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

DIVISION 8

MEDICAL MARIJUANA

333-008-0000

Description of the Oregon Medical Marijuana Act

~~The Oregon Medical Marijuana Act (Act) was adopted by voters in the November 3, 1998 general election (Ballot Measure 67). The Act was amended during the 1999 legislative session (Oregon Laws 1999, chapter 825), during the 2005 legislative session (Oregon Laws 2005, chapter 822), and amended again during the 2007 legislative session (Oregon Laws 2007, Chapter 573). The statutes governing the Oregon Medical Marijuana Program (OMMP) are ORS 475.300 through 475.346. The Oregon Health Authority was assigned rulemaking authority necessary for the implementation and administration of the Oregon Medical Marijuana Act. The Act intends:~~

- ~~(1) To allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to receive the benefit of their doctor's professional advice regarding the possible risks and benefits of medical marijuana;~~
- ~~(2) To allow Oregonians suffering from debilitating medical conditions to use small amounts of marijuana without fear of civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them; and~~
- ~~(3) To make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for non-medical purposes.~~

~~Stat. Auth.: ORS 475.300~~

~~Stats. Implemented: ORS 475.300—475.346~~

333-008-0010

Definitions

For the purposes of OAR chapter 333, division 8-008-0000 through 333-008-0120, the following definitions apply unless otherwise indicated:

~~(1) "Act" means the Oregon Medical Marijuana Act.~~

(1) "Advertising" means publicizing the trade name of a medical marijuana producer, registered processing site or dispensary together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a medical cannabinoid product, concentrate or extract in any medium.

(2) "Applicant" means, as applicable to the registration being applied for:

(a) ~~a~~An individual person applying for a ~~n~~Oregon Medical Marijuana registry identification card on a form prescribed by the Authority under ORS 475.309.

(b) An individual applying for a grow site registration under ORS 475.304.

(c) A person applying for a marijuana processing site registration under section 85, chapter 614, Oregon Laws 2015.

(d) A person applying for a medical marijuana dispensary registration under ORS 475.314.

(3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

(4) "Attending physician statement" or "APS" means the form, prescribed by the Authority and signed by an attending physician, that states the individual has been diagnosed with a debilitating medical condition and that the medical use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.

(5) "Authority" means the Oregon Health Authority.

(6) "Business day" means Monday through Friday excluding legal holidays.

(7) "CBD" means cannabidiol.

(8) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

(9) "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;

(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; or

(d) Any other process authorized in these rules.

(10) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.

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

(a) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; or

(b) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure.

(12) "Cartoon" means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:

(a) The use of comically exaggerated features;

(b) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

(c) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.

(13) "Commission" means the Oregon Liquor Control Commission.

(14) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

(15) "Database" means the electronic system established pursuant to section 85e, chapter 614, Oregon Laws 2015, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.

(16) "Debilitating medical condition" means:

(a) Cancer, glaucoma, ~~agitation incident to Alzheimer's disease~~ a degenerative or pervasive neurological condition, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of ~~these~~ those medical conditions;

(b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(A) Cachexia;

(B) Severe pain;

(C) Severe nausea;

(D) Seizures, including but not limited to seizures caused by epilepsy; or

(E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;

(c) Post-traumatic stress disorder; or

(d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition submitted filed under OAR 333-008-0090.

~~(176)~~ "Delivery" has the meaning given that term in ORS 475.302.

~~means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship, but does not include transfer of marijuana from one patient to another patient if no consideration is paid for the transfer.~~

~~(187)(a)~~ "Designated primary caregiver" means an individual who:

~~(A)~~ Is 18 years of age or older;

~~(B)~~ ~~who~~ has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; -and

~~(C)~~ ~~who~~ is designated as such on that the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's 's application for a registry identification card or in other written notification submitted to the Authority.

~~(b)~~ "Designated primary caregiver" does not include ~~at~~ the person's attending physician.

~~(19)~~ "Direct interest" means an interest that is held in the name of the individual.

~~(20)~~ "Domicile" means the place an individual intends as his or her fixed place of abode or habitation where he or she intends to remain and to which, if absent, the individual intends to return.

~~(21)~~ "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.

~~(22)~~ "Employee":

~~(a)~~ Means any individual, including an alien, employed for remuneration or under a contract of hire, written or oral, express or implied, by an employer.

~~(b)~~ Does not mean an individual who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as adequate consideration for the services performed for a religious or charitable institution or a governmental entity.

~~(238)~~ "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.

~~(24)~~ "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.

~~(259)~~ "Grow site" means a ~~specific~~ location registered under ORS 475.304 where marijuana is produced for use by a by the Authority used by the grower to produce marijuana for medical use

by a specific patient or, with permission from a patient, for transfer to a registered processing site or dispensary.

(2610) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana to the patient and displayed at the grow site and the person authorized to produce marijuana at that location.

(11) "Grower" has the same meaning as "person responsible for a marijuana grow site."

(2712) "Immature marijuana plant" means a marijuana plant that is not flowering has the same meaning as "seedling or start."

(28) "Indirect interest" means:

(a) An interest that is owned by a business entity that is owned, in whole or in part and either directly or, indirectly, through one or more other intermediate business entities, by the individual; or

(b) An interest held in the name of another but the benefits of ownership of which, the individual is entitled to receive.

(29) "Individual who has a financial interest" in a business entity that owns a processing site or dispensary means:

(a) If the business entity is a corporation:

(A) Stockholders: Any individual who owns, directly or indirectly, 10 percent or more of the outstanding stock of such corporation.

(B) Directors: Any director of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.

(C) Officers: Any officer of the corporation who receives compensation for acting in that capacity or who owns, directly or indirectly, 5 percent or more of the outstanding stock of such corporation.

(b) If the business entity is a trust:

(A) Trustees: Any individual who is a trustee of the trust and who receives compensation for acting in that capacity and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a trustee of the trust and that receives compensation for acting in that capacity.

(B) Beneficiaries: Any individual who is entitled to receive, directly or indirectly, income or benefit from the trust.

(c) If the business entity is a partnership:

(A) General Partners: Any individual who is a general partner of the partnership and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a general partner of the partnership and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the partnership.

(B) Limited Partners: Any individual who is a limited partner of the partnership and who owns 10 percent or more of the ownership interests of the partnership and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a limited partner of the partnership and that owns 10 percent or more the ownership interests of the partnership.

(d) If the business entity is a joint venture: Any individual who is entitled to receive, directly or indirectly, income or benefit from the joint venture.

(e) If the business entity is a limited liability company:

(A) Managers: Any individual who is a manager of the limited liability company and who receives compensation for acting in that capacity or who owns 5 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a manager of the limited liability company and that receives compensation for acting in that capacity or owns 5 percent or more of the ownership interests of the limited liability company.

(B) Members: Any individual who is a member of the limited liability company and who owns 10 percent or more of the ownership interests of the limited liability company and any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a member of the limited liability company and that owns 10 percent or more of the ownership interests of the limited liability company.

(f) Immediate family members: Any person, 18 years of age or older, involved in a marijuana processing site or dispensary, in any capacity, who is a member of the immediate family of any individual who otherwise has a financial interest in the business entity that owns the marijuana processing site or dispensary. A person is a member of the immediately family of the individual if the person receives more than 50 percent of his or her financial support from that individual.

(g) Landlord: Any individual who is a landlord of a processing site or dispensary and who is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as a part of lease payments or rent, any individual who owns, directly or indirectly, 10 percent or more of the ownership interests of a business entity that is a landlord of a processing site or dispensary and that is entitled to receive 40 percent or more of the proceeds from the marijuana processing site or dispensary as part of lease payments or rent, and any individual who the Authority finds, based on reasonably reliable information, exerts influence over the operation of the marijuana processing site or dispensary through a landlord-tenant relationship and receives a portion of the proceeds from that marijuana processing site or dispensary.

(h) Other forms of business organization: If the form of business entity is not expressly addressed in subsections (a) to (g) of this section, the Authority will, in determining individuals who have a financial interest in the business entity, apply the portions of this definition applicable to the business entity that are most similar to the subject business entity, interpreting the terminology and concepts of this definition in the context of the subject business entity as necessary or appropriate.

(30) "Limited access area" means:

(a) For a dispensary a building, room, or other contiguous area on a dispensary premises where a marijuana item is present but does not include the area where marijuana items are transferred to a patient or designated primary caregiver.

(b) For a processing site a building, room, or other contiguous area on a processing site premises where a marijuana item is present.

~~(3143)~~(a) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae, ~~means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

(b) "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

(32) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.

(33) "Marijuana processing site" means a marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015 or a site for which an applicant has submitted an application for registration under section 85, chapter 614, Oregon Laws 2015.

~~(3414)~~ "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant does not fall within the definition of a seedling or a start.

(35)(a) "Medical cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to a person's skin or hair, that contains cannabinoids or dried leaves or flowers of marijuana.

(b) "Medical cannabinoid product" does not include:

(A) Usable marijuana by itself;

(B) A cannabinoid concentrate by itself;

(C) A cannabinoid extract by itself; or

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

~~(3615)~~ "Medical marijuana facilitydispensary" means a medical marijuana dispensary registered under ORS 475.314 or a site for which an applicant has submitted an application for registration under ORS 475.314is a facility, registered by the Authority, under OAR 333-008-1050.

(37) "Medical marijuana producer" means:

(a) An individual designated to produce marijuana by more than two patients; and

(b) A PRMG who is transferring seeds, immature plants or usable marijuana to a registered marijuana processing site or dispensary.

~~(3816)~~ "Medical use of marijuana" means the production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana, ~~as necessary for the exclusive benefit of a person~~ to mitigate the symptoms or effects of a his or her debilitating medical condition.

(39) "Minor" means an individual under the age of 18.

~~(4017)~~ "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.

~~(4118)~~ "OMMP" ~~means the section refers to the office~~ within the Authority that administers the provisions of ORS 475.300 to 475.346 the OMMA, and the rules in all policies and procedures pertaining thereto, as set forth in these rulesOAR chapter 333, divisions 7 and 8.

~~(4219)~~ "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.

~~(4320)~~ "Patient" has the same meaning as "registry identification cardholder."

(44) "Person designated to produce marijuana by a registry identification cardholder" or "person designated to produce marijuana by a patient" mean a person designated to produce marijuana by a patient under ORS 475.304 who produces marijuana for that patient at an address:

(a) Other than the address where the patient resides; or

(b) Where more than 12 mature marijuana plants are produced.

~~(4524)~~ "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 sitemeans a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose.

~~(22) "Person responsible for a medical marijuana facility" has the meaning given that term in OAR 333-008-1010.~~

(46) "Personal agreement" means a document, as described in section 83, chapter 614, Oregon Laws 2015, signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.

(47) "Pesticide" has the meaning given that term in ORS 634.006.

(48) "Premises" means a location registered by the Authority as a processing site or dispensary under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.

~~(4923)~~ "Primary responsibility" as that term is used in relation to an attending physician means that the physician:

(a) Provides primary health care to the patient; or

(b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or

(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS ~~c~~Chapter 677, the patient's physician assistant licensed under ORS ~~c~~Chapter 677, or the patient's nurse practitioner licensed under ORS ~~c~~Chapter 678; and;

(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.

(50) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(51) "Production" or "growing" means:

(a) Planting, cultivating, growing, trimming or harvesting marijuana; or

(b) Drying marijuana leaves or flowers.

~~(24) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.~~

~~(5225)~~ "Registry identification card" means a document issued by the Authority under ORS 475.309 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a ~~the person's~~ designated primary caregiver under ORS 475.312, the person's designated primary caregiver, if any.

~~(5326)~~ "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475.309(5)(a) and has the same meaning as patient. ~~means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.~~

(54) "Remuneration" means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.

~~(5527)~~ "Replacement registry identification card" means a new card issued in the event that:

(a) ~~a~~ patient's registry identification registry identification cardholder's card, a designated primary caregiver's or identification card, a PRMG grower's identification card, or grow site registration card is lost or stolen; or

~~(b) if a patient's registry identification cardholder's~~ designation of primary caregiver, PRMG grower, or grow site has changed.

~~(56) "Resident" means an individual who has primary domicile within this state.~~

~~(57) "Safe" means:~~

~~(a) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered premises that:~~

~~(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or~~

~~(B) Weighs more than 750 pounds.~~

~~(b) A vault; or~~

~~(c) A refrigerator or freezer capable of being locked for storing edibles or other finished products that require cold storage that:~~

~~(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or~~

~~(B) Weighs more than 750 pounds.~~

~~(58) "Secondary school" means a learning institution containing any combination of grades 9 through 12 and includes those institutions that provide junior high schools which include 9th grade.~~

~~(59) "Secure area" means a room:~~

~~(a) With doors that are kept locked and closed at all times except when the doors are in use;~~

~~(b) Where access is only permitted as authorized in these rules; and~~

~~(c) Not visible from outside the room or within public view.~~

~~(28) "Seedling or start" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria shall be considered a mature plant.~~

~~(6029) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.~~

~~(61) "THC" means tetrahydrocannabinol.~~

~~(6230)(a) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae and any mixture or preparation thereof, that are appropriate for medical use marijuana. "Usable marijuana" does not include the seeds, stalks and roots of the plant.~~

~~(b) "Usable marijuana" does not include:~~

~~(A) The seeds, stalks and roots of marijuana; or~~

~~(B) Waste material that is a by-product of producing marijuana.~~

~~(63) "Vault" means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.~~

~~(6434) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.~~

~~(65) "Zoned for residential use" means the primary use allowed outright in the designated zone is residential.~~

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Patient, Designated Primary Caregiver, PRMG and Grow Site Registration

333-008-0020

New Registry Identification Card ~~ation~~ Application Process ~~and~~ Verification

(1) ~~To A person may apply for a registry identification card an individual on forms prescribed by the Authority. In order for an application to be considered complete, an applicant must submit the following:~~

(a) ~~An application form, prescribed by the Authority, signed and dated by the applicant.;~~
(b) ~~A legible ~~C~~copyies of the individual's legible and valid government U.S. state or federal issued photographic identification that includes the applicant's last name, first name, and date of birth ~~from the applicant, the designated primary caregiver, and grower, as applicable. Acceptable forms of current U.S. state or federal issued photographic identification include but are not limited to:~~~~

~~(A) Driver's license;~~

~~(B) State identification card;~~

~~(C) Passport; or~~

~~(D) Military identification card.~~

(c) ~~An APS or ~~W~~written documentation that, which may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition.;~~

~~(d) Proof of residency in accordance with OAR 333-008-0022.~~

~~(~~e~~) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for any person under 18 years of age, signed and dated by the person responsible for the minor.;~~

~~(e) The name of a designated primary caregiver, if any;~~

~~(f) The name of a designated grower (either the patient or another person), if any and the location of the grow site; and~~

~~(g) An application fee and grow site registration fee, if applicable, in the form of cash, bank check, money order, or personal check.~~

~~(f) An application fee as specified in OAR 333-008-0021.~~

~~(g) If applicable, documentation required in OAR 333-008-0021 to qualify for a reduced fee.~~

~~(2) If the applicant is designating a primary caregiver, the applicant must complete the caregiver portion of the application and submit a legible copy of the designated primary caregiver's valid government issued photographic identification that includes the caregiver's last name, first name, and date of birth. The applicant may also designate an organization that provides hospice, palliative or home health care services, or a residential facility as defined in ORS 443.400, under section 6, chapter 844, Oregon Laws 2015, as an additional caregiver.~~

~~(2) The Authority shall process an application prior to issuing registry identification cards to assure that the application is complete and information provided has been verified.~~

~~(a) The Authority shall only accept applications that are mailed or are hand delivered.~~

~~(b) If an applicant does not provide all the information required and the application is considered incomplete, the Authority shall notify the applicant of the information that is missing, and shall allow the applicant 14 days to submit the missing information.~~

~~(c) If an applicant does not provide the information necessary to declare an application complete, or to complete the verification process within the timelines established in subsections (2)(b) and (3)(e) of this rule, the application shall be rejected as incomplete. An applicant whose application~~

is rejected as incomplete may reapply at any time. If an applicant submits an application fee and the application is subsequently denied or rejected, the application fee may be applied toward a new application submitted within one year of the denial or rejection date.

~~(d) The Authority may reject an application if the application or supporting documents appear to be altered (for example, writing is whited out). An application shall be denied in accordance with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.~~

~~(e) The Authority may verify information on each application and accompanying documentation, including:~~

~~(A) Contacting each applicant by telephone or by mail. If proof of identity is uncertain, the Authority may require a face-to-face meeting and may require the production of additional identification materials;~~

~~(B) Contacting a minor's parent or legal guardian;~~

~~(C) Contacting the Oregon Medical Board to verify that an attending physician is licensed to practice in the state and is in good standing;~~

~~(D) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Authority shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application. If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010(3) the applicant will be allowed 30 days to submit written documentation or a new attending physician's declaration from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0030;~~

~~(E) Contacting the Division of Medical Assistance Programs, Department of Human Services-Self Sufficiency, or the Social Security Administration (SSA) to verify eligibility for benefits; and~~

~~(F) Conducting a criminal records check under ORS 181.534 of any person whose name is submitted as a grower.~~

(3) If an applicant intends to produce marijuana for him or herself or designate another person to produce marijuana for him or her the applicant or the individual designated to be the PRMG must complete the grow site registration portion of the application and submit:

(a) A legible copy of the designated PRMG's valid government issued photographic identification that includes the last name, first name, and date of birth.

(b) Proof of residency as required by OAR 333-008-0022.

(c) The grow site address.

(d) Except for a patient producing marijuana for him or herself, the grow site registration fee as specified in OAR 333-008-0021(3), unless the Authority has established an online payment system for grow site registration in which case the fee must be paid online in accordance with instructions from the Authority.

(3) Application fees:

(a) A non-refundable application fee of \$200 is required at the time of application.

(b) If applicable as specified in OAR 333-008-0025, a non-refundable grow site registration fee of \$50 is required at the time of application.

~~(c) An applicant who can demonstrate current receipt of SSI benefits, current eligibility for OHP benefits or current receipt of food stamp benefits through the Oregon SNAP program qualifies for a reduced non-refundable application fee.~~

~~(A) An applicant demonstrating receipt of SSI benefits by providing a copy of a current monthly SSI benefit card showing dates of coverage is entitled to a reduced application fee of \$20.~~

~~(B) An applicant demonstrating current eligibility for OHP benefits by providing a copy of the applicant's current eligibility statement is entitled to a reduced application fee of \$50.~~

~~(C) An applicant demonstrating receipt of current food stamp benefits, verified by enrollment in Oregon's Food Stamp Management Information System database system and by providing current proof of his or her food stamp benefits, is entitled to a reduced application fee of \$60.~~

~~(D) An applicant who falls within one of the categories listed in subparagraph (i) or (ii) of this paragraph and who provides a copy of the applicable determination from the United States Department of Veteran's Affairs (VA), is entitled to a reduced application fee of \$20:~~

~~(i) Receives service-connected compensation from the VA based on a finding by the VA of 100% service-connected disability; or~~

~~(ii) Receives a needs-based pension from the VA based on a finding by the VA of non-service-connected disability.~~

~~(d) The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.~~

~~(e) The Authority shall notify an applicant who submits a reduced application fee for which the applicant is not eligible and will allow the applicant 14 days from the date of notice to pay the correct application fee and submit a current valid proof of eligibility.~~

~~(4) If the Authority establishes an online payment system for payment of a grow site registration fee the Authority must notify the person designated on the application as the person responsible for a grow site with instructions for how to pay the fee online and the deadline by which the fee must be paid.~~

~~(4) The application forms referenced in this rule may be obtained by contacting the Oregon Medical Marijuana Program (OMMP) at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.~~

~~(5) Applications must be mailed to the address listed in section (6) of this rule or hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, unless the Authority has established an electronic application process at which time applications and accompanying documentation must be submitted electronically.~~

~~(6) The application forms referenced in this rule may be obtained by contacting OMMP at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.~~

~~(7) Acceptable forms of current government issued photographic identification include but are not limited to:~~

~~(a) Driver license;~~

~~(b) State identification card;~~

~~(c) Passport; or~~

~~(d) Military identification card.~~

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS ~~475.300—475.346~~475.309

333-008-0021

Patient and Medical Marijuana Producer New and Renewal Fees

(1) New and Renewal Application Fee. A patient must pay a \$200 non-refundable application fee unless the applicant qualifies for a reduced fee under section (2) of this rule.

(2) Reduced Fees.

(a) An applicant receiving SSI benefits: \$20. In order to qualify for the reduced fee the applicant must submit at the time of application a copy of a current monthly SSI benefit statement showing dates of coverage.

(b) An applicant enrolled in OHP: \$50. In order to qualify for the reduced fee the applicant must submit a copy of the applicant's current eligibility statement or card.

(c) An applicant receiving food stamp benefits through the Oregon SNAP: \$60. In order to qualify for the reduced fee the applicant must submit at the time of application current proof of his or her food stamp benefits.

(d) An applicant receiving service-connected compensation from the United States Department of Veteran's Affairs (VA) based on a finding by the VA of 100 percent service-connected disability: \$20. In order to qualify for the reduced fee the applicant must provide a copy of the applicable determination from the VA.

(e) An applicant receiving service-connected compensation from the VA based on a finding by the VA of total 100 percent disability on the basis of individual unemployability: \$20. In order to qualify for the reduced fee the applicant must provide a copy of the applicable determination from the VA.

(f) An applicant receiving a needs-based pension from the VA based on a finding by the VA of non-service connected disability: \$20. In order to qualify for the reduced fee the applicant must provide a copy of the applicable determination from the VA.

(g) An applicant who submits proof to the Authority of having served in the Armed Forces of the United States and of having been diagnosed with post-traumatic stress disorder: \$20.

(3) Grow Site Registration Fee: \$ 200.

(4) Replacement Card Fees. If a registry identification card, a designated primary caregiver or PRMG identification card, or grow site registration card has been lost or stolen, the fee to receive a replacement card is \$100. If the patient qualifies for a reduced application fee of \$20, the fee to receive any of the replacement cards is \$20.

(5) New and renewal application fees must be paid at the time of application and may be paid in the form of cash, bank check, money order, or personal check, unless the Authority has established an online payment system in which case payments must be made online. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(6) The Authority shall notify an applicant who submits a reduced application fee if the applicant is not eligible for the reduced fee and will allow the applicant 14 days from the date of notice to pay the correct application fee or submit current valid proof of eligibility for a reduced fee.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.309

333-008-0022

Proof of Residency

(1) Patient Applicants. If an applicant does not have a valid Oregon driver license or Oregon identification card, the applicant must submit documentation that shows the applicant is a resident of Oregon such as but not limited to a current lease agreement or current utility bill that has the applicant's name and address.

(2) Person Responsible for a Marijuana Grow Site. A patient must submit a residency form, prescribed by the Authority and completed by the PRMG.

(a) If a PRMG was first registered with the Authority as a PRMG on or before January 1, 2015, the person must have been a resident of Oregon continuously for at least one year immediately prior to the application being submitted to the Authority.

(b) If a PRMG was not first registered with the Authority as a PRMG on or before January 1, 2015, the person must have been a resident of Oregon continuously for at least two years immediately prior to the application being submitted to the Authority.

(c) If a PRMG does not have an Oregon driver's license or Oregon identification card, or the person's Oregon driver's license or Oregon identification card was not issued one or two years prior to the date of application, as applicable, the Authority will attempt to verify whether the person has been a resident for the required length of time and may require the person to submit additional information to the Authority to prove residency.

(3) Residency must be maintained by patients and PRMGs while registered with the Authority. Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.309

333-008-0023

Patient Application Review Process

(1) The Authority must review a patient application to determine if it is complete.

(a) If an applicant does not provide all the information required in OAR 333-008-0020 or pay the applicable fee the Authority must notify the applicant of the information that is missing or the fee that was not paid, and allow the applicant 14 calendar days to submit the missing information.

(b) If an applicant does not provide the information requested in subsection (1)(a) of this rule the application must be denied in accordance with OAR 333-008-0035.

(2) The Authority may verify the information on each application, verify any accompanying documentation submitted with an application, or request additional information from the applicant or other individuals named on the application.

(3) If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010 the applicant will be allowed 30 days to submit a new APS or written documentation from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0035.

(4) If an applicant fails to submit information necessary for the Authority to verify information on the application, fails to submit information necessary to verify any accompanying documentation submitted with an application, or fails to cooperate with the Authority in obtaining information, such as but not limited to refusing to sign an authorization for disclosure of medical records within timeframes established by the Authority, the Authority will reject the application as incomplete.

(5) An applicant whose application is rejected as incomplete may reapply at any time. If the individual reapplies within a year the application fee may be applied toward a new application. Stat. Auth.: ORS 475.338 Stats. Implemented: ORS 475.309

333-008-0025

Person Responsible for a Marijuana Grow Site Criteria; Marijuana Grow Site Registration Application Review Process

(1) In order to be a PRMG an individual must:

(a) Be 21 years of age or older.

(b) Meet the residency requirements as described in OAR 333-008-0022.

(c) Not have been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II:

(A) Within the previous two years; or

(B) More than once.

(2) In addition to the application review required in OAR 333-008-0023 the Authority must: (+)

A patient may register a marijuana grow site with the Authority. The address of a medical marijuana facility may not be listed by a patient on the grow site application as the location of the marijuana grow site. The Authority will register only one grow site per patient, and will only register grow sites in Oregon.

(2) To register a marijuana grow site, an applicant or patient must submit to the Authority an application, prescribed by the Authority, that includes:

(a) The name of the grower;

(b) The date of birth of the grower;

(c) The physical address of the marijuana grow site where marijuana is to be produced;

(d) The mailing address of the grower;

(e) The registry identification card number of the patient, if known, for whom the marijuana is being produced; and

(f) A non-refundable grow site registration fee of \$50 in the form of cash, bank check, money order, or personal check. If the grower is the applicant, he or she is not required to pay the grow site registration fee. The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(a3) The Authority shall eConduct a criminal background check on any PRMGthe grower as authorized under ORS 475.304.

(a) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offense occurred on or after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder for five years from the date of conviction.

(b) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if

~~the offenses occurred after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.~~

~~(e) The Authority shall notify a patient by certified mail that the grower is ineligible and the patient will be allowed the opportunity to identify another grower.~~

~~(4) The Authority shall issue a marijuana grow site registration card to a patient who has met the requirements of section (2) of this rule, unless the grower is disqualified under section (3) of this rule.~~

(b) Verify the PRMG's residency and age.

(c) Determine the number of plants that are permitted at the grow site address.

(3) Unless the Authority has received a request for a grandfathered grow site address under OAR 333-008-0500, the grow site plant limits, on and after March 1, 2016, are as follows:

(a) A maximum of 12 mature marijuana plants if the grow site location is within city limits and zoned residential; or

(b) A maximum of 48 mature marijuana plants if the grow site location is within city limits but not zoned residential or outside city limits.

(4) In order to determine plant limits at a grow site address the Authority must verify the number of PRMGs producing medical marijuana at a grow site address and the number of patients each PRMG is growing for. If the number of PRMGs and number of patients each PRMG is producing for exceeds the plant limits in section (3) of this rule, the applicant will be notified that the grow site address is not eligible for registration.

(5) For purposes of determining plant limits the Authority presumes that a PRMG produces six mature plants for each patient.

~~(5) A grower must display a marijuana grow site registration card for each patient for whom marijuana is being produced, at the marijuana grow site at all times.~~

~~(6) All usable marijuana, plants, seedlings and seeds, associated with the production of marijuana for a patient by a grower, are the property of the patient and must be provided to the patient, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a registered medical marijuana facility, upon request.~~

~~(7) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the grower ceases producing marijuana for the patient.~~

~~(8) A grower must return the grow site registration card to the patient to whom the card was issued when requested to do so by the patient or when the grower ceases producing marijuana for the patient.~~

~~(9) A patient or the designated primary caregiver of the patient may reimburse the grower for the costs of supplies and utilities associated with production of marijuana for patient. No other costs associated with the production of marijuana for the patient, including the cost of labor, may be reimbursed.~~

~~(10) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.~~

~~(11) The Authority may not register a grow site if the location of the grow site is the same location as a medical marijuana facility.~~

(6) The Authority must notify a patient by mail if a PRMG or a grow site address is ineligible for registration and the patient will be allowed the opportunity to identify another PRMG or grow site address in accordance with OAR 333-008-0047.

Stat.Auth.: ORS 475.338

Stats. Implemented: ORS 475.3040—475.346, 475.320

333-008-0030

Approval of New and Renewal Patient Applications ~~Registration Approval and Denial~~

~~(1) The Authority shall approve or deny an application within 30 days of receiving a complete application, including payment of the designated fee.~~

~~(2) If the Authority approves a patient~~the~~ application, the Authority shall issue a serially numbered registry identification card to the patient within five business days.~~

~~(2) The registry identification card must~~shall~~ include, but is not limited to:~~

~~(a) The patient's name, address, and date of birth;~~

~~(b) The effective date, date of issuance, and expiration date of the registry identification card;
and~~

~~(c) The designated primary caregiver's name, address, and date of birth, if applicable.;~~

~~(d) The name, address, and date of birth of the grower, if applicable; and~~

~~(e) The location where the marijuana is produced.~~

~~(3) If ~~When~~ a patient has specified a designated primary caregiver, ~~or a grower,~~ the Authority shall issue an OMMP ~~registry~~-identification card for the designated primary caregiver ~~and the grower~~. The Authority shall also issue a grow site registration card to the patient. All cards shall contain the information specified in section (2) of this rule, as appropriate.~~

~~(4) The Authority may deny an application if:~~

~~(a) The applicant did not provide the information required as provided in ORS 475.309 to establish the applicant's debilitating medical condition and to document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with such condition;~~

~~(b) The Authority determines that the information provided was falsified;~~

~~(c) The applicant has been prohibited by a court order from obtaining a registry identification card; or~~

~~(d) An applicant has willfully violated the provisions of ORS 475.300 to 475.346 or these rules.~~

~~(5) If the Authority denies an application, the Authority shall send the applicant a denial letter within 30 days of receipt of the complete application. The time period set forth in OAR 333-008-0020 that provides an applicant an opportunity to supplement an incomplete application does not count towards the 30-day deadline for processing an application. The denial letter will be sent by certified mail to the address listed on the application form. The letter will state the reasons for denial and when the applicant may reapply.~~

~~(6) Denial of a registry identification card shall be considered a final Authority action, subject to judicial review. Only the person whose application has been denied, or, in the case of a person under the age of 18 whose application has been denied, the person's parent or legal guardian shall have standing to contest the Authority's action.~~

~~(7) Any person whose application has been denied may not reapply for at least six months from the date of the denial, unless so authorized by the Authority or a court of competent jurisdiction.~~

~~(8) If a patient registry identification card, a designated primary caregiver identification card, or a grower registry identification card or grow site registration card has been lost or stolen, the fee to receive a replacement card is \$100. If the patient qualifies for the reduced application fee of \$20, the fee to receive any of the replacement cards is \$20.~~

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300—475.346309

333-008-0033

Approval of New or Renewal PRMG and Grow Site Application; Change of PRMG

(1) The Authority must register a PRMG and a grow site address listed on an application if:

(a) The PRMG:

(A) Meets the age and residency requirements;

(B) Passes the criminal background check;

(C) Has not violated a provision of ORS 475.300 to 475.346, these rules, or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014; and

(D) Pays the applicable fee.

(b) The grow site address does not exceed the plant limits in ORS 475.320(3) or (4).

(2) If the Authority registers a marijuana grow site it will issue an identification card and a grow site registration card to the PRMG that contains at least the following information:

(a) The PRMG's name, address, date of birth, and identification card number.

(b) The effective date, date of issuance, and expiration date of the identification card.

(c) The grow site address.

(d) The patient's registry identification card number.

(3) A PRMG, except for a patient growing only for themselves, must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.

(4) The Authority must notify a PRMG at the time the grow site is registered the current number of mature marijuana plants permitted at the grow site address.

(5) The Authority shall also notify a patient if the PRMG and grow site address has been approved.

(6) The Authority may only register one grow site per patient, and may only register grow sites in Oregon.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.320

333-008-0035

Denial of Patient Application

(1) The Authority may deny a new or renewal patient application if:

(a) The applicant or patient did not provide the information required to be submitted in OAR 333-008-0020;

(b) The Authority determines that the information provided was falsified;

(c) The Authority determines that the applicant or patient violated a provision of ORS 475.300 to 475.346 or these rules.

(2) An individual whose application is denied may not reapply for at least six months from the date of the denial unless otherwise authorized by the Authority.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.309

333-008-0037

Denial of Designation of Caregiver or Person Responsible for a Grow Site; Denial of Grow Site Registration

(1) The Authority may deny a designation of a primary caregiver made under ORS 475.312 if the Authority determines that the designee or the patient violated a provision of ORS 475.300 to 475.346 or these rules.

(2) A person whose designation has been denied may not be designated as a primary caregiver under ORS 475.312 for six months from the date of the denial unless otherwise authorized by the Authority.

(3) The Authority may deny a designation of a PRMG if the Authority determines that the applicant or the PRMG violated a provision of ORS 475.300 to 475.346, these rules, or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

(4) The Authority may deny the registration of a grow site address if the:

(a) Grow site registration fee has not been paid; or

(b) Registration would result in the grow site address exceeding the maximum plant limits permitted in ORS 475.320(3) or (4).

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304 and 475.309

333-008-0040

Annual Renewal

(1) A patient shall register on an annual basis to maintain active registration status by submitting a renewal application prescribed by the Authority and all the additional information and fees required in OAR 333-008-0020. A renewal application may~~shall~~ be submitted by mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232~~the OMMP office~~.

(2) Between 60 to 90 calendar days prior to expiration, the Authority shall mail to the patient's address of record, a letter notifying the patient of the upcoming expiration date, ~~along with a renewal application~~.

~~(3) In addition to completing the renewal application, the patient must submit, prior to the expiration of the registry identification card:~~

~~(a) Written documentation, signed by the patient's attending physician within 90 days prior to the expiration date of the patient's current card, reconfirming the patient's debilitating medical condition and that the medical use of marijuana mitigates the symptoms of the patient's debilitating medical condition; and~~

~~(b) The information and fees required in OAR 333-008-0020. A patient applying for renewal may qualify for a reduced application fee if the applicant meets the criteria set forth in OAR 333-008-0020.~~

~~(4) If a renewal application and accompanying the renewal information is not received by the expiration date on the registry identification patient's card, the patient's registry identification card and all other associated OMMP identification cards, if any, shall be deemed are expired. The expiration date may be extended, due to personal hardship, at the discretion of the Authority. If a person fails to apply for renewal within the time period specified in this rule, that person must submit a new application.~~

~~(5) The Authority shall review and verify the renewal application information in the same manner as specified in OAR 333-008-0023 and 333-008-0025 and shall approve or deny the application in accordance with OAR 333-008-0030 to 333-008-0037, as applicable~~0020.

~~(6) The Authority may reject a renewal application if the application or supporting documents appear to be altered (e.g., writing is whited out). An application shall be denied in accordance~~

~~with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.~~

Stat. Auth.: ORS 475.309 & 475.312

Stats. Implemented: ORS 475.309 & 475.312

333-008-0045

Interim Notification of Changes

~~(1) A patient shall notify the Authority within 30 calendar days of any change in the patient's name, address, telephone number, attending physician, designated primary caregiver, grower or grow site address.~~

~~(2) A patient shall notify, as applicable, the designated primary caregiver, the grower, and the person responsible for a medical marijuana facility of any changes in status including, but not limited to:~~

~~(a) The assignment of another individual as the designated primary caregiver for the patient;~~

~~(b) The assignment of another individual as a grower for the patient;~~

~~(c) The revocation of an Authorization to Transfer form under OAR 333-008-1230; or~~

~~(d) The end of eligibility of the patient to hold a registry identification card.~~

~~(3) If the Authority is notified by the patient that a designated primary caregiver or a grower has changed, the Authority shall notify the designated primary caregiver or the grower by mail at the address of record confirming the change in status and informing the caregiver or grower that their card is no longer valid and must be returned to the Authority within seven calendar days.~~

~~(4) A patient who has been diagnosed by an attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the patient's debilitating medical condition shall return the registry identification card and all associated OMMP cards to the Authority within 30 calendar days of notification of the diagnosis or notification of the contraindication. If, due to circumstances beyond control of the patient he or she is unable to obtain a second medical opinion about the patient's continuing eligibility to use medical marijuana before the 30-day period has expired, the Authority may grant the patient additional time to obtain a second opinion before requiring the patient to return the registry identification card and all associated cards.~~

~~(5) Change forms may only be submitted to the Authority via mail or in person at the OMMP office.~~

~~(6) If a patient's designated primary caregiver, grower or grow site has changed, the non-refundable fee to receive a replacement card is \$100. If the patient qualifies for the reduced application fee of \$20, the non-refundable fee to receive a replacement card is \$20.~~

~~(7) If a patient is registering a new grow site at any time other than when submitting a new application or a renewal application, a grow site registration fee will not be charged.~~

(1) Patient notification responsibilities.

(a) A patient must notify the Authority within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending physician, designated primary caregiver, PRMG or residency, on a form prescribed by the Authority.

(b) If the patient is designating a caregiver for the first time or designating a different caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.

(c) If a patient is adding or changing a PRMG or grow site address the patient must comply with OAR 333-008-0047.

(2) Caregiver notification responsibilities. A designated primary caregiver must notify the Authority within 10 calendar days of any change in the caregiver name, mailing address, electronic mail address, or telephone number.

(3) Person responsible for a grow site notification responsibilities. A PRMG must notify the Authority within 10 calendar days of:

(a) Any change in the person's name, mailing address, electronic mail address, telephone number, or residency.

(b) A conviction of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(4) If the Authority is notified by the patient that the patient has terminated the designation of a primary caregiver or a PRMG the Authority must notify the individuals by electronic mail and mail at the address of record confirming the termination, informing the individual that his or her card is no longer valid, and requesting that the card be returned to the Authority within seven calendar days. In addition the Authority must notify the PRMG whether the termination effects the person's ability to produce marijuana for other patients at the grow site address, in accordance with ORS 475.320(6).

(5) Change in Medical Condition.

(a) If an attending physician notifies the Authority that a patient no longer has a debilitating medical condition or that that the medical use of marijuana is contraindicated for the patient's debilitating medical condition, the Authority must notify the patient by electronic mail and mail that the patient's registry identification card will be invalid 30 days from the date of the notification unless the patient submits within 30 calendar days an APS or written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending physician within the previous 90 days which states the individual has been diagnosed with a debilitating medical condition and that the use of marijuana may mitigate the symptoms or effects of the individual's debilitating medical condition.

(b) If, due to circumstances beyond the patient's control he or she is unable to submit the documentation in subsection (a) of this section, the Authority may, upon receiving a written request from the patient, grant the patient additional time to obtain a second opinion. The Authority must notify the patient how much additional time the patient has to submit the documentation.

(6) If a patient does not intend to submit the information or does not submit the information required in section (5) of this rule within the timeframes established by the Authority, the Authority must notify:

(a) The patient that the patient's card must be returned within seven calendar days; and

(b) If applicable, the patient's designated primary caregiver and PRMG that those identification cards must be returned within seven calendar days.

(7) The Authority will review and deny a caregiver designation or register a caregiver in accordance with OAR 333-008-0023 to 333-008-0037, as applicable.

(8) Change forms may only be submitted to the Authority via mail at PO Box 14450, Portland, OR 97293-0450 or in person at the OMMP drop box located at 800 N.E. Oregon St., Portland, OR 97232 and must be accompanied by any applicable fee as specified in OAR 333-008-0021.

Stat. Auth.: ORS 475.33809 & 475.312

Stats. Implemented: ORS 475.304, 475.309 & 475.312

333-008-0047

Interim Addition or Change of Person Responsible for a Grow Site or Grow Site Address

(1) If a patient is adding a PRMG and grow site address at any time other than when applying for a new or renewal registry identification card, or if a patient is changing a PRMG or grow site address at any time other than when submitting a renewal application for a patient identification card, the patient must:

(a) Submit a PRMG and grow site registration change application, on a form prescribed by the Authority, that includes all the information and documentation specified in the form and required under OAR 333-008-0020(3); and

(b) Pay the fee required in OAR 333-008-0021 if the PRMG is a medical marijuana producer.

(2) A PRMG and grow site registration change application shall be reviewed in accordance with OAR 333-008-0025 and approved or denied in accordance with OAR 333-008-0033 or 333-008-0037.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.309 & 475.312

333-008-0049

Timely Submission to the Oregon Health Authority

If an applicant, patient, designated primary caregiver, or PRMG is required to submit information or documentation to the Authority by a particular deadline it must be received by the Authority, regardless of the method used, by 5 p.m. Pacific Time.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.304, 475.309 & 475.312

333-008-0060

Monitoring and Investigations

~~(1) The Authority may, at any time, contact a patient, designated primary caregiver, grower, or a patient's attending physician by telephone, mail or in person to verify the current accuracy of information included in the registration system. This authority does not extend to allowing Authority staff to routinely search the person or property of a person who possesses a registry identification card, a grow site, or to search the property of an attending physician.~~

~~(2) Notwithstanding section (1) of this rule, the Authority may, when it has reason to believe a violation of ORS 475.300 through 475.346 has occurred, either conduct an investigation to collect evidence of a violation of the Oregon Medical Marijuana Act, or arrange for this responsibility to be assumed by the proper state or local authorities. Such violations include, but are not limited to:~~

~~(a) Failure by a patient to notify the Authority of any change in the patient's name, address, attending physician, designated primary caregiver, grower, or grow site location.~~

~~(b) Failure by a patient, designated primary caregiver, or grower to return the OMMP identity and registry identification cards to the Authority within seven calendar days of the patient's notification of the diagnosis that the patient no longer has a debilitating medical condition.~~

~~(c) Failure by a designated primary caregiver or grower to return the OMMP identity and registry identification cards to the Authority within seven calendar days of notification by the patient that the person's designation as primary caregiver or grower has been terminated.~~

~~(d) Submission of false information by a patient, designated primary caregiver, grower, or attending physician during the registration or registration renewal process;~~

~~(e) Conviction of a patient, designated primary caregiver, or grower of a marijuana-related offense that occurred after the date of issuance of a registry identification card.~~

~~(3) If the Authority has reason to believe that an individual, signing an application as the attending physician, does not meet the definition of attending physician under these rules, the Authority may examine the original patient medical record in the physician's possession or a copy provided by the physician. The sole purpose of this examination is to determine whether the physician meets the definition of attending physician in OAR 333-008-0010, including whether the physician has primary responsibility for a patient as that is defined in OAR 333-008-0010, and will not include review of any clinical judgments such as adequacy of diagnosis or propriety of treatment.~~

~~(a) The Authority shall notify the patient of the intent to review the medical records pursuant to this section and request the patient's authorization to conduct the review. An applicant's or patient's failure to authorize a review of his or her medical records may result in denial of an application;~~

~~(b) The Authority shall send written notification allowing the physician 10 days to provide additional information requested by the Authority.~~

~~(4) In determining whether to examine a patient's medical record pursuant to section (3) of this rule, the Authority may consider, but is not limited to, factors such as complaints from patients or family members, complaints from health care providers, total number of applicants for whom the physician provided documentation, or number of applicants for whom the physician provided documentation during a specific time period.~~

~~(5) If the Authority records show that any one physician is the attending physician of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the physician do one of the following:~~

~~(a) Provide information for each new patient over the 450 threshold, including:~~

~~(A) Documentation that the patient's medical records have been reviewed;~~

~~(B) Patient chart notes documenting the patient was examined by the physician and the date of the examination; and~~

~~(C) Documentation showing provided or planned follow-up care;~~

~~(b) Provide a letter from a clinic at which the physician provides care requesting that the physician be exempted from section (5) of this rule, and provide documentation from the clinic that:~~

~~(A) It has clear systems for ensuring medical records are reviewed and that each patient is examined by a physician;~~

~~(B) It provides follow-up care for patients;~~

~~(C) It maintains a record system documenting the review of medical records, physician examination, and follow-up care; and~~

~~(D) It will allow on-site inspections by the Authority to confirm compliance; or~~

~~(c) Provide a written statement explaining why the physician should be released from this requirement, for example, an explanation that the physician:~~

~~(A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;~~

~~(B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or~~

~~(C) Has multiple practice sites and at one of the practice sites the physician clearly meets the attending physician definition.~~

~~(6) If the Authority receives a request from a physician to be exempted from the requirement in section (5) of this rule, the Authority shall provide the physician a decision, in writing, explaining whether the physician is or is not exempted from the requirement in section (5) of this rule. The Authority's written decision shall explain the basis for the Authority's decision.~~

~~(7) The Authority shall refer criminal complaints against a patient, designated primary caregiver, or grower; or medical practice complaints against an attending physician to the appropriate state or local authorities.~~

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 – 475.346

333-008-0070

Suspension and Revocation

~~(1) The Authority may suspend a registry identification card, and preclude a person from using a registry identification card for a period of up to six months if the Authority obtains evidence that establishes a registry identification cardholder has:~~

~~(a) Committed egregious violations of the Act, including obtaining a registry identification card by fraud;~~

~~(b) Committed multiple or continuing violations of the Act; or~~

~~(c) Been convicted of a marijuana-related offense.~~

~~(2) The Authority shall send written notice of a suspension by certified mail.~~

~~(3) The Authority shall revoke the registry identification card of a cardholder if a court has issued an order that prohibits the cardholder from participating in the medical use of marijuana or otherwise participating in the OMMP under ORS 475.300 through 475.346. The cardholder shall return the registry identification card to the Authority within seven calendar days.~~

~~(4) The cardholder shall return the registry identification card to the Authority within seven calendar days of the final order of suspension being issued. If the cardholder is a patient, the patient shall return his or her card and all other associated OMMP cards.~~

~~(5) If, during the period of suspension, a patient's annual renewal date comes due, the patient must apply for renewal at the end of the period of suspension.~~

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 – 475.346

333-008-0080

Permissible Amounts of Medical Marijuana for Patients and Caregivers

~~(1) A patient or the patient's designated primary caregiver may jointly possess up to six mature marijuana plants and; 24 ounces of usable marijuana, and a patient and the patient's designated primary caregiver may possess a combined total of up to 18 marijuana seedlings or starts.~~

~~(2) Notwithstanding section (1) of this rule, if a patient has been convicted, on or after January 1, 2006, of a Class A or Class B felony under ORS 475.752 through 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, and the offense occurred on or after January 1, 2006, the patient or the patient's designated primary caregiver may possess only one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.~~

~~(3) A grower:~~

- ~~(a) May produce marijuana for and provide marijuana to a patient or that person's designated primary caregiver as authorized under ORS 475.300 through 475.346 and these rules;~~
 - ~~(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each patient or designated primary caregiver for whom marijuana is being produced;~~
 - ~~(c) May possess up to 18 marijuana seedlings or starts for each patient for whom marijuana is being produced.~~
 - ~~(4) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.~~
 - ~~(5) A patient and, the designated primary caregiver ~~for a patient and the grower~~ must have, in his or her possession, his or her registry identification card or OMMP identification card when transporting marijuana.~~
 - ~~(3) A patient must have, in his or her possession, his or her registry identification OMMP identity card when using marijuana in a location other than the residence of the cardholder.~~
- Stat. Auth.: ORS 475.338
Stats. Implemented: ORS 475.300 - 475.346

333-008-0110

Advisory Committee on Medical Marijuana

- (1) The Advisory Committee on Medical Marijuana (ACMM) shall advise the Director of the Authority on the administrative aspects of ORS 475.300 to 475.346, including rules and fees adopted and proposed for adoption under ORS 475.300 to 475.346. ~~the OMMP, review current and proposed administrative rules of the program, and provide annual input on the fee structure of the program.~~
 - (2) The Authority will provide staff support to the ACMM by assisting with the scheduling of meetings, recording of minutes, and dissemination of meeting-related materials.
 - (3) The ACMM will adopt a Charter and By-Laws that detail:
 - (a) How meetings will be conducted;
 - (b) The election of presiding officers; and
 - (c) The scheduling of at least four public meetings per year.
- Stat. Auth.: ORS 475.338
Stats. Implemented: ORS 475.300 - 475.346

333-008-0120

~~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, grower, person responsible for a medical marijuana facility, grow site location, or medical marijuana facility 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 475.338~~

~~Stats. Implemented: ORS 475.300 – 475.346~~

Persons Responsible for a Grow Site; Medical Marijuana Producers

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 333-008-0022.

(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 333-008-0022;

(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 333-008-0047 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 under OAR 333-008-0510(2), 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.

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 ORS 475.320(3)(b) or 475.320(4)(b).

(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 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

333-008-0540

Requirements for Grandfathered Grow Sites; Termination of PRMG Designation; Suspension or Revocation of PRMG Registration

(1) A PRMG authorized to produce marijuana at a grandfathered grow site may only grow for the number of patients that PRMG was producing for on December 31, 2014, and may not add patients. A PRMG producing marijuana at a grandfathered grow site may replace an existing patient with a new patient unless the person's designation has been terminated under ORS 475.320(6).

(2) If the Authority suspends or revokes the registration of a PRMG that is producing marijuana at a grandfathered grow site the PRMG may not continue to grow at that address or any other grow site address that has more than:

(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.

(3) If a patient terminates the designation of a PRMG that person may not produce marijuana at any grow site address that is authorized to have more than 48 mature marijuana plants.

(4) Approval of a grandfathered grow site is terminated once the number of mature marijuana plants, based on number of PRMGs who have been authorized to produce medical marijuana at the grow site address and the number of patients each person is producing for is less than:

(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

333-008-0550

General Person Responsible for a Grow Site Requirements

(1) A PRMG may not grow marijuana for more than four patients at any one time.

(2) A PRMG must display a marijuana grow site registration card at the marijuana grow site at all times for each patient for whom marijuana is being produced.

(3) All seeds, immature marijuana plants, mature marijuana plants and usable marijuana associated with the production of marijuana for a patient by a PRMG are the property of the patient and must be provided to the patient upon request, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with section 83, chapter 614, Oregon Laws 2015.

(4) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the PRMG ceases producing marijuana for the patient, unless the patient has assigned a portion of the right to possess the seeds, immature plants and usable marijuana to the PRMG in accordance with section 83, chapter 614, Oregon Laws 2015.

(5) All usable marijuana associated with the production of marijuana for a patient must be transferred to a marijuana processing site upon the patient's request.

(6) All seeds, immature marijuana plants and usable marijuana associated with the production of marijuana for a patient must be transferred to a medical marijuana dispensary upon the patient's request.

(7) If a patient terminates the designation of a PRMG that person may not produce marijuana at any grow site address that is authorized to have more than 48 mature marijuana plants.

(8) A PRMG must return the grow site registration card to the Authority when the person's designation has been terminated by a patient or the person ceases producing marijuana for him or herself or another patient.

(9) Beginning March 1, 2016, a PRMG registered with the Authority must create an online account with the Authority through which the individual must at a minimum submit the information required in OAR 333-008-0630.

(10) A medical marijuana producer must comply with the advertising restrictions in OAR 333-008-2070 and must remove any sign, display or advertisement if the Authority determines the producer has violated OAR 333-008-2070.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.320

333-008-0560

Grow Site Plant Limits

(1) A PRMG may not produce more than six mature marijuana plants per patient.

(2) On and after March 1, 2016, unless a petition has been granted under OAR 333-008-0520, a grow site address may not have more than:

(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 475.320

333-008-0570

Designation of Plants at Grow Site Address

(1) A PRMG producer producing marijuana at a grow site where multiple PRMGs are registered must physically identify the marijuana plants at a grow site address that are being grown by that PRMG by either:

(a) Tagging each marijuana plant with the PRMG's name, identification card number and patient identification number; or

(b) Fencing or cordoning off the PRMG's marijuana plants and posting all grow site registration cards at the location where the plants are located.

(2) If during an investigation the Authority determines that marijuana plants have not been designated by a PRMG in accordance with section (1) of this rule or there are marijuana plants at the grow site designated by an individual who is not authorized to produce marijuana at that grow site the Authority may suspend or revoke the registration of the grow site address for all PRMGs at that grow site and all the PRMG's identification cards.

Stat. Auth.: ORS 475.338
Stats. Implemented: ORS 475.320

333-008-0580

Usable Marijuana Possession Limits for a Person Designated to Produce Marijuana by a Patient:

(1) Subject to section (2) of this rule, a person designated to produce marijuana by a patient may possess the amount of usable marijuana that the person harvests from his or her mature marijuana plants, provided that the person may not possess usable marijuana in excess of the amount of usable marijuana in the person's possession as reported to the Authority under OAR 333-008-0630.

(2) A person designated to produce marijuana by a patient may not possess usable marijuana in excess of:

(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature marijuana plant; or

(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature marijuana plant.

(3) Unless a PRMG falls within the definition of a person designated to produce marijuana by a patient the PRMG may only possess the amount of usable marijuana that is permitted under section 39, chapter 614, Oregon Laws 2015.

(4) A PRMG producing marijuana at a grow site where there are multiple PRMGs registered, must physically segregate the usable marijuana at the grow site address that is the property of the PRMG or the PRMG's patients by placing the usable marijuana in a receptacle or multiple receptacles and attaching a label to the receptacle that includes the PRMG's name, identification card number and patient identification number.

(5) If during an investigation the Authority determines that usable marijuana has not been segregated in accordance with section (4) of this rule or that usable marijuana at the grow site is identified as belonging to an individual who is not registered at the grow site, the Authority may

suspend or revoke the registration of the grow site address for all PRMGs producing at that grow site and the PRMG's cards.

Stat. Auth.: ORS 475.338

Stats. Implemented: section 82a, chapter 614, Oregon Laws 2015

333-008-0590

Medical Marijuana Producer Water Use

(1) A medical marijuana producer must have:

(a) A water right for irrigation or nursery use;

(b) Water supplied from a public or private water provider that has a legal authorization to use water; or

(c) Proof from the Oregon Water Resources Department that the water to be used for producing marijuana is from a source that does not require a water right.

(2) A medical marijuana producer must document the information in section (1) of this rule and provide that information to the Authority upon request.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338

333-008-0600

Medical Marijuana Producer Operating Procedures

(1) A medical marijuana producer must:

(a) Establish written standard operating procedures for the production of marijuana that include at a minimum when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and

(b) Maintain a copy of all standard operating procedures at the registered grow site.

(2) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records detailing the material change must be maintained at the registered grow site by the producer.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338

333-008-0610

Pesticides, Fertilizers and Agricultural Chemicals

(1) Pesticides. A PRMG may only use pesticides in accordance with ORS chapter 634 and OAR chapter 603, division 57.

(2) Fertilizers, Soil Amendments, Growing Media. A PRMG may only use fertilizer, agricultural amendment, agricultural mineral, and lime products in accordance with ORS chapter 633.

(3) A medical marijuana producer may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight, smell, taste or physiological effects.

(4) In addition to other records required by these rules, a medical marijuana producer must maintain, at all times and at the registered grow site:

(a) The material safety data sheet (MSDS) for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana;

- (b) The original label or a copy thereof for all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana; and
- (c) A log of all pesticides, fertilizers or other agricultural chemicals used by the producer in the production of marijuana. The log must include:
- (A) The name of the product used;
 - (B) The name of the person applying the product;
 - (C) The date of application; and
 - (D) The amount applied at each application.
- (5) A medical marijuana producer may maintain the records required under this rule in electronic or written form. If electronic, a producer shall maintain a backup system or sufficient data storage so that records are retained for no less than two years after harvest of any marijuana on which documented products were used. If written, a producer shall ensure that the records are legible and complete, shall keep them in a safe and secure location, and shall retain the records for no less than two years after harvest of any marijuana on which documented products were used.
- (6) A medical marijuana producer must make the records required under this rule immediately available during a grow site inspection by the Authority. If the Authority requests copies of the records at any time other than during a grow site inspection, a medical marijuana producer shall produce the records within 72 hours of the request.
- Stat. Auth.: ORS 475.338
- Stats. Implemented: ORS 475.338

333-008-0620

Waste Management

A PRMG must:

- (1) Store, manage and dispose of solid and liquid wastes generated during marijuana production in accordance with applicable state and local laws and regulations which may include but are not limited to:
- (a) Solid waste requirements in ORS chapter 459 and OAR chapter 340, divisions 93 to 96;
 - (b) Hazardous waste requirements in ORS chapter 466 and OAR chapter 340, divisions 100 to 106; and
 - (c) Wastewater requirements in ORS chapter 468B and OAR chapter 340, divisions 41 to 42, 44 to 45, 53, 55 and 73.
- (2) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the PRMG.
- Stat. Auth.: ORS 475.338
- Stats. Implemented: ORS 475.338

333-008-0630

PRMG Documentation Requirements

- (1) The reporting requirements in this rule do not apply to a patient growing only for themselves, unless the patient is transferring usable marijuana to a registered processing site or dispensary.
- (2) Beginning in April 2016, and on a monthly basis thereafter, no later than the 10th day of each month, a PMRG, who is not also a medical marijuana producer must submit the following information to the Authority:

(a) The number of seeds and immature marijuana plants transferred to each patient for whom the PMRG is producing marijuana.

(b) The amount of usable marijuana transferred to each patient for whom the PMRG is producing marijuana.

(3) Beginning in April 2016, and on a monthly basis thereafter, no later than the 10th day of each month, a medical marijuana producer must submit the following information to the Authority:

(a) The amount of any seeds, the number of any immature or mature marijuana plants, and amount of any usable marijuana transferred to a patient or the patient's designated primary caregiver during the previous month, the date of the transfer and the patient's registry identification card number or designated primary caregiver's identification card number.

(b) The amount of any usable marijuana transferred to a marijuana processing site during the previous month, the date of transfer, and the registry identification number of the processing site.

(c) The amount of any seeds, the number of immature marijuana plants and amount of usable marijuana transferred to a medical marijuana dispensary within the previous month, the date of transfer, and the MMD number of the dispensary.

(4) The information required to be submitted under this rule must be submitted electronically in a manner prescribed by the Authority.

(5) In addition to submitting the information as required in section (3) of this rule a medical marijuana producer must keep a record of the information described in section (3) of this rule for two years after the date on which the person submits the information to the Authority.

Stat. Auth.: ORS 475.338

Stats. Implemented: section 81a, chapter 614, Oregon Laws 2015

333-008-0640

PRMG Security Requirements

(1) A PRMG must effectively prevent public access and obscure from public view all areas of where marijuana is being produced. A PRMG may satisfy this requirement by:

(a) Fully enclosing indoor production on all sides so that no aspect of the production area is visible from the exterior; or

(b) Erecting a solid wall or fence on all exposed sides of an outdoor production area that is at least eight feet high.

(2) A medical marijuana producer must comply with all applicable security requirements in OAR 333-008-2080 to 333-008-2120.

(3) A PRMG may request a waiver of a security requirement in accordance with OAR 333-008-2130.

Stat. Auth.: ORS 475.338

Stats. Implemented: 475.338

OMMP Monitoring, Investigation, and Enforcement

333-008-0700

Monitoring and Investigations

(1) The Authority may, at any time, contact a patient, designated primary caregiver, PRMG, or a patient's attending physician by telephone, mail or in person to verify the current accuracy of information included in the registration system.

(2) The Authority may, when it has reasonable basis for believing a violation of ORS 475.300 through 475.346, or OAR 333-008-0010 to 333-008-0740 has occurred, either conduct an

investigation or arrange for this responsibility to be assumed by the proper state or local authorities.

(3) A patient, designated primary caregiver or PRMG must cooperate with the Authority during an investigation.

(4) If the Authority records show that any one physician is the attending physician of record for more than 450 patients at any point in time, the Authority shall request, in writing, that the physician do one of the following:

(a) Provide information for each new patient over the 450 threshold, including:

(A) Documentation that the patient's medical records have been reviewed;

(B) Patient chart notes documenting the patient was examined by the physician and the date of the examination; and

(C) Documentation showing provided or planned follow-up care;

(b) Provide a letter from a clinic at which the physician provides care requesting that the physician be exempted from this section and provide documentation from the clinic that it:

(A) Has clear systems for ensuring medical records are reviewed and that each patient is examined by a physician;

(B) Provides follow-up care for patients;

(C) Maintains a record system documenting the review of medical records, physician examination, and follow-up care; and

(D) Will allow on-site inspections by the Authority to confirm compliance; or

(c) Provide a written statement explaining why the physician should be released from the requirements in this section, for example, an explanation that the physician:

(A) Has a practice that includes a disproportionately high percentage of patients with qualifying conditions;

(B) Serves as a consultant for other health care providers who refer patients requesting medical marijuana; or

(C) Has multiple practice sites and at one of the practice sites the physician clearly meets the attending physician definition.

(5) If the Authority receives a request from a physician to be exempted from the requirement in section (4) of this rule, the Authority shall provide the physician a decision, in writing, explaining whether the physician is or is not exempted from the requirement in section (4) of this rule. The Authority's written decision shall explain the basis for the Authority's decision.

(6) The Authority shall refer criminal complaints against a patient, designated primary caregiver, or PRMG; or medical practice complaints against an attending physician to the appropriate state or local authorities.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0710

Medical Marijuana Producer and Grow Site Inspections

(1) The Authority may inspect the following to ensure compliance with sections 81 and 81a, chapter 614, Oregon Laws 2015, ORS 475.320, and any rule adopted under sections 81 and 81a, chapter 614, Oregon Laws 2015 and ORS 475.320:

(a) The marijuana grow site of a medical marijuana producer; and

(b) The records of a medical marijuana producer.

(2) The Authority may inspect:

- (a) A medical marijuana producer's grow site address at any reasonable time to determine whether a producer is in compliance with ORS 475.300 to 475.346; and
(b) Any grow site address if there is a reasonable basis for believing that a PRMG is in violation of OAR 333-008-0500 to 333-008-0640 or a provision of ORS 475.300 to 475.346 or a rule adopted thereunder.
(3) If an individual at a grow site address fails to permit the Authority to conduct an inspection or if the Authority requires access to a grow site address and cannot obtain permission the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.323 and section 81, chapter 614, Oregon Laws 2015

333-008-0720

Violations

In addition to failure to comply with any applicable provision of ORS 475.300 to 475.346 or these rules, it is a violation:

- (1) For a medical marijuana producer to transfer seeds, immature plants or usable marijuana to a registered processing site or dispensary without a valid patient authorization or personal agreement.
(2) To fail to cooperate with the Authority during an inspection or investigation.
(3) To fail to pay a civil penalty.
(4) For a PRMG to transfer seeds, immature plants or usable marijuana to a registered processing site or dispensary without complying with the requirements of a medical marijuana producer.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338

333-008-0730

Suspension and Revocation

(1) Patient Suspension or Revocation.

(a) The Authority may suspend or revoke a patient's card if the Authority determines that the patient:

(A) Provided false information; or

(B) Violated a provision of ORS 475.300 to 475.346 or these rules.

(b) If a patient's card is revoked, any designated primary caregiver issued under ORS 475.309(5)(b) or PRMG identification card or grow site registration card issued under ORS 475.304 shall also be revoked.

(c) An individual whose registry identification card is revoked under this rule may not reapply for a registry identification card for six months from the date of the revocation unless otherwise authorized by the Authority.

(2) Designated Primary Caregiver Suspension or Revocation.

(a) The Authority may suspend or revoke a caregiver's identification card issued under ORS 475.309(5)(b) if the Authority determines that the designated primary caregiver violated a provision of ORS 475.300 to 475.346 or these rules.

(b) An individual whose designated primary caregiver identification card has been revoked under this rule may not be designated as a primary caregiver under ORS 475.312 for six months from the date of the revocation unless otherwise authorized by the Authority.

(3) Person Responsible for a Grow Site Suspension or Revocation.

(a) The Authority may suspend or revoke the registration of a PRMG if the Authority determines that a PRMG violated a provision of ORS 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

(b) If the Authority suspends or revokes the registration of a PRMG the person's registration is suspended or revoked for all patients the person is producing marijuana for and the person must:

(A) Return all marijuana that is the property of the person's patients, to the patients; or

(B) If the person is a medical marijuana producer, transfer usable marijuana to a marijuana processing site; or

(C) If the person is a medical marijuana producer, transfer seeds, immature plants or usable marijuana to a dispensary.

(c) A PRMG must document the information, including how much was transferred, the date of transfer, and to whom the transfer was made, and provide that documentation to the Authority upon request.

(d) Failure to comply with the return, transfer, or documentation requirements is a violation and may result in further enforcement action.

(e) If the Authority intends to suspend or revoke the registration of a medical marijuana producer it must do so in accordance with ORS 183.411 to 183.470.

Stat. Auth.: ORS 475.338, section 81, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.338, section 81, chapter 614, Oregon Laws 2015

333-008-0740

Civil Penalties

In addition to any other liability or penalty provided by law, the Authority may impose for each violation of a provision of ORS 475.300 to 475.346, or for each violation of these rules, a civil penalty that does not exceed \$500 for each day that the violation occurs.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338, section 88, chapter 614, Oregon Laws 2015

333-008-0750

General Powers

The Authority may possess, seize or dispose of marijuana or usable marijuana as is necessary for the Authority to ensure compliance with and enforce the provisions of ORS 475.300 to 475.346 and any rule adopted under ORS 475.300 to 475.346.

Stat. Auth.: ORS 475.338, section 88b, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.338, section 88b, chapter 614, Oregon Laws 2015

Medical Marijuana Facilities~~Dispensaries~~

333-008-1000

Applicability

(1) A person may not establish, conduct, maintain, manage or operate an establishment for the purpose of providing the services in ORS 475.314(1)(a) ~~facility on or after March 1, 2014,~~ unless the ~~person facility has been~~is registered by the Authority under these rules.

(2) Nothing in these rules exempts a dispensary registrant or dispensary representative PRF, an employee of a registered facility, or a registered facility from complying with any other applicable state or local laws.

(3) Registration of a facility dispensary does not protect a dispensary registrant or dispensary representative PRF or employees from possible criminal prosecution under federal law.

(4) Registration by the Authority is not a guarantee that a dispensary is permitted to operate under applicable land use or other local government laws where the dispensary is located.

(5) These rules apply to any initial or renewal application filed on or after March 1, 2016, and to any application filed prior to March 1, 2016, that the Authority has not approved or denied.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1010

Definitions

For the purposes of OAR 333-008-1000 through 333-008-~~2200~~ ~~1400~~ the following definitions apply:

(1) "Dispensary representative" means an owner, director, officer, PRD, manager, employee, agent or other representative of a registered medical marijuana dispensary, to the extent that the person acts in a representative capacity.

(2) "Dispensary registrant" means:

(a) An individual who owns a registered medical marijuana dispensary or, if a business entity owns the registered medical marijuana dispensary, each individual who has a financial interest in the registered medical marijuana dispensary; and

(b) Any PRD.

(1) "Agricultural land" means land that is located within an exclusive farm use zone as that term is described in ORS 215.203.

(2) "Attended primarily by minors" means that a majority of the students are minors.

(3) "Authority" means the Oregon Health Authority.

(4) "Batch" means a quantity of usable marijuana of a single strain or a number of immature plants transferred at one time to a facility by a person authorized by a patient to transfer usable marijuana to a registered facility.

(5) "Business day" means Monday through Friday excluding legal holidays.

(6) "Career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.

(7) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

(8)(a) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority.

(b) "Designated primary caregiver" does not include the person's attending physician.

(9) "Domicile" means the place of abode of an individual where the person intends to remain and to which, if absent, the individual intends to return.

(10) "Edible" means a product made with marijuana that is intended for ingestion.

- (11) ~~"Elementary school" means a learning institution containing any combination of grades Kindergarten through 8 or age level equivalent.~~
- (3) "Person responsible for a medical marijuana dispensary" or "PRD" means an individual who is directly involved in the day-to-day operations of a dispensary and is identified as a PRD on an application.
- (4) "Primary PRD" means the individual designated by the owner of the dispensary as the primary point of contact for the Authority and who is authorized to receive any and all communications and legal notices from the Authority.
- (12)(a) ~~"Employee" means any person, including aliens, employed for remuneration or under any contract of hire, written or oral, express or implied, by an employer.~~
- (b) ~~"Employee" does not include a person who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as the adequate consideration for the services performed for a religious or charitable institution or a governmental entity.~~
- (13) ~~"Facility" means a medical marijuana facility.~~
- (14) ~~"Farm use" has the meaning given that term in ORS 215.203.~~
- (15) ~~"Finished product" means a usable marijuana product including but not limited to edible products, ointments, concentrates and tinctures. A finished product does not mean dried marijuana flowers.~~
- (16) ~~"Grower" has the same meaning as "person responsible for a marijuana grow site."~~
- (17) ~~"Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient.~~
- (18)(a) ~~"Immature marijuana plant or immature plant" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter.~~
- (b) ~~A seedling or start that does not meet all three criteria in subsection (18)(a) is a mature plant.~~
- (19) ~~"Macroscopic screening" means visual observation without the aid of magnifying lens(es).~~
- (20) ~~"Microscopic screening" means visual observation with a minimum magnification of 40x.~~
- (21) ~~"Minor" means an individual under the age of 18.~~
- (22) ~~"Oregon Medical Marijuana Program" or "OMMP" means the program operated and administered by the Authority that registers patients, designated primary caregivers, and growers.~~
- (23) ~~"Patient" has the same meaning as "registry identification cardholder."~~
- (24) ~~"Person" means an individual.~~
- (25) ~~"Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as "grower".~~
- (26) ~~"Person responsible for a medical marijuana facility" or "PRF" means an individual who owns, operates, or otherwise has legal responsibility for a facility and who meets the qualifications established in these rules and has been approved by the Authority.~~
- (27) ~~"Pesticide" means any substance or mixture of substances, intended to prevent, destroy, repel, or mitigate any pest.~~
- (28) ~~"Premises" means a location registered by the Authority under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.~~
- (29) ~~"Random sample" means an amount of usable marijuana taken from a batch in which different fractions of the usable marijuana have an equal probability of being represented.~~

~~(30) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.~~

~~(31) "Remuneration" means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.~~

~~(32) "Resident" means an individual who has a domicile within this state.~~

~~(33) "Restricted area" means a secure area where usable marijuana and immature plants are present.~~

~~(34) "Safe" means:~~

~~(a) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered facility that:~~

~~(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or~~

~~(B) Weighs more than 750 pounds.~~

~~(b) A vault; or~~

~~(c) A refrigerator or freezer capable of being locked for storing edibles or other finished products that require cold storage that:~~

~~(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or~~

~~(B) Weighs more than 750 pounds.~~

~~(35) "Secondary school" means a learning institution containing any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.~~

~~(36) "Secure area" means a room:~~

~~(a) With doors that are kept locked and closed at all times except when the doors are in use; and~~

~~(b) Where access is only permitted as authorized in these rules.~~

~~(37) "Single strain" means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.~~

~~(38) "These rules" means OAR 333-008-1000 through 333-008-1248 and 333-008-2000 to 333-008-22001400.~~

~~(41) "Vault" means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1020

Application for Medical Marijuana ~~Facility~~Dispensary Registration

~~(1) To register a medical marijuana dispensary Aa person PRF wishing to apply to register a facility must submit an provide to the Authority:~~

~~(a) An application on a form prescribed by the Authority that includes but is not limited to;~~

~~(b) The applicable fee as specified in OAR 333-008-1030;~~

~~(c) Documentation that demonstrates the facility is registered as a business or has filed an application to register as a business with the Office of the Secretary of State;~~

- (a) The name of the individual who owns the dispensary or, if a business entity owns the dispensary, the name of each individual who has a financial interest in the dispensary;
- (b) The name of the individual or individuals responsible for the dispensary, if different from the name of the individual who owns the dispensary, with one of the individuals responsible for the dispensary identified as the primary PRD;
- (c) The address of the medical marijuana dispensary;
- (d) For each individual responsible for the dispensary proof of residency in accordance with OAR 333-008-1073;
- (e) For each individual named in the 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 and fingerprints 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;
- (f) Proof, from the local government that the proposed location of the dispensary is not located in an area that is zoned for residential use;
- (g) A land use compatibility statement from the local government that shows whether the operation of a dispensary at the proposed location would be an allowed use, or a similar document.
- (h) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State;
- ~~(d) Documentation that shows the current zoning of the location of the proposed facility;~~
- ~~(ie) Documentation, in a ~~on a~~ format prescribed by the Authority, with the applicant's affirmation that the proposed location of the facility dispensary is not within 1,000 feet of:~~
 - ~~(A) ~~†~~The real property comprising a public or private elementary ~~or~~; secondary ~~or career~~ school;~~
 - ~~or~~
 - ~~(B) A registered dispensary.~~
- ~~(f) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-1130~~
- (j) A map or sketch of the parcel or premises on which the premises proposed for registration is located, including:
 - (A) Directional references;
 - (B) Bordering streets and the names of the streets;
 - (C) Identification of the building or buildings in which the proposed dispensary is to be located;
 - (D) The dimensions of the proposed premises of the dispensary;
 - (E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and
 - (F) Identification of any residences on the parcel or tax lot.
- (k) Disclosure of whether the proposed location is or will be leased or owned and by whom it will be leased or owned; and
- (l) Application and registration fees, and criminal background check fees for each individual named in the application; and
- ~~(g) Proof that the PRF resides in Oregon in accordance with OAR 333-008-1120(1)(a).~~

(2) An application for the registration of a facility dispensary must be submitted ~~by a PRF~~ electronically via the Authority's website, <http://mmj.oregon.gov>. The documentation required in ~~subsections (1)(e) through (g)~~ of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.

~~(a)~~ If documentation is mailed, it must be postmarked within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered ~~to be~~ incomplete.

~~(b)~~ If documentation is submitted electronically it must be received by the Authority by 5 p.m. Pacific ~~Standard Time (PST)~~ within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered incomplete.

~~(3)~~ Applicable fees must be paid online at the time of application.

~~(43)~~ Applications will be reviewed in the order they are received by the Authority. An application is considered received as of the date and time that payment of fees is authorized by the entity that issued the credit or debit card used ~~by the PRF~~ to pay the fees.

~~(54)~~ If the Authority does not receive a complete application, all documentation required in section (1) of this rule, and all required fees within the time frames established in this rule, the application will be considered incomplete. shall return an incomplete application to the person that submitted the application. A person may re-submit an application that was returned as incomplete at any time. An application that is ~~returned as~~ incomplete must be treated by the Authority as if it was never received. ~~An application is considered incomplete if:~~

~~(a) An application does not contain all the requested information in the form;~~

~~(b) The applicant does not submit the required documentation described in subsections (1)(e) through (g) of this rule; or~~

~~(c) The application and registration fees are not paid.~~

~~(65)~~ A person PRF who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in section (1) of this rule for each location.

~~(6)~~ At the time of application the PRF will be asked, by the Authority, to sign an authorization waiving the confidentiality of the location of the facility and permitting the Authority to make the location and name of the facility public if the facility is registered.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1030

Dispensary Fees

(1) The initial fees for the registration of a dispensary are:

(a) A non-refundable application fee of \$500; and

(b) A \$3,500 registration fee.

(2) The annual renewal fees for the registration of a facility dispensary are:

(a) A \$500 non-refundable renewal fee; and

(b) A \$3,500 registration fee.

(3) The criminal background check fee is \$35 per individual.

~~(43)~~ The Authority must return the registration fee if:

(a) An application is ~~returned to the applicant as~~ incomplete; or

(b) ~~The Authority denies an application; or~~

~~(e)~~ An applicant withdraws an application.

(5) The Authority may return the registration fee if an application is denied.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1040

Dispensary Application Review

(1) Once the Authority has determined that an application is complete it will review an application to the extent necessary to determine compliance with ORS 475.314 and these rules.

(2) The Authority may, in its discretion, prior to acting on an application:

(a) Contact any individual listed on the application~~the applicant~~ and request additional documentation or information;

(b) Inspect the premises of the proposed ~~facility~~dispensary; ~~or~~and

(c) Verify any information submitted by the applicant.

(3) Prior to making a decision whether to approve or deny an application the Authority must:

(a) ~~Review~~ Ensure that the criminal background check results for each individual named on the application process has been completed and review the results;

(b) ~~Contact the OMMP Determine and obtain documentation of~~ whether the proposed location of the ~~facility~~dispensary is the same location as a registered grow site under OAR 333-008-0025;

(c) Review documentation submitted by the applicant to determine, based on the information provided by the applicant, whether the proposed location of the proposed facility~~dispensary~~ is located within 1,000 feet of:

(A) The real property comprising a public or private elementary ~~or~~; secondary ~~or career~~ school; or

(B) Another ~~(d) Review the list of registered facilities to determine whether any~~ registered dispensary facilities are within 1,000 feet of the proposed facility; and

(de) Verify that the ~~business that operates the facility applicant~~ is registered as a business with the Office of the Secretary of State; and

(e) Verify that the proposed location of the dispensary is not:

(A) Located in an area that is zoned for residential use; or

(B) In a city or county that has adopted an ordinance under sections 133 or 134, chapter 614, Oregon Laws 2015, prohibiting dispensaries.

(4) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority ~~may~~must return the application to the applicant as incomplete or issue a notice of denial under OAR 333-008-1060.

(5) The Authority will mail a notice to the applicant that the proposed dispensary meets the initial criteria for registration if there is no basis for denial under OAR 333-008-1060 and:

(a) If ~~the~~ proposed dispensary ~~proposed facility~~ is in compliance with ORS 475.314(3)(a) through (ed);

(b) ~~and Each~~ the PRF individual named in the application ~~has passed~~ the criminal background check; ~~and~~

(c) Each individual named as a PRD in the application meets residency and age requirements resides in Oregon, the Authority must notify the applicant in writing that the dispensary and PRF have met the initial criteria for registration.

(6) Within 30 days of the date the Authority mails the notice described in section (5) of this rule, the applicant must submit:

(a) Documentation that shows the applicant has lawful possession of the proposed location of the dispensary; and

(b) A floor or plot plan sketch of all enclosed areas at the proposed location that will be used in the business with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, and all limited access areas.

(7) If the applicant does not comply with section (6) of this rule the application will be returned as incomplete.

(8) If the applicant provides the documentation required in section (6) of this rule, the Authority will review the information to determine if it is complete.

(a) If the documentation is not complete or is insufficient, the Authority must notify the applicant in writing and the applicant will have 10 calendar days to provide the additional documentation.

(b) If the applicant does not provide the additional documentation within 10 calendar days the application will be returned as incomplete.

(9) If the Authority determines that the applicant has submitted the required documentation under section (6) of this rule, the Authority must notify the applicant in writing that the applicant has ~~Within 60 days from the of the date of the notice to Authority's notification the applicant must submit a~~ Readiness Form, prescribed by the Authority, indicating that the applicant is prepared for an inspection and that the proposed facility ~~is and PRF are in~~ compliance with these rules, including but not limited to:

(a) Installation of a security system, including a video surveillance system, and alarm system that are all operational, and installation of a safe in accordance with OAR 333-008-1140 through 333-008-1180;

(b) Having policies and procedures as required by OAR 333-008-1200 and training for employees on the policies and procedures;

(c) Identification of at least one laboratory that will perform the testing required in OAR 333-008-1190;

(d) Having a fully operational electronic data management system in accordance with OAR 333-008-1210; and

(e) Having packaging and labeling that complies with OAR 333-008-1220 and 333-008-1225.

(10) If the Authority does not receive the Readiness Form in accordance with section (9) of this rule described in section (5) of this rule within 60 days of the applicant being notified that the dispensary and PRF met initial criteria for registration, the applicant's application will be returned as incomplete, unless an extension has been granted under section (11) of this rule.

(11) An applicant may request one extension of the 60-day deadline in section (9) of this rule if the applicant can demonstrate to the Authority that the deadline cannot be met for reasons outside of the applicant's control, such as but not limited to the applicant's inability to obtain local government building permits.

(a) A request for an extension must be in writing, must be received within 60 days of the notice described in section (9) of this rule being mailed, and must explain and provide documentation that shows the applicant cannot, for reasons outside of the applicant's control, meet the 60-day deadline, and when the applicant believes it can submit the Readiness Form.

(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 days.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1050

Dispensary Pre-Approval Inspection; Approval of Application

(1) ~~If the Authority receives the form required to be submitted under OAR 333-008-1040(5) t~~The Authority must perform a site visit within 30 days of receiving a timely Readiness Form, as that is described in OAR 333-008-1040 ~~the form~~ to determine whether the applicantPRF and faeilitydispensary are in compliance with these rules.

(2) If, after the site visit the Authority determines that the applicant and faeilitydispensary areis in compliance with these rules the Authority must provide the primary PRD applicant with proof of registration that includes a unique registration number, and notify the primarythe PRDF in writing that the faeilitydispensary may operate.

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

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

(b) Propose to deny the faeilityapplication's registration in accordance with OAR 333-008-1060275(2); or

(c) Consider the application to be incomplete.

(4) A registered faeilitydispensary that has been registered must at all times display proof of registration in a prominent place inside the faeilitydispensary so that proof of registration is easily visible to individuals authorized to transfer marijuana items usable marijuana and immature plants to the faeilitydispensary and individuals who are authorized to receive a transfer of marijuana items usable marijuana and immature plants from the faeilitydispensary at all times when usable marijuana or immature plants are being transferred.

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

(6) A faeilitydispensary's registration:

(a) +Is only valid for the location indicated on the proof of registration and is only issued to the PRF that is listed on the application or subsequently approved by the Authority.

(b7) MA facility's registration may not be transferred to another location.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1060

Denial of Dispensary Application

(1) The Authority must deny an application if:

(a) An application, supporting documentation provided by the applicantPRF, or other information obtained by the Authority shows that the qualifications for a faeilitydispensary in ORS 475.314 or these rules have not been met; or

(b) An individual named in an applicationThe PRF has been:

(A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within twofive 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 dispensaries in accordance with sections 133 or 134, chapter 614, Oregon Laws 2015, unless the dispensary meets the criteria in sections 133(6) or 134(6), chapter 614, Oregon Laws 2015.

~~(C) Prohibited by a court from participating in the OMMP.~~

(2) The Authority may deny an applicant if it determines that the applicant, the owner of the dispensary, a PRD, or an employee of the medical marijuana dispensary:

(a) Submitted intentionally false or misleading information to the Authority; or

(b) Violated a provision of ORS 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

~~(3) If an individual named in an application the PRF that is identified in the application is not qualified based on age, residency, or the criminal background check to be a PRF, the Authority will permit a change of PRF form to be submitted in accordance with OAR 333-008-1078 or 333-008-2030+120, along with the applicable criminal background check fee. If the individual named in the change form proposed PRF is not qualified to be a PRF, 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 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

333-008-1063

Withdrawal of Dispensary Application

An applicant 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 in which case the Authority may refuse to accept the withdrawal and may issue a notice of proposed denial in accordance with OAR 333-008-1060.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1070

Expiration and Renewal of Dispensary Registration

(1) A ~~facility~~dispensary's registration expires one year following the date of application approval.

(2) A dispensary registrant must submit not more than 90 but at least 60 calendar days before the registration expires:

(a) A renewal application on a form prescribed by the Authority;

(b) Renewal fees;

(c) Forms required for the Authority to do a criminal background check on all individuals named in the application; and

(d) Any other information identified in the application.~~If a PRF wishes to renew the facility's registration, the person must submit to the Authority within 60 calendar days.~~

(3) A registrant who files a completed renewal application with the Authority at least 60 calendar days before the registration expires may continue to operate, even after the registration expiration date, pending a decision on the renewal application by the Authority.

of the registration's expiration:

(a) ~~An application renewal form prescribed by the Authority;~~

(b) ~~The required renewal fees;~~

(c) ~~Forms required for the Authority to do a criminal background check on the PRF.~~

~~(43) A dispensary registrant PRF that does not submit timely renewal documentation in accordance with section (2) of this rule may be subject to the imposition of civil penalties. ~~not operate the facility if the previous registration expires prior to the Authority issuing a renewed registration. The facility will remain registered until a renewal is either issued or denied, but the facility may not operate with an expired registration.~~~~

~~(54) If a dispensary registrant PRF does not submit a renewal form ~~and the required renewal and the application and registration~~ fees prior to the registration's expiration, the registration is expired and is no longer valid, ~~and the PRF may reapply for registration.~~~~

~~(6) Renewals will be processed in accordance with OAR 333-008-1040 to 333-008-1060, as applicable.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1073

PRD Residency

(1) Until January 1, 2020, an individual listed as a PRD on a new or renewal application must submit a residency form, prescribed by the Authority, along with a copy of the PRD's Oregon driver license or Oregon identification card.

(a) If an individual was first registered with the Authority as a PRD on or before January 1, 2015, and has continuously remained a PRD, the PRD must have been a resident of Oregon for at least one year immediately prior to the application being submitted to the Authority.

(b) If a PRD was not first registered with the Authority as a PRD on or before January 1, 2015, the PRD must have been a resident of Oregon for at least two years immediately prior to the application being submitted to the Authority.

(c) If a PRD was first registered with the Authority as a PRD on or before January 1, 2015, but has not continuously remained a PRD for a dispensary since first registered, the PRD must have been a resident of Oregon for at least two years immediately prior to the application being submitted to the Authority.

(2) If an individual listed as a PRD on a new or renewal application does not have an Oregon driver license or the PRD's Oregon driver license or Oregon identification card was not issued one or two years prior to the date of application, as applicable, the Authority will attempt to verify whether the PRD has been a resident for the required length of time and may require the PRD to submit additional information to the Authority to prove residency.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1075

PRD Criteria and Responsibilities

(1) A PRD must:

(a) Be 21 years or age or older;

(b) Meet the residency requirements in OAR 333-008-1073;

(c) Have legal authority to act on behalf of the dispensary; and

(d) Be responsible for ensuring the registered dispensary complies with applicable laws.

(2) A PRD 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) A PRD is accountable for any intentional or unintentional action of registrant representatives, with or without the knowledge of the PRD, who violate ORS 475.314 or these rules, and is responsible for any unlawful conduct that occurs on the premises of the dispensary or any property outside the registered dispensary that is owned by or under the control of the dispensary registrant.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1078

Removal, Addition, Change, Designation or Assignment of PRD

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

(a) A form, prescribed by the Authority;

(b) Proof of the proposed PRD's residency in accordance with OAR 333-008-1073;

(c) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;

(d) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-2020; and

(e) A criminal background check fee of \$35.

(2) A PRD who is designating or assigning the responsibilities of a PRD to another individual must submit the information and fees required in section (1) of this rule.

(3) The Authority will review and approve the addition or change of a PRD if the individual meets the requirements in OAR 333-008-1075.

(4) The Authority will review and approve the designation or assignment of the responsibilities of a PRD to another individual if that individual meets the requirements in OAR 333-008-1075.

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

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

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

(7) A registered dispensary may not be open for business or receive or transfer any marijuana items without at least one Authority approved PRD.

Stat. Auth.: ORS 475.314 & 475.338, section 86c and 86d, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314

333-008-1080

Notification of Changes

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

- ~~(a) The PRF's conviction for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;~~
 - ~~(b) The issuance of a court order that prohibits the PRF from participating in the OMMP;~~
 - ~~(c) A decision to change the PRF;~~
 - ~~(d) A decision to permanently close the facility at that location;~~
 - ~~(e) A decision to move to a new location;~~
 - ~~(f) A change in ownership;~~
 - ~~(g) A change in the person's residency;~~
 - ~~(h) The location of a public or private elementary, secondary or career school attended primarily by minors within 1,000 feet of the facility;~~
 - ~~(i) Any structural changes within the facility that will result in a change to the secure or restricted areas, or entrances or exits to the facility; and~~
 - ~~(j) The theft of usable marijuana or immature plants.~~
- ~~(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 facility is still in compliance with ORS 474.314 and these rules including but not limited to, as applicable:~~
- ~~(a) A copy of the criminal judgment or order;~~
 - ~~(b) A copy of the court order prohibiting the PRF from participating in the OMMP;~~
 - ~~(c) The location of the school that has been identified as being within 1,000 feet of the facility;~~
 - ~~(d) The information required in OAR 333-008-1120 and 333-008-1130 to determine the residency of the new PRF and to perform the criminal background check; or~~
 - ~~(e) A copy of the police report documenting that the theft of usable marijuana or immature plants was reported to law enforcement.~~
- ~~(3) Failure of the PRF to notify the Authority in accordance with this rule may result in revocation of a facility's registration.~~
- ~~Stat. Auth.: ORS 475.314 & 475.338~~
~~Stats. Implemented: ORS 475.314~~

333-008-1090

Required Closures

A facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants if:

- ~~(1) The PRF is convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;~~
 - ~~(2) The PRF changes and the Authority has not:~~
 - ~~(a) Performed a criminal background check on the proposed PRF in accordance with OAR 333-008-1130;~~
 - ~~(b) Determined whether the individual is a resident of Oregon; and~~
 - ~~(c) Provided written approval that the new PRF meets the requirements of ORS 475.314.~~
 - ~~(3) The PRF has been ordered by the court not to participate in the OMMP; or~~
 - ~~(4) A public or private elementary, secondary or career school attended primarily by minors is found to be within 1,000 feet of the registered facility.~~
- ~~Stat. Auth.: ORS 475.314 & 475.338~~
~~Stats. Implemented: ORS 475.314~~

333-008-1100

Business Qualifications for Medical Marijuana Facility Registration

~~A facility 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 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

333-008-1110

Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and RequirementsFacilities

~~(1) In order to be registered a facility must be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.~~

~~(2) Registration by the Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.~~

~~(13) A facilitydispensary may not be located:~~

~~(a) In an area that is zoned for residential use.~~

~~(ba) At the same address as a registered marijuana grow site;~~

~~(cb) Within 1,000 feet of the real property comprising a public or private elementary or; secondary or ~~career~~ school ~~attended primarily by minors~~; or~~

~~(de) Within 1,000 feet of another medical marijuana facilitydispensary.~~

~~(24) For purposes of implementing ORS 475.314(3)(de), the Authority will consider a location to be a school if it has at least the following characteristics:~~

~~(a) Is a public or private elementary or ;secondary or ~~career~~ school as those terms are defined OAR 333-008-~~04~~010;~~

~~(b) There is a building or physical space where students gather together for education purposes on a regular basis;~~

~~(c) A curriculum is provided;~~

~~(d) Attendance is compulsory under at the location meets Oregon's mandatory attendance law, ORS 339.0~~2~~40 or children are being taught as described in an exemption under ORS 339.030(1)(a); and~~

~~(e) Individuals areFaculty is present to teach or guide student education.~~

~~(35) For purposes of determining the distance between a facilitydispensary and a school referenced in subsection (3)(b) of this rule, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public or private elementary or ;secondary or ~~career~~ school to the closest point of the premises of a facilitydispensary. If any portion of the premises of a proposed or registered facilitydispensary is within 1,000 feet of a public or private elementary or; secondary or ~~career~~ school it may not be registered.~~

~~(46) For purposes of determining the distance between a facilitydispensary and another registered facilitydispensary "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point anywhere on the premises of a registered facilitydispensary to the closest point anywhere on the premises of a proposed facilitydispensary. If any portion of the premises of a proposed facilitydispensary is within 1,000 feet of a registered facilitydispensary it may not be registered.~~

(57) In order to be registered a ~~facility~~dispensary must operate at a particular location as specified in the application and may not be mobile.

(6) Minors on Premises. A dispensary registrant may not permit a minor to be present in any limited access or point of sale area of a registered dispensary.

(7) On Premises Consumption.

(a) A dispensary registrant may not permit the ingestion, inhalation or topical application of a marijuana item anywhere on the premises of the registered dispensary, except as described in subsection (b) of this section.

(b) An employee of a registered dispensary who is a patient may consume a marijuana item during his or her work shift on the premises of the registered dispensary as necessary for his or her medical condition, if the employee is:

(A) Alone and in a closed room where no dispensary marijuana items are present;

(B) Not visible to patients or caregivers on the premises of the registered dispensary to receive a transfer of a marijuana item; and

(C) Not visible to the public outside the dispensary.

(c) For purposes of this section consume does not include smoking, combusting, inhaling, vaporizing, or aerosolizing a marijuana item.

(8) General Public and Visitor Access. The general public is not permitted on the premises of a registered dispensary, except as permitted by OAR 333-008-1500 and in accordance with this rule.

(a) In addition to registrant representatives, the following visitors are permitted on the premises of a dispensary, including limited access areas, subject to the requirements in section (9) 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 dispensary.

(b) A registered dispensary may permit up to seven invited guests 21 years of age and older, per week, on the premises of a registered dispensary, including limited access areas, subject to the requirements in section (9) of this rule.

(9) Visitor Escort, Log and Badges.

(a) Prior to entering the premises of a registered dispensary all visitors permitted by section (8) 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 subsection (8) of this rule must be accompanied by a registrant representative at all times.

(b) A dispensary 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.

(10) 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 dispensary registrant to be on the premises.

(11) Limited Access Areas.

(a) All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall. For purposes of this section "wall" means any architectural partition, permanent or temporary, with a height and length greater than its thickness, used to divide or enclose an area or to support another structure.

(b) An applicant or registered dispensary may request, in writing, an exception from the Authority from the requirement to have a floor to ceiling wall. The request must include the reason the exception is being sought, pictures of the area in question, and a description of an alternative barrier that accomplishes the goal of providing a significant physical barrier between the general public and any marijuana items on the premises of the dispensary.

(12) A dispensary must have:

(a) A designated limited access area or areas where transfers of marijuana items are received and such an area may not be accessible to patients or designated primary caregivers on the premises to receive the transfer of a marijuana item or the general public; and

(b) A designated area where patients and designated primary caregivers and other visitors enter the dispensary and are checked in.

(13) The areas described in section (12) of this rule must be clearly marked on the floor or plot plan sketch required in OAR 333-008-1040.

(14) Point of Sale Supervision. All areas where marijuana items are available for transfer to a patient or designated primary caregiver must be supervised by a dispensary representative at all times when a patient or designated primary caregiver is present.

(15) A dispensary may not sublet or share with any other business any portion of the dispensary premises.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1120

Person Responsible for a Medical Marijuana Facility (PRF)

~~(1) A PRF must:~~

~~(a) Be a resident of Oregon. Residency may be proved by submitting to the Authority:~~

~~(A) A valid Oregon driver's license, a valid Oregon identification card that includes a photograph of the person, a valid passport, or a valid military identification card that includes a photograph of the person; and~~

~~(B) Copies of utility bills, rental receipts, mortgage statements or similar documents that contain the name and address of the domicile of the PRF.~~

~~(b) Have legal authority to act on behalf of the facility; and~~

~~(c) Be responsible for ensuring the facility complies with applicable laws, if registered.~~

~~(2) A PRF 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 five 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) A PRF is accountable for any intentional or unintentional action of its owners, officers, managers, employees or agents, with or without the knowledge of the PRF, who violate ORS 475.314 or these rules.~~

~~(4) If a PRF no longer meets the criteria of a PRF the Authority shall inform the PRF and the owner of the facility if different that:~~

~~(a) The PRF may no longer serve in that capacity;~~

~~(b) In order to remain registered, a change of PRF form must be submitted along with a criminal background check fee of \$35; and~~

~~(c) The facility may not operate until the Authority has approved a PRF.~~

~~(5) If the Authority is notified that a change of PRF is needed, the current PRF is no longer able to serve as the PRF, or the PRF has been or will be removed by the owner of a facility, the owner of the facility must submit a change of PRF form to the Authority within 10 business days of the notification or the Authority will begin proceedings to revoke the registration of the facility.~~

~~(6) If the PRF of record for the facility is no longer serving in that capacity the facility may not operate until a new PRF has been approved by the Authority.~~

~~Stat. Auth.: ORS 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

333-008-1190

Testing

(1) This rule is effective from March 1, 2016 through May 31, 2016. Nothing in this rule prohibits a dispensary or an accredited laboratory from complying with the testing rules in OAR 333-007-0300 to 333-007-0490 prior to June 1, 2016, and providing or accepting a test result that is in compliance with OAR 333-064-0100 and 333-064-0110 in lieu of a test result required in this rule.

(2) For purposes of this rule:

(a) "Batch" has the same meaning given that term in OAR 333-007-0310.

(b) "TNI" has the same meaning given that term in OAR 333-007-0310.

(c) "TNI standards" has the same meaning given that term in OAR 333-007-0310.

(3) Prior to being registered a PRD must have documentation that identifies at least one laboratory that will do the testing in accordance with this rule.

(4) A registered dispensary may only accept laboratory test results from a laboratory on the Authority's list posted on the Authority's website, <http://mmj.oregon.gov>.

(5) A PRD must have a test report that complies with section (11) of this rule that can be linked to the batch from which each sample was taken and to each marijuana item available for transfer, before the marijuana item is available for transfer to a patient or a designated primary caregiver.

(6) A registered dispensary may submit samples for testing in accordance with section (7) of this rule or a PRD may accept test results if:

(a) A copy of the test results is obtained at the time of transfer that clearly links the test results to the marijuana item being transferred;

(b) The PRD can demonstrate to the Authority that random samples from the batch were taken and submitted for testing; and

(c) The PRD can demonstrate to the Authority that the batch from where samples were taken was sealed and not tampered with from the time samples for testing were taken and when they were delivered to the dispensary.

(7) If a dispensary accepts the transfer of a marijuana item that has not been tested in accordance with this rule a dispensary representative must:

(a) Segregate each untested batch and place the batch in an individual container or bag with a label attached to the container or bag that includes at least the following information:

(A) A unique identifier;

(B) A description of the product;

(C) The name of the person who transferred the marijuana item;

(D) The date the marijuana item was received; and

(E) "PRODUCT NOT TESTED" in bold, capital letters, no smaller than 12 point font.

- (b) Take random samples from each batch in an amount necessary to conduct the applicable test, label each sample with the batch's unique identifier, and submit the samples for testing.
- (8) Pesticide Testing. A marijuana item must be tested for pesticides by testing for individual pesticides (analytes) in the following categories, using valid testing methodologies:
- (a) Chlorinated Hydrocarbons;
 - (b) Organophosphates;
 - (c) Carbamates; and
 - (d) Pyrethroid.
- (9) THC and CBD Testing. A marijuana item must be tested to determine the levels of THC and CBD using valid testing methodologies.
- (10) Laboratory Requirements. A PRD must be able to show that the laboratory that conducted the testing required in this rule:
- (a) Uses valid testing methodologies; and
 - (b) Has a Quality System for testing of pesticides that is compliant with the:
 - (A) 2005 International Organization for Standardization 17025 Standard; or
 - (B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.
- (11) 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 this rule.
- (12) A sample of a marijuana item shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.
- (13) If a marijuana item tests positive for pesticides based on the standards in this rule the PRD must ensure the entire batch from which the sample was taken is returned to the individual who transferred the marijuana item to the dispensary and must document how many or how much was returned, to whom, and the date it was returned.
- (14) The PRD may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the dispensary where marijuana items are stored. A dispensary representative must log the date and time in and out of all such persons.
- (15) 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 the Authority may remove the name of the laboratory from the list on the Authority's website.
- (16) The Authority may do audit testing of a marijuana item in order to determine whether a dispensary is in compliance with this rule.

- ~~(1) Prior to being registered a PRF must have documentation that identifies at least one laboratory that will do the testing in accordance with these rules and identify who will do the testing for immature plants.~~
- ~~(2) A PRF must ensure that usable marijuana and immature plants are tested for pesticides, mold and mildew in accordance with this rule prior to the usable marijuana or immature plants being transferred to a patient or a designated primary caregiver. A PRF may accept test results from a grower or other individual for flowers or other usable plant material if:~~
- ~~(a) The grower or other individual provides a copy of the test results;~~
 - ~~(b) The PRF can demonstrate that the grower or other individual took random samples from the batch to be tested; and~~
 - ~~(c) The PRF can demonstrate that the batch from where samples were taken were sealed and not tampered with from the time samples for testing were taken and when they were delivered to the facility.~~
- ~~(3) Upon usable marijuana being transferred to a registered facility in accordance with OAR 333-008-1230, the PRF must ensure the usable marijuana is segregated into batches, that each batch is placed in an individual container or bag, and that a label is attached to the container or bag that includes at least the following information:~~
- ~~(a) A unique identifier;~~
 - ~~(b) The name of the person who transferred it; and~~
 - ~~(c) The date the usable marijuana was received by the registered facility.~~
- ~~(4) Sampling. A PRF must ensure that random samples from each batch are taken in an amount necessary to conduct the applicable test, that the samples are labeled with the batch's unique identifier, and submitted for testing.~~
- ~~(5) Testing. A PRF must ensure that each sample is tested for pesticides, mold, and mildew and for an analysis of the levels of tetrahydrocannabinol (THC) and cannabidiol (CBD).~~
- ~~(a) Immature Plants. An immature plant may be tested for pesticides, mold or mildew by conducting a macroscopic or microscopic screening to determine if the plant has visible pesticide residue, mold or mildew. Testing for mold and mildew on immature plants must be done at least every 30 calendar days.~~
 - ~~(b) Flowers or other usable marijuana plant material. Usable marijuana in the form of flowers or other plant material must be:~~
 - ~~(A) Tested for pesticides, mold and mildew using valid testing methodologies and macroscopic or microscopic screening may not be used;~~
 - ~~(B) Tested for pesticides by testing for the following analytes:
 - ~~(i) Chlorinated Hydrocarbons;~~
 - ~~(ii) Organophosphates;~~
 - ~~(iii) Carbamates; and~~
 - ~~(iv) Pyrethroids; and~~~~
 - ~~(C) Analyzed, using valid testing methodologies, to determine the levels of THC and CBD.~~
 - ~~(c) Finished Products. If a facility receives a transfer of a pre-packaged finished product the facility may, in lieu of testing the finished product, obtain from the individual who transferred the finished product, lab results that show the usable marijuana in the finished product was tested in accordance with this rule, and that the finished product was tested for levels of THC and CBD.~~
- ~~(6) Laboratory Requirements. A PRF must ensure that all testing, except for testing of immature plants, is done by a third party or in-house laboratory that:~~
- ~~(a) Uses valid testing methodologies; and~~

- ~~(b) Has a Quality System for testing of pesticides, mold and mildew that is compliant with the:~~
~~(A) 2005 International Organization for Standardization 17025 Standard; or~~
~~(B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.~~
~~(7) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, or microbiology but is not required to be done by a laboratory.~~
~~(8) Testing Results. A laboratory must provide testing results to the PRF signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold or mildew detected and the levels of THC and CBD.~~
~~(a) If an immature plant has visible pesticide residue, mold or mildew it must be deemed to test positive and must be returned to the person who transferred the immature plant to the registered facility.~~
~~(b) A sample of usable marijuana shall be deemed to test positive for mold and mildew if the sample has levels that exceed the maximum acceptable counts in **Appendix A**.~~
~~(c) A sample of usable marijuana shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.~~
~~(9) If an immature plant or sample of usable marijuana tests positive for pesticides, mold or mildew based on the standards in this rule the PRF must ensure the entire batch from which the sample was taken is returned to the person who transferred the immature plant or usable marijuana to the registered facility and must document how many or how much was returned, to whom, and the date it was returned.~~
~~(10) A registered facility may perform its own testing as long as the testing complies with this rule.~~
~~(11) The PRF may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the registered facility where usable marijuana or immature plants are stored. The PRF must log the date and time in and out of all such persons.~~
~~[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).]~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1200

Operation of Registered DispensariesFacilities

(1) Policies and Procedures. A dispensary registrant must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:

(a) Security;

(b) Transfers of marijuana items to and from the dispensary;

(c) Operation of a registered dispensary;

(d) Required record keeping;

(e) Testing requirements;

(f) Packaging and labeling requirements;

(g) Employee training; and

(h) Compliance with these rules, including but not limited to violations and enforcement.

- (2) Employees. A registered dispensary may employ an individual between the ages of 18 and 20 if the individual is a patient. Otherwise, dispensary employees must be 21 years of age or older.
- (3) Standardized Scales. A dispensary registrant must use an Oregon Department of Agriculture licensed weighing device of appropriate size and capacity as defined in ORS chapter 618 and OAR chapter 603, division 27 whenever marijuana items are:
- (a) Transferred to a dispensary or from a dispensary and the transfer is by weight; and
- (b) Packaged for transfer by weight.
- (4) Inventory Tracking and Point of Sale System: A registered dispensary must have an integrated inventory tracking and point of sale system that can, at a minimum:
- (a) Produce bar codes or similar unique identification numbers for each marijuana item lot transferred to a registered dispensary;
- (b) Trace back or link each transfer of a marijuana item to a patient or caregiver to the marijuana item lot;
- (c) Capture all information required to be documented in OAR 333-008-1230 and 333-008-1245;
- (d) Generate inventory, transaction, and transfer reports viewable in PDF format; and
- (e) Produce all the information required to be submitted to the Authority pursuant to OAR 333-0080-1248.
- (5) Online Verification of Registration Status. A dispensary must verify an individual's registration status with the Authority when receiving or making the transfer of a marijuana item if the Authority has available an online system for such verification.
- (6) Inventory On-Site. Marijuana items must be kept on-site at the dispensary. The Authority may take enforcement action against a dispensary registrant if during an inspection a dispensary registrant cannot account for its inventory or if the amount of usable marijuana at the registered dispensary is not within five percent of the documented inventory.
- (7) Testing. On and after June 1, 2016, a dispensary registrant 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 unless the dispensary registrant, prior to transferring the marijuana item to a patient or caregiver, arranges for the sampling and testing of the marijuana item in accordance with OAR 333-007-0300 to 333-007-0490.
- (b) Transfer a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490.
- (8) Packaging and Labeling. On and after April 1, 2016, a dispensary may not accept a transfer of a marijuana item or transfer a marijuana item that does not comply with the labeling requirements in OAR 333-007-0010 to 333-007-0100, or that does not comply with the packaging requirements in OAR 845-025-7000 to 845-025-7020 and 845-025-7060.
- (9) Oregon Department of Agriculture Licensure. On and after October 1, 2016, a registered dispensary that sells or handles food, as that term is defined in ORS 616.695, or cannabinoid edibles, must be licensed by the Oregon Department of Agriculture under ORS 616.706.
- (10) Industrial Hemp Products.
- (a) A dispensary may only accept the transfer of and may only transfer a product that contains THC or CBD that is derived from marijuana.
- (b) Nothing in this section prohibits a dispensary from buying or selling hemp products not intended for human application, consumption, inhalation, ingestion, or absorption, such as hemp clothing.

(11) Tobacco. A dispensary may not offer or sell tobacco products in any form including, but not limited to, loose tobacco, pipe tobacco, cigarettes as defined in ORS 323.010 and cigarillos as that is defined in OAR 333-015-0030.

(12) For purposes of this rule "marijuana item lot" means a quantity of seeds, immature plants, usable marijuana, medical cannabinoid products, concentrates or extracts transferred to a registered dispensary at one time and that is from the same harvest lot or process lot as those terms are defined in OAR 333-007-0020.

~~(1) A PRF must ensure that a registered facility does not permit:~~

~~(a) A minor to be present in any area of a registered facility where usable marijuana or immature plants are present, even if the minor is a patient or an employee; and~~

~~(b) Consumption, ingestion, inhalation or topical application of usable marijuana anywhere on the premises of the registered facility, except that an employee of a registered facility who is a patient may consume usable marijuana during his or her work shift on the premises of the registered facility as necessary for his or her medical condition, if the employee is:~~

~~(A) Alone and in a closed room if the usable marijuana is being smoked;~~

~~(B) Not visible to patients or caregivers on the premises of the registered facility to receive a transfer of usable marijuana or an immature plant; and~~

~~(C) Not visible to the public outside the facility.~~

~~(2) A PRF must ensure that a registered facility uses an Oregon Department of Agriculture licensed and certified scale to weigh all usable marijuana.~~

~~(3) The following persons are the only persons permitted in any area of a registered facility where usable marijuana or immature plants are present, and only in accordance with these rules, as applicable:~~

~~(a) A PRF;~~

~~(b) An owner of a registered facility;~~

~~(c) An employee of the registered facility;~~

~~(d) Laboratory personnel in accordance with OAR 333-008-1190;~~

~~(e) A contractor authorized by the PRF to be on the premises of a registered facility;~~

~~(f) A patient, designated primary caregiver, or growers;~~

~~(g) An authorized employee or authorized contractor of the Authority;~~

~~(h) Other government officials that have jurisdiction over some aspect of the registered facility or that otherwise have authority to be on the premises of the registered facility; and~~

~~(i) A governmental official authorized by the Authority to be on the premises if accompanied by an Authority representative and the facility has been provided notice and has agreed to permit the governmental official access.~~

~~(4) A PRF must have written detailed policies and procedures and training for employees on the policies and procedures that, at a minimum, cover the following:~~

~~(a) Security;~~

~~(b) Testing;~~

~~(c) Transfers of usable marijuana and plants to and from the facility;~~

~~(d) Operation of a registered facility;~~

~~(e) Required record keeping;~~

~~(f) Labeling; and~~

~~(g) Violations and enforcement.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1205

Registered Dispensary Signage

(1) A dispensary registrant must post:

(a) At every entrance to the dispensary:

(A) Until December 31, 2016, if the dispensary is permitted to sell limited marijuana retail products in accordance with OAR 333-008-1500, signs that comply with OAR 333-008-1501; and

(B) "No On-Site Consumption of Marijuana".

(b) At all areas of ingress or egress to a limited access area signs that reads:

(A) "Restricted Access Area — Authorized Personnel Only".

(B) "No Minors Allowed".

(c) At all areas of ingress to a point of sale area a sign that reads: "Restricted Access Area — No Minors Allowed".

(d) At the point of 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.

(2) All signs required by this rule must be:

(a) Legible, not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height;

(b) In English and Spanish; and

(c) Posted in a conspicuous location where the signs can be easily read by individuals on the dispensary premises.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338

333-008-1210

Record Keeping

~~(1) A PRF must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority or accessed by the Authority:~~

~~(a) All Authorization to Transfer forms, including the date on which a form was received;~~

~~(b) Any written notifications from a patient with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);~~

~~(c) Any revocation of an Authorization to Transfer form;~~

~~(d) All transfer information required in OAR 333-008-1230 and 333-008-1245;~~

~~(e) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.~~

~~(f) The amount of money paid by a registered facility to a grower for each transfer of usable marijuana or immature plants;~~

~~(g) The amount of money paid by each patient or designated primary caregiver for a transfer of usable marijuana or an immature plant;~~

~~(h) The laboratory reports of all testing and other information required to be documented in OAR 333-008-1190; and~~

~~(i) All other information required to be documented and retained by these rules.~~

~~(2) The PRF must ensure that information required to be documented pursuant to section (1) of this rule is maintained in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request, either at the registered facility or online.~~

~~(3) A PRF must ensure that a registered facility uses an electronic data management system for the recording of transfers of usable marijuana and immature plants. The system must meet the following minimum requirements:~~

~~(a) Record the information required to be documented in this rule and OAR 333-008-1230 and 333-008-1245;~~

~~(b) Provide for off-site or secondary backup system;~~

~~(c) Assign a unique transaction number for each transfer to or from the registered facility;~~

~~(d) Monitor date of testing and testing results;~~

~~(e) Track products by unique transaction number through the transfer in, testing and transfer out processes;~~

~~(f) Generate transaction and other reports requested by the Authority viewable in PDF format;~~

~~(g) Produce reports, including but not limited to inventory reports; and~~

~~(h) Provide security measures to ensure patient and grower records are kept confidential.~~

~~(4) Documents and information required to be maintained in these rules must be retained by the PRF for at least one year.~~

~~(5) A PRF must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.~~

~~Stat. Auth.: ORS 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

333-008-1220

Labeling

(1) This rule is in effect from March 1, 2016 until March 31, 2016. Nothing in this rule prohibits a dispensary from complying with the labeling rules in OAR 333-007-0010 to 333-007-0100 prior to March 31, 2106.

(2) Prior to transferring a marijuana item ~~usable marijuana~~ a PRDF must ensure that a label is affixed to the marijuana item ~~usable marijuana~~ that includes but is not limited to:

(a) ~~Usable marijuana~~ Flowers or other usable plant material:

(A) Percentage of THC and CBD;

(B) Weight in grams;

(C) Testing batch number and date tested;

(D) Who performed the testing; and

(E) Description of the product (strain).

(b) ~~Finished product~~ Seeds:

(A) Weight in grams; and

(B) Description of the product (strain).

(c) Immature plants: Description of the product (strain).

(d) Marijuana items other than usable marijuana, seeds or immature plants:

- (A) THC and CBD potency;
- (B) The weight or volume of usable marijuana in the ~~packaged-finished~~ product in grams, milligrams, or milliliters, as applicable;
- (C) Testing batch number and date tested;
- (D) Who performed the testing; and
- (E) Warning label in accordance with section ~~(32)~~ of this rule.

~~(32)~~ If the registered facility transfers a ~~cannabinoid product, concentrate or extract~~ finished product, the PRDF must ensure ~~it that the finished product~~ has a warning label on the outside of the packaging that includes the following: "WARNING: MEDICINAL PRODUCT — KEEP OUT OF REACH OF CHILDREN" in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1225

Packaging

(1) This rule is in effect from March 1, 2016 until March 31, 2016. Nothing in this rule prohibits a dispensary from complying with the packaging rules in OAR 845-025-7000 to 845-025-7060 prior to March 31, 2106.

~~(2)~~ For purposes of this rule:

(a) "Child-resistant safety packaging" means:

- (A) Containers designed and constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly;
- (B) Opaque so that the product cannot be seen from outside the packaging;
- (C) Closable for any product intended for more than a single use or containing multiple servings; and
- (D) Labeled in accordance with OAR 333-008-1220.

(b) "Container" means a sealed, hard or soft-bodied receptacle in which a tetrahydrocannabinol-infused product is placed prior to being transferred to a patient or caregiver.

(c) "Packaged in a manner not attractive to minors" means the tetrahydrocannabinol-infused product is not in a container that is brightly colored, depicts cartoons or images other than the logo of the facility, unless the logo of the facility depicts cartoons, in which case only the name of the facility is permitted.

~~(2) A registered facility may not transfer any tetrahydrocannabinol-infused product that is meant to be swallowed or inhaled, unless the product is:~~

~~(a) In child-resistant safety packaging; and~~

~~(b) Packaged in a manner that is not attractive to minors.~~

Stat. Auth.: ORS 475.314

Stats. Implemented: ORS 475.314

333-008-1230

Transfers to a Registered ~~Facility~~Dispensary

(1) Transfer of Usable Marijuana, Seeds and Immature Plants. A patient, caregiver, or medical marijuana producer may transfer usable marijuana, seeds and immature plants produced by a medical marijuana producer to a registered dispensary, subject to the requirements in this rule.

- (a) A registered dispensary may only accept a transfer of usable marijuana, seeds or immature marijuana plants if the individual transferring the usable marijuana, seeds or immature plants 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, seeds or immature marijuana plants to the registered dispensary and that individual’s OMMP card number and expiration date;
- (C) The name and address of the registered dispensary that is authorized to receive the usable marijuana, seeds or immature marijuana plants; 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 medical marijuana producer to whom the patient’s property rights have been assigned and the producer’s OMMP card number and expiration date, and the grow site address;
- (C) The portion of the patient’s rights to possess seeds, immature plants and usable marijuana that is being assigned to the producer.
- (2) Transfer of medical cannabinoid products, concentrates, and extracts. On and after October 1, 2016, a registered dispensary may only accept a transfer of a medical cannabinoid product or concentrate from a registered medical marijuana processing site. A registered dispensary may only accept the transfer of a cannabinoid extract from a registered processing site.
- (3) Prior to a registered dispensary accepting a transfer of a marijuana item the registered dispensary must, in addition to collecting the information described in section (1) of this rule:
- (a) Verify that the individual transferring the usable marijuana or immature plants is the individual authorized to make the transfer.
- (b) On and after October 1, 2016, verify that the individual transferring a medical cannabinoid product or concentrate is an authorized representative of a registered medical marijuana processing site.
- (4) Transfer Records. At the time a marijuana item is transferred to a dispensary the dispensary registrant must:
- (a) Document, as applicable:
- (A) The weight in metric units of all usable marijuana received by the registered dispensary;
- (B) The number of seeds and immature plants received by the registered dispensary;
- (C) The amount of a medical cannabinoid product, concentrate, or extract received by the registered dispensary, including, as applicable, the weight in metric units, or the number of units;
- (D) A description of the marijuana item;
- (E) The date the marijuana item was received; and
- (F) The amount of reimbursement paid by the registered dispensary.
- (b) Obtain and maintain a copy of, as applicable:
- (A) Documents required in section (1) of this rule including the date it was received;

(B) The photo identification of the individual transferring the marijuana item to the dispensary, if such a copy is not already on file;

(C) The OMMP card of the individual transferring usable marijuana, seeds or immature plants;

(D) The medical marijuana processing site registration; and

(E) Test results for marijuana items transferred to the dispensary unless the dispensary plans to arrange for the testing of the marijuana item.

(5) On and after June 1, 2016, if a dispensary accepts the transfer of a marijuana item that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 the dispensary must segregate that marijuana item in a limited access area and place it in a container or receptacle with a label that contains the following information:

(a) The name and OMMP identification card number of the individual who transferred the item, if applicable;

(b) The name of the individual who transferred the item and the registration number of the processing site, if applicable

(c) The date the item was transferred;

(d) The amount or weight of the item transferred as applicable;

(e) A description of the marijuana item; and

(f) In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED".

(6) Once a marijuana item has been sampled in accordance with OAR 333-007-0360 the marijuana item must be labeled and stored in accordance with OAR 333-007-0380.

(7) Nothing in these rules requires a dispensary registrant to accept a transfer of a marijuana item.

~~(1) A patient may authorize usable marijuana or immature marijuana plants to be transferred to a registered facility by signing an Authorization to Transfer form prescribed by the Authority. A patient may authorize transfers to more than one registered facility. A separate form must be provided for each registered facility. The Authorization must include, but is not limited to, the following information:~~

~~(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 or immature marijuana plants to the registered facility and that individual's OMMP card number and expiration date;~~

~~(c) The name and address of the registered facility that is authorized to receive the usable marijuana or immature marijuana plants; and~~

~~(d) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.~~

~~(2) Only a patient, the patient's designated primary caregiver, or the patient's grower may be authorized to transfer usable marijuana or immature plants to a registered facility.~~

~~(3) The original Authorization to Transfer form must be provided to the registered facility to which a transfer may be made by the patient or person authorized to transfer the usable marijuana or immature plants. The patient should retain a copy of the Authorization to Transfer form for his or her records and provide a copy to the person authorized to transfer the usable marijuana or immature plants.~~

~~(4) An Authorization to Transfer form automatically expires on the date the patient's OMMP card expires, unless the patient has specified an earlier expiration date. If the patient renews his or her OMMP card the patient may execute a new Authorization to Transfer form in accordance with this rule.~~

~~(5) Once usable marijuana or an immature plant is transferred to a registered facility pursuant to a valid Authorization to Transfer form, the usable marijuana or immature plant is no longer the property of the patient unless the usable marijuana or immature plants are returned by the registered facility.~~

~~(6) Prior to a registered facility accepting a transfer of usable marijuana or immature plants the PRF must ensure that:~~

~~(a) It has a valid Authorization to Transfer form on file that authorizes the individual that is transferring the usable marijuana or immature plants to make the transfer; and~~

~~(b) The individual transferring the usable marijuana or immature plants is the individual authorized to make the transfer.~~

~~(7) A PRF must ensure that when a registered facility accepts a transfer of usable marijuana or an immature plant the batch of usable marijuana and each immature plant are segregated in accordance with the testing rule, OAR 333-008-1190 and that the following information is documented, as applicable:~~

~~(a) The unique identifier;~~

~~(b) The weight in metric units of all usable marijuana received by the registered facility;~~

~~(c) The number of immature plants received by the registered facility;~~

~~(d) The amount of a finished product received by the registered facility, including, as applicable, the weight in metric units, or the number of units of a finished product;~~

~~(e) A description of the form the usable marijuana was in when it was received, for example, oil or an edible product;~~

~~(f) Who transferred the usable marijuana or the immature plant, the individual's OMMP card number and expiration date of the card, a copy of the individual's picture identification, the date the usable marijuana or an immature plant was received, and the name of the patient who authorized the transfer; and~~

~~(g) The amount of reimbursement paid by the registered facility.~~

~~(8) Nothing in these rules requires a PRF or a registered facility to accept a transfer of usable marijuana or immature plants.~~

~~(9) A PRF must ensure that:~~

~~(a) From the time that a batch or plant has been received by the registered facility until it is tested in accordance with these rules, the usable marijuana and immature plants are segregated, withheld from use, and kept in a secure location so as to prevent the marijuana or plants from becoming contaminated or losing efficacy, or from being tampered with or transferred except that samples may be removed for testing; and~~

~~(b) No usable marijuana or immature plants are transferred to a patient or designated primary caregiver until testing has been completed, the registered facility has received a written testing report, and the usable marijuana and immature plants have tested negative for pesticides, mold and mildew.~~

~~(10) Usable marijuana and immature plants must be kept on-site at the facility. The Authority may cite a PRF for a violation of these rules if during an inspection it cannot account for its inventory or if the amount of flowers or other usable marijuana plant material at the registered facility is not within five percent of the documented inventory.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1240

~~Transfers to a Patient or Designated Primary Caregiver~~

~~(1) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:~~

~~(a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and~~

~~(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person's OMMP card and picture identification and making sure the two match.~~

~~(2) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:~~

~~(a) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers usable marijuana or an immature plant;~~

~~(b) A copy of the person's picture identification;~~

~~(c) The amount of usable marijuana transferred in metric units, if applicable;~~

~~(d) The number of immature plants transferred, if applicable;~~

~~(e) The amount of a finished product transferred in metric units, or units of the finished product, if applicable;~~

~~(f) A description of what was transferred;~~

~~(g) The date of the transfer; and~~

~~(h) The amount of money paid by a patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.~~

~~(3) The PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under 475.320(1)(b).~~

~~Stat. Auth.: ORS 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

333-008-1245

Transfers From a Registered Dispensary to a Patient or Designated Primary Caregiver

(1) A dispensary registrant must, prior to permitting an individual to enter a point of sale area on the dispensary premises, except as permitted under OAR 333-008-1500, verify that the individual is a current patient or designated primary caregiver.

(2) A registered dispensary must, prior to transferring a marijuana item to a patient or a designated primary caregiver:

(a) Verify the individual is currently registered with the Authority by viewing the individual's government issued photo identification and Authority issued patient or caregiver card and making sure the identities match.

(b) Obtain and retain, if not already on file, a copy of the patient's or caregiver's:

(A) OMMP identification card; and

(B) Government issued photo identification.

(c) Document:

(1) A registered facility may not transfer a tetrahydrocannabinol-infused product that is manufactured in a manner that is attractive to minors. For purposes of this section a product is considered to be manufactured in a manner that is attractive to minors if it is:

- ~~(a) Brightly colored; or~~
- ~~(b) In the shape of an animal or any other commercially recognizable toy or candy.~~
- ~~(2) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:~~
 - ~~(a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and~~
 - ~~(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person's OMMP card and picture identification and making sure the two match.~~
- ~~(3) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:~~
 - ~~(Aa) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers a marijuana itemusable marijuana or an immature plant;~~
 - ~~(Bb) A copy of the person's picture identification;~~
 - ~~(c) The amount of usable marijuana transferred in metric units, if applicable;~~
 - ~~(Cd) The number of seeds or immature plants transferred, if applicable;~~
 - ~~(De) The amount of a medical cannabinoid product concentrate, or extractfinished product transferred in metric units, or units of the finished product, if applicable;~~
 - ~~(Ef) The brand name of the marijuana item and Aa description of what was transferred;~~
 - ~~(Fg) The date of the transfer; and~~
 - ~~(Gh) The amount of money paid by thea patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.~~
- ~~(34) AThe dispensary registrant may not transfer at any one time to a patient or designated primary caregiver, within one day, more than:PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under 475.320(1)(b).~~
 - ~~(a) 24 ounces of usable marijuana;~~
 - ~~(b) 16 ounces of a medical cannabinoid product in solid form;~~
 - ~~(c) 72 ounces of a medical cannabinoid product in liquid form;~~
 - ~~(d) 16 ounces of a cannabinoid concentrate whether sold alone or contained in an inhalant delivery system;~~
 - ~~(e) Five grams of a cannabinoid extract whether sold alone or contained in an inhalant delivery system;~~
 - ~~(f) Four immature marijuana plants; and~~
 - ~~(g) 50 seeds.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1247

Registered Dispensary Record Keeping

(1) A PRD must maintain in an electronic data management system that is either the same as or different than the integrated inventory tracking and point of sale system required in OAR 333-008-1200:

(a) All copies of documents required to be obtained and retained in OAR 333-008-1230 and 333-008-1245;

(b) Any revocation of an Authorization to Transfer form or personal agreement; and

(c) All other information required to be documented and retained by these rules if such information is not contained in the inventory tracking and point of sale system required in OAR 333-008-1200.

(2) A dispensary registrant must maintain all information required to be documented in these rules in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily accessed and retrievable by the Authority upon request, either at the registered dispensary or online.

(3) The electronic data management system described in section (1) of this rule must:

(a) Provide for an off-site or secondary backup system; and

(b) Provide security measures to ensure patient records are kept confidential.

(4) Documents and information required to be maintained in these rules must be retained by a PRD for at least two years.

(5) A dispensary registrant must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1248

Registered Dispensary Reporting to the Authority

A PRD must submit to the Authority electronically, by the 10th of each month, the following information for the previous month:

(1) The amount of usable marijuana transferred to and by the medical marijuana dispensary at any one time;

(2) The amount and type of medical cannabinoid products transferred to and by the medical marijuana dispensary at any one time;

(3) The amount and type of cannabinoid concentrates transferred to and by the medical marijuana dispensary at any one time;

(4) The amount and type of cannabinoid extracts transferred to and by the medical marijuana dispensary at any one time;

(5) The quantity of seeds and immature marijuana plants transferred to and by the medical marijuana dispensary at any one time;

(6) The OMMP identification card number associated with each transfer to and from the dispensary, or the processing site registration number; and

(7) Dates for each transaction listed in sections (1) to (5) of this rule.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1250

Inspections

(1) The Authority must conduct an initial inspection of every registered facility within six months of approving an application to ensure compliance with these rules, and must conduct a routine inspection of every registered facility at least every year.

~~(2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registered facility is in violation of ORS 475.314 or these rules.~~

~~(3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registered facility or a PRF is in violation of ORS 475.314 or these rules.~~

~~(4) A PRF and any employees, contractors, or other individuals working at a registered facility must cooperate with the Authority during an inspection.~~

~~(5) If an individual at a registered facility fails to permit the Authority to conduct an inspection the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.~~

Stat. Auth.: ORS 431.262, 475.314 & 475.338

Stats. Implemented: ORS 431.262 & 475.314

333-008-1260

Violations

~~(1) The following are violations of ORS 475.314 or these rules:~~

~~(a) A PRF or an employee of a facility failing to cooperate with an inspection;~~

~~(b) The submission by a PRF, employee, or owner of a facility of false or misleading information to the Authority;~~

~~(c) Transferring usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver;~~

~~(d) Accepting a transfer of usable marijuana or immature plants without a valid authorization from the patient;~~

~~(e) Possessing a mature marijuana plant at the registered facility;~~

~~(f) Failing to document and maintain information in the manner required by these rules;~~

~~(g) Failing to account for flowers or other usable marijuana plant material in accordance with OAR 333-008-1230(10);~~

~~(h) Failing to submit a plan of correction in accordance with OAR 333-008-1275;~~

~~(i) Failing to comply with an emergency suspension order or final order of the Authority, including failing to pay a civil penalty; or~~

~~(j) Failing to comply with ORS 475.314 or any of these rules.~~

~~(2) It is a violation of ORS 475.314 and these rules to operate a facility without being registered by the Authority.~~

Stat. Auth.: ORS 475.314 & 475.338

Stats. Implemented: ORS 475.314

333-008-1270

Enforcement

~~(1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations.~~

~~(b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.~~

~~(c) A PRF must correct all deficiencies within 10 days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.~~

~~(d) 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 PRF in writing and request that the plan of correction be modified and resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed.~~

~~(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.~~

~~(f) The Authority may conduct an inspection at any time to determine whether a registered facility 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 registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:~~

~~(a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470; or~~

~~(b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of 475.314 and these rules, not to exceed \$500 per violation per day.~~

~~(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 PRF or the registered facility has a history of violations.~~

~~(4) The Authority must issue a Notice of Proposed Revocation if the:~~

~~(a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or~~

~~(b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 through 475.346 unless a new PRF is approved by the Authority.~~

~~(5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.~~

~~(6) The Authority must post a final order revoking the registration of a facility on the Authority's website and provide a copy of the final order to the OMMP.~~

~~(7) 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.~~

~~(8) If the registration of a facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.~~

~~Stat. Auth.: ORS 431.262, 475.314 & 475.338~~

~~Stats. Implemented: ORS 431.262 & 475.314~~

333-008-1275

Enforcement

~~(1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations:~~

~~(b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.~~

- ~~(c) A PRF must correct all deficiencies within 10 business days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.~~
- ~~(d) 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 PRF 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.~~
- ~~(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.~~
- ~~(f) The Authority may conduct an inspection at any time to determine whether a registered facility 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 registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:~~
- ~~(a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470.~~
- ~~(b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of ORS 475.314 and these rules, not to exceed \$500 per violation per day.~~
- ~~(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 PRF or the registered facility has a history of violations.~~
- ~~(4) The Authority must issue a Notice of Proposed Revocation if the:~~
- ~~(a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or~~
- ~~(b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 through 475.346 unless a new PRF is approved by the Authority.~~
- ~~(5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.~~
- ~~(6) The Authority may revoke the registration of a facility for failure to comply with an ordinance adopted by a city or county pursuant to Oregon Laws 2014, chapter 79, section 2, if the city or county:~~
- ~~(a) Has provided the facility with due process substantially similar to the due process provided to a registration or license 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 facility is in violation of the local ordinance.~~
- ~~(7) The Authority must post a final order revoking the registration of a facility on the Authority's website and provide a copy of the final order to the OMMP.~~
- ~~(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 facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.~~

~~(10) The Authority is not required to accept the surrender of a registration and may proceed with an enforcement action even if a PRF has surrendered the facility's registration.~~

~~Stat. Auth.: ORS 431.262, 475.314 & 475.338~~

~~Stats. Implemented: ORS 431.262 & 475.314~~

333-008-1280

Confidentiality

~~(1) Any criminal background information received by the Authority about a PRF during the criminal background check process is confidential and is not subject to disclosure without a court order.~~

~~(2) The name of a PRF and the address of a registered facility is confidential and is not subject to disclosure without a court order, except as provided in ORS 475.331(2) and section (5) of this rule, or unless a PRF has authorized disclosure.~~

~~(3) If an application has been denied, the information submitted to the Authority in an application for registration of a facility is not confidential and may be subject to disclosure under ORS 192.410 through 192.505.~~

~~(4) A final order revoking the registration of a facility is not confidential and may be posted on the Authority's website or otherwise made public by the Authority.~~

~~(5) Authorized employees of state and local law enforcement agencies may verify with the Authority at all times whether:~~

~~(a) A location is the location of a registered facility; or~~

~~(b) A person is listed as the PRF of a registered facility.~~

~~Stat. Auth.: ORS 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314 & 475.331~~

333-008-1290

Change of Location

~~(1) A registered facility that changes location must submit a new application that complies with OAR 333-008-1020.~~

~~(2) A facility may not operate at a new location unless it is registered by the Authority.~~

~~Stat. Auth.: ORS 475.314 & 475.338~~

~~Stats. Implemented: ORS 475.314~~

Medical Marijuana Processors

333-008-1600

Applicability

(1) OAR 333-008-1600 to 333-008-2200 applies to any person processing marijuana for transfer to a registered dispensary.

(2) A person may not process marijuana unless the person is registered in accordance with these rules, except for a person:

(a) Processing marijuana under a license issued by the Commission under section 20, chapter 1, Oregon Laws 2015, as amended by section 14, chapter 614, Oregon Laws 2015; or

(b) Who has been designated as a primary caregiver under ORS 475.312 who processes a medical cannabinoid product or a cannabinoid concentrate for the caregiver's patient and who does not transfer medical cannabinoid product or cannabinoid concentrate to a dispensary.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1610

Definitions

For purposes of OAR 333-008-1600 to 333-008-2200:

(1) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair.

(2) "Food" means a raw, cooked, or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(3) "Person responsible for the marijuana processing site" or "PRP" means an individual who is directly involved in the day-to-day operation of a processing site and is identified as a PRP on an application.

(4) "Primary PRP" means the individual designated by the owner of the processing site on the application as the primary point of contact for the Authority and who is authorized to receive any and all communications and legal notices from the Authority.

(5) "Processing site representative" means an owner, director, officer, PRP, manager, employee, agent or other representative of a registered processing site, to the extent that the person acts in a representative capacity.

(6) "Processing site registrant" means:

(a) An individual who owns a registered processing site or if a business entity owns the registered processing site, each individual who has a financial interest in the registered processing site; and

(b) Any PRP.

(7) "These rules" means OAR 333-008-1600 to 333-008-2200.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1620

Application for Medical Marijuana Processing Site Registration

(1) To register a medical marijuana processing site a person must submit an application on a form prescribed by the Authority that includes but is not limited to:

(a) The name of the individual who owns the processing site or, if a business entity owns the processing site, the name of each individual who has a financial interest in the processing site;

(b) The name of the individual or individuals responsible for the processing site, if different from the name of the individual who owns the processing site, with one of the individuals responsible for the processing site identified as the primary PRP;

(c) The address of the marijuana processing site;

(d) For each individual responsible for the processing site proof of residency in accordance with OAR 333-008-1640;

(e) For each individual named in the 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 and fingerprints 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.

(f) If the applicant intends to process extracts, proof from the local government that the proposed location of the processing site is not located in an area that is zoned for residential use;

(g) A land use compatibility statement from the local government that shows whether the operation of a processing site at the proposed location would be an allowed use, or a similar document.

(h) Proof that the business is registered or has filed an application to register as a business with the Oregon Office of the Secretary of State;

(i) A map or sketch of the parcel or premises on which the premises proposed for registration, is located, including:

(A) Directional references;

(B) Bordering streets and the names of the streets;

(C) Identification of the building or buildings in which the proposed processing site is to be located;

(D) The dimensions of the proposed premises of the processing site;

(E) Identification of other buildings or property owned by or under the control of the applicant on the same parcel or tax lot as the premises proposed for registration that will be used in the business; and

(F) Identification of any residences on the parcel or tax lot.

(j) Disclosure of whether the proposed location is or will be leased or owned and by whom it will be leased or owned;

(k) A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates;

(l) The proposed endorsements as described in OAR 333-008-1700; and

(m) Application and registration fees, and criminal background check fees for each individual named in the application.

(2) An application for the registration of a processing site must be submitted electronically via the Authority's website, <http://mmj.oregon.gov>. The documentation required in section (1) of this rule may be submitted electronically to the Authority or may be mailed to the Oregon Medical Marijuana Program, Oregon Health Authority, PO Box 14116, Portland, OR 97293.

(a) If documentation is mailed, it must be postmarked within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered incomplete.

(b) If documentation is submitted electronically it must be received by the Authority by 5 p.m. Pacific Time within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered incomplete.

(4) Applicable fees must be paid online at the time of application.

(5) Applications will be reviewed in the order they are received by the Authority. An application is considered received as of the date and time that payment of fees is authorized by the entity that issued the credit or debit card used to pay the fees.

(6) If the Authority does not receive a complete application, all documentation required in section (2) of this rule, and all required fees within the time frames established in this rule, the application will be considered incomplete.

(7) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in section (1) of this rule for each location.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1630

Processing Site Fees

- (1) The initial fees for the registration of a processing site are:
 - (a) A non-refundable application fee of \$500; and
 - (b) A \$3,500 registration fee.
- (2) The annual renewal fees for the registration of a processing site are:
 - (a) A \$500 non-refundable renewal fee; and
 - (b) A \$3,500 registration fee.
- (3) The criminal background check fee is \$35 per individual.
- (4) The Authority must return the registration fee if:
 - (a) An application is incomplete; or
 - (b) An applicant withdraws an application.
- (5) The Authority may return the registration fee if an application is denied.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1640

PRP Residency Requirements

- (1) Until January 1, 2020, a PRP must have been a resident of Oregon for at least two years immediately prior to the application being submitted to the Authority.
- (2) To prove residency an individual designated as a PRP must submit a residency form, prescribed by the Authority, along with a copy of the PRP's Oregon driver license or Oregon identification card.
- (3) If an individual designated as a PRP does not have an Oregon driver license or the PRP's Oregon driver license or Oregon identification card was not issued two years prior to the date of application, as applicable, the Authority will attempt to verify whether the PRP has been a resident for the required length of time and may require the PRP to submit additional information to the Authority to prove residency.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1650

Processing Site Application Review

- (1) Once the Authority has determined that an application is complete it will review an application to the extent necessary to determine compliance with section 85 and 85a, chapter 614, Oregon Laws 2015 and these rules.
- (2) The Authority may, in its discretion, prior to acting on an application:
 - (a) Contact any individual listed on the application and request additional documentation or information;
 - (b) Inspect the premises of the proposed processing site; or
 - (c) Verify any information submitted by the applicant.
- (3) Prior to making a decision whether to approve or deny an application the Authority must:
 - (a) Review the criminal background check results for each individual named on the application;

- (b) Verify that the applicant is registered as a business with the Office of the Secretary of State; and
- (c) Verify that the proposed location of the processing site is not located:
- (A) In an area that is zoned for residential use if the processor intends to make extracts; and
- (B) Is not in a city or county that has adopted an ordinance under sections 133 or 134, chapter 614, Oregon Laws 2015, prohibiting processing sites.
- (4) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority may return the application to the applicant as incomplete or deny the application in accordance with OAR 333-008-1670.
- (5) The Authority will mail a notice to the applicant that the proposed processing meets the initial criteria for registration if:
- (a) The proposed processing site is in compliance with section 85, chapter 614, Oregon Laws 2015, and these rules;
- (b) Each individual named in the application passes the criminal background check; and
- (c) Each individual named as a PRP in the application meets residency and age requirements.
- (6) Within 30 days of the date the Authority mails the notice described in section (5) of this rule, the applicant must submit:
- (a) Documentation that shows the applicant has lawful possession of the proposed location of the processing site; and
- (b) A floor or plot plan sketch of all enclosed areas at the proposed location that will be used in the business with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, and all limited access areas.
- (7) If the applicant does not comply with section (6) of this rule the application will be returned as incomplete.
- (8) If the applicant provides the documentation required in section (6) of this rule, the Authority will review the information to determine if it is complete.
- (a) If the documentation is not complete or is insufficient, the Authority must notify the applicant in writing and the applicant will have 10 calendar days to provide the additional documentation.
- (b) If the applicant does not provide the additional documentation within 10 calendar days the application will be returned as incomplete.
- (9) If the Authority determines that the applicant has submitted the required documentation under section (6) of this rule, the Authority must notify the applicant in writing that the applicant has 60 days from the date of the notice to submit a Readiness Form, prescribed by the Authority, indicating that the applicant is prepared for an inspection and is in compliance with these rules.
- (10) If the Authority does not receive the Readiness Form in accordance with section (9) of this rule the applicant's application will be returned as incomplete, unless an extension has been granted under section (11) of this rule.
- (11) An applicant may request one extension of the 60-day deadline in section (9) of this rule if the applicant can demonstrate to the Authority that the deadline cannot be met for reasons outside of the applicant's control, such as but not limited to the applicant's inability to obtain local government building permits.
- (a) A request for an extension must be in writing, must be received within 60 days of the notice described in section (9) of this rule being mailed, and must explain and provide documentation that shows the applicant cannot, for reasons outside of the applicant's control, meet the 60-day deadline.

(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.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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 section 85 or 85a, chapter 614, Oregon Laws 2015, 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 sections 133 or 134, 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 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.
(3) If an individual named in an application is not qualified based on age, residency, 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015
Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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 a renewal application on a form prescribed by the Authority, the renewal fees, and the forms required for the Authority to do a criminal background check on all individuals named in the application not more than 90 but at least 60 calendar days before the registration expires.

(3) A registrant who files a completed renewal application with the Authority at least 60 calendar days before the registration expires 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 timely renewal documentation in accordance with section (2) of this rule may be subject to the imposition of civil penalties.

(5) If a processing site registrant does not submit a renewal form, required documentation and required renewal and criminal background check fees prior to the registration's expiration, the registration is expired and is no longer valid.

(6) Renewals will be processed in accordance with OAR 333-008-1650 to 333-008-1670, as applicable.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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; and
- (d) Cannabinoid extract 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1710

PRP Criteria and Responsibilities

(1) A PRP must:

- (a) Be 21 years or age or older;
- (b) Meet the residency requirements in OAR 333-008-1640;
- (c) Have legal authority to act on behalf of the registered processing site; and
- (d) 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) 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 section 85 or 85a, chapter 614, Oregon Laws 2015 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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, an individual with legal authority to act on behalf of the registered processing site must submit:

(a) A form, prescribed by the Authority;

(b) Proof of the proposed PRP's residency in accordance with OAR 333-008-1640;

(c) A legible copy of the individual's valid government issued photographic identification that includes last name, first name and date of birth;

(d) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-2020; and

(e) 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.

(3) The Authority will review and approve the addition or change of a 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 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 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.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1730

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.

(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.

(9) The areas described in section (8) of this rule must be clearly marked on the floor or plot plan sketch required in OAR 333-008-1650.

(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 or egress 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 as permitted in OAR 333-008-1790.

333-008-1740

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 of the product.
- (f) The process for making each process lot homogenous.
- (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 maximize safety and minimize potential product contamination.
- (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, if the processor intends to or is having marijuana items tested after transfer to the processing site.
- (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.
- (2) 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.
- (3) Standardized Scales. A registered processing site must use an Oregon Department of Agriculture licensed weighing device of appropriate size and capacity as defined in ORS chapter 618 and OAR chapter 603, division 27 whenever marijuana items are:
 - (a) Transferred to a processing site or from a processing site and the transfer is by weight; and
 - (b) Packaged for transfer by weight.
- (4) Inventory Tracking and Point of Sale System: A registered processing site must have an integrated inventory tracking and point of sale system that can, 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.

- (5) Online Verification of Registration Status. A 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.
- (6) Transport to Patients. A processing site representative may transport a medical cannabinoid product, concentrate or extract in an amount not exceeding the amounts in OAR 333-008-1245(3) to a patient if that representative is the designated primary caregiver for that patient and the processing site:
- (a) Obtains and retains a copy of the patient's registry identification card and a copy of the patient's government issued photo identification; and
- (b) Documents:
- (A) The amount of the medical cannabinoid product, concentrate or extract transported to the patient;
- (B) The brand name of the item and description of what was transported;
- (C) The amount of money paid by the patient for the medical cannabinoid product, concentrate or extract;
- (D) The date of the transport; and
- (E) The name of the processing site representative who transported the item and that individual's OMMP identification card number.
- (7) Inventory On-Site. Marijuana items must be kept on-site at the registered processing site except when being transported to a patient in accordance with section (6) of this rule or when being transported to a registered dispensary. 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.
- (8) Testing. On and after June 1, 2016, a registered processing site 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 unless the processing site, prior to transferring the marijuana item to a dispensary arranges for the sampling and testing of the marijuana item in accordance with OAR 333-007-0300 to 333-007-0490.
- (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, unless the registered dispensary is going to have the product, concentrate or extract tested.
- (9) Packaging and Labeling. On and after April 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.
- (10) 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.
- (11) Sampling. A 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.
- (12) 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015 Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1760

Transfers to a Registered Processing Site

(1) Transfer of Usable Marijuana. A patient, caregiver, or medical marijuana producer may transfer usable marijuana to a registered processing site, 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 medical marijuana producer 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.

(2) 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.

(3) Prior to a registered processing site accepting a transfer of usable marijuana or a medical cannabinoid product, concentrate or extract a registered processing site representative must, in addition to collecting the information described in section (1) of this rule:

(a) Verify that the individual transferring the usable marijuana is the individual authorized to make the transfer.

(b) Verify that the individual transferring a medical cannabinoid product, concentrate or extract is an authorized representative of a registered medical marijuana processing site.

(4) Transfer Records. At the time usable marijuana or a medical cannabinoid product, concentrate or extract is transferred to a registered processing site a processing site representative must:

(a) Document, 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) A description 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; and

(E) The amount of reimbursement paid by the registered processing site.

(b) Obtain and maintain a copy of, as applicable:

(A) Documents required in section (1) 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.

(5) On and after June 1, 2016, if a registered processing site accepts the transfer of usable marijuana or a medical cannabinoid product, concentrate or extract that has not been tested in accordance with OAR 333-007-0300 to 333-007-0490 the processing site must segregate that item in a limited access area and place it in a container or receptacle with a label that contains the following information:

(a) The name, OMMP identification card number, or registered processing site number of the individual who transferred the item;

(b) The date it was transferred;

(c) The amount or weight of the item transferred as applicable;

(d) A description of the item; and

(e) In bold, capital letters, no smaller than 12 point font, "PRODUCT NOT TESTED".

(6) Once usable marijuana or a medical cannabinoid product, concentrate or extract has been sampled in accordance with OAR 333-007-0360 the item must be labeled and stored in accordance with OAR 333-007-0380.

(7) Nothing in these rules requires a registered processing site to accept a transfer of a marijuana item.

Stat. Auth.: ORS 475.314 & 475.338
Stats. Implemented: ORS 475.314

333-008-1770

Transfers From a Registered Processing Site

(1) A registered processing site must document the following for transfers to a registered dispensary:

- (a) The name, address, and registration number of the dispensary to which a medical cannabinoid product, concentrate or extract was transferred;
- (b) The amount of medical cannabinoid product, concentrate, or extract transferred;
- (c) The brand name of the medical cannabinoid product, concentrate, or extract transferred;
- (d) The date of the transfer; and
- (e) The amount of money paid by the registered dispensary for the transfer.

(2) A registered processing site must document the transport of a medical cannabinoid product, concentrate or extract to a patient by a processing site representative who is the designated primary caregiver of that patient in accordance with OAR 333-008-1740.

Stat. Auth.: ORS 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015
Stats. Implemented: ORS 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015

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 chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the medical cannabinoid product, concentrate or extract's physiological effects.

Stat. Auth.: ORS 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015
Stats. Implemented: ORS 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015

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 25, with the exception of OAR 603-025-0020(17).

(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; or

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

(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.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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.

(2) Cannabinoid Extracts. A processing site endorsed to make cannabinoid extracts:

(a) May not use pressurized canned butane.

(b) Must:

(A) Process in a:

(i) Fully enclosed room clearly designated on the current diagram of the registered processing site.

(ii) Spark proof room equipped with evacuation fans and lower explosive limit (LEL) detectors.

(B) Use a commercially manufactured professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering practices, such as:

(i) The American Society of Mechanical Engineers (ASME);

(ii) American National Standards Institute (ANSI);

(iii) Underwriters Laboratories (UL); or

(iv) 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 900 pounds per square inch.

(D) Have equipment and facilities used in processing approved for use by the local fire code official.

(E) Meet any required fire, safety, and building code requirements specified in:

(i) Oregon state law;

(ii) National Fire Protection Association (NFPA) standards;

(iii) International Building Code (IBC);

(iv) International Fire Code (IFC).

(F) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.

(G) 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1810

Cannabinoid Topical Processor

A processing site endorsed to make cannabinoid topicals 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.

Stat. Auth.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-1820

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) If a product is returned by a registered dispensary, how much product is returned and why.
- (c) If a defective product was reprocessed, how the defective product was reprocessed.
- (d) 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.
- (e) 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

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 for the previous month:

- (a) The amount of usable marijuana transferred to the marijuana processing site at any one time, the individual that transferred it and the individual's OMMP registration number;
- (b) The amount and type of a medical cannabinoid product, concentrate or extract transferred by another registered processing site and the processing site's registration number;
- (c) The amount and type of medical cannabinoid products transferred by the marijuana processing site at any one time to a dispensary and the dispensary that received the product;
- (d) The amount and type of cannabinoid concentrates transferred by the marijuana processing site at any one time to a dispensary and the dispensary that received the product;
- (e) The amount and type of cannabinoid extracts transferred by the marijuana processing site at any one time to a dispensary and the dispensary that received the product;
- (f) The amount and type of medical cannabinoid products transported by the marijuana processing site at any one time to a patient and the patient's name and registry identification card number;
- (g) The amount and type of cannabinoid concentrates transported by the marijuana processing site at any one time to a patient and patient's name and registry identification number;
- (h) The amount and type of cannabinoid extracts transported by the marijuana processing site at any one time to a patient and the patient's name and registry identification card number; and
- (i) The dates for each transaction listed in subsections (a) to (h) of this rule.

(2) 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.: Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: Section 85 and 85a, chapter 614, Oregon Laws 2015

General Requirements for Medical Marijuana Processing Sites and Dispensaries

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 475.314 & 475.338, sections 85, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314, sections 85, chapter 614, Oregon Laws 2015

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 475.314 & 475.338, sections 85, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314, sections 85, chapter 614, Oregon Laws 2015

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;
- (D) Driver's license information; and
- (E) Address and recent residency information.

(b) Fingerprints in accordance with the instructions on the Authority's webpage:

<http://mmj.oregon.gov>.

(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 475.314 & 475.338, section 85, chapter 614, Oregon Laws 2015 Stats. Implemented: ORS 475.314, section 85, chapter 614, Oregon Laws 2015

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 or PRP;

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

(e) A change in residency of any PRD or PRP;

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

(g) 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 475.314, chapter 85 and 85a, chapter 614, Oregon Laws 2015 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.

(c) The Authority will not accept a form for a change in corporate structure, ownership structure or financial interest if the registration is expiring in less than 90 days or if the registrant or dispensary or processing site representative is under investigation by the Authority or has been issued a Notice by the Authority following an alleged violation and the alleged violation has not been resolved.

(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 475.314 & 475.338

Stats. Implemented: ORS 475.314

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 475.314 & 475.338, chapter 85 and 85 a, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314, chapter 85 and 85 a, chapter 614, Oregon Laws 2015

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) 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 475.314 & 475.338, chapter 85 and 85 a, chapter 614, Oregon Laws 2015
Stats. Implemented: ORS 475.314, chapter 85 and 85 a, chapter 614, Oregon Laws 2015

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 475.314 & 475.338, chapter 85 and 85 a, chapter 614, Oregon Laws 2015
Stats. Implemented: ORS 475.314, chapter 85 and 85 a, chapter 614, Oregon Laws 2015

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 475.338

Stats. Implemented: ORS 475.338

333-008-2080

Security Requirements

In order to be registered and remain registered a registrant must:

- (1) Have a 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) Is programmed to notify a security company that will notify a registrant representative or his or her designee in the event of a breach; and
 - (c) Has at least two operational "panic buttons" located inside the premises that are linked with the alarm system that notifies a security company.
- (3) Have commercial grade, non-residential door locks installed on every external door of a registered premises where marijuana items are present.
- (4) During all hours when the registrant is not operating:
- (a) Securely lock all entrances to and exits from the registered premises and ensure any keys or key codes to the enclosed area remain in the possession of the registrant or registrant representative;
 - (b) Keep all marijuana items in a safe or vault as those terms are defined in OAR 333-008-0010.
- (5) Have an encrypted network infrastructure.
- (6) Have an electronic back-up system for all electronic records.
- (7) Keep all video recordings and archived required records not stored electronically in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered business is open.

Stat. Auth.: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015
Stats. Implemented: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2090

Video Surveillance Equipment

In order to be registered and remain registered a registrant must:

- (1) Have a fully operational video surveillance recording system with video surveillance equipment that at a minimum:
- (a) Consists of:
 - (A) Digital or network video recorders;
 - (B) Cameras capable of meeting the requirements of OAR 333-008-2110 and this rule;
 - (C) Video monitors;
 - (D) Digital archiving devices;
 - (E) A minimum of one monitor on premises capable of viewing video; and
 - (F) A color printer capable of producing still photos.
 - (b) Is equipped with a failure notification system that immediately notifies a registrant representative of any surveillance interruption or failure that is longer than five minutes; and
 - (c) Has sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
- (2) Have a video surveillance system capable of recording all pre-determined surveillance areas in any lighting conditions.

(3) Have, in limited access areas, cameras that have minimum resolution of 1280 x 720 pixels (px) and record at 10 fps (frames per second).

(4) Have, in exterior perimeter and non-limited access areas cameras that have a minimum resolution of 1280 x 720 px and record at least 5 fps, except where coverage overlaps any limited access areas such as entrances or exits and in those overlap areas cameras must record at 10 fps. Stat. Auth.: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015 Stats. Implemented: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2100

Required Camera Coverage and Camera Placement

In order to be registered and remain registered a registrant must:

(1) Have security camera coverage for:

(a) All secure and limited access areas;

(b) All areas where marijuana items will be and are transferred to or from a registered premises;

(c) All points of entry to and exit from limited access areas; and

(d) All points of entry to and exit from the premises.

(2) Have cameras that are positioned so that they capture clear and certain images of any individual and activity occurring:

(a) Within 15 feet both inside and outside of all points of entry to and exit from the premises;

(b) Anywhere within a limited access area on the premises; and

(c) Anywhere within a secured area on the premises.

Stat. Auth.: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2110

Video Recording Requirements

(1) In order to be registered and remain registered a registrant must:

(a) Have cameras that continuously record 24 hours a day in all areas of the premises where there are marijuana items.

(b) Use cameras that record at a minimum resolution of 1280 x 720 px;

(c) Have a surveillance system that:

(A) Can produce a color still photograph from any camera image; and

(B) Embeds the date and time on all surveillance recordings without significantly obscuring the picture;

(2) A registrant must:

(a) Keep all surveillance recordings a minimum of 45 calendar days and in a format that can be easily accessed for viewing;

(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 475.314 and these rules;

(d) Keep surveillance recordings for periods exceeding 45 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 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2120

Location and Maintenance of Surveillance Equipment

(1) A registrant must:

(a) Have the surveillance room or surveillance area in a limited access area.

(b) Have the surveillance recording equipment housed in a designated, locked, and secured room or other 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.

(c) Keep a current list of all authorized personnel and service personnel who have access to the surveillance system and room on the registered premises.

(d) 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 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.314 and 475.338, chapter 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2130

Waiver of Security Requirements

(1) A registrant may, in writing, request that the Authority waive one or more of the security requirements described in OAR 333-008-2080 to 333-008-2120 by submitting a request, in writing to the Authority. The request must include:

(a) The specific rules and subsections of a rule that is requested to be waived;

(b) The reason for the waiver;

(c) A description of an alternative safeguard the registrant can put in place in lieu of the requirement that is the subject of the waiver; and

(d) An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to unauthorized individuals.

(2) The Authority may, in its discretion and on a case by case basis, approve the waiver if it finds:

- (a) The reason the registrant is requesting the waiver is because another state or local law prohibits the particular security measure that is required; or
- (b) The registrant cannot, for reasons beyond the registrant's control or because the security measure is cost prohibitive, comply with the particular security measure that is required; and
- (c) The alternative safeguard that is proposed meets the goals of the security rules.
- (3) The Authority must notify the registrant in writing, whether the waiver has been approved. If the waiver is approved the notice must specifically describe the alternate safeguards that are required and, if the waiver is time limited, must state the time period the waiver is in effect.
- (4) The Authority may withdraw approval of the waiver at any time upon a finding that the previously-approved alternative measures are not sufficient to accomplish the goals of the security rules. If the Authority withdraws its approval of the waiver, the registrant will be given a reasonable period of time to come into compliance with the security requirement that was waived.

Stat. Auth.: Sections 2, 12, 14, 15 and 16, Chapter 614, Oregon Laws 2015.

Stats. Implemented: Sections 2, 12, 14, 15 and 16, Chapter 614, Oregon Laws 2015.

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.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.338

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 475.338

Stats. Implemented: ORS 475.338

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, section 85 (2)(d) and (4), chapter 614, Oregon Laws 2015; or

(2) For dispensaries, ORS 475.314 (2)(d) and (4).

Stat. Auth.: section 86e, chapter 614, Oregon Laws 2015

Stats. Implemented: section 86e, chapter 614, Oregon Laws 2015

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 475.314 or any applicable provision of chapter 614, Oregon Laws 2015, 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 475.314, any applicable provision of chapter 614, Oregon Laws 2015 or these rules.

(4) The Authority may inspect the following to ensure compliance with sections 85, 85a and 85b, 86b and 85e, chapter 614, Oregon Laws 2015, and any rules adopted thereunder:

(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 431.262.

Stat. Auth.: ORS 431.262, 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 431.262, 475.314, 475.338, Section 85 and 85a, chapter 614, Oregon Laws 2015

333-008-2180

Violations

- (1) It is a violation for a 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 dispensary representative or a patient;
 - (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; or
 - (j) Fail to comply with ORS 475.314, chapter 85, chapter 614, Oregon Laws 2015, or these rules.
- (2) It is a violation of ORS 475.314 and these rules to operate a dispensary without being registered by the Authority.
- (3) It is a violation of section 85, chapter 614, Oregon Laws 2015, and these rules to operate a processing site without being registered by the Authority unless an exemption applies.
Stat. Auth.: ORS 475.314 & 475.338, section 85, chapter 614, Oregon Laws 2015.
Stats. Implemented: ORS 475.314, section 85, chapter 614, Oregon Laws 2015.

333-008-2190

Enforcement

- (1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314, sections 85, 85a, 85c, 85e, 86b, or 86e, or any of these rules, 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) A registrant must correct all deficiencies within 10 business days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.
- (d) 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.
- (e) If the registrant does not come into compliance by the date of correction reflected on the plan of correction, 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 475.314, sections 85, 85a, 85c, 85e, 86b, or 86e, or these rules 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 475.314(3)(a) to (d) or section 85(3)(a) or (b), chapter 614, Oregon Laws 2014.

(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 475.314, section 85, chapter 614, Oregon Laws 2015, 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 Oregon Laws 2014, chapter 79, section 2, 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 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, to 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 333-0080-3000 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 475.300 to 475.346 and any rule adopted under ORS 475.300 to 475.346.

Stat. Auth.: ORS 431.262, 475.314 & 475.338, Sec. 88b and 88e, chapter 614, Oregon Laws 2014

Stats. Implemented: ORS 431.262 & 475.314, Sec. 88b and 88e, chapter 614, Oregon Laws 2014

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 475.314;

(b) Sections 85, 85a, 85c, 85e, 86b, or 86e; or

(c) OAR 333-008-1000 to 333-008-2180.

(2) The Authority shall impose civil penalties under this section in the manner provided by ORS 183.745.

Stat. Auth.: ORS 431.262, 475.314 & 475.338, Sec. 88, chapter 614, Oregon Laws 2014

Stats. Implemented: ORS 431.262 & 475.314, Sec. 88, chapter 614, Oregon Laws 2014

Medical Marijuana Records

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 475.300 to 475.346 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 sections 81a, 85b, 85e or 86b, chapter 614, Oregon Laws 2015.

(C) Any information related to the amount and type of usable marijuana, medical cannabinoid products, or cannabinoid concentrates and extracts transferred to or by medical marijuana producers, medical marijuana processing sites or medical marijuana dispensaries.

(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 475.304, ORS 475.314 or section 84, chapter 614, Oregon Laws 2015 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 475.300 to 475.346 if the registrant requests the information and the information is related to a designation made under ORS 475.300 to 475.346.

(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 475.300 to 475.346 or any rule adopted thereunder, that a violation of a provision of ORS 475.300 to 475.346 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 475.338, section 85e, 88d, chapter 614, Oregon Laws 2015

Stats. Implemented: ORS 475.331, section 85e, 88d, chapter 614, Oregon laws 2015

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 475.338

Stats. Implemented: ORS 475.300 - 475.346