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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED: 10/29/2026 1:15 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Medical marijuana patients, caregivers, dispensaries, and processing sites

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/23/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Public Health Division
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HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/16/2026
TIME: 9:00 AM
OFFICER: Staff

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 971-277-2343
CONFERENCE ID: 476404589
SPECIAL INSTRUCTIONS:
This hearing is being held remotely via Microsoft Teams. To provide oral (spoken) testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to register to receive the link for the Microsoft Teams video conference via calendar appointment, or you may access the hearing using the meeting URL above. Alternatively, you may dial 971-277-2343, Phone Conference ID 476 404 589# for audio (listen) only. This hearing will close no later than 10:00AM but may close as early as 9:30AM if everyone who signs up to provide testimony has been heard from.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide free help. Some examples are: sign language and spoken language interpreters, real-time captioning, braille, large print, audio, and written materials in other languages. If you need help with these services, please contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov at least 48 hours before the meeting. All relay calls are accepted. To best ensure our ability to provide a modification please contact us if you are considering attending the meeting and require a modification. The earlier you make a request the more likely we can meet the need.

NEED FOR THE RULE(S):

The Oregon Health Authority (OHA), Public Health Division, Oregon Medical Marijuana Program (OMMP) is proposing to permanently amend administrative rules in chapter 333, division 8.

Many of the proposed rule changes are to implement House Bill 4142 (OL 2026, Ch. 118). The bill adds "the need for hospice, palliative care, comfort care or other symptom management, including comprehensive pain management" to the list of qualifying conditions to obtain a medical marijuana card. The bill also outlines requirements for certain organizations and residential facilities that are designated as additional caregivers under the Oregon Medical Marijuana Act to have policies and procedures and provide training to staff. The rule language being proposed addresses how the program will accept proof of meeting such requirements within statutory authority granted by the legislation. An organization or facility will need to submit an attestation confirming compliance as a condition of registration. To ensure consistency throughout the rules, the definition of “organization or facility caregiver” has been updated to better align with requirements of HB 4142.

Rule language around submitting a petition to add a new qualifying condition in which a patient may qualify for the use of medical marijuana by their attending provider has been clarified. Reference to Cochran Review, the Institute of Medicine, and PubMed Central are being removed from the definition of “peer reviewed published scientific study” and the definition will only list PubMed. PubMed is a curated index containing peer reviewed studies and facilitates searching across several U.S. National Library of Medicine sources which includes MEDLINE, PubMed Central, and National Center for Biotechnology Information Bookshelf. The definition of “peer-reviewed published scientific study” has been further clarified to state that only studies that have undergone formal peer-review and indexed in PubMed may qualify as a peer-reviewed published scientific study.

Proposed rule changes clarify the distinction between a limited access area where marijuana transfers occur from a designated area where visitors are checked in for medical marijuana processing sites. This distinction has been made to ensure a processing site has a room that does not contain marijuana to verify the identity of visitors that require access to secure areas within the premises where marijuana may be located and will be transferred. This separation in space creates safety for workers inside these facilities.

Rules for dispensaries have been updated to remove reference to rules that no longer exist.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 4142 https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/HB4142/Enrolled
https://olis.oregonlegislature.gov/liz/2026R1/Measures/Overview/HB4142

ORS 475C https://www.oregonlegislature.gov/bills_laws/ors/ors475c.html

About PubMed
https://pubmed.ncbi.nlm.nih.gov/about/

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

This rulemaking is expected to have positive impacts on health equity for Oregonians. These rules implement HB 4142 passed by the Oregon Legislature in 2026. Adding the need for hospice, palliative care, comfort care, or other symptom management as a qualifying debilitating condition under the Oregon Medical Marijuana Program may expand access for vulnerable Oregonians to obtain and use cannabis as a treatment in a facility that may not have allowed the use of cannabis before the passage of HB 4142. In addition, permitting the use of cannabis in a hospice, palliative care, or comfort care setting could create space for honest conversations about cannabis use. This transparency can improve the quality-of-care providers offer, reducing the stigma around marijuana usage which disproportionately impacts communities of color.

Requiring policies to be in place regarding procurement, on-site storage, administration, and disposal of marijuana and medical cannabinoid products for organizational or facility caregivers will ensure safe oversight of cannabis relied upon by patients and provide for better outcomes for patients who use cannabis in these facilities. Additionally, requiring educational modules for individuals who administer cannabis with training in cannabis pharmacology and the use of marijuana in treating medical conditions, dosing strategies, and delivery modalities will improve care for individuals who use cannabis.

Clarifying rule language on how to submit a petition on adding a qualifying condition and updating the list of accepted peer-reviewed scientific sources is expected to improve procedural transparency and support equitable participation by all communities. Clarifying the definition of "peer-reviewed published scientific study" ensures decision making is grounded in reliable, peer-reviewed evidence which is key to equitable health policies. This can help avoid biased or anecdotal bases for recognizing conditions by ensuring a broad, current, and inclusive scientific backing for evaluating proposed conditions. No adverse impacts on racial equity are anticipated from these changes.

FISCAL AND ECONOMIC IMPACT:

The proposed rule amendments are expected to have some fiscal and economic impact on OMMP registered organizations and facility caregivers. Currently there is only one registered organization and facility caregiver. The added requirements around having policies and training will add to the cost of operations to the current organization and facility caregiver and anyone wanting to apply. It is not known how much of an added cost this will be, but training modalities can be found online costing up to a few hundred dollars.

The proposed rule amendments clarify requirements for limited access and secure areas in processing sites. Because these amendments reflect the current interpretation and application of existing rules for all registration applicants, they do not create any fiscal impact.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There is a minor cost of compliance impact to OMMP for database development needs to implement HB 4142, but these costs will be absorbed by the program. There is no anticipated cost of compliance impact on other state agencies, units of local government or the public.

(2)(a) Currently there is one organization and facility caregiver registered. Currently there are no registered processing sites with the medical cannabis program but there are two processing sites that are pending registration. The medical cannabis program is unable to estimate the number of organizations or facilities that may be subject to HB 4142 since it is optional for them to be designated as an organizational or facility caregiver with the program and only certain ones are required to comply with the new requirements.

(b) There will be administrative costs associated with creating, maintaining, and implementing policies and procedures for registered organization and facility caregivers and providing training to staff. The true cost of these is unknown but could be a few hundred dollars. There will be a one-time upfront cost for creating policies and ensuring those parameters are met. Training costs could be ongoing depending on staff turnover or need.

(c) There will be equipment, supplies, labor, and increased administration costs associated with compliance to meet the new requirements for registered organization and facility caregivers. The cost is unknown. Costs will be associated with procurement, on-site storage, administration, and disposal of marijuana and medical cannabinoid products. Existing protocols on how other medicines are handled could be used, but there may be a need to either change or create new methods of compliance for marijuana. In addition, direct care staff employed at a registered organization or residential facility will need to complete training for compliance with the new requirements under HB 4142.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were invited to participate on the rules advisory committee (RAC). Outreach was made to the one currently registered organizational caregiver and the pending dispensary and processing site applicants to notify them of the rulemaking. A copy of the draft rules was sent to them ahead of the meeting for review. The email also stated that if they could not attend the RAC meeting, they could send their feedback directly to the program.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
333-008-0010, 333-008-0020, 333-008-0023, 333-008-0045, 333-008-0090, 333-008-1110, 333-008-1620, 333-008-1730, 333-008-2070

AMEND: 333-008-0010

RULE SUMMARY: OAR 333-008-0010: Amending the definition of “Debilitating medical condition” to include “The need for hospice, palliative care, comfort care or other symptom management including comprehensive pain management” due to the passage of HB 4142 (Oregon Laws 2026, chapter 118). Amending the definition of “Organization or facility caregiver” to correct an Oregon Revised Statute reference and include hospitals and hospital-affiliated clinics to align with the requirements of HB 4142 (Oregon Laws 2026, chapter 118).

CHANGES TO RULE:

333-008-0010
Definitions ¶

For the purposes of OAR chapter 333, division 8 the following definitions apply unless otherwise indicated:¶
(1) "Advertising" means publicizing the trade name of a person responsible for a marijuana grow site (PRMG), 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) "Adulterated" means to make a marijuana item impure by adding or applying foreign or inferior ingredients or substances, including but not limited to if the marijuana item:¶

(a) In the Oregon Health Authority's (Authority's) judgment, bears or contains any poisonous or deleterious substance in a quantity rendering it injurious in a manner that may pose a risk to human health, including but not limited to tobacco or nicotine;¶
(b) Bears or contains any added poisonous or deleterious substance exceeding a safe tolerance if such tolerance has been established;¶
(c) Consists in whole or in part of any filthy, putrid, or decomposed substance, or otherwise is unfit for human consumption;¶
(d) Is processed, prepared, packaged, or is held under improper time-temperature conditions or under other conditions increasing the probability of contamination with excessive microorganisms or physical contaminants;¶
(e) Is processed, prepared, packaged, or held under insanitary conditions increasing the probability of contamination or cross-contamination;¶
(f) Is held or packaged in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health;¶
(g) Any substance has been substituted wholly or in part therefor;¶
(h) Damage or inferiority has been concealed in any manner; or¶
(i) Any substance has been added thereto or mixed or packaged therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is. ¶
(3) "Adult use cannabinoid" includes, but is not limited to, tetrahydrocannabinols, tetrahydrocannabinolic acids that are artificially or naturally derived, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, the optical isomers of delta-8-tetrahydrocannabinol or delta-9 tetrahydrocannabinol and any artificially derived cannabinoid that is reasonably determined to have an intoxicating effect.¶
(4) "Applicant" means, as applicable to the registration being applied for:¶
(a) An individual applying for a registry identification card under ORS 475C.783.¶
(b) An individual applying for a grow site registration under ORS 475C.792.¶
(c) A person applying for a marijuana processing site registration under ORS 475C.815.¶
(d) A person applying for a medical marijuana dispensary registration under ORS 475C.833.¶
(5) "Attending provider" means one of the following health care providers who have primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition:¶
(a) A Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677;¶
(b) A physician associate licensed under ORS 677.505 to 677.525;¶
(c) A nurse practitioner licensed under ORS 678.375 to 678.390;¶
(d) A clinical nurse specialist licensed under ORS 678.370 and 678.372;¶
(e) A certified registered nurse anesthetist as defined in ORS 678.245; or¶
(f) A naturopathic physician licensed under ORS chapter 685.¶
(6) "Attending provider statement" or "APS" means the form, prescribed by the Authority and signed by an attending provider, 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.¶
(7) "Authority" means the Oregon Health Authority.¶
(8) "Business day" means Monday through Friday excluding legal holidays.¶
(9) "CBD" means cannabidiol.¶
(10) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.¶
(11) "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.¶
(12) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried leaves or flowers of marijuana have been incorporated.¶
(13) "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.¶
(14) "Cannabis Tracking System" or "CTS" means the Oregon Liquor and Cannabis Commission's system for tracking the transfer of marijuana items and other information as authorized by ORS 475C.177.¶
(15) "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.¶
(16) "Commission" means the Oregon Liquor and Cannabis Commission.¶
(17) "Common ownership" means any commonality between individuals or legal entities named as applicants or persons with a financial interest in a registration or a business proposed to be registered.¶
(18) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.¶
(19) "Database" means the electronic system established pursuant to ORS 475C.856, in which the Authority stores the information PRMGs, registered processing sites and dispensaries are required to submit under these rules.¶
(20) "Debilitating medical condition" means:¶
(a) Cancer, glaucoma, 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 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; ¶
(d) The need for hospice, palliative care, comfort care or other symptom management including comprehensive pain management; or¶
(~~d~~e) 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 filed under OAR 333-008-0090.¶
(21) "Delivery" has the meaning given that term in ORS 475C.777.¶
(22)(a) "Designated primary caregiver" means an individual who:¶
(A) Is 18 years of age or older;¶
(B) Has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition; and¶
(C) Is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on that person's application for a registry identification card or in other written notification submitted to the Authority.¶
(b) "Designated primary caregiver" does not include a person's attending provider.¶
(23) "Direct interest" means an interest that is held in the name of the individual.¶
(24) "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.¶
(25) "Elementary school" means a learning institution containing any combination of grades Kindergarten through 8.¶
(26) "Employee":¶
(a) Means any individual, including a non-citizen, 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.¶
(27) "Flowering" means that a marijuana plant has formed a mass of pistils measuring greater than two centimeters wide at its widest point.¶
(28) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.¶
(29) "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 and 48 immature marijuana plants that are 24 inches or more in height if the location is within city limits and zoned residential; or¶
(b) 96 mature marijuana plants and 192 immature marijuana plants that are 24 inches or more in height if the location is within city limits but not zoned residential or not within city limits.¶
(30) "Grow site" means a grow site area registered under ORS 475C.792 identified by the grow site address where marijuana is produced for use by a patient or, with permission from a patient, for transfer to a registered processing

site, registered dispensary, or Commission licensees as permitted by OAR chapter 825, division 25.¶
(31) "Grow site address" is the identifier of the grow site.¶
(32) "Grow site administrator" (GSA) means a PRMG registered to grow for a patient at a grow site address required to use CTS, who has been designated to be responsible for ensuring compliance with all CTS requirements at the grow site. ¶
(33) "Grow site registration card" means a card issued by the Authority that identifies the address of a marijuana grow site and the PRMG.¶
(34) "Harvest lot" means a specifically identified quantity of marijuana that is cultivated utilizing the same growing practices, harvested within a 72-hour period at the same location and cured under uniform conditions.¶
(35) "Human consumption" means to ingest, generally through the mouth, food, drink or other substances such that the substance enters the human body but does not include inhalation.¶
(36) "Immature marijuana plant" means a marijuana plant that is not flowering.¶
(37) "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.¶
(38) "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, five 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, five 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 five 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 five 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 five 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 five 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 immediate 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.¶
(39) "Indoor production" for purposes of OAR 333-008-0580 means producing marijuana in any manner:¶
(a) Utilizing artificial lighting on mature marijuana plants; or¶
(b) Other than "outdoor production" as that is defined in this rule.¶
(40) "Inhalable cannabinoid product" means a cannabinoid product that is intended for human inhalation.¶
(41) "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.¶
(42)(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.¶
(b) "Marijuana" does not include:¶
(A) Industrial hemp, as defined in ORS 571.269; or¶
(B) Prescription drugs, as that term is defined in ORS 689.005, including those containing one or more cannabinoids, that are approved by the United States Food and Drug Administration and dispensed by a pharmacy, as defined in ORS 689.005.¶
(43) "Marijuana item" means marijuana, cannabinoid concentrates, cannabinoid extracts, medical cannabinoid products, and immature marijuana plants.¶
(44) "Marijuana processing site" or "processing site" means a marijuana processing site registered under ORS 475C.815 or a site for which an applicant has submitted an application for registration under ORS 475C.815.¶
(45) "Mature marijuana plant" means a marijuana plant that is not an immature marijuana plant.¶
(46)(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 571.269.¶
(47) "Medical marijuana dispensary" means a medical marijuana dispensary registered under ORS 475C.833 or a site for which an applicant has submitted an application for registration under ORS 475C.833.¶
(48) "Medical marijuana plot" or "plot" means an area designated at a medical marijuana grow site for producing cannabis plants under a medical marijuana grower registration.¶
(49) "Medical use of marijuana" means the production, processing, possession, delivery, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition.¶
(50) "Minor" means an individual under the age of 18.¶
(51) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.¶
(52) "OMMP" means the section within the Authority that administers the provisions of ORS 475C.770 to 475C.919, the applicable provisions of 475C.540 to 475C.586, 475C.600 to 475C.644, and the rules in OAR chapter 333, divisions 7 and 8.¶
(53) "Organization or facility caregiver" means:¶
(a) An organization that provides hospice, palliative or home health care services that:¶
(A) Is licensed under ORS 443.014 to 443.105, 443.305 to 443.35~~5~~0, or 443.850 to 443.869;¶
(B) Has significant responsibility for managing the well-being of a patient; and¶
(C) Is designated by the Authority as an additional caregiver for a patient; or¶

(~~b~~c) A ~~residential facility~~hospital, as defined in ORS 44~~3.400 that:¶~~
~~(A) Is~~2.015, and licensed under ORS 44~~3.400 to 443.455;~~1.025, or a hospital-affiliated clinic as defined in ORS 442.612 that:¶
(~~B~~A) Has significant responsibility for managing the well-being of a patient~~:~~; and¶
(~~C~~B) Is designated by the Authority as an additional caregiver for a patient.¶
(54) "Outdoor production" for purposes of OAR 333-008-0580 means producing marijuana:¶
(a) In an expanse of open or cleared ground open to the air; or¶
(b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.¶
(55) "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.¶
(56) "Patient" has the same meaning as "registry identification cardholder."¶
(57) "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 475C.792 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.¶
(58) "Person responsible for a marijuana grow site," or "PRMG" means any individual designated by a patient to produce marijuana for the patient, including a patient who identifies themself as a person responsible for the marijuana grow site, who has been registered as a PRMG by the Authority under OAR 333-008-0033.¶
(59) "Personal agreement" means a document, as described in ORS 475C.798 signed and dated by a patient, assigning a patient's right to possess seeds, immature marijuana plants and usable marijuana to a PRMG.¶
(60) "Point of sale" means a specific location within a point of sale area at which the transfer of a marijuana item occurs.¶
(61) "Point of sale area" means a secure area where a registered dispensary transfers a marijuana item to a patient or caregiver.¶
(62) "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.¶
(63) "Primary responsibility" as that term is used in relation to an attending provider means that the provider:¶
(a) Provides primary health care to the patient; or¶
(b) Provides medical specialty care and treatment to the patient; 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 chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS 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.¶
(64) "Process" means the compounding or conversion of marijuana into medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts.¶
(65) "Process lot" means:¶
(a) Any amount of cannabinoid concentrate or extract of the same type and processed at the same time using the same extraction methods, standard operating procedures and batches from the same or different harvest lots; or¶
(b) Any amount of cannabinoid products of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or different harvest lots or process lots of cannabinoid concentrate or extract as defined in subsection (a) of this section.¶
(66) "Production" or "growing" means:¶
(a) Planting, cultivating, growing, trimming or harvesting marijuana; or¶
(b) Drying marijuana leaves or flowers.¶
(67) "Registry identification card" means a document issued by the Authority under ORS 475C.783 that identifies a person authorized to engage in the medical use of marijuana, and, if the person has a designated primary caregiver under ORS 475C.789, the person's designated primary caregiver.¶
(68) "Registry identification cardholder" means a person to whom a registry identification card has been issued under ORS 475C.783(5)(a) and has the same meaning as patient.¶
(69) "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.¶
(70) "Replacement card" means a new card issued in the event that:¶
(a) A patient's registry identification card, a designated primary caregiver's identification card, an organization or

facility caregiver's identification card or a PRMG's identification card or grow site registration card is lost or stolen; or¶
(b) A patient's designation of primary caregiver, organization or facility caregiver, PRMG or grow site address has changed.¶
(71) "Residence" means the real property inhabited by a patient for a majority of a calendar year or, if a patient maintains multiple residences, real property inhabited by a patient for the greatest percentage of time within a calendar year.¶
(72) "Resident" means an individual who has primary domicile within this state.¶
(73) "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; and¶
(C) If it has a glass that makes up part or all of the door or exterior walls, the glass is rated unbreakable.¶
(74) "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.¶
(75) "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.¶
(76) "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.¶
(77) "These rules" means OAR 333-008-0010 to 333-008-0750 and 333-008-5000.¶
(78) "THC" means tetrahydrocannabinol.¶
(79)(a) "Usable marijuana" means the dried leaves and flowers of marijuana.¶
(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.¶
(80) "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.¶
(81) "Written documentation" means a statement signed and dated by the attending provider 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.¶
(82) "Zoned for residential use" means the only primary use allowed outright in the designated zone is residential.
Statutory/Other Authority: ORS 475C.919
Statutes/Other Implemented: ORS 475C.770 - 475C.919

AMEND: 333-008-0020

RULE SUMMARY: OAR 333-008-0020: Amending that an organization or residential facility named in an application with the Oregon Medical Marijuana Program (OMMP) will need to submit an attestation form indicating they have policies and procedures and have provided training to staff regarding medical marijuana if they fall under certain licensing requirements.

CHANGES TO RULE:

333-008-0020
New Registry Identification Card Application Process ¶

(1) To apply for a registry identification card an individual must submit the following:¶
(a) An application form, prescribed by the Oregon Health Authority (Authority), signed and dated by the applicant.¶
(b) A legible copy of the individual's valid and current government issued photographic identification that includes the applicant's last name, first name, and date of birth. In lieu of photographic identification, the Authority may in its discretion accept valid and current government issued identification that includes the applicant's last name, first name, and date of birth from applicants under the age 18 or who have demonstrated barriers to accessing services to obtain a photographic identification. The Authority may request additional documentation to authenticate the non-photographic identification.¶
(c) An attending provider statement (APS) or written documentation that may consist of relevant portions of the applicant's medical record, signed by the applicant's attending provider within 90 days of the date of receipt by the Authority, which ~~describ~~states the applicant's specific debilitating medical condition~~ and stat~~(s), as that term is defined in ORS 475C.777, and includes 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 a person under 18 years of age, signed and dated by the minor's parent or legal guardian.¶
(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.¶
(3) The applicant may also designate an organization or facility caregiver in addition to a designated primary caregiver. To designate an organization or facility caregiver the applicant must submit a completed application on a form provided by the Authority available at www.healthoregon.org/ommp. The application must be submitted to OHA/OMMP PO Box 14450, Portland, OR 97293-0450, and contain at least the following:¶
(a) The organization or facility's name, license number and the name of the state agency that licenses the organization or facility;¶
(b) An attestation signed by an individual who has legal authority to act on behalf of the organization or facility that the organization or facility agrees to the designation;¶
(c) The name, title, and phone number of the individual signing the attestation; and¶
(d) The name, title, and phone number of the individual, if different from the individual signing the attestation, who is authorized to purchase or transport marijuana on the patient's behalf. An individual who is authorized to purchase or transport marijuana on the patient's behalf must be 18 years of age or older and must submit a legible copy of the individual's valid government issued photographic identification that includes the last name, first name, and date of birth.¶
(e) An attestation signed by an individual who has legal authority to act on behalf of the organization or facility that the organization has the required policies and has met the training requirements outlined in Oregon Laws 2026, chapter 118, section 3. The attestation is not required for an organization or residential facility that is:¶
(A) A residential treatment home or residential treatment facility licensed under ORS 443.400;¶
(B) A home health agency licensed under ORS 443.014;¶
(C) A hospice program licensed under ORS 443.850 that provides for delivery of home health care services under ORS 654.412 in a home care setting;¶
(D) A hospital licensed under ORS 441.025; or¶
(E) A hospital-affiliated clinic as defined in ORS 442.612.¶
(4) If an applicant intends to produce marijuana for themself or designate another person to produce marijuana for

them, the applicant or the individual designated to be the person responsible for a marijuana grow site (PRMG) must complete the grow site registration portion of the application and submit to the Authority:¶
(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) Information to establish the grow site address. If a grow site has a United States Postal Service (USPS) physical address, that address must be included in the application. If there is no USPS physical address, a grow site address may also be established by providing documentation of:¶
(A) An assessor's map number with a map showing the exact location of the grow site;¶
(B) The name of the city, or if outside of a city, the name of the county in which the grow site is located;¶
(C) The zip code for the location; and¶
(D) One or more of the following for the location:¶
(i) Longitude and latitude coordinates;¶
(ii) Township coordinates;¶
(iii) Global positioning system coordinates; or¶
(iv) The tax lot number.¶
(c) Information to establish the entirety of the physical location that corresponds to the grow site in accordance with OAR 333-008-0025, that may include but is not limited to the information listed in subsection (4)(b) of this rule.¶
(d) If the grow site is within city limits, documentation that shows the zoning designation for the grow site address.¶
(e) Grow site consent.¶
(A) If the applicant or PRMG is the owner of the premises of the grow site to be registered, submit to the Authority with the application a statement accurately identifying the legal address and owner of the premises or the property owner's legal representative. ¶
(B) If the applicant or PRMG is not the owner of the premises of the grow site to be registered, the applicant or PRMG ~~shall~~must obtain a consent form prescribed by the Authority identifying the legal address and owner of the premises. The consent form must confirm ownership of the premises and the owner's consent to the applicant or PRMG's use of the location for the purpose of a medical marijuana grow site for at least one annual registration and must be signed by the owner of the premises, witnessed by a notary public. This requirement must be satisfied by using the form designed and published by the Authority on its website. ¶
(C) A grow site consent form received by the Authority as outlined in paragraph (A) or (B) of this subsection is only valid for the grower or growers named on the consent form and must not have been terminated prior to its receipt by the Authority. ¶
(D) For purposes of this rule "premises" means the entirety of the physical location that corresponds to the grow site. ¶
(f) Except for a patient producing marijuana for themself at the patient's residence, the grow site registration fee as specified in OAR 333-008-0021(4), by check and mailed or paid online as outlined in OAR 333-008-0021(7).¶
(5) Applications must be mailed to the address listed in section (6) of this rule, hand-delivered to the OMMP dropbox at 800 N.E. Oregon St., Portland, Oregon 97232, or submitted electronically through the Authority's electronic application system available at https://ommpsystem.oregon.gov/ along with accompanying documentation.¶
(6) The application forms referenced in this rule may be downloaded at www.healthoregon.org/ommp or 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's license;¶
(b) State identification card;¶
(c) Passport; or¶
(d) Military identification card.
Statutory/Other Authority: ORS 475C.783, 475C.791, 475C.919
Statutes/Other Implemented: ORS 475C.783

AMEND: 333-008-0023

RULE SUMMARY: OAR 333-008-0023: Amending the rule to correct an Oregon Revised Statute reference.

CHANGES TO RULE:

333-008-0023
Patient Application Review Process ¶

(1) The ~~Authority~~Oregon Health Authority (Authority) must review a patient application to determine if it is complete.¶
(2) If an applicant does not provide all the information required in OAR 333-008-0020(1) or pay the applicable fee the Authority will reject the application as incomplete.¶
(3) If an applicant does not provide all the information required in OAR 333-008-0020(2) and (3), the Authority must notify the applicant of the information that is missing and allow the applicant 14 calendar days to submit the missing information.¶
(4) 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.¶
(5) If the Authority is unable to verify that the applicant's attending provider meets the definition under OAR 333-008-0010 the applicant will be allowed 30 days to submit a new attending provider statement (APS) or written documentation from an attending provider meeting the requirements of these rules. Failure to submit the required attending provider documentation is grounds for denial under ORS 475C.783(~~8~~9) and OAR 333-008-0035.¶
(6) 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 related to the application review process, such as but not limited to refusing to sign a disclosure authorization within timeframes established by the Authority, the Authority will reject the application as incomplete.¶
(7) 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.¶
(8) Upon receipt of a complete application, including payment of the required application fee, the Authority must issue a receipt to the applicant verifying that a complete application has been received. A receipt issued under this section has the same legal effect as a registry identification card for 30 days following the date on which the receipt was issued to the applicant. A receipt is only valid for the individual that submitted the application and not a proposed designated primary caregiver, proposed organization or facility caregiver, or proposed person responsible for a marijuana grow site (PRMG).¶
(9) The Authority shall approve or deny an application within 30 days after receiving a complete application.
Statutory/Other Authority: ORS 475C.783, 475C.919
Statutes/Other Implemented: ORS 475C.783

AMEND: 333-008-0045

RULE SUMMARY: OAR 333-008-0045: Amending the rule to indicate that if a patient is no longer under the care of an organization or residential facility, the Oregon Health Authority must be notified within 10 calendar days.

CHANGES TO RULE:

333-008-0045
Notification of Changes ¶

(1) Patient notification responsibilities.¶
(a) A patient must notify the Oregon Health Authority (Authority) within 10 calendar days of any change in the patient's name, mailing address, electronic mail address, telephone number, attending provider, designated primary caregiver, organization or facility caregiver, person responsible for a marijuana grow site (PRMG), grow site address 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 the patient is designating an organization or facility caregiver for the first time or designating a different organization or facility caregiver, the patient must include all the information and documentation specified in the form and required under OAR 333-008-0020.¶
(d) If a patient is adding or changing a PRMG or grow site address the patient must comply with OAR 333-008-0047.¶
(e) Any change in ownership of the premises where the grow site is located if the patient or PRMG is not the owner of the premises or is no longer the owner of the premises.¶
(f) A patient must notify the Authority in writing within 10 calendar days if their registry identification card is lost or stolen.¶
(2) Caregiver notification responsibilities. A designated primary caregiver must notify the Authority within 10 calendar days:¶
(a) Of any change in the caregiver name, mailing address, electronic mail address, or telephone number.¶
(b) If their Oregon Medical Marijuana Program (OMMP) identification card is lost or stolen. ¶
(3) Organization or facility caregiver notification responsibilities. An organization or facility caregiver must notify the Authority within 10 calendars days:¶
(a) Of any change to information required on the application in OAR 333-008-0020(3).¶
(b) If their OMMP identification card is lost or stolen.¶
(c) If the patient is no longer a patient or resident of the organization or residential facility.¶
(4) Person responsible for a marijuana 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, or telephone number.¶
(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.¶
(c) Any change in ownership of the premises where the grow site is located if the PRMG or the patient is not the owner of the premises or is no longer the owner of the premises.¶
(5) Request to terminate registration. ¶
(a) If the Authority is notified in writing by the patient that the patient has terminated the designation of a primary caregiver or a PRMG the Authority must notify the individuals 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 affects the person's ability to produce marijuana for other patients at the grow site address, in accordance with ORS 475C.806(6).¶
(b) If the Authority is notified in writing by a patient's caregiver or PRMG that they wish to be removed from the patient's registration the Authority will notify the individual and their patient confirming the removal of registration and request that the card of the person being terminated be returned to the Authority within seven calendar days. ¶
(c) A registration is not terminated until the Authority provides notification to the requesting individual confirming the termination.¶
(6) Change in Medical Condition.¶
(a) If an attending provider 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 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 attending provider statement (APS) or

written documentation that may consist of relevant portions of the individual's medical record, signed by the individual's attending provider 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.¶
(7) Change in grow site ownership.¶
(a) If the Authority is notified of a change in ownership described in subsection (1)(d) or (3)(c) of this rule, the patient or PRMG must submit a signed consent form as described in OAR 333-008-0020(4)(e). The consent form must be received by the Authority within 30 days of the change in ownership.¶
(b) If a consent form is not timely submitted as described in subsection (a) of this section:¶
(A) The Authority ~~shall~~must notify the patient that the grow site is ineligible for registration and the patient ~~will be allowed 14 calendar days to~~may identify another PRMG or grow site in accordance with OAR 333-008-0047 within 14 calendar days of notification;¶
(B) If the patient does not designate another grow site as described in paragraph (A) of this subsection, the Authority ~~shall~~must revoke the PRMG's registration and grow site registration.¶
(8) If a patient does not intend to submit the information or does not submit the information required in section (6) 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, organization or facility caregiver, and PRMG that those identification cards must be returned within seven calendar days.¶
(9) The Authority will review and approve or deny a caregiver designation or change in caregiver designation requested under this rule in accordance with OAR 333-008-0023 to 333-008-0037, as applicable.¶
(10) 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.
Statutory/Other Authority: ORS 475C.783, 475C.789, ORS 475C.792, 475C.919
Statutes/Other Implemented: ORS 475C.783, 475C.789, 475C.792

AMEND: 333-008-0090

RULE SUMMARY: OAR 333-008-0090: Amending the rule to clarify the requirements to submit a petition and the steps the State Public Health Officer must take for reviewing the petition.

CHANGES TO RULE:

333-008-0090
Addition of Qualifying Diseases or Medical Conditions ¶

(1) For the purposes of this rule, the following definitions apply:-¶
(a) DSM means the latest published edition of Diagnostic and Statistical Manual of Mental Disorders.-¶
(b) ICD means the most recent revision of the International Classification of Diseases published by the United Nations-sponsored World Health Organization that provides codes, up to six characters long, to classify diseases and a variety of signs, symptoms, abnormal findings, complaints, social circumstances, and external causes of injury or disease.-¶
(c) Peer-reviewed published scientific study means that a study has been ~~cited by the Cochrane Review, the Institute of Medicine, or PubMed Central~~formally evaluated by independent experts in the same field before publication and is indexed in PubMed. Only studies meeting both conditions of being peer-reviewed and indexed in PubMed qualify as a peer-reviewed published scientific study. ¶
(d) Petitioner means an individual who has filed a petition in accordance with ORS 475C.913 and this rule.-¶
(e) State Public Health Officer (SPHO) means the individual appointed by the Director of the ~~Authority~~Oregon Health Authority (Authority) in accordance with ORS 431.045, or his or her designee.-¶
(2) The Authority ~~shall~~must accept a written petition from any person requesting that a particular disease or condition be included among the diseases and conditions that qualify as a debilitating medical condition under ORS 475C.777.-¶
(a) A petition may only request a single disease or condition be added as a debilitating medical condition. A separate petition must be submitted for each disease or condition proposed to be added as a debilitating medical condition.-¶
(b) A petition must be submitted by mail using a form prescribed by the Authority and must include, along with the form, the following in an electronic format ~~(e.g. compact disc (CD) or thumb drive): ~~:¶
(A) A specific description of the disease or condition proposed to be added and its characteristics, including the applicable ICD code from ICD-10-CM, or the specific diagnosis as described in the DSM~~;~~ if applicable;¶
(B) A general explanation of how or why the petitioner believes marijuana would mitigate the symptoms or effects of the disease or condition that is the subject of the petition; and-¶
(C) At least one peer-reviewed published scientific study showing the efficacy in humans for use of ~~medical~~ marijuana for the specific disease or condition that is the subject of the petition.-¶
(c) A petitioner may ~~also~~ include with the information required to be submitted in subsection (2)(b) of this rule letters of support from physicians or other licensed health care professionals knowledgeable about the disease or condition proposed to be added, and any other information the petitioner believes the SPHO should review in considering the petition.-¶
(d) If a petitioner submits a petition to add the same or a substantially equivalent disease or condition that was the subject of a petition that was denied by the SPHO within the last five years from the date a new petition is submitted, a petitioner must submit at least one peer-reviewed published scientific study that was published since the date the SPHO denied the previous petition for the same or substantially equivalent disease or condition.-¶
(e) A petition may not contain individually identifiable health information as that is defined in ORS 433.443 unless any individual identified in relation to health information submits an Authorization for Use and Disclosure of Information on a form prescribed by the Authority. A petition that contains individually identifiable health information that is submitted without the required authorization must be returned to the petitioner as incomplete.-¶
(f) A petition that does not contain all the information required by section (2) of this rule ~~shall~~must be returned to the petitioner as incomplete. A petition returned as incomplete is not considered a denial for purposes of subsection (~~2~~4)(~~d~~b) of this rule.-¶
(3) If the petitioner has submitted a petition with all the information required in section (2) of this rule, the SPHO must:-¶
(a) Assign a petition number to the petition;-¶
(b) Notify the petitioner by certified mail that the petition has been accepted;-¶
(c) Post a notice, a copy of the petition and materials submitted by the petitioner on the Authority's website announcing that the petition has been accepted and is under consideration~~, and solicit information from individuals~~

~~or organizations concerning experts in cannabis therapeutics and scientific studies, including but not limited to peer-reviewed published scientific studies; ;~~¶
(d) Notify the Oregon Cannabis Commission (OCC) by electronic mail that the petition is under consideration, and request from the OCC recommendations regarding relevant experts and information pertinent to the petition;~~-~~¶
(e) Conduct an investigation that may, as the SPHO determines necessary, include:~~-~~¶
(A) Consulting with one or more experts in cannabis ~~therapeutics and one or more experts~~research, cannabis therapeutics, ~~on~~r the disease or condition that is the subject of the petition;~~-~~¶
(B) ~~Requesting a~~A literature review and a summary of peer-reviewed published scientific studies related to the use of marijuana for the disease or condition that is the subject of the petition, from one~~utral person~~ or more individuals knowledgeable about conducting such reviews; and~~-~~¶
(C) Gathering any other information the SPHO believes relevant to making a decision on the petition.~~-~~¶
(f) Hold a public hearing at a time and place determined by the SPHO. At the public hearing the petitioner ~~shall~~must have the opportunity to address the SPHO in person~~ or by telephone. Written comments shall~~, by video conference, or by telephone. Members of the public may address the SPHO at the public hearing. Written comments from the petitioner and members of the public must be accepted by the SPHO for one week following the close of the public hearing.~~-~~¶
(4) Following the investigation identified in subsection (3)(e) of this rule and the close of the public comment period specified in subsection (3)(f) of this rule, the SPHO must issue a Notice of Intent to ~~either approve or deny~~Deny the petition or an order approving the petition.~~-~~¶
(a) The SPHO must issue a~~ Notice of Intent to A~~n order approve~~ing the petition if, based on the evidence presented to and considered by the SPHO, the SPHO finds that:~~-~~¶
(A) Marijuana is efficacious for the disease or condition that is the subject of the petition or marijuana may mitigate the symptoms or effects of the disease or condition that is the subject of the petition; and~~-~~¶
(B) Any risk of physical or mental harm from using marijuana for the disease or condition that is the subject of the petition is outweighed by the physical or mental benefit of using marijuana for that disease or condition.~~-~~¶
(b) The SPHO must issue a Notice of Intent to Deny the petition if the SPHO determines that the evidence presented to and considered by the SPHO does not meet the standards established in subsection (4)(a) of this rule.¶
(c) The Notice of Intent to Deny the petition must be in writing and must describe all evidence and information upon which the decision of the SPHO is based, including the identity and credentials of all experts relied upon.~~-~~¶
(d) If the Authority issues a Notice of Intent to Deny, the petitioner is entitled to a contested case hearing as provided under ORS chapter 183. The petitioner has 30 days to request a hearing.~~-~~¶
(5) At a contested case hearing, the petitioner has the burden of proving the decision of the SPHO was without a reasonable basis in fact.~~-~~¶
(6) The SPHO must issue a final order within 180 days of receipt of a complete petition.~~-~~¶
(7) A petitioner may withdraw his or her petition without prejudice at any time prior to the public hearing specified in subsection (3)(f) of this rule. A petition withdrawn after the public hearing specified in subsection (3)(f) of this rule ~~shall~~must be deemed denied for purposes of this rule.
Statutory/Other Authority: ORS 475C.913, 475C.919
Statutes/Other Implemented: ORS 475C.913

AMEND: 333-008-1110

RULE SUMMARY: OAR 333-008-1110: Amending rule language to remove reference to a rule that has been repealed. Also, clarifying that a visitor must be checked in upon entering the premises of a registered dispensary.

CHANGES TO RULE:

333-008-1110
Medical Marijuana Dispensaries: Locations of Medical Marijuana Dispensaries; Dispensary Premises Restrictions and Requirements ¶

(1) A dispensary may not be located:¶
(a) In an area that is zoned for residential use.¶
(b) At the same address as a registered marijuana grow site;¶
(c) Within 1,000 feet of the real property comprising a public prekindergarten or kindergarten program that is provided by a school district or an education service district;¶
(d) Within 1,000 feet of the real property comprising a public, parochial, or private elementary or secondary school, except as provided in ORS 475C.840; or¶
(e) Within 1,000 feet of another medical marijuana dispensary.¶
(2) For purposes of implementing ORS 475C.833(3)(d), the Oregon Health Authority (Authority) will consider a location to be a school if it has at least the following characteristics:¶
(a) Is a public, parochial, or private elementary or secondary school as those terms are defined OAR 333-008-0010;¶
(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 ORS 339.020 or children are being taught as described in ORS 339.030(1)(a); and¶
(e) Individuals are present to teach or guide student education.¶
(3) For purposes of determining the distance between a dispensary and a school or building described in ORS 475C.833(3)(d)(A) "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, parochial, or private elementary or secondary school to the closest point of the premises of a dispensary. If any portion of the premises of a proposed or registered dispensary is within 1,000 feet of a public, parochial, or private elementary or secondary school it may not be registered.¶
(4) For purposes of determining the distance between a dispensary and another registered dispensary "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 dispensary to the closest point anywhere on the premises of a proposed dispensary. If any portion of the premises of a proposed dispensary is within 1,000 feet of a registered dispensary it may not be registered.¶
(5) In order to be registered a 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~~Upon 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. All visitors described in section (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.¶
(a) A visitor badge is not required for government officials.¶
(b) A dispensary must log every government official that enters the premises but the dispensary may not request that the government official provide a date of birth for the log.¶
(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 that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.¶
(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 within the premises 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 scaled floor plan required in OAR 333-008-1020.¶
(14) Point of Sale Areas.¶
(a) All point of sale areas must be physically separated from any area where the general public is permitted by a floor to ceiling wall that prevents physical access between a point of sale area and an area that is open to the general public except through a door that is kept locked by a dispensary when the door is not immediately in use.¶
(b) An applicant or registrant may request, in writing, an exception from the Authority from the requirement under subsection (a) of this section 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.¶
(c) 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.¶
(d) A dispensary may not transfer a marijuana item to a patient or designated primary caregiver through a drive-through window.¶
(15) A dispensary may not sublet or share with any other business any portion of the dispensary premises, except a registered processing site under common ownership.¶
(16) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the dispensary premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the dispensary premises and any other use, occupancy or tenant space, except as follows:¶
(a) A dispensary may share a premises with a registered marijuana processing site that is under common ownership, in accordance with section (17) of this rule and OAR 333-008-2080.¶
(b) A dispensary is permitted to have a door from the dispensary premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (17) of this rule.¶

(17) If a dispensary premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (16) of this rule ingress or egress is permitted, every means of ingress and egress must be:¶
(a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.¶
(b) Posted with signage in accordance with OAR 333-008-1205, as applicable.¶
(c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.¶
(18) Residential occupancy of a dispensary premises is prohibited.
Statutory/Other Authority: ORS 475C.833, 475C.919
Statutes/Other Implemented: ORS 475C.833

AMEND: 333-008-1620

RULE SUMMARY: OAR 333-008-1620: Amending rule language to make a correction from referencing “dispensary” to a “processing site”. Also, clarifying rule language to indicate that a designated limited access area and a designated area are required for a processing site and that a visitor must be checked in upon entering the premises of a registered processing site.

CHANGES TO RULE:

333-008-1620
Medical Marijuana Processors: Application for Medical Marijuana Processing Site Registration ¶

(1) To register a medical marijuana processing site a person must:¶
(a) Submit an initial application on a form prescribed by the Oregon Health Authority (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 person responsible for the marijuana processing site (PRP); and¶
(C) The physical and mailing address of the marijuana processing site.¶
(b) Application and registration fees.¶
(c) An initial application for the registration of a processing site must be submitted as prescribed on the Authority's website, www.healthoregon.org/ommp.¶
(2) If an initial application is submitted along with the required fees the Authority will notify the applicant that the initial application has been received and that within 30 calendar days of the date the written notice is mailed or sent electronically the following information must be received by the Authority:¶
(a) 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, fingerprints and fees 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.¶
(b) 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;¶
(c) 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, including proof of registration of any DBA (doing business as) registration;¶
(d) A scaled site plan of the parcel or premises on which the premises proposed for registration, is located, including:¶
(A) Cardinal 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.¶
(e) A scaled floor plan of all enclosed areas of the premises at the proposed location that will be used in the business with the overall dimensions of the ~~dispensary~~processing site and the dimensions of the interior rooms and spaces, a description of the intended uses of all spaces and clear identification and location of:¶
(A) Walls;¶
(B) Partitions;¶
(C) Counters;¶
(D) Windows;¶
(E) Safes;¶
(F) All areas of ingress and egress;¶
(G) All limited access areas;¶
(H) Secure rooms; ~~and~~¶
(I) Designated limited access areas ~~or d~~required under OAR 333-008-1730(8)(a); and¶

(J) Designated areas required under OAR 333-008-1730(8);¶
(f) Documentation that shows the applicant has lawful possession of the proposed location of the processing site;¶
(g) 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 on a form prescribed by the Authority; and¶
(h) The proposed endorsements as described in OAR 333-008-1700.¶
(i) Consent for use of the premises. ¶
(A) If the applicant is the owner of the premises of the medical marijuana processing site to be registered, submit to the Authority with the application a statement accurately identifying the legal address and owner of the premises or the property owner's legal representative. ¶
(B) If the applicant is not the owner of the premises of the medical marijuana processing site to be registered, the applicant ~~shall~~must obtain a consent form prescribed by the Authority identifying the legal address and owner of the premises. The consent form must confirm ownership of the premises and the owner's consent to the applicant's use of the location for the purpose of a medical marijuana processing site for at least one annual license term and must be signed by the owner of the premises, witnessed by a notary public. This requirement must be satisfied by using the designed form published by the Authority on its website. ¶
(C) The consent form outlined in paragraph (A) or (B) of this subsection is valid for only the medical marijuana processing site named on the consent form and must not have been terminated prior to its receipt by the Authority. ¶
(3) The information and documentation required in section (~~3~~2) 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 received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.¶
(b) If documentation is submitted electronically it must be received by the Authority within 30 calendar days of the date the Authority mailed the notice to the applicant that the application was received or the application will be considered incomplete.¶
(4) Application and registration fees must be paid online as prescribed by the Authority within five business days of the applicant submitting the initial application.¶
(5) Criminal background check fees must be paid as prescribed by the Authority on its website, www.healthoregon.org/ommp, and must be received by the Authority in accordance with provisions in section (4) of this rule.¶
(6) If the Authority does not receive a complete application, all documentation required in sections (1) and (2) of this rule, and all required fees within the time frames established in this rule, the application will be declared incomplete.¶
(7) If the applicant provides the documentation required in section (2) of this rule, the Authority will review the information to determine if it is sufficient.¶
(a) If the documentation required under section (2) of this rule is not complete or is insufficient the Authority must notify the applicant in writing and the applicant will have 10 calendar days from the date such written notice is mailed or sent electronically by the Authority to provide the additional documentation.¶
(b) If the applicant does not provide the additional documentation within 10 calendar days or if any responsive documents are incomplete, insufficient or otherwise do not demonstrate compliance with ORS 475C.833 and these rules the application will be declared incomplete.¶
(8) A person who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in sections (1) and (2) of this rule for each location.¶
(9) An application that is declared incomplete is treated by the Authority as if it was never received.
Statutory/Other Authority: ORS 475C.815
Statutes/Other Implemented: ORS 475C.815

AMEND: 333-008-1730

RULE SUMMARY: OAR 333-008-1730: Amending rule to clarify that limited access areas must be separated from any general areas with the premises of a processing site. Also clarifying that a designated limited area is required where marijuana transfers are received and is separate from a designated area where visitors are checked in.

CHANGES TO RULE:

333-008-1730
Medical Marijuana Processors: 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~~Oregon Health Authority (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~~Upon 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.¶
(a) A visitor badge is not required for government officials.¶
(b) A processing site must log every government official that enters the premises but the processing site may not request that the government official provide a date of birth for the log.¶
(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. ¶
(c) All limited access areas must be physically separated from any area where the general public is permitted, by a floor to ceiling wall that prevents physical access between the limited access area and an area that is open to the general public except through a door that is kept locked by a processing site when the door is not immediately in use.¶
(9) The areas described in section (8) of this rule must be clearly marked on the scaled floor plan required in OAR 333-008-1620.¶

(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 to a limited access area signs that reads:¶
(A) "Restricted Access Area - Authorized Personnel Only".¶
(B) "No Minors Allowed".¶
(c) The signs described in subsection (a) and (b) of this section must:¶
(A) Be posted in English and Spanish;¶
(B) Contain legible font, with letters not less than one-half inch in height; ¶
(C) Be at least 8-1/2 inches by 11 inches in size; and¶
(D) Be posted in a conspicuous location where the sign can be easily read by individuals entering or on the processing site premises. ¶
(11) A processing site may not sublet or share with any other business any portion of the processing site premises, except:¶
(a) As permitted in OAR 333-008-1790; or¶
(b) A registered dispensary under common ownership.¶
(12) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space, the processing site premises and any other use, occupancy or tenant space must be completely separate with no communication of space or means of ingress or egress between the processing site premises and any other use, occupancy or tenant space, except as follows:¶
(a) A processing site may share a premises with a registered marijuana dispensary that is under common ownership, in accordance with section (13) of this rule and OAR 333-008-2080.¶
(b) A processing site is permitted to have a door from the processing site premises that opens into a common space shared by other commercial uses, occupants, tenants or the public, but that is not exclusively under the control or possession of a single other commercial use, occupancy or tenancy, in accordance with section (13) of this rule.¶
(13) If a processing site premises is located in a building or structure that includes residential, industrial, agricultural or other commercial uses, occupancies or tenant space and under section (12) of this rule ingress or egress is permitted, every means of ingress and egress must be:¶
(a) Through a door that is locked at all times, when not in immediate use, by a commercial grade lock, and that does not permit access by the public.¶
(b) Posted with signage in accordance with OAR 333-008-1730, as applicable.¶
(c) Equipped with security and surveillance system coverage in accordance with OAR 333-008-2080 and 333-008-2100.¶
(14) Residential occupancy of a processing site premises is prohibited.
Statutory/Other Authority: ORS 475C.815
Statutes/Other Implemented: ORS 475C.815

AMEND: 333-008-2070

RULE SUMMARY: OAR 333-008-2070: Amending rule language to remove reference to a rule that has been repealed.

CHANGES TO RULE:

333-008-2070
General Requirements for Medical Marijuana Processing Sites and Dispensaries: 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~~Oregon Health Authority (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~~ or a caregiver.¶
(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.
Statutory/Other Authority: ORS 475C.815, 475C.833, 475C.919
Statutes/Other Implemented: ORS 475C.815, 475C.833