

2021 Overview of Hemp in Oregon



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Agenda

- Overview
- Staffing
- Farm Bill and 2021 Legislative Session
- Enforcement - Operation Table Rock
- Questions



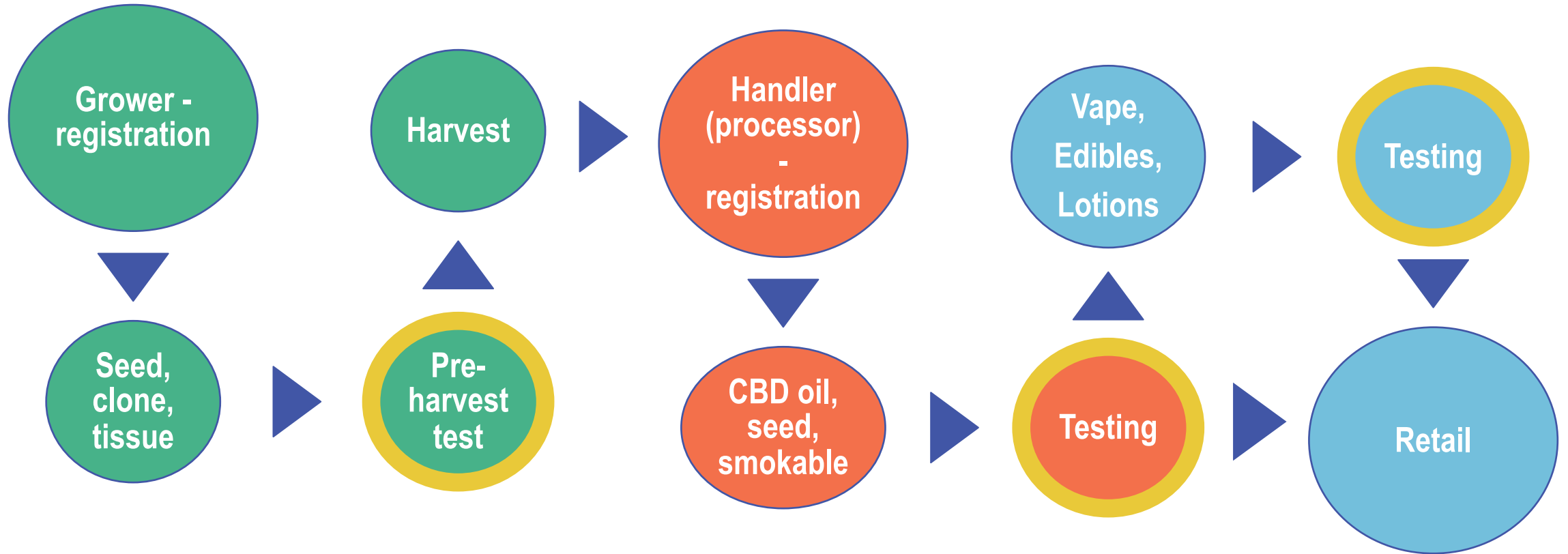
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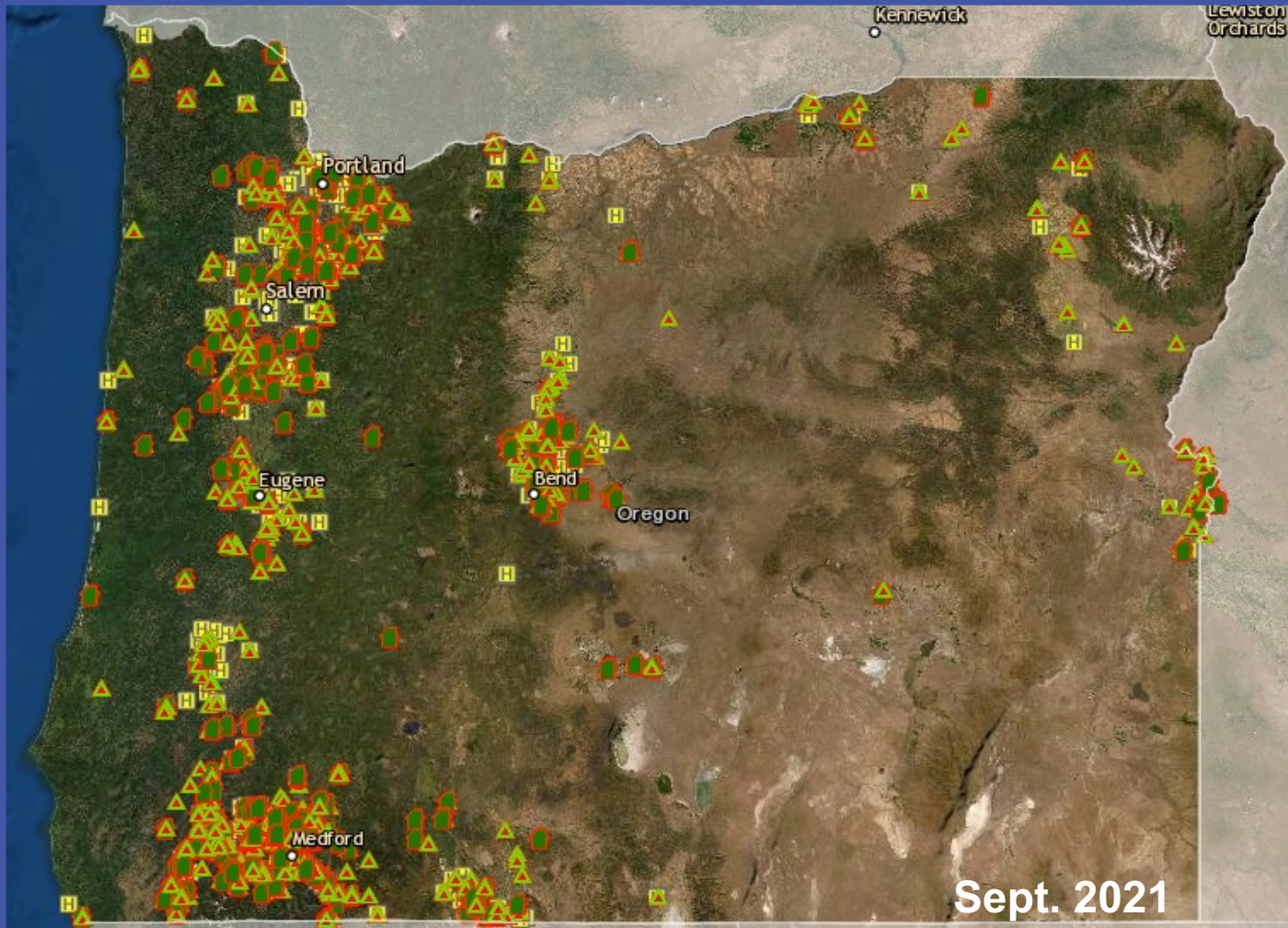
What is Cannabis?

Hemp	Marijuana
Legal at federal level	Only legal at state level
0.3% THC or less	Above 0.3% THC
ODA: no specific tracking system	OLCC: seed-to-sale tracking system (METRC)
No acreage limit	Various tiers – largest outdoor tier just shy of an acre



Lifecycle of Oregon Hemp





Stats as of Sept. 6, 2021:

- 752 growers
- 392 handlers
- 7,175 acres



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Staffing and Budget



21-23 Budget

- Other Funds \$3,490,613
- FTE =12 including full-time Manager

License Fees

- Grower - \$250
- Grow site - \$500
- Handler - \$1300



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Farm Bill and 2021 Legislative Session



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Hemp Regulation Timeline

2014 Farm Bill

- Pilot programs at the state level
- No federal program
- ODA started issuing hemp registrations in 2015

2018 Farm Bill

- Changed definition of hemp
- Created a federal program within USDA
- States that want to regulate hemp will submit plans to USDA for review/approval
- Testing must include post-decarboxylation or similar method



HB 2284 - Commodity Commission

- **Creates a hemp commodity commission**
- **Starting to work on how this is going to be set up**
 - **Look for announcement at end of September that the applications for temp commissioners is open**
- **Commission will start in January on rule making**



USDA Final Rule Requirements

- **Background check**
- **30-day pre-harvest test**
 - flowering tops 5-8 inches from the growing point
 - total THC
- **Labs registered with DEA by Jan. 1, 2023**
- **Only 1 variety per field**



USDA Final Rule Requirements

- **Growers file with USDA Farm Services Agency (FSA)**
- **Negligent violation for tests above 1% total THC**
- **Allows for research licenses**
- **States report to USDA total acreage planted, harvested, and disposed/remediated**



HB 3000 – Broad Cannabis Bill

- **Addresses adult use cannabinoids**
 - **No sales of adult use cannabis items to minors**
- **OLCC to set max. concentration of total delta9-THC and other adult use cannabinoids in marijuana and hemp products**
- **ODA can determine if a site is a registered medical marijuana site**



HB 3000 – Broad Cannabis Bill

- **ODA authority to meet requirements under USDA final rules to become a 2018 Farm Bill compliant state**
- **ODA to set amount of THC allowed in hemp commodities transported within Oregon**
- **ODA to establish requirements for tracking transfer of hemp commodities/products intended for ingestion or inhalation**



HB 3000 – Broad Cannabis Bill

- **Broader authority to ODA to deny and revoke licenses**
- **ODA can establish additional license types**
- **\$10,000 civil penalty for hemp crops that test above 10%**



HB 3000 – Broad Cannabis Bill

- **Creates a task force on cannabis-derived intoxicants**
- **Provides additional funding to the Illegal Marijuana Market Enforcement grant program**
- **Clarifies that any cannabis not grown under a legal state program (or home grow of 4 plants) can be considered unlawful marijuana by law enforcement**



HB 3000 – Broad Cannabis Bill

- **OLCC to develop in rule a method to determine if a cannabis plant is hemp or marijuana – presumptive marijuana**
 - **ODA may order a grower to destroy cannabis plants if they are determined to be presumptive marijuana**
- **ODA and OLCC interagency agreement to allow OLCC staff to assist ODA in carrying out hemp inspections**



Post-Session Timeline

- **Temporary rules filed July 21st**
 - Increased reporting and recordkeeping requirements
- **Presumptive marijuana enforcement based on testing rules OLCC filed**
- **Increased enforcement authority for any violation of a detainment**
- **Ability to prohibit a grower from reapplying to the program for two (2) years if they violate hemp statutes, rules, or an ODA order**
- **New process for cannabis waste and disposal**
- **New authority around license if someone plants before applying or after applying but before license is issued**

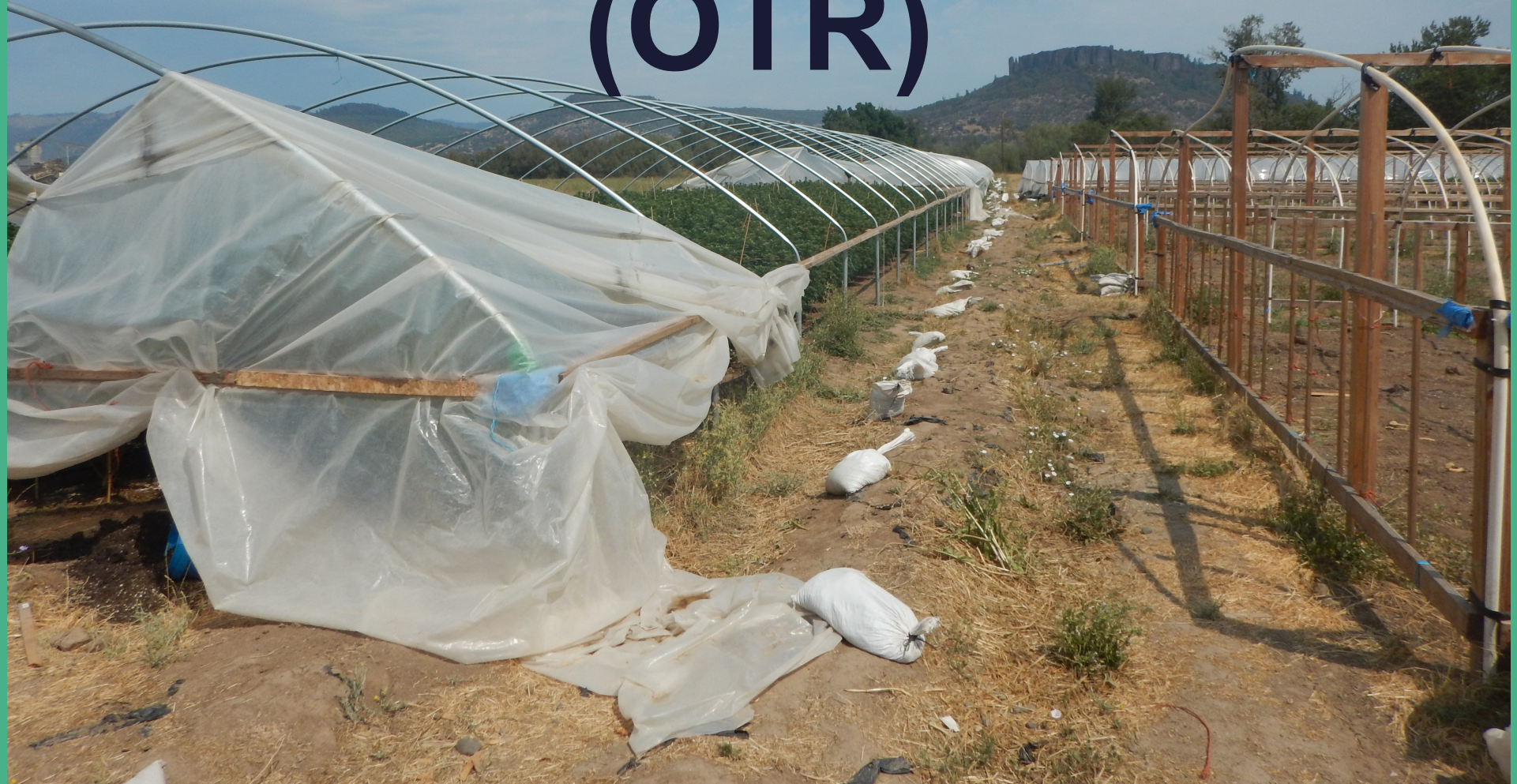


Post-Session Timeline

- **Rules to meet USDA requirements open for public comment**
 - Virtual public hearing September 28, 2021, from 11 am to 1 pm
 - Comment period closes October 22, 2021
- **Starting 2nd round of rulemaking this month**
 - Make temporary rules permanent
 - Set THC amount for transportation of commodities within the state
- **Next 6 months – year**
 - Develop tracking requirements for hemp commodities/items for inhalation and ingestion
 - Reassess fees for hemp program



Enforcement – Operation Table Rock (OTR)

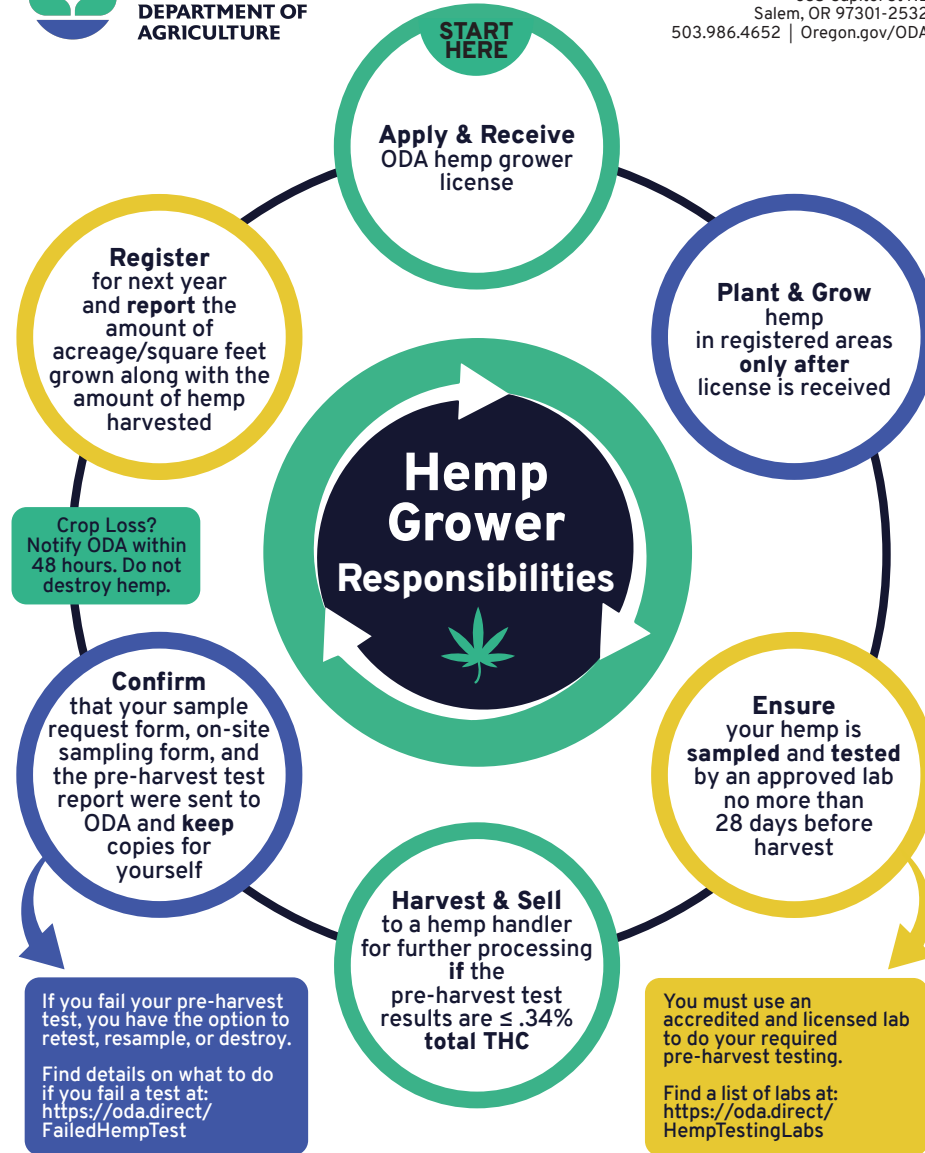




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Hemp Program

635 Capitol St NE
Salem, OR 97301-2532
503.986.4652 | Oregon.gov/ODA



Created 12/20



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What is Cannabidiol?

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0.3% THC or less	Above 0.3% THC
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Presumptive Marijuana Rule

- **Mature plants**
 - **50% of composite samples test at or above 5% THC**
 - **Average total THC among composite samples test at or above 5% THC**
- **Immature plants**
 - **50% of composite samples test at or above a 5:1 ratio THC:CBD**
 - **50% of composite samples test at or above 1% THC**
 - **Average total THC of composite samples test at or above 1% total THC**



Collaboration

- Oregon Department of Agriculture
- Oregon Liquor and Cannabis Commission
- Oregon Water Resources / Watermasters
- Oregon State Police
- Jackson County Sheriff
- Jackson County Code Enforcement
- Jackson County Interagency Marijuana Enforcement Team
- Josephine County Sheriff
- Josephine County Code Enforcement
- Josephine County Marijuana Enforcement Team
- City of Medford Police



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Operation Table Rock Process

- ODA list of registered growers
- OLCC conducts safety assessment
- Daily safety briefings along with inspection assignments
- OLCC/ODA sampling teams conduct sampling – 10% of production areas within a grow site (minimum of 3 samples regardless)



Operation Table Rock Process

- **Samples returned to OLCC HQ and analyzed on Light Lab 3 portable device**
- **OLCC personnel write reports and refers to ODA.**
- **ODA writes detentions/ administrative search warrants**



OTR Map

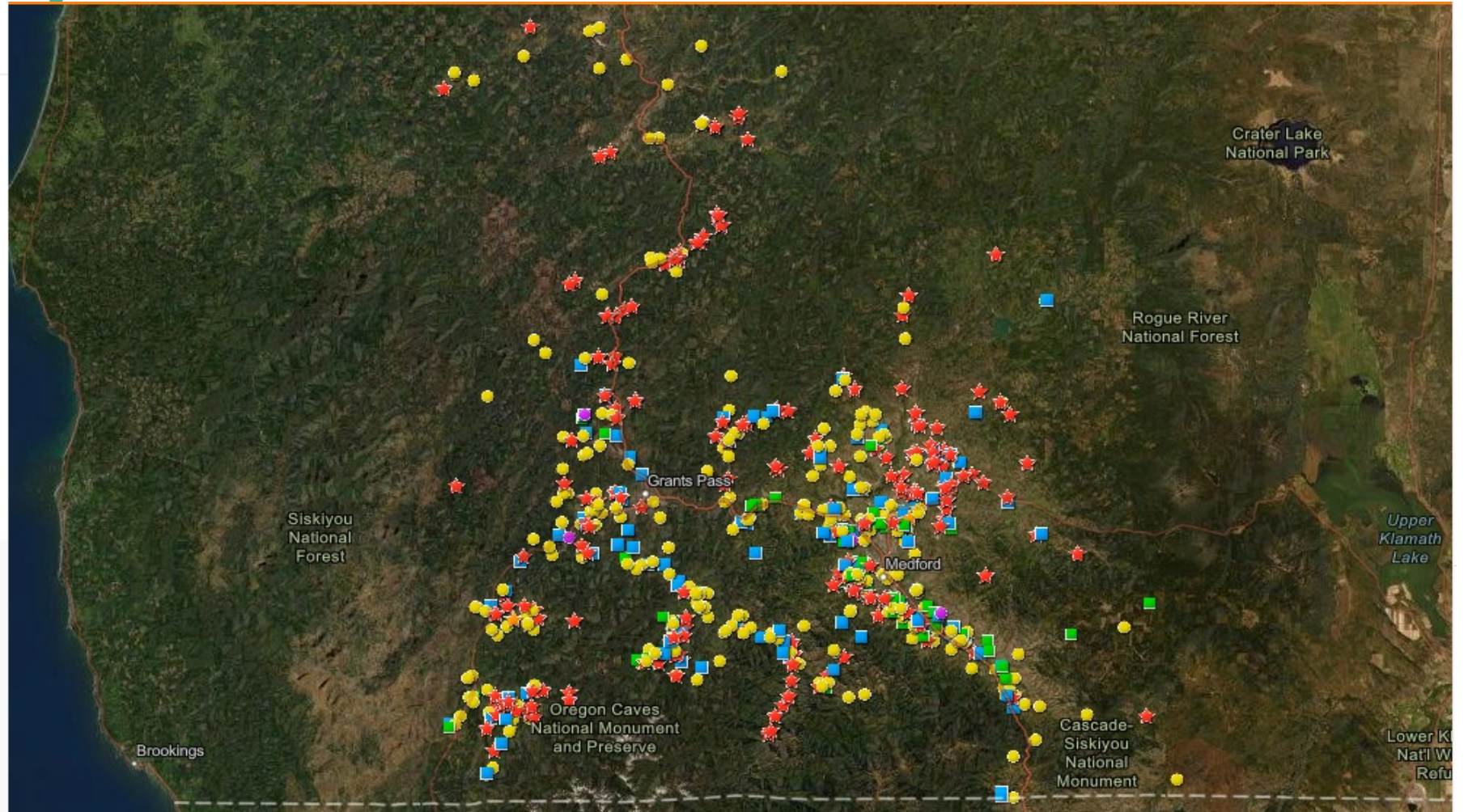
Legend



Hemp Grow Sites in Southern OR

Hemp Grow Sites Southern Oregon
(7/6/2021)

- ★ OLCC Assigned; ODA Red Flag
- OLCC Assigned
- ★ ODA Assigned; ODA Red Flag
- ODA Assigned
- COMPLETED
- VISITED
- VISITED



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What Have We Found?



Test Results		
	Positive	Negative
Immature plants	53	81
Mature plants	50	15

315 sites visited to date



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What Have We Found?

Other Information	
Waiting for test results	24
Denied access	26
No contact	17
No hemp production	49
Cases referred to law enforcement	46
Cases referred to other agencies	32



Next Steps



- **Detainments issued: 12**
- **Administrative search warrants served: 13**
- **Destroy presumed MJ**
- **Gain access to refused access**
- **Resample as many of the immature as possible**
- **Issue violations/ civil penalties/ license actions**





Questions?



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Resources

- **Email**

- hemp@oda.oregon.gov
- hemp-records@oda.oregon.gov

- **Listserv**

- <https://oda.fyi/Subscribe>

- **Websites**

- <https://oda.direct/Hemp>
- <https://oda.direct/Cannabis>
- <https://oda.direct/CannabisPesticides>
- <https://oda.direct/HempSeed>

