

CBD & ALCOHOL: ALCOHOL FOR SALE AT RETAIL

Alcohol retailers are licensees who may sell alcohol at retail. These are brewery, brewery-public house, full on-premises, grower sales privilege, limited on-premises, off-premises, winery, temporary sales license, and all special licenses.

ALCOHOLIC BEVERAGES

Alcohol retailers are prohibited from selling any alcoholic beverage manufactured with cannabidiol (CBD).

- Retailers must not carry or sell an alcoholic beverage that contains or is marketed as containing CBD.
- The Alcohol and Tobacco Tax and Trade Bureau (TTB) requires an alcoholic beverage manufacturer to obtain formula approval for any alcoholic beverage that contains any cannabinoids or cannabis ingredient. The TTB will not approve any alcoholic beverage formula that contains CBD.
- The OLCC prohibits a liquor licensee from manufacturing any alcoholic beverage containing CBD or cannabinoids from any source without TTB approval.
- If the OLCC believes that an alcoholic beverage contains a prohibited substance, such as CBD, it may request an analysis of the product and may prohibit the continued sale of the product.

NON-ALCOHOLIC BEVERAGES AND PRODUCTS

The Oregon Department of Agriculture (ODA) regulates non-alcoholic, hemp-derived CBD products and requires that any hemp item intended for human consumption be tested prior to consumer sale.

If a hemp-derived, non-alcoholic CBD product was created and tested in compliance with Oregon state law and ODA rules it may be legal for sale by licensees in some circumstances.

It is NOT the responsibility of the OLCC or ODA to test CBD products or verify that the CBD products have been tested.

Prior to obtaining any hemp product, the licensee must obtain from the vendor lab testing reports for the hemp product and verify that:

- The source of the product is hemp and not marijuana;
- The hemp product was properly tested for pesticides, solvents, and potency according to ODA rules;
- The hemp product does not contain more than 0.3% total THC;
- The hemp product does not contain any artificially derived cannabinoids if it will be sold on or after July 1, 2022; and
- The hemp product does not exceed the THC limits in OAR [845-026-0400](#) if it will be sold on or after July 1, 2022 (see the following page for more details).



For more information contact:

The **OLCC** for questions about compliance;
olcc.alcohol@oregon.gov

The **OLCC** for questions about THC and cannabinoid limits in hemp products;
olcc.hemp@oregon.gov

The **Oregon Department of Agriculture** for questions about hemp or hemp testing.

hemp@oda.oregon.gov;
<https://oda.direct/hemp>

The **Alcohol and Tobacco Tax and Trade Bureau** Regulations & Rulings Division for questions about federal formula or label approval. 202-453-2265.



OLCC's mission is to support businesses, public safety, and community livability through education and the enforcement of liquor and marijuana laws.

See the OLCC [CBD Testing Requirements](#) document for specific details on testing requirements, verifying testing information, and testing record retention.

The OLCC recommends licensees selling compliant hemp-derived products should obtain and maintain records of the lab testing performed on these products for at least one year.

Any hemp product that exceeds the THC limits in OAR [845-026-0400](#) or contains artificially derived cannabinoids may no longer be sold to consumers on or after July 1, 2022, even if the product contains less than 0.3% THC.

THC LIMITS IN HEMP PRODUCTS

Beginning July 1, 2022, any hemp product sold to a consumer age 21 and over must comply with the THC limits in OAR [845-026-0400](#):

- Up to 100 mg total THC in hemp tinctures, not to exceed 0.3% THC.
- Up to 2 mg total THC per serving and 20 mg total THC per container for hemp edibles and other cannabinoid hemp products (except tinctures and topicals), not to exceed 0.3% THC.
- Up to 0.3% total THC for all other hemp products subject to these limits (topicals, smokable flower, concentrates, or extracts).

“Total THC” is calculated to account for both Δ^9 -THC and Δ^9 -THCA in the product. Most lab testing reports will include the calculated amount or concentration of total THC. The formula used to calculate total THC is:

- $[\text{Total THC}] = [\Delta^9\text{-THC}] + (0.877 \times [\Delta^9\text{-THCA}])$.

Hemp products sold to minors under age 21 have a separate, lower limit of 0.5 mg total THC per container. This limit went into effect on July 17, 2021.

ARTIFICIALLY DERIVED CANNABINOIDS IN HEMP PRODUCTS

“Artificially derived cannabinoids” are substances that are created synthetically from a cannabis-derived starting material, like a hemp extract, rather than naturally occurring substances extracted from cannabis. Substances that are commonly created artificially include CBN (cannabinol) and Δ^8 -THC (“Delta 8”).

Beginning July 1, 2022, hemp products containing artificially derived cannabinoids cannot be sold to consumers in Oregon except by an OLCC-licensed marijuana Retailer. Licensees should work with distributors or product manufacturers to confirm whether a hemp product contains any artificially derived cannabinoids.

HEMP VAPE PRODUCTS

Beginning July 1, 2022, all industrial hemp-derived vapor items sold in Oregon must comply with new testing and labeling rules in OAR [845-026-5700](#) to -7070. This includes:

- Having an OLCC-approved label; and
- Being tested by an OLCC-licensed laboratory.

MIXING ALCOHOL and CBD

Licensees cannot mix CBD into cocktails or mixed drinks and sell that drink to a consumer.

Any hemp commodities or products that contain cannabinoids and are intended for human consumption must undergo compliance testing in accordance with ODA rules for the testing of hemp products. (OAR [603-048-1500 Retail Sale Requirements; Restrictions](#)) This rule applies to the finished product that is being sold. Because the mixed drink has not been tested in compliance with these rules, the mixed drink cannot be sold to a consumer. For more information about testing requirements, see the [CBD & Alcohol Fact Sheet on Testing & Certificates of Analysis](#).

OTHER STATE and FEDERAL REGULATIONS

There may be other federal or state agencies regulating these types of products. **It is the licensee's sole responsibility to make sure they are complying with all laws and regulations.** The OLCC cannot verify the source or the legal status of a CBD item. The OLCC may take action against your liquor license if you violate OLCC rules.

MARIJUANA

Licensees should also be aware of prohibitions regarding marijuana. **Marijuana and all marijuana derivatives are prohibited from being used or sold on a liquor licensed premises.** Any and all products derived from marijuana, including CBD derived from marijuana, are strictly prohibited from being used, sold, or stored at a liquor-licensed premises, even if the item does not contain alcohol. Additionally, licensees and permittees must not permit any person to use, consume, ingest, or inhale any marijuana item on a licensed premises. Permitting these activities may result in the OLCC taking action against your license or permit.