

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

**DIVISION 8**

**MEDICAL MARIJUANA**

**Persons Responsible for a Grow Site; Medical Marijuana Producers**

**333-008-0499**

**Definitions**

For the purposes of OAR 333-008-0500 to 333-008-0530:

- (1) "Grandfathered grow site" means a grow site registered by the Authority that has been approved by the Authority under OAR 333-008-0520 that can have up to:
  - (a) 24 mature marijuana plants if the location is within city limits and zoned residential; or
  - (b) 96 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
- (2) "Grow site" means a location registered under ORS 475.304 where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing site or dispensary.
- (3) "Person responsible for a marijuana grow site," "person responsible for a grow site" or "PRMG" mean any individual designated by a patient to produce marijuana for the patient, including a patient who identifies him or herself as a person responsible for the marijuana grow site.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.320

**333-008-0500**

**Request for Grandfathered Grow Site**

- (1) On and after January 4, 2016, an individual or group of individuals may submit a petition, on a form prescribed by the Authority, requesting that a grow site address be approved as a grandfathered grow site.
- (2) A petition submitted under section (1) of this rule must include:
  - (a) For all individuals currently growing at the grow site address:
    - (A) Names and contact information.
    - (B) Proof of residency in accordance with OAR 333-008-0025.
    - (C) Copies of legible and valid government issued photographic identification that includes last name, first name, and date of birth.
    - (D) Copies of all current grow site registration cards issued to the PRMG for the grow site address.
    - (E) An attestation that the PRMG was registered at the grow site address on December 31, 2014, and has continuously been registered at the grow site address since that date.
  - (b) The physical address of the grow site where marijuana is being produced or intending to be produced.
  - (c) Documentation from a local government that indicates whether the address is within city limits and if so, the zoning designation for the address.

(d) The names and registry identification card numbers for all patients for whom each PRMG is producing at the grow site address.

(e) How many patients each PRMG was growing for on December 31, 2014.

(3) A petition that does not contain all the required information or is not accompanied by all of the documentation required to be submitted in section (2) of this rule is incomplete and will be returned to the applicant.

(4) A petition that does not include all the PRMGs currently growing at the grow site address may be considered by the Authority to be incomplete and may be returned to the applicant.

(5) Acceptable forms of current government issued photographic identification include but are not limited to:

(A) Driver's license;

(B) State identification card;

(C) Passport; or

(D) Military identification card.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.320

### **333-008-0510**

#### **Review of Petition For Grandfathered Grow Site**

(1) Once the Authority has determined that a petition is complete it must:

(a) Conduct a criminal background check on all PRMGs listed on the application;

(b) Verify that:

(A) Each person listed on the application is 21 years of age or older;

(B) Each person meets the residency requirements in OAR 333-008-0025;

(C) Each person has a current valid registration card and is currently registered at the grow site address;

(D) All the patients listed on the application have valid cards; and

(E) All persons were registered with the Authority on December 31, 2014, at the grow site address listed on the application and have been continuously registered at the grow site since the petition was submitted; and

(c) Verify the number of patients each PRMG was producing marijuana for, at that address on December 31, 2014.

(2) If a PRMG listed on a petition does not meet the age or residency requirements, or is disqualified to be a PRMG based on criminal convictions, the Authority must notify:

(a) The PRMG by electronic mail, if possible, and by mail that her or his designation is revoked; and

(b) The patient by electronic mail, if possible, and by mail that the patient's PRMG is ineligible and that the patient may submit a change form, in accordance with OAR 333-008-0045 designating a new PRMG and grow site address.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.320

### **333-008-0520**

#### **Approval of Petition for Grandfathered Grow Site**

(1) The Authority will grant a petition for a grandfathered grow site if, based on the information in the petition and the Authority's review of the petition:

- (a) The grow site address is currently registered with the Authority;
  - (b) The petition includes all PRMGs currently growing at the grow site address;
  - (c) With the exception of any PRMG whose designation was revoked the PRMGs listed in the petition are qualified to be a PRMG;
  - (d) All qualified PRMGs listed in the petition were registered at the grow site address on December 31, 2014, and were all continuously registered there at the time the petition was submitted; and
  - (e) The number of patients registered at the grow site address would not result in the grow site address exceeding:
    - (A) 24 mature marijuana plants if the location is within city limits and zoned residential; or
    - (B) 96 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
  - (2) The actual grow site address plant limit is based on the number of patients registered at the grow site address on December 31, 2014, assuming six mature plants per patient.
  - (3) If a grow site address is approved under this rule the Authority may not register any additional PRMG at that address unless the grandfathered grow site approval has been terminated.
  - (4) The grandfathered plant limits are effective on and after March 1, 2016.
- Stat. Auth.: ORS 475.338  
Stats. Implemented: ORS 475.304, 475.320

### **333-008-0530**

#### **Denial of Petition for Grandfathered Grow Site**

- (1) The Authority must deny a petition for a grandfathered grow site if based on the information in the petition and the Authority's review of the petition:
    - (a) The grow site address is not currently registered with the Authority;
    - (b) The petition does not include all PRMGs currently producing marijuana at the grow site address;
    - (c) None of the PRMGs listed in the petition are qualified or the number of PRMGs eligible to produce marijuana at the grow site address would result in the grow site address exceeding the maximum plant limits, depending on the location of the grow site address;
    - (d) Not all of the qualified PRMGs listed in the petition were registered at the grow site address on December 31, 2014, or were not all continuously registered there at the time the petition was submitted; or
    - (e) The number of patients registered at the grow site address exceed the plant limits in section 82(3)(b) and 82(4)(b), chapter 614, Oregon Laws 2015.
  - (2) An individual or group of individuals whose petition is denied may resubmit a petition at any time.
  - (3) If a petition is denied the maximum plant limits at the grow site address for which the petition was filed, on and after March 1, 2016, are:
    - (a) 12 mature marijuana plants if the location is within city limits and zoned residential; or
    - (b) 48 mature marijuana plants if the location is within city limits but not zoned residential or not within city limits.
- Stat. Auth.: ORS 475.338  
Stats. Implemented: ORS 475.304, 475.320

## **Marijuana Testing**

### **333-008-9000**

#### **Test Results**

- (1) Between February 1, 2016, and February 29, 2016, for a marijuana item transferred to a dispensary on and after February 1, 2016, notwithstanding OAR 333-008-1190(8) a registered dispensary may only accept a test result report that complies with section (3) of this rule.
- (2) A laboratory testing marijuana to meet the requirements in OAR 333-008-1190 must, prior to February 29, 2016, submit its quality control manual to the Authority.
  - (a) The manual may be mailed to the Authority at PO Box 14116, Portland, OR 97293, or may be sent electronically via the Authority's website, <http://mmj.oregon.gov>.
  - (b) The Authority will create a list of laboratories that have submitted a quality control manual by the deadline and post the list on Authority's website, <http://mmj.oregon.gov>.
  - (c) On and after March 1, 2016, a dispensary may only accept laboratory test results from a laboratory listed on the Authority's website.
- (3) Testing Results. A laboratory test result must:
  - (a) Comply with the standards in TNI 2009, Volume 1, Module 2, Section 5.10, incorporated by reference;
  - (b) Include the following information:
    - (A) The name of each specific analyte tested;
    - (B) The limit of quantitation (LOQ) as that is defined in TNI 2009, Volume 1, Module 2, Section 3.1 and TNI 2009, Volume 1, Module 4, Section 1.5, incorporated by reference;
    - (C) The pesticide results as a numerical value in units of either parts per million or parts per billion if the analyte was detected or a statement that the level detected was less than the LOQ;
    - (D) The levels of THC and CBD calculated in accordance with OAR 333-064-0100; and
    - (E) The quality control results from the blank and quality control samples associated with the sample testing.
  - (c) Be signed by an official of the laboratory with an attestation that the results are accurate and that testing was done using valid testing methodologies and a quality system as required in OAR 333-008-1190.
- (4) If the Authority determines that a laboratory is not using valid testing methodologies, does not have a quality system, or is not producing test result reports in accordance with this rule or OAR 333-008-1190 the Authority may remove the name of the laboratory from the list on the Authority's website.
- (5) The Authority may do audit testing of a marijuana item in order to determine whether a dispensary is in compliance with this rule and OAR 333-008-1190.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314