

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

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ARCHIVES DIVISION
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Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

Testing and labeling of marijuana items and related operation of registered dispensaries and processors

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 and adopting Oregon Administrative Rules in chapter 333, divisions 7 and 8 related to testing and labeling requirements of marijuana items; and the operation of registered dispensaries and processors.

Statutory Authority:

ORS 475B.435, 475B.440, 475B.450, 475B.525, 475B.555, 475B.605 and 475B.610

Other Authority:

Statutes Implemented:

ORS 475B.435, 475B.440, 475B.450, 475B.555, 475B.605, 475B.610

Need for the Temporary Rule(s):

The Oregon Health Authority regulates medical marijuana dispensaries and processors, and establishes rules and standards for testing and labeling marijuana items. As of October 1, 2016 registrants must comply with permanent rules related to the transfer of marijuana items and the packaging, labeling and testing of marijuana items. Marijuana items already transferred into dispensaries prior to October 1, 2016 may not be in compliance with the permanent rules. These temporary rules seek to clarify the requirements for the transfer, testing, packaging and labeling of those items on or after October 1, 2016. These temporary rules clarify that for a registrant to transfer a marijuana item on or after October 1, 2016, the marijuana item must have a label and package that complies with the new rules but is not required to have gone through the Oregon Liquor Control Commission's pre-approval process. These rules also provide that a marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to have a label with a harvest date, harvest lot number, date the product was made, or the process lot number if that information is not known to the registrant. Lastly, the rules give the Commission the discretion to reduce pesticide testing for batches from a harvest lot if there is insufficient laboratory capacity to handle all the testing. This reduced testing would only be permitted until March 1, 2017.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules chapter 845, division 25: http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_845/845_025.html

Oregon Revised Statutes chapter 475B

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, and medical marijuana patients and caregivers. These rules need to be adopted promptly so that it is clear for OHA registrants what rules apply to marijuana items transferred to a dispensary prior to October 1, 2016. In addition, the rule permitting the Commission to reduce pesticide testing if there is insufficient laboratory capacity, strikes a balance between the public health and safety needs of patients and consumers, and the reality that laboratories have very recently been accredited and there may not be sufficient capacity for laboratories to undertake all the testing that OHA requires, for a short period of time.

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