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

DIVISION 7

MARIJUANA LABELING, CONCENTRATION LIMITS, AND TESTING

Labeling

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

Stat. Auth.: ORS 475B.605
Stats. Implemented: ORS 475B.605

333-007-0090
General Label Requirements; Prohibitions; Exceptions
(1) Principal Display Panel.
(a) Every container that contains a marijuana item for sale or transfer to a consumer, patient or designated primary caregiver must have a principal display panel, as that term is defined in OAR 333-007-0020.
(b) If a container is placed within packaging for purposes of displaying the marijuana item for sale or transfer to a consumer, patient or designated primary caregiver, the packaging must have a principal display panel as that term is defined in OAR 333-007-0020.
(c) The principal display panel must contain the product identity, net weight, and universal symbol, if applicable.
(d) If the product is a medical grade cannabinoid product, concentrate or extract processed by a licensee the principal display panel must include the medical grade symbol.
(2) A label required by these rules must:
(a) Be placed on the container and on any packaging that is used to display the marijuana item for sale or transfer to a consumer, patient or designated primary caregiver.
(b) Comply with the National Institute of Standards and Technology (NIST) Handbook 130 (2016), Uniform Packaging and Labeling Regulation, incorporated by reference.
(c) Be in no smaller than 8 point Times New Roman, Helvetica or Arial font;
(d) Be in English, though it can be in other languages; and
(e) Be unobstructed and conspicuous.
(3) A marijuana item may have one or more labels affixed to the container or packaging.
(4) A marijuana item that is in a container that because of its size does not have sufficient space for a label that contains all the information required for compliance with these rules:
(a) May have a label on the container that contains a marijuana item and on any packaging that is used to display the marijuana item for sale or transfer to a consumer, patient or designated primary caregiver that includes at least the following:
(A) Information required on a principal display panel, if applicable for the type of marijuana item;
(B) Licensee or registrant business or trade name and licensee or registrant number;
(C) For licensees, package unique identification number and for registrants, batch or process lot number;
(D) Concentration of THC and CBD; and
(E) Required warnings; and
(b) Must include all other required label information not listed in subsection (4)(a) of this rule on an outer container or package, or on a leaflet that accompanies the marijuana item; and.
(c) May:
(A) Use a peel-back or accordion label with the information required in subsection (4)(b) of this rule, if the peel-back or accordion label can be easily identified by a patient or consumer as containing important information.
(B) Use 6 point font for the information listed in paragraph (4)(a)(A) to (D) of this rule.
(5) A marijuana item in a container that is placed in packaging that is used to display the marijuana item for sale or transfer to a consumer, patient, or designated primary caregiver must

comply with the labeling requirements in these rules, even if the container qualifies for the exception under section (4) of this rule.
(6) The universal symbol:
(a) Must be at least 0.48 inches wide by 0.35 inches high.
(b) May only be used by licensees or registrants.
(c) May be downloaded at www.healthoregon.org/marijuana.
(7) Medical grade symbol. The medical grade symbol must be at least 0.35 inches in diameter.
(8) A label may not:
(a) Contain any untruthful or misleading statements including, but not limited to, a health claim that is not supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner which is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims; or
(b) Be attractive to minors, as that is defined in OAR 845-025-7000.
(9) A marijuana item that falls within more than one category, for example a product that is both a cannabinoid concentrate and cannabinoid edible, must comply with the labeling requirements that apply to both categories, with the exception of the "DO NOT EAT" warning if the product is intended for human consumption or the "BE CAUTIOUS" warning if the effects of the product are customarily felt immediately.
(10) The THC and CBD amount required to be on a label must be the value calculated by the laboratory that did the testing in accordance with OAR 333-064-0100.
(11) If a marijuana item has more than one test batch number, laboratory, or test analysis date associated with the marijuana item that is being sold or transferred, each test batch number, laboratory and test analysis date must be included on a label.
(12) If a marijuana item is placed in a package that is being re-used, the old label or labels must be removed and it must have a new label or labels.
(13) A licensee or registrant must have documentation that demonstrates the validity of the calculation of the amount of sodium, sugar, carbohydrates and total fat in a cannabinoid edible and must make that documentation available to the Commission or the Authority upon request.
(14) Exit packaging must contain a label that reads: "Keep out of the reach of children."
(15) A cartridge containing a cannabinoid concentrate, extract or product intended for use with an inhalant delivery system as that is defined in ORS 431.840 is not required to be labeled in accordance with these rules except that the cartridge must have a label with the universal symbol and a warning that reads "Keep out of the reach of children". All the remaining label requirements must be included on the packaging that is used to display the cartridge for sale or transfer.
Stat. Auth.: ORS 475B.605
Stats. Implemented: ORS 475B.605

333-007-0100
Pre-Approval of Labels
(1) A registrant must submit labels for pre-approval in accordance with OAR 845-025-7060 and must keep all records related to the pre-approval process and provide those records at the request of the Authority.
(2) ~~On and after October 1, 2016, a~~A registrant may not transfer a marijuana item unless the label has been pre-approved in accordance with OAR 845-025-7060.

Stat. Auth.: ORS 475B.610
Stats. Implemented: ORS 475B.610

Concentration and Serving Size Limits

333-007-0200
Definitions, Purpose, Scope and Effective Date
(1) In accordance with ORS 475B.625, the Authority must establish, for marijuana items sold or transferred to a consumer, patient or designated primary caregiver through a Commission licensed marijuana retailer or medical marijuana dispensary:
(a) The maximum concentration of THC permitted in a single serving of a cannabinoid product or cannabinoid concentrate or extract; and
(b) The number of servings permitted in a cannabinoid product container or cannabinoid concentrate or extract container.
(2) OAR 333-007-0200 through 333-007-0220 apply to:
(a) A Commission licensee as that is defined in OAR 845-025-1015; and
(b) A person registered with the Authority under ORS 475B.400 to 475B.525 who is not exempt under ORS 475B.630.
(3) The concentration of THC permitted under OAR 333-007-0210 through 333-007-0220 must take into account both the amount of Delta-9 THC in the cannabinoid product or cannabinoid concentrate or extract and the amount of tetrahydrocannabinolic acid (THCA) in the cannabinoid product or cannabinoid concentrate or extract that if heated would convert THCA to THC. A cannabinoid product or cannabinoid concentrate or extract that contains a high amount of THCA must meet the concentration limits established in OAR 333-007-0200 through 333-007-0220 even if heated.
(4~~3~~) The amounts of THC listed on a label are based on an average from samples taken from a harvest or process lot and may not represent the exact amount of THC in a marijuana item purchased by a consumer, patient or designated primary caregiver.
(5~~4~~) ~~On and after October 1, 2016:~~
~~(a)~~ A marijuana item received or transferred by a dispensary must meet the concentration and serving size limits in OAR ~~333-007-0210 or~~ 333-007-0220 and until January 1, 2017, OAR 333-008-1500~~, depending on whether the marijuana is available for sale or transfer to a consumer, patient or designated primary caregiver; and~~
~~(b) A dispensary may not receive or transfer a marijuana item that does not meet the concentration and serving size limits in OAR 333-007-0210 or 333-007-0220, as applicable~~.
(6~~5~~) ~~By October 1, 2016, a dispensary must have either transferred marijuana items that do not meet the concentration and serving size limits in OAR 333-007-0210 or 333-007-0220 to a patient or caregiver or must have returned any marijuana item that does not meet the requirements to the individual who transferred the item to the dispensary, and must document who the item was returned to, what was returned and the amount, and the date of the return.~~
~~(6)~~ For purposes of OAR 333-007-0200 through 333-007-0220:
(a) The definitions in OAR 333-007-0020 apply unless otherwise specified.
(b) "Cannabinoid capsule" means a small soluble container, usually made of gelatin, that encloses a dose of a cannabinoid product, concentrate or extract intended for human ingestion.
(c) "Cannabinoid edible" means a food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.

(d) "Cannabinoid suppository" means a small soluble container designed to melt at body temperature within a body cavity other than the mouth, especially the rectum or vagina containing a cannabinoid product, concentrate or extract.
(e) "Cannabinoid transdermal patch" means an adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.
(f) "Medical marijuana item" is a marijuana item for sale or transfer to a patient or designated primary caregiver and includes medical grade cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
(g) "Retail adult use marijuana item" is a marijuana item for sale to a consumer.
(h) "Scored" means to physically demark a cannabinoid edible in a way that enables a reasonable person to:
(A) Intuitively determine how much of the product constitutes a single serving; and
(B) Easily physically separate the edible into single servings either by hand or with a common utensil, such as a knife.
Stat. Auth.: ORS 475B.625
Stats. Implemented: ORS 475B.625

333-007-0210
Retail Marijuana Item Concentration and Serving Size Limits
(1) The maximum concentration or amount of THC permitted in a container and the maximum concentration or amount of THC permitted in a serving of a retail adult use marijuana item is listed in Table 1. [Table not included. See ED. NOTE.]
(2) A cannabinoid edible must be scored unless it is not capable of being scored ~~because it is not solid at room temperature~~ in which case the cannabinoid edible must be:
(a) Sold and packaged with a measuring device that measures single servings; or
(b) Placed in packaging that clearly enables a consumer to determine when a single serving has been consumed.
(3) Serving size is as determined by the processor.
(4) A retail adult use marijuana item that does not fall within a category in Table 1 such as cannabinoid suppositories and transdermal patches must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 1.
[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]
Stat. Auth.: Sec. 105, ch. 614, OL 2015
Stats. Implemented: Sec. 105, ch. 614, OL 2015

333-007-0220
Medical Marijuana Item Concentration Limits
(1) The maximum concentration or amount of THC permitted in a container and the maximum concentration or amount of THC permitted in a serving of a medical marijuana item is listed in Table 2. [Table not included. See ED. NOTE.]
(2) A cannabinoid edible must be scored unless it is not capable of being scored ~~because of its form or because it is not solid at room temperature~~ in which case the cannabinoid edible must be:
(a) Sold and packaged with a measuring device that measures single servings; or
(b) Placed in packaging that clearly enables a patient to determine when a single serving has been consumed, as that serving size is determined by the processor.

(3) Serving size is as determined by the processor.
(4) A medical marijuana item that does not fall within a category in Table 2 must meet the concentration and serving size limits applicable to a cannabinoid edible in Table 2.
[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]
Stat. Auth.: Sec 105, ch 614, OL 2015
Stats. Implemented: Sec 105, ch 614, OL 2015

Marijuana Testing

333-007-0300
Purpose and Effective Date
(1) The purpose of these rules is to establish the minimum testing standards for marijuana items. These rules are applicable to:
(a) A licensee; and
(b) A registrant who is not exempt from the testing requirements.
(2) The testing requirements do not apply to:
(a) A grower if the person is transferring usable marijuana or an immature marijuana plant to:
(A) A patient who designated the grower to grow marijuana for the patient; or
(B) A designated primary caregiver of the patient who designated the grower to grow marijuana for the patient; or
(b) A designated primary caregiver of a patient if the caregiver is transferring a marijuana item to a patient of the designated primary caregiver.
(3) A person registered with the Authority under ORS 475B.400 to 475B.525 who is subject to these rules may not:
(a) Transfer a marijuana item ~~on or after October 1, 2016,~~ that is not sampled and tested in accordance with these rules; or
(b) Accept the transfer of a marijuana item ~~on or after October 1, 2016,~~ that is not sampled and tested in accordance with these rules.
(4) A person licensed by the Commission must comply with these rules at all times.
(5) Notwithstanding section (3)(a) of this rule, until January 1, 2017, a dispensary may transfer a marijuana item to a patient or caregiver that was transferred to the dispensary before October 1, 2016, and that was not sampled and tested in accordance with these rules if the item contains a label placed on the package where it can easily be seen by the patient or caregiver that reads "DOES NOT MEET NEW TESTING REQUIREMENTS" in 12 point font, and in bold, capital letters.
~~(6) Nothing in these rules prevents a registrant from having marijuana items sampled and tested in accordance with these rules by an accredited and licensed laboratory prior to October 1, 2016.~~
~~(7) Prior to October 1, 2016, an accredited laboratory performing sampling or testing for a registrant may comply with this rule or OAR 333-008-1190 but the laboratory must identify on the test result which rule the results are compliant with.~~
Stat. Auth.: ORS 475B.555
Stats. Implemented: ORS 475B.555

DIVISION 8

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) "Applicant" means, as applicable to the registration being applied for:
(a) An individual applying for a registry identification card under ORS 475B.415.
(b) An individual applying for a grow site registration under ORS 475B.420.
(c) A person applying for a marijuana processing site registration under ORS 475B.435.
(d) A person applying for a medical marijuana dispensary registration under ORS 475B.450.
(3) "Attending physician" 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 a debilitating medical condition.
(4) "Attending physician statement" or "APS" means the form, prescribed by the Authority and signed by an attending physician, 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) "Authority" means the Oregon Health Authority.
(6) "Business day" means Monday through Friday excluding legal holidays.
(7) "CBD" means cannabidiol.
(8) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
(9) "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.
(10) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.
(11) "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.
(12) "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.
(13) "Commission" means the Oregon Liquor Control Commission.
(14) "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.
(15) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
(156) "Database" means the electronic system established pursuant to ORS 475B.458, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.
(167) "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.
(178) "Delivery" has the meaning given that term in ORS 475B.410.
(189)(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 physician.
(2019) "Direct interest" means an interest that is held in the name of the individual.
(201) "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.
(212) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.
(223) "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~~3~~4) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.
(2~~4~~5) "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 if the location is within city limits and zoned residential; or
(b) 96 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
(2~~5~~6) "Grow site" means a location registered under ORS 475B.420 where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site or dispensary.
(2~~6~~7) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.
(2~~7~~8) "Immature marijuana plant" means a marijuana plant that is not flowering.
(2~~8~~9) "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.
(~~29~~30) "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~~0~~1) "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~~1~~2) "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.
(32)(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 industrial hemp, as defined in ORS 571.300.
(33) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.
(34) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475B.435 or a site for which an applicant has submitted an application for registration under ORS 475B.435.
(35) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.
(36)(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.
(37) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475B.450 or a site for which an applicant has submitted an application for registration under ORS 475B.450.
(38) "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.
(3940) "Minor" means an individual under the age of 18.
(401) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.
(412) "OMMP" means the section within the Authority that administers the provisions of ORS 475B.400 to 475B.525, 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.
(423) "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.
(434) "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.
(445) "Patient" has the same meaning as "registry identification cardholder."
(456) "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.420 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.

(46[7]) "Person responsible for a marijuana grow site," or "PRMG" mean any individual designated by a patient to produce marijuana for the patient, including a patient who identifies him or herself as a person responsible for the marijuana grow site[, who has been registered as a PRMG by the Authority under OAR 333-008-0033].
(47[8]) "Personal agreement" means a document, as described in ORS 475B.425 signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.
(48[9]) "Point of sale" means a specific location within a point of sale area at which the transfer of a marijuana item occurs.
(50[49]) "Point of sale area" means a secure area where a registered dispensary transfers a marijuana item to a patient or caregiver.
(5[0]1) "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.
(5[1]2) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:
(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.
(5[2]3) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
(5[3]4) "Production" or "growing" means:
(a) Planting, cultivating, growing, trimming or harvesting marijuana; or
(b) Drying marijuana leaves or flowers.
(5[4]5) "Registry identification card" means a document issued by the Authority under ORS 475B.415 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.418, the person's designated primary caregiver.
(5[5]6) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475B.415(5)(a) and has the same meaning as patient.
(5[6]7) "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.
(5[7]8) "Replacement card" means a new card issued in the event that:
(a) A patient's registry identification card, a designated primary caregiver's or a PRMG's identification card, or grow site registration card is lost or stolen; or
(b) A patient's designation of primary caregiver, PRMG or grow site has changed.
(5[8]9) "Resident" means an individual who has primary domicile within this state.
([59]60) "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.
(60~~0~~1) "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.
(61~~1~~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.
(62~~2~~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.
(63~~3~~4) “These rules” means OAR 333-008-0010 to 333-008-0750.
(64~~4~~5) "THC" means tetrahydrocannabinol.
(65~~5~~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.
(66~~6~~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.
(67~~7~~8) "Written documentation" means a statement signed and dated by the attending physician 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.
(68~~8~~9) "Zoned for residential use" means the only primary use allowed outright in the designated zone is residential.
Stat. Auth.: ORS 475B.525
Stats. Implemented: ORS 475B.400 – 475B.525

Patient, Designated Primary Caregiver, PRMG and Grow Site Registration

333-008-0023
Patient Application Review Process
(1) The Authority must review a patient application to determine if it is complete.
(2~~a~~) 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~~must notify the~~

~~applicant of the information that is missing or the fee that was not paid, and allow the applicant 14 calendar days to submit the missing information~~.
(b) 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.
~~b) If an applicant does not provide the information requested in subsection (1)(a) of this rule the application must be denied in accordance with OAR 333-008-0035.~~
(3~~2~~) 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.
(4~~3~~) If the Authority is unable to verify that the applicant's attending physician 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 meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475B.415(8) and OAR 333-008-0035.
(5~~4~~) 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, such as but not limited to refusing to sign an authorization for disclosure of medical records within timeframes established by the Authority, the Authority will reject the application as incomplete.
(6~~5~~) 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.
(7~~6~~) 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.
(8~~7~~) The Authority shall approve or deny an application within 30 days after receiving a complete application.
Stat. Auth.: ORS 475B.415, 475B.525
Stats. Implemented: ORS 475B.415

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 physician 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.
(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.
(~~4~~3) Between 60 to 90 calendar days prior to expiration, the Authority shall notify the patient of the upcoming expiration date.
(~~4~~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. The expiration date may be extended, due to personal hardship, at the discretion of the Authority.
(~~5~~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.
(~~6~~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 approve or deny the application in accordance with OAR 333-008-0030 to 333-008-0037, as applicable.
Stat. Auth.: ORS 475B.415, 475B.418, 475B.420 and 475B.525, OL 2016, ch. 107
Stats. Implemented: ORS 475B.415 and 475B.418, 475B.420, OL 2016, ch. 107

Persons Responsible for a Marijuana Grow Site

333-008-0600
PRMG Labeling, Packaging and Testing Requirements
On and after October 1, 2016, a PRMG who transfers usable marijuana to a registered processing site or dispensary must comply with the labeling, packaging and testing requirements in OAR 333-007-0300 to 333-007-0490.
Stat. Auth.: ORS 475B.555
Stats. Implemented: ORS 475B.555

Medical Marijuana Dispensaries

333-008-1020
Application for Medical Marijuana Dispensary Registration
(1) To register a medical marijuana dispensary a person must:
(a) Submit an initial application on a form prescribed by the Authority that includes but is not limited to:
(A) The name of the individual who owns the dispensary or, if a business entity owns the dispensary, the name of each individual who has a financial interest in the dispensary;

(B) The name of the individual or individuals responsible for the dispensary, if different from the name of the individual who owns the dispensary, with one of the individuals responsible for the dispensary identified as the primary PRD;
(C) The physical and mailing address of the medical marijuana dispensary; and
(b) Application and registration fee.
(2) An initial application for the registration of a dispensary must be submitted electronically via the Authority's website, www.healthoregon.org/ommp.
(3) If an initial application is submitted along with the required fees the Authority will notify the applicant in writing that the application has been received and that within 30 calendar days of the date the written notice is mailed the following information must be received by the Authority:
(a) For each individual named in the application:
(A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
(B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and
(C) An Individual History Form and any information identified in the form that is required to be submitted;
(b) A written statement from an authorized official of the local government that the proposed location of the dispensary is not located in an area that is zoned for residential use as that term is defined in OAR 333-008-0010;
(c) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State, including proof of registration for any DBA (doing business as) registration;
(d) Documentation, in a format prescribed by the Authority that the proposed location of the dispensary is not within 1,000 feet of:
(A) The real property comprising a public or private elementary or secondary school, except as provided in Oregon Laws 2016, chapter 83, section 29; or
(B) A registered dispensary.
(e) A scaled site plan of the parcel on which the premises proposed for registration is located, including:
(A) Cardinal directional references;
(B) Bordering streets and the names of the streets;
(C) Identification of the building or buildings in which the proposed dispensary is to be located;
(D) The dimensions of the proposed premises of the dispensary;
(E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and
(F) Identification of any residences on the parcel or tax lot; and
(f) A scaled floor plan of all enclosed areas of the premises at the proposed location that will be used in the business with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, intended uses of all spaces and all limited access areas; and
(g) Documentation that shows the applicant has lawful possession of the proposed location of the dispensary.
(4) The documentation required in section (3) of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.

(a) If documentation is mailed it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the initial application was received or the application will be considered incomplete.
(b) If documentation is submitted electronically it must be received by the Authority by 5 p.m. Pacific Time within 30 calendar days of the date the Authority mailed the notice to the applicant that the initial application was received or the application will be considered incomplete.
(5) Application and registration fees must be paid online at the time of application.
(6) Criminal background check fees must be paid by check or money order and must be mailed to the Oregon Medical Marijuana Program, PO Box 14116, Portland, OR 97293, and must be received by the Authority in accordance with provisions in section (4) of this rule.
(7) If the Authority does not receive a complete application, including all documentation required in sections (1) and (3) of this rule, and all required fees within the time frames established in this rule, the application will be considered incomplete.
(8) If an applicant provides the documentation required in section (3) of this rule the Authority will review the information to determine if it is complete.
(a) If the documentation required under section (3) of this rule is not complete or is insufficient the Authority must notify the applicant in writing and the applicant will have 10 calendar days from the date such written notice is mailed by the Authority to provide the additional documentation.
(b) If the applicant does not provide the additional documentation within 10 calendar days or if any responsive documents are incomplete, insufficient or otherwise do not demonstrate compliance with ORS 475B.450 and these rules the application will be declared incomplete.
(9) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in sections (1) and (3) of this rule for each location.
(10) An application that is incomplete is treated by the Authority as if it was never received. Stat. Auth.: ORS 475B.450 & 475B.525
Stats. Implemented: ORS 475B.450

333-008-1110
Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and Requirements
(1) A dispensary may not be located:
(a) In an area that is zoned for residential use.
(b) At the same address as a registered marijuana grow site;
(c) Within 1,000 feet of the real property comprising a public or private elementary or secondary school, except as provided in Oregon Laws 2016, chapter 83, section 29; or
(d) Within 1,000 feet of another medical marijuana dispensary.
(2) For purposes of implementing ORS 475B.450(3)(d), the Authority will consider a location to be a school if it has at least the following characteristics:
(a) Is a public or private elementary or secondary school as those terms are defined OAR 333-008-0010;
(b) There is a building or physical space where students gather together for education purposes on a regular basis;
(c) A curriculum is provided;

(d) Attendance is compulsory under ORS 339.020 or children are being taught as described in ORS 339.030(1)(a); and
(e) Individuals are present to teach or guide student education.
(3) For purposes of determining the distance between a dispensary and a school "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public or private elementary or secondary school to the closest point of the premises of a dispensary. If any portion of the premises of a proposed or registered dispensary is within 1,000 feet of a public or private elementary or secondary school it may not be registered.
(4) For purposes of determining the distance between a dispensary and another registered dispensary "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a registered dispensary to the closest point anywhere on the premises of a proposed dispensary. If any portion of the premises of a proposed dispensary is within 1,000 feet of a registered dispensary it may not be registered.
(5) In order to be registered a dispensary must operate at a particular location as specified in the application and may not be mobile.
(6) Minors on Premises. A dispensary registrant may not permit a minor to be present in any limited access or point of sale area of a registered dispensary.
(7) On Premises Consumption.
(a) A dispensary registrant may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the registered dispensary, except as described in subsection (b) of this section.
(b) An employee of a registered dispensary who is a patient may consume a marijuana item during his or her work shift on the premises of the registered dispensary as necessary for his or her medical condition, if the employee is:
(A) Alone and in a closed room where no dispensary marijuana items are present;
(B) Not visible to patients or caregivers on the premises of the registered dispensary to receive a transfer of a marijuana item; and
(C) Not visible to the public outside the dispensary.
(c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.
(8) General Public and Visitor Access. The general public is not permitted on the premises of a registered dispensary, except as permitted by OAR 333-008-1500 and in accordance with this rule.
(a) In addition to registrant representatives, the following visitors are permitted on the premises of a dispensary, including limited access areas, subject to the requirements in section (9) of this rule:
(A) Laboratory personnel, if the laboratory is accredited by the Authority;
(B) A contractor authorized by a registrant representative to be on the premises; or
(C) Individuals authorized to transfer marijuana items to a registered dispensary.
(b) A registered dispensary may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered dispensary, including limited access areas, subject to the requirements in section (9) of this rule.
(9) Visitor Escort, Log and Badges.

(a) Prior to entering the premises of a registered dispensary all visitors permitted by section (8) of this rule must be documented and issued a visitor identification badge from a registrant representative that must remain visible while on the premises. All visitors described in section (8) of this rule must be accompanied by a registrant representative at all times.
(b) A dispensary registrant must maintain a log of all visitor activity and the log must contain the first and last name and date of birth of every visitor, and the date they visited.
(10) Government Access. Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the premises or a dispensary registrant to be on the premises.
(a) A visitor badge is not required for government officials.
(b) A dispensary must log every government official that enters the premises but the dispensary may not request that the government official provide a date of birth for the log.
(11) Limited Access Areas.
(a) All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the ~~a point of sale~~ limited access area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.
(b) An applicant or registered dispensary may request, in writing, an exception from the Authority from the requirement to have a floor to ceiling wall. The request must include the reason the exception is being sought, pictures of the area in question, and a description of an alternative barrier that accomplishes the goal of providing a significant physical barrier between the general public and any marijuana items on the premises of the dispensary.
(12) A dispensary must have:
(a) A designated limited access area or areas where transfers of marijuana items are received and such an area may not be accessible to patients or designated primary caregivers on the premises to receive the transfer of a marijuana item or the general public; and
(b) A designated area within the premises where patients and designated primary caregivers and other visitors enter the dispensary and are checked in.
(13) The areas described in section (12) of this rule must be clearly marked on the scaled floor ~~or plot~~ plan ~~sketch~~ required in OAR 333-008-1024~~4~~0.
(14) Point of Sale Areas.
(a) All point of sale areas must be physically separated from any area where the general public is permitted by a floor to ceiling wall that prevents physical access between a point of sale area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.
(b) An applicant or registrant may request, in writing, an exception from the Authority from the requirement under subsection (a) of this section to have a floor to ceiling wall. The request must include the reason the exception is being sought, pictures of the area in question, and a description of an alternative barrier that accomplishes the goal of providing a significant physical barrier between the general public and any marijuana items on the premises of the dispensary.
(~~b~~c) All areas where marijuana items are available for transfer to a patient or designated primary caregiver must be supervised by a dispensary representative at all times when a patient or designated primary caregiver is present.
(~~c~~d) A dispensary may not transfer a marijuana item to a patient or designated primary caregiver through a drive-through window.

(15) A dispensary may not sublet or share with any other business any portion of the dispensary premises, except a registered processing site under common ownership.
(16) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the dispensary premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the dispensary premises and any other use, occupancy or tenant space, except as follows:
(a) A dispensary may share a premises with a registered marijuana processing site that is under common ownership, in accordance with section (17) of this rule and OAR 333-008-2080.
(b) A dispensary is permitted to have a door from the dispensary premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (17) of this rule.
(17) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (16) of this rule ingress or egress is permitted, every means of ingress and egress must be:
(a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.
(b) Posted with signage in accordance with OAR 333-008-1205, as applicable.
(c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.
(18) Residential occupancy of a dispensary premises is prohibited.
Stat. Auth.: ORS 475B.450 & 475B.525
Stats. Implemented: ORS 475B.450

~~**333-008-1190**~~
~~**Testing**~~
~~(1) This rule is in effect until October 1, 2016.~~
~~(a) Nothing in this rule prohibits a dispensary or an accredited laboratory from complying with the testing rules in OAR 333-007-0300 to 333-007-0490 and providing or accepting a test result that is in compliance with OAR 333-064-0100 and 333-064-0110 in lieu of a test result required in this rule.~~
~~(b) Nothing in this rule prohibits an accredited laboratory from performing sampling and testing for a registrant in accordance with this rule, prior to October 1, 2016.~~
~~(2) For purposes of this rule:~~
~~(a) "Batch" has the same meaning given that term in OAR 333-007-0310.~~
~~(b) "TNI" has the same meaning given that term in OAR 333-007-0310.~~
~~(c) "TNI standards" has the same meaning given that term in OAR 333-007-0310.~~
~~(3) Prior to being registered a PRD must have documentation that identifies at least one laboratory that will do the testing in accordance with this rule.~~
~~(4) A registered dispensary may only accept laboratory test results from a laboratory on the Authority's list posted on the Authority's website, www.healthoregon.org/ommp.~~
~~(5) A PRD must have a test report that complies with section (11) of this rule that can be linked to the batch from which each sample was taken and to each marijuana item available for transfer, before the marijuana item is available for transfer to a patient or a designated primary caregiver.~~

(6) A registered dispensary may submit samples for testing in accordance with section (7) of this rule or a PRD may accept test results if:
(a) A copy of the test results is obtained at the time of transfer that clearly links the test results to the marijuana item being transferred;
(b) The PRD can demonstrate to the Authority that random samples from the batch were taken and submitted for testing; and
(c) The PRD can demonstrate to the Authority that the batch from where samples were taken was sealed and not tampered with from the time samples for testing were taken and when they were delivered to the dispensary.
(7) Prior to October 1, 2016, if a dispensary accepts the transfer of a marijuana item that has not been tested in accordance with this rule a dispensary representative must:
(a) Segregate each untested batch and place the batch in an individual container or bag with a label attached to the container or bag that includes at least the following information:
(A) A unique identifier;
(B) The name of the product;
(C) The name of the person who transferred the marijuana item;
(D) The date the marijuana item was received; and
(E) "PRODUCT NOT TESTED" in bold, capital letters, no smaller than 12 point font.
(b) Take random samples from each batch in an amount necessary to conduct the applicable test, label each sample with the batch's unique identifier, and submit the samples for testing.
(c) Once samples have been taken for the purpose of testing, store and secure the untested item in a manner that prevents the item from being tampered with or transferred prior to test results being reported.
(8) Pesticide Testing. A marijuana item, except for seeds and immature plants, must be tested for pesticides by testing for individual pesticides (analytes) in the following categories, using valid testing methodologies:
(a) Chlorinated Hydrocarbons;
(b) Organophosphates;
(c) Carbamates; and
(d) Pyrethroid.
(9) THC and CBD Testing. A marijuana item, except for seeds and immature plants, must be tested to determine the levels of THC and CBD using valid testing methodologies.
(10) Laboratory Requirements. A PRD must be able to show that the laboratory that conducted the testing required in this rule:
(a) Uses valid testing methodologies; and
(b) Has a Quality System for testing of pesticides that is compliant with the:
(A) 2005 International Organization for Standardization 17025 Standard; or
(B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.
(11) Testing Results. A laboratory test result must:
(a) Comply with the standards in TNI 2009, Volume 1, Module 2, Section 5.10, incorporated by reference.
(b) Include the following information:
(A) The name of each specific analyte tested;
(B) The limit of quantitation (LOQ) as that is defined in TNI 2009, Volume 1, Module 2, Section 3.1 and TNI 2009, Volume 1, Module 4, Section 1.5, incorporated by reference;

~~(C) The pesticide results as a numerical value in units of either parts per million or parts per billion if the analyte was detected or a statement that the level detected was less than the LOQ;~~
~~(D) The levels of THC and CBD calculated in accordance with OAR 333-064-0100; and~~
~~(E) The quality control results from the blank and quality control samples associated with the sample testing.~~
~~(c) Be signed by an official of the laboratory with an attestation that the results are accurate and that testing was done using valid testing methodologies and a quality system as required in this rule.~~
~~(12) A sample of a marijuana item shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.~~
~~(13) If a marijuana item tests positive for pesticides based on the standards in this rule the PRD must:~~
~~(a) Return the entire batch from which the sample was taken to the individual who transferred the marijuana item to the dispensary and document how many or how much was returned, to whom, and the date it was returned; or~~
~~(b) Dispose of the entire batch in a manner specified by the Authority.~~
~~(14) The PRD may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the dispensary where marijuana items are stored. A dispensary representative must log the date and time in and out of all such persons.~~
~~(15) If the Authority determines that a laboratory is not using valid testing methodologies, does not have a quality system, or is not producing test result reports in accordance with this rule the Authority may remove the name of the laboratory from the list on the Authority's website.~~
~~(16) The Authority may do audit testing of a marijuana item in order to determine whether a dispensary is in compliance with this rule.~~
~~Stat. Auth.: ORS 475B.450 & 475B.525~~
~~Stats. Implemented: ORS 475B.450~~

333-008-1200
Operation of Registered Dispensaries
(1) Policies and Procedures. In order to obtain a registration and to retain registration a dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:
(a) Security;
(b) Transfers of marijuana items to and from the dispensary;
(c) Operation of a registered dispensary;
(d) Required record keeping;
(e) Testing requirements;
(f) Packaging and labeling requirements;
(g) Employee training;
(h) Compliance with these rules, including but not limited to violations and enforcement; and
(i) Roles and responsibilities for employees and PRDs in assisting the Authority during inspections or investigations.~~.~~
(2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.

(3) Standardized Scales. In order to obtain a registration and to retain registration a dispensary registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a registered dispensary whenever marijuana items are:
(a) Transferred to or from the dispensary and the transfer is by weight;
(b) Packaged for transfer by weight; or
(c) Weighed for purposes of documenting information required in OAR 333-008-1230, 333-008-1245, 333-008-1247 and 333-008-1248.
(4) Inventory Tracking and Point of Sale System: In order to obtain a registration and to retain registration a registered dispensary must have an installed and fully operational integrated inventory tracking and point of sale system that can and does, at a minimum:
(a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;
(b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;
(c) Capture all information electronically that is required to be documented in OAR 333-008-1230 and 333-008-1245;
(d) Generate inventory, transaction, and transfer reports viewable in excel format; and
(e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248.
(5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.
(6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.
(7) Testing. ~~On and after October 1, 2016, a~~A dispensary registrant may not:
(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.
(b) Transfer a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 unless it was transferred to the dispensary prior to October 1, 2016 and is labeled in accordance with OAR 333-007-0300(5).
(c) Transfer a marijuana item that was received prior to October 1, 2016, that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490, after December 31, 2016.
(8) Packaging and Labeling. ~~On and after October 1, 2016, a~~A dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.
(9) Oregon Department of Agriculture Licensure. On and after January 1, 2017, ~~On and after October 1, 2016, a~~a registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles, must be licensed by the Oregon Department of Agriculture under ORS 616.706.
(10) Industrial Hemp Products.
(a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.

(b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.
(11) Tobacco. A dispensary may not offer or sell tobacco products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as that is defined in OAR 333-015-0030.
(12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.
Stat. Auth.: ORS 475B.450 & 475B.525
Stats. Implemented: ORS 475B.450

~~**333-008-1225**~~
~~**Packaging**~~
~~(1) This rule is in effect from March 1, 2016 until October 1, 2016. Nothing in this rule prohibits a dispensary from complying with the packaging rules in OAR 845-025-7000 to 845-025-7060 prior to October 1, 2016.~~
~~(2) For purposes of this rule:~~
~~(a) "Child-resistant safety packaging" means:~~
~~(A) Containers designed and constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly;~~
~~(B) Closable for any product intended for more than a single use or containing multiple servings; and~~
~~(C) Labeled in accordance with OAR 333-008-1220.~~
~~(b) "Container" means a sealed, hard or soft-bodied receptacle in which a tetrahydrocannabinol-infused product is placed prior to being transferred to a patient or caregiver.~~
~~(c) "Packaged in a manner not attractive to minors" means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.~~
~~(3) A dispensary may not transfer a medical cannabinoid product, extract or concentrate to a patient or caregiver unless the product, extract or concentrate is in child-resistant safety packaging.~~
~~Stat. Auth.: ORS 475B.450 & 475B.525~~
~~Stats. Implemented: ORS 475B.450~~

333-008-1230
Transfers to a Registered Dispensary
(1) Transfer of Usable Marijuana, Seeds and Immature Plants. A patient, caregiver, or PRMG may transfer usable marijuana, seeds and immature plants produced by a PRMG to a registered dispensary, subject to the requirements in this rule.
(a) A registered dispensary may only accept a transfer of usable marijuana, seeds or immature marijuana plants from a caregiver or PRMG if the individual transferring the usable marijuana, seeds or immature plants provides the original or a copy of a valid:
(A) Authorization to Transfer form prescribed by the Authority; or
(B) Personal agreement as that is defined in OAR 333-008-0010.

(b) Authorization to Transfer Forms. In order to be valid an Authorization to Transfer form must include at least:
(A) The patient's name, OMMP card number or receipt number and expiration date and contact information;
(B) The name and contact information of the individual who is authorized to transfer the usable marijuana, seeds or immature marijuana plants to the registered dispensary and that individual's OMMP card number and expiration date;
(C) The name and address of the registered dispensary that is authorized to receive the usable marijuana, seeds or immature marijuana plants; and
(D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.
(c) Personal Agreements. In order to be valid a personal agreement must include at least:
(A) The patient's name, OMMP card number and expiration date and contact information;
(B) The name and contact information of the PRMG to whom the patient's property rights have been assigned and the producer's OMMP card number and expiration date, and the grow site address;
(C) The portion of the patient's rights to possess seeds, immature plants and usable marijuana that is being assigned to the producer.
(2) Transfer of medical cannabinoid products, concentrates, and extracts.
(a) Beginning October 1, 2016, until January 1, 2017, ~~(a) Until October 1, 2016, a registered dispensary may accept the transfer of a cannabinoid product or concentrate from a patient, caregiver or PRMG in accordance with section (1) of this rule.~~
~~(b) On and after October 1, 2016,~~ a registered dispensary may ~~only~~ accept the~~a~~ transfer of a medical cannabinoid product or~~,~~ concentrate from an applicant that has submitted a complete application for registration of a marijuana processing site.
(b) On and after January 1, 2017, a registered dispensary may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered medical marijuana processing site.
(c) Beginning October 1, 2016, until January 1, 2017, a registered dispensary may accept the transfer of a medical cannabinoid extract from an applicant that has submitted a complete application for registration of a marijuana processing site.
~~(c) Until October 1, 2016, a registered dispensary may accept the transfer of a medical cannabinoid extract from a marijuana processing site.~~
(3) A registered dispensary may only accept a transfer of cannabinoid products, concentrates or extracts from registered processing site if the individual transferring the products, concentrates or extracts provides the dispensary with a Processing Site Authorization to Transfer form prescribed by the Authority. In addition to retaining a copy of the Processing Site Authorization to Transfer form the dispensary must obtain a copy of the photo identification of the individual transferring the cannabinoid product, concentrate or extract as required in section (4)(b)(B) of this rule.
(4) Transfer Records. At the time a marijuana item is transferred to a dispensary the dispensary registrant must:
(a) Document, on a form prescribed by the Authority, as applicable:
(A) The weight in metric units of all usable marijuana received by the registered dispensary;
(B) The number of seeds and immature plants received by the registered dispensary;
(C) The amount of a medical cannabinoid product, concentrate, or extract received by the registered dispensary, including, as applicable, the weight in metric units, or the number of units;
(D) The name of the marijuana item;

(E) The date the marijuana item was received;
(F) The harvest or process lot numbers; and
(GF) The amount ~~of reimbursement~~ paid by the registered dispensary.
(b) Obtain and maintain a copy of, as applicable:
(A) Documents required in section (1) of this rule including the date it was received;
(B) The photo identification of the individual transferring the marijuana item to the dispensary, if such a copy is not already on file;
(C) The OMMP card of the individual transferring usable marijuana, seeds or immature plants;
(D) The medical marijuana processing site registration; and
(E) Test results for marijuana items transferred to the dispensary ~~unless the dispensary plans to arrange for the testing of the marijuana item~~.
(5) ~~Prior to October 1, 2016, if a dispensary accepts the transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 the dispensary must comply with OAR 333-008-1190(7).~~
~~(6) Once a marijuana item has been sampled in accordance with OAR 333-007-0360 the marijuana item must be labeled and stored in accordance with OAR 333-007-0380.~~
~~(7)~~ Nothing in these rules requires a dispensary registrant to accept a transfer of a marijuana item.
(68) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system or the electronic data management system described in OAR 333-008-1247.
Stat. Auth.: ORS 475B.450 & 475B.525
Stats. Implemented: ORS 475B.450

333-008-1250
Non-Profit Dispensaries
(1) A registered dispensary owned by a nonprofit corporation organized under ORS chapter 65, registered with the Secretary of State as a nonprofit organization, and registered with the Oregon Department of Justice as a charitable organization, if applicable, may receive by gift, devise or bequest:
(a) Usable marijuana, immature marijuana plants and seeds from patients, designated primary caregivers, PRMGs, persons who hold a producer license under ORS 475B.070 and persons who hold a research certificate under ORS 475B.235; and
(b) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites, persons who hold a processor license under ORS 475B.090 and persons who hold a research certificate under ORS 475B.235.
(2) Prior to accepting a gift, devise, or bequest as described in section (1) of this rule a registered dispensary owned by a nonprofit corporation must:
(a) Provide the Authority with proof that the dispensary is owned by a nonprofit corporation organized under ORS chapter 65;
(b) Have written policies and procedures for providing free or discounted marijuana items to a patient with an annual income at or below the federal poverty guidelines or to such a patient's designated primary caregiver, that include but are not limited to:
(A) How the dispensary will determine a patient's eligibility for free or discounted marijuana items;
(B) Whether marijuana items will be provided free of charge or at a discounted price; and

(C) How the dispensary will determine who is eligible for free marijuana items and who is eligible for discounted marijuana items, as applicable.
(c) Post a sign at the entrance to the dispensary that reads: Nonprofit Dispensary – Free or Discounted Marijuana Items Available for Eligible OMMP Patients.
(d) Post a sign that can easily be seen at every point of sale that describes:
(A) The proof a patient or a patient's designated primary caregiver must provide to be eligible for free or discounted marijuana items; and
(B) What marijuana items are free or available at a discounted price to eligible patients.
(3) In addition to the record keeping requirements in OAR 333-008-1230, 333-008-1245, and 333-008-1247, a dispensary owned by a nonprofit corporation organized under ORS chapter 65 must specifically document:
(a) The receipt of a marijuana item that is a gift, devise or bequest; and
(b) The transfer of a marijuana item to a patient or a patient's designated primary caregiver free or at a discounted price because the patient has an annual income at or below the federal poverty level, and the proof of income provided to the dispensary by the patient or the patient's designated primary caregiver.
(4) A registered dispensary owned by a nonprofit corporation organized under ORS chapter 65 must provide to the Authority at the time a renewal application is submitted a report that shows:
(a) The amount or number of marijuana items, by type, received by gift, devise or bequest;
(b) The amount or number of marijuana items received by gift, devise or bequest by each registration, license, or certificate type;
(c) The amount or number of marijuana items transferred for free to eligible patients or designated primary caregivers in accordance with this rule; and
(d) The amount or number of marijuana items by type transferred at a discounted price to eligible patients or designated primary caregivers in accordance with this rule, broken down by the amount discounted.
(5) The report submitted by a dispensary under section (4) of this rule may not contain any individually identifiable information.
(6) Nothing in this rule prohibits a dispensary from providing free or discounted marijuana items to any patient or designated primary caregiver.
Stat. Auth.: OL 2016, ch. 23, sec. 22
Stats. Implemented: OL 2016, ch. 23, sec. 22

333-008-1500
Limited Marijuana Retail Sales
(1) For purposes of OAR 333-008-1500 through 333-008-1505 the following definitions apply:
(a) "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; or
(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.
(b) "Cannabinoid edible" means:
(A) A food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

(B) "Cannabinoid edible" does not include a tincture or a cannabinoid product intended to be placed under the tongue or in the mouth using a dropper or spray delivery method, such as but not limited, to a sublingual spray.
(c) "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.
(d)(A) "Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or ~~hair, that~~hair, which contains cannabinoids or dried marijuana leaves or flowers.
(B) "Cannabinoid product" does not include:
(i) Usable marijuana by itself;
(ii) A cannabinoid concentrate by itself;
(iii) A cannabinoid extract by itself; or
(iv) Industrial hemp, as defined in ORS 571.300.
(e~~c~~) "Cannabinoid tincture" means a solution of alcohol, cannabinoid concentrate or extract, and perhaps other ingredients intended for human consumption or ingestion, and that is exempt from the Liquor Control Act under ORS 471.035.
(f) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.
(g) "Dried leaves and flowers of marijuana" means the cured and dried leaves and flowers from a mature marijuana plant that have not been chemically altered or had anything added to them.
(h~~d~~) "Immature marijuana plant" means a marijuana plant that is not flowering.
(i~~e~~) "Individual" means a person 21 years of age or older who is not a patient or designated primary caregiver.
(j~~f~~) "Limited marijuana retail product" means:
(A) The seeds of marijuana;
(B) The dried leaves and flowers of marijuana; ~~and~~
(C) An immature marijuana plant;
(D) Cannabinoid edibles;
(E) Nonpsychoactive medical cannabinoid products intended to be applied to a person's skin or hair; and
(F) Prefilled receptacles of cannabinoid extracts.
(k~~j~~) "Low-dose cannabinoid edible" means a cannabinoid edible that has no more than 15 milligrams of THC in a unit.
~~(g)~~ (l) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
(m~~h~~) "Medical cannabinoid product" has the meaning given that term in ORS 475B.410.
(n) "Medical marijuana dispensary" or "dispensary" means an entity registered with the Oregon Health Authority under ORS 475B.450~~314~~.
(o~~i~~) "Nonpsychoactive medical cannabinoid product intended to be applied to a person's skin or hair":
(A) Means a cannabinoid topical with a THC content of not more than six percent that does not affect the mind or mental processes.
(B) Does not mean a transdermal patch.

(p) "Photographic identification" means valid government issued identification with a photograph of the individual that includes the individual's last name, first name, and date of birth.
(q) "Prefilled receptacle of cannabinoid extract" means a single use receptacle prefilled with a cannabinoid extract by itself.
(r) "Unit" means a package for sale.
(2) Until January 1, 2017, ~~Unless the city or county in which the dispensary operates has adopted an ordinance prohibiting the sale of limited marijuana retail product, and notwithstanding any provision of ORS 475.314 or rules adopted thereunder that are in conflict, on or after October 1, 2015,~~ a medical marijuana dispensary may sell limited marijuana retail product to an individual in accordance with this rule if:
(a) T~~f t~~he dispensary, five days prior to selling any limited marijuana retail product notifies the Authority, on a form prescribed by the Authority, that the dispensary intends to sell limited marijuana retail product;
(b) The city or county in which the dispensary operates has not adopted an ordinance prohibiting the sale of limited marijuana retail product; and
(c) The Authority has not prohibited the dispensary from selling limited marijuana retail product under section (14) of this rule.
(3) A dispensary that is permitted to sell limited marijuana retail product~~;~~:
(a~~b~~) Must E~~e~~xamine~~s~~ the photo identification of all individuals before entering the dispensary to ensure the individual is 21 years of age or older.~~;~~
(b~~c~~) Must V~~v~~erif~~y~~ie~~s~~ at the time of sale that the individual is 21 years of age or older by examining the individual's photographic identification.~~;~~
(c~~d~~) May only S~~s~~ell~~s no more than~~limited marijuana retail product as specified in sections (4) to (6) of this rule.
(4) A dispensary may sell one-quarter ounce of dried leaves and flowers to an individual per day.
(5) Between June 2 and December 31, 2016 a dispensary may sell:
(a) One unit of a single-serving, low-dose cannabinoid edible to an individual per day. A unit of a low-dose cannabinoid edible can contain more than one edible as long as the total THC in the unit does not exceed 15 milligrams.
(b) One prefilled receptacle of a cannabinoid extract that does not contain more than 1,000 milligrams of THC ~~wing~~ to an individual per day.~~:~~
(c) Nonpsychoactive medical cannabinoid products intended to be applied to a person's skin or hair.
~~(A) One-quarter ounce of dried leaves and flowers per day to the same individual;and~~
(6) A dispensary may sell up to ~~F~~four immature marijuana plants to the same individual at any time between October 1, 2015 and December 31, 2016.
(7~~3~~) A dispensary may not:
(a) Offer, sell or provide a cannabinoid product, extract or concentrate to an individual except as provided in sections (4) through (6) of this rule; or
(b) Give away a limited marijuana retail product to an individual.
(8~~4~~) For each limited marijuana retail product sale, a dispensary must document:
(a) The limited marijuana retail product that was sold and the amount in metric units or number sold ~~of dried leaves or flowers in metric units, amount of seeds or number of plants,~~ as applicable;
(b) The birth date of the individual who bought the product;

(c) The sale price; and
(d) The date of sale.
(95) A dispensary may sell non-marijuana items to an individual, such as but not limited to branded clothing.
(106) A dispensary is not required to maintain a record of the name of the individual to whom a limited marijuana retail product was sold but the dispensary must have a system in place that is outlined in itstheir policies and procedures for ensuring that an individual is not sold more than the amount or number of a limited retail marijuana product permitted under this ruleone-quarter ounce of dried leaves and flowers in a day or more than four immature plants.
(117) Records of sale transactions and the documentation required in section (84) of this rule shall be maintained in accordance with the Authority's record keeping requirements for dispensaries.
(128) A dispensary that chooses to sell limited marijuana retail product to individuals must:
(a) Post at the point the sale, the following posters prescribed by the Authority, measuring 22 inches high by 17 inches wide that can be downloaded at www.healthoregon.org/marijuana:
(A) A Pregnancy Warning Poster; and
(B) A Poisoning Prevention Poster.
(b) Post at the point of sale a color copy of the "Educate Before You Recreate" flyer measuring 22 inches high by 17 inches wide that can be downloaded at WHATSLEGALOREGON.COM.
(c) Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Authority, measuring 3.5 inches high by 5 inches long that can be downloaded at www.healthoregon.org/marijuana.
(d) Comply with all rules in OAR chapter 333, divisions 7 and 8 that apply to dispensaries including but not limited to all security, testing, labeling, except as provided in section (13) of this rule, packaging and documentation rules except rules that:
(A) Prohibit individuals from entering or being present in a dispensary; and
(B) Prohibit a dispensary from transferring marijuana to an individual.
(e) On and after January 4, 2016:
(A) Collect a tax of 25 percent of the retail sales price of a limited marijuana retail product in the same manner that a marijuana retailer that holds a license under section 22, chapter 1, Oregon Laws 2015, collects the tax imposed under section 2, chapter 699, Oregon Laws 2015;
(B) Comply with all requirements in sections 1 through 13, chapter 699, Oregon Laws 2015, and any applicable administrative rules adopted by the Department of Revenue; and
(C) If requested by the Authority, sign an authorization to permit the sharing of information between the Authority and the Department of Revenue concerning tax collection required by section 21a, chapter 699, Oregon Laws 2015.
(13) A dispensary:
(a) May substitute a warning that reads "For use by adults 21 and older. Keep out of reach of children" for the warning "For use by OMMP patients only. Keep out of reach of children" on labels for limited marijuana retail products.
(b) Must:
(A) Comply with the packaging requirements in OAR 845-025-7000 to 845-025-7060 for all limited marijuana retail products.
(B) Comply with any labeling requirements in OAR 333-007-0010 to 333-007-0100 for limited marijuana retail products that would be applicable to a similar item sold by an Oregon Liquor Control Commission licensee.

(14~~9~~) The Authority may, if it determines that a dispensary has violated OAR 333-008-1500 through 333-008-1505:
(a) Prohibit a dispensary from selling limited marijuana retail product; and
(b) Take any action authorized under OAR 333-008-2190~~1275~~.
(1~~10~~5) A dispensary may not sell limited marijuana retail product to individuals if the dispensary is located in a city or county that has adopted an ordinance prohibiting such sales in accordance with section 3, chapter 784, Oregon Laws 2015.
(16~~1~~) A dispensary that has had its registration suspended may not sell limited marijuana retail product while the registration is suspended.
(17) This rule is only in effect until January 1, 2017.
Stat. Auth.: ORS 475B.450 & 475B.525, OL 2015, ch. 784, sec. 2 , OL 2015, ch. 699, ~~&~~ sec. 21a, ~~ch. 699, OL 2015~~, OL 2016, ch.83, sec. 21.
Stats. Implemented: ORS 475B.450, OL 2015, ch. 784, sec. 2, OL 2015, ch. 699, ~~&~~ sec. 21a~~, ch. 699~~, ~~OL 2015~~OL 2016, ch. 83, sec. 21.

333-008-1505
Reporting Requirements
(1) A dispensary that is selling limited marijuana retail products to individuals must by April 10, 2016, July 10, 2016, October 10, 2016, and January ~~and December 31~~10, 201~~6~~7, report to the Authority, in a manner prescribed by the Authority, the information required to be documented in OAR 333-008-1500(4) for the previous quarter.
(2) A dispensary must submit, by April 10, 2016, the information required to be documented in OAR 333-008-1500(4) for October 1, 2015 through December 31, 2015.
(3) A dispensary selling limited marijuana retail products to individuals must provide proof to the Authority by ~~April~~May 10, 2016, August 10, 2016, November 10, 2016, and February 10, 2017,~~and each quarter thereafter by the 10th of the month,~~ in a manner prescribed by the Authority, that it has paid the tax required by the Department of Revenue for the previous quarter. Documentation may include but is not limited a copy of the marijuana tax returns, reports, payment vouchers, payment receipts or any related documents filed with the Department.
Stat. Auth.: ORS 475B.450 & 475B.525, OL 2015, ch. 784
Stats. Implemented: ORS 475B.450, OL 2015, ch. 784

Medical Marijuana Processors

333-008-1620
Application for Medical Marijuana Processing Site Registration
(1) This rule applies to any initial application filed on or after June 28, 2016 and to any initial application filed prior to June 28, 2016 that the Authority has not yet approved or denied.
(2) To register a medical marijuana processing site a person must:
(a) Submit an initial application on a form prescribed by the Authority that includes but is not limited to:
(A) The name of the individual who owns the processing site or, if a business entity owns the processing site, the name of each individual who has a financial interest in the processing site;

(B) The name of the individual or individuals responsible for the processing site, if different from the name of the individual who owns the processing site, with one of the individuals responsible for the processing site identified as the primary PRP;
(C) The address of the marijuana processing site; and
(b) Application and registration fees.
(c) An initial application for the registration of a processing site must be submitted electronically via the Authority's website, www.healthoregon.org/ommp.
(3) If an initial application is submitted along with the required fees the Authority will notify the applicant that the initial application has been received and that within 30 calendar days the following information must be received by the Authority:
(a) For each individual named in the application:
(A) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
(B) Information, fingerprints and fees required for a criminal background check in accordance with OAR 333-008-2020; and
(C) An Individual History Form and any information identified in the form that is required to be submitted.
(b) If the applicant intends to process extracts, proof from the local government that the proposed location of the processing site is not located in an area that is zoned for residential use;
(c) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State, including proof of registration of any DBA (doing business as) registration;
(d) A scaled site plan of the parcel or premises on which the premises proposed for registration, is located, including:
(A) Cardinal directional references;
(B) Bordering streets and the names of the streets;
(C) Identification of the building or buildings in which the proposed processing site is to be located;
(D) The dimensions of the proposed premises of the processing site;
(E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and
(F) Identification of any residences on the parcel or tax lot~~;~~.
(e) A scaled floor plan of all enclosed areas of the premises at the proposed location that will be used in the business with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, intended uses of all spaces;
(f) Documentation that shows the applicant has lawful possession of the proposed location of the processing site;
(g) A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates on a form prescribed by the Authority; and
(h) The proposed endorsements as described in OAR 333-008-1700.
(4) The information and documentation required in section (3) of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.

(a) If documentation is mailed, it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.
(b) If documentation is submitted electronically it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.
(5) Application and registration fees must be paid online at the time of application.
(6) Criminal background check fees must be paid by check or money order and must be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293 and must be received by the Authority in accordance with provisions in section (4) of this rule.
(7) If the Authority does not receive a complete application, all documentation required in sections (2) and (3) of this rule, and all required fees within the time frames established in this rule, the application will be considered incomplete.
(8) If the applicant provides the documentation required in section (3) of this rule, the Authority will review the information to determine if it is complete.
(a) If the documentation required under section (3) of this rule is not complete or is insufficient the Authority must notify the applicant in writing and the applicant will have 10 calendar days from the date such written notice is mailed by the Authority to provide the additional documentation.
(b) If the applicant does not provide the additional documentation within 10 calendar days or if any responsive documents are incomplete, insufficient or otherwise do not demonstrate compliance with ORS 475B.450 and these rules the application will be declared incomplete.
(9) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in sections (2) and (3) of this rule for each location.
(10) An application that is incomplete is treated by the Authority as if it was never received.
Stat. Auth.: ORS 475B.435
Stats. Implemented: ORS 475B.435

333-008-1730
Registered Processing Site Premises Restrictions and Requirements
(1) A registered processing site may not be located in an area that is zoned for residential use if the processing site is endorsed to make cannabinoid extracts.
(2) In order to be registered a processing site must operate at a particular location as specified in the application and may not be mobile.
(3) Minors on Premises. A registered processing site may not permit a minor to be present in any limited access area of a registered processing site.
(4) On Premises Consumption.
(a) A registered processing site may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the processing site, except as described in subsection (b) of this section.
(b) An employee of a registered processing site who is a patient may consume a marijuana item during his or her work shift on the premises of the registered processing site as necessary for his or her medical condition, if the employee is:
(A) Alone and in a closed room where no processing site marijuana items are present; and

(B) Not visible to the public outside the registered processing site.
(c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.
(5) General Public and Visitor Access. The general public is not permitted on the premises of registered processing site, except as permitted by this rule.
(a) In addition to registrant representatives, the following visitors are permitted on the premises of a processing site, including limited access areas, subject to the requirements in section (6) of this rule:
(A) Laboratory personnel, if the laboratory is accredited by the Authority;
(B) A contractor authorized by a registrant representative to be on the premises; or
(C) Individuals authorized to transfer marijuana items to a registered processing site.
(b) A registered processing site may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered processing site, including limited access areas, subject to the requirements in section (6) of this rule.
(6) Visitor Escort, Log and Badges.
(a) Prior to entering the premises of a registered processing site all visitors permitted by section (5) of this rule must be documented and issued a visitor identification badge from a registrant representative that must remain visible while on the premises. A visitor badge is not required for government officials. All visitors described in section (5) of this rule must be accompanied by a registrant representative at all times.
(b) A processing site registrant must maintain a log of all visitor activity and the log must contain the first and last name and date of birth of every visitor, and the date they visited.
(7) Government Access. Nothing in this rule is intended to prevent or prohibit Authority employees or contractors, or other state or local government officials that have jurisdiction over some aspect of the premises or a registered processing site to be on the premises.
(a) A visitor badge is not required for government officials.
(b) A processing site must log every government official that enters the premises but the processing site may not request that the government official provide a date of birth for the log.
(8) A registered processing site must have:
(a) A designated limited access area or areas where transfers of marijuana items are received; and
(b) A designated area where visitors enter the processing site premises and are checked in. All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a processing site when the door is not immediately in use.
(9) The areas described in section (8) of this rule must be clearly marked on the scaled floor ~~or plot~~ plan ~~sketch~~ required in OAR 333-008-1625~~5~~0.
(10) Signage. A registered processing site must post:
(a) At every entrance to the processing site a sign that reads: "No On-Site Consumption of Marijuana".
(b) At all areas of ingress to a limited access area signs that reads:
(A) "Restricted Access Area — Authorized Personnel Only".
(B) "No Minors Allowed".
(11) A processing site may not sublet or share with any other business any portion of the processing site premises, except:

(a) ~~a~~As permitted in OAR 333-008-1790; or
(b) A registered dispensary under common ownership.
(12) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the processing site premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the processing site premises and any other use, occupancy or tenant space, except as follows:
(a) A processing site may share a premises with a registered marijuana dispensary that is under common ownership, in accordance with section (13) of this rule and OAR 333-008-2080.
(b) A processing site is permitted to have a door from the processing site premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (13) of this rule.
(13) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (12) of this rule ingress or egress is permitted, every means of ingress and egress must be:
(a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.
(b) Posted with signage in accordance with OAR 333-008-1730, as applicable.
(c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.
(14) Residential occupancy of a processing site premises is prohibited.
Stat. Auth.: ORS 475B.435
Stats. Implemented: ORS 475B.435

333-008-1740
Operation of Registered Processing Site
(1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:
(a) Instructions for making each medical cannabinoid product, concentrate or extract.
(b) The ingredients and the amount of each ingredient for each process lot.
(c) The process for making each product.
(d) The number of servings in a process lot.
(e) The intended amount of THC per serving and in a unit of sale of the product.
(f) The process for ensuring that the amount of THC is consistently distributed throughout each process lot.
(g) If processing a cannabinoid concentrate or extract:
(A) Conducting necessary safety checks prior to commencing processing; and
(B) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract.
(h) Procedures for cleaning all equipment, counters and surfaces thoroughly.
(i) Proper handling and storage of any solvent, gas or other chemical used in processing or on the processing site premises in accordance with material safety data sheets and any other applicable laws.

(j) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations.
(k) Quality control procedures designed to, at a minimum, ensure that the amount of THC is consistently distributed throughout each process lot and that potential product contamination is minimized.
(l) Appropriate use of any necessary safety or sanitary equipment.
(m) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.
(n) Security.
(o) Transfers of marijuana items to and from the processing site.
(p) Testing.
(q) Packaging and labeling if the processor intends to or is packaging and labeling marijuana items after transfer to the processing site.
(r) Employee training.
(s) Compliance with these rules, including but not limited to violations and enforcement.
(t) Roles and responsibilities for employees and PRPs in assisting the Authority during inspections or investigations.
(2) Prohibitions. A registered processing site may not process or transfer a marijuana item:
(a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
(A) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
(B) Products in the shape of an animal, vehicle, person or character.
(b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
(c) That contains dimethyl sulfoxide (DMSO).
(3) Employees. A registered processing site may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, processing site employees must be 21 years of age or older.
(4) Standardized Scales. In order to obtain a registration and to retain registration a processing site registrant must own, maintain on the premises and use a weighing device that is licensed by the Oregon Department of Agriculture. Licensed weighing devices must be used by a processing site whenever marijuana items are:
(a) Transferred to or from the processing site and the transfer is by weight;
(b) Packaged for transfer by weight; or
(c) Weighed for purposes of documenting information required in OAR 333-008-1760, 333-008-1770, 333-008-1820, and 333-008-1830.
(5) Inventory Tracking and Point of Sale System: A registered processing site must have an integrated inventory tracking and point of sale system that can and does, at a minimum:
(a) Produce bar codes or similar unique identification numbers for each lot of usable marijuana transferred to a registered processing site and for each lot of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary;
(b) Capture all information required to be documented in OAR 333-008-1760 and 333-008-1770;
(c) Generate inventory, transaction, transport and transfer reports requested by the Authority viewable in PDF format; and
(d) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1830.

(6) Online Verification of Registration Status. A registered processing site must verify an individual's or processing site's registration status with the Authority when receiving a transfer of a marijuana item if the Authority has available an online system for such verification.
(7) Transfers from and to patients or designated primary caregivers.
(a) A registered marijuana processing site may transfer a medical cannabinoid product, concentrate or extract to a patient, or a patient's designated primary caregiver if the patient or the patient's designated primary caregiver provides the marijuana processing site with the marijuana to be processed into the medical cannabinoid product, concentrate or extract and the marijuana processing site receives no compensation for the transfer of the marijuana.
(b) A registered processing site must document each transfer of marijuana by a patient or the patient's designated primary caregiver to the processing site in accordance with OAR 333-008-1760 and 333-008-1770.
(c) A registered processing site must document each transfer of a cannabinoid product, concentrate or extract to a patient or the patient's designated primary caregiver in accordance with OAR 333-008-1760 and 333-008-1770.
(d) A registered processing site may be compensated by the patient or the patient's designated primary caregiver for all costs associated with the processing of marijuana for the patient.
(8) Inventory On-Site. Marijuana items must be kept on-site at the registered processing site. The Authority may take enforcement action against a registered processing site if during an inspection a processing site cannot account for its inventory or if the amount of usable marijuana at the processing site is not within five percent of the documented inventory.
(9) Testing. On and after October 1, 2016,
~~(a) Prior to October 1, 2016,~~ a registered processing site must comply with the applicable sampling and testing requirements in ~~OAR 333-008-1190 or if using an accredited laboratory, comply with~~ OAR 333-007-0300 to 333-007-0490 and may not:
(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.
(b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.
~~(b) On and after October 1, 2016, a registered processing site must comply with OAR 333-007-0300 to 333-007-0490 and may not:~~
~~(A) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.~~
~~(B) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.~~
(10) Packaging and Labeling. On and after October 1, 2016,
~~(a) Prior to October 1, 2016,~~ a registered processing site must comply with the ~~labeling and packaging rules in OAR 333-008-1220 and 333-008-1225, OAR 333-007-0010 to 333-007-0100 or OAR 845-025-7000 to 845-025-7020 and 845-025-7060.~~
~~(b) On and after October 1, 2016, a registered processing site must comply with the~~ labeling requirements in OAR 333-007-0010 to 333-007-0100~~,~~ and the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.
(11) Industrial Hemp Products. A processing site may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.
(12) Sampling. A registered processing site may provide a sample of a medical cannabinoid product, concentrate or extract to a dispensary for the purpose of the dispensary determining

whether to purchase the product, concentrate or extract but the product, concentrate or extract may not be consumed on the processing site. Any sample provided to a dispensary must be recorded in the database.
(13) For purposes of this rule:
(a) "Lot of usable marijuana" means a quantity of usable marijuana transferred to a registered processing site from the same harvest lot as that term is defined in OAR 333-007-0020; and
(b) "Lot of medical cannabinoid products, concentrates or extracts" means a quantity of a medical cannabinoid product, concentrate or extract transferred to a registered dispensary at one time and that is from the same process lot as that term is defined in OAR 333-007-0020.
Stat. Auth.: ORS 475B.435 and 475B.440
Stats. Implemented: ORS 475B.435 and 475B.440

333-008-1760
Transfers to a Registered Processing Site
(1) Transfers of Marijuana by a Patient or Designated Primary Caregiver to Process for a Patient. A patient or designated primary caregiver may transfer marijuana to a registered processing site for no compensation for the purpose of the registered processing site processing the marijuana into a cannabinoid product, concentrate or extract.
(a) If a designated primary caregiver is transferring the marijuana, a registered processing site may only accept a transfer of marijuana under this section if the caregiver provides the original or a copy of a valid Authorization to Transfer form prescribed by the Authority.
(b) In order to be valid an Authorization to Transfer form must include at least:
(A) The patient's name, OMMP card number, OMMP receipt number if applicable and expiration date and contact information;
(B) The name and contact information of the individual who is authorized to transfer the usable marijuana to the registered processing site and that individual's OMMP card number and expiration date;
(C) The name and address of the registered processing site that is authorized to receive the usable marijuana; and
(D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card or receipt.
(2) Transfer of Usable Marijuana. A patient, caregiver, or PRMG may transfer usable marijuana to a registered processing site, subject to the requirements in this rule.
(a) A registered processing site may only accept a transfer of usable marijuana if the individual transferring the usable marijuana provides the original or a copy of a valid:
(A) Authorization to Transfer form prescribed by the Authority; or
(B) Personal agreement as that is defined in OAR 333-008-0010.
(b) Authorization to Transfer Forms. In order to be valid an Authorization to Transfer form must include at least:
(A) The patient's name, OMMP card number and expiration date and contact information;
(B) The name and contact information of the individual who is authorized to transfer the usable marijuana to the registered processing site and that individual's OMMP card number and expiration date;
(C) The name and address of the registered processing site that is authorized to receive the usable marijuana; and

(D) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.
(c) Personal Agreements. In order to be valid a personal agreement must include at least:
(A) The patient's name, OMMP card number and expiration date and contact information;
(B) The name and contact information of the PRMG to whom the patient's property rights have been assigned and the producer's OMMP card number and expiration date;
(C) The portion of the patient's rights to possess usable marijuana that is being assigned to the producer.
(3) Transfer of medical cannabinoid products, concentrates or extracts. A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from another registered medical marijuana processing site.
(4) A registered processing site may only accept a transfer of a medical cannabinoid product, concentrate or extract from a registered processing site that provides a Processing Site Authorization to Transfer form, prescribed by the Authority. In addition the registered processing site must obtain a copy of the photo identification of the individual transferring the product, concentrate or extract as required in section (5)(b)(B) of this rule.
(5) Transfer Records. At the time marijuana, usable marijuana or a medical cannabinoid product, concentrate or extract is transferred to a registered processing site a processing site representative must:
(a) Document, on a form prescribed by the Authority, as applicable:
(A) The weight in metric units of all usable marijuana received by the processing site;
(B) The amount of a medical cannabinoid product, concentrate or extract received by the processing site, including, as applicable, the weight in metric units, or the number of units;
(C) The name of the usable marijuana or medical cannabinoid product, concentrate or extract;
(D) The date the usable marijuana or medical cannabinoid product, concentrate or extract was received;
(E) The harvest or process lot numbers; and
(F~~E~~) The amount ~~of reimbursement~~ paid by the registered processing site.
(b) Obtain and maintain a copy of, as applicable:
(A) Documents required in section (1) of this rule including the date it was received;
(B) The photo identification of the individual transferring the usable marijuana or medical cannabinoid product, concentrate or extract to the registered processing site, if such a copy is not already on file;
(C) The OMMP card of the individual transferring usable marijuana;
(D) The medical marijuana processing site registration; and
(E) Test results for marijuana items transferred to the processing site unless the processing site plans to arrange for the testing of the marijuana item.
(6) ~~Prior to October 1, 2016, if a registered processing site accepts the transfer of usable marijuana or a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-008-1190 or OAR 333-007-0300 to 333-007-0490 the processing site must segregate that item in accordance with OAR 333-008-1190(7).~~
~~(7) Once samples of the usable marijuana or a medical cannabinoid product, concentrate or extract have been taken for the purpose of testing the item must be stored and secured in a manner that prevents the product from being tampered with or transferred prior to test results being reported.~~

~~(8)~~ Nothing in these rules requires a registered processing site to accept a transfer of a marijuana item.
(7~~9~~) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system.
Stat. Auth.: ORS 475B.435 and 475B.440
Stats. Implemented: ORS 475B.435, 475B.440, and 475B.443

333-008-1770
Transfers From a Registered Processing Site
(1) A registered processing site must, in addition to the completing a Processing Site Authorization to Transfer form, prescribed by the Authority, document the following for transfers to a registered dispensary or registered processing site, on a form prescribed by the Authority:
(a) The name, address, and registration number of the dispensary or processing site to which a medical cannabinoid product, concentrate or extract was transferred;
(b) The amount of medical cannabinoid product, concentrate, or extract transferred;
(c) The name of the medical cannabinoid product, concentrate, or extract transferred;
(d) The process lot numbers associated with the transfer;
(e) The date of the transfer; and
(f~~e~~) The amount of money paid by the registered dispensary or processing site for the transfer.
(2) A registered processing site must document the following for the transfer of a medical cannabinoid product, concentrate or extract to a patient or designated primary caregiver pursuant to ORS 475B.443(1)(b) and (c):
(a) The name and registration number or OMMP receipt number of the patient or designated primary caregiver to which a medical cannabinoid product, concentrate or extract was transferred;
(b) If the medical cannabinoid product, concentrate or extract was transferred to a designated primary caregiver, the patient's name and registration number for whom the caregiver was receiving the transfer;
(c) The amount of medical cannabinoid product, concentrate, or extract transferred;
(d) The name of the medical cannabinoid product, concentrate, or extract transferred;
(e) The date of the transfer; and
(f) The amount of money paid by the patient or designated primary caregiver for the transfer.
(3) All documentation required in this rule must be maintained electronically in an integrated inventory tracking and point of sale system.
Stat. Auth.: ORS 475B.435
Stats. Implemented: ORS 475B.435

333-008-1820
Registered Processing Site Recordkeeping
(1) In addition to other record keeping required in these rules a registered processing site must keep records documenting the following:
(a) How much marijuana is in each process lot, as that term is defined in OAR 333-007-0020.
(b) For usable marijuana used in a process lot, the harvest lot number associated with that usable marijuana.

(c) For cannabinoid concentrates, extracts or products used in a process lot, the process lot number associated with that concentrate, extract or product.
(d) If a product is returned by a registered dispensary, how much product is returned and why.
(ee) If a defective product was reprocessed, how the defective product was reprocessed.
(fd) Each training provided in accordance with OAR 333-008-1750, the names of employees who participated in the training, and a summary of the information provided in the training.
(e) All testing results.
(2) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.
(3) If the Authority requires a processor to submit or produce documents to the Authority that the processor believes falls within the definition of a trade secret as defined in ORS 192.501, the processor must mark each document "confidential" or "trade secret".
Stat. Auth.: ORS 475B.435, 475B.440
Stats. Implemented: ORS 475B.435, 475B.440

General Requirements for Medical Marijuana Processing Sites and Dispensaries

333-008-2080
Security Requirements
In order to be registered and remain registered a registrant must:
(1) Have an installed and fully operational security alarm system, installed by an alarm installation company, activated at all times when the premises is closed for business on all:
(a) Entry or exit points to and from the premises; and
(b) Perimeter windows, if applicable.
(2) Have a security alarm system that:
(a) Detects movement inside the premises;
(b) Is programmed to notify a security company that will notify a registrant representative or his or her designee in the event of a breach; and
(c) Has at least two operational "panic buttons" located inside the premises that are linked with the alarm system that notifies a security company.
(3) Have commercial grade, non-residential door locks installed on every external door of a registered premises where marijuana items are present.
(4) During all hours when the registrant is not operating:
(a) Securely lock all entrances to and exits from the registered premises and ensure any keys or key codes to the enclosed area remain in the possession of the registrant or registrant representative;
(b) Have a safe or vault as those terms are defined in OAR 333-008-0010 for the purpose of securing all marijuana items as required by these rules, except that a registered processing site may keep all usable marijuana, cut and drying mature marijuana plants, cannabinoid concentrates, extracts or products on the premises in a secure area.
(5) Have a password protected network infrastructure.
(6) Have an electronic back-up system for all electronic records.
(7) Keep all video recordings and archived required records not stored electronically in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered business is open.

(8) Notwithstanding OAR 333-008-2090 to 333-008-2120 a registered processing site and registered dispensary under common ownership that share a premises are not required to install redundant security systems if the premises are directly accessible to each other by an adjoining door. If a shared security system is utilized:
(a) Any point of common ingress and egress between the premises shall be treated as an external door, for purposes of this rule, and must have security coverage in accordance with sections (1) and (3) of this rule; and
(b) The registrants must maintain the system and provide access to the Authority in accordance with these rules.
Stat. Auth.: ORS 475B.435, 475B.450, 475B.525
Stats. Implemented: ORS 475B.435, 475B.450

333-008-2120
Location and Maintenance of Surveillance Equipment
(1) A registrant must:
~~(a) Have the surveillance room or surveillance area in a limited access area.~~
(a~~b~~) Have the surveillance recording equipment housed in a designated ~~, locked, and~~ secure~~d room~~ area or other locked enclosure with access limited to:
(A) The registrant and authorized personnel of the registrant;
(B) Employees of the Authority;
(C) State or local law enforcement agencies for any other state or local law enforcement purpose; and
(D) Service personnel or contractors.
(b~~c~~) Keep a current list of all authorized personnel and service personnel who have access to the surveillance system and room on the registered premises.
(c~~d~~) Keep a surveillance equipment maintenance activity log on the registered premises to record all service activity including the identity of any individual performing the service, the service date and time and the reason for service to the surveillance system.
(2) A registrant may store video recordings offsite as long as a PRD or PRP can demonstrate that the recordings are secure and protected, that the recordings are kept for a minimum of 45 calendar days as required in OAR 333-008-2110 and that the Authority can access the video recordings upon request.
Stat. Auth.: ORS 475B.435, 475B.450, 475B.525
Stats. Implemented: ORS 475B.435, 475B.450

333-008-2190
Enforcement
(1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7, the Authority may issue a written Notice of Violation to a registrant that cites the laws alleged to have been violated and the facts supporting the allegations.
(b) A registrant must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed by the Authority. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.

(c) ~~A registrant must correct all deficiencies within 10 business days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.~~
~~(d)~~ The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the registrant in writing and request that the plan of correction be modified and resubmitted no later than 10 business days from the date the letter of non-acceptance was mailed.
(d) If the written plan of correction is acceptable, the Authority must notify the registrant in writing and specify a date by which the registrant must come into compliance.
(e) If the registrant does not come into compliance by the date specified by the Authority ~~of correction reflected on the plan of correction,~~ the Authority may propose to suspend or revoke the registrant's registration or impose civil penalties.
(f) The Authority may conduct an inspection at any time to determine whether a registrant has corrected the deficiencies in a Notice of Violation.
(2) Formal Enforcement. If, during an inspection or based on other information the Authority determines that a registrant is in violation of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7 the Authority may issue:
(a) A Notice of Proposed Suspension or Revocation in accordance with ORS 183.411 through 183.470.
(b) A Notice of Imposition of Civil Penalties in accordance with OAR 333-008-2200.
(c) An Order of Emergency Suspension pursuant to ORS 183.430.
(3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the registrant has a history of violations.
(4) The Authority must issue a Notice of Proposed Revocation if the registrant no longer meets the criteria in ORS 475B.450(3)(a) to (d) or ORS 475B.435(3)(a) or (b).
(5) The Authority may issue civil penalties or maintain a civil action against an establishment providing the services of a processing site or dispensary but is not registered in accordance with ORS 475B.450, ORS 475B.435 and these rules.
(6) The Authority may revoke the registration of a registrant for failure to comply with an ordinance adopted by a city or county pursuant to ORS 475B.500, if the city or county:
(a) Has provided the registrant with due process substantially similar to the due process provided to a registration holder under the Administrative Procedures Act, ORS 183.413 to 183.470; and
(b) Provides the Authority with a final order that is substantially similar to the requirements for a final order under ORS 183.470 that establishes the registrant is in violation of the local ordinance.
(7) The Authority must post a final order revoking the registration of a registrant on the Authority's website.
(8) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.
(9) If the registration of a registrant is revoked the owner or an authorized representative of the owner must:

(a) Make arrangements to return the marijuana items still possessed at the location to the person who transferred the marijuana item, document the return, and provide this information in writing within one business day of the transfer, to the Authority; or
(b) Dispose of the marijuana items in a manner specified by the Authority.
(10) The Authority is not required to accept the surrender of a registration and may proceed with an enforcement action even if a registrant has surrendered the registration.
(11) Notwithstanding OAR 333-008-3000 if the Authority suspends or revokes a registration or otherwise takes disciplinary action against the registrant the Authority must provide that information to a law enforcement agency.
(12) The Authority may possess, seize or dispose of marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts as is necessary for the Authority to ensure compliance with and enforce the provisions of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, any of these rules or OAR chapter 333, division 7.
Stat. Auth.: ORS 431A.010, 475B.435, 475B.450 & 475B.525
Stats. Implemented: ORS 475B.435 & 475B.450

~~**333-008-2130**~~
~~**Waiver of Security Requirements**~~
~~(1) A registrant may request that the Authority waive one or more of the security requirements described in OAR 333-008-2080 to 333-008-2120 by submitting a request, in writing to the Authority. The request must include:~~
~~(a) The specific rules and subsections of a rule that is requested to be waived;~~
~~(b) The reason for the waiver;~~
~~(c) A description of an alternative safeguard the registrant can put in place in lieu of the requirement that is the subject of the waiver; and~~
~~(d) An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to unauthorized individuals.~~
~~(2) The Authority may, in its discretion and on a case by case basis, approve the waiver if it finds:~~
~~(a) The reason the registrant is requesting the waiver is because another state or local law prohibits the particular security measure that is required; or~~
~~(b) The registrant cannot, for reasons beyond the registrant's control or because the security measure is cost prohibitive, comply with the particular security measure that is required; and~~
~~(c) The alternative safeguard that is proposed meets the goals of the security rules.~~
~~(3) The Authority must notify the registrant in writing, whether the waiver has been approved. If the waiver is approved the notice must specifically describe the alternate safeguards that are required and, if the waiver is time limited, must state the time period the wavier is in effect.~~
~~(4) The Authority may withdraw approval of the waiver at any time upon a finding that the previously approved alternative measures are not sufficient to accomplish the goals of the security rules. If the Authority withdraws its approval of the waiver, the registrant will be given a reasonable period of time to come into compliance with the security requirement that was waived.~~
~~Auth.: ORS 475B.435, 475B.450, 475B.525~~
~~Stats. Implemented: ORS 475B.435, 475B.450~~

333-008-9900
Waiver of Replacement Card Fee
Notwithstanding OAR 333-008-0021(5) or 333-008-0047(1)(b), until January 1~~July 1~~, 201~~6~~7, the Authority will not impose or collect a $100 replacement card fee if the reason for the replacement card is that the patient is designating a new PRMG or new grow site address.
Stat. Auth.: ORS 475B.415, 475B.420, 475B.525
Stats. Implemented: ORS 475B.415