

HB 3000 A STAFF MEASURE SUMMARY

House Committee On General Government

Action Date: 04/13/21

Action: Do pass with amendments and be referred to Rules. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Leif, Lively, Valderrama, Wilde, Zika

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

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Meeting Dates: 3/25, 3/30, 4/1, 4/13

WHAT THE MEASURE DOES:

Defines “tetrahydrocannabinol” (“THC”) to include all artificially or naturally derived tetrahydrocannabinols including Delta-8, Delta-9, optical isomers of Delta-8 or Delta-9, and any artificially derived cannabinoid that may have an intoxicating effect. Defines “adult use cannabis item” as an item derived from the cannabis plant family and contains THC, a marijuana item, or an industrial hemp product containing a THC concentration that exceeds limits established by the Oregon Liquor Control Commission (OLCC) in consultation with the Oregon Health Authority (OHA) by rule, or the greater of 0.3 percent or the concentration of THC allowed under federal law. Prohibits sale of adult use cannabis items to a person under 21 years of age. Directs OLCC in consultation with OHA to adopt rules establishing maximum concentration of cannabinoids or artificially derived cannabinoids allowed in a single serving of cannabinoid product, concentrate, or extract, and the maximum number of servings permitted in a package of cannabinoid product. Includes in regulations on cannabis processing industrial hemp products that contain cannabinoids and are intended for human consumption or use. Authorizes the OLCC to regulate the processing, transportation, delivery, sale, and purchase of artificially derived cannabinoids. Allows the import or export of industrial hemp with a THC concentration up to 0.3 percent or to the federal limit, whichever is greater. Removes criminal penalties for import or export of industrial hemp that exceeds 0.3 percent but does not exceed 1 percent. Requires Oregon Department of Agriculture (ODA) to conduct criminal records check for an individual applying for industrial hemp grower license; prohibits the ODA from issuing a grower license to an individual convicted of a felony related to a controlled substance within the past 10 years. Directs ODA to administer an Oregon Hemp State Program in accordance with the Agriculture Improvement Act of 2018 and subsequent federal law. Authorizes ODA to adopt rules including the adopting by reference of federal laws and requirements related to the production of hemp. Clarifies definition of “industrial hemp” to mean all nonseed parts of the plant that contain an average post-decarboxylation concentration of Delta-9 THC that does not exceed the greater of 0.3 percent on a dry weight basis or the concentration of THC allowed under federal law. Allows a processor to transfer, sell, or transport industrial hemp products to a person who is not a processor, retailer, or wholesaler if the product meets testing requirements established by the OLCC, is entered into a tracking system, and has been held by the processor for a period of time required by the OLCC prior to the transfer, sale, or transport of the product. Establishes Task Force on Cannabis-Derived Intoxicants to consider regulation of intoxicating cannabis-derived products, consolidation of administrative functions, methods to prevent sales to minors, testing and enforcement requirements, changes to state policies and regulations, and input from marijuana and industrial hemp industries. Requires task force to report to the Legislative Assembly no later than December 31, 2021. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Provisions of measure

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- Sale of Delta-8 products to minors
- Testing and labeling requirements

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Delta-9-THC is the primary intoxicating component in cannabis and is subject to regulation by the Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC) including potency and concentration limits, serving sizes, testing and labeling requirements, and purchasing limits. Delta-8-THC (“Delta-8”) is an intoxicating cannabinoid which is chemically similar to the more common Delta-9-THC. Delta-8 can be sold to minors in the state and purchased online with no requirement for age verification of the consumer, and it can be created from hemp-derived CBD by chemical processing which produces chemical byproducts with unknown health effects.

Under current law, hemp is subject to regulation by the Oregon Department of Agriculture. ORS 571.260 to 571.348 establish regulations for industrial hemp, including requirements by which an industrial hemp processor, retailer, or wholesaler may purchase, receive, transfer, sell or transport industrial hemp, or an industrial hemp commodity or product that contains cannabinoids and is intended for human consumption. ORS 571.341 prohibits the sale of industrial hemp products containing more than 0.3 percent tetrahydrocannabinol to a consumer other than a retailer.

House Bill 3000 A defines “tetrahydrocannabinol” (“THC”) to include all artificially or naturally derived tetrahydrocannabinols including Delta-8, Delta-9, optical isomers of Delta-8 or Delta-9, and any artificially derived cannabinoid that may have an intoxicating effect. The measure defines “adult use cannabis item” as: an item derived from the cannabis plant family and contains THC; a marijuana item; or an industrial hemp product containing a THC concentration that exceeds limits established by the OLCC in consultation with the OHA by rule, or the greater of 0.3 percent or the concentration of THC allowed under federal law. The measure prohibits the sale of adult use cannabis items to a person under 21 years of age.

The measure directs the OLCC in consultation with the OHA to adopt rules establishing the maximum concentration of cannabinoids or artificially derived cannabinoids allowed in a single serving of cannabinoid product, concentrate, or extract, and the maximum number of servings permitted in a package of a cannabinoid product. The measure also authorizes the OLCC to regulate the processing, transportation, delivery, sale, and purchase of artificially derived cannabinoids. The measure allows for the import or export of industrial hemp with a THC concentration up to 0.3 percent or to the federal limit, whichever is greater, and removes criminal penalties for the import or export of industrial hemp that exceeds 0.3 percent but does not exceed one percent.

The measure requires the Oregon Department of Agriculture (ODA) to conduct a criminal records check for an individual applying for an industrial hemp grower license and authorizes the ODA to adopt rules including the adoption by reference of federal laws and requirements related to the production of hemp. The measure revises the definition of “industrial hemp” to mean all nonseed parts of the plant that contain an average post-decarboxylation concentration of Delta-9 THC that does not exceed the greater of 0.3 percent on a dry weight basis or the concentration of THC allowed under federal law. The measure also allows a processor to transfer, sell, or transport industrial hemp products to a person who is not a processor, retailer, or wholesaler if the product meets testing and tracking requirements established by the OLCC.

Finally, House Bill 3000 A establishes the Task Force on Cannabis-Derived Intoxicants to consider the regulation of intoxicating cannabis-derived products, consolidation of administrative functions, methods to prevent sales to minors, testing and enforcement requirements, changes to state policies and regulations, and input from marijuana and industrial hemp industries. The measure requires the task force to submit a report to the Legislative Assembly no later than December 31, 2021.