

Recreational Marijuana Program

Compliance Education Bulletin

Bulletin CE2017-12

September 15, 2017

The Oregon Liquor Control Commission is providing the following information to: prospective recreational marijuana producer licensees.

The bulletin is part of OLCC's compliance education. It is important that you read it, and understand it. If you don't understand it please contact the OLCC for help.

Failure to understand and follow the information contained in this bulletin *could result in an OLCC rules compliance violation affecting your ability to work or operate your business.*

Bulletin CE2017-12 covers the following issues:

- Immature Marijuana Plants

Immature Marijuana Plants

The OLCC is making an exception to rules defining mature plants for outdoor producers.

The exception will apply to marijuana producer applicants currently registered with the Oregon Health Authority that submitted valid applications to the OLCC **before June 23, 2017.**

This does NOT apply to producers already licensed by the OLCC.

Many applicants for an OLCC outdoor producer license are current medical growers, who planted early in the season in anticipation of receiving an OLCC license before their plants went into the flowering stage. Under Oregon Medical Marijuana Program (OMMP) requirements, outdoor medical growers can have an unlimited number of immature plants but can only have up to 6 mature plants per registered patient.

The average waiting time from submission to being assigned an investigator has been approximately 3-4 months since the beginning of 2017.

In December 2016, the OLCC adopted a rule defining “flowering,” which essentially creates the distinction between mature and immature plants. “Flowering” is currently defined as “a marijuana plant [that] has formed a mass of pistils measuring greater than two centimeters wide at its widest point.” OAR 845-025-1015(21).

- **The OLCC will NOT apply its rule defining “flowering” until December 1, 2017, for all outdoor producer applications received with an approved Land Use Compatibility Statement (LUCS) prior to June 23, 2017, the effective date of Oregon Senate Bill 56.**

SB 56 allowed OHA registered marijuana producers, who had applied for a license with the OLCC prior to June 23 to have an unlimited number of immature plants until the license is issued or the application is denied.

Due to the limits on the number of mature plants that a medical grower can have, many medical grower applicants may be out of compliance with OMMP regulations. Additionally, OLCC’s inventory transfer rules only allow medical growers to transfer up to 6 mature plants (as defined by OLCC rule) per registered patient at licensure.

This will allow those applicants who applied prior to June 23, and who have plants going into some stage of flowering, to treat those plants as immature for purposes of being licensed and transferring plants into the recreational market.

Without this exception outdoor growers are limited to transferring a maximum of 12 pounds of usable marijuana per patient for plants grown outdoors.