



Recreational Marijuana Program Information Bulletin

New potency limits for marijuana edibles

IB2022-01
January 20, 2022

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

This information 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 information bulletin covers the following issue:

- How to prepare for bringing marijuana edibles with up to 100 mg THC to market.

Background

On December 28, 2021, the OLCC adopted new marijuana rules in OAR [Chapter 845, Divisions 25 and 26](#).

Beginning April 1, 2022 recreational consumers will be allowed to purchase marijuana edibles containing up to **100 mg THC in an individual package** and **up to 10 mg THC per serving**. Retailers **may not** sell 100 mg THC edibles until April 1, 2022. See OAR [845-026-0210](#).

[Compliance Bulletin CE2021-04](#) provides guidance on the updated rules, including the above provision that doubles the allowable amounts of THC in an individual package and individual serving.

The OLCC has received a number of questions about how licensees can bring marijuana edibles to market and be compliant by meeting the new, April 1, 2022 potency limits. To ensure that state regulators provide consistent guidance to licensees the OLCC has consulted with the Oregon Health Authority (OHA) regarding this issue. OLCC is providing this information bulletin to describe how to facilitate transfers of 100 mg THC marijuana edibles between licensees prior to April 1, 2022.

There are three primary concerns:

- **Packaging & Labeling:** When will the OLCC begin reviewing and approving labels for marijuana edibles containing up to 100 mg THC?
- **Testing:** When can a licensee begin having products tested for the new marijuana edible potency limits?
- **Control studies:** Does a licensee need a new control study for marijuana edibles that meet the new potency limits?

Packaging & Labeling

As of January 1, 2022, licensees may submit for approval label applications for marijuana edibles that contain up to 100 mg THC in an individual package and 10 mg THC per serving. Licensees should review the requirements of OAR [845-026-0210](#), including the definition of "scored" in OAR [845-026-0100](#). In addition to the required labeling, label applications should also be accompanied by clear and accurate pictures showing the edible.

Important: Although labels may be approved before April 1, 2022, **Retailers may NOT sell edibles exceeding 50 mg THC** to consumers until on or after April 1, 2022.

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

Testing

Marijuana edibles that are only going to be sold on or after April 1, 2022 may have compliance testing performed under the new potency limit standards prior to April 1, 2022. Laboratory licensees should determine and have a clear understanding of what potency standard the manufacturing licensee intends the item to be sold under.

The OLCC recommends that laboratory licensees clarify with licensed processors that request compliance testing for edible products whether the product will be sold to adult use consumers before, or beginning on April 1, 2022. This information can be used to determine which potency requirement they should use to determine the pass/fail criteria for potency testing.

Marijuana items that are intended to be sold to adult use consumers at the new higher potency limits **cannot** be sold to consumers beginning April 1, 2022. Licensees that have compliant-tested marijuana edibles may transfer those products to Retailer licenses in advance of the new potency limits taking effect on April 1, 2022. However, those items **cannot** be sold to consumers until April 1, 2022.

Control study

A control study is not required in order to sell higher potency edibles beginning April 1, 2022. However once the OLCC certifies a licensed processor submitted control study it qualifies future items made by that processor under the specified standard operating procedure (SOP) for reduced sampling requirements as described in OAR [333-007-0350](#), [-0360](#), and [-0440](#). A licensee may want to obtain a new control study depending on changes made to an SOP for manufacturing a product allowed under the new potency limits. In some instances a new control study maybe unnecessary where amending an existing certified control study to include a new higher potency variation may be all that's required.

An example of a product that **can** continue to be tested under a previously-certified control study: *Licensee A has a certified control study for a unit of sale that had ten gummies that each contained 5 mg THC (equaling 50 mg THC in the entire package). Licensee A may contact the OLCC to amend that control study to include a variation for a package of twenty 5 mg THC gummies (equaling 100 mg THC in the entire package).*

An example of a product that **cannot** continue to be tested under a previously-certified control study: *Licensee B has a certified control study for a unit of sale that had ten gummies that each contained 5 mg THC (equaling 50 mg THC in the entire package). Licensee B will need a new control study for a package of ten gummies that each contain 10 mg THC (equaling 100 mg THC in the entire package).*

If you have further questions regarding control studies, you can direct those questions to OLCC.Labs@oregon.gov.

It is important to know that OHA is in the process of updating its rules related to cannabis and in March 2022 may remove the control study requirement. To stay up to date on OHA rulemaking, please [visit their website](#).