

Permanent changes proposed to the temporary rules effective September 22, 2015 through March 19, 2016 are indicated by showing new text as underlined and deleted text as ~~strikethrough~~.

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

DIVISION 8

MEDICAL MARIJUANA

333-008-1500

Limited Marijuana Retail Sales

(1) For purposes of OAR 333-008-1500 through 333-008-1505~~this rule~~, the following definitions apply:

(a) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by:

(A) A mechanical extraction process;

(B) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or

(C) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure.

(b)(A) "Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers.

(B) "Cannabinoid product" does not include:

(i) Usable marijuana by itself;

(ii) A cannabinoid concentrate by itself;

(iii) A cannabinoid extract by itself; or

(iv) Industrial hemp, as defined in ORS 571.300.

(c) "Dried leaves and flowers of marijuana" means the cured and dried leaves and flowers from a mature marijuana plant that have not been chemically altered or had anything added to them.

(d) "Immature marijuana plant" means a marijuana plant that is not flowering.

~~(e)~~ "Individual" means a person 21 years of age or older who is not a patient or designated primary caregiver.

~~(f)~~ "Limited marijuana retail product" means:

(A) The seeds of marijuana;

(B) The dried leaves and flowers of marijuana; and

(C) An immature marijuana plant.

~~(g)~~ "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(h) "Medical marijuana dispensary" or "dispensary" means an entity registered with the Oregon Health Authority under ORS 475.314.

~~(i)~~ "Photographic identification" means valid ~~U.S. state or federal government~~ issued identification with a photograph of the individual that includes the individual's last name, first name, and date of birth.

(2) Unless the city or county in which the dispensary operates has adopted an ordinance prohibiting the sale of limited marijuana retail product, and notwithstanding any provision of ORS 475.314 or ~~OAR 333-008-1000 to 333-008-1290~~rules adopted thereunder that ~~are~~is in

conflict, on or after October 1, 2015, a medical marijuana dispensary may sell limited marijuana retail product to an individual if the dispensary:

(a) Five days prior to selling any limited marijuana retail product notifies the Authority, on a form prescribed by the Authority, that the dispensary intends to sell limited marijuana retail product;

(b) Examines the photo identification of all individuals before entering the dispensary to ensure the individual is 21 years of age or older;

(c) Verifies at the time of sale that the individual is 21 years of age or older by examining the individual's photographic identification;

(d) Sells no more than:

(A) One-quarter ounce of dried leaves and flowers per day to the same individual; and

(B) Four immature marijuana plants to the same individual at any time between October 1, 2015 and December 31, 2016.

~~(3) A dispensary may not only sell limited marijuana retail products to an individual and may not offer or provide any other product containing marijuana to an individual.~~

~~(a) Offer, sell or provide a cannabinoid product, extract or concentrate to an individual; or~~

~~(b) Give away a limited marijuana retail product to an individual.~~

(4) For each limited marijuana retail product sale, a dispensary must document:

(a) The limited marijuana retail product that was sold and the amount of dried leaves or flowers in metric units, amount of seeds or number of plants, as applicable;

(b) The birth date of the individual who bought the product;

(c) The sale price; and

(d) The date of sale.

~~(5) A dispensary may sell non-marijuana items to an individual, such as but not limited to branded clothing.~~

~~(6) A dispensary is not required to maintain a record of the name of the individual to whom a limited marijuana retail product was sold but the dispensary must have a system in place that is outlined in their policies and procedures for ensuring that an individual is not sold more than one-quarter ounce of dried leaves and flowers in a day or more than four immature plants.~~

~~(7) Records of sale transactions and the documentation required in section (4) of this rule shall be maintained in accordance with OAR 333-008-1210(3) and (4) the Authority's record keeping requirements for dispensaries.~~

~~(8) A dispensary that chooses to sell limited marijuana retail product to individuals must:~~

~~(a) Post at the point the sale, the following posters prescribed by the Authority, measuring 22 inches high by 17 inches wide that can be downloaded at www.healthoregon.org/marijuana:~~

~~(A) A Pregnancy Warning Poster; and~~

~~(B) A Poisoning Prevention Poster.~~

~~(b) Post at the point of sale a color copy of the "Educate Before You Recreate" flyer measuring 22 inches high by 17 inches wide that can be downloaded at WHATSLEGALOREGON.COM.~~

~~(c) Distribute to each individual at the time of sale, a Marijuana Information Card, prescribed by the Authority, measuring 3.5 inches high by 5 inches long that can be downloaded at www.healthoregon.org/marijuana.~~

~~(d) Comply with all rules in OAR ~~333-008-1000 to 333-008-1501~~ chapter 333, division 8 that apply to dispensaries, including but not limited to all security, testing, labeling, packaging and documentation rules except rules that:~~

~~(A) Prohibit individuals from entering or being present in a dispensary; and~~

(B) Prohibit a dispensary from transferring marijuana to an individual.

(e) On and after January 4, 2016:

(A) Collect a tax of 25 percent of the retail sales price of a limited marijuana retail product in the same manner that a marijuana retailer that holds a license under section 22, chapter 1, Oregon Laws 2015, collects the tax imposed under section 2, chapter 699, Oregon Laws 2015;

(B) Comply with all requirements in sections 1 through 13, chapter 699, Oregon Laws 2015, and any applicable administrative rules adopted by the Department of Revenue; and

(C) If requested by the Authority, sign an authorization to permit the sharing of information between the Authority and the Department of Revenue concerning tax collection required by section 21a, chapter 699, Oregon Laws 2015.

~~(98)~~ The Authority may, if it determines that a dispensary has violated OAR 333-008-1500 ~~through~~ 333-008-1505~~4~~:

(a) Prohibit a dispensary from selling limited marijuana retail product; and

(b) Take any action authorized under OAR ~~333-008-1270 or~~ 333-008-1275.

~~(109)~~ A dispensary may not sell limited marijuana retail product to individuals if the dispensary is located in a city or county that has adopted an ordinance prohibiting such sales in accordance with section 3, chapter 784, Oregon Laws 2015.

~~(110)~~ A dispensary that has had its registration suspended may not sell limited marijuana retail product while the registration is suspended.

Stat. Auth.: ORS 475.314 & 475.338, OL 2015, ch. 784 & sec. 21a, ch. 699, OL 2015

Stats. Implemented: ORS 475.314, OL 2015, ch. 784 & sec. 21a, ch. 699, OL 2015

333-008-1501

Dispensary Signs

(1) Between October 1, 2015 and December 31, 2016, a registered dispensary must post signs at any point of public entry that read:

(a) "Medical Marijuana Patients Only"; or

(b) If a dispensary has properly notified the Authority that it intends to sell limited marijuana retail products:

(A) "Medical Marijuana Patients and Persons 21 and Older Permitted"; and

(B) "NO PERSON UNDER 21 PERMITTED ON THE PREMISES WITHOUT AN OMMP CARD".

(2) The signs described in section (1) of this rule must be:

(a) In bold, 80 point Times New Roman, Helvetica or Arial font; and

(b) Affixed to the exterior of the dispensary in a conspicuous location that can be easily seen by the public from outside the dispensary.

Stat. Auth.: ORS 475.314 & 475.338, OL 2015, ch. 784

Stats. Implemented: ORS 475.314, OL 2015, ch. 784

333-008-1505

Reporting Requirements

(1) A dispensary that is selling limited marijuana retail products to individuals must by April 10, 2016, July 10, 2016, October 10, 2016, and December 31, 2016, report to the Authority, in a manner prescribed by the Authority, the information required to be documented in OAR 333-008-1500(4) for the previous quarter.

(2) A dispensary must submit, by April 10, 2016, the information required to be documented in OAR 333-008-1500(4) for October 1, 2015 through December 31, 2015.

(3) A dispensary selling limited marijuana retail products to individuals must provide proof to the Authority, by April 10, 2016, and each quarter thereafter by the 10th of the month, in a manner prescribed by the Authority, that it has paid the tax required by the Department of Revenue for the previous quarter. Documentation may include but is not limited a copy of the marijuana tax returns, reports, payment vouchers, payment receipts or any related documents filed with the Department.

Stat. Auth.: ORS 475.314 & 475.338, OL 2015, ch. 784

Stats. Implemented: ORS 475.314, OL 2015, ch. 784