

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

**FILED**  
12-29-15 7:16 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Oregon Health Authority, Public Health Division  
Agency and Division

333  
Administrative Rules Chapter Number

Marijuana laboratory testing and medical marijuana grandfathered grow sites

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, division 8, related to marijuana laboratory testing and grandfathered medical marijuana grow sites.

**Statutory Authority:**

ORS 475.314, 475.338

**Other Authority:**

**Statutes Implemented:**

ORS 475.304, 475.314, 475.320

**Need for the Temporary Rule(s):**

With the passage of HB 3400 (Oregon Laws 2015, chapter 614) during the 2015 legislative session, the Legislature established marijuana plant limits for medical marijuana grow sites. The plant limits take effect on March 1, 2016. Growers producing marijuana at a registered grow site prior to January 1, 2015, may be eligible for higher plant limits. In order to qualify for the higher plant limits, growers need to petition the Oregon Health Authority (OHA) for a grandfathered grow site prior to March 1, 2016, or the grow site will be subject to lower plant limits. Under the temporary rules a grower can petition for a grandfathered grow site beginning in January 2016.

In addition, in order to better ensure that marijuana is being tested appropriately for pesticides, OHA is adopting temporary rules to require laboratories that are testing marijuana to provide a quality control manual to OHA. Dispensaries will only be able to accept test results or have testing done by a laboratory that has provided a quality control manual to OHA. Laboratory test results must also contain additional information about the pesticide testing that was done.

**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, persons responsible for a marijuana grow site and persons who purchase marijuana from a dispensary. 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 the testing rules to protect the health and safety of the consumer who purchases marijuana products from a dispensary. In the matter of grandfathered grow sites, the Authority adopts these rules to comply with the new medical marijuana grow site plant limits.

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