

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

**DIVISION 7**

**MARIJUANA LABELING, CONCENTRATION LIMITS, AND TESTING**

**333-007-0010**

**Purpose, Scope and Effective Date**

- (1) The purpose of OAR 333-007-0010 through 333-007-0100 is to set the minimum standards for the labeling of marijuana items that are sold to a consumer, patient or designated primary caregiver. These minimum standards are applicable to:
- (a) A Commission licensee as that is defined in OAR 845-025-1015; and
  - (b) A person registered with the Authority under ORS 475B.400 to 475B.525 who is not exempt from the labeling requirements as described in section (2) of this rule.
- (2) The labeling requirements in these rules do not apply to:
- (a) A grower if the grower is transferring usable marijuana or an immature marijuana plant to:
    - (A) A patient who designated the grower to grow marijuana for the patient; or
    - (B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient.
  - (b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.
- (3) Nothing in these rules prohibits the Commission or the Authority from:
- (a) Imposing additional labeling requirements in their respective rules governing licensees and registrants as long as those additional labeling requirements are not inconsistent with these rules; or
  - (b) Requiring licensees or registrants to provide informational material to a consumer, patient or designated primary caregiver at the point of sale.
- (4) A person licensed by the Commission must comply with these rules at all times.
- (5) On and after October 1, 2016:
- (a) A marijuana item received or transferred by a dispensary must meet the labeling requirements in these rules; and
  - (b) A dispensary may not transfer a marijuana item that does not meet the labeling requirements in these rules.
- (6) By October 1, 2016, a dispensary must:
- (a) Transfer marijuana items that do not meet the labeling requirements in these rules to a patient or caregiver;
  - (b) Return any marijuana item that does not meet labeling requirements in these rules to the individual who transferred the item to the dispensary, and document who the item was returned to, what was returned and the date of the return; or
  - (c) Dispose of any marijuana item that does not meet labeling requirements and that cannot be returned in accordance with subsection (b) of this section, in a manner specified by the Authority.
- (7) A marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to:

- (a) 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 by the dispensary.
- (b) Have gone through the Commission's pre-approval process for packaging and labeling, but still must meet the labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

Stat. Auth.: ORS 475B.605

Stats. Implemented: ORS 475B.605

### **333-007-0100**

#### **Pre-Approval of Labels**

- (1) A registrant must submit labels for pre-approval in accordance with OAR 845-025-7060 and must keep all records related to the pre-approval process and provide those records at the request of the Authority.
- (2) On and after October 1, 2016, a registrant may not transfer a marijuana item unless the label has been pre-approved in accordance with OAR 845-025-7060, unless pre-approval is not required under OAR 845-025-7060(9) to (12).
- (3) A marijuana item that was transferred to a registered dispensary prior to October 1, 2016 is not required to have a label that was pre-approved by the Commission, but must meet the labeling requirements in these rules.

Stat. Auth.: ORS 475B.610

Stats. Implemented: ORS 475B.610

### **333-007-1000**

#### **Temporary OLCC Licensee Pesticide Testing Requirements**

- (1) Notwithstanding OAR 333-007-0300 to 333-007-0490 and 333-064-0100, until March 1, 2017, if the Commission finds there is insufficient laboratory capacity for the testing of pesticides, the Commission may permit randomly chosen samples from batches of usable marijuana to be tested for pesticides by a licensed laboratory rather than requiring every batch of usable marijuana from a harvest lot to be tested for pesticides.
- (2) The Commission must ensure that samples from at least one batch of every harvest lot are tested for pesticides.
- (3) If any one of the randomly chosen samples from a batch of a producer licensee's harvest lot fails a pesticide test every batch from the harvest lot must be tested for pesticides.
- (4) If the randomly chosen samples from batches of usable marijuana that are tested for pesticides all pass, the entire harvest lot is considered to have passed pesticide testing and may be transferred or sold.

Stat. Auth.: ORS 475B.555

Stats. Implemented: ORS 475B.555

## **DIVISION 8**

### **MEDICAL MARIJUANA**

### **333-008-1200**

#### **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;
- (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.
- (b) Transfer a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 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) 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.

(b) A marijuana item that was transferred to a dispensary prior to October 1, 2016 is not required to have gone through the Commission's pre-approval process for packaging and labeling but still must meet the labeling requirements in OAR 333-007-0010 to 333-007-0100 and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(c) On and after October 1, 2016, a dispensary may not accept a transfer of a marijuana item unless the item has a label and package that has been pre-approved by the Commission, unless pre-approval is not required under OAR 845-025-7060(9) to (12).

(9) Oregon Department of Agriculture Licensure. On and after January 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

### **333-008-1740**

#### **Operation of Registered Processing Site**

(1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:

(a) Instructions for making each medical cannabinoid product, concentrate or extract.

(b) The ingredients and the amount of each ingredient for each process lot.

(c) The process for making each product.

(d) The number of servings in a process lot.

(e) The intended amount of THC per serving and in a unit of sale of the product.

(f) The process for ensuring that the amount of THC is consistently distributed throughout each process lot.

- (g) If processing a cannabinoid concentrate or extract:
  - (A) Conducting necessary safety checks prior to commencing processing; and
  - (B) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract.
- (h) Procedures for cleaning all equipment, counters and surfaces thoroughly.
- (i) Proper handling and storage of any solvent, gas or other chemical used in processing or on the processing site premises in accordance with material safety data sheets and any other applicable laws.
- (j) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations.
- (k) Quality control procedures designed to, at a minimum, ensure that the amount of THC is consistently distributed throughout each process lot and that potential product contamination is minimized.
- (l) Appropriate use of any necessary safety or sanitary equipment.
- (m) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.
- (n) Security.
- (o) Transfers of marijuana items to and from the processing site.
- (p) Testing.
- (q) Packaging and labeling if the processor intends to or is packaging and labeling marijuana items after transfer to the processing site.
- (r) Employee training.
- (s) Compliance with these rules, including but not limited to violations and enforcement.
- (t) Roles and responsibilities for employees and PRPs in assisting the Authority during inspections or investigations.
- (2) Prohibitions. A registered processing site may not process or transfer a marijuana item:
  - (a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
    - (A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
    - (B) Products in the shape of an animal, vehicle, person or character.
  - (b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
  - (c) That contains dimethyl sulfoxide (DMSO).
- (3) Employees. A registered processing site may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, processing site employees must be 21 years of age or older.
- (4) Standardized Scales. In order to obtain a registration and to retain registration a processing site 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 processing site whenever marijuana items are:
  - (a) Transferred to or from the processing site and the transfer is by weight;
  - (b) Packaged for transfer by weight; or
  - (c) Weighed for purposes of documenting information required in OAR 333-008-1760, 333-008-1770, 333-008-1820, and 333-008-1830.
- (5) Inventory Tracking and Point of Sale System: A registered processing site must have an 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 lot of usable marijuana

transferred to a registered processing site and for each lot of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary;

(b) Capture all information required to be documented in OAR 333-008-1760 and 333-008-1770;

(c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in PDF format; and

(d) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1830.

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

(7) Transfers from and to patients or designated primary caregivers.

(a) A registered marijuana processing site may transfer a medical cannabinoid product, concentrate or extract to a patient, or a patient's designated primary caregiver if the patient or the patient's designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, concentrate or extract and the marijuana processing site receives no compensation for the transfer of the marijuana.

(b) A registered processing site must document each transfer of marijuana by a patient or the patient's designated primary caregiver to the processing site in accordance with OAR 333-008-1760 and 333-008-1770.

(c) A registered processing site must document each transfer of a cannabinoid product, concentrate or extract to a patient or the patient's designated primary caregiver in accordance with OAR 333-008-1760 and 333-008-1770.

(d) A registered processing site may be compensated by the patient or the patient's designated primary caregiver for all costs associated with the processing of marijuana for the patient.

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

(9) Testing. On and after October 1, 2016, a processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0490 and 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.

(b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.

(10) Packaging and Labeling.

(a) On and after October 1, 2016, a processing site must comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.

(b) On and after October 1, 2016, a processing site must have its packages and labels pre-approved by the Commission, unless pre-approval is not required under OAR 845-025-7060(9) to (12).

(11) Industrial Hemp Products. A processing site may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(12) Sampling. A registered processing site may provide a sample of a medical cannabinoid product, concentrate or extract to a dispensary for the purpose of the dispensary determining

whether to purchase the product, concentrate or extract but the product, concentrate or extract may not be consumed on the processing site. Any sample provided to a dispensary must be recorded in the database.

(13) For purposes of this rule:

(a) "Lot of usable marijuana" means a quantity of usable marijuana transferred to a registered processing site from the same harvest lot as that term is defined in OAR 333-007-0020; and

(b) "Lot of medical cannabinoid products, concentrates or extracts" means a quantity of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary at one time and that is from the same process lot as that term is defined in OAR 333-007-0020.

Stat. Auth.: ORS 475B.435 and 475B.440

Stats. Implemented: ORS 475B.435 and 475B.440