

## Revisions to Hemp Rules

### 603-048-0010

#### Definitions

The following definitions apply to OAR 603-048-0010 through 603-048-~~2500~~ unless the context requires otherwise.

(1) "Agricultural hemp seed" means Cannabis seed:

- (a) That is sold to or intended to be sold to registered growers for planting; or
- (b) That remains in an unprocessed or partially processed condition that is capable of germination.

(2) "Agricultural hemp seed producer" means a person who produces agricultural hemp seed or processes industrial hemp into agricultural hemp seed.

(3) "CBD" means cannabidiol, Chemical Abstracts Service Number 13956-29-1.

(4) "Consumption" means to ingest, inhale, topically apply to the skin or hair.

(5) "Crop" means industrial hemp grown under a single registration.

(6) "Department" means the Oregon Department of Agriculture.

(7) "Food" means:

(a) Articles used for food or drink, including ice, for human consumption or food for dogs and cats;

(b) Chewing gum;

(c) Dietary supplements; and

(d) Articles used for components of any such article.

(8) "Grower" means a person, joint venture or cooperative that produces industrial hemp.

(9) "Grow site" means one contiguous lot, parcel, or tract of land used to produce or intended to produce industrial hemp.

(10) "Handler" means a person, joint venture or cooperative that receives industrial hemp for processing into commodities, products or agricultural hemp seed.

(11) "Handling site" means one contiguous lot, parcel, or tract of land used to handle or intended to handle industrial hemp.

(12) "Harvest Lot":

(a) Means a quantity of industrial hemp harvested in a distinct timeframe that is:

(A) Grown in one contiguous production area within a grow site; or

(B) Grown in a portion or portions of one contiguous production area within a grow site.

(b) Does not include a quantity of industrial hemp comprised of industrial hemp grown in noncontiguous production areas.

(13) "Harvest Lot Identifier" means a unique numerical identifier that begins with the last seven numbers and letters of a grower's registration number, then the year of harvest, and then a unique number to identify the harvest lot.

(14) "Hemp Item" has the meaning provided in OAR 603-048-2310.

(15) "Industrial hemp":

(a) Means all non-seed parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(b) Means any Cannabis seed:

(A) That is part of a crop;

(B) That is retained by a grower for future planting;

(C) That is agricultural hemp seed;

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(D) That is for processing into or for use as agricultural hemp seed; or  
(E) That has been processed in a manner or to an extent that the Cannabis seed is incapable of germination.

(c) Does not mean:

- (A) Industrial hemp commodities or products; or
- (B) Marijuana, as that is defined in ORS 475B.015.

~~(16) Industrial Hemp Commodity or Product:~~

~~(a) Means an item processed by a handler containing any industrial hemp or containing any chemical compounds derived from industrial hemp, including CBD derived from industrial hemp.~~

~~(b) Includes:~~

- ~~(A) Hemp concentrates or extracts as defined in OAR 603-048-2310;~~
- ~~(B) Hemp edible as defined in OAR 603-048-2310;~~
- ~~(C) Hemp tincture as defined in OAR 603-048-2310;~~
- ~~(D) Hemp topical as defined in OAR 603-048-2310;~~
- ~~(E) Hemp transdermal patch as defined in OAR 603-048-2310;~~
- ~~(F) Industrial hemp processed through retting or other processing such that it is suitable fiber for textiles, rope, paper, hempcrete, or other building or fiber materials;~~
- ~~(G) Industrial hemp seed processed such that it is incapable of germination and processed such that is suitable for human consumption;~~
- ~~(H) Industrial hemp seed pressed or otherwise processed into oil;~~

~~(c) Does not include:~~

- ~~(A) Industrial hemp that has not been processed in any form;~~
- ~~(B) Industrial hemp that has been minimally processed, for purposes of transfer or storage including chopping, separating, or drying;~~
- ~~(C) Industrial hemp that has been minimally processed and meets all testing requirements for hemp items under OAR 603-048-2300 to 603-048-2500 where used or intended to be used for processing into a hemp concentrate or extract as defined in OAR 603-048-2310;~~
- ~~(D) Agricultural hemp seed.~~

~~(17) “Laboratory” means a laboratory that is licensed by the Oregon Liquor Control Commission under ORS 475B.560 and accredited by the Oregon Health Authority under ORS 475B.565.~~

~~(18) “OLCC” means the Oregon Liquor Control Commission.~~

~~(19) “Process” means the processing, compounding, or conversion of industrial hemp into industrial hemp commodities or products or agricultural hemp seed.~~

~~(20) “Process lot” means:~~

~~(a) Any amount of hemp 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.~~

~~(21) “Produce” means the planting, cultivation, growing, or harvesting of industrial hemp.~~

~~(22) “Production area” means the area at a grow site where industrial hemp is produced or is intended to be produced and may include fields, greenhouses, or other buildings.~~

~~(23) “Process lot identifier” means a unique numerical identifier that begins with the last seven numbers and letters of a handler’s registration number, then the year of processing, and then a~~

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unique number to identify the process lot.

(24) “Retest” or “Retesting” means the laboratory process of retesting a retained file sample for THC content after the sample failed initial testing for THC content. A retest does not include or permit taking a new sample from the harvest lot.

(25) “Registrant” means a grower or handler or agricultural hemp seed producer registered with the Department under these rules.

(26) “Tetrahydrocannabinol” or “THC” means tetrahydrocannabinol and has the same meaning as delta-9 THC.

**Statutory/Other Authority:** ORS [561.190](#), ORS [569.445](#), [571.300 - 571.348](#) & [633.511 - 633.996](#), OL [2018, Ch. 116](#)

**Statutes/Other Implemented:** ORS [571.300 - 571.348](#), OL [2018, Ch. 116](#)

### History:

[DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018](#)

[DOA 22-2017, temporary amend filed 12/19/2017, effective 12/19/2017 through 04/03/2018](#)

[DOA 18-2017, temporary amend filed 11/09/2017, effective 11/09/2017 through 04/03/2018](#)

[DOA 15-2017, temporary amend filed 10/06/2017, effective 10/06/2017 through 04/03/2018](#)

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 3-2015, f. & cert. ef. 1-29-15

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## 603-048-0100

### Registration, generally

(1) Industrial hemp is an agricultural product subject to regulation by the Department.

(2) Only a registrant may sell, store, or transfer industrial hemp.

(3) Registrations:

(a) Apply only to the individual or entity identified on an application that is approved by the Department.

(b) Are a personal privilege and may not be transferred.

(c) May not be sold or transferred.

(4) Within this state, a registrant may only sell or transfer industrial hemp or agricultural hemp seed to:

(a) Another registrant; or

(b) An OLCC licensee in accordance with ORS 571.336, OR Laws 2018, Chapter 116, Section 15 and 15a, and rules adopted thereunder.

(5) Restriction on industrial hemp product sales:

(a) For the purposes of this section, “consumer” means a person who purchases, acquires, owns, holds or uses industrial hemp products other than for the purpose of resale.

(b) A registrant may not sell an industrial hemp product that contains more than 0.3 percent THC to a consumer unless licensed as a retailer by OLCC.

(6) Registration and compliance with these rules does not protect a person from possible criminal prosecution under federal law or other sanctions by federal entities.

**Statutory/Other Authority:** ORS [561.190](#), ORS [569.445](#), [571.300 - 571.348](#) & [633.511 - 633.996](#), OL [2018, Ch. 116](#)

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**Statutes/Other Implemented:** [ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 15a](#)

### **History:**

[DOA 13-2017, f. & cert. ef. 8-30-17](#)

[DOA 7-2017\(Temp\), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17](#)

[DOA 19-2016, f. & cert. ef. 10-28-16](#)

[DOA 11-2016\(Temp\), f. & cert. ef. 5-3-16 thru 10-29-16](#)

[DOA 3-2015, f. & cert. ef. 1-29-15](#)

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### **OAR 603-048-0125**

#### **Grower Registration**

(1) Only a grower registered with the Department may produce industrial hemp.

(2) Industrial hemp may only be produced at grow sites registered with the Department.

(3) A registered grower may use any propagation method, including planting seeds from, or starts, or the use of clones or cuttings, to produce industrial hemp.

(4) The Department shall make available to registered growers information that identifies registered agricultural hemp seed producers from whom growers may purchase agricultural hemp seed.

**Statutory/Other Authority:** [ORS 561.190, ORS 569.445, 571.300 - 571.348 & 633.511 - 633.996, OL 2018, Ch. 116](#)

**Statutes/Other Implemented:** [ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 15a](#)

**Deleted:** (5) Any person holding a valid three-year or one-year industrial hemp license or agricultural hemp seed permit shall be considered a registrant for the purposes of these rules for the term remaining on the license or permit.  
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**Deleted:** (7) A registrant may sell or transfer as follows:  
(a) A registrant may only sell or transfer industrial hemp to another registrant.  
(b) A registered agricultural hemp seed producer may only sell or transfer agricultural hemp seed to a registered grower, registered handler, or a registered agricultural hemp seed producer.  
(c) A registered handler may sell or transfer industrial hemp commodities or products to any person.

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[DOA 13-2017, f. & cert. ef. 8-30-17](#)

[DOA 7-2017\(Temp\), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17](#)

[DOA 19-2016, f. & cert. ef. 10-28-16](#)

[DOA 11-2016\(Temp\), f. & cert. ef. 5-3-16 thru 10-29-16](#)

[DOA 3-2015, f. & cert. ef. 1-29-15](#)

### **OAR 603-048-0125**

#### **Handler Registration**

(1) Only a handler registered with the Department may process industrial hemp.

(2) Industrial hemp may only be handled at handling sites registered with the Department. A hemp handling registration applies to only one handling site. A handler must obtain a separate registration for each handling site.

(3) **Handler Registration by Reciprocity.** A marijuana processor licensed under [ORS 475B.090](#) with a hemp endorsement as described in [OAR 845-025-03285](#) from the OLCC may be registered by reciprocity with the Department as a handler in accordance with [OAR 603-048-0225\(8\)](#). A marijuana processor registered by reciprocity:

(a) Is deemed to be in compliance with the recordkeeping requirements in [OAR 603-048-0500](#) if the marijuana processor tracks all industrial hemp and industrial hemp products and commodities in the Cannabis Tracking System as required by [OAR Chapter 845, Division 25](#).

(b) Is deemed to be in compliance with testing requirements for hemp items if the marijuana processor tests all hemp items as required in [OAR Chapter 845, Division 25](#).

**Statutory/Other Authority:** [ORS 561.190, ORS 569.445, 571.300 - 571.348 & 633.511 - 633.996, OL 2018 & Ch. 116](#)

**Statutes/Other Implemented:** [ORS 571.300 - 571.348, OL 201, Ch. 116, Sec. 15a](#)

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### **603-048-0200**

#### **Applications to Register or Renew Grower Registration**

(1) Registrations are valid for a one-year term beginning on January 1 of each calendar year.

4- Revised Hemp Rules 7-5-18  
(From Version in effect 5-17-18)

## Revisions to Hemp Rules

(2) **Renewal Application.** A registrant with a current valid registration may renew the registration by submitting a renewal application by no later than December 30 of the current registration year.

(3) The Department shall review and act on applications in the order they are received. An individual is not registered with the Department until the Department has approved the registration and notified the registrant of registration.

(4) To apply for a grower registration, an applicant must submit to the Department:

(a) A complete grower registration application on a form provided by the Department;

(b) A complete grow site registration application on a form provided by the Department for each grow site; and

(c) All applicable fees as described in OAR 603-048-0700.

(5) A person seeking to produce or process agricultural hemp seed must separately apply for and obtain an agricultural hemp seed producer registration as described in OAR 603-048-0300.

(6) A grower registration application must include all of the following information:

(a) The name, legal type of registrant (individual, corporation, etc.), and contact information of the applicant;

(b) The address of each grow site; and

(c) Other information for purposes of studying the growth, cultivation, and marketing of industrial hemp as specified by the Department in the application, including but not limited to:

(A) The intended use of the industrial hemp (flower, seed, or fiber); and

(B) The intended number of acres or square feet to be cultivated.

(d) Any other information or forms required by the Department.

(7) Each grow site registration application must include all of the following information:

(a) The address of the grow site;

(b) If industrial hemp is grown or is intended to be grown in a field:

(A) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate center of the growing field;

(B) The number of square feet or acres of each cultivated field; and

(C) A map of the production area showing clear boundaries of the production area;

(c) If industrial hemp is grown or is intended to be grown in a greenhouse or other building:

(A) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate entrance of the greenhouse or other building;

(B) The approximate dimension or square feet of the greenhouse or other building; and

(D) A map of the production area showing clear boundaries of the production area.

(8) To add a grow site to an existing registration, the registered grower must submit to the Department:

(a) A complete grow site registration form as described in subsection (6) of this rule.

(b) All applicable fees as described in OAR 603-048-0700(2)(a).

(9) In addition to the requirements in sections (1) to (3), all applicants for registration must acknowledge and agree that:

(a) Any information provided to the Department may be publicly disclosed and may be provided to law enforcement agencies without notice to the applicant or registrant;

(b) The Department may enter any field, facility or greenhouse used for the production or handling of industrial hemp or agricultural hemp seed and may take samples of industrial hemp or agricultural hemp seed as necessary for the administration of the Department's laws.

(c) All fees lawfully due to the Department will be timely paid.

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## Revisions to Hemp Rules

(d) The information provided is true and correct and that applicant's signature is an attestation of that fact.

**Statutory/Other Authority:** ORS [561.190](#), ORS 569.445, 571.300 - 571.348, 633.511 - 633.996, OL [2018](#), Ch. [116](#)

**Statutes/Other Implemented:** ORS 571.300 - 571.315, OL 2016, Ch. 71, Sec. 2 & 4 - 8

### History:

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DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 1-2016(Temp), f. & cert. ef. 1-29-16 thru 7-26-16

DOA 3-2015, f. & cert. ef. 1-29-15

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### **603-048-0225**

#### **Application to Register or Renew Handler Registration**

(1) Registrations are valid for a one-year term beginning on January 1 of each calendar year.

(2) Renewal Application. A registrant with a current valid registration may renew the registration by submitting a renewal application to the Department by no later than December 30 of the current registration year.

(3) The Department shall review and act on applications in the order they are received. An individual is not registered with the Department until the Department has approved the registration and notified the registrant of registration.

(4) To apply for a handler registration, an applicant must submit to the Department:

(a) A complete application to the Department on forms provided by the Department; and

(b) All applicable fees as described in OAR 603-048-0700.

(5) A person seeking to produce or process agricultural hemp seed must separately apply for and obtain an agricultural hemp seed producer registration as described in OAR 603-048-0300.

(6) An application for a handler registration must:

(a) Include all of the following information:

(A) The name, legal type of registrant (individual, corporation, etc.), and contact information of the applicant;

(B) The name and address of applicant's handling site;

(C) Other information for purposes of studying the growth, cultivation, and marketing of industrial hemp as specified by the Department in the application.

(b) Include a completed copy of the ODA land use compatibility statement for each hemp operation location signed by the local county or government.

(c) Include any other information or forms required by the Department.

(7) In addition to the requirements in sections (4) to (6), all applicants for registration must acknowledge and agree that:

(a) Any information provided to the Department may be publicly disclosed and may be provided to law enforcement agencies without notice to the applicant or registrant;

(b) The Department may enter any field, facility or greenhouse used for the production or handling of industrial hemp or agricultural hemp seed and may take samples of industrial hemp or agricultural hemp seed as necessary for the administration of the Department's laws.

(c) All fees lawfully due to the Department will be timely paid.

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(e) Registration and compliance with industrial hemp rules does not protect a person from possible criminal prosecution under federal law or other sanctions by federal entities.

### (8) Incomplete Applications.

(a) If an applicant does not provide all of the information required in subsection (6) of this rule or pay the applicable fee, the Department shall reject the application as incomplete.

(b) If an applicant fails to provide all of the information required, the Department shall notify the applicant of the missing information and allow the applicant fourteen (14) days to submit the missing information.

(c) The Department may verify the information submitted, verify any accompanying documentation submitted with an application, or request additional information from the applicant. If an applicant fails to submit information necessary for the Department to verify information on the application or accompanying documentation, the Department shall reject the application as incomplete.

(d) 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 to a new application.

### (9) Denial.

(a) The Department must deny an initial or renewal application if the LUCS submitted states that the proposed land use is prohibited in the applicable zone.

(b) The Department may deny an initial or renewal application if:

(A) The applicant violated or has a history of noncompliance with:

(i) A provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116),

(ii) A rule adopted under a provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116);

(iii) An order issued by the Department pursuant to a provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116) or a rule adopted thereunder;

(iv) Any statutory law or Department rule related to agricultural activities other than industrial hemp operations.

(B) The application contains false, misleading, or incorrect information; or

(C) The applicant fails to satisfy any of the requirements for initial registration.

(10) Registration by Reciprocity. A marijuana processor licensed under ORS 475B.090 with a hemp endorsement as described in OAR 845-025-03285 from the OLCC may apply for registration by submitting to the Department:

(a) A complete reciprocity handler registration application on forms provided by the Department;

(b) A copy of the marijuana processor's current license and hemp endorsement;

(c) All applicable fees as described in OAR 603-048-0700;

(d) Any other forms or documents required by the Department.

Statutory/Other Authority: ORS 561.190, ORS 569.445, 571.300 - 571.348, 633.511 - 633.996, OL 2018, Ch. 116

Statutes/Other Implemented: ORS 571.300 - 571.315, OL 2016, Ch. 71, Sec. 2 & 4 - 8

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### 603-048-0300

#### Application to Register or Renew Agricultural Hemp Seed Producer Registration

(1) Only a grower registered with the Department may produce agricultural hemp seed. Only a handler registered with the Department may process agricultural hemp seed. An applicant may apply for a grower or handler registration at the same time the applicant applies for registration as an agricultural hemp seed producer.

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## Revisions to Hemp Rules

(2) Renewal Application: A registrant with a current valid registration may renew the registration by submitting an application no later than December 30 of the current registration year.

(3) A registered grower or handler seeking to produce or process agricultural hemp seed must register with the Department, on forms provided by the Department, as an agricultural hemp seed producer unless:

(a) A registered grower retains agricultural hemp seed only for the purpose of personally propagating industrial hemp for the grower's own use in future years;

(b) A registered grower produces Cannabis seeds that are incapable of germination; or

(c) A registered handler processes agricultural hemp seed in such a manner that the seeds are incapable of germination.

(4) An application to produce agricultural hemp seed must include all of the following information:

(a) The name, legal type of registrant (individual, corporation, etc.), and contact information of the applicant;

(b) The name and address of the applicant's agricultural hemp seed operation(s);

(c) If industrial hemp is grown in a field:

(A) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate center of the growing field;

(B) The number of square feet or acres of each cultivated field; and

(C) A map of the production area showing clear boundaries of the production area;

(d) If industrial hemp is grown in a greenhouse or other building:

(A) The global positioning system (GPS) coordinates provided in decimal of degrees and taken at the approximate entrance of the greenhouse or other building;

(B) The approximate dimension or square feet of the greenhouse or other building; and

(D) A map of the production area showing clear boundaries of the production area.

(e) Other information for purposes of studying the growth, cultivation, and marketing of industrial hemp as specified by the Department in the application.

(f) Any other information or forms required by the Department.

(5) An application to process agricultural hemp seed must include all of the following information:

(a) The name, legal type of registrant (individual, corporation, etc.), and contact information of the applicant;

(b) The name and address of applicant's facility used for processing industrial hemp agricultural seed.

(c) Other information for purposes of studying the growth, cultivation, and marketing of industrial hemp as specified by the Department in the application.

(d) Any other information or forms required by the Department.

(6) A registered grower may retain agricultural hemp seed without registering as an agricultural hemp seed producer for the purpose of personally propagating industrial hemp in future years, except that a registered grower may not:

(a) Retain seed from a harvest lot for future planting that failed pre-harvest THC testing as described in OAR 603-048-0600 and 603-048-0625.

(b) Sell or transfer agricultural hemp seed for the purpose of planting without first obtaining a registration for agricultural hemp seed.

(7) An applicant for registration must acknowledge and agree that:

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(a) Any information provided to the Department may be publicly disclosed and may be provided to law enforcement agencies without notice to the applicant or registrant;

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(b) The Department may enter any field, facility, greenhouse, or other building used for the production or processing of industrial hemp and may take samples of industrial hemp, industrial hemp commodities or products, or agricultural hemp seed as necessary for the administration of the Department's laws.

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(c) All fees lawfully due to the Department will be timely paid.

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(d) The information provided is true and correct and that applicant's signature is an attestation of that fact.

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(e) Registration and compliance with industrial hemp rules does not protect a person from possible criminal prosecution under federal law or other sanctions by federal entities.

(8) Incomplete Applications.

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(a) If an applicant does not provide all of the information required in subsection (5) of this rule or pay the applicable fee, the Department shall reject the application as incomplete.

(b) If an applicant fails to provide all of the information required, the Department shall notify the applicant of the missing information and allow the applicant fourteen (14) days to submit the missing information.

(c) The Department may verify the information submitted, verify any accompanying documentation submitted with an application, or request additional information from the applicant. If an applicant fails to submit information necessary for the Department to verify information on the application or accompanying documentation, the Department shall reject the application as incomplete.

(d) 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 to a new application.

(9) Denial.

(a) The Department must deny an initial or renewal application if the applicant is not registered as a grower or handler.

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(a) The application is incomplete; ¶  
(b) The fee is not submitted; or ¶  
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(b) The Department may deny an initial or renewal application if:

(A) The applicant violated or has a history of noncompliance with:

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(i) A provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116),

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(ii) A rule adopted under a provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116);

(iii) An order issued by the Department pursuant to a provision of ORS 571.300 to ORS 571.348 (as amended by Or Laws 2018, Ch. 116) or a rule adopted thereunder; or

(iv) Any statutory law or Department rule related to agricultural activities other than industrial hemp operations.

(b) The application contains false, misleading, or incorrect information.

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(10) Registrations are valid for a one-year term beginning January 1 of each calendar year.

**Statutory/Other Authority:** ORS 561.190, ORS 569.445, 571.300 - 571 348 & 633.511 - 633.996, OL 2018, Ch. 116

**Deleted:** 315

**Deleted:** 2016 &

**Statutes/Other Implemented:** ORS 571.300 - 571 348, OL 2018, Ch. 116

**Deleted:** 71

**History:**

DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018

**Deleted:** 315

DOA 13-2017, f. & cert. ef. 8-30-17

**Deleted:** 2016

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

**Deleted:** 71, Sec. 2 & 4 - 8

DOA 19-2016, f. & cert. ef. 10-28-16

## Revisions to Hemp Rules

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16  
DOA 3-2015, f. & cert. ef. 1-29-15

### 603-048-0400

#### Reporting Requirements

(1) A registrant must immediately report, but no later than 48 hours, the theft or loss of industrial hemp or hemp items to the Department.

(2) An applicant or registrant must report to the Department in writing within 10 calendar days of the following:

(a) A disciplinary proceeding or enforcement action by another government entity that may affect the registrant's business;

(b) Temporary closures of more than 30 days or a permanent closure of a grow site or a handling site.

(3) On forms provided by Department, a registrant must report to the Department:

(a) Changes to the name, address, or telephone number of the registrant within 10 calendar days of the change;

(b) Changes in location of a production area at a grow site or the addition of a production area at a grow site prior to producing at a production area not registered with the Department.

(4) Changes in Business Structure or Ownership. A registrant that proposes to change its corporate structure or ownership structure must submit a complete Change in Business or Ownership on a form provided by the Department to the Department, prior to making such a change.

(a) The Department shall approve the change if the change would not result in an initial or renewal application denial or revocation under these rules.

(b) If the registrant proceeds with the change without an approved Change in Business or Ownership form, the registrant must surrender the registration in writing or the Department shall propose to revoke the registration.

(c) The Department may refuse to accept a Change in Business or Ownership form for a change in corporate structure or financial interest if the registration is expiring in less than 90 days, the registration is under investigation by the Department, or has been issued a Notice by the Department following an alleged violation and the alleged violation has not been resolved.

(d) If a registrant has a change in ownership that is 51% or greater, a new application and application fees must be submitted.

(5) Registrants must pay the change fee described in OAR 603-048-0700 for each change form submitted under section (2)(b), (3), and (4)(a) of this rule.

(6) Growers must ensure that all laboratory THC test results for all harvest lots are timely reported to the Department and that any failed test report is immediately reported to the Department as required by these rules.

(7) For purposes of studying the growth, cultivation, and marketing of industrial hemp prior to expiration of the registration year or prior to applying to renew registration, whichever comes first:

(a) Growers shall report to the Department on forms provided by the Department:

(A) Amount of industrial hemp grown (in acres or square feet);

(B) Number of pounds harvested; and

(C) Any other information as specified on the forms by the Department.

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**Deleted:** registration holder;<sup>4</sup>

**Deleted:** the ownership of the land or facilities used to produce or process industrial hemp or agricultural hemp seed;<sup>4</sup>  
(c) Changes in the ownership or structure of the entity holding an industrial hemp registration or agricultural hemp seed

**Deleted:** registration;<sup>4</sup>

(d) Changes in location

**Deleted:** facility for processing industrial hemp

**Deleted:** beginning processing at the new location; and<sup>4</sup>

(e) Changes in location or the addition of a field or growing area for

**Deleted:** industrial hemp

**Deleted:** producing at the new location.<sup>4</sup>

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## Revisions to Hemp Rules

(b) Handlers shall report to the Department on forms provided by the Department:

(A) Type of industrial hemp commodities and products produced;

(B) The amount of industrial hemp commodities and products produced per type; and

(C) Any other information as specified on the forms by the Department.

**Statutory/Other Authority:** ORS 561.190, ORS 569.445, 571.300 - 571 348 & 633.511 - 633.996, OL 2018, Ch. 116

**Statutes/Other Implemented:** ORS 571.300 - 571 348, OL 2018, Ch. 116, Sec. 2 & 4 - 8

### History:

DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018

DOA 23-2017, temporary amend filed 12/19/2017, effective 12/19/2017 through 04/03/2018

DOA 15-2017, temporary amend filed 10/06/2017, effective 10/06/2017 through 04/03/2018

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 3-2015, f. & cert. ef. 1-29-15

## 603-048-0500

### Record Keeping Requirements

(1) Registrants must maintain records required under this rule for no less than three (3) years after the total disposition of each harvest or process lot, as identified by harvest or process lot identifier.

(2) Handlers must maintain a system of recordkeeping that:

(a) Identifies the harvest lot(s), as identified by the harvest lot identifier(s), used to create any industrial hemp product or commodity;

(b) Identifies the process lot, as identified by the process lot identifier, of all industrial hemp products or commodities created by the handler or imported industrial hemp products or commodities received by the handler.

(3) For purposes of identifying industrial hemp and industrial hemp products and commodities for record keeping:

(a) Registrants must assign each harvest lot of industrial hemp a harvest lot identifier.

(b) Registrants must use the harvest lot identifier to identify any industrial hemp commodities or products produced from the harvest lot of industrial hemp.

(c) Registrants must assign each process lot of industrial hemp products or commodities a process lot identifier upon manufacture or receipt of imported industrial hemp products or commodities.

(4) A registrant must maintain transfer records for any transfer of industrial hemp or agricultural hemp seed, as identified by harvest lot identifier, to or from the registrant with the following information:

(a) The name and address of the recipient or transferor;

(b) The harvest lots transferred;

(c) The date of transfer;

(d) The amount of industrial hemp or agricultural hemp seed transferred in pounds;

(e) All records of sampling and testing for each harvest lot;

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**Deleted:** (1) A registered grower

**Deleted:** records, which include:

(

**Deleted:** ) For any transfer of industrial hemp to a registered handler, the name and address of the recipient; receiving any amount of industrial hemp;

**Deleted:** (b) Date(s) in which

**Deleted:** was transferred to the registered handler;

(c) Amount of

**Deleted:** , in pounds, transferred to the registered handler;

(d) All records of sampling including date, approximate number of

plants sampled, total sample weight,

**Deleted:** name of sampling entity;

(e) Name of laboratory that analyzed the sample(s); and

(f) All test report records

**Deleted:** tetrahydrocannabinol for

**Deleted:** , as reported by the laboratory;

(2) A registered handlers

**Deleted:** must maintain records, which include:

**Deleted:** (a) For any receipt of

**Deleted:** a registered grower or handler, the name and address of

the transferor;

(b) All test report records for tetrahydrocannabinol for all

**Deleted:** received;

**Deleted:** Date industrial hemp was received;

(d) Amount in pounds and type of industrial hemp received;

(e) A copy of the test report records indicating concentration of

tetrahydrocannabinol for

**Deleted:** harvest

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(f) A copy of all test reports required by OAR 603-048-2000 for

each consumable sold

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**Deleted:** (3) A registered agricultural hemp seed producer

**Deleted:** which include:

(a) For

**Deleted:** a registered grower or handler,

**Deleted:** Date(s)

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## Revisions to Hemp Rules

(f) If transferred to an OLCC licensee, the UID number(s), as defined in OAR 845-025-1015, assigned to the harvest lot(s).

**Deleted:** registered grower or handler;

(5) A handler must maintain processing records, with the following information:

**Deleted:** (c) Amount

(a) For each harvest lot received or transferred, as identified by the harvest lot identifier:

(A) The name and address of the registrant transferring the harvest lot to the handler or receiving the harvest lot from the handler;

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(B) The harvest lots received or transferred;

(C) The date of receipt or transfer;

(D) The amount of industrial hemp received or transferred in pounds;

**Deleted:** seed,

(E) All test reports for each harvest lot received or transferred;

**Deleted:** , transferred to the registered grower or handler

(F) If transferred to an OLCC licensee, the UID number(s), as defined in OAR 845-025-1015, assigned to the harvest lot(s).

**Deleted:** (d) All records of sampling including date, approximate number of plants sampled, total sample weight, and name of approved sampling entity;¶

(b) Disposition information for each harvest lot received, as identified by harvest lot identifier and process lot identifier, including:

(e) Name of laboratory that analyzed the sample(s); and¶  
(f) All test report records for tetrahydrocannabinol for agricultural hemp seed, as reported by the laboratory.¶

(A) Identifying whether the harvest lot was transferred without processing;

(B) If processed:

(i) The process lot(s) created from the harvest lot;

(ii) How the harvest lot was processed;

(iii) The type of industrial hemp commodity or product created from each harvest lot; and

(iv) The amount in units or pounds of the industrial hemp commodity or product created from each harvest lot processed.

(c) For transfers of industrial hemp products and commodities to or from the handler, as identified by the harvest lot identifier and process lot identifier:

(A) The name and address of the recipient or transferor;

(B) The products and commodities transferred;

(B) The date of transfer;

(D) The amount of products and commodities transferred;

(E) A copy of all test reports for each hemp item sold or transferred; and

(F) If transferred to an OLCC licensee, the UID number(s), as defined in OAR 845-025-1015, assigned to the process lot(s).

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**Statutory/Other Authority:** ORS 561.190, ORS 569.445, 571.300 - 571.348 & 633.511 - 633.996, OL 2018, Ch. 116

**Deleted:** 2016 &

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116

**Deleted:** 71

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 3-2015, f. & cert. ef. 1-29-15

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**Deleted:** 2016

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**Moved up [2]:** 2 & 4 - 8

### OAR 603-048-0550

#### Transport Requirements

When transporting industrial hemp or agricultural hemp seed, registrants must ensure a copy of the hemp registration and a copy of the pre-harvest test results that corresponds to the harvest lot in transit as identified by harvest lot identifier accompanies the industrial hemp or agricultural hemp seed.

## Revisions to Hemp Rules

**Statutory/Other Authority:** [ORS 561.190, ORS 571.300 - 571.348, OL 2018, Ch. 116](#)

**Statutes/Other Implemented:** [ORS 571.300 - 571.348, OL 2018, Ch. 116](#)

### **History:**

#### **603-048-0600**

##### **Pre-Harvest Sampling and Testing for Tetrahydrocannabinol**

(1) Required Sampling and Testing:

(a) A grower must ensure that the grower's entire crop is timely sampled and tested according to these rules.

(b) Harvest lots must be sampled and tested separately and may not be combined. At the discretion of the grower, industrial hemp grown in a contiguous field or growing area may be subdivided into separate harvest lots for sampling and testing consistent with these rules.

[Sampling must be conducted and testing must be reported using the harvest lot identifier described in OAR 603-048-0500\(2\).](#)

(c) A grower must arrange for and ensure the sampling of a harvest lot no more than ~~twenty-eight (28) days~~ prior to harvest for the purpose of ensuring that the harvest lot does not exceed permissible THC concentration levels on a dry weight basis.

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(d) If a purpose of the harvest lot is to produce flower, the grower must arrange for sampling such that flowers are present at the time of sampling. In this case, only plants with flowers shall be sampled.

(2) To be sufficient to meet required THC testing under these rules:

(a) All sampling and testing must be performed by the Department or a laboratory.

(b) A grower must ensure that a laboratory retains all documentation of sampling and testing for at least three years and be provided to the Department upon request.

(c) A grower may only use a laboratory that complies with sample or matrix spike recovery requirements and Relative Percent Difference requirements as described in Exhibit B.

[\(d\) A grower may only use a laboratory that requires laboratory staff to complete sampling training with the Department prior to conducting sampling.](#)

(3) To request sampling and testing, prior to sampling a grower must submit to the laboratory, or the Department, a completed sampling request form provided by the Department that includes:

(a) A written sampling request for THC analysis for each harvest lot, [as identified by the harvest lot identifier](#), for which the grower is requesting sampling and testing and the total number of harvest lots to be sampled and tested;

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(b) A description of the location of the [production](#) area of each harvest lot, [as identified by the harvest lot identifier](#), including the GPS coordinates or address of the harvest lot; and

(c) A written description and visual depiction of each harvest lot to be sampled and tested such that the [production](#) area for each harvest lot is apparent from a visual inspection of the premises and easily discernible from other harvest lots.

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(4) To be sufficient to meet the requirement for sampling under these rules, sampling of a harvest lot must:

(a) Occur after the laboratory or Department personnel fully complete the sampling form provided by the Department onsite at the [production](#) area.

**Deleted:** field or growing

(b) Produce a sample that is representative of the harvest lot.

(c) Be conducted:

(A) In accordance with the Department's Sampling Protocol prescribed in Exhibit A and incorporated by reference.

## Revisions to Hemp Rules

(B) Such that a sufficient sample size is taken and retained for analysis of all requested tests, any requested retest, and any quality control performed by the testing laboratory for these tests.

(5) To be sufficient to meet the required THC testing under these rules, a grower must ensure that:

(a) Testing of a harvest lot is done by the laboratory according to the Department's Testing Protocol prescribed in Exhibit B and incorporated by reference.

(b) All test results are reported by the laboratory electronically to the Department at HempTestReports@oda.state.or.us using the forms provided by the Department, and include for each sample tested:

(A) Grower's name and registration number;

(B) ~~Harvest lot identifier;~~

(C) Sample ~~date;~~

(D) ~~Sample~~ size by weight;

(E) Testing date;

(F) ~~THC~~ percentage to the second decimal point only;

(G) At the request of the Department, the laboratory's uncertainty level for ~~THC~~ testing of industrial hemp;

(H) Clear identification of the harvest lot ~~by harvest lot identifier~~ that corresponds to the sample and the location of the corresponding harvest ~~lot's production area;~~

(I) Copy of grower's sampling request form required in subsection (3); and

(J) Copy of the completed sampling form required in subsection (4).

(c) If a sample fails testing a grower must ensure that:

(A) The laboratory sends the failed test report electronically to the Department at HempTestReports@oda.state.or.us using the forms provided by the Department within 24 hours of the failed test report.

(B) The laboratory sends failed test reports to the grower who requested the testing using the forms provided by the Department within 24 hours of the failed test report.

(C) The grower must comply with OAR 603-048-0625.

(6) A sample fails testing if the test report indicates that the sample contains an average THC concentration 0.35 percent or greater on a dry weight basis. The harvest lot corresponding to the failed sample fails to satisfy the required THC testing under these rules.

(7) If the test report indicates that the sample contains an average THC concentration of less than 0.35 percent on a dry weight basis, and the harvest lot was sampled and tested in compliance with these rules, the harvest lot passes testing required by these rules. The Department considers samples reported to contain less than 0.35 percent THC that were sampled and tested in compliance with these rules to satisfy the required THC concentration of no more than 0.3 percent.

(8) Invalid Sampling or Testing:

(a) It is the grower's obligation to demonstrate each harvest lot was sampled and tested in accordance with these rules and passes THC testing required by these rules.

(b) A sample that does not meet all of the requirements and standards of these rules is invalid. The harvest lot corresponding to the invalid sample fails to satisfy the required THC testing under these rules.

(c) The Department may detain, seize, embargo, and dispose of the harvest lot corresponding to the invalid sample, as provided under OAR 603-048-0900.

(9) The Department may, at its discretion, agree to conduct sampling and testing for a registered

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**Deleted:** d) In its discretion, the Department may allow a harvest lot to be resampled if:<sup>4</sup>

(A) The laboratory that conducted the sampling or testing failed to comply with all of the requirements and standards of these rules resulting in an invalid sample.<sup>4</sup>

(B) The harvest lot corresponding to the invalid sample remains unharvested and standing in the growing area.<sup>4</sup>

(9) The Department will not permit resampling merely because a sample failed testing.<sup>4</sup>

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## Revisions to Hemp Rules

grower. Prior to conducting the sampling and testing, ~~the grower must pay fees as described in OAR 603-048-0700~~ for each harvest lot requested to be sampled and tested.

(10) In addition to the testing required by this section, the Department may inspect any industrial hemp and take a representative sample for testing for THC content. The Department may detain, seize, embargo, and dispose of any industrial hemp that fails THC testing as described in section (6) of this rule.

[ED. NOTE: Exhibits and forms referenced are not included in rule text.]

**Statutory/Other Authority:** ~~ORS 561.190, ORS 569.445, 571.300 - 571.348 & 633.511 - 633.996, OL 2018, Ch. 116~~

**Statutes/Other Implemented:** ~~ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 28~~

### History:

[DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018](#)

[DOA 24-2017, temporary amend filed 12/19/2017, effective 12/19/2017 through 04/03/2018](#)

[DOA 15-2017, temporary amend filed 10/06/2017, effective 10/06/2017 through 04/03/2018](#)

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 1-2016(Temp), f. & cert. ef. 1-29-16 thru 7-26-16

DOA 3-2015, f. & cert. ef. 1-29-15

### 603-048-0625

#### Failed Harvest Lot THC Samples

~~(1) If a sample tested under OAR 603-048-0600 fails an initial test, the grower may pursue remediation at their own cost pursuant to subsections (2) and (3) of this rule.~~

~~(2) If a sample tested under OAR 603-048-0600 fails an initial test, the laboratory that did the testing, or the Department if the Department did the testing, may retest the sample pursuant to the Testing Protocol, Exhibit B. If the sample passes, the sample must be retested by another laboratory or the Department and again pass testing to confirm the result in order for the harvest lot to pass testing.~~

~~(a) If a grower wishes to have a sample retested, the grower must request a retest within seven (7) calendar days from the date the notice of the failed test was sent to the grower. The retest must be completed within 30 days from the date the retest was requested.~~

~~(b) To request retesting, the grower must provide the laboratory, or the Department, with the following on a form provided by the Department:~~

~~(A) A written request for retesting for each sample the grower requests be retested; and~~

~~(B) Notification that the sample is being retested because of the failed test and the failed test results.~~

~~(c) If a grower has requested a retest in accordance with subsection (1)(a) and (b) of this rule and the sample passes upon retest, the grower has seven (7) calendar days from the date the notice of the passed test is sent to request that another laboratory, or the Department, retest the remaining file sample and confirm that the sample contains less than 0.35 percent THC. To be sufficient under this rule, the initial laboratory must coordinate with the second laboratory or the Department to provide the remaining file sample for retesting. The retesting must be completed within 30 days from the date the retesting was requested.~~

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**Deleted:** Failed Harvest Lot THC Samples<sup>(1)</sup>

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## Revisions to Hemp Rules

(d) If a grower has requested an initial or secondary retest and the test report indicates that the sample contains an average THC concentration 0.35 percent or greater, the sample fails testing and no further testing is permitted under this subsection.

(e) Reporting:

(A) A grower must report electronically to the Department within 24 hours, at HempTestReports@oda.state.or.us using the forms provided the Department any initial or secondary request for retest of a sample.

(B) A grower must ensure that a laboratory reports electronically to the Department within 24 hours, at HempTestReports@oda.state.or.us using the forms provided by the Department the testing results of the initial or secondary retest.

(3) If a sample tested under OAR 603-048-0600 fails an initial test, a grower may seek resampling and retesting of the failed harvest lot in accordance with this subsection if:

(a) The failed harvest lot remains standing and growing in the production area.

(b) The grower requests the resampling within seven (7) calendar days from the date the notice of the failed test was sent to the grower.

(c) The grower subdivides the failed harvest lot into separate harvest lots for resampling and retesting in accordance with OAR 603-048-0600.

(d) To request resampling, the grower must provide the laboratory, or the Department, with the following on a form provided by the Department:

(A) A written request for resampling for each harvest lot the grower requests be resampled that includes all of the information required in OAR 603-048-0600(3); and

(B) Notification that the harvest lot is being resampled because of the failed test and the failed test results

(e) Any resampling under this section must occur within ten (10) calendar days of the request for resampling and test results must be reported within thirty (30) days of the request for resampling.

(d) If the harvest lot fails testing after resampling conducted under section (3) of this rule, the grower may pursue remediation pursuant to section (2) of this rule, but may not pursue remediation under section (3) of this rule.

(e) Reporting:

(A) A grower must report electronically to the Department within 24 hours, at HempTestReports@oda.state.or.us using the form provided by the Department any requests for resampling under this subsection.

(B) A grower must ensure that the laboratory reports electronically to the Department within 24 hours, at HempTestReports@oda.state.or.us using the forms provided by the Department the testing results of any resampling under this subsection.

(4) The Department may detain, seize, embargo the harvest lot corresponding to a sample, as provided under ORS 561.605 to 561.620 and subject to the provisions of ORS Chapter 183, if the sample failed a test under OAR 603-048-0600.

(5) The Department may detain, seize, embargo, and dispose of the harvest lot corresponding to a sample, as provided under ORS 561.605 to 561.620 and subject to the provisions of ORS Chapter 183, if the sample:

(a) Was not sampled and tested in compliance with all of the requirements and standards of these rules;

(b) Fails a test under OAR 603-048-0600 and the grower does not timely request a retest or resampling or informs the Department that retest or resampling will not be requested;

(c) Fails any retesting under section (2) of this rule, and the grower:

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## Revisions to Hemp Rules

~~(A) Does not timely request resampling;~~

~~(B) Informs the Department that resampling will not be requested; or~~

~~(C) Is no longer eligible for resampling;~~

~~(d) Fails any testing conducted under section (3) of this rule and the grower does not timely request a retest or informs the Department that retest will not be requested;~~

~~(e) Passes initial retesting but the grower fails to timely request secondary retesting to confirm the passed test result as described in section (1)(c) of this rule.~~

~~(f) Fails a test under OAR 603-048-0600 and the retained file sample lacks sufficient volume of harvest lot material to allow for the first and second retesting described in OAR 603-048-0625(1)(c) and the grower;~~

~~(A) Does not timely request resampling;~~

~~(B) Informs the Department that resampling will not be requested; or~~

~~(C) Is no longer eligible for resampling.~~

~~(g) Fails a test under OAR 603-048-0600 and the harvest lot is not successfully remediated in accordance with these rules.~~

~~(6) If a sample passes the first and second retest described in section (2)(c) of this rule, the sample and corresponding harvest lot satisfies THC testing required by these rules.~~

~~(7) If a sample passes testing after resampling conducted under section (3) of this rule, the sample and corresponding harvest lot satisfies THC testing required by these rules. Any harvest lots that are not retested or that fail testing after resampling shall be disposed of in accordance with ORS 561.605 to 561.620 and subject to the provisions of ORS Chapter 183.~~

~~(8) If the amount of the harvest lot material collected for purposes of sampling is not sufficient to allow for the first and second retesting described in section (1)(c) of this rule, the sample and corresponding harvest lot fails to satisfy these rules.~~

**Statutory/Other Authority:** ORS ~~561.190~~, ORS 571.300 - 571.348, as amended by OL ~~2018~~, Ch. ~~116~~, ORS 561.605 to 561.620, ORS Chapter 183

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL ~~2018~~, Ch. ~~116~~

### History:

[DOA 14-2018, adopt filed 04/03/2018, effective 04/03/2018](#)

[DOA 25-2017, temporary adopt filed 12/20/2017, effective 12/20/2017 through 04/03/2018](#)

[DOA 24-2017, temporary adopt filed 12/19/2017, effective 12/19/2017 through 04/03/2018](#)

[DOA 15-2017, temporary adopt filed 10/06/2017, effective 10/06/2017 through 04/03/2018](#)

## 603-048-0650

### Industrial Hemp Inspection and Record Reviews

(1) The ~~Department~~, as it deems necessary in the enforcement and carrying out its laws may, during normal business hours, inspect premises, machinery, equipment and facilities of registrants and inspect, any crop during any growth phase, and take a representative composite sample for field analysis.

(2) Upon not less than three days' notice, the ~~Department~~ may subject registrant records to inspection or audit during normal business hours. The ~~Department~~ may make an inspection or audit for the purpose of ensuring compliance with:

(a) A provision of ORS 571.300 to 571.348 or Oregon Laws ~~2018~~, ch ~~116~~;

(b) A rule adopted under a provision of ORS 571.300 to 571.348 or Oregon Laws ~~2018~~, ch ~~116~~;

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## Revisions to Hemp Rules

(c) An order issued by the Department pursuant to a provision of ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116, or rule adopted under a provision of ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348, OL 2018, Ch. 116

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

## 603-048-0700

### Fees

(1) Registration Fees. At the time of application, the applicant must pay the following fees:

(a) A fee of \$250.00 for a grower registration application.

(b) A fee of \$500.00 for each grow site registration application.

(c) A fee of \$1,300 for each handler registration application;

(d) A fee of \$500 for each hemp handler registration by reciprocity application; and

(e) A fee of \$120.00 for an agricultural hemp seed producer registration.

(2) Change Fees. For each change described in OAR 603-048-0400(5), the registrant must pay a \$125.00 change fee.

(3) Sampling and Testing Fee. The fee for pre-harvest THC sampling and testing by the Department as described in OAR 603-048-0600 includes:

(a) Sampling Fee:

(A) A charge for a minimum of four hours of service at a rate of \$92 per hour;

(B) Travel time at the rate of \$92 per hour;

(C) Mileage, lodging and per diem reimbursed at rates established by the Department of Administrative Services;

(D) Overtime Charges: For all services performed during the following times (which will be considered overtime), the regular inspection fees or hourly charges shall be charged plus \$30.00 per hour for all time involved figured to the nearest one-half hour:

(i) After eight hours (per scheduled shift) or 6:00 p.m., whichever comes first, on Monday through Friday of each week;

(ii) At any time on Saturdays or Sundays; and

(iii) At any time on any day which is declared by law to be a holiday for state employees.

(E) Overtime Service Charge: The minimum overtime service charge for Saturdays, Sundays and other legal holidays shall be four hours; and

(b) Laboratory Testing Fee: \$375 per harvest lot.

**Statutory/Other Authority:** ORS 561.190, 569.445, 571.300 - 571.348, 633.511 - 633.996, OL 2018, Ch. 116

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 28.

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 11-2017, f. & cert. ef. 7-13-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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Deleted: The following designated annual registration fees shall be applicable to each described activity under authority of ORS 571.305:

(1) Industrial hemp

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## Revisions to Hemp Rules

DOA 2-2017(Temp), f. & cert. ef. 1-18-17 thru 7-16-17  
DOA 19-2016, f. & cert. ef. 10-28-16  
DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16  
DOA 3-2015, f. & cert. ef. 1-29-15

### 603-048-0800

#### **Enforcement and Civil Penalty for Industrial Hemp Law Violation**

(1) In addition to any other liability or penalty provided by law, the Department may impose a civil penalty not to exceed \$2,500 on any person who violates any provision of ORS 571.300 to 571.348, Oregon Laws 2018, Ch 116, a rule adopted pursuant thereto, or order issued by the Department under ORS 571.300 to 571.348 Oregon Laws 2018, Ch 116 or a rule adopted pursuant thereto.

(2) The Department shall issue a written notice to the person being assessed the penalty consistent with ORS Chapter 183. Any contested case to contest the civil penalty will be conducted pursuant to ORS Chapter 183. Each violation may be considered a separate and distinct offense.

(3) Subject to the provisions of ORS Chapter 183, the Department may revoke the registration of a grower, handler or agricultural hemp seed producer or may refuse to register or renew the registration if a grower, handler or agricultural hemp seed producer violates:

(a) A provision of ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116;

(b) A rule adopted under a provision of ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116;

(c) An order issued by the Department for violation of a provision of ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116 or any rule adopted thereunder;

(d) Any statutory law or Department rule related to agricultural activities other than industrial hemp operations.

(4) Subject to the provisions of ORS Chapter 183, the Department may revoke the registration of a registrant for any reason that the Department may deny an initial or renewal application.

**Statutory/Other Authority:** ORS 561.190, 569.445, 571.300 - 571.348, OL 2018, Ch. 116

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116

#### **History:**

[DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018](#)

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 3-2015, f. & cert. ef. 1-29-15

### 603-048-0900

#### **Detainment, Seizure, Embargo, and Disposal**

If a harvest lot is subject to detainment, seizure, embargo, or disposal pursuant to ORS 571.300 to 571.348 or Oregon Laws 2018, ch 116 or the rules adopted thereunder, the Department may detain, seize, embargo, or dispose of the harvest lot as provided in ORS 561.605 to 561.620 and consistent with these rules.

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## Revisions to Hemp Rules

- (1) The Department shall cause to be affixed to the harvest lot being detained, seized or embargoed a notice that the industrial hemp is being detained, seized or embargoed by the Department and warning all persons that the industrial hemp may not be moved from its current location without written permission from the Department.
- (2) The Department shall notify in writing the owner or person in possession of the harvest lot that the harvest lot is being detained, seized or embargoed by the Department.
- (a) If the person in possession of the harvest lot is not the owner, the Department shall make a reasonable effort to notify the owner.
- (b) Such notification shall state the reason for the Department's action and notify the owner or person in possession of the right to a hearing as provided under ORS chapter 183.
- (c) A written request for hearing on the proprietary of the detention, seizure or embargo must be filed either by the owner or person in possession with the Department within 10 days of receiving actual notice of the action.
- (d) Any hearing shall not be held sooner than 10 days after the request for hearing has been received by the Department, however if the industrial hemp subject to the Department's action is perishable, or if, in the opinion of the Department, other good and sufficient reason appears, the Department may, at the request of the owner or person in possession of such industrial hemp, be held at an earlier date.
- (e) Any hearing shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings and shall be conducted pursuant to ORS chapter 183.
- (3) If a sample passes the first and second retesting described in OAR 603-048-0625(1)(c), the sample and corresponding harvest lot satisfies THC testing required by these rules. After receiving and verifying the confirming test reports, the Department may release the detained harvest lot.
- (4) The Department may order destruction of the harvest lot corresponding to a failed sample, subject to the grower or person in possession's right to a hearing as described in this rule, if the corresponding sample:
- (a) Was not sampled and tested in compliance with all of the requirements and standards of these rules;
- (b) Fails a test under OAR 603-048-0600 and the grower does not timely request a retest or resampling or informs the Department that retest or resampling will not be requested;
- (c) Fails any retesting under section (2) of this rule and the grower:  
(A) Does not timely request resampling;  
(B) Informs the Department that resampling will not be requested; or  
(C) Is no longer eligible for resampling;
- (d) Fails any testing conducted under section (3) of this rule and the grower does not timely request a retest or informs the Department that retest will not be requested;
- (e) Passes initial retesting but the grower fails to timely request secondary retesting to confirm the passed test result as described in section (1)(c) of this rule.
- (f) Fails a test under OAR 603-048-0600 and the retained file sample lacks sufficient volume of harvest lot material to allow for the first and second retesting described in OAR 603-048-0625(1)(c) and the grower:  
(A) Does not timely request resampling;  
(B) Informs the Department that resampling will not be requested; or  
(C) Is no longer eligible for resampling.

**Deleted:** OAR 603-048-0625(1);<sup>d</sup>

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## Revisions to Hemp Rules

(g) Fails a test under OAR 603-048-0600 and the harvest lot is not successfully remediated in accordance with these rules.

**Statutory/Other Authority:** ORS 561.190, 561.605 – 561.630, 571.300 - 571.348, OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116

### History:

DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018

DOA 25-2017, temporary amend filed 12/20/2017, effective 12/20/2017 through 04/03/2018

DOA 24-2017, temporary amend filed 12/19/2017, effective 12/19/2017 through 04/03/2018

DOA 15-2017, temporary amend filed 10/06/2017, effective 10/06/2017 through 04/03/2018

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

DOA 19-2016, f. & cert. ef. 10-28-16

DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16

DOA 3-2015, f. & cert. ef. 1-29-15

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## 603-048-1000

### Violations and Penalties

(1) The Department may impose a civil penalty not to exceed \$2,500 on a person for violating:

(a) A provision of ORS 571.300 to ORS 571.348 (as amended by Oregon Laws 2018, Ch.116)

(b) A rule adopted under a provision of ORS 571.300 to ORS 571.348 (as amended by Oregon Laws 2018, Ch.116); or

(c) An order issued by the Department pursuant to a provision of ORS 571.300 to ORS 571.348 (as amended by Oregon Laws 2018, Ch.116) or a rule adopted thereunder.

(2) The Department may impose a civil penalty based on the classification of the violation. The civil penalty amount for each classification is as follows:

(a) Class 1 violation, \$2,500;

(b) Class 2 violation, \$1000;

(c) Class 3 violation, \$500.

(3) The civil penalty amount for each classification are guidelines. If the Department finds one or more mitigating or aggravating circumstances, it may assess a lesser or greater amount.

(4) Common violations are classified as follows:

(a) Class 1 violations include:

(A) Failing to register with the Department;

(B) Providing false or misleading information to the Department;

(C) Falsifying information or records required to be maintained by the Department;

(D) Failing to test a hemp item in accordance with OAR 603-048-2300 through 603-048-2480 prior to sale, transfer, or attempt to sale or transfer;

(E) Failing to test a harvest lot in accordance with 603-048-0600;

(F) Selling or attempting to sell a hemp item that fails to meet testing requirements required by OAR 603-048-2000 through 603-048-2480;

(G) Selling, transferring, attempting to transfer or sell, processing or attempting to process a harvest lot that:

(i) Has not been sampled and tested under OAR 603-048-0600;

**Deleted:** Classification of Violations<sup>¶</sup>  
(1) Violations

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**Deleted:** (A) Violations of ORS 571.305(1) or OAR 603-048-0100(2);<sup>¶</sup>

**Deleted:** on an application for a registration, or application to renew a registration

**Deleted:** , or failure to keep or provide,

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**Deleted:** Growing or handling hemp that exceeds an average Tetrahydrocannabinol concentration of 0.3 percent on a dry weight basis;<sup>¶</sup>

(E) Failing upon request to provide the Department with laboratory test results that verify compliance with the required THC level and these rules before handling or transfer;<sup>¶</sup>

(F)

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**Deleted:** H) Failing to ensure test reports for the THC content of each harvest lot is timely reported to the Department as required by 603-048-0400;<sup>¶</sup>

(I) Failing to ensure failed test results of a consumable are reported to the Department within 24 hours as required by OAR 603-048-2300;<sup>¶</sup>

(J)

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## Revisions to Hemp Rules

(ii) Failed testing as described in OAR 603-048-0625(4) and (6);

(iii) Was invalidly tested as described in OAR 603-048-0600(8)

~~(H) Growing or handling hemp with an average Tetrahydrocannabinol concentration that exceeds 3 percent on a dry weight basis.~~

~~(I) Repeat violations of Class 2 or Class 3 violations.~~

~~(J) Any other violation that may cause an immediate threat to the public health or safety.~~

(b) Class 2 violations include, but are not limited to:

~~(A) Failing to ensure test reports for the THC content of each harvest lot is timely reported to the Department as required by 603-048-0400.~~

~~(B) Failing upon request to timely provide the Department with laboratory test results that verify compliance with these rules.~~

~~(C) Failing to ensure failed test results of a hemp item are reported to the Department within 24 hours as required by OAR 603-048-2300; and~~

~~(D) Any other uncategorized violation.~~

(c) Class 3 violations include but are not limited to:

~~(A) Failure to keep or provide information or records as required by the Department;~~

~~(B) Growing or handling hemp with an average THC concentration that exceeds 0.3 percent on a dry weight basis but does not exceed 3 percent THC.~~

~~Statutory/Other Authority: ORS 561.190, ORS 569.445, 571.300 - 571.348, ORS 633.511 - 633.996, OL 2018, Ch. 116~~

~~Statutes/Other Implemented: ORS 571.300 - 571.348, OL 2018, Ch. 116~~

### History:

~~DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018~~

~~DOA 25-2017, temporary amend filed 12/20/2017, effective 12/20/2017 through 04/03/2018~~

~~DOA 24-2017, temporary amend filed 12/19/2017, effective 12/19/2017 through 04/03/2018~~

~~DOA 15-2017, temporary amend filed 10/06/2017, effective 10/06/2017 through 04/03/2018~~

~~DOA 13-2017, f. & cert. ef. 8-30-17~~

~~DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17~~

~~DOA 19-2016, f. & cert. ef. 10-28-16~~

~~DOA 11-2016(Temp), f. & cert. ef. 5-3-16 thru 10-29-16~~

~~DOA 3-2015, f. & cert. ef. 1-29-15~~

### OAR 603-048-1100

#### Registrants Certified or Licensed by OLCC

~~(1) Registrants certified by OLCC under ORS 571.336 must comply with all applicable OLCC rules.~~

~~(2) Registrants licensed by OLCC under ORS 475B.070, 475B.090, 475B.100, or 475B.105 must comply with all applicable OLCC rules.~~

~~Statutory/Other Authority: ORS 561.190, 571.300 - 571.348 & OL 2018, Ch. 116~~

~~Statutes/Other Implemented: ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 15~~

### OAR 603-048-1500

#### Retail Sale Requirements; Restrictions

~~(1) For the purposes of this section, "consumer" means a person who purchases, acquires, owns, holds or uses industrial hemp products other than for the purpose of resale.~~

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~~Deleted: any other rule, regulation or requirement as specified in OAR~~

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~~Deleted: (A) OAR 603-048-0100 to 603-048-2480; (B) Providing false information on an application for a registration, or application to renew a registration; (C) Falsifying or failure~~

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## Revisions to Hemp Rules

- (2) A person may not sell an industrial hemp commodity or product to a consumer unless the industrial hemp used to process the commodity or product complied with the laws and regulations for the jurisdiction where the hemp was grown to ensure compliance with the 0.3 percent THC concentration limit.
- (3) A person may not sell a hemp item to a consumer unless the hemp item is tested in accordance with OAR 603-048-2300 to 603-048-2500. Testing may only be conducted by
- (a) A laboratory licensed by the Oregon Liquor Control Commission under ORS 475B.560 and accredited by the Oregon Health Authority under ORS 475B.565; or
- (b) A laboratory accredited to the same or more stringent standards as laboratories described in (3)(a) if the hemp item was processed outside the state of Oregon.
- (4) Section 3 of this rule does not apply to growers or handlers. Growers and handlers must comply with OAR 603-048-2300 to 603-048-2500 to sell or transfer a hemp item.
- (5) Restriction on industrial hemp product sales: A person may not sell an industrial hemp product that contains more than 0.3 percent THC to a consumer unless licensed as a retailer by OLCC.
- (6) Compliance with these rules does not protect a person from possible criminal prosecution under federal law or other sanctions by federal entities.
- Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348 & OL 2018, Ch. 116  
**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11, 16  
**History:**

### 603-048-2300

#### Testing of Hemp Items

- (1) A registrant may not sell or transfer a hemp item unless it is first tested by a laboratory as required by these rules.
- (2) Violations of these rules may result in the suspension or revocation of a registrant's registration or the imposition of civil penalties, or both. Violations include:
- (a) Failure to test a hemp item in accordance with these rules;
- (b) Selling, transferring, or attempting to sell or transfer a hemp item that fails to meet testing requirements required by these rules;
- (c) Failure to maintain a copy of all required test reports as required by OAR 603-048-0500; and
- (d) Failure to report failed test results to the Department electronically to HempTestReports@oda.state.or.us using the forms provided by the Department within 24 hours after receipt of failed result.
- (4) These rules require hemp items to be sampled, tested, and reported in a manner consistent with the Authority's marijuana sampling and testing rules in OAR 333-007-0300 to 333-007-0490 and OAR 333-064. In applying those rules:
- (a) Hemp items are treated as their marijuana equivalents as described in OAR 603-048-2310;
- (b) References to "licensee or registrant" or "processor or processing site" should be read as "handler";
- (c) References to "Authority or the Commission" should be read as "Department"; and
- (d) References to "consumer or patient" should be read as "consumer" as that is defined in OAR 603-048-2310.
- (5) To be sufficient to meet the requirement for testing under these rules, a handler must ensure through a testing agreement or contract with the laboratory that the laboratory:
- (a) Samples hemp items according to OAR 333-007-0360 and OAR 333-064-0100;

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## Revisions to Hemp Rules

- (b) Tests hemp items according to OAR 333-007-0390 to 333-007-0440 and 333-064-0100;
  - (c) Keeps records in accordance with OAR 333-007-0360, 333-007-0370 and 333-064-0100.
  - (d) Reports all failed tests to the Department electronically to [HempTestReports@oda.state.or.us](mailto:HempTestReports@oda.state.or.us) using the forms provided by the Department consistent with reporting requirements under OAR 333-064-0110;
  - (e) Provides the handler with test reports that meet the requirements in OAR 333-064-0110; and
  - (f) Provides test reports that clearly identify the process lot identifier.
- Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.  
**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116.

### History:

DOA 13-2017, f. & cert. ef. 8-30-17  
DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

### 603-048-2305

#### Purpose

The purpose of OAR 603-048-2300 to 603-048-2480 is to establish minimum testing standards for hemp items.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; ORS 571.330; OL 2018, Ch. 116

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11, 27

#### History:

[DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018](#)  
DOA 13-2017, f. & cert. ef. 8-30-17  
DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

### 603-048-2310

#### Definitions

As used in OAR 603-048-2300 to 603-048-2500, the following definitions apply:

- (1) "Authority" means the Oregon Health Authority.
- (2) "Batch" means:
  - (a) A quantity of usable hemp or hemp stalk from a harvest lot; or
  - (b) A quantity of hemp concentrate or extract or cannabinoid product from a process lot.
- (3) "CBDA" means cannabidiolic acid, Chemical Abstracts Service Number 1244-58-2.
- (4) "Cannabinoid" means any of the chemical compounds that are the active constituents of the cannabis plant.
- (5) "Cannabinoid capsule"
  - (a) Means a small soluble container, usually made of gelatin that encloses a dose of a cannabinoid product, hemp concentrate, or hemp extract intended for human ingestion.
  - (b) For sampling and testing purposes is equivalent to a cannabinoid capsule as that is defined in OAR 333-007-0310.
- (6) "Cannabinoid product"
  - (a) Means a hemp edible or any other product intended for human consumption including a hemp topical or hemp transdermal patch, that contains cannabinoids or the dried leaves or flowers of hemp.

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**Deleted:** (2) These rules apply to any consumable:  
(a) Processed by a handler on or after March 15, 2017 and  
(b) Tested or processed by a hemp handler before March 15, 2017 but not yet sold or transferred to a consumer as of March 15, 2017

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## Revisions to Hemp Rules

(b) Cannabinoid product does not include usable hemp, hemp stalk by itself, a cannabinoid concentrate or extract by itself, ~~hemp seed incapable of germination by itself, or other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients.~~

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(c) For sampling and testing purposes is equivalent to a cannabinoid product as that is defined in OAR 333-007-0310.

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(7) "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 Department.

(8) "Consumer" ~~includes:~~

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(a) ~~A person who purchases, acquires, owns, holds or uses hemp items other than for the purpose of resale; and~~

(b) ~~A person who purchases, receives, or otherwise uses hemp items who is not a registered handler or a marijuana processor licensed by OLCC.~~

(9) "Control study" means a study performed on items of unknown homogeneity to assure required uniformity of item accomplished through sampling and testing as described in OAR 603-048-2440.

(10) "Field duplicate sample" means a sample taken in an identical manner from and representative of the same hemp item being sampled that is analyzed separately, that is used for quality control only.

(11) ~~"Hemp concentrate or extract"<sup>1</sup>~~

**Deleted:** 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 ingestion, or chewing gum.<sup>4</sup>  
(12) "

(a) Means a substance obtained by separating cannabinoids from industrial hemp leaves, flowers, or stalk by a mechanical, chemical or other process.

(b) For sampling and testing purposes is equivalent to a cannabinoid concentrate or edible as that is defined in OAR 333-007-0310.

(12) ~~"Hemp edible"~~

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(a) Means a food or potable liquid into which industrial hemp, a hemp concentrate, or a hemp extract has been incorporated.

**Deleted:** created from industrial hemp seed or

~~(b) Does not mean hemp seed incapable of germination by itself or other products derived only from hemp seeds incapable of germination that may include other non-hemp ingredients.~~

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(c) For sampling and testing purposes is equivalent to a cannabinoid edible as that is defined in OAR 333-007-0310.

(13) ~~"Hemp item"~~

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(a) Means usable hemp, hemp stalk, a cannabinoid product, or a hemp concentrate or extract.

(b) For sampling and testing purposes is equivalent to a marijuana item as that is defined in OAR 333-007-0310.

(14) ~~"Hemp stalk"~~

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(a) Means the stalk of industrial hemp intended for human consumption.

(b) For sampling and testing purposes is equivalent to usable marijuana as that is defined in OAR 333-007-0310.

(15) ~~"Hemp tincture"~~

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(a) Means a solution of alcohol, hemp concentrate or extract, and perhaps other ingredients intended for human consumption, and that is exempt from the Liquor Control Act under ORS 471.035.

(b) For sampling and testing purposes is equivalent to a cannabinoid tincture as that is defined in OAR 333-007-0310.

## Revisions to Hemp Rules

### (16) "Hemp topical"

(a) Means a substance intended to be applied to skin or hair that contains a cannabinoid product, hemp concentrate or extract and for purposes of testing includes a hemp transdermal patch.  
(b) For sampling and testing purposes is equivalent to a cannabinoid topical as that is defined in OAR 333-007-0310.

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### (17) "Hemp transdermal patch"

(a) Means an adhesive substance applied to human skin that contains a cannabinoid product, hemp concentrate or extract for absorption into the bloodstream.  
(b) For sampling and testing purposes is equivalent to a cannabinoid transdermal patch as that is defined in OAR 333-007-0310.

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(18) "Homogeneous" means a cannabinoid product, hemp concentrate or extract has uniform composition and properties throughout each process lot.

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(19) "Marijuana testing rules" means Authority testing rules for marijuana items found in OAR Chapter 333, Divisions 7 and 64, and all referenced tables and exhibits.

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(20) "ORELAP" means the Oregon Environmental Laboratory Accreditation Program administered by the Authority pursuant to ORS 438.605 to 438.620.

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(21) "Process lot" means:

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(a) Any amount of hemp 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 a different harvest lot; or

(b) Any amount of a cannabinoid product of the same type and processed at the same time using the same ingredients, standard operating procedures and batches from the same or a different harvest lot or process lot of hemp concentrate or extract as defined in subsection (a) of this section.

(22) "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.

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(23) "Relative standard deviation" or "RSD" means the standard deviation expressed as a percentage of the mean recovery as calculated under OAR 333-064-0100.

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(24) "Sample" means an amount of a hemp item collected by laboratory personnel from a handler and provided to a laboratory for testing.

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

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

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

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

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(29) "These rules" means OAR 603-048-2300 through 603-048-2500.

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(30) "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.

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(31) "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.

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## Revisions to Hemp Rules

(32) "Unit" means a unit of sale.

(33) "Usable hemp"

(a) Means the flowers and leaves of industrial hemp intended for human consumption that does not fall within meaning hemp concentrate or extract, hemp edible, or cannabinoid product.

(b) For sampling and testing purposes is equivalent to usable marijuana as that is defined in OAR 333-007-0310.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

**History:**

[DOA 14-2018, amend filed 04/03/2018, effective 04/03/2018](#)

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2315

#### Ordering Tests

A handler must provide a laboratory, prior to laboratory taking samples, with the following:

(1) A written request of analysis for each test the laboratory is being requested to conduct **that identifies the hemp items to be tested by process lot identifier**.

(2) Notification of whether the batch is being re-sampled because of a failed test and the failed test results.

(3) Certification of successful control study, if applicable, on a form prescribed by the Department.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.315, OL 2016, Ch. 71 & Sec. 9

**History:**

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

Deleted: 315

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### 603-048-2320

#### Usable Hemp Testing Requirements

(1) A handler must have every harvest lot of usable hemp or hemp stalk tested in the same manner as usable marijuana under OAR 333-007-0320 prior to sale or transfer.

(2) A handler must test a harvest lot of usable industrial hemp or industrial hemp stalks for microbiological contaminants in accordance with OAR 333-007-0390, upon written request by the Department.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

**History:**

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2330

#### Hemp Concentrate or Extract Testing Requirements

27- Revised Hemp Rules 7-5-18

(From Version in effect 5-17-18)

## Revisions to Hemp Rules

(1) A handler must have every process lot of hemp concentrate or extract tested in the same manner as cannabinoid concentrates and extracts under OAR 333-007-0330 prior to sale or transfer.

(2) A handler must have a process lot of a hemp concentrate or extract tested for microbiological contaminants in accordance with OAR 333-007-0390, upon written request by the Department.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.315, OL 2016, Ch. 71 & Sec. 9

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2340

#### Cannabinoid Product Testing Requirements

(1) A handler must have every process lot of a cannabinoid product, including hemp edibles, capsules, hemp tincture, hemp topical, hemp transdermal patch prior to sale or transfer to a consumer tested for THC and CBD concentration in the same manner as cannabinoid products under OAR 333-007-0340 or 333-007-0345, as applicable.

(2) A handler must have a process lot tested for microbiological contaminants in accordance with OAR 333-007-0390, upon written request by the Department.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2350

#### Batch Requirements

(1) Usable hemp and hemp stalks: A handler must separate each harvest lot into no larger than 30 pound batches.

(2) Hemp concentrates or extracts:

(a) A process lot is considered a batch.

(b) The size of a process lot submitted for sampling and testing for purposes of a control study under OAR 333-007-0440 defines the maximum process lot for that concentrate, extract or product for purposes of sampling and testing after a control study has been certified.

(3) Cannabinoid products. A handler must separate process lots into not larger than 35,000 unit batches.

(4) A handler must assign each batch a process lot identifier as described in OAR 603-048-0500 and that process lot identifier must be:

(a) Provided to the individual responsible for taking samples; and

(b) Included on the batch label as required in OAR 603-048-2380.

(5) A handler may not reuse a process lot identifier.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

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28- Revised Hemp Rules 7-5-18

(From Version in effect 5-17-18)

## Revisions to Hemp Rules

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

### 603-048-2380

#### **Handler Site Requirements for Labeling, Storing, and Securing Pre-Tested Hemp Items; Recordkeeping**

(1) After sampling of a harvest or process lot batch, a handler must:

(a) Label the batch with the following information:

(A) The handler's registration number;

(B) The harvest or process lot identifier;

(C) The name and accreditation number of the laboratory that took samples and the name and accreditation number of the laboratory responsible for the testing, if different;

(D) The test batch or sample unique identification numbers supplied by the laboratory personnel;

(E) The date the samples were taken; and

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

(b) Store and secure the batch in a manner that prevents the hemp item from being tampered with or transferred prior to test results being reported.

(c) Be able to easily locate a batch stored and secured under section (1)(b) of this rule and provide that location to the Department or a laboratory upon request.

(2) If the samples pass testing, the batch of hemp items satisfies the testing required by Or Laws 2016, chapter 71, Section 9 and these rules.

(3) If the samples do not pass testing, the handler must comply with OAR 603-048-2450.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

#### **History:**

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2440

#### **Control Study**

(1) A handler may request that a laboratory perform a control study on hemp concentrates, extracts, or cannabinoid products in accordance with OAR 333-007-0440(1).

(2) To be sufficient to satisfy the requirements of a control study under these rules, a laboratory must:

(a) Conduct the control study in accordance with OAR 333-007-0440; and

(b) Identify on a form prescribed by the Department if a batch undergoing a control study passed testing requirements identified in OAR 333-007-0440(6), and must send the form at the handler's request to the Department:

(3) A control study passes or fails according to OAR 333-007-0440.

(4) A process lot sampled and tested for purposes of a control study that passes all the required tests satisfies the testing required by Or Laws 2016, chapter 71, Section 9 and these rules.

(5) Future batches of the hemp concentrate, extract or cannabinoid product that has a certified control study may be sampled and tested according to OAR 333-007-0440(9)–(11) for a one year period.

29- Revised Hemp Rules 7-5-18

(From Version in effect 5-17-18)

## Revisions to Hemp Rules

(6) The Department will certify a control study for a hemp concentrate, extract or cannabinoid product that passes all the required tests in accordance with this rule.

**Statutory/Other Authority:** 571.300 - 571.348; OL 2018, Ch. 116 & ORS 561.190

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

### 603-048-2450

#### Failed Test Samples

(1) If a sample fails any initial test, the laboratory that did the testing may reanalyze the sample. If the sample passes, another laboratory must resample the batch and confirm that result in order for the batch to pass testing.

(a) If a handler wishes to have a sample reanalyzed, the handler must request a reanalysis within seven (7) calendar days from the date the laboratory sent notice of the failed test to the handler. The reanalysis must be completed by the laboratory within 30 days from the date the reanalysis was requested.

(b) If a handler has requested a reanalysis in accordance with subsection (1)(a) of this rule and the sample passes, the handler has seven (7) calendar days from the date the laboratory sent notice of the passed test to request that another laboratory resample the batch and confirm the passed test result. The retesting must be completed by the second laboratory within 30 days from the date the retesting was requested.

(2) A handler must inform the Department within 24 hours, of the following, electronically to [HempTestReports@oda.state.or.us](mailto:HempTestReports@oda.state.or.us) using the forms provided the Department:

- (A) A request for reanalysis of a sample;
- (B) The testing results of the reanalysis;
- (C) A request for retesting; and
- (D) The results of retesting.

(3) If a sample fails a test or a reanalysis under section (1) of this rule, the batch:

- (a) May be remediated or sterilized in accordance with the OAR 333-007-0450; or
  - (b) Must be destroyed as required by OAR 333-007-0450 in a manner specified by the Department if the batch is not or cannot be remediated or sterilized under OAR 333-007-0450.
- (4) A handler must inform a laboratory prior to samples being taken that the batch has failed a test and is being retested after undergoing remediation or sterilization.

(5) A handler must, as applicable:

- (a) Have detailed procedures for sterilization processes to remove microbiological contaminants and for reducing the concentration of solvents.
- (b) Document all sampling, testing, sterilization, remediation and destruction that are a result of failing a test under these rules.
- (c) A handler must report failed test results to the Department within 24 hours of receipt of the failed test report electronically to [HempTestReports@oda.state.or.us](mailto:HempTestReports@oda.state.or.us) using the forms provided by the Department.

(6) If a batch fails a test under these rules a handler must store, segregate, label, and may not remove the batch from the registered premises without permission from the Department in accordance with OAR 333-007-0450.

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## Revisions to Hemp Rules

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2480

#### Additional Testing

(1) The Department may require a handler to submit samples identified by the Department to a laboratory of the handler's choosing to be tested in order to determine whether a handler is in compliance with OAR 603-048-2300 through 603-048-2500, and may require additional testing that is not required by these rules.

(2) To be sufficient to meet the requirement for audit testing under this rule, a handler must ensure, through a testing agreement or contract, that the laboratory conducting the testing complies with these rules, to the extent they are applicable, and if conducting testing not required by these rules, may only use Authority approved methods.

(3) The Department may establish a process for the random testing of hemp items for microbiological contaminants.

(4) Any testing ordered under this rule must be paid for by the handler.

**Statutory/Other Authority:** ORS 561.190, 571.300 - 571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.315, OL 2016, Ch. 71 & Sec. 9

### History:

DOA 13-2017, f. & cert. ef. 8-30-17

DOA 7-2017(Temp), f. 3-14-17, cert. ef. 3-15-17 thru 9-10-17

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### 603-048-2500

#### Quality Control and Research and Development Testing

(1) A **person** may request that a laboratory conduct testing for the purpose of assuring quality control or for research and development, except as provided in section (2) of this rule.

(2) A **person** may not request that a laboratory conduct pesticide testing on industrial hemp or hemp **items** for the purpose of quality control or for research and development. A pesticide test on industrial hemp or **hemp items** is considered by the Department to be a compliance test. Test results may be used by the Department, including the Department's Pesticide Program, for enforcement of Department pesticide laws and rules.

(3) A **person** that submits industrial hemp or **hemp items** for quality control or research and development testing is not subject to OAR 603-048-2320 to 603-078-2470.

(4) A laboratory result from a quality control or research and development test cannot be used as a compliance test result and a **hemp item** that has only undergone a quality control or research and development test may not be transferred or sold, unless the **hemp item** has also passed required compliance testing.

(5) Registrants must maintain and retain all quality control and research and development test results for at least two years and provide copies of such results upon request to the Department.

**Statutory/Other Authority:** ORS 561.190, 571.300-571.348; OL 2018, Ch. 116.

**Statutes/Other Implemented:** ORS 571.300 - 571.348, OL 2018, Ch. 116, Sec. 11 & 27

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## Revisions to Hemp Rules

### History:

[DOA 14-2018, adopt filed 04/03/2018, effective 04/03/2018](#)

### EXHIBIT C: Identifier Examples

#### **Harvest Lot Identifier:**

The following provides examples on how to assign harvest lot identifiers to harvest lots. OAR 603-048-0010 provides in relevant part:

(10) “Harvest Lot Identifier” means a unique numerical identifier that begins with the last seven numbers and letters of a grower’s registration number, then the year of harvest, and then a unique number to identify the harvest lot.

If the grower’s registration number is “AG-R104555IHG” and the grower plans to cultivate two harvest lots in the 2018 calendar year, the following are appropriate harvest lot identifiers:

Example Harvest Identifiers: 5555IHG-2018-001 and 5555IHG-2018-002

#### **Process Lot Identifier:**

32- Revised Hemp Rules 7-5-18  
(From Version in effect 5-17-18)

## Revisions to Hemp Rules

The following provides examples on how to assign process lot identifiers to process lots. OAR 603-048-0010 provides in relevant part:

(17) “Process lot identifier” means a unique numerical identifier that begins with the last seven numbers and letters of a handler’s registration number, then the year of processing, and then a unique number to identify the process lot.

If the handler’s registration number is “AG-R1045555IHH” and the handler processes two process lots of cannabinoid concentrate in the 2018 calendar year, the following are appropriate process lot identifiers:

Example Process Identifiers: 5555IHH-2018-001 and 5555IHH-2018-002