



STATUTORY MINOR CORRECTION

PH 47-2024

CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

FILED

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FILING CAPTION: Statutory Minor Correction - OAR 333-007-0430, correcting rule numbering

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 333-007-0430

RULE TITLE: Standards for Adult Use Cannabinoid and CBD Compliance Testing

RULE SUMMARY: Statutory minor correction in order to correct numbering of subsections in section (1).

RULE TEXT:

(1) A laboratory must test for all of the following analytes when testing a marijuana item or industrial hemp-derived vapor item for potency:

- (a) Delta-9-THC.
- (b) Delta-9-THCA.
- (c) Delta-8-THC.
- (d) CBD.
- (e) CBDA.

(2) A process lot of a cannabinoid concentrate, extract, product, finished inhalable cannabinoid product, or industrial hemp-derived vapor item fails potency testing if, based on an initial test where no reanalysis is requested or upon reanalysis as described in OAR 333-007-0450(1):

(a) The amount of delta-8-THC, total delta-9-THC or total CBD, as calculated pursuant to OAR 333-064-0100, between the primary sample and the duplicate sample exceeds 10 percent RPD or between the primary sample, duplicate sample and any replicate samples exceeds 10 percent RSD; or

(b) The amount or percentage of delta-8-THC, total delta-9-THC, as calculated pursuant to OAR 333-064-0100, exceeds the maximum concentration limits permitted in a package by over 10 percent as specified in the Oregon Liquor and Cannabis Commission's concentration limit rules in OAR chapter 845, division 26, as applicable.

(3) Notwithstanding subsection (2)(a) of this rule:

(a) A cannabinoid product that has less than 5 mg of total delta-9-THC per unit of sale as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

(b) A cannabinoid product that has less than 10 mg of total CBD per unit of sale as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

(c) A cannabinoid product that has less than 5 mg of delta-8-THC per unit of sale as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

(d) A cannabinoid concentrate, extract, finished inhalable cannabinoid product, or industrial hemp-derived vapor item that has less than 5 mg total delta-9-THC per gram as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

(e) A cannabinoid concentrate, extract, finished inhalable cannabinoid product, or industrial hemp-derived vapor item that has less than 10 mg total CBD per gram as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

(f) A cannabinoid concentrate, extract, finished inhalable cannabinoid product, or industrial hemp-derived vapor item that has less than 5 mg delta-8-THC per gram as calculated pursuant to OAR 333-064-0100 does not fail potency testing based on exceedance of the RPD or RSD as described in subsection (2)(a) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 475C.544

STATUTES/OTHER IMPLEMENTED: ORS 475C.544