

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

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ARCHIVES DIVISION
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Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

Marijuana laboratory testing, marijuana labeling, marijuana product serving size and concentration limits.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Temporarily adopting Oregon Administrative Rules in chapter 333, divisions 7 and 64, related to marijuana laboratory testing, marijuana labeling, marijuana product serving size and concentration limits.

Statutory Authority:

Sections 91, 92, 94, 101, 102 and 105, Chapter 614, Oregon Laws 2015; ORS 448.150(1), 448.131, 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Other Authority:

Statutes Implemented:

Sections 91, 92, 94, 101, 102 and 105, Chapter 614, Oregon Laws 2015; ORS 448.280(1)(b) & (2), 438.605, 438.610, 438.615 & 438.620

Need for the Temporary Rule(s):

With the passage of HB 3400 (Oregon Laws 2015, chapter 614) during the 2015 legislative session, the Legislature directed the Oregon Health Authority, in consultation with the Oregon Liquor Control Commission (OLCC) and the Oregon Department of Agriculture, to protect public safety and to establish rules on marijuana laboratory testing, marijuana labeling, marijuana product serving size and concentration limits.

In response, the Oregon Health Authority is temporarily adopting the following Oregon Administrative Rules (OAR):

- OAR 333-007-0010 through 333-007-0100: establishes minimum labeling standards of marijuana items sold to a consumer.
- OAR 333-007-0200 through 333-007-0220: establishes the maximum concentration and serving size for marijuana items sold or transferred to a consumer.
- OAR 333-007-0300 through 333-007-0490, OAR 333-064-0100 and 333-064-0110: establishes minimum testing standards for marijuana items prior to being sold or transferred to a consumer.

All marijuana products sold in a medical marijuana dispensary or in a retail establishment licensed by the OLCC will be required to meet these labeling and serving size standards established by the Authority, beginning April 1, 2016. On or after June 1, 2016 all products sold in Oregon must be tested under standards established by these rules.

Documents Relied Upon, and where they are available:

House Bill 3400 (Oregon Laws 2015, chapter 614): <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3400/Enrolled>

Justification of Temporary Rule(s):

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, the Oregon Liquor Control Commission, local governments and person who purchase, possess or consume marijuana. These rules need to be adopted promptly due to the Legislature declaring that an emergency exists with the passage of House Bill 3400 (Oregon Laws 2015, chapter 614). The Authority adopts these rules to protect the health and safety of the consumer who wishes to purchase marijuana products from regulated markets within the State of Oregon.

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