**Updated Oregon Hemp Regulations**

The Oregon Department of Agriculture (ODA) filed updated final Oregon hemp rules with the Oregon Secretary of State on October 31, 2022. These rules permanently put in place the temporary rules that were filed earlier this year. A summary of rules includes:

* testing requirements for testing of industrial hemp for human consumption and hemp items,
* local state of emergency declaration (by counties),
* as well as several other changes.

Details about specific updates include:

**Expansion of hemp handler license**

Oregon’s definition of a hemp handler is now expanded to include any business that processes cannabinoids from hemp.  Before, only those businesses that received the raw plant material for further processing needed the handler license; once it was either trimmed, retail-ready flower, or an extract/concentrate, the next business working with that material did not require a handler license.  Beginning January 1, 2023, the handler license now includes anyone who:

* receives industrial hemp for processing into industrial hemp commodities, products, or agricultural hemp seed; or,
* receives industrial hemp commodities or products for processing into hemp items.

If you are working with the raw plant material or are processing or manufacturing anything with cannabinoid material derived from hemp, you are now subject to the handler license requirement.  This does not include retailers.  All requirements for handlers are the same – license for each location, recordkeeping requirements, and retention of records for three (3) years, as well as meeting any transportation documentation for in-process extracts/concentrates and potency requirements for final hemp items.

**Landowner consent form**

Starting with license applications or renewals for 2023, all growers who do not own the land they will be farming must submit a consent form signed by the landowner with their application to the Hemp Program.  ODA will make this form available as part of the application on our hemp website at [https://oda.direct/hemp](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Flnks.gd%2Fl%2FeyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjExMTUuNjY2NzQ1MzEiLCJ1cmwiOiJodHRwczovL29kYS5kaXJlY3QvaGVtcD91dG1fbWVkaXVtPWVtYWlsJnV0bV9zb3VyY2U9Z292ZGVsaXZlcnkifQ.6xP8580nVFIe34dub5crxEMCQMmhPGi1BDv8yOEGTrA%2Fs%2F2010737899%2Fbr%2F148160355486-l&data=05%7C01%7CKris.ANDERSON%40oda.oregon.gov%7Cbccd0f4330d340b9b48108dac6a30135%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638040700660722403%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=PaX%2Bam%2F%2B8W1Kvhi3hOSmArqvTcgBDGds7PFi9xwSor0%3D&reserved=0).

**Increases to license fees**

ODA heard from and listened to the industry when told that the original proposal of a 100% increase on most hemp license fees was not sustainable for industry members. As a program that license fees must fund, ODA has to balance being able to maintain the program while not increasing the fees so much that hemp growers and handlers cannot continue to participate. Therefore, the $100 proposed increase to the grower license fee was maintained. The other license fees were increased by 75%.

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| --- | --- | --- |
| **License Type** | **License Year - 2022** | **License Year - 2023** |
| Grower | $250 | $350 |
| Grow site | $500 | $875 |
| Handler | $1,300 | $2,275 |
| Handler by reciprocity | $500 | $875 |
| Ag hemp seed | $500 | $875 |

**Co-locating medical marijuana and hemp**

ODA now allows medical marijuana to be grown on the same property as hemp with specific requirements. For growers who plan to grow medical marijuana under an Oregon Health Authority (OHA) medical marijuana grower registration on the same property as a hemp grow site, the following apply:

* Make a control plan.
  + Describe how your hemp plants will be grown separately from the medical marijuana plants.
  + Describe how harvested plant marijuana material is stored separately from harvested hemp material.
  + Please keep a copy of the control plan at the grow site (farm) at all times and immediately provide it upon request.
* Medical marijuana plots may not be in the same location or overlap with a production area (i.e., field or greenhouse).
* Post a map showing where hemp is being grown and where medical marijuana is grown on the property.
* Use signs, fencing, etc., to visually show where you are growing hemp and where you are growing medical marijuana.

ODA will have a form available for growers to use for the control plans.  Once available, they will be on the hemp website under [the grower section](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Flnks.gd%2Fl%2FeyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDIsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjExMTUuNjY2NzQ1MzEiLCJ1cmwiOiJodHRwczovL3d3dy5vcmVnb24uZ292L29kYS9wcm9ncmFtcy9IZW1wL1BhZ2VzL0hlbXBHcm93ZXJzLmFzcHg_dXRtX21lZGl1bT1lbWFpbCZ1dG1fc291cmNlPWdvdmRlbGl2ZXJ5In0.xx5tF9TDVNEHlFbCDei13WaFVmAufFXTrRzjTjtULdg%2Fs%2F2010737899%2Fbr%2F148160355486-l&data=05%7C01%7CKris.ANDERSON%40oda.oregon.gov%7Cbccd0f4330d340b9b48108dac6a30135%7Caa3f6932fa7c47b4a0cea598cad161cf%7C0%7C0%7C638040700660722403%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=7SDbgrlDwnxQ6VBG9coDP8F%2BouDE9kArjrbp83t9t08%3D&reserved=0).

**Increased batch sizes for usable hemp testing**

All usable hemp, meaning smokable or plant material that will be tested before to being used for extracts/concentrates, must be tested for several different substances, including cannabinoids.  Starting July 1, 2022, the batch size increased from 30 pounds to 50 pounds.  This rule is now final and matches the requirements for marijuana