

SYNTHETIC CANNABINOIDS OREGON'S EXPERIENCE

Presented by Steve Marks, Executive Director, and
Steven Crowley, Hemp & Processing Specialist
Oregon Liquor and Cannabis Commission
May 10, 2022



SYNTHETIC CANNABINOIDS

BACKGROUND ON HB 3000

- There were a confluence of issues in the hemp and marijuana markets that led the Oregon Legislature to adopt House Bill 3000 in the 2021 session
- The three largest issues:
 - Community and industry concerns about the proliferation of illicit cannabis grows under the guise of hemp
 - Hemp edibles, without age limits or labeling requirements, containing more Δ^9 -THC than state-legal adult use and medical marijuana edibles
 - Proliferation of synthetic cannabinoids made from hemp-derived or marijuana-derived starting materials
- Bill passed with broad bipartisan support

SYNTHETIC CANNABINOIDS

BACKGROUND ON HB 3000

- **Several complicating factors on synthetic cannabinoids:**
- Lack of federal leadership
- Lack of labeling requirements and consumer disclosure
- Rapid development of new synthetic cannabinoids
- Incomplete science on:
 - The safety of products made through synthetic processes
 - Safety profile in humans of new/novel cannabinoids

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BACKGROUND ON HB 3000

- **Guiding principles:**
- Prohibit sales of intoxicants to minors
- Consumer disclosure
- Clarify the role of the regulator with synthetic cannabis-derived substances
- Differentiate between adult use and general markets
- Authority for regulators to regulate products within their scope
- Establish a Task Force for ongoing discussion on emerging issues with an eye toward future-proofing regulations

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WHAT HB 3000 DID

- Empowered enforcement related to illicit cannabis
- Updated hemp laws for 2018 Farm Bill
- Prohibited the sale of “adult use cannabis items” (including some hemp items) to minors
 - Directed OLCC to establish thresholds for THC and other cannabinoids for “adult use cannabis items”
- Gave OLCC authority to regulate the processing and sale of synthetic cannabis derivatives in Oregon’s adult use system
- Directed OLCC to set limits on THC and synthetic cannabis derivatives in hemp items for sale to adults

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IMPLEMENTING HB 3000

- As part of rulemaking, OLCC published a document: [Considerations in Establishing Cannabinoid Limits for Hemp Products](#)
- Limiting THC content in hemp. In food products, 0.3% is a lot of THC:



What does 0.3% look like?		
	Hemp Potency Limit	Adult-Use Marijuana Limit
A single 5 g gummy	15 mg Δ^9 -THC	10 mg Δ^9 -THC per serving
20 g pack of gummies	60 mg Δ^9 -THC	100 mg Δ^9 -THC
85g bar of chocolate	255 mg Δ^9 -THC	100 mg Δ^9 -THC
12 oz beverage	>1,000 mg Δ^9 -THC	100 mg Δ^9 -THC

(items pictured are not marijuana or hemp items)

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IMPLEMENTING HB 3000

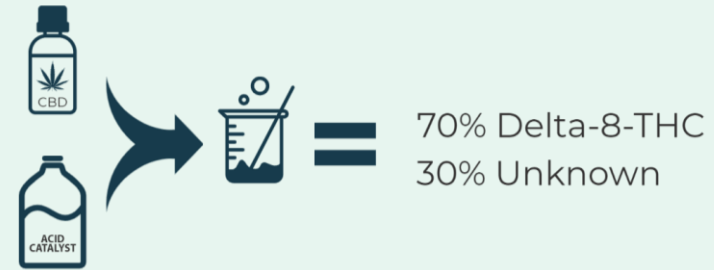
- Set THC limit in hemp items sold to minors: 0.5 mg
- Set THC limits in hemp items for sale to adults (effective July 1, 2022):

INDUSTRIAL HEMP PRODUCT THC CONCENTRATION AND SERVING SIZE LIMITS			
Type of Industrial Hemp Product	Maximum Amount of Total Delta-9-THC Per Serving	Maximum Amount of Total Delta-9-THC per Container	Maximum Concentration of Total Delta-9-THC
Hemp Edibles	2 mg	20 mg	0.3%
Hemp Topicals	N/A	N/A	0.3%
Hemp Transdermal Patches	2 mg	20 mg	0.3%
Hemp Tinctures	N/A	100 mg	0.3%
Usable Hemp	N/A	N/A	0.3%
Industrial Hemp Concentrates or Extracts	N/A	N/A	0.3%
Cannabinoid Hemp Products Other than Hemp Edibles, Topicals, Tinctures, or Transdermal Patches	2 mg	20 mg	0.3%

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IMPLEMENTING HB 3000

- “Artificially derived cannabinoids”
 - Made synthetically from hemp or marijuana
- Health and safety concerns:
 - Lack of history of human use for many of these substances
 - Lack of established safety profile for many of these substances
 - Unknown byproducts from the synthesis
 - Testing requirements for hemp and marijuana items are based on the plant and extraction from the plant; does not encompass byproducts, residual reagents, purity testing, etc.
 - Lack of disclosure to consumers
- Whether a synthetic cannabinoid is “intoxicating” or “impairing” is not a primary concern outside the context of sales to minors



SYNTHETIC CANNABINOIDS

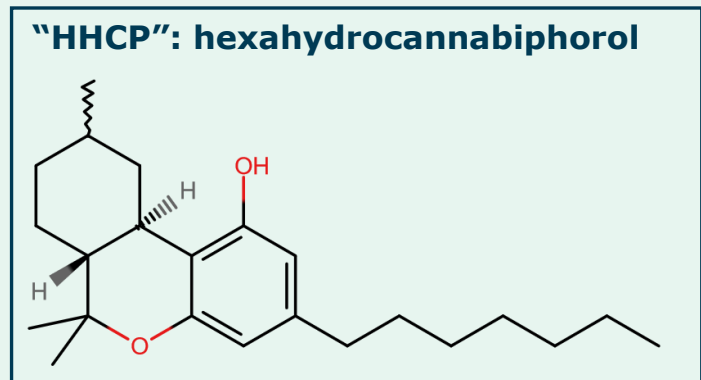
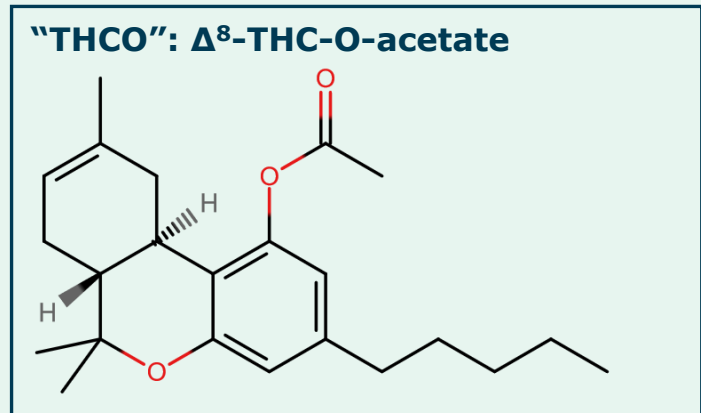
IMPLEMENTING HB 3000

- Regulating in the general market (outside of OLCC adult use system):
Authority to set concentration limits only
 - Effective July 1, 2022: No artificially derived cannabinoids in hemp items sold on the general market to Oregon consumers
 - May revisit as more data becomes available
- Regulating within the adult use system: Authority to set concentration limits and/or nuanced regulations
 - Effective July 1, 2022, allow non-intoxicating cannabinoids only if:
 - Clearly labeled as an “artificially derived cannabinoid”
 - Manufacturer meets an ordinary standard for introducing a novel ingredients into foods (GRAS) or dietary supplements (NDI)
 - Synthetic CBN has until July 1, 2023 to meet one of these standards
 - Intoxicating cannabinoids would need to be addressed individually to set concentration limits with intoxicating potential similar to limit for THC

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ADDITIONAL CONTEXT

- Rapid development of new cannabinoids created synthetically from cannabis:
 - CBN
 - Δ^8 -THC
 - Δ^9 -THC
 - Δ^8 -THC-O-Acetate
 - Δ^9 -THC-O-Acetate
 - HHC
 - HHC-O-Acetate
 - Δ^8 -THCP
 - Δ^9 -THCP
 - HHCP
 - Etc.



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