumers as a part of early retail sales must meet the limits outlined in OAR 333-008-1500.</p> <p>For Dispensaries: Medical marijuana items sold from a dispensary to patients and caregivers, such as edibles, topicals, tinctures, capsules, suppositories, transdermal patches, concentrates, extracts and other cannabinoid products must meet the concentration and serving size limits outlined in Table 2 of OAR 333-007-0220 beginning October 1, 2016.</p> <p>Dispensaries participating in early retail sales may only sell limited marijuana retail products as outlined in OAR 333-008-1500 to adults 21 years of age or older. The only types of edibles that may be sold during early retail start are low-dose edibles that contain no more than 15 milligrams of THC in a unit.</p> <p>Dispensaries that currently have in-stock marijuana items that do not meet the concentration and serving size limits must sell those products prior to October 1st. Any products remaining in-stock on or after October 1st, that do not meet the concentration and serving size limits must be returned to the processor or disposed of properly. The dispensary must document any returns or disposal of products.</p> <p>Dispensaries participating in early retail sales are not allowed to sell the retail concentration and serving size limits outlined in Table 1 of OAR 333-007-0210 to adults 21 years of age or older. The retail concentration and serving size limits outlined in Table 1 of OAR 333-007-0210 apply to OLCC licensed processors and retail shops only.</p>		

Requirement	Compliance Date	Rule Reference
Labeling	October 1, 2016	OAR 333-007-0010 to 333-007-0100
<p>Explanation: <i>For Dispensaries, Processors and Growers:</i> On and after October 1, 2016, all marijuana items for sale to a consumer, patient or designated primary caregiver must meet the labeling requirements found in division 7. Compliance with the division 7 labeling rules means going through the OLCC labeling pre-approval process. The label pre-approval process must be completed for all marijuana items. A guide is available on the OLCC website that explains the labeling rules in more detail. The guide also outlines the use of generic labels. Please visit the OLCC website for more information: http://www.oregon.gov/olcc/marijuana/Pages/PackagingLabelingPreApproval.aspx</p> <p><i>For Dispensaries:</i> Any marijuana items in a dispensary that do not meet the new division 7 labeling requirements on October 1st must be either returned to whoever transferred them, have an updated approved label placed over an outdated label or the dispensary must dispose of the products. The dispensary must document any returns or disposal of products.</p>		

Requirement	Compliance Date	Rule Reference
Packaging	October 1, 2016	OAR 845-025-7000 to 845-025-7060. See also OAR 333-008-1200(8) & 333-008-1740(10)
<p>Explanation: A dispensary or processor who packages marijuana items for ultimate sale to a consumer, patient, or caregiver must transfer all marijuana items in OLCC approved child-resistant packaging starting October 1, 2016. This includes flower and all other marijuana products but excludes immature plants and seeds. A dispensary may use child-resistant exit packaging to comply with the rules. It is a business decision between the processor and the dispensary regarding who should provide the child-resistant packaging.</p> <p>A guide is available on the OLCC website that explains the packaging rules in more detail and reviews the pre-approval process. The OLCC opened the packaging pre-approval process on August 2, 2016. Please visit the OLCC website for more information: http://www.oregon.gov/olcc/marijuana/Pages/PackagingLabelingPreApproval.aspx</p>		

Requirement	Compliance Date	Rule Reference
Early Retail Sales	January 1, 2017	OAR 333-008-1500(5)(6)
<p>Explanation: Starting January 1, 2017, an OHA registered medical marijuana dispensary can only sell marijuana items to OMMP patients and caregivers. Sales made to anyone other than registered patients and caregivers will result in enforcement action against the dispensary.</p> <p>After December 31, 2016, if a dispensary wishes to continue selling marijuana items to adults 21 years of age and older <u>and</u> also to medical marijuana patients and caregivers at the same location, they must be licensed by OLCC. Please visit the OLCC website for information. www.marijuana.oregon.gov</p> <p>Dispensaries that participated in early retail sales are required to report their last quarter of retail sales to OMMP by January 10, 2017.</p> <p>The last day to submit proof of taxes being paid on early retail sales is February 10, 2017.</p>		

Violations and Enforcement

Any registered dispensary, processor, grower, patient or caregiver that is found to be violating any of the rules may be subject to civil penalties and/or have their registration suspended or revoked. OAR 333-008-2180 through 333-008-2200.

All rules related to medical marijuana may be found on the OMMP’s rule page at:
www.healthoregon.org/ommprules