

CBD & ALCOHOL: TESTING & CERTIFICATES OF ANALYSIS

IS IT HEMP OR MARIJUANA?

Because hemp and marijuana come from the same plant, they are often interchangeably referred to as cannabis. Whether a cannabis plant is determined to be hemp or marijuana depends on the amount of total Δ^9 -tetrahydrocannabinol ("total THC") the plant contains.

For a cannabis plant to be considered a hemp plant, **it must contain equal to or less than 0.3% total THC**. If the plant contains **more than 0.3%, it is considered marijuana**. The distinction is important because marijuana is still considered a Schedule I controlled substance by the federal government.

In Oregon, **marijuana and all marijuana derivatives may only be sold by a licensed recreational marijuana retail store or medical marijuana registrant**.

The Oregon Department of Agriculture (ODA) regulates the production and sale of hemp. The ODA regulations require that any person selling a hemp item intended for human consumption must verify that the item was tested, by obtaining certificates of analysis from the vendor.

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

CERTIFICATES OF ANALYSIS

Certificates of Analysis (COA) are documents that provide information regarding what tests have been conducted on a product and the results from those tests. In the case of testing hemp, there may be multiple COAs. The COAs should report the amount or percentage of THC contained in the sample and whether the presence of pesticides and/or solvents were detected, and if so, the amount detected in the sample.

TESTING REQUIREMENTS

The testing requirements for hemp items are based on testing rules for marijuana and can be tricky to navigate. Below is a brief outline of the testing requirements and the expectations the OLCC has for licensees and retail sales agents.

Oregon law requires hemp items to be tested by an accredited OLCC licensed laboratory or another laboratory that meets or exceeds the standards for an OLCC laboratory. (ORS 571.330)

Find a list of OLCC licensed labs [here](#).



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.state.or.us;
<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.



The ODA's rules also require that hemp products be tested to ensure that the products meet the same requirements adopted by the Oregon Health Authority (OHA) for the testing of marijuana.

The testing requirements can be found in the ODA's administrative rules: [Chapter 603, Division 48](#).

If a licensee wants to sell products containing CBD it is their sole responsibility to ensure that the CBD vendor has adhered to each of the following steps in the testing process – otherwise the product is not considered compliant.

First, the raw hemp must be tested pre-harvest for the THC potency to ensure that it does not contain more than the legal limit of THC (0.3% total THC) and is therefore not marijuana. (OAR [603-048-0600 Pre-Harvest Sampling and Testing for Tetrahydrocannabinol](#))

Second, once the raw hemp is processed into a concentrate or extract, the concentrate or extract must be tested for a list of [pesticides](#) and [solvents](#). The pesticides and solvents must be below the action levels for the item to pass testing. (OAR [603-048-2330 Compliance Testing Requirements for Hemp Concentrate or Extract](#))

Third, the hemp concentrate or extract may then be incorporated into the final food or beverage product. The final product must be tested for THC and CBD potency. (OAR [603-048-2340 Compliance Testing Requirements for Hemp Cannabinoid Products](#)) The potency of the final product that is sold to a consumer cannot contain more than 0.3% total THC. (OAR [603-048-1500 Retail Sale Requirements; Restrictions](#))

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) are still just limited to no more than 0.3% THC.

"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.