



August 23, 2021

Ms. Madeline Kane
Rules Coordinator
Oregon Liquor Control Commission
9079 SE McLoughlin Ave.
Milwaukie, OR 97222

Mr. Steven Crowley
Hemp and Processing Technician
Oregon Liquor Control Commission
9079 SE McLoughlin Ave.
Milwaukie, OR 97222

Via Email to: olcc.rulemaking@oregon.gov

Dear Ms. Kane and Mr. Crowley,

The American Herbal Products Association (AHPA) is contacting you regarding the recently enacted emergency rule identified as “Adult Use Cannabis and Hemp Concentration Limits.”¹

Specifically, this temporary rule stipulates that an industrial hemp product (including oral use and topical products) is an adult use cannabis item if it:

- a. Contains 0.5 mg or more of any combination of:
 - A. Tetrahydrocannabinols or tetrahydrocannabinolic acids, including delta-9-tetrahydrocannabinol or delta-8-tetrahydrocannabinol; or
 - B. Any other cannabinoids advertised by the manufacturer or seller as having an intoxicating effect
- b. Contains any quantity of artificially-derived cannabinoids; or
- c. Has not been demonstrated to contain less than 0.5 mgs total delta-9 THC when tested in accordance with Oregon statutes 571.330 or 571.339.

AHPA’s concern is that this emergency rule appears to apply to the entire package of a finished industrial hemp product, irrespective of the mass of the product, rather than to an individual serving of the product. While the intention of this emergency rule is the prohibition of the sale of potentially intoxicating cannabis products to minors, it appears to inadvertently classify some hemp products as adult use cannabis products. Based on the 0.5 mg total THCs limit for an entire hemp product (rather than a per serving limit), AHPA is concerned that many hemp products that are not intoxicating are now classified as adult use cannabis products.

For example, a multi-serving hemp tincture product weighing 60 g or a 30-count package of hemp gummies weighing 120 g that currently meet the federal definition of hemp² (no more than 0.3% delta-9 THC) would need to meet a considerably lower limit in order to comply with the 0.5 mg total THCs per product limit in this emergency rule:

0.5 mg total THCs / 60 g tincture product = 0.000008 or 0.0008% total THCs in the product

¹ The Emergency Rule can be accessed here: [Oregon Secretary of State Administrative Rules](#)

² As defined in 7 U.S.C. § 1639o(1).

0.5 mg total THC / 120 g gummy package = 0.000004 or 0.0004% total THC in the package

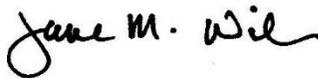
AHPA requests that the language of the emergency rule be amended to express a “per serving” limit rather than the current per product limitation for total THCs. If it is not possible to amend the emergency rule, AHPA requests that any final rule pertaining to total THCs concentration limits applied to hemp products be expressed as “per serving” limits for clarity and to avoid unnecessary restriction of non-intoxicating hemp products to the adult use cannabis sales channel.

AHPA greatly appreciates the opportunity to provide comments regarding this emergency rule. We welcome any questions that may arise from AHPA’s comments.

Respectfully submitted,



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