



2020

**State of Oregon Cannabis  
Policies and Regulations:  
*A Summary for the  
Prevention Workforce***

Prepared by SAMHSA'S Northwest  
Prevention Technology Transfer Center



Northwest (HHS Region 10)

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**PTTC**

Prevention Technology Transfer Center Network

Funded by Substance Abuse and Mental Health Services Administration

## Preface

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This resource is not meant to be exhaustive, but instead serve as a starting place for prevention practitioners and community coalition members interested in cannabis policy and regulation. As cannabis policies and regulation change, The Northwest PTTC will periodically review and update this resource. Additional Northwest PTTC resources on this topic are listed at the end of this document.

This work is supported by the following cooperative agreement from the Substance Abuse and Mental Health Services Administration: Northwest PTTC: H79SP08099

## Acknowledgments






SAMSHA's Northwest National Prevention Technology Transfer Center Network created this document with the assistance of Julia Dilley and Mary Segawa. Contributing network workgroup members represent the states of Alaska, Idaho, Oregon, and Washington.

## Purpose

This document provides a summary of Oregon's rules and laws to regulate cannabis, and provides the prevention workforce in Oregon with information that supports:

- Prevention of youth cannabis use
- Prevention of adult cannabis misuse (heavy use and/or risky behaviors)

The information is organized into six sections. First, a description of the regulatory bodies that create and oversee the regulatory system; then regulatory components organized as "5 Ps for Prevention." These elements of regulation are most relevant to preventing any cannabis use by youth and unsafe use by adults.

Symbol	Regulatory Components	Description of Regulatory Components
	Public Health and Safety	Requirements that prevent diversion and protect customers
	Placement and Access	Factors affecting individual possession and use; licensing and operations; placement of businesses; expanded privileges
	Products and Potency	Factors affecting what products are allowed, including by potency; packaging and labeling; and purchase limits for specific products
	Promotion and Advertising	Factors affecting design and content, or placement of any advertising
	Pricing	Taxes and other factors related to the cost of products

The information in this tool is intended to support capacity development specifically within the prevention workforce by increasing understanding of cannabis regulatory frameworks and policies that can affect prevention of youth cannabis use and harms. More detailed information on cannabis policy and regulation in Oregon and the three other states in federal Region 10 (Alaska, Idaho, and Washington) is provided in the report: U.S. Region 10/Pacific Northwest Cannabis Policy Toolkit.

# State Regulatory Structure

## Agencies

Oregon Liquor Control Commission: licensing, packaging, and labeling approval; consults with Oregon Health Authority (OHA) and Agriculture. Oregon Health Authority: potency and testing for retail and medical. For more information, visit [Oregon Recreational Marijuana Program](#).

## Governing Body/Board

The Board of Commissioners (policy board) is appointed by the Governor and consists of representatives from state Congressional districts. One board member must be from food and beverage industry.

## Advisory Body

Advisory committee on standards for testing potency of cannabis and cannabis items to advise the Oregon Liquor Control Commission, the Oregon Health Authority, and the State Department of Agriculture on establishing and maintaining standards for potency testing.

Rules Advisory Committee consisting of representatives from public health, public safety, industry, and citizens.

## Local Authority

Upon the filing of a petition, the local governing body shall order an election on the question of whether the operation of a premises for which a license has been issued should be prohibited in the city or county. The governing body of a local jurisdiction may adopt ordinances that impose reasonable time, place, and manner regulations on the operation of a cannabis businesses. Local jurisdiction may require a business license.

You can sign up for [Oregon Liquor Control Commission Updates \(OLLC\)](#) to receive emails regarding upcoming board meetings, press releases, regulation projects, and other useful information.

# A Prevention Lens on Regulatory Components of Cannabis Use



## Public Health and Safety

With cannabis legalization for adult use still restricted to a few states and federally illegal, a significant amount of focus has been placed on public safety issues. The Cole Memo issued by the Department of Justice in 2013 (later rescinded by Attorney General Jeff Sessions) still serves as a guidance document for many states. This translates to states carefully implementing and enforcing regulations that serve to:

- Prevent distribution to minors
- Prevent revenue from going to criminal enterprises, gangs, and cartels
- Prevent diversion to other states
- Prevent state-authorized marijuana activity from being used as a cover for trafficking other illegal drugs or other illegal activity
- Prevent violence and the use of firearms in cultivation and distribution of marijuana
- Prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use
- Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by such
- Prevent possession or use on federal property.

To help ensure meeting these objectives, regulatory authorities use track-and-trace systems, institute consistent and strong enforcement of laws and regulations, and assess appropriate penalties associated with violations of the rules and regulations.

Enforcement of laws, including access-by-minor laws, can be an effective component of limiting youth substance use, based on experience from other substance regulation such as alcohol.<sup>1</sup> However, enforcement activities should not be conducted alone; experts recommend a comprehensive program (e.g., comprehensive tobacco control programs that include elements recommended by the CDC) that includes enforcement activities.

### *Requirements to Prevent Diversion and Protect the Consumer:*

**Traceability System:** Cannabis Tracking System tracks seed to sale.

**Required Lab Tests:** Conduct testing for pesticides, water activity and moisture content, THC and CBD concentration, microbiological and other contaminants, solvents or residual solvents (when applicable).

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1. Harding, F. M., Hingson, R. W., Klitzner, M., Mosher, J. F., Brown, J., Vincent, R. M., . . . Cannon, C. L. (2016). Underage drinking: A review of trends and prevention strategies. *American Journal of Preventive Medicine*, 51, S148-S157. <https://doi.org/10.1016/j.amepre.2016.05.020>



**Lab Certification and Monitoring:** Accreditation required for licensure. Audits and random testing may be conducted.

**Facility Requirements:** Extensive requirements, including commercial-grade, non-residential door locks, alarm system, video surveillance, required camera placement and coverage, and methods to prevent unauthorized access.

**Required Employee Training:** Processor training requirements. Worker permit required for any individual who performs work for or on behalf of a cannabis retailer, producer, processor or wholesaler if the individual participates in possession, handling, production, propagation, processing, securing or selling of cannabis items at the licensed premises, and/or records any of these activities; verifies customer ID's, or directly supervises any person performing any of these activities. Specific training components are required.

*Factors Affecting Enforcement Requirements that Protect Public Health and Safety:*

**Enforcement Authority:** A public safety division with field offices statewide.

**Penalties:** A penalty structure is in place for noncompliance.



## Placement and Access

A variety of regulations determine where cannabis can be cultivated, processed, sold, possessed, and used. Regulations also specify the conditions that must be present. Public health and safety, including prevention of youth use and adult misuse, are considerations in setting regulations regarding place because of the effect on access. Laws regarding public use and possession limits are also linked to access.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol associated with adolescents starting to drink, and increased drinking or risky drinking among those who already drink.<sup>2,3</sup> A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and increased levels of drinking among schoolchildren.<sup>4</sup> Similarly, evidence from tobacco

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2. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

3. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

4. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.<sup>5</sup>

*Factors Affecting Individual Possession/use:*

- **Public use:** Cannot be smoked or used in public. Defined as a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence; highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.
- **Possession limits:** 1 ounce of usable on your person in public; 8 oz. usable in your home; 16 oz. in solid form; 72 oz. in liquid form; 5 g. extracts or concentrates; 4 plants. (Administrative rule limits seeds to 10.)
- **Age limits for possession/use:** 21+ (also applies for retail purchase).

*Factors Affecting Business Licensing and Operations:*

- **Hours of Sale:** Sales allowed from 7 AM - 10 PM (15 hours per day).
- **Access to Retail Locations:** Access by minors to licensed retail locations is not allowed.
- **Product Placement in Retail Stores:** Product is stored so that items are only accessible to authorized representatives until the final sale to the consumer is completed.
- **Mandatory Signage for Retail:** "No Minors Allowed Anywhere on This Premises." "No On-Site Consumption of Marijuana." "Do Not Enter - Limited Access Area - Access Limited to Licensed Personnel and Escorted Visitors." "Security Cameras in Use." At exit: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public." All signs must be legible, not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, in English and Spanish, and posted in a conspicuous location where they can be easily read by individuals on the premises.

**Number of Licenses.** No limits on number of licenses by person or entity.

**Business Production:** Both indoor/outdoor grows for cannabis production allowable but must be specified in licensing application.

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5. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>



*Factors Affecting the Placement of Businesses (Density/Specific Locations), Especially Retail/Dispensary/Individual Sales Outlets:*

**Limits on Total Number of Licenses Issued per Category/Type of License:** No limits. (Temporary moratorium on producer licenses through 2021.)

**Buffer Areas:** Business prohibited within 1,000 feet of a public, private, or parochial elementary or secondary school. May be within 1,000 feet but not less than 500 feet if the Commission determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the retailer or the retailer was established before August 1, 2017 in accordance with a city or county ordinance. May not be in a location zoned as residential.

**Proximity to Other Retail Cannabis Licensees:** May be restricted by local ordinance but prohibited distance cannot be greater than 1,000 feet.

**Local Control of Licensing:** Cities and counties may prohibit adult-use cannabis businesses in their jurisdiction, with the exception of labs. Local governments must refer ordinances banning adult-use cannabis businesses to voters at the next general election. Local areas may also require a business license.

**Zoning:** Land Use Compatibility Statement required from city or county that demonstrates that the requested license is for land use, which is allowable as a permitted or conditional use within the given zoning designation where the land is located. Local ordinances may reasonably restrict time, place, and manner.

*Factors Affecting Individual Access to Product Outside of Retail Settings (i.e., Expanded Privileges):*

**Home Delivery:** Allowed to a residence, defined as a dwelling such as a house or apartment. Does not include dormitory, hotel, motel, bed and breakfast, or similar commercial business. OLCC must approve delivery service. Bona fide order must be received prior to 8 PM day of delivery and delivered before 9 PM. Must check ID and individual must sign indicating receipt. May not deliver to individual visibly intoxicated. No more than once per day to the same physical address or same individual. Item(s) must comply with packaging rules and be placed in a larger delivery receptacle with label: "Contains marijuana: Signature of person 21 years of age or older required for delivery." Security and documentation requirements. May only deliver to locations within the city in which the licensee is licensed or, if in unincorporated area, within the unincorporated area in which the licensee is licensed. May not deliver to a residence on publicly owned land.

**Internet Sales:** Not allowed.

**Home Grows:** Limit of 4 plants. Limit of 8 oz. usable, 16 oz. solid form, 72 oz. in liquid form, 16 oz. concentrates, 1 oz. extracts stored at household. Must not be seen by normal unaided vision from a public place.

**Social or On-Site Consumption:** Not allowed

**Giftng or Sharing:** Giftng by individuals or businesses is not allowed if there is any financial consideration. This includes cover charges, admission, donations, tip jars, raffles, fundraiser events, purchase required, barter, or sales.



## Products and Potency

As a method of preventing or reducing youth use and adult misuse of cannabis, regulatory practices can focus on the types of products and their potency, appearance, packaging, and labeling. Unlike alcohol and tobacco, as described earlier, cannabis products are available in a variety of forms and methods of use. Like alcohol and tobacco, product characteristics and packaging affect potential for harm, attractiveness, accessibility, and availability.

Availability of high-potency cannabis products may be of particular concern with regard to prevention. A summary of evidence from alcohol research indicates that increased availability of liquor products, which have relatively higher alcohol content, is a risk for young people. Studies suggest that youth who drink alcohol prefer hard liquor<sup>6</sup> and that liquor consumption may be more associated with risky behaviors among youth than other types of alcohol.<sup>7</sup> High-potency cannabis products (e.g., concentrates, edibles, oils) could be similarly problematic.

Based on evidence about how specific products and their packaging could appeal to youth or young adults, the 2009 U.S. Family Smoking Prevention and Tobacco Control Act banned flavored cigarettes (excluding menthol) and required tobacco companies to seek FDA approval for new tobacco products. This is one approach to product restrictions for prevention.

In addition, the appearance of products, including their packaging and labeling (e.g., colors, shapes, images, words), may have an impact on their appeal to youth. The 2009 U.S. Family Smoking Prevention and Tobacco Control Act also required some new warnings and labels on tobacco packaging and advertisements, to reduce their appeal to young people.

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6. Siegel, M. B., Naimi, T. S., Cremeens, J. L., & Nelson, D. E. (2011). Alcoholic beverage preferences and associated drinking patterns and risk behaviors among high school youth. *American Journal of Preventive Medicine*, 40, 419-426. <https://doi.org/10.1016/j.amepre.2010.12.011>

7. Naimi, T. S., Siegel, M., DeJong, W., O'Doherty, C., & Jernigan, D. (2015). Beverage- and brand-specific binge alcohol consumption among underage youth in the US. *Journal of Substance Use*, 20, 333-339. <https://doi.org/10.3109/14659891.2014.920054>

*Factors Affecting what Products and Potencies are Allowed:*

**Prohibited Products:** Products that are modeled after non-cannabis products primarily consumed by and marketed to children; products in the shape of an animal, vehicle, person, or character; products made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items; products containing Dimethyl Sulfoxide (DMSO). A processor may not adulterate a cannabinoid product, concentrate, or extract with any non-cannabinoid additive that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, caffeine, polyethylene glycol, or any chemicals that increase carcinogenicity or cardiac effects. As of summer, 2020, the Oregon Liquor Control Commission is considering a limited ban on flavors and thinning agents used in THC oils that have not been shown to be safe to inhale.

**Potency Limits on Edible Product for Ingestion:** THC is limited to 5 mg per serving, 50 mg per package.

- **Potency Limits on Flower:** None
- **Potency Limits on Tinctures:** 1,000 mg THC per container.
- **Potency Limits on Capsules:** 10 mg per serving, 100 mg per container.
- **Potency Limits Concentrates/Extracts:** Concentrates/extracts: 1,000 mg per container.

**Potency Limits of Other Products:** Products other than edibles, topicals, tinctures, capsules, suppositories, or transdermal patches and not intended for human consumption: 1,000 mg per container. Topicals: 6% maximum concentration per container.

*Factors Affecting Packaging and Labeling:*

**Packaging Requirements:** Cannabis items must be packaged in a container that is resealable and continually child resistant or placed within an exit package that is resealable and continually child resistant prior to final sale or transfer to consumer.

**Labeling Requirements:** Comply with NIST Handbook 130 (2016), Uniform Packaging and Labeling Regulation; contain required information in any typed, legible font that is easy to read and contrasts sufficiently with the background and is at least 1/16 of an inch in height based on the uppercase "K". Cannot contain untruthful or misleading statements. Health claims must be scientifically supported. Cannot be attractive to minors. Must have a principal display panel which contains product identity information, net quantity of contents, universal symbol, net quantity, potency, UID number, concentration or amount of THC and CBD, required warnings, serving size, nutrition label (if appropriate). Additional product-specific requirements, including label requirements

for small containers, are in 845-025-7030 to 845-025-7120. Exit packaging must contain a label that reads “Keep out of the reach of children.”

**Warning Statements on Labels:** All products must contain the following statement: For use only by adults 21 and older. Keep out of reach of children. All products except topicals must contain the following statement, Do not drive a motor vehicle while under the influence of marijuana.

**Warning Statements on topicals, concentrates/extracts, and other:** Topicals, concentrates/ extracts, others, must include the following statement: DO NOT EAT.

**Warning statements on topicals, concentrates/extracts, tinctures/capsules:** This product is not approved by the FDA to treat, cure, or prevent any disease. **Edibles, tinctures/capsules:** BE CAUTIOUS. Cannabinoid products can take up to 2 hours or more to take effect. If container does not meet child resistant standards: This package is not child resistant. Exit packaging: Keep out of the reach of children.

#### *Factors Affecting Purchase of Specific Products:*

- Age limits for purchase
- 21+ for all products

**Transaction Limits:** 1 oz. usable; 16 oz. of product in solid form; 72 oz. of product in liquid form; 5 grams of extracts or concentrates whether sold alone or in an inhalant delivery system or combined with usable; 5 grams of products intended for inhalation; four immature plants; 10 seeds.



## Promotion and Advertising

Promotion refers to the advertising strategies that are used to advertise the retail stores and their products and gain customers. These strategies and techniques may include print advertising, internet advertising, billboards, radio and television ads, events, coupons and giveaways, etc.

Restrictions on advertising may be beneficial for prevention. Systematic reviews report a strong association between exposure to media and communications on alcohol associated with adolescents starting to drink, and increased drinking or risky drinking among those who already drink.<sup>8,9</sup> A separate systematic review found that multiple studies showed a positive association between direct alcohol sports sponsorship and

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8. Anderson, P., De Bruijn, A., Angus, K., Gordon, R., & Hastings, G. (2009). Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies. *Alcohol and Alcoholism*, 44, 229-243. <https://doi.org/10.1093/alcalc/agn115>

9. Jernigan, D., Noel, J., Landon, J., Thornton, N., & Lobstein, T. (2017). Alcohol marketing and youth alcohol consumption: A systematic review of longitudinal studies published since 2008. *Addiction*, 112, 7-20. <https://doi.org/10.1111/add.13591>

increased levels of drinking among schoolchildren.<sup>10</sup> Similarly, evidence from tobacco control shows that marketing restrictions and graphic health warnings are effective for reducing smoking prevalence.<sup>11</sup>

*Factors Affecting the Design and Content of Promotions and Advertising:*

**General Requirements and Restrictions:** Advertisement may not contain statements that are deceptive, false, or misleading; contain any content that can reasonably be considered to target minors, including but not limited to images of minors, cartoons, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors; encourage the transport of cannabis items across state lines or otherwise encourage illegal activity; assert items are safe because they are regulated by the OLCC or have been tested or otherwise make claims that any government agency endorses or supports cannabis; make curative or therapeutic claims; display consumption of cannabis items; encourage use because of intoxicating effects; encourage excessive or rapid consumption. No deceptive, false, or misleading assertions or statements on any informational material, signs, or documents provided to consumer.

**Required Text, Warning Statements:** Required text on all print, billboard, television, radio, and internet must be in a font size legible to viewer: "Do not operate a vehicle or machinery under the influence of this drug." "For use only by adults twenty-one years of age and older." "Keep out of the reach of children."

**Promotional Items, Donations:** May not provide free cannabis items to an adult-use customer; may not sell or give away non-cannabis items, including hemp items, that are attractive to minors. May not discount a cannabis item if the retail sale of the cannabis is made in conjunction with the retail sale of any other items, including other cannabis items or hemp items. May not sell cannabis items at a nominal price for promotional purposes.

**Health Claims:** No health claims are allowed.

**Sampling:** No customer sampling. Limited licensee-to-licensure sampling allowed for negotiating sales and for quality control.

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10. Brown, K. (2016). Association between alcohol sports sponsorship and consumption: A systematic review. *Alcohol and Alcoholism*, 51, 747-755. <https://doi.org/10.1093/alcalc/agw006>

11. Levy, D. T., Tam, J., Kuo, C., Fong, G. T., & Chaloupka, F. (2018). The impact of implementing tobacco control policies: The 2017 Tobacco Control Policy Scorecard. *Journal of Public Health Management and Practice*, 24, 448-457. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6050159/>

*Factors Affecting Location or Placement of Promotions and Advertising:*

**Age Restrictions for Advertising Audience:** May not utilize television, radio, billboards, print media, or internet advertising unless licensee has reliable evidence that no more than 30% of audience in or on which the advertising is to air or appear is reasonably expected to be under the age of 21. A licensee who advertises via web page must use appropriate measures to ensure those visiting the page are 21 and over. Licensee may not engage in advertising via location-based devices, including but not limited to cell phones, unless the marketing is a mobile device application installed by the owner of the device who is 21 or older and includes a permanent and easy opt-out feature.

**Prohibited Locations, including buffer areas:** Prohibits distribution of handbills passed out in public areas.

**Outdoor Limits:** See “Billboards” below.

**Billboards:** A licensee may not utilize television, radio, billboards, print media, or internet advertising unless the licensee has reliable evidence that no more than 30% of the audience for the program, publication, or internet web site in or on which the advertising is to air or appear is reasonably expected to be under the age of 21.

**Sponsorships/Promotional Events:** Promotional events allowed with restrictions. Limited to those 21+. Licensed event organizer submits application and serves as primary contact with the Commission. Rules specify the responsibilities of the event organizer, where events can and cannot be held, what may be displayed, transportation requirements for cannabis items, limits on amount of products transported or possessed by licensees, tracking system requirements, application requirements, and reasons for denial of application. Cannabis items may not be sold, transferred, distributed, or consumed at the event. (See 845-025-1335 for details.)



## Pricing

The price of cannabis products to the consumer can be influenced through policies that restrict the use of tools to reduce price, such as discounts, coupons, etc. Taxes, both excise taxes and sales taxes, are also tools to maintain higher prices for cannabis products.

There is strong evidence that increasing the unit price of alcohol is effective in reducing excessive alcohol consumption, adolescent drinking, alcohol-impaired driving, and mortality from liver cirrhosis. There is also strong evidence that recommends interventions to increase the price of tobacco products to reduce tobacco use and exposure.

**Taxes on Products:** 17% at retail.



*Other Factors that Affect Prices:*

**Discount Pricing:** May provide discounts/coupons. May not discount a cannabis item or offer a cannabis item for free if the retail sale of the cannabis item is made in conjunction with the retail sale of any other item. This means promotions such as “buy one cannabis item, get one discounted cannabis item” are prohibited. Cannabis items may not be sold at a nominal price for promotional purposes.

**Minimum Pricing:** Not required (e.g., no minimum cost per gram of flower).

## Additional Northwest PTTC Resources in this Series

1. HHS Region 10, State Cannabis Policies and Regulations: A Guidance document for Northwest Substance Misuse Prevention Practitioners. (June 30, 2020)
2. Individual State Cannabis Policy Summaries for HHS Region States: Alaska, Idaho, Oregon and Washington. (June 30, 2020).
3. HHS Region 10, Cannabis Policies and Regulations: A multi-state comparison across three Northwestern states. (June 30, 2020).