



CBD and Consumable Hemp Items:
Information on **No Sales to Minors**





To: Oregon Businesses Selling CBD and Consumable Hemp Items

From: Oregon Department of Agriculture (ODA), Oregon Health Authority (OHA) and the Oregon Liquor Control Commission (OLCC)

Date: July 22, 2021

Subject: No Sales to Minors! - Change in Oregon law that restricts the sale of specific consumable hemp products to anyone under the age of 21.

This information is for all Oregon businesses that sell products containing processed hemp to be aware of a change in Oregon law ([House Bill 3000](#)) that restricts the sale of specific consumable hemp items to anyone under the age of 21. Consumable hemp items include anything that is made to eat, drink, or inhale.

With the growing popularity of these products, it is important that you are able to distinguish which products are off limits to minors; this is done by determining the amount of THC in milligrams (weight) in the products, *not the overall percentage* of THC contained in the product.

Follow the guidance below to ensure a hemp product can be sold to a minor:

- Under the new law a business that wants to sell a processed hemp item to a minor must **determine the milligrams of THC in the product prior to sale**, not just the percentage of THC it contains.
- Some hemp-based items are being marketed to contain Delta-8-THC. **Delta-8-THC is an intoxicating form of THC** and the *THC determination* requirements apply to all forms of THC.
- A hemp item is required to have **less than 0.5 milligrams (weight) of Total THC** to be sold to a minor.
- Do not confuse **Total THC levels** with a hemp item that lists its THC below 0.3%. **The 0.3% THC level does not account for the weight of the item**; this is why it is important to determine the milligrams of THC in the product based on its weight.
- Hemp products made from the hemp seed and textiles do not contain THC and can be sold to minors.

Included with this notice is additional information on the new law and examples to help you determine how much THC is in a hemp item and if it is defined as an adult-use cannabis item.

If you are unsure about the THC content in a hemp item, we recommend you do not sell the item to a person under the age of 21 and risk breaking the law.

We appreciate your responsiveness and cooperation ensuring products that contain THC are not sold to people under the age of 21. If you have questions or comments on the new law please contact: OLCC.Hemp@oregon.gov.

Frequently Asked Questions

Is CBD a hemp item?

Yes, CBD is usually derived from hemp and could contain THC.

What is an “adult-use cannabis item”?

An adult-use cannabis item includes a product that meets any of the following criteria:

- Hemp item that contains **more than 0.5 milligrams of THC or THCA**, including **Delta-8-THC** and Delta-9-THC;
- Hemp item where the testing **was not sensitive enough to determine** whether there is **less than 0.5 milligrams of THC** in the item;
- Hemp item that **advertises intoxicating effects**.

Can I sell products made from hemp seed and hemp textiles to minors?

Yes, the prohibition on sales to minors only applies to products that are made for consumption or inhalation and contain cannabinoids like THC.

How do I determine the number of milligrams of THC item?

- Request the **Certificate of Analysis (COA)** from the vendor for the product. The COA should be a printed or electronic document showing the test results for the item. The COA will include total THC, CBD, and the Limit of Quantification (LOQ).
- COAs are officially accepted documentation that show tests conducted on a product and the results of those tests. The COA should report the **amount or percentage of THC contained** in the sample.
- You will need verify the **Limit of Quantification, is low enough** to detect whether the THC content is at or below 0.5 mg THC. If it is not, the product cannot be sold to minors.

To perform the calculation:

- Review the COA for "THC" in mass (mg/g) and multiply this by the weight of the item listed on the package.
- For example, a hemp item weighs **1 gram** and the **THC is 3.3 mg/g**, the **total THC would be 3.3 mg (3.3 x 1)** and could not be sold to a minor.
- An example of a COA and how to determine total milligrams of THC in a product is included with this notice.

What is a consumable hemp item?

A consumable hemp item is anything that is made for human consumption - to eat, drink, or inhale.

What if the product is labeled to have less than 0.3% THC?

You will still need to request a COA to determine the amount of THC in milligrams contained in the product.

If the product is listed as “Zero THC” or “THC Free” do I need to request a COA?

Yes, the COA will verify whether a lab detected THC and at what level it was tested.

This is an example of what a Certificate of Analysis (COA) may look like.

Jack Herer Cartridge (1g)

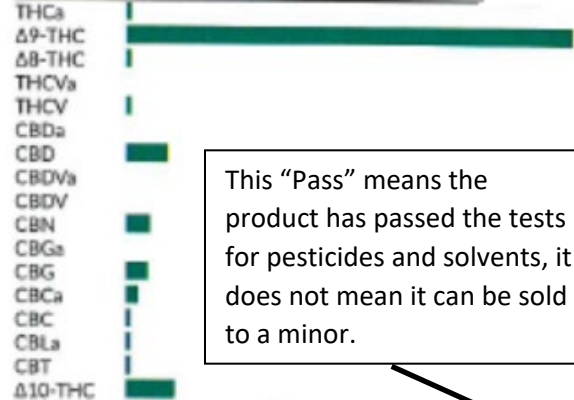
Concentrates & Extracts, Other

Harvest Process Lot: ; METRC Batch:

METRC Sample:



Analyte



This "Pass" means the product has passed the tests for pesticides and solvents, it does not mean it can be sold to a minor.

Pass

Cannabinoids

307 HPLC6 20210127-1

METRC THC RPD Status: Not Tested



Analyte	LOQ	Mass mg/g	Mass mg/g
THCa	1.8	0.33	3.3
Δ9-THC	1.8	54.67	545.7
Δ8-THC	1.8	0.22	2.2
THCVa	1.8	<LOQ	<LOQ
THCV	1.8	0.28	2.8
CBDa	1.8	<LOQ	<LOQ
CBD	1.8	4.98	49.8
CBDVa	1.8	<LOQ	<LOQ
CBDV	1.8	<LOQ	<LOQ
CBN	1.8	2.86	28.6
CBGa	1.8	<LOQ	<LOQ
CBG	1.8	2.50	25.0
CBCa	1.8	1.45	14.5
CBC	1.8	0.31	3.1
CBLa	1.8	0.52	5.2
CBT	1.8	0.48	4.8
Δ10-THC	1.8	5.94	59.4
Exo-THC	1.8	<LOQ	<LOQ
Total		74.53	745.3

Method: CH SOP 400
 *Total THC = THCa * 0.877 + Δ9-THC. **Total CBD = CBDa * 0.877 + CBD. LOQ = Limit of Quantification; NR = Not Reported; ND = Not Detected

The first column are examples of different versions of THC, highlighted in orange.

The second column lists the Limit of Quantification (LOQ) for the testing method. This number is required to be low enough to show that the product contains less than 0.5 mg for any product that is sold to a minor. To determine if the LOQ is low enough, you multiply the total weight of the product in grams (this will typically be listed on the package) by the LOQ listed (in mg/g). If the result is more than 0.5, the LOQ is not low enough for the product to be sold to a minor.

The last column lists the concentration of THC in mg/g. To determine the amount of THC in milligrams, multiply the concentration of THC in mg/g by the weight of the item in grams (this will typically be listed on the package). For example: If this item weighs 1 gram. Line 1 lists the amount of THCA as 3.3 mg/g. $3.3 \text{ mg/g} \times 1 \text{ g} = 3.3 \text{ mg THCA}$. This item cannot be sold to a minor.