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(b) A request for an extension tolls the 60-day deadline.

(c) The Authority will review the request and provide, in writing to the applicant, its decision and the reason for the decision.

(d) If an extension is granted the Authority must inform the applicant of the new deadline for submission of the Readiness Form, but in any case an extension may not exceed 60 calendar days.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1660**

#### **Processing Site Pre-Approval Inspection; Approval of Application**

(1) The Authority must perform a site visit within 30 days of receiving a timely Readiness Form, as that is described in OAR 333-008-1650 to determine whether the applicant and processing site are in compliance with these rules.

(2) If, after the site visit the Authority determines that the applicant and processing site are in compliance with these rules the Authority must provide the primary PRP with proof of registration that includes a unique registration number, and notify the primary PRP in writing that the processing site may operate, and issue any applicable endorsements.

(3) If, after the site visit the Authority determines that the processing site is not in compliance with these rules the Authority may:

(a) Give the applicant 10 business days to come into compliance;

(b) Propose to deny the application in accordance with OAR 333-008-1670; or

(c) Consider the application to be incomplete.

(4) A processing site must at all times display proof of registration in a prominent place inside the processing site so that proof of registration is easily visible to individuals authorized to be on the premises of the processing site.

(5) A registered processing site may not use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration on any signs at the processing site, on its website, or in any advertising or social media.

(6) A processing site's registration:

(a) Is only valid for the location indicated on the proof of registration.

(b) May not be transferred to another location.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1670**

#### **Denial of Processing Site Application**

(1) The Authority must deny an application for the registration of a processing site if:

(a) An application, supporting documentation provided by the applicant, or other information obtained by the Authority shows that the qualifications for a processing site in ORS 475B.435 or these rules have not been met; or

(b) An individual named in an application has been:

- (A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date the application was received by the Authority; or
  - (B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
  - (c) The city or county in which the facility is located has prohibited processing sites in accordance with ORS 475B.800 or section 133, chapter 614, Oregon Laws 2015.
- (2) The Authority may deny an applicant if it determines that the applicant, the owner of the processing site, a PRP, or an employee of the processing site:
- (a) Submitted false or misleading information to the Authority; or
  - (b) Violated a provision of ORS 475B.400 to 475.525, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7, these rules or an ordinance adopted pursuant to ORS 475B.500.
- (3) If an individual named in an application is not qualified based on age, or the criminal background check, the Authority will permit a change form to be submitted in accordance with OAR 333-008-1720 or 333-008-2030, along with the applicable criminal background check fee. If the individual named in the change form is not qualified the Authority must deny the application in accordance with section (1) of this rule.
- (4) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.
- Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1680**

#### **Withdrawal of Processing Site Application**

An applicant for a processing site registration may withdraw an initial or renewal application at any time prior to the Authority acting on the application unless the Authority has determined that the applicant submitted false or misleading information or there is a pending investigation or enforcement action in which case the Authority may refuse to accept the withdrawal and may issue a notice of proposed denial in accordance with OAR 333-008-1670.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1690**

#### **Expiration and Renewal of Registration for Processing Site**

- (1) A processing site's registration expires one year following the date of application approval.
- (2) A processing site registrant must submit not more than 90 but at least 30 calendar days before the registration expires:
  - (a) A renewal application on a form prescribed by the Authority;
  - (b) Renewal fees;
  - (c) For each individual named in the renewal 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; and

- (d) Current proof of business registration with the Secretary of State, including all DBA (doing business as) registrations.
- (3) A processing site registrant who files a completed renewal application, fees, and all the information required in section (2) of this rule with the Authority prior to the expiration date of the registration may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.
- (4) A processing site registrant that does not submit a timely application, fees and all the information required in section (2) of this rule may be denied or subject to the imposition of civil penalties.
- (5) The Authority may notify a processing site registrant who, prior to the registration's expiration, submits an incomplete application and may give the registrant 10 calendar days to submit the missing information. The Authority may deny the renewal application of a registrant who fails to comply with this section.
- (6) Renewals will be processed in accordance with OAR 333-008-1650 to 333-008-1670, as applicable.
- (7) A renewal applicant may be required to submit a Readiness Form, as described in OAR 333-008-1650(9) and may be subject to inspection prior to the Authority acting on a renewal application.
- (8) For purposes of this rule, a renewal application is considered complete when the Authority receives the completed application form, fees and information required in section (2) of this rule.
- Stat. Auth.: ORS 475B.435  
Stats. Implemented: ORS 475B.435

### **333-008-1700**

#### **Processing Site Endorsements**

- (1) A marijuana processor may only process and transfer medical cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Authority for that type of processing activity. Endorsements types are:
- (a) Cannabinoid edible processor;
  - (b) Cannabinoid topical processor;
  - (c) Cannabinoid concentrate processor;
  - (d) Cannabinoid extract processor; and
  - (e) Cannabinoid tincture, capsule, suppository, or transdermal patch processor.
- (2) An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time following registration.
- (3) In order to apply for an endorsement an applicant or processing site registrant must submit a form prescribed by the Authority that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- (4) Only one application and registration fee is required regardless of how many endorsements an applicant or registrant requests or at what time the request is made.
- (5) A processing site registrant may hold multiple endorsements.
- (6) For the purposes of endorsements any cannabinoid product that is intended to be consumed orally is considered a cannabinoid edible.

(7) If a processor is no longer going to process the product for which the processor is endorsed the processor must notify the Authority in writing and provide the date on which the processing of that product will cease.

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

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

### **333-008-1710**

#### **PRP Criteria and Responsibilities**

(1) A PRP must:

- (a) Be 21 years or age or older;
- (b) Have legal authority to act on behalf of the registered processing site; and
- (c) Be responsible for ensuring the registered processing site complies with applicable laws.

(2) A PRP may not:

- (a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within two years from the date of application; or
- (b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(3) At least one PRP must be on site at a processing site during Authority inspections or investigations at the time of the inspection or investigation or within one hour of being notified that an inspection or investigation is taking place.

(4) A PRP is accountable for any intentional or unintentional action of a processing site representative, with or without the knowledge of the PRP, who violates ORS 475B.435 to 475B.440 or these rules, and is responsible for any unlawful conduct that occurs on the premises of the processing site or any property outside the registered processing site that is owned by or under the control of the processing site registrant.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1720**

#### **Removal, Addition, Change, Designation or Assignment of PRP**

(1) If an owner of a registered processing site is adding or changing a PRP or primary PRP, an individual with legal authority to act on behalf of the registered processing site must submit:

- (a) A form, prescribed by the Authority;
- (b) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;
- (c) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-2020; and
- (d) A criminal background check fee of \$35.

(2) A PRP who is designating or assigning the responsibilities of a PRP to another individual must submit the information and fees required in section (1) of this rule. The duties of a primary PRP may not be designated or assigned.

(3) The Authority will review and approve the addition or change of a PRP or primary PRP if the individual meets the requirements in OAR 333-008-1710.

(4) The Authority will review and approve the designation or assignment of the responsibilities of a PRP to another individual if that individual meets the requirements in OAR 333-008-1710.

An individual to whom a designation or assignment is made, and who is approved by the Authority, has the same legal obligations as a PRP.

(5) An individual may not act in the capacity of a PRP without approval from the Authority.

(6) If the Authority denies the request to add or change a PRP or primary PRP, or denies the request to designate or assign the responsibilities of a PRP to another individual, the Authority must notify the individual that submitted the request of the denial and the current primary PRP and describe the reason for the denial.

(7) A registered processing site may not process marijuana or receive or transfer any marijuana items without at least one Authority approved PRP and a primary PRP.

Stat. Auth.: ORS 475B.435

Stats. Implemented: ORS 475B.435

### **333-008-1730**

#### **Medical Marijuana Processors: 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 plan required in OAR 333-008-1620.

(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) 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**

#### **Medical Marijuana Processors: Operation of Registered Processing Site**

- (1) Policies and Procedures. In order to be registered and remain registered a processing site must create and maintain written, detailed standard policies and procedures that include but are not limited to:
- (a) Instructions for making each medical cannabinoid product, concentrate or extract.
  - (b) The ingredients and the amount of each ingredient for each process lot.
  - (c) The process for making each product.
  - (d) The number of servings in a process lot.
  - (e) The intended amount of THC per serving and in a unit of sale of the product.
  - (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 registered processing site must comply with the applicable sampling and testing requirements in OAR 333-007-0300 to 333-007-0490 and may not:

(a) Accept a transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.

(b) Transfer a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 or that has failed a test under OAR 333-007-0450 and the product, concentrate or extract cannot be remediated.

(10) Packaging and Labeling. 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, 475B.440

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

### **333-008-1750**

#### **Processor Training Requirements**

(1) In order to be registered and remain registered a processing site must have a comprehensive training program that includes, at a minimum, the following topics:

(a) The standard operating policies and procedures.

(b) The hazards presented by all solvents or other chemicals used in processing and on the registered premises as described in the material safety data sheet for each solvent or chemical.

(c) Applicable Authority statutes and rules.

(2) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a medical cannabinoid product, concentrate or extract must be trained in accordance with the processing site's training program.

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

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

### **333-008-1760**

#### **Medical Marijuana Processors: Transfers to a Registered Processing Site**

(1) Transfers of Marijuana by a Patient or Designated Primary Caregiver to Process for Return to 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 and returning the product, concentrate or extract to the patient or designated primary caregiver.

(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, for no consideration, 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) A registered processing site may accept the transfer of usable marijuana from a producer licensed by the Commission under ORS 475B.070 who is also registered by the Commission to produce marijuana for a patient. The Commission licensed producer must provide the registered dispensary with:

- (a) Proof of licensure under ORS 475B.070; and
- (b) A copy of the patient agreement as described in OAR 845-025-2510.
- (4) 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.
- (5) 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.
- (6) 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) The amount paid by the registered processing site.
  - (b) Obtain and maintain a copy of, as applicable:
    - (A) Documents required in sections (1) through (3) 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.
- (7) Nothing in these rules requires a registered processing site to accept a transfer of a marijuana item.
- (8) 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, 475B.440

Stats. Implemented: ORS 475B.435, 475B.440, 475B.443

### **333-008-1770**

#### **Medical Marijuana Processors: 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) 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

### **333-008-1780**

#### **General Processing Site Health and Safety Requirements**

- (1) A processing site must:
- (a) Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.
  - (b) Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.
  - (c) Maintain the processing site in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.
- (2) A processing site may not treat or otherwise adulterate a medical cannabinoid product, concentrate or extract with any additives that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, alcohol, caffeine, or chemicals that increase carcinogenicity.
- Stat. Auth.: ORS 475B.435, 475B.440  
Stats. Implemented: ORS 475B.435, 475B.440

### **333-008-1790**

#### **Cannabinoid Edible Processor Requirements**

- (1) A processing site endorsed to make cannabinoid edibles may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with

the applicable provisions of OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

(2) A processing site endorsed to make cannabinoid edibles may not:

(a) Engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS chapter 624;

(b) Share a food establishment with a person not registered with the Authority as a cannabinoid edible processor;

(c) Process cannabinoid edibles and food in the same food establishment; or

(d) Use a cannabinoid concentrate or extract in a cannabinoid edible unless that concentrate or extract was processed in a food establishment licensed by ODA under OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

(3) A processing site endorsed to make cannabinoid edibles may share a food establishment with another Authority registered cannabinoid edible processor if:

(a) The schedule, with specific hours and days that each processor will use the food establishment, is prominently posted at the entrance to the food service establishment.

(b) Each registrant designates a separate area to secure, in accordance with OAR 333-008-2080 any marijuana, medical cannabinoid products, concentrates or extracts that a registrant stores at the food establishment. If a cannabinoid edible processor does not store marijuana, medical cannabinoid products, concentrates or extracts at the food establishment those items must be stored on a registered processing site under the processor's control.

(4) A food establishment used by a processing site endorsed to make cannabinoid edibles is considered a registered processing site and must meet the security and other premises requirements in these rules.

(5) A processing site endorsed to make cannabinoid edibles is strictly liable for any violation found at a shared food establishment during that processor's scheduled time, as reflected on the posted schedule or within that processor's designated area in the food establishment.

(6) If the Authority cannot determine by viewing the schedule or video surveillance footage who was responsible for the violation, each processor at the shared food establishment is individually and jointly liable for any documented violations.

(7) A processing site must make cannabinoid edibles in a manner that results in the THC being distributed consistently throughout the edible.

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

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

### **333-008-1800**

#### **Cannabinoid Concentrate and Extract Processor Requirements**

(1) Cannabinoid Concentrates or Extracts. A processing site endorsed to make cannabinoid concentrates or extracts:

(a) May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 FR 67377).

(b) Must:

(A) Only use a hydrocarbon-based solvent that is at least 99 percent purity.

(B) Only use a non-hydrocarbon-based solvent that is food-grade.

- (C) Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
  - (D) Use only potable water and ice made from potable water in processing.
  - (E) If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor.
  - (2) Cannabinoid Extracts. A processing site endorsed to make cannabinoid extracts:
    - (a) May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products
    - (b) Must:
      - (A) Process in a:
        - (i) Fully enclosed room clearly designated on the current diagram of the registered premises.
        - (ii) Room and with equipment, including all electrical installations, that meet the requirements of the Oregon Structural Specialty Code, related Oregon Specialty Codes and the Oregon Fire Code..
      - (B) Use a commercially manufactured professional grade closed loop extraction system designed to recover the solvents and built to recognized and generally accepted good engineering standards, such as those of:
        - (i) American National Standards Institute (ANSI);
        - (ii) Underwriters Laboratories (UL); or
        - (iii) The American Society for Testing and Materials (ASTM).
    - (C) If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of 600 pounds per square inch.
    - (D) For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the Oregon State Board of Examiners for Engineering and Land Surveying, unless an exemption under ORS 672.060 applies;
    - (E) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.
    - (F) Have all applicable material safety data sheets readily available to personnel working for the processor.
  - (3) Cannabinoid Concentrates. A processing site endorsed to make cannabinoid concentrates:
    - (a) May not:
      - (A) Use denatured alcohol.
      - (B) If using carbon dioxide, apply high heat or pressure.
    - (b) Must only use or store dry ice in a well ventilated room to prevent against the accumulation of dangerous levels of carbon dioxide.
    - (c) May use:
      - (A) A mechanical extraction process;
      - (B) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, 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 heat over 180 degrees or pressure.
- Stat. Auth.: ORS 475B.435, 475B.440  
Stats. Implemented: ORS 475B.435, 475B.440



### **333-008-1810**

#### **Cannabinoid Topical, Tincture, Capsule, Suppository or Transdermal Patch Processor**

(1) A processing site endorsed to make cannabinoid topicals, tinctures, capsules, suppositories or transdermal patches may not engage in processing in a location that is operating as a restaurant, seasonal temporary restaurant, intermittent temporary restaurant, limited service restaurant or single-event temporary restaurant licensed under ORS chapter 624.

(2) A registered processing site making cannabinoid capsules and tinctures may only process in a food establishment licensed by the Oregon Department of Agriculture (ODA) and must comply with the applicable provisions of OAR chapter 603, division 21, division 24, division 25, with the exception of OAR 603-025-0020(17), and division 28.

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

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

### **333-008-1820**

#### **Medical Marijuana Processors: 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.

(e) If a defective product was reprocessed, how the defective product was reprocessed.

(f) 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.

(g) 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

### **333-008-1830**

#### **Registered Marijuana Processing Site Required Reporting to the Authority**

(1) The individual or individuals responsible for a marijuana processing site shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts and must submit to the Authority electronically, by the 10th of each month, the following information:

(a) The amount of usable marijuana transferred to the marijuana processing site during the previous month.

(b) The amount and type of a medical cannabinoid concentrate or extract transferred by another registered processing site during the previous month. For purposes of this section "type" means:

- (A) Cannabinoid concentrate in solid form; and
- (B) Cannabinoid concentrate in liquid form.
- (c) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a dispensary. For purposes of this section "type" means:
  - (A) Cannabinoid edibles;
  - (B) Cannabinoid topicals;
  - (C) Cannabinoid tinctures;
  - (D) Cannabinoid capsules;
  - (E) Cannabinoid suppositories;
  - (F) Cannabinoid transdermal patches; and
  - (G) Cannabinoid product other than products listed in paragraphs (A) to (F) of this subsection.
- (d) The amount and type of cannabinoid concentrates transferred by the marijuana processing site during the previous month. For purposes of this section "type" means:
  - (A) Cannabinoid concentrate in solid form; and
  - (B) Cannabinoid concentrate in liquid form.
- (e) The amount and type of cannabinoid extracts transferred by the marijuana processing site during the previous month. For purposes of this section "type" means:
  - (A) Cannabinoid extract in solid form; and
  - (B) Cannabinoid extract in liquid form.
- (f) The amount and type of medical cannabinoid products transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means:
  - (A) Cannabinoid edibles;
  - (B) Cannabinoid topicals;
  - (C) Cannabinoid tinctures;
  - (D) Cannabinoid capsules;
  - (E) Cannabinoid suppositories;
  - (F) Cannabinoid transdermal patches; and
  - (G) Cannabinoid product other than products listed in paragraphs (A) to (F) of this subsection.
- (g) The amount and type of cannabinoid concentrates or extracts transferred by the marijuana processing site to a patient or the patient's designated primary caregiver during the previous month. For purposes of this section "type" means:
  - (A) Cannabinoid concentrate or extract in liquid form; and
  - (B) Cannabinoid concentrate or extract in solid form.
- (2) Information submitted to the Authority under this rule must:
  - (a) List each type of marijuana item separately;
  - (b) Provide the total aggregate amount of a type of marijuana item transferred to a processing site by a patient, designated primary caregiver, PRMG, other registered processing site, or Commission licensed producer during the previous month; and
  - (c) Provide the total aggregate amount of a type of marijuana item transferred from a processing site to a registered dispensary, patient, designated primary caregiver, or other registered processing site during the previous month.
- (3) In addition to submitting the information as required by section (1) of this rule, a person responsible for a processing site must keep a record of the information described in section (1) of this rule for two years after the date on which the person submits the information to the Authority.

Stat. Auth.: ORS 475B.438

Stats. Implemented: ORS 475B.438

### **333-008-2000**

#### **Definitions**

For purposes of OAR 333-008-2000 to 333-008-2200:

- (1) "Applicant" means a person applying for a new or renewal registration for a dispensary or processing site.
- (2) "Registrant" means a registered dispensary or registered processing site.
- (3) "Registrant representative" means an owner, director, officer, PRD, PRP manager, employee, agent or other representative of a registrant to the extent that the person acts in a representative capacity.
- (4) "These rules" means OAR 333-008-2000 to 333-008-2200.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2010**

#### **Communication with the Oregon Health Authority**

If an applicant or registrant is required to or elects to submit information or documentation to the Authority by a particular deadline it must be received, regardless of the method used to submit the writing, by 5 p.m. Pacific Time.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2020**

#### **Criminal Background Checks**

(1) An individual named in a new or renewal application as required by OAR 333-008-1020 or 333-008-1620, or if otherwise required by these rules, must provide to the Authority:

(a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:

- (A) First, middle and last name;
- (B) Any aliases;
- (C) Date of birth; and
- (D) Address and recent residency information.

(b) Fingerprints in accordance with the instructions on the Authority's webpage: [www.healthoregon.org/ommp](http://www.healthoregon.org/ommp).

(c) A copy of the individual's driver license.

(2) The Authority may request that an individual disclose his or her Social Security Number if notice is provided that:

- (a) Indicates the disclosure of the Social Security Number is voluntary; and
- (b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the individual during the criminal records check process.

(3) The Authority shall conduct a criminal records check in order to determine whether the individual has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in any state.

(4) If an individual wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through a contested case process.

(5) Any criminal background information received by the Authority during the criminal background check process is confidential and is not subject to disclosure without a court order.  
Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2030**

#### **Notification of Changes**

(1) A registrant must notify the Authority within 10 calendar days of any of the following:

(a) The conviction for the manufacture or delivery of a controlled substance in Schedule I or Schedule II of any individual named in the application;

(b) A change in any contact information for anyone listed in an application or subsequently identified as an owner, an individual with a financial interest, a PRD or a PRP;

(c) A decision to remove a PRD, PRP, primary PRD or primary PRP;

(d) A decision to permanently close the dispensary or processing site at that location;

(e) For a dispensary, the location of a public or private elementary or secondary school within 1,000 feet of the dispensary; and

(f) The suspected theft of marijuana items.

(2) The notification required in section (1) of this rule must include a description of what has changed or the event and any documentation necessary for the Authority to determine whether the dispensary or processing site or dispensary or processing site registrant is still in compliance with ORS 475B.435, 475B.450 and these rules including but not limited to, as applicable:

(a) A copy of the criminal judgment or order;

(b) The location of the school that has been identified as being within 1,000 feet of the dispensary; or

(c) A copy of the police report documenting that the suspected theft of marijuana items was reported to law enforcement, if it was reported.

(3) Changes in Ownership, Financial Interest or Business Structure. A registrant that proposes to change its corporate structure, ownership structure or change who has a financial interest in the business must submit a form prescribed by the Authority, any information identified in the form to be submitted, and criminal background check fees, if applicable, to the Authority, prior to making such a change.

(a) The Authority must review the form and other information submitted and will approve the change if the change would not result in an initial or renewal application denial under OAR 333-008-1060 or 333-008-1670, or serve as the basis of a registration suspension or revocation.

(b) If the Authority denies the change but the registrant proceeds with the change the registrant must surrender the registration or the Authority will propose to suspend or revoke the registration.

(4) Failure of a registrant to notify the Authority in accordance with this rule may result in the imposition of civil penalties or the suspension or revocation of a dispensary or processing site's registration.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2040**

#### **Changing, Altering, or Modifying Licensed Premises**

- (1) A registrant may not make any physical changes to the premises that materially or substantially alters the premises or the usage of the premises from the plans originally reviewed by the Authority, without the Authority's prior written approval.
- (2) A registrant intending to make any material or substantial changes to the premises must submit a form prescribed by the Authority, and submit any information identified in the form to be submitted, to the Authority, prior to making any such changes.
- (3) The Authority must review the form and other information submitted under section (2) of this rule, and will approve the changes if the changes would not result in an initial or renewal application denial under OAR 333-008-1060 or OAR 333-008-1670.
- (4) If the Authority denies the change but the registrant proceeds with the change the registrant must surrender the registration or the Authority will propose to suspend or revoke the registration.
- (5) For purposes of this rule a material or substantial change requiring approval includes, but is not limited to:
  - (a) Any increase or decrease in the total physical size or capacity of the premises;
  - (b) The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress or egress, when such common entryway, doorway or passage alters or changes limited access areas, such as the areas in which the transfer of marijuana items occurs within the premises; or
  - (c) Any physical change that would require the installation of additional video surveillance cameras or a change in the security system.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2050**

#### **Change in Location**

- (1) A registrant that wishes to change its location must submit a new application that complies with OAR 333-008-1020 or 333-008-1620.
- (2) A registrant may not operate at a new location unless it is registered by the Authority.
- (3) If a registrant is applying for a registration at a new location because the registrant wishes to change the location of the currently registered dispensary, and the new location is within 1,000 feet of the currently registered dispensary, the Authority will not deny the application based on the new location being within 1,000 feet of a registered dispensary. The Authority shall condition approval of the registration at the new location on the surrender of the registration at the current location.
- (4) A dispensary or processing site that is approved to operate at a new location must comply with any instructions provided by the Authority for transferring marijuana items from the previous location to the new location.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2060**

#### **Secretary of State Registration Required**

A registrant must maintain a current registration as a business with the Office of the Secretary of State in order to receive or maintain registration.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2070**

#### **Advertising Restrictions**

(1) A registrant may not have advertising that:

(a) Contains statements that are deceptive, false, or misleading;

(b) Contains any content that can reasonably be considered to target minors including but not limited to cartoon characters, toys, or similar images and items typically marketed towards minors;

(c) Specifically encourages the transportation of marijuana items across state lines;

(d) Asserts that marijuana items are safe or safer for reasons including but not limited to because they are regulated by the Authority or have been tested by a certified laboratory;

(e) Make claims that a marijuana item has curative or therapeutic effects unless the claim is supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner 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

(f) Display consumption of marijuana items.

(2) A registrant may not make any deceptive, false, or misleading assertions or statements on any product, any sign, or any document provided to a patient, caregiver, or to an individual as that term is defined in OAR 333-008-1500.

(3) A registrant must include the following statement on all advertising:

(a) "Do not operate a vehicle or machinery under the influence of marijuana".

(b) "Keep marijuana out of the reach of children".

(4) A registrant must remove any sign, display, or advertisement if the Authority finds it violates this rule.

(5) The Authority will notify the registrant and specify a reasonable time period for the registrant to remove any sign, display or advertisement that the Authority finds objectionable.

Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525

Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2080**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries: 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) Archive video recordings in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place;
- (c) Provide video surveillance records and recordings immediately upon request to the Authority for the purpose of ensuring compliance with ORS 475B.450 and these rules;
- (d) Keep surveillance recordings for periods exceeding 45 calendar days upon request of the Authority; and
- (e) Immediately notify the Authority of any equipment failure or system outage lasting 30 minutes or more.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2120**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries Location and Maintenance of Surveillance Equipment**

(1) A registrant must:

(a) Have the surveillance recording equipment housed in a designated secure 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) 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) 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

### **333-008-2140**

#### **State and Local Safety Inspections**

(1) A registered premises may be subject to inspection by state or local government officials to determine compliance with state or local health and safety laws.

(2) A person responsible for a registered marijuana processing site must contact any utility provider to ensure that the registrant complies with any local ordinance or utility requirements such as water use, discharge into the sewer system, or electrical use.

(3) The Authority may require a registered processing site or dispensary to obtain a certificate of occupancy issued by a local building official or the Department of Consumer and Business Services Building Codes Division, if the Authority has concerns about the public health and safety of the registered premises.

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2150**

#### **General Sanitary Requirements**

(1) A registrant must:

(a) Prohibit any individual working on the registered premises who has or appears to have a communicable disease, open or draining skin lesion infected with *Staphylococcus aureus* or *Streptococcus pyogenes* or any illness accompanied by diarrhea or vomiting for whom there is a reasonable possibility of contact with marijuana items from having contact with a marijuana item until the condition is corrected;

(b) Require all persons who work in direct contact with marijuana items to conform to hygienic practices while on duty, including but not limited to:

(A) Maintaining adequate personal cleanliness; and

(B) Washing hands thoroughly in an adequate hand-washing area before starting work, prior to having contact with a marijuana item and at any other time when the hands may have become soiled or contaminated;

(c) Provide hand-washing facilities adequate and convenient, furnished with running water at a suitable temperature and provided with effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying device;

(d) Properly remove all litter and waste from the registered premises and maintain the operating systems for waste disposal in an adequate manner so that they do not constitute a source of contamination in areas where marijuana items are exposed;

(e) Provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and

(f) Hold marijuana items that can support the rapid growth of undesirable microorganisms in a manner that prevents the growth of these microorganisms.

(2) For purposes of this rule "communicable disease" includes but is not limited to: diphtheria, measles, *Salmonella enterica* serotype Typhi infection, shigellosis, Shiga-toxigenic *Escherichia coli* (STEC) infection, hepatitis A, and tuberculosis.

Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525

Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2160**

#### **Foreclosure; Cessation of Operations**

In the event that a registrant is foreclosed or otherwise ceases operations as described in ORS chapter 79, a secured party, as defined in ORS 79.0102, may continue operations at the marijuana processing site or dispensary upon submitting to the Authority proof, on a form prescribed by the Authority, that the secured party or, if the secured party is a business entity, any individual who has a financial interest in the secured party, meets the requirements and restrictions set forth in:

(1) For marijuana processing sites, ORS 475B.435 (2)(d) and (4); or

(2) For dispensaries, ORS 475B.450 (2)(d) and (4).

Stat. Auth.: ORS 475B.435, 475B.450, 475B.525

Stats. Implemented: ORS 475B.435, 475B.450

### **333-008-2170**

#### **Inspections**

- (1) The Authority must conduct a routine inspection of every registrant at least every year.
  - (2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registrant or registrant representative is in violation of ORS 475B.435, ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
  - (3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registrant or registrant representative is in violation of ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
  - (4) The Authority may inspect the following to ensure compliance with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules:
    - (a) The premises of a proposed marijuana processing site or dispensary, or registered marijuana processing site or dispensary; and
    - (b) The records of a registered marijuana processing site or dispensary.
  - (5) Registrant representatives must cooperate with the Authority during an inspection.
  - (6) If an individual at a registered dispensary or processing site fails to permit the Authority to conduct an inspection or if the Authority requires access to a dispensary or processing site and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431A.010.
  - (7) The Authority may purchase, possess or seize a marijuana item as necessary for the Authority to determine compliance with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, OAR chapter 333, division 7 or these rules.
- Stat. Auth.: ORS 431A.010, 475B.435, 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2180**

#### **Violations**

- (1) It is a violation for an applicant for a registration, registrant or registrant representative to:
  - (a) Fail to cooperate with an inspection;
  - (b) Submit false or misleading information to the Authority;
  - (c) If the registrant is a dispensary, transfer a marijuana item to an individual who is not a patient or a designated primary caregiver;
  - (d) If the registrant is a processing site, transfer a medical cannabinoid product, concentrate or extract to anyone who is not a registered processing site representative, a registered dispensary representative, a patient or a designated primary caregiver, as permitted under these rules;
  - (e) Accept the transfer of a marijuana item from an individual who is not registered with the Authority;
  - (f) Accept the transfer of a marijuana item that was produced or processed in another state;
  - (g) Possess a mature marijuana plant;
  - (h) Fail to submit a plan of correction in accordance with OAR 333-008-2190;
  - (i) Fail to comply with an emergency suspension order or final order of the Authority, including failing to pay a civil penalty;
  - (j) Fail to comply with ORS 475B.435 to 475B.443, 475B.450 to 475B.453, 475B.555, 475B.605, 475B.615, these rules, or OAR chapter 333, division 7;

- (k) Alter or falsify a laboratory test report or result;
  - (l) Alter or falsify a receipt issued under OAR 333-008-0023 or 333-008-0040;
  - (m) Submit false or misleading information to the Commission for the purpose of pre-approval of packaging and labeling as required by OAR 333-007-0100; and
  - (n) Submit false or misleading information to a laboratory for the purpose of compliance testing under OAR 333-007-0300 to 333-007-0500.
- (2) It is a violation of ORS 475B.450 and these rules to operate a dispensary without being registered by the Authority.
- (3) It is a violation of ORS 475B.435 and these rules to operate a processing site without being registered by the Authority unless an exemption applies.
- Stat. Auth.: ORS 475B.435, 475B.450 & 475B.525  
Stats. Implemented: ORS 475B.435 & 475B.450

### **333-008-2190**

#### **General Requirements for Medical Marijuana Processing Sites and Dispensaries 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) 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 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

### **333-008-2200**

#### **Civil Penalties**

- (1) In addition to any other liability or penalty provided by law, the Authority may impose, against any person, a civil penalty that does not exceed \$500 per day, for each violation of a provision of:
  - (a) ORS 475B.450, 475B.453, or any rules adopted thereunder;
  - (b) ORS 475B.435, 475B.440, 475B.443 or any rules adopted thereunder; or
  - (c) OAR 333-008-1000 to 333-008-2180 or OAR chapter 333, division 7.
- (2) The Authority shall impose civil penalties under this section in the manner provided by ORS 183.745.

Stat. Auth.: ORS 431A.010, 475B.435, 475B.450, 475B.495, 475B.525  
Stats. Implemented: ORS 475B.435, 475B.450, 475B.495

### **333-008-2210**

#### **Penalty Matrix**

- (1) The Authority has established Category I, II, III and IV violations with Category I violations posing the highest risk to public health and safety, and category IV violations being generally technical in nature.
- (2) The Authority may allege multiple violations in a single notice or may count violations alleged in notices issued within the previous two year period toward the total number of violations. In calculating the total number of violations, the Authority may consider a proposed violation for which the Authority has not yet issued a final order.
- (3) If the Authority finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater sanction, up to and including revocation. The Authority may decrease or increase a sanction to prevent inequity or to take account of particular circumstances in the case.
- (4) The Authority may consider the following mitigating circumstances when determining what sanction to impose:
  - (a) Making a good faith effort to prevent a violation.
  - (b) Extraordinary cooperation in the violation investigation demonstrating the licensee or permittee accepts responsibility.
- (5) The Authority may consider the following aggravating circumstances when determining what sanction to impose:
  - (a) Receiving a prior warning about one or more compliance problems.
  - (b) Repeated failure to comply with laws.
  - (c) Efforts by person or registrant to conceal a violation.
  - (d) Intentionally committing a violation.
  - (e) A violation involving more than one consumer or employee.
  - (f) A violation involving a transfer of a marijuana item to anyone other than a patient, designated primary caregiver, grower or registrant.
  - (g) A violation resulting in injury or death.
  - (h) Three or more violations within a two-year-period, regardless of the category, where the number of the proposed or final violations indicate a disregard for the law or failure to control the premises.
- (6) A registrant may not avoid the sanction for a violation or the application of the provision for successive violations by changing the corporate structure for example, by adding or dropping a partner or converting to another form of legal entity when the individuals who own, operate, or control the business are substantially similar.

Stat. Auth.: ORS 475B.025

Stats. Implemented: ORS 475B.210, 475B.295, 475B.560 & 475B.635

### **333-008-3000**

#### **Medical Marijuana Confidentiality**

- (1) Patient, Designated Primary Caregiver and Grow Site List.
  - (a) The Authority shall create and maintain a list of patients, designated primary caregivers, and grow site addresses.

(b) Except as provided in subsection (c) of this section, the list is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(c) Names, addresses and other identifying information made confidential under subsection (1)(b) of this rule may be released to:

(A) Authorized employees of the Authority as necessary to perform official duties of the Authority, including the production of any reports of aggregate (non-identifying) data or statistics;

(B) Authorized employees of state or local law enforcement agencies who provide to the Authority adequate identification but only as necessary to verify:

(i) That a person is or was a lawful possessor of a registry identification card;

(ii) That a person is or was a designated primary caregiver; or

(iii) That the address is or was a registered grow site; or

(C) Other persons (such as, but not limited to, employers, lawyers, family members) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or PRMG. The release of information must specify what information the Authority is authorized to release and to whom.

(d) In addition to releasing information to authorized employees of state or local law enforcement agencies for purposes of verifying information under paragraph (1)(c)(B) of this rule, the Authority may release to authorized employees of state or local law enforcement agencies the minimum amount of information necessary to enable an employee to determine whether an individual or location is in compliance with a provision of ORS 475B.400 to 475B.525 or these rules.

(2) Database.

(a) Subject to subsection (2)(b) of this rule the Authority may provide information that is stored in the database to:

(A) A law enforcement agency.

(B) The regulatory agencies of a city or county.

(b) The Authority may not disclose the following information that may be stored in the database:

(A) Any personally identifiable information, as defined in ORS 432.005, related to a patient or a designated primary caregiver.

(B) Any personally identifiable information, as defined in ORS 432.005, submitted to the Authority under ORS 475B.423, 475B.438 or 475B.453 or pursuant to ORS 475B.458.

(C) Any information related to the amount and type of usable marijuana, medical cannabinoid products, or cannabinoid concentrates and extracts transferred to or by a PRMG, medical marijuana processing site or medical marijuana dispensary.

(3) Personally identifiable information in grow site, medical marijuana processor or medical marijuana dispensary applications. Any personally identifiable information, as defined in ORS 432.005, other than a name of an individual or an address submitted with an application under ORS 475B.435 or ORS 475B.450 that the Authority requires to be submitted and maintains for purposes of registering a marijuana grow site, a marijuana processing site or a medical marijuana dispensary is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(4) Disclosure to designees. The Authority may provide personally identifiable information to a person registered under ORS 475B.400 to 475B.525 if the registrant requests the information and the information is related to a designation made under ORS 475B.400 to 475B.525.

(5) Medical marijuana dispensary security information. Any record that the Authority keeps or maintains for purposes related to the installation or maintenance of a security system by a

medical marijuana processing site or dispensary pursuant to OAR 333-008-2080 to 333-008-2120 is confidential and not subject to public disclosure under ORS 192.410 to 192.505.

(6) Disclosure following investigation. Notwithstanding any of the confidentiality provisions of this rule if the Authority determines, after conducting an investigation or receiving a complaint of an alleged violation of a provision of ORS 475B.400 to 475B.525 or any rule adopted thereunder, that a violation of a provision of ORS 475B.400 to 475B.525 or any rule adopted thereunder has occurred, the Authority may provide any information obtained by the Authority, except for information related to a patient's debilitating condition, to:

- (a) Authorized employees of state or local law enforcement agencies; or
- (b) Another state or local government agency with jurisdiction over the matter.

(7) Subpoenas. Notwithstanding any of the confidentiality provisions of this rule, the Authority may disclose information requested pursuant to a lawfully issued subpoena from a law enforcement agency.

(8) Disclosure following disciplinary action. Notwithstanding section (3) of this rule, if the Authority suspends or revokes the registration of the marijuana grow site, a PRMG, a marijuana processing site or a medical marijuana dispensary, or otherwise takes disciplinary action concerning a medical marijuana grow site, medical marijuana processing site, or a medical marijuana dispensary, the Authority must provide that information to a law enforcement agency.  
Stat. Auth.: ORS 475B.458 - 475B.464, 475B.525

Stats. Implemented: ORS 475B.458 - 475B.464, 475B.525

### **333-008-3010**

#### **System to Allow Verification of Data at All Times**

(1) The Authority shall establish an interactive method to allow authorized employees of state and local law enforcement agencies to use the Oregon State Police Law Enforcement Data System (LEDS) to query an OMMP data file in order to verify at any time whether a particular patient, designated primary caregiver, or grow site location is listed or registered with the Authority.

(2) LEDS access will only allow a yes or no answer to the query and the information obtained may not be used for any other purpose other than verification.

(3) The Authority may allow the release of reports related to verification if it is without identifying data.

(4) The Authority shall have staff available by phone to verify law enforcement agency employee questions during regular business hours in case the electronic verification system is down, and in the event the system is expected to be down for more than two business days, the Authority shall ensure program staff are available by phone for verification purposes.

Stat. Auth.: ORS 475B.460 & 475B.525

Stats. Implemented: ORS 475B.460