



Recreational Marijuana Program

Information Bulletin

New marijuana edible FAQs, increases in potency to other products, and daily sales limit modifications

IB2022-03
March 30, 2022

The Oregon Liquor and Cannabis Commission (OLCC) is providing the following information to licensees and laboratory licensees.

This education bulletin is part of OLCC's compliance education. It is important that you read it and understand it. If you do not understand it, please contact the OLCC for help.

Marijuana licensees and laboratory licensees are responsible for reading, understanding, and complying with all applicable rules. This bulletin does not supersede any OLCC rule. Failure to understand and follow the rules referenced in this bulletin *could result in an OLCC administrative violation and/or civil penalty.*

This education bulletin covers the following issues:

- New FAQs regarding higher potency marijuana edibles;
- Increases in potency for other marijuana items and modifications to the daily sales limits; and
- Resources for licensees regarding higher potency marijuana edibles and recent rule changes.

Background

On December 28, 2021, the OLCC adopted new marijuana rules in OAR [Chapter 845, Divisions 25 and 26](#). The rules allow for recreational consumers to purchase marijuana edibles with up to 100 mg THC in the package and up to 10 mg THC per serving **on and after April 1, 2022**. Retailers **may not** sell 100 mg THC edibles prior to April 1, 2022. See OAR [845-026-0210](#).

The new rules also increased the potency limit for other marijuana items and several modifications were made to the daily sales limits for adult use consumers. See OAR [845-025-2800](#) and [845-026-0210](#).

Frequently Asked Questions for Higher Potency Marijuana Edibles

Can an OLCC-licensed retailer sell marijuana edibles that are labeled under the medical rules to recreational consumers on and after April 1, 2022?

No. Labels for medical marijuana edibles do not contain all of the required warnings for a recreational marijuana edible and state they are for Oregon Medical Marijuana Program (OMMP) patients only, which is untruthful and misleading. Selling a marijuana or hemp item to a consumer that is not labeled according to OAR 845-025-7000 through 7190 is a violation of the OLCC's packaging and labeling rules. Additionally, it is unlikely medical grade edibles will meet the scoring requirement in OAR 845-026-0210,

which apply to adult use marijuana edibles. Keep in mind that medical grade edibles can have up to 100 mg THC in the package, there is no serving size requirement, and they do not have to be scored. See OAR [845-026-0220](#).

Can an OLCC-licensed processor use edible ink to score a marijuana edible?

Yes, with caveats. Licensees may use edible ink to score their edibles. However, the edible ink must comply with applicable food safety requirements from the Oregon Department of Agriculture and may not adulterate the product. See OAR [845-025-1015\(2\)](#). Additionally, the scoring via edible ink must meet the definition of “scored” in OAR [845-026-0100\(45\)](#). For example, the scoring must be accurate, intuitive, and permanent (e.g. not fade throughout the life of the product or be destroyed when portioning).

Can my product be exempt from the scoring requirements?

Unlikely. The scoring requirements apply to marijuana edibles that exceed 55 mg THC in the package. There is a very limited exemption to the scoring requirements for products that due to their texture or consistency are incapable of being scored. This primarily applies to products such as powders or viscous solids (e.g. honey) that physically cannot be scored. Most solid marijuana edibles are capable being scored. Licensees may need to reformulate or rethink their existing edibles to meet the new scoring requirements. See OAR [845-026-0210](#).

Can I place two 50 mg edibles in the package and be exempt from the scoring requirements?

No. The scoring requirements apply to marijuana edibles that exceed 55 mg THC in the package. If two 50 mg THC marijuana gummies are placed in a package, the package contains more than 55 mg THC and the gummies must be scored. See OAR [845-026-0210](#).

Do marijuana edibles need to be sold in child resistant packaging?

Yes. If the marijuana edible is not in a child resistant and continuously re-sealable package, the retailer must place it in an exit bag at the point of sale. This requirement applies to all marijuana and hemp items (except for usable marijuana and usable hemp). The packaging requirements were amended to no longer require child resistant packaging for usable marijuana and usable hemp only. See OAR [845-025-7020](#).

Can I use a serving diagram on the label as the sole means of meeting the scoring requirements?

No. Marijuana edibles that exceed 55 mg THC in the package must be scored. Licensees may include serving diagrams on the label in addition to meeting the scoring requirements. Serving diagrams are still permissible for edibles that do not exceed 55 mg THC in the package. See OAR [845-026-0210](#).

Increases to Potency and Alterations to Daily Sales Limits

Effective January 1, 2022, the THC potency increased for the following marijuana items:

- Transdermal patches increased from 50 mg THC in the package and 5 mg THC per serving to 100 mg THC in the package and 10 mg THC per serving; and

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- Cannabinoid extracts and concentrates increased from 1,000 mg THC in the package to 2,000 mg THC in the package.

Effective April 1, 2022, marijuana edibles can have up to 100 mg THC in the package and 10 mg THC per serving (previous limits were 50 mg THC in the package and 5 mg THC per serving).

Several changes were made to the retailer daily sales limits in OAR [845-025-2800](#). These changes became effective January 1, 2022:

- Retailers may now sell two ounces of usable marijuana per adult use consumer per day (previous limit was one ounce);
- The limit on sales of cannabinoid concentrates or extracts was simplified to: “Five grams of cannabinoid extracts or concentrates.”; and
- Retailers may also sell 5 grams of cannabinoid products intended for inhalation. Examples of cannabinoid products intended for inhalation, include: infused pre-rolls, moon rocks, or inhalable cannabinoid products with non-cannabis additives.

For example, a retailer may sell an adult use consumer in one day: 5 grams of cannabinoid concentrate or extract and 5 grams of cannabinoid products intended for inhalation. While cannabinoid extracts and concentrates may be inhaled, they are not cannabinoid products under the OLCC’s definitions in OAR [845-025-1015](#). [The Rule Update Series Session 1: Retailers, Sales Limits, and Higher-THC Edibles](#) provides more detail.

Resources

- [Compliance Bulletin CE2021-04](#) provides guidance on the updated rules;
- [Information Bulletin IB2022-01](#) provides guidance to licensees on bringing 100 mg THC edibles to market; and
- [Rule Update Series Session 1: Retailers, Sales Limits, and Higher-THC Edibles \(PDF\)](#) provides explanations of the sales limits, increases in potency for certain marijuana items, and 100 mg THC edibles.

Questions related to daily sales limits can be sent to marijuana@oregon.gov.

Questions related to packaging, labeling, and scoring can be sent to marijuana.packaging@oregon.gov.

Questions related to testing can be sent to olcc.labs@oregon.gov.