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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED
09/30/2021 9:04 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Oregon Medical Marijuana Program 2021 Legislative Updates and Housekeeping Rule Revisions

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Oregon Medical Marijuana Program
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800 NE Oregon St.
Portland,OR 97232

Filed By:
Brittany Hall
Rules Coordinator

HEARING(S)

Auxilary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/19/2021
TIME: 1:30 PM
OFFICER: Staff
ADDRESS: Microsoft Teams - Video/conference call
Due to COVID-19 the PSOB is not open to
the public & meetings are held remotely
Portland, OR 97232
SPECIAL INSTRUCTIONS:
Due to COVID-19, public meetings are being held remotely. To provide oral testimony during this hearing, please contact publichealth.rules@dhsoha.state.or.us to sign-up and receive the link for the Microsoft Teams video conference. Alternatively, you may dial 971-277-2343, Phone conference ID 925 826 514# for audio only.

NEED FOR THE RULE(S):

The amendment of Oregon Administrative Rules in chapter 333, division 8 is needed to align with legislation that passed

in the 2021 legislative session. The adoption of rules aligns the Oregon Medical Marijuana Program's health and safety requirements for inhalable cannabinoid products with Oregon Liquor and Cannabis Commission requirements regarding substances that may not be added to inhalable cannabinoid products. The repeal of rule is due to the Governor's declared state of emergency orders expiring and returning the program to standard operation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 475B - https://www.oregonlegislature.gov/bills_laws/ors/ors475B.html

2021 session, HB 3369 – https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3369/Enrolled

2021 session, HB 3000 - https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3000/Enrolled

2021 session, HB 2111 – https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2111/Enrolled

2021 session, SB 307 – https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB307/Enrolled

2021 session, SB 408 – https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB408/Enrolled

OAR Ch. 845, Division 25 - https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3873

Governor's Recommendation from the Vaping Public Health Workgroup (available upon request by contacting publichealth.rules@dhsoha.state.or.us)

Oregon Liquor and Cannabis Commission review of non-cannabis additives "(Non-Cannabis Additives in Inhalable Cannabinoid Products: Rationale for Rulemaking"; available upon request by contacting publichealth.rules@dhsoha.state.or.us)

FISCAL AND ECONOMIC IMPACT:

The proposed rulemaking implements 2021 legislation which has a positive fiscal and economic impact for patients. The 2021 laws expand who may recommend medical marijuana to patients, which may help ease access for patients since additional providers, rather than just a physician, may recommend medical marijuana. Patients whose primary care provider is a physician assistant or nurse practitioner or a patient that is already working with a clinical nurse specialist, certified registered nurse anesthetist or naturopathic physician will be able to have their provider recommend medical

marijuana if it is determined by that provider it would help the patient with their debilitating condition. In addition, patients that are veterans with at least a 50% disability rating will not need to pay an application or renewal fee when applying with the program.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Oregon Medical Marijuana Program could see an increase in new applications with the expansion of providers that may recommend medical marijuana. In addition, this increase could be off set depending on the number of veterans who qualify for the waived fee that apply. The program will also incur the cost of needing to make database modifications to implement these new requirements. There is no anticipated cost of compliance impact for other state agencies, local government, or the public.

(2)(a) There is no anticipated cost for compliance on small businesses with the rule changes being made. Small businesses under the OMMP would include dispensaries and processing sites. Currently there are no registered processing sites and only one registered dispensary that is not operational.
While medical growers do not fit the definition of a small business, there are approximately 8,000 growers registered with the program. There is no anticipated cost for compliance for medical growers with these proposed rule changes.

(b) None

(c) None

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of the rules because there is no anticipated impact on small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
333-008-0010, 333-008-0020, 333-008-0021, 333-008-0023, 333-008-0025, 333-008-0040, 333-008-0045, 333-008-0110, 333-008-0550, 333-008-0700, 333-008-1200, 333-008-1740, 333-008-1785, 333-008-1790, 333-008-2180, 333-008-9905

AMEND: 333-008-0010

RULE SUMMARY: OAR 333-008-0010 Definitions
Definitions will be amended to align with changes made in HB 3369 (OL 2021, ch. 130), HB 2111 (OL 2021, ch. 351) and include the following:
Changing “Attending physician” to “Attending provider”, updating the Oregon Liquor Control Commission to the Oregon Liquor and Cannabis Commission and updating the definition for “Primary responsibility”. Also adding “Adult use cannabinoid” and “Inhalable cannabinoid product”.

CHANGES TO RULE:

333-008-0010
Definitions ¶

For the purposes of OAR chapter 333, division 8 the following definitions apply unless otherwise indicated:¶
(1) "Advertising" means publicizing the trade name of a PRMG, registered processing site or dispensary together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a medical cannabinoid product, concentrate or extract in any medium.¶
(2) "Adult use cannabinoid" includes, but is not limited to, tetrahydrocannabinols, tetrahydrocannabinolic acids that are artificially or naturally derived, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, the optical isomers of delta-8-tetrahydrocannabinol or delta-9 tetrahydrocannabinol and any artificially derived cannabinoid that is reasonably determined to have an intoxicating effect. ¶
(3) "Applicant" means, as applicable to the registration being applied for:¶
(a) An individual applying for a registry identification card under ORS 475B.797.¶
(b) An individual applying for a grow site registration under ORS 475B.810.¶
(c) A person applying for a marijuana processing site registration under ORS 475B.840.¶
(d) A person applying for a medical marijuana dispensary registration under ORS 475B.858.¶
(34) "Attending p~~hysician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with~~rovider" means one of the following health care providers who have primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:¶
(a) A Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677;¶
(b) A physician assistant licensed under ORS 677.505 to 677.525;¶
(c) A nurse practitioner licensed under ORS 678.375 to 678.390;¶
(d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;¶
(e) A certified registered nurse anesthetist as de~~bilitating medical condition~~fined in ORS 678.245; or¶
(f) A naturopathic physician licensed under ORS chapter 685.¶
(45) "Attending p~~hysician~~rovider statement" or "APS" means the form, prescribed by the Authority and signed by an attending p~~hysician~~rovider, that states the individual has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.¶
(~~5~~6) "Authority" means the Oregon Health Authority.¶
(~~6~~7) "Business day" means Monday through Friday excluding legal holidays.¶
(~~7~~8) "CBD" means cannabidiol.¶
(~~8~~9) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.¶
(~~9~~10) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:¶
(a) A mechanical extraction process;¶
(b) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;¶
(c) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or¶
(d) Any other process authorized in these rules.¶
(1~~0~~1) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.¶
(1~~1~~2) "Cannabinoid extract" means 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; or¶
(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure.¶
(1~~2~~3) "Cannabis Tracking System" or "CTS" means the Oregon Liquor ~~Control~~and Cannabis Commission's system

for tracking the transfer of marijuana items and other information as authorized by ORS 475B.177.¶
(13~~3~~4) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:¶
(a) The use of comically exaggerated features;¶
(b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or¶
(c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.¶
(14~~5~~) "Commission" means the Oregon Liquor ~~Control~~and Cannabis Commission.¶
(15~~6~~) "Common ownership" means any commonality between individuals or legal entities named as applicants or persons with a financial interest in a registration or a business proposed to be registered.¶
(16~~7~~) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.¶
(17~~8~~) "Database" means the electronic system established pursuant to ORS 475B.879, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.¶
(18~~9~~) "Debilitating medical condition" means:¶
(a) Cancer, glaucoma, a degenerative or pervasive neurological condition, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of those medical conditions;¶
(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:¶
(A) Cachexia;¶
(B) Severe pain;¶
(C) Severe nausea;¶
(D) Seizures, including but not limited to seizures caused by epilepsy; or¶
(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;¶
(c) Post-traumatic stress disorder; or¶
(d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition filed under OAR 333-008-0090.¶
(~~19~~20) "Delivery" has the meaning given that term in ORS 475B.791.¶
(2~~0~~1)(a) "Designated primary caregiver" means an individual who:¶
(A) Is 18 years of age or older;¶
(B) Has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and¶
(C) Is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.¶
(b) "Designated primary caregiver" does not include a person's attending p~~hysician~~rovider.¶
(2~~1~~2) "Direct interest" means an interest that is held in the name of the individual.¶
(22~~3~~) "Domicile" means the place an individual intends as his or her fixed place of abode or habitation where he or she intends to remain and to which, if absent, the individual intends to return.¶
(23~~4~~) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.¶
(24~~5~~) "Employee":¶
(a) Means any individual, including an alien, employed for remuneration or under a contract of hire, written or oral, express or implied, by an employer.¶
(b) Does not mean an individual who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as adequate consideration for the services performed for a

religious or charitable institution or a governmental entity.¶
(2~~5~~6) "Flowering" means that a marijuana plant has formed a mass of pistils measuring greater than two centimeters wide at its widest point.¶
(2~~6~~7) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.¶
(2~~7~~8) "Grandfathered grow site" means a grow site registered by the Authority that has been approved by the Authority under OAR 333-008-0520 that can have up to:¶
(a) 24 mature marijuana plants and 48 immature marijuana plants that are 24 inches or more in height if the location is within city limits and zoned residential; or¶
(b) 96 mature marijuana plants and 192 immature marijuana plants that are 24 inches or more in height if the location is within city limits but not zoned residential or not within city limits.¶
(2~~8~~9) "Grow site" means a grow site area registered under ORS 475B.810 identified by the grow site address where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site, registered dispensary, or Commission licensees as permitted by OAR chapter 825, division 25.¶
(~~29~~30) "Grow site address" is the identifier of the grow site.¶
(3~~0~~1) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.¶
(3~~1~~2) "Harvest lot" means a specifically identified quantity of marijuana that is cultivated utilizing the same growing practices, harvested within a 72-hour period at the same location and cured under uniform conditions.¶
(3~~2~~3) "Human consumption" means to ingest, generally through the mouth, food, drink or other substances such that the substance enters the human body but does not include inhalation.¶
(3~~3~~4) "Immature marijuana plant" means a marijuana plant that is not flowering.¶
(3~~4~~5) "Indirect interest" means:¶
(a) An interest that is owned by a business entity that is owned, in whole or in part and either directly or indirectly, through one or more other intermediate business entities, by the individual; or¶
(b) An interest held in the name of another but the benefits of ownership of which, the individual is entitled to receive.¶
(3~~5~~6) "Individual who has a financial interest" in a business entity that owns a processing site or dispensary means:¶
(a) If the business entity is a corporation:¶
(A) Stockholders: Any individual who owns, directly or indirectly, 10 percent or more of the outstanding stock of such corporation.¶
(B) Directors: Any director of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.¶
(C) Officers: Any officer of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.¶
(b) If the business entity is a trust:¶
(A) Trustees: Any individual who is a trustee of the trust and who receives compensation for acting in that capacity and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a trustee of the trust and that receives compensation for acting in that capacity.¶
(B) Beneficiaries: Any individual who is entitled to receive, directly or indirectly, income or benefit from the trust.¶
(c) If the business entity is a partnership:¶
(A) General Partners: Any individual who is a general partner of the partnership and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a general partner of the partnership and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the partnership.¶
(B) Limited Partners: Any individual who is a limited partner of the partnership and who owns 10 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or

more of the ownership interests of a business entity that is a limited partner of the partnership and that owns 10 percent or more the ownership interests of the partnership.¶
(d) If the business entity is a joint venture: Any individual who is entitled to receive, directly or indirectly, income or benefit from the joint venture.¶
(e) If the business entity is a limited liability company:¶
(A) Managers: Any individual who is a manager of the limited liability company and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a manager of the limited liability company and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the limited liability company.¶
(B) Members: Any individual who is a member of the limited liability company and who owns 10 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a member of the limited liability company and that owns 10 percent or more of the ownership interests of the limited liability company.¶
(f) Immediate family members: Any person, 18 years of age or older, involved in a marijuana processing site or dispensary, in any capacity, who is a member of the immediate family of any individual who otherwise has a financial interest in the business entity that owns the marijuana processing site or dispensary. A person is a member of the immediate family of the individual if the person receives more than 50 percent of his or her financial support from that individual.¶
(g) Landlord: Any individual who is a landlord of a processing site or dispensary and who is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as a part of lease payments or rent, any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a landlord of a processing site or dispensary and that is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as part of lease payments or rent, and any individual who the Authority finds, based on reasonably reliable information, exerts influence over the operation of the marijuana processing site or dispensary through a landlord-tenant relationship and receives a portion of the proceeds from that marijuana processing site or dispensary.¶
(h) Other forms of business organization: If the form of business entity is not expressly addressed in subsections (a) to (g) of this section, the Authority will, in determining individuals who have a financial interest in the business entity, apply the portions of this definition applicable to the business entity that are most similar to the subject business entity, interpreting the terminology and concepts of this definition in the context of the subject business entity as necessary or appropriate.¶
(3~~6~~7) "Indoor production" for purposes of OAR 333-008-0580 means producing marijuana in any manner:¶
(a) Utilizing artificial lighting on mature marijuana plants; or¶
(b) Other than "outdoor production" as that is defined in this rule.¶
(3~~7~~8) "Inhalable cannabinoid product" means a cannabinoid product that is intended for human inhalation. ¶
(39) "Limited access area" means:¶
(a) For a dispensary a building, room, or other contiguous area on a dispensary premises where a marijuana item is present but does not include the area where marijuana items are transferred to a patient or designated primary caregiver.¶
(b) For a processing site a building, room, or other contiguous area on a processing site premises where a marijuana item is present.¶
(~~38~~40)(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.¶
(b) "Marijuana" does not include:¶
(A) Industrial hemp, as defined in ORS 571.300; or¶
(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United State Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.¶

(~~39~~41) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.¶
(~~40~~2) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475B.840 or a site for which an applicant has submitted an application for registration under ORS 475B.840.¶
(~~41~~3) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.¶
(~~42~~4)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.¶
(b) "Medical cannabinoid product" does not include:¶
(A) Usable marijuana by itself;¶
(B) A cannabinoid concentrate by itself;¶
(C) A cannabinoid extract by itself; or¶
(D) Industrial hemp, as defined in ORS 571.300.¶
(~~43~~5) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.858 or a site for which an applicant has submitted an application for registration under ORS 475B.858.¶
(~~44~~6) "Medical use of marijuana" means the production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition.¶
(~~45~~7) "Minor" means an individual under the age of 18.¶
(~~46~~8) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.¶
(~~47~~9) "OMMP" means the section within the Authority that administers the provisions of ORS 475B.785 to 475B.949, the applicable provisions of 475B.550 to 475B.590, 475B.600 to 475B.655, and the rules in OAR chapter 333, divisions 7 and 8.¶
(~~48~~50) "Organization or facility caregiver" means:¶
(a) An organization that provides hospice, palliative or home health care services that:¶
(A) Is licensed under ORS 443.014 to 443.105, 443.305 to 443.355, or 443.850 to 443.869;¶
(B) Has significant responsibility for managing the well-being of a patient; and¶
(C) Is designated by the Authority as an additional caregiver for a patient; or¶
(b) A residential facility as defined in ORS 443.400 that:¶
(A) Is licensed under ORS 443.400 to 443.455;¶
(B) Has significant responsibility for managing the well-being of a patient: and¶
(C) Is designated by the Authority as an additional caregiver for a patient.¶
(~~49~~51) "Outdoor production" for purposes of OAR 333-008-0580 means producing marijuana:¶
(a) In an expanse of open or cleared ground open to the air; or¶
(b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.¶
(5~~0~~2) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.¶
(5~~1~~3) "Patient" has the same meaning as "registry identification cardholder."¶
(5~~2~~4) "Person designated to produce marijuana by a registry identification cardholder" or "person designated to produce marijuana by a patient" mean a person designated to produce marijuana by a patient under ORS 475B.810 who produces marijuana for that patient at an address:¶
(a) Other than the address where the patient resides; or¶
(b) Where more than 12 mature marijuana plants are produced.¶
(5~~3~~5) "Person responsible for a marijuana grow site," or "PRMG" means any individual designated by a patient to produce marijuana for the patient, including a patient who identifies themself as a person responsible for the marijuana grow site, who has been registered as a PRMG by the Authority under OAR 333-008-0033.¶
(5~~4~~6) "Personal agreement" means a document, as described in ORS 475B.822 signed and dated by a patient,

assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.¶
(5~~5~~7) "Point of sale" means a specific location within a point of sale area at which the transfer of a marijuana item occurs.¶
(5~~6~~8) "Point of sale area" means a secure area where a registered dispensary transfers a marijuana item to a patient or caregiver.¶
(5~~7~~9) "Premises" means a location registered by the Authority as a processing site or dispensary under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.¶
(~~58~~60) "Primary responsibility" as that term is used in relation to an attending p~~hysician~~rovider means that the p~~hysician~~rovider:¶
(a) Provides primary health care to the patient; or¶
(b) Provides medical specialty care and treatment to the patient~~ as recognized by the American Board of Medical Specialties~~; or¶
(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS chapter 678; and¶
(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.¶
(~~59~~61) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.¶
(6~~0~~2) "Process lot" means:¶
(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or¶
(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract as defined in subsection (a) of this section.¶
(6~~1~~3) "Production" or "growing" means:¶
(a) Planting, cultivating, growing, trimming or harvesting marijuana; or¶
(b) Drying marijuana leaves or flowers.¶
(6~~2~~4) "Registry identification card" means a document issued by the Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a designated primary caregiver under ORS 475B.804, the person's designated primary caregiver.¶
(6~~3~~5) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475B.797(5)(a) and has the same meaning as patient.¶
(6~~4~~6) "Remuneration" means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.¶
(6~~5~~7) "Replacement card" means a new card issued in the event that:¶
(a) A patient's registry identification card, a designated primary caregiver's identification card, an organization or facility caregiver's identification card or a PRMG's identification card or grow site registration card is lost or stolen; or¶
(b) A patient's designation of primary caregiver, organization or facility caregiver, PRMG or grow site address has changed.¶
(6~~6~~8) "Residence" means the real property inhabited by a patient for a majority of a calendar year or, if a patient maintains multiple residences, real property inhabited by a patient for the greatest percentage of time within a calendar year.¶
(6~~7~~9) "Resident" means an individual who has primary domicile within this state.¶
(~~68~~70) "Safe" means:¶

(a) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered premises that:¶
(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or¶
(B) Weighs more than 750 pounds.¶
(b) A vault; or¶
(c) A refrigerator or freezer capable of being locked for storing edibles or other finished products that require cold storage that:¶
(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or¶
(B) Weighs more than 750 pounds; and¶
(C) If it has a glass that makes up part or all of the door or exterior walls, the glass is rated unbreakable.¶
(~~69~~71) "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes those institutions that provide junior high schools which include 9th grade.¶
(7~~0~~2) "Secure area" means a room:¶
(a) With doors that are kept locked and closed at all times except when the doors are in use;¶
(b) Where access is only permitted as authorized in these rules; and¶
(c) Not visible from outside the room or within public view.¶
(7~~1~~3) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.¶
(7~~2~~4) "These rules" means OAR 333-008-0010 to 333-008-0750.¶
(7~~3~~5) "THC" means tetrahydrocannabinol.¶
(74~~6~~)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.¶
(b) "Usable marijuana" does not include:¶
(A) The seeds, stalks and roots of marijuana; or¶
(B) Waste material that is a by-product of producing marijuana.¶
(7~~5~~7) "Vault" means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.¶
(7~~6~~8) "Written documentation" means a statement signed and dated by the attending p~~hysician~~rovider of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.¶
(7~~7~~9) "Zoned for residential use" means the only primary use allowed outright in the designated zone is residential.
Statutory/Other Authority: ORS 475B.949
Statutes/Other Implemented: ORS 475B.785 - 475B.949

AMEND: 333-008-0020

RULE SUMMARY: OAR 333-008-0020 New Registry Identification Card Application Process
Amending to provide additional flexibility for minors and those with barriers to obtaining government issued photo identification to submit documentation other than a photographic identification when applying for a patient registration.
Amending the term “attending physician” to “attending provider” to comply with HB 3369 (OL 2021, ch. 130).

CHANGES TO RULE:

333-008-0020
New Registry Identification Card Application Process ¶

(1) To apply for a registry identification card an individual must submit the following:¶
(a) An application form, prescribed by the Authority, signed and dated by the applicant.¶
(b) A legible copy of the individual's valid and current government issued photographic identification that includes the applicant's last name, first name, and date of birth. In lieu of photographic identification, the Authority may in its discretion accept valid and current government issued identification that includes the applicant's last name, first name, and date of birth from applicants under the age 18 or who have demonstrated barriers to accessing services to obtain a photographic identification. The Authority may request additional documentation to authenticate the non-photographic identification.¶
(c) An APS or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending p~~hysician~~rovider within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition.¶
(d) Proof of residency in accordance with OAR 333-008-0022.¶
(e) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for a person under 18 years of age, signed and dated by the minor's parent or legal guardian.¶
(f) An application fee as specified in OAR 333-008-0021.¶
(g) If applicable, documentation required in OAR 333-008-0021 to qualify for a reduced fee.¶
(2) If the applicant is designating a primary caregiver, the applicant must complete the caregiver portion of the application and submit a legible copy of the designated primary caregiver's valid government issued photographic identification that includes the caregiver's last name, first name, and date of birth.-¶
(3) The applicant may also designate an organization or facility caregiver in addition to a designated primary caregiver. To designate an organization or facility caregiver the applicant must submit a completed application on a form provided by the Authority available at www.healthoregon.org/ommp. The application must be submitted to OHA/OMMP PO Box 14450, Portland, OR 97293-0450, and contain at least the following:¶
(a) The organization or facility's name, license number and the name of the state agency that licenses the organization or facility;-¶
(b) An attestation signed by an individual who has legal authority to act on behalf of the organization or facility that the organization or facility agrees to the designation;-¶
(c) The name, title, and phone number of the individual signing the attestation; and¶
(d) The name, title, and phone number of the individual, if different from the individual signing the attestation, who is authorized to purchase or transport marijuana on the patient's behalf. An individual who is authorized to purchase or transport marijuana on the patient's behalf must be 18 years of age or older and must submit a legible copy of the individual's valid government issued photographic identification that includes the last name, first name, and date of birth.¶
(4) If an applicant intends to produce marijuana for themself or designate another person to produce marijuana for

them, the applicant or the individual designated to be the PRMG must complete the grow site registration portion of the application and submit:¶
(a) A legible copy of the designated PRMG's valid government issued photographic identification that includes the last name, first name, and date of birth.¶
(b) Information to establish the grow site address. If a grow site has a United States Postal Service (USPS) physical address, that address must be included in the application. If there is no USPS physical address, a grow site address may also be established by providing documentation of:¶
(A) An assessor's map number with a map showing the exact location of the grow site;¶
(B) The name of the city, or if outside of a city, the name of the county in which the grow site is located;¶
(C) The zip code for the location; and¶
(D) One or more of the following for the location:¶
(i) Longitude and latitude coordinates;¶
(ii) Township coordinates;¶
(iii) Global positioning system coordinates; or¶
(iv) The tax lot number.¶
(c) Information to establish the entirety of the physical location that corresponds to the grow site in accordance with OAR 333-008-0025, that may include but is not limited to the information listed in subsection (4)(b) of this rule.¶
(d) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.¶
(e) ~~For applications received on and after January 1, 2020, i~~If the applicant or PRMG is not the owner of the premises of the grow site, an informed consent form prescribed by the Authority. The consent form:¶
(A) Is valid for only the grower or growers named on the consent form.¶
(B) Must be signed by the owner of the premises or the property owner's legal representative for the grow site and must not have been terminated prior to its receipt by the Authority.¶
(f) Except for a patient producing marijuana for themself at the patient's residence, the grow site registration fee as specified in OAR 333-008-0021(4), by check and mailed or paid online as outlined in OAR 333-008-0021(7).¶
(5) Applications must be mailed to the address listed in section (6) of this rule, hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, or submitted electronically through the Authority's electronic application system available at https://ommpsystem.oregon.gov/ along with accompanying documentation.¶
(6) The application forms referenced in this rule may be downloaded at www.healthoregon.org/ommp or obtained by contacting OMMP at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.¶
(7) Acceptable forms of current government issued photographic identification include but are not limited to:¶
(a) Driver's license;¶
(b) State identification card;¶
(c) Passport; or¶
(d) Military identification card.
Statutory/Other Authority: ORS 475B.797, 475B.807, 475B.949~~, OL 2019, Ch. 145~~
Statutes/Other Implemented: ORS 475B.797

AMEND: 333-008-0021

RULE SUMMARY: OAR 333-008-0021 Patient and PRMG New and Renewal Fees
Amending rule to comply with SB 307 (OL 2021, ch. 141) which waives the application fee if an application served in the Armed Forces of the United States and has a total disability rating of at least 50% as a result of an injury or illness that the veteran incurred or that was aggravated during active military service and who received a discharge or release under other than dishonorable conditions. Applies to applications received on and after 1/1/2022. OMMP will also waive the replacement card fee if the patient qualifies for a waived fee.

CHANGES TO RULE:

333-008-0021
Patient and PRMG New and Renewal Fees ¶

(1) All fees referenced in this rule are non-refundable.¶
(2) New and Renewal Application Fee. A patient must pay a $200 application fee unless the applicant qualifies for a reduced or waived fee under section (3) of this rule.¶
(3) Reduced Fees.¶
(a) An applicant receiving SSI benefits: $20. In order to qualify for the reduced fee the applicant must submit at the time of application a copy of a current monthly SSI benefit statement showing dates of coverage.¶
(b) An applicant enrolled in OHP: $50. In order to qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.¶
(c) An applicant receiving food stamp benefits through the Oregon SNAP: $60. In order to qualify for the reduced fee the applicant must submit at the time of application current proof of his or her food stamp benefits.¶
(d) An applicant who has served in the Armed Forces of the United States: $20. In order to qualify for the reduced fee the applicant must provide proof of having served in the Armed Forces, such as but not limited to, submitting a Veteran's Administration form DD-214.¶
(e) An applicant who served in the Armed Forces of the United States and has a total disability rating of at least 50 percent as a result of an injury or illness that the veteran incurred or that was aggravated during active military service and who received a discharge or release under other than dishonorable conditions: $0. To qualify for the fee waiver the applicant must provide proof of meeting the qualifications for the waived fee, such as but not limited to submitting a Veteran's Administration summary of benefits letter. This only applies to application received by OMMP on and after January 1, 2022.¶
(f) The Authority shall notify an applicant who submits a reduced or waived application fee if the applicant is not eligible for the reduced or waived fee and will allow the applicant 14 calendar days from the date of notice to pay the correct application fee or submit current valid proof of eligibility for a reduced or waived fee.¶
(4) Grow Site Registration Fee: $200.¶
(5) CTS User Fee: $480.¶
(6) Replacement Card Fees. If a patient, designated primary caregiver or PRMG needs to obtain a replacement card the fee is $100. If the patient qualifies for a reduced application fee of $20, the fee to receive any of the replacement cards is $20. If the patient qualifies for a waived fee, the fee to receive any of the replacement cards is waived. ¶
(7) All application fees must be paid at the time a new or renewal application is submitted, or when an application to add or change a PRMG is submitted under OAR 333-008-0047.¶
(a) Patient application fees may be paid in the form of bank check, money order, or personal check and be sent by mail to the address found in OAR 333-008-0020(5), unless the Authority has established an online payment system in which case payments must be made online. The Authority does not accept responsibility for payments that are lost in the mail or stolen in transit.¶
(b) Grow site registration fees may be paid by check and be sent by mail or paid online by going to https://ommpsystem.oregon.gov/.¶

(8) When required, the CTS User Fee is to be paid annually online by going to https://ommpsystem.oregon.gov/.
Statutory/Other Authority: ORS 475B.797, 475B.810, 475B.949
Statutes/Other Implemented: ORS 475B.797

AMEND: 333-008-0023

RULE SUMMARY: OAR 333-008-0023 Patient Application Review Process
Amending the term “attending physician” to “attending provider” to comply with HB 3369 (OL 2021, ch. 130).

CHANGES TO RULE:

333-008-0023
Patient Application Review Process ¶

(1) The Authority must review a patient application to determine if it is complete.¶
(2) If an applicant does not provide all the information required in OAR 333-008-0020(1) or pay the applicable fee the Authority will reject the application as incomplete.¶
(3) If an applicant does not provide all the information required in OAR 333-008-0020(2) and (3), the Authority must notify the applicant of the information that is missing and allow the applicant 14 calendar days to submit the missing information.¶
(4) The Authority may verify the information on each application, verify any accompanying documentation submitted with an application, or request additional information from the applicant or other individuals named on the application.¶
(5) If the Authority is unable to verify that the applicant's attending p~~hysician~~rovider meets the definition under OAR 333-008-0010 the applicant will be allowed 30 days to submit a new APS or written documentation from a ~~physician~~n attending provider meeting the requirements of these rules. Failure to submit the required attending p ~~hysician~~rovider documentation is grounds for denial under ORS 475B.797(8) and OAR 333-008-0035.¶
(6) If an applicant fails to submit information necessary for the Authority to verify information on the application, fails to submit information necessary to verify any accompanying documentation submitted with an application, or fails to cooperate with the Authority in obtaining information related to the application review process, such as but not limited to refusing to sign a disclosure authorization within timeframes established by the Authority, the Authority will reject the application as incomplete.¶
(7) An applicant whose application is rejected as incomplete may reapply at any time. If the individual reapplies within a year the application fee may be applied toward a new application.¶
(8) Upon receipt of a complete application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant. A receipt is only valid for the individual that submitted the application and not a proposed designated primary caregiver, proposed organization or facility caregiver, or proposed PRMG.¶
(9) The Authority shall approve or deny an application within 30 days after receiving a complete application.
Statutory/Other Authority: ORS 475B.797, 475B.949
Statutes/Other Implemented: ORS 475B.797

AMEND: 333-008-0025

RULE SUMMARY: OAR 333-008-0025

Person Responsible for a Marijuana Grow Site Criteria; Grow Site Registration

Amending to remove irrelevant date of compliance.

CHANGES TO RULE:

333-008-0025

Person Responsible for a Marijuana Grow Site Criteria; Grow Site Registration Application Review Process ¶

(1) In order to be a PRMG an individual must:¶
(a) Be 21 years of age or older.¶
(b) Not have been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II:¶
(A) Within the previous two years; or¶
(B) More than once.¶
(2) An applicant is ineligible to be designated as a PRMG if the individual fails to satisfy all of the requirements in section (1) of this rule.¶
(3) Prior to approval, an applicant must establish with the Authority the entirety of the physical location that corresponds to the grow site address.¶
(a) A physical location may not be artificially subdivided into separate grow sites with different grow site addresses.¶
(b) An applicant may submit documentation from the local government to demonstrate that a location is lawfully recognized as a separate occupancy.¶
(4) The Authority may not designate a grow site if the applicant fails to provide sufficient evidence to establish the entirety of the physical location that corresponds to the grow site address.¶
(5) The Authority may reevaluate the entirety of the physical location that corresponds to the grow site address of a registered grow site at any time.¶
(6) A physical location may correspond to only one grow site address.¶
(7) In addition to the application review required in OAR 333-008-0023 the Authority must:¶
(a) Conduct a criminal background check on any PRMG.¶
(b) Verify the PRMG's age.¶
(c) Verify the zoning of the grow site if the grow site is within city limits.¶
(d) Determine the number of plants that are permitted at the grow site address.¶
(8) ~~For applications received on and after January 1, 2020, t~~The Authority may verify that the owner of the grow site location signed the form consenting to the grow site registration submitted pursuant to OAR 333-008-0020(4)(e).¶
(9) Unless the Authority has received a request for a grandfathered grow site address under OAR 333-008-0500, and except as provided in section (10) of this rule the grow site plant limits are as follows:¶
(a) For a grow site located within city limits and zoned residential, a maximum of:¶
(A) Twelve mature marijuana plants;¶
(B) Twenty-four immature marijuana plants that are 24 inches or more in height; and¶
(C) Seventy-two immature marijuana plants that are less than 24 inches in height.¶
(b) For a grow site located within city limits but not zoned residential or outside city limits, a maximum of:¶
(A) Forty-eight mature marijuana plants;¶
(B) Ninety-six immature marijuana plants that are 24 inches or more in height; and¶
(C) Two hundred eighty-eight immature marijuana plants that are less than 24 inches in height.¶
(10) A grow site located at a patient's residence where the patient or the patient's designated primary caregiver produces marijuana may not have more than 12 mature marijuana plants and 24 immature marijuana plants and cannot be a grandfathered grow site. The marijuana plant numbers include any plants permitted under ORS

475B.301.¶
(11) The Authority must notify a patient if a PRMG or a grow site fails to satisfy any of the requirements for registration and the patient will be allowed 14 calendar days to identify another PRMG or grow site in accordance with OAR 333-008-0047. If the patient does not identify another PRMG or grow site eligible for registration under these rules the Authority will issue the patient's card without a designated PRMG or grow site.¶
(12) The Authority shall consider the PRMG and grow site registration portion of the application to be incomplete if:¶
(a) The grow site registration fee is not paid at the time of application or within 14 calendar days of the Authority notifying the PRMG that payment is due.¶
(b) An informed consent form is not submitted at the time of application if required by OAR 333-008-0020(4)(e).
Statutory/Other Authority: ORS 475B.810, 475B.949~~, OL 2019, Ch. 145~~
Statutes/Other Implemented: ORS 475B.810

AMEND: 333-008-0040

RULE SUMMARY: OAR 333-008-0040 Annual Renewal

Amending to no longer require a patient upon renewal, to submit their photo identification for themselves, their caregiver, and grower if they were the same caregiver or grower the patient designated the previous year and the identification OMMP has for them is not expired.

Amending the term “attending physician” to “attending provider” to comply with HB 3369 (OL 2021, ch. 130).

CHANGES TO RULE:

333-008-0040
Annual Renewal ¶

(1) A patient shall register on an annual basis to maintain active registration status by submitting:¶
(a) A renewal application prescribed by the Authority;¶
(b) An APS signed by the patient's attending p~~hysician~~rovider within 90 days prior to the expiration date of the patient's current card, reconfirming the patient's debilitating medical condition and that the medical use of marijuana mitigates the symptoms of the patient's debilitating medical condition, except as provided in section (2) of this rule; and¶
(c) The additional information and fees required in OAR 333-008-0020~~.~~ except that government issued photographic identification for a grower, caregiver or patient is not required to be resubmitted if the applicant previously submitted identification that is unexpired at the time the renewal application is received. ¶
(2) A patient who meets the following criteria and provides documentation of meeting the criteria in accordance with instructions on the renewal application form is not required to submit an APS as described in subsection (1)(b) of this rule:¶
(a) Has been assigned a total and permanent disability rating for compensation that rates the veteran as unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities as described in 38 C.F.R. 4.16; or¶
(b) Has a United States Department of Veterans Affairs total disability rating of 100 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service and who received a discharge or release under other than dishonorable conditions.¶
(3) A renewal application may be submitted by mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232 or submitted electronically through the Authority's electronic application system available at https://ommpsystem.oregon.gov/ along with accompanying documentation.¶
(4) Between 60 to 90 calendar days prior to expiration, the Authority shall notify the patient of the upcoming expiration date.¶
(5) If a renewal application and accompanying information is not received by the expiration date on the patient's card, the patient's card and all other associated OMMP identification cards, if any, are expired.¶
(6) Upon receipt of a complete renewal application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete renewal application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant.¶
(7) The Authority shall review and verify the renewal application information in the same manner as specified in OAR 333-008-0023 and 333-008-0025 and shall reject as incomplete, approve, or deny the application in accordance with OAR 333-008-0030 to 333-008-0037, as applicable.¶
(8) If a patient has submitted a complete renewal application and paid the applicable fees prior to the patient's card expiring but the Authority has not yet issued the patient a renewal card, for purposes of the Oregon Medical Marijuana Act the patient and any of the patient's designees if designated on the prior registration for that patient will be considered by the Authority to have valid cards until the Authority acts on the renewal application.
Statutory/Other Authority: ORS 475B.797, 475B.804, 475B.810, 475B.949

Statutes/Other Implemented: ORS 475B.797, 475B.804, 475B.810

AMEND: 333-008-0045

RULE SUMMARY: OAR 333-008-0045 Notification of Changes
Amending the term “attending physician” to “attending provider” to comply with HB 3369 (OL 2021, ch. 130). Removing a past effective date from the rule.

CHANGES TO RULE:

333-008-0045
Notification of Changes ¶

(1) Patient notification responsibilities.¶
(a) A patient must notify the Authority within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending p~~hysician~~rovider, designated primary caregiver, organization or facility caregiver, PRMG, grow site address or residency, on a form prescribed by the Authority.¶
(b) If the patient is designating a caregiver for the first time or designating a different caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.¶
(c) If the patient is designating an organization or facility caregiver for the first time or designating a different organization or facility caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.¶
(d) If a patient is adding or changing a PRMG or grow site address the patient must comply with OAR 333-008-0047.¶
(e) ~~For applications received on or after January 1, 2020, a~~Any change in ownership of the premises where the grow site is located if the patient or PRMG is not the owner of the premises or is no longer the owner of the premises.¶
(2) Caregiver notification responsibilities. A designated primary caregiver must notify the Authority within 10 calendar days of any change in the caregiver name, mailing address, electronic mail address, or telephone number.¶
(3) Organization or facility caregiver notification responsibilities. An organization or facility caregiver must notify the Authority within 10 calendars days of any change to information required on the application in OAR 333-008-0020(3).¶
(4) Person responsible for a marijuana grow site notification responsibilities. A PRMG must notify the Authority within 10 calendar days of:¶
(a) Any change in the person's name, mailing address, electronic mail address, or telephone number.¶
(b) A conviction of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.¶
(c) ~~For applications received on or after January 1, 2020, a~~Any change in ownership of the premises where the grow site is located if the PRMG or the patient is not the owner of the premises or is no longer the owner of the premises.¶
(5) If the Authority is notified by the patient that the patient has terminated the designation of a primary caregiver or a PRMG the Authority must notify the individuals confirming the termination, informing the individual that his or her card is no longer valid, and requesting that the card be returned to the Authority within seven calendar days. In addition, the Authority must notify the PRMG whether the termination affects the person's ability to produce marijuana for other patients at the grow site address, in accordance with ORS 475B.831(6).¶
(6) Change in Medical Condition.¶
(a) If an attending p~~hysician~~rovider notifies the Authority that a patient no longer has a debilitating medical condition or that that the medical use of marijuana is contraindicated for the patient's debilitating medical condition, the Authority must notify the patient that the patient's registry identification card will be invalid 30 days from the date of the notification unless the patient submits within 30 calendar days an APS or written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending p~~hysician~~rovider within the previous 90 days, which states the individual has been diagnosed with a

debilitating medical condition and that the use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.¶
(b) If, due to circumstances beyond the patient's control he or she is unable to submit the documentation in subsection (a) of this section, the Authority may, upon receiving a written request from the patient, grant the patient additional time to obtain a second opinion. The Authority must notify the patient how much additional time the patient has to submit the documentation.¶
(7) Change in grow site ownership.¶
(a) If the Authority is notified of a change in ownership described in subsection (1)(d) or (3)(c) of this rule, the patient or PRMG must submit a signed consent form as described in OAR 333-0020(4)(e). The consent form must be received by the Authority within 30 days of the change in ownership.¶
(b) If a consent form is not timely submitted as described in subsection (a) of this section:¶
(A) The Authority shall notify the patient that the grow site is ineligible for registration and the patient will be allowed 14 calendar days to identify another PRMG or grow site in accordance with OAR 333-008-0047;¶
(B) If the patient does not designate another grow site as described in paragraph (A) of this subsection, the Authority shall revoke the PRMG's registration and grow site registration.¶
(8) If a patient does not intend to submit the information or does not submit the information required in section (6) of this rule within the timeframes established by the Authority, the Authority must notify:¶
(a) The patient that the patient's card must be returned within seven calendar days; and¶
(b) If applicable, the patient's designated primary caregiver, organization or facility caregiver, and PRMG that those identification cards must be returned within seven calendar days.¶
(9) The Authority will review and approve or deny a caregiver designation or change in caregiver designation requested under this rule in accordance with OAR 333-008-0023 to 333-008-0037, as applicable.¶
(10) Change forms may only be submitted to the Authority via mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232 and must be accompanied by any applicable fee as specified in OAR 333-008-0021.
Statutory/Other Authority: ORS 475B.797, 475B.804, 475B.810, 475B.949~~, OL 2019, Ch. 145~~
Statutes/Other Implemented: ORS 475B.797, 475B.804, 475B.810

AMEND: 333-008-0110

RULE SUMMARY: OAR 333-008-0110 Oregon Cannabis Commission
Amending the Oregon Liquor Control Commission to the Oregon Liquor and Cannabis Commission per HB 2111 (OL 2021, ch. 351).

CHANGES TO RULE:

333-008-0110
Oregon Cannabis Commission ¶

(1) In addition to any other duty prescribed by law, the Oregon Cannabis Commission (OCC) shall:-¶
(a) Provide advice to the Authority with respect to the administration of ORS 475B.~~400~~785 to 475B.~~525~~949, including rules and fees adopted and proposed for adoption under ORS 475B.~~400~~785 to 475B.~~525~~949;¶
(b) Provide advice to the Oregon Liquor ~~Control~~and Cannabis Commission with respect to the administration of ORS 475B.010 to 475B.~~39~~545, insofar as those statutes pertain to patients and designated primary caregivers, as those terms are defined in ORS 475B.~~410~~791;¶
(c) Develop a long-term strategic plan for ensuring that cannabis will remain a therapeutic option for persons with debilitating medical conditions as defined in ORS 475B.~~410~~791;¶
(d) Develop a long-term strategic plan for ensuring that cannabis will remain affordable for persons with debilitating medical conditions as defined in ORS 475B.~~410~~791; and¶
(e) Monitor and study federal laws, regulations and policies regarding marijuana.¶
(2) The Authority will provide staff support to the OCC by assisting with the scheduling of meetings, recording of minutes, and dissemination of meeting-related materials.
Statutory/Other Authority: O~~L 2017, Ch. 613, Sec. 1-6~~RS 475B.952 - 475B.961
Statutes/Other Implemented: ORS 475~~.300~~B.952 - 475~~.346, OL 2017, Ch. 613, Sec. 1-6~~B.961

AMEND: 333-008-0550

RULE SUMMARY: OAR 333-008-0550 General Person Responsible for a Marijuana Grow Site Requirements
Adding language to clarify that a grow must maintain a scale licensed by ODA at the grow site.

CHANGES TO RULE:

333-008-0550
General Person Responsible for a Marijuana Grow Site Requirements ¶

(1) A PRMG may not grow marijuana for more than eight patients at any one time.¶
(2) A PRMG must display a marijuana grow site registration card at the marijuana grow site at all times for each patient for whom marijuana is being produced.¶
(3) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a patient by a PRMG are the property of the patient and must be provided to the patient or the patient's designated primary caregiver upon the patient's request, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.822 and OAR 333-008-0585.¶
(4) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the PRMG ceases producing marijuana for the patient, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with ORS 475B.822.¶
(5) All usable marijuana associated with the production of marijuana for a patient must be transferred to a marijuana processing site upon the patient's request.¶
(6) All seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a patient must be transferred to a medical marijuana dispensary upon the patient's request.¶
(7) If a patient submits a request to the Authority to change their PRMG or grow site resulting in the removal of the PRMG as a registered PRMG for that patient that PRMG may not be designated to produce marijuana by another patient unless the grow site is authorized to have no more than:¶
(a) Forty-eight mature marijuana plants;¶
(b) Ninety-six immature marijuana plants that are 24 inches or more in height; and¶
(c) Two hundred and eighty-eight immature marijuana plants that are less than 24 inches in height.¶
(8) A PRMG must return the grow site registration card to the Authority when the person's designation has been terminated by a patient or the person ceases producing marijuana for themself or another patient.¶
(9) Except for a patient growing only for themself at the patient's residence and not transferring usable marijuana, seeds or immature plants to a registered processing site or dispensary, or a PRMG that produces marijuana at a grow site that is subject to CTS tracking, a PRMG must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.¶
(10) A PRMG must comply with the advertising restrictions in OAR 333-008-2070 and must remove any sign, display or advertisement if the Authority determines the PRMG has violated OAR 333-008-2070.¶
(11) A PRMG who transfers or sells usable marijuana to a registered processing site or sells or transfers seeds, immature plants or usable marijuana to a registered dispensary or is required to report as outlined in OAR 333-008-0630 or OAR 333-008-0635 must maintain and use a weighing device at the grow site that is licensed by the Oregon Department of Agriculture (ODA). Licensed weighing devices must be used by a PRMG whenever marijuana items are:¶
(a) Transferred from the PRMG to a registered processing site or dispensary and the transfer is by weight;¶
(b) Packaged for transfer by weight to a registered processing site or dispensary;¶
(c) Weighed for purposes of documenting information required in OAR 333-008-0630 for transfers to registered processing sites or dispensaries; or¶
(d) Weighed for purposes of reporting information required in OAR 333-008-0630 or for the purposes of reporting information into CTS under OAR 333-008-0635.¶
(12) A PRMG that is required to maintain a weighing device licensed by ODA per these rules must maintain a

weighing device at the grow site at all time. PRMGs at a grow site may collectively use one weighing device licensed by ODA. If there is no weighing device licensed by ODA at a grow site all PRMGs registered at the grow site will be in violation of this rule.¶
(13) A PRMG may only use pesticides in accordance with ORS chapter 634 and OAR chapter 603, division 57.¶
(14) The Authority may investigate any violation of this rule based on:¶
(a) A failed pesticide test;¶
(b) Information provided by any other state agency;¶
(c) A grow site inspection; or¶
(d) The receipt of a complaint alleging unlawful pesticide use.¶
(15) If the Authority determines that a violation of section (12) of this rule has occurred, it may provide information obtained by the Authority to the Oregon Department of Agriculture in accordance with ORS 475B.882(5).¶
(16) A PRMG must comply with laws pertaining to water use as administered by the Oregon Water Resources Department and shall maintain records as necessary to demonstrate compliance. The PRMG shall provide evidence of a legal source of water to the Oregon Water Resources Department and Oregon Health Authority upon request.¶
(17) A PRMG must comply with applicable land use and zoning requirements related to the production of marijuana.¶
(18) A PRMG must obtain a personal agreement from their patient in accordance with OAR 333-008-0585 before transferring usable marijuana, seeds, or immature marijuana plants to a registered dispensary, processing site, or Commission licensed processor or wholesaler, as follows:-¶
(a) For any usable marijuana, seeds, or immature marijuana plants that will be transferred to a registered dispensary or registered processing site, the PRMG must obtain an Authorization to Transfer form as prescribed by the Authority or a personal agreement as described in ORS 475B.822.¶
(b) For marijuana that will be transferred under ORS 475B.825 to a Commission licensed producer, processor or wholesaler in accordance with OAR chapter 845, division 25 the PRMG must obtain a personal agreement as described in ORS 475B.822.-¶
(c) The authorization to transfer form or personal agreement must be made available to the Authority or Commission upon request.-¶
(d) A model personal agreement form is available on the Authority's website, at healthoregon.org/ommp.-¶
(e) A PRMG may only possess and transfer usable marijuana, seeds or immature plants transferred from a patient in accordance with ORS 475B.785 to 475B.949.¶
(f) A PRMG may only transfer in accordance with OAR 333-008-0590.-¶
(19) Failure to comply with the return, transfer, or documentation requirements in this rule is a violation and may result in further enforcement action or the denial of future applications or designations.
Statutory/Other Authority: ORS 475B.810 - 475B.831, 475B.949
Statutes/Other Implemented: ORS 475B.810 - 475B.831

AMEND: 333-008-0700

RULE SUMMARY: OAR 333-008-0700 OMMP Monitoring, Investigation, and Enforcement: Monitoring and Investigations

Amending the term “attending physician” to “attending provider” to comply with HB 3369 (OL 2021, ch. 130).

CHANGES TO RULE:

333-008-0700
OMMP Monitoring, Investigation, and Enforcement: Monitoring and Investigations ¶

(1) The Authority may, at any time, contact a patient, designated primary caregiver, PRMG, or a patient's attending p~~hysician~~rovider by telephone, mail or in person to verify the current accuracy of information included in the registration system.¶
(2) The Authority may, when it has reasonable basis for believing a violation of ORS 475B.785 through 475B.949, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules has occurred, either conduct an investigation or arrange for this responsibility to be assumed by the proper state or local authorities.¶
(3) A patient, designated primary caregiver or PRMG must cooperate with the Authority during an investigation.¶
(4) If the Authority records show that any one ~~physician~~attending provider is the attending p~~hysician~~rovider of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the ~~physician~~ attending provider do one of the following:¶
(a) Provide information for each new patient over the 450 threshold, including:¶
(A) Documentation that the patient's medical records have been reviewed;¶
(B) Patient chart notes documenting the patient was examined by the ~~physician~~attending provider and the date of the examination; and¶
(C) Documentation showing provided or planned follow-up care;¶
(b) Provide a letter from a clinic at which the ~~physician~~attending provider provides care requesting that the ~~physician~~attending provider be exempted from this section and provide documentation from the clinic that it:¶
(A) Has clear systems for ensuring medical records are reviewed and that each patient is examined by a ~~physician~~ attending provider;¶
(B) Provides follow-up care for patients;¶
(C) Maintains a record system documenting the review of medical records, ~~physician~~attending provider examination, and follow-up care; and¶
(D) Will allow on-site inspections by the Authority to confirm compliance; or¶
(c) Provide a written statement explaining why the ~~physician~~attending provider should be released from the requirements in this section, for example, an explanation that the ~~physician~~attending provider:¶
(A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;¶
(B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or¶
(C) Has multiple practice sites and at one of the practice sites the ~~physician~~attending provider clearly meets the attending p~~hysician~~rovider definition.¶
(5) If the Authority receives a request from a p~~hysician~~rovider to be exempted from the requirement in section (4) of this rule, the Authority shall provide the ~~physician~~attending provider a decision, in writing, explaining whether the ~~physician~~attending provider is or is not exempted from the requirement in section (4) of this rule. The Authority's written decision shall explain the basis for the Authority's decision.¶
(6) The Authority shall refer criminal complaints against a patient, designated primary caregiver, or PRMG; or medical practice complaints against an attending p~~hysician~~rovider to the appropriate state or local authorities.¶
(7) The Authority may reject a registrant's surrender of a registration if there is an ongoing investigation or a pending enforcement action.
Statutory/Other Authority: ORS 475B.949
Statutes/Other Implemented: ORS 475B.797 - 475B.810

AMEND: 333-008-1200

RULE SUMMARY: OAR 333-008-1200 Medical Marijuana Dispensaries: Operation of Registered Dispensaries Amending the term “THC” to “adult use cannabinoid” to align with HB 3000 (OL 2021, ch. 542). Also adding reference that dispensaries may not sell, offer, or transfer a marijuana item that exceeds the concentration limits set by the OLCC per SB 408 (OL 2021, ch. 397) and HB 3000 (OL 2021, ch. 542).

CHANGES TO RULE:

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:¶
(A) OAR 333-008-1230, 333-008-1245, and 333-008-1247.¶
(B) CTS.¶
(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; and¶
(d) Generate inventory, transaction, and transfer reports viewable in Excel and PDF format.¶
(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 accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0500 or that has failed a test under OAR 333-007-0450.¶
(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 Commission's labeling and packaging requirements in OAR chapter 845, division 25. A dispensary that packages or labels marijuana items must comply with the Commission's pre-approval process in OAR chapter 845, division 25 and keep all records related to the label pre-approval process for two years from the date of approval and provide those records at the request of the Authority.¶
(9) Oregon Department of Agriculture Licensure. A registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or a cannabinoid concentrate, extract or product intended for human consumption as that term is defined in OAR 333-008-0010, 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~~adult use cannabinoids 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 and Nicotine. A dispensary may not offer or sell tobacco or nicotine products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010, cigarillos as that is defined in OAR 333-015-0030, liquid nicotine containers as that is defined in OAR 333-015-0305 or pre-filled nicotine inhalant delivery devices.¶
(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 333-008-0010.¶
(13) Concentration limits. A dispensary may not receive, possess, sell, offer, or transfer a marijuana item to a patient or caregiver that does not meet the Commission's cannabis concentration limit rules adopted under OAR chapter 845, division 26. ¶
(14) A dispensary may not receive, possess, sell, offer, or transfer an inhalable cannabinoid product that does not meet the requirements of OAR 333-008-1785.
Statutory/Other Authority: ORS 475B.858, 475B.949
Statutes/Other Implemented: ORS 475B.858

AMEND: 333-008-1740

RULE SUMMARY: OAR 333-008-1740 Medical Marijuana Processors: Operation of Registered Processing Site Amending the term “THC” to “adult use cannabinoid” to align with HB 3000 (OL 2021, ch. 542). Also adding reference that processing site may not receive, possess, sell, offer or transfer a marijuana item that exceeds the concentration limits set by the OLCC per SB 408 (OL 2021, ch. 397) and HB 3000 (OL 2021, ch. 542).

CHANGES TO RULE:

333-008-1740
Medical Marijuana Processors: 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 of any adult use cannabinoid regulated by the Commission's cannabis concentration limit rules in OAR chapter 845, division 26, including but not limited to OAR 845-026-0200 and 845-026-0220.¶
(f) The process for ensuring that the amount of ~~THC~~the adult use cannabinoids 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~~adult use cannabinoids 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).¶

(d) If such an item is an inhalable cannabinoid product that does not meet the requirements in OAR 333-008-1785.¶
(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:¶
(A) OAR 333-008-1760, 333-008-1770, and 333-008-1820.¶
(B) CTS.¶
(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; and¶
(c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in Excel and PDF format.¶
(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. A registered processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0~~49~~500 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 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.¶
(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 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.¶
(10) Packaging and Labeling. A registered processing site must comply with the Commission's labeling and

packaging requirements in OAR chapter 845, division 25. A processing site:¶
(a) Must comply with the Commission's pre-approval process for packaging and labeling in OAR chapter 845, division 25.¶
(b) Must keep all records related to the pre-approval process for two years from the date of approval and provide those records at the request of the Authority.¶
(c) May not transfer a marijuana item unless the package and label have been pre-approved by the Commission or pre-approval is not required under the Commission's rules.¶
(11) Industrial Hemp Products. A processing site may only accept the transfer of and may only transfer a product that contains ~~THC~~adult use cannabinoids 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 333-008-0010; 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 333-008-0010.¶
(14) Concentration limits. A processing site may not receive, possess, sell, offer, or transfer a marijuana item to a dispensary, patient or caregiver that does not meet the Commission's cannabis concentration limit rules adopted under OAR chapter 845, division 26.
Statutory/Other Authority: ORS 475B.840, 475B.849
Statutes/Other Implemented: ORS 475B.840, 475B.849

ADOPT: 333-008-1785

RULE SUMMARY: OAR 333-008-1785 Inhalable Cannabinoid Product Processor Requirements
Adopting health and safety requirements for non-cannabis additives in inhalable cannabinoid products and prohibiting non-cannabis additives that contain squalene, squalane, vitamin E acetate, triglycerides, or propylene glycol (with some exceptions) due to health and safety concerns regarding the use of those substances in inhalable products.

CHANGES TO RULE:

333-008-1785
Inhalable Cannabinoid Product Processing Site Requirements
(1) A processing site may only use a non-cannabis additive in an inhalable cannabinoid product if the non-cannabis additive is accompanied by a list of ingredients from the manufacturer of the non-cannabis additive that:¶
(a) In a header section, displays the name of the non-cannabis additive and the business name of the manufacturer of the non-cannabis additive;¶
(b) In clear and legible font, includes a statement that the non-cannabis additive is for use in a product intended for human inhalation;¶
(c) Accurately identifies all ingredients in the non-cannabis additive; and¶
(d) For each ingredient of the non-cannabis additive, includes:¶
(A) A Chemical Abstracts Service Reference Number that specifies the ingredient's isomer and, if applicable, enantiomer; and¶
(B) The ingredient's concentration range within 20 percentage points.¶
(2) A processing site may not use a non-cannabis additive in an inhalable cannabinoid product that contains any amount of:¶
(a) Squalene;¶
(b) Squalane;¶
(c) Vitamin E Acetate;¶
(d) Triglycerides, including but not limited to Medium-Chain Triglyceride (MCT) Oil; or¶
(e) Propylene Glycol, unless the product is going to be delivered through a metered dose inhaler whose functionality does not require combustion or heated vaporization.¶
(3) A processing site in possession of an inhalable cannabinoid product with non-cannabis additives must:¶
(a) Record the item in CTS with the item category of "Inhalable Cannabinoid Product with Non-Cannabis Additives".¶
(b) In the item's ingredients section of CTS record: ¶
(A) The name of all non-cannabis additives used in the items; and¶
(B) For each non-cannabis additive used, the business name of the manufacturer of the non-cannabis additive.¶
(c) The ingredients recorded in CTS under subsection (3)(b) if this rule must match the information that is contained in the header section of the non-cannabis additive's list of ingredients as required under subsection (1)(a) of this rule.¶
(4) A processing site may not manufacture or process an inhalable cannabinoid product that does not meet the requirements of this rule.¶
(5) A processing site may not possess, sell, deliver, transfer, transport, purchase, or receive an inhalable cannabinoid product that does not meet the requirements of this rule.
Statutory/Other Authority: ORS 475B.840, 475B.849
Statutes/Other Implemented: ORS 475B.840, 475B.849

AMEND: 333-008-1790

RULE SUMMARY: OAR 333-008-1790

Medical Marijuana Processors: Cannabinoid Edible Processor Requirements

Amending the term “THC” to “adult use cannabinoid” to align with HB 3000 (OL 2021, ch. 542).

CHANGES TO RULE:

333-008-1790

Medical Marijuana ~~Dispensarie~~Processors: Cannabinoid Edible Processor Requirements ¶

(1) A processing site endorsed to make cannabinoid edibles may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with the applicable provisions of OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.¶
(2) A processing site endorsed to make cannabinoid edibles may not:¶
(a) Engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS chapter 624;¶
(b) Share a food establishment with a person not registered with the Authority as a cannabinoid edible processor;¶
(c) Process cannabinoid edibles and food in the same food establishment; or¶
(d) Use a cannabinoid concentrate or extract in a cannabinoid edible unless that concentrate or extract was processed in a food establishment licensed by ODA under OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.¶
(3) A processing site endorsed to make cannabinoid edibles may share a food establishment with another Authority registered cannabinoid edible processor if:¶
(a) The schedule, with specific hours and days that each processor will use the food establishment, is prominently posted at the entrance to the food service establishment.¶
(b) Each registrant designates a separate area to secure, in accordance with OAR 333-008-2080 any marijuana, medical cannabinoid products, concentrates or extracts that a registrant stores at the food establishment. If a cannabinoid edible processor does not store marijuana, medical cannabinoid products, concentrates or extracts at the food establishment those items must be stored on a registered processing site under the processor's control.¶
(4) A food establishment used by a processing site endorsed to make cannabinoid edibles is considered a registered processing site and must meet the security and other premises requirements in these rules.¶
(5) A processing site endorsed to make cannabinoid edibles is strictly liable for any violation found at a shared food establishment during that processor's scheduled time, as reflected on the posted schedule or within that processor's designated area in the food establishment.¶
(6) If the Authority cannot determine by viewing the schedule or video surveillance footage who was responsible for the violation, each processor at the shared food establishment is individually and jointly liable for any documented violations.¶
(7) A processing site must make cannabinoid edibles in a manner that results in the ~~THC~~adult use cannabinoids being distributed consistently throughout the edible.
Statutory/Other Authority: ORS 475B.~~435~~840, 475B.~~440~~849
Statutes/Other Implemented: ORS 475B.~~435~~840, 475B.~~440~~849

AMEND: 333-008-2180

RULE SUMMARY: OAR 333-008-2180 Violations
Amending the Oregon Liquor Control Commission to the Oregon Liquor and Cannabis Commission per HB 2111 (OL 2021, ch. 351).

CHANGES TO RULE:

333-008-2180
Violations ¶

(1) It is a violation for an applicant for a registration, registrant or registrant representative to:¶
(a) Fail to cooperate with an inspection or investigation by the Authority or the Oregon Liquor ~~Control~~and Cannabis Commission. Failure to cooperate includes but is not limited to:¶
(A) Refusal to grant access to any and all portions of the registered premises.¶
(B) Failure to provide to the Authority or the Commission, upon request, information concerning compliance with these rules.¶
(b) Submit false or misleading information to the Authority;¶
(c) If the registrant is a dispensary, transfer a marijuana item to an individual who is not a patient or a designated primary caregiver;¶
(d) If the registrant is a processing site, transfer a medical cannabinoid product, concentrate or extract to anyone who is not a registered processing site representative, a registered dispensary representative, a patient or a designated primary caregiver, as permitted under these rules;¶
(e) Accept the transfer of a marijuana item from an individual who is not registered with the Authority;¶
(f) Accept the transfer of a marijuana item that was produced or processed in another state;¶
(g) Possess a mature marijuana plant;¶
(h) Fail to submit a plan of correction in accordance with OAR 333-008-2190;¶
(i) Fail to comply with an emergency suspension order or final order of the Authority, including failing to pay a civil penalty;¶
(j) Fail to comply with ORS 475B.840 to 475B.852, 475B.858 to 475B.867, 475B.555, 475B.605, 475B.615, these rules, or OAR chapter 333, division 7;¶
(k) Alter or falsify a laboratory test report or result;¶
(l) Alter or falsify a receipt issued under OAR 333-008-0023 or 333-008-0040;¶
(m) Submit false or misleading information to the Commission for the purpose of pre-approval of packaging and labeling as required by OAR chapter 845, division 25;¶
(n) Submit false or misleading information to a laboratory for the purpose of compliance testing under OAR 333-007-0300 to 333-007-0500; and¶
(o) To provide marijuana to a patient, designated primary caregiver, employee, or other person to have the marijuana tested for pesticides on behalf of the processing site or dispensary without disclosing to the laboratory the processing site or dispensary registration number.¶
(2) It is a violation of ORS 475B.858 and these rules to operate a dispensary without being registered by the Authority.¶
(3) It is a violation of ORS 475B.840 and these rules to operate a processing site without being registered by the Authority unless an exemption applies.
Statutory/Other Authority: ORS 475B.840, 475B.858, 475B.949
Statutes/Other Implemented: ORS 475B.840, 475B.858

REPEAL: 333-008-9905

RULE SUMMARY: OAR 333-008-9905 OMMP Operations During Declared Emergency
Repealing rule since it will not be in effect after December 31, 2021.

CHANGES TO RULE:

~~333-008-9905~~
~~OMMP Operations During Declared Emergency~~
~~(1) During a state of emergency declared by the Governor under ORS 401.165, or a public health emergency declared under ORS 433.441, the Authority may:¶~~
~~(a) Accept government issued photographic identification that expired in 2020 as valid government issued photographic identification.¶~~
~~(b) Accept an APS or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 120 days of the date of receipt by the Authority.¶~~
~~(c) Accept as timely any submission received within 21 calendar days after notification by the Authority any time the rules require submission within 14 calendar days after notification by the Authority.¶~~
~~(d) Accept as valid documents and forms without notarization as required in OAR 333-008-0020(1)(e).¶~~
~~(2) This rule is in effect until December 31, 2021.~~
~~Statutory/Other Authority: ORS 475B.797, 475B.804, 475B.810, 475B.949, Governors Executive Order 20-03, Governor's Executive Order 20-12, Governor's Executive Order 20-27, Governor's Executive Order 20-59~~
~~Statutes/Other Implemented: ORS 475B.797, 475B.804, 475B.810, 475B.949, Governors Executive Order 20-03, Governor's Executive Order 20-12, Governor's Executive Order 20-27, Governor's Executive Order 20-59~~