



News Release

Oregon Liquor & Cannabis Commission
9079 SE McLoughlin Blvd., Portland, OR 97222-7355
1-800-452-6522

For more information:

Mark Pettinger, Director of Communications
mark.pettinger@oregon.gov 971-235-7561 (mobile)

September 20, 2023

Hold lifted on cannabis products with detected *Aspergillus* mold

**Agency action follows litigation on Oregon Health Authority rule
Test results don't prohibit the sale of cannabis with mold**

PORTLAND, Ore. – Today the Oregon Liquor and Cannabis Commission notified 2,790 OLCC recreational marijuana licensees that detections of *Aspergillus* mold in marijuana items would no longer prevent the sale or transfer of such products. Approximately 2,500 pounds of marijuana and 65,000 units of infused pre-rolls that were previously tested to contain *Aspergillus* mold may now be sold or transferred to other licensees or to consumers at OLCC licensed retailers. The items must comply with all other applicable requirements.

Before marijuana items can be offered for sale to consumers, the OLCC requires the items to be tested according to Oregon Health Authority (OHA) rules for potentially harmful substances like pesticides and heavy metals. In **May 2022**, OHA adopted new testing rules for certain pathogenic species of *Aspergillus* (a type of mold). Items that fail testing are subject to a hold in the state's Cannabis Tracking System (CTS), also known as Metrc, which prevents transfer or sale of the held product.

In late August, a court stayed the OHA *Aspergillus* rules. Due to the stay, via a temporary rule adopted September 15, 2023, OHA withdrew the testing requirement for *Aspergillus*. The rule also specifies that items that had been previously tested to contain *Aspergillus* are no longer considered to have failed a compliance test. Due to these recent developments, OLCC is working to coordinate the release of any such items that have been on hold in CTS.

Marijuana items for sale in Oregon, such as bud, pre-rolls, and vape pens, that were harvested or manufactured on and after March 1, 2023 were required to be tested for mold. During the time period the testing requirement was effect, the overall industry failure rate for flower was 9%.

Consumers who want to know more about the testing can go here on the [OHA website](#). For more information regarding the information in this release, please contact the OLCC at marijuana@oregon.gov

###