



STATUTORY MINOR CORRECTION

PH 106-2018

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

04/27/2018 2:32 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Correction of statutes referenced in Medical Marijuana rules due to renumbering of Medical Marijuana Act

CONTACT: Brittany Hall
503-449-9808
publichealth.rules@state.or.us

800 NE Oregon St. Suite 930
Portland, OR 97232

Filed By:
Brittany Hall
Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):
Correcting statutory or rule references

AMEND: 333-007-0310

RULE TITLE: Definitions

RULE SUMMARY: In 2017, the Medical Marijuana Act was renumbered in the Oregon Revised Statutes (ORS). The Oregon Health Authority, Public Health Division is submitting this statutory minor correction to update the ORSs that are referenced in the Oregon Administrative Rules regarding medical marijuana (chapter 333, divisions 7 & 8). Also deleted a duplicate period at the end of section (47).

RULE TEXT:

For purposes of OAR 333-007-0300 through 333-007-0500:

- (1) "Authority" means the Oregon Health Authority.
- (2) "Batch" means:
 - (a) A quantity of usable marijuana from a harvest lot; or
 - (b) A quantity of cannabinoid concentrate or extract or cannabinoid product from a process lot.
- (3) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
- (4) "Cannabinoid concentrate or extract" means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.
- (5) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.
- (6)(a) "Cannabinoid product" means a cannabinoid edible or 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 the dried leaves or flowers of marijuana.
- (b) "Cannabinoid product" does not include:
 - (A) Usable marijuana by itself;
 - (B) A cannabinoid concentrate or extract by itself; or
 - (C) Industrial hemp, as defined in ORS 571.300.
- (7) "Cannabinoid capsule":

- (a) Means a small soluble container, usually made of gelatin that encloses a dose of a cannabinoid product, concentrate or extract intended for human ingestion.
- (b) Does not mean a cannabinoid suppository.
- (8) "Cannabinoid suppository" means a small soluble container designed to melt at body temperature within a body cavity other than the mouth, especially the rectum or vagina containing a cannabinoid product, concentrate or extract.
- (9) "Cannabinoid tincture" means a solution of alcohol, cannabinoid concentrate or extract, and perhaps other ingredients intended for human consumption or ingestion, and that is exempt from the Liquor Control Act under ORS 471.035.
- (10) "Cannabinoid topical" means a cannabinoid product intended to be applied to skin or hair and for purposes of testing includes transdermal patches.
- (11) "Cannabinoid Transdermal patch" means an adhesive substance applied to human skin that contains a cannabinoid product, concentrate or extract for absorption into the bloodstream.
- (12) "CBD" means cannabidiol, Chemical Abstracts Service Number 13956-29-1.
- (13) "CBDA" means cannabidiolic acid, Chemical Abstracts Service Number 1244-58-2.
- (14) "Chain of custody procedures" means procedures employed by laboratory personnel using a chain of custody form to record the possession of samples from the time of sampling through the retention time specified by the Authority or Commission.
- (15) "Chain of custody form" means a form completed by laboratory personnel that documents the collection, transport, and receipt of samples by the laboratory.
- (16) "Commission" means the Oregon Liquor Control Commission.
- (17) "Compliance test" means a laboratory test required by these rules in order to allow the transfer or sale of a marijuana item.
- (18) "Consumer" has the meaning given that term in ORS 475B.015 and does not include a patient or designated primary caregiver.
- (19) "Control study" means a study performed on products or matrices of unknown homogeneity to assure required uniformity of product accomplished through sampling and testing as described in OAR 333-007-0440.
- (20) "Delta-9 THC" is the principal psychoactive constituent (the principal cannabinoid) of cannabis, Chemical Abstracts Service Number 1972-08-3.
- (21)(a) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition, who is designated as such on that person's application for a registry identification card or in other written notification to the Authority, and who has been issued an identification card by the Authority under ORS 475B.797(5)(b).
- (b) "Designated primary caregiver" does not include the person's attending physician.
- (22) "Field duplicate sample" means sample increments taken in an identical manner to sample increments taken for the primary sample and representative of the same marijuana item being sampled that is prepared and analyzed separately from the primary sample.
- (23) "Food" means a raw, cooked, or processed edible substance, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (24) "Grower" has the same meaning as "person responsible for a marijuana grow site."
- (25) "Grow site" means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient under ORS 475B.810.
- (26) "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.
- (27) "Homogeneous" means a cannabinoid product, concentrate or extract has uniform composition and properties throughout each process lot.
- (28) "Human consumption or human ingestion" 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.

- (29) "Laboratory" means a laboratory that is accredited under ORS 438.605 to 438.620 to sample or conduct tests on marijuana items and licensed by the Oregon Liquor Control Commission under ORS 475B.560.
- (30) "Level of quantification" means the minimum levels, concentrations, or quantities of a target variable, for example an analyte, that can be reported by a laboratory with a specified degree of confidence.
- (31) "Licensee" has the meaning given that term in ORS 475B.015.
- (32)(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 industrial hemp, as defined in ORS 571.300.
- (33) "Marijuana item" means marijuana, usable marijuana, a cannabinoid product or a cannabinoid concentrate or extract.
- (34) "Marijuana processing site" means a marijuana processing site registered under ORS 475B.840.
- (35) "Medical marijuana dispensary" or "dispensary" means a medical marijuana dispensary registered under ORS 475B.858.
- (36) "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.
- (37) "Patient" has the same meaning as "registry identification cardholder."
- (38) "Person responsible for a marijuana grow site" has the same meaning as "grower" and means a person who has been selected by a patient to produce medical marijuana for the patient and who has been registered by the Authority for this purpose under ORS 475B.810.
- (39) "Process lot" means:
- (a) Any amount of cannabinoid concentrate or extract of the same type and processed using the same extraction methods, standard operating procedures and batches from the same or a different harvest lot; or
- (b) Any amount of a cannabinoid product of the same type and processed using the same ingredients, standard operating procedures and batches from the same or a different harvest lot or process lot of cannabinoid concentrate or extract as defined in subsection (a) of this section.
- (40) "Processing" means the compounding or conversion of marijuana into cannabinoid products or cannabinoid concentrates or extracts.
- (41) "Processing site" means a processor registered with Authority under ORS 475B.840.
- (42) "Processor" has the meaning given that term in OAR 845-025-1015.
- (43) "Producer" has the meaning given that term in OAR 845-025-1015.
- (44) "Producing" means:
- (a) Planting, cultivating, growing, trimming or harvesting marijuana; or
- (b) Drying marijuana leaves and flowers.
- (45) "Registrant" means a grower, marijuana processing site, or a medical marijuana dispensary registered with the Authority under ORS 475B.810, 475B.840 or 475B.858.
- (46) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority under ORS 475B.797(5)(a).
- (47) "Relative percentage difference" or "RPD" means the comparison of two quantities while taking into account the size of what is being compared as calculated under OAR 333-064-0100.
- (48) "Relative standard deviation" or "RSD" means the standard deviation expressed as a percentage of the mean recovery as calculated under OAR 333-064-0100.
- (49) "Sample" means an amount of a marijuana item collected by laboratory personnel from a registrant or licensee and provided to a laboratory for testing.
- (50) "Sample increment" means an amount of a marijuana item collected by laboratory personnel from a registrant or licensee that may be combined into a sample for purposes of testing or, in the case of a control study, is tested

individually.

(51) "Sterilization" means the removal of all microorganisms and other pathogens from a marijuana item by treating it with approved chemicals or subjecting it to high heat.

(52) "Test batch" means a group of samples from a batch submitted collectively to a laboratory for testing purposes.

(53) "THC" means tetrahydrocannabinol and has the same Chemical Abstracts Service Number as delta-9 THC.

(54) "THCA" means tetrahydrocannabinolic acid, Chemical Abstracts Service Number 23978-85-0.

(55) "These rules" means OAR 333-007-0300 through 333-007-0500.

(56) "TNI" means The NELAC (National Environmental Laboratory Accreditation Conference) Institute, a voluntary organization of state and federal environmental officials and interest groups purposed primarily to establish consensus standards for accrediting environmental laboratories.

(57) "TNI EL Standards" means the adopted 2009 TNI Environmental Lab Standards (© 2009 The NELAC Institute), which describe the elements of laboratory accreditation developed and established by the consensus principles of TNI and that meet the approval requirements of TNI procedures and policies.

(58) "Total THC" means the molar sum of THC and THCA.

(59) "Unit of sale" means an amount of a marijuana item commonly packaged for transfer or sale to a consumer, patient or designated primary caregiver, or capable of being packaged for transfer or sale to a consumer, patient or designated primary caregiver.

(60)(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 or processing marijuana.

STATUTORY/OTHER AUTHORITY: ORS 475B.555

STATUTES/OTHER IMPLEMENTED: ORS 475B.555