

# OREGON CANNABIS REGULATIONS

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Presented by Anthony Geltosky, Oregon Liquor and Cannabis Commission (OLCC)



# MARIJUANA REGULATION

## STATE AGENCY AUTHORITY

**M91:** November 2014

**Statutes:** ORS Chapter 475B

**Administrative Rules** OAR Division 25

**Oregon Liquor & Cannabis Commission (OLCC):** recreational marijuana businesses and worker permits

**Oregon Health Authority (OHA):** medical marijuana activities/businesses, testing standards and requirements

**Oregon Department of Revenue (DOR):** tax collection

**Oregon Department of Agriculture (ODA):** commercial kitchens, scale certification, certain food handling activities, pesticides and industrial hemp

**Local jurisdictions:** Opt-In/Opt-Out, law enforcement, governing bodies, code enforcement

# License Types

Producers, Processors, Wholesalers, Retailers, Laboratories and Research Certificates

## License Count

Producers: 1182

Processors: 273

Wholesalers: 189

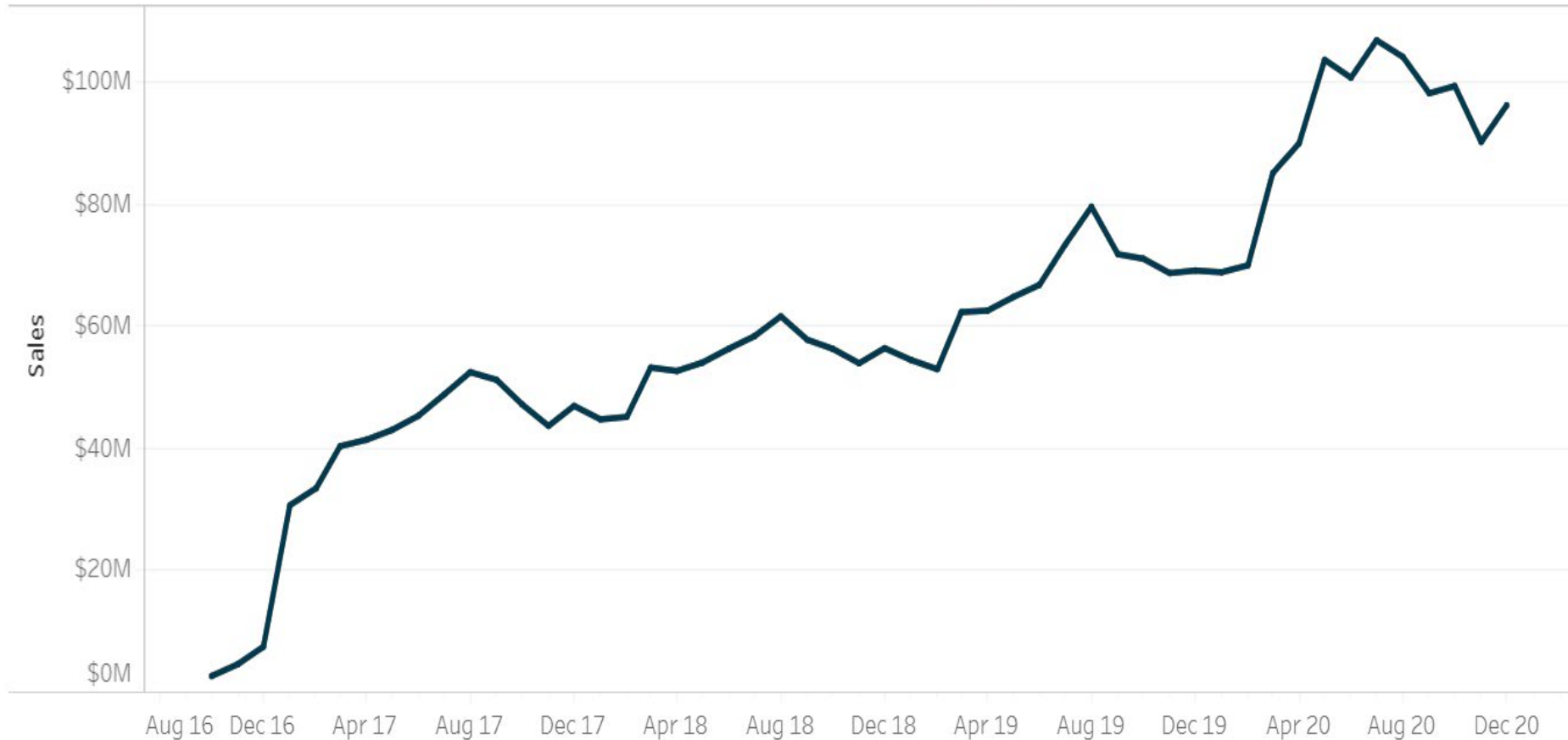
Retailers: 731

Laboratories: 20

Research Certificates: 1



# MARIJUANA RETAIL SALES (2016 – 2020)



# MARIJUANA REGULATION

## WHAT WE DO

- Facilitate licensing and worker permit process (screen applications, locates missing information, answers questions, coordinates medical inventory transfer, coordinates with ODA).
- Analyzes Cannabis Tracking System (CTS) data (proactive education, referral to investigative staff, statewide data compilation and reports).
- Approves all packaging and labels for medical and recreational marijuana products.
- Testing lab oversight licensing, inspections, testing protocols.

# MARIJUANA REGULATION

## WHAT WE DO

- Coordinates with ODA, OHA, DOR on interagency agreements, joint investigations, and successful flow of information
- Coordinates with outside vendors Metrc and NIC/USA on the CTS and online license application system, and performing updates and improvements
- Coordinates with local government on land use compatibility statements, approved and/or denied applications and on licensee local jurisdiction code violations
- Prepares educational bulletins and notices to prevent compliance issues

# MARIJUANA AND HEMP NOMENCLATURE

- Both “marijuana” and “hemp” come from the same plant cannabis family “Cannabaceae.”
- These are legal terms. Hemp and marijuana can be referred to broadly as “cannabis.”
- Hemp typically refers to low THC cannabis and marijuana refers to high THC cannabis.

# MARIJUANA & HEMP PRODUCTS

## OVERVIEW

- Usable marijuana (flower / bud or pre-rolls / joints).
- Tinctures (4 fl oz of a “non-potable” liquid).
- Edibles (cookies, candy, etc.).
- Concentrates and extracts (nomenclature depends on process used to create).
- Topicals (lotions and balms to be applied to skin).
- “Other” (infused pre-rolls, capsules, suppositories, transdermal patches, and vape carts with additives).



# MARIJUANA TESTING LABS



- Must be accredited by OHA's accreditation body and be licensed by OLCC
  - The Oregon Environmental Laboratory Accreditation Program (ORELAP) is the accrediting body. Recognized by NELAC's TNI accreditation program.
  - Required for both medical and recreational testing labs.
  - OHA sets all testing requirements and standards, OLCC requires all licensed businesses to follow them.
- May perform all required tests, or may specialize.
- Must be licensed and certified to obtain samples.
- Responsible for entering test results into seed-to-sale tracking system (which locks failed products from moving forward in the supply chain).

# MARIJUANA TESTING REQUIREMENTS



## Testing Requirements

PRODUCT TYPE	TESTING REQUIREMENT	
	If intended for sale from a retail shop or dispensary	If intended for further processing
<b>Marijuana / Usable marijuana</b>	<ul style="list-style-type: none"> <li>• Pesticide</li> <li>• Water activity/moisture content</li> <li>• THC / CBD</li> <li>• Micro (random)</li> </ul>	<ul style="list-style-type: none"> <li>• Pesticides (if intended for use by a processing site making a cannabinoid product)</li> <li>• Water activity/moisture content (unless processor uses sterilization method)</li> <li>• Micro (random)</li> </ul>
<b>Kief</b> Applies only to producers permitted to make kief under OAR 845-025-2020 (Effective January 1, 2021)	<ul style="list-style-type: none"> <li>• Pesticides</li> <li>• Water activity (unless marijuana or usable marijuana used to make kief was tested for water activity)</li> <li>• THC / CBD</li> </ul>	<ul style="list-style-type: none"> <li>• Pesticides</li> <li>• Water activity (unless marijuana or usable marijuana used to make kief was tested for water activity)</li> </ul>
<b>Extract / concentrate</b>	<ul style="list-style-type: none"> <li>• Pesticides</li> <li>• Solvents [exempt if meets requirements in 333-007-0330(3)]</li> <li>• THC / CBD</li> <li>• Micro (random)</li> </ul>	<ul style="list-style-type: none"> <li>• Pesticides</li> <li>• Solvents [exempt if meets requirements in 333-007-0330(3)]</li> <li>• Micro (random)</li> </ul>
<b>Cannabinoid products</b> intended for human consumption, ingestion and cannabinoid suppositories, topicals and transdermal patches	THC / CBD Micro (random)	

# MARIJUANA TESTING

## SOLVENTS



- Examples of required analyte testing for solvents: acetone, benzene, butanes, cumene, cyclohexane, ethyl acetate, heptane, hexanes, propane, and xylenes.
- For a full list, including action levels and CAS registry numbers, see [OAR 333-07-0410](#).

# MARIJUANA TESTING

## PESTICIDES



- Examples of required analyte testing for pesticides: abamectin, acephate, acequinocyl, acetamiprid, aldicarb, chlorpyrifos, diazinon, myclobutanil, and piperonyl butoxide.
- For a full list, including action levels and CAS registry numbers, see [OAR 333-07-0400](#).

# MARIJUANA FOOD SAFETY

## ODA REQUIREMENTS

- ODA regulates food safety for cannabis businesses in Oregon, but can also be subject to local requirements as well (county or city).
- Food safety rules are mostly the same as conventional foods, more can be found [here](#) on ODA's FAQ for Cannabis and Food Safety.
- Exceptions:
  - No domestic kitchens.
  - Edibles may not be processed in the same facility as conventional foods.
  - Meat and dairy may present issues due to federal law.
  - Standards of identity exist for certain foods such as ice cream.

# MARIJUANA FOOD SAFETY

## OLCC REQUIREMENTS

- All OLCC licensees must comply with ODA's food safety license requirements.
- Any processor making edibles, or making extracts or concentrates that will be an ingredient in an edible, must have an ODA food safety license.
- Retailers who sell edibles and wholesalers who handle edibles or items that will be ingredients in edibles must also have the appropriate food safety licenses.
- OLCC can take regulatory action if a food is deemed “adulterated” ([OAR 845-025-1015\(1\)](#)). This definition more or less mirrors the FDA’s (but has been updated to provide more flexibility with unknown health effects of non-cannabis ingredients).



# CANNABIS PACKAGING AND LABELING



- OLCC has extensive packaging and labeling rules modeled after FDA food labeling and incorporates NIST requirements.
- OLCC's packaging and labeling rules *only* apply to marijuana and hemp items being sold in our marketplace (dispensaries).
- Hemp items sold outside of OLCC's marketplace are packaged and labeled according to ODA and FDA requirements.
- Labels can be "generic" (black and white and only contain the text required by rule) or "non-generic" – which are subject to pre-approval before they can be used.
- Most products have non-generic labels.



# CANNABIS PACKAGING AND LABELING

## EDIBLE LABEL EXAMPLE





# CANNABIS PACKAGING AND LABELING

## EDIBLE LABEL EXAMPLE

<b>Nutrition Facts:</b> Servings: 10, <b>Serving Size:</b> 1/10th of a bar (1.7g) Amount per serving <b>Calories</b> 9.6, <b>Sodium</b> 0.7mg, <b>Protein</b> 0.1g, <b>Cholest.</b> 0mg, <b>Total Carb.</b> 0.75g, <b>Total Sugars</b> 0.6g, <b>Total Fat</b> 0.65g	
<b>Ingredients:</b> cocoa beans, sugar, cocoa butter, soy lecithin, solventless cannabis concentrate (full spectrum), natural vanilla extract. <b>Contains: soy.</b>	
<b>ALLERGY WARNING:</b> This product was made in a facility that uses tree nuts, peanuts, hazelnuts, & wheat. <b>FOR USE ONLY BY ADULTS 21 AND OLDER.</b> Keep out of reach of children. Do not drive a motor vehicle while under the influence of marijuana. This product is not approved by the FDA to treat, cure, or prevent any disease. This package is not child resistant.	
<b>45 MIN.</b> ACTIVATION TIME	<b>SERVING SIZE</b> 1/10th of a bar 
<b>BE CAUTIOUS.</b> CANNABINOID EDIBLES CAN TAKE UP TO 2 HOURS TO TAKE EFFECT.	
Label ID: 3581 	<b>Cannabis Chocolate Bar - Han Solo Burger</b> <b>UID:</b> <b>THC:</b> 4.8mg/serving 48.2mg/package <b>CBD:</b> <100/serving <100/package <b>Testing Lab:</b> <b>Made:</b> <b>Tested:</b>

## EMERGING ISSUES: DELTA-8 AND "ARTIFICIALLY DERIVED CANNABINOIDS"

- Delta-8-THC ( $\Delta^8$ -THC, sometimes just called "Delta 8" or "D8") is a close chemical relative of Delta-9-THC ( $\Delta^9$ -THC):

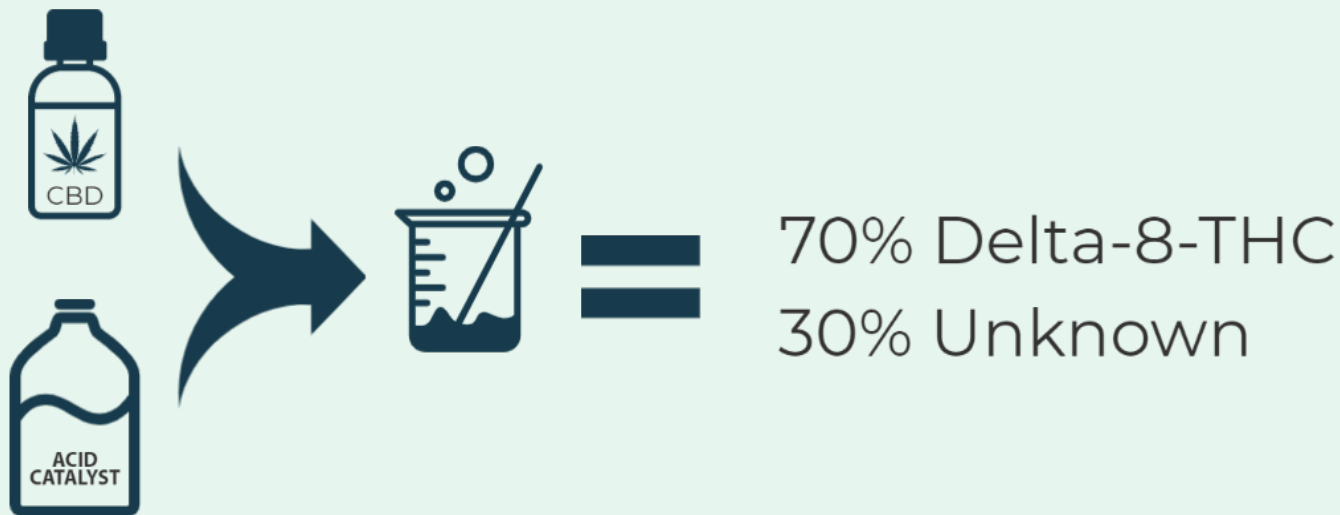


- Delta-8-THC is an intoxicating cannabinoid. Users reports effects very similar to Delta-9-THC, but less potent.
- Delta-8-THC has been reported to be naturally occurring in cannabis in **very low** concentrations, typically less than 0.1%.

# DELTA-8-THC

## WHERE IT COMES FROM

- The majority of Delta-8-THC on the market is created from CBD.
- CBD is extracted from cannabis. The extracted CBD is mixed with an acidic catalyst and heated for a period of time. This process converts much of the CBD to Delta-8-THC via “isomerization.” This also produces significant amounts of chemical byproducts with unknown health effects.



# DELTA-8-THC REGULATIONS

- Summer of 2021, Oregon passed “House Bill 3000” which starts the regulatory scheme for Delta-8 and other artificially derived cannabinoids.
- Regulatory considerations:
  - Testing for Delta-8
  - Testing for catalysts and “unknowns”
  - Consumer awareness
  - Potency limits
  - TBD...



# Q&A

- [Anthony.geltosky@oregon.gov](mailto:Anthony.geltosky@oregon.gov)

