

OREGON HEALTH AUTHORITY
DIVISION X

XXX-XXX-aaaa

[Title]

A person may not establish, conduct, maintain, manage or operate a facility on or after March 1, 2014, unless:

- (1) The person has submitted an application to the Authority for registration of the facility in accordance these rules; or
- (2) The facility has been registered by the Authority under these rules.

XXX-XXX-bbbb

Definitions

- "Authority" means the Oregon Health Authority.
- "conviction" means _____ (what happens on appeal? Oregon or from other state? Are there levels of "conviction")
- Delivery of product means (is there a statute that can be pointed to?)
- Manufacturer of product means (is there a statute that can be pointed to?)
- "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority. "Designated primary caregiver" does not include the person's attending physician.
- "Facility" means a medical marijuana facility.
- "Immature marijuana plant" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria is a mature plant.
- "Patient" has the same meaning as "registry identification cardholder."
- "Person" means an individual.
- "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose.
- "Person responsible for a medical marijuana facility" means an individual who owns, operates, or otherwise has legal responsibility for a facility.
- "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

Comment [D1]: May the term facility and dispensary be used inter-changeably?

Comment [sko2]: This is the definition of seedling or start in the OMMP rules and in those rules an immature plant has the same meaning as a seedling or start.

Comment [D3]: Dispensary?

Comment [sko4]: From OMMP rules

- “Resident” means an individual who has resided in this state at least ~~six~~ consecutive months immediately prior to the date of making an application for registration of a facility.
- “Usable marijuana” has the meaning given that term is ORS 475.302.

Comment [sko5]: Taken from fish and game statute, ORS 497.002.

Comment [D6]: Is term defined in law. I know it is for some health care. Should they match?

XXX-XXX-cccc

Application for Medical Marijuana Facility Registration

(1) A person wishing to apply to register a facility must provide to the Authority:

- (a) An application on a form prescribed by the Authority;
- (b) Documentation that shows the facility is in compliance with OAR XXX-XXX to XXX-XXX;
- (c) The applicable fee as specified in OAR XXX-XXX; and
- (d) Any forms required for a criminal background check along with the applicable fee.

Comment [sko7]: Form needs to be created.

Comment [sko8]: Under ORS 181.534(17), the application must contain a notice that the person is subject to fingerprinting and a criminal records check.

(2) An application for the registration of a medical marijuana facility may only be submitted

[redacted].

(3) An application must be signed by an individual who intends to be the person responsible for the facility.

Comment [sko9]: Web-based system only? What about the payment?

Comment [D10]: Process issue.

(4) The Authority must review each application received to ensure the application is complete, that the required documentation has been submitted, and the fee paid. The Authority shall return incomplete applications and the fee minus a \$ [redacted] service charge to the person that submitted the application. A person may re-submit an application that was returned as incomplete at any time.

Comment [sko11]: non-refundable service fee to cover work for reviewing for completeness

(5) Applications will be reviewed in the order they are received by the Authority.

Comment [D12]: If application is judged to be incomplete do they go to the back of the line?

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Fees

- (1) The initial application fee for the registration of a medical marijuana facility is \$ ____.
- (2) The annual renewal fee for the registration of a medical marijuana facility is \$ ____.
- (3) An application fee, minus a \$ ____ service charge, is refundable if an applicant submits a request to the Authority in writing to withdraw an application and the Authority has not yet begun any significant work in reviewing the application.
- (4) If the Authority ~~denies~~ the application the registration fee is not refundable.

Comment [D13]: For any reason?

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Application Review

- (1) Once the Authority has determined that an application is complete it must review the application to determine compliance with Oregon Laws 2013, Chapter 726 and these rules.
- (2) The Authority may, in its discretion, prior to acting on an application:
 - (a) Contact the applicant and request additional documentation or information; and
 - (b) Inspect the premises of the proposed facility.
- (3) Prior to making a decision whether to approve or deny an application the Authority must:
 - (a) Ensure that the criminal background check process has been completed and review the results;

(b) Contact the Oregon Medical Marijuana Program and obtain documentation of whether the location of the facility is the same location as a registered grow site under OAR 333-008-0025; and

(c) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed facility.

(4) If during the review process the Authority determines that the application or supporting documentation contains false or misleading information the Authority may return the application to the applicant as **incomplete**. If an application is returned as incomplete under this section the application fee may not be refunded.

Comment [D14]: Sign under penalty of perjury?

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Approval of Application

(1) If the proposed facility appears to be in compliance with Oregon Laws 2013, Chapter 726 and these rules, and the person responsible for the medical marijuana facility has passed the criminal background check, the Authority **must** notify the applicant in writing that the application has been approved, that the facility is registered, and provide the applicant with **proof of registration**.

Comment [D15]: will

(2) A facility that has been registered **must display** proof of registration in a prominent place on the premises of the facility at all times when usable marijuana or immature plants are being transferred. A registered facility may not post any signs at the facility that use the Authority or the Oregon Medical Marijuana Program name or logo except to the extent that information is contained on the proof of registration.

Comment [sko16]: Are we going to call it something? A registration certificate?

Comment [D17]: Term used in law.

(3) A facility's registration is only valid for the location indicated on the proof of registration and is only issued to the person responsible for the facility that is listed on the application.

Comment [sko18]: Do we want to be more descriptive of how it must be displayed? Visible to the public from outside?

(4) A facility's registration may not be transferred to another location or to a person other than the person responsible for the facility that is listed on the application.

Comment [D19]: In a spot clearly visible by the public as they enter the premise. However it is had to be displayed where it could be seen from outside law enforcement would know they are approved without having to enter premise.

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Denial of Application

(1) The Authority may deny an application if:

(a) An applicant fails to provide sufficient documentation that the proposed facility meets the qualifications for a facility in these rules;

(b) The person responsible for the facility has been:

(A) **Convicted** for the manufacture or delivery of a controlled substance in Schedule I or Schedule II **within five years** from the date the application was received by the Authority; or

Comment [D20]: By any court in this country

Comment [PME21]: HB 3460 says five years from end of their sentence, not date of conviction

(B) **Convicted** more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or

Comment [D22]: By any court in this country

Comment [PME23]: Class A or B Felonies only

(C) Prohibited by a court from participating in the **Oregon Medical Marijuana Program**.

(2) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.

Comment [D24]: Seems wrong reference. A court should be able to say a person may not participate in the dispensing side but continue to be part of the OMMP

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Expiration and Renewal of Registration

- (1) A facility's registration expires one year following the date of application approval.
- (2) If a person responsible for a registered facility wishes to renew the facility's registration, the person must submit to the Authority within __ days of the registration's expiration:
 - (a) An application renewal form prescribed by the Authority;
 - (b) The required renewal fee;
 - (c) Forms required for the Authority to do a criminal background check.

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Notification of Changes

- (1) A person responsible for a facility must notify the Authority within __ days of any of the following:
 - (a) The person's conviction of a manufacture or delivery of a controlled substance in Schedule I or Schedule II;
 - (b) The issuance of a court order that prohibits the person from participating in the Oregon Medical Marijuana Program;
 - (c) A change in ownership of the facility;
 - (d) A decision to close the facility;
 - (e) A decision to move to a new location;
 - (f) _____
- (2) Failure to notify the Authority in accordance with this rule may result in revocation of a facility's registration.

Comment [PME25]: A or B Felony only?

Comment [D26]: Should be the dispensary program not the OMMP

Comment [D27]: We don't define this term

Comment [D28]: They can't move. All they can do is close and re apply in new location

Comment [sko29]: What else?

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Business Qualifications for Medical Marijuana Facility Registration

- (1) A facility must be registered as a business or at the time of applying to register a facility have filed a pending application to register as a business with the Office of the Secretary of State.
- (2) The Authority may not approve an application until the applicant provides proof of registration as a business with the Office of the Secretary of State.
- (3) Proof of a business license issued by the local governing agency.

Comment [D30]: If local government does not grant a business license may we grant a registration permit?

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Locations of Medical Marijuana Facilities

- (1) A facility may only be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.
- (2) A facility may not be located:
 - (a) At the same address as a registered marijuana grow site;
 - (b) Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; or
 - (c) Within 1,000 feet of another medical marijuana facility;
- (3) In order for the Authority to ensure compliance with this rule a person responsible for a facility must submit with an initial application:

Comment [D31]: City or county zoning will govern

Comment [D32]: Do we need to specifically link this back to the OMMP program?

- (a) A document from a governmental entity that shows the current zoning for the location of the proposed facility;
- (b) A map of the area in which the proposed facility is located that identifies by name, all public or private elementary, secondary or career schools.
- (c) A document that shows the addresses and contact information of all the schools referenced in subsection (b) of this section, the distances between each of the schools and the proposed facility, and a description of how the distances were determined.
- (4) For purposes of determining the distance between a facility and a school referenced in section (3)(b) of this rule, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school primarily attended by minors.

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Person Responsible for a Medical Marijuana Facility

- (1) A person responsible for a facility must be a resident of Oregon. Residency may be proved by submitting to the Authority:
 - (a) An Oregon Driver's license or Oregon identification card that includes a photograph of the person; and
 - (b) Copies of utility bills, rental receipts, mortgage statements or similar documents that contain the name and home address of the person responsible for the facility for at least six months prior to the month in which the application was submitted to the Authority.
- (2) A person responsible for a facility must:
 - (a) Have legal authority to act on behalf of the facility;
 - (b) Be responsible for ensuring the facility complies with applicable laws if registered;
 - (c) proof of legal ownership of business
 - (d) location of resources to open business

and

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Criminal Background Checks

- (1) A person responsible for a facility must, at the time of application, provide to the Authority:
 - (a) A criminal background check request form, prescribed by the Authority that includes but is not limited to the person's:
 - (A) First, middle and last name;
 - (B) Any aliases;
 - (C) Date of birth;
 - (D) Driver's license information; and
 - (E) Address and recent residency information;
 - (b) A fingerprint card if the person has been outside of Oregon for 60 or more consecutive days during the previous five years; and
 - (c) If a fingerprint-based criminal background check is required, a fee of \$ ____.

Comment [D33]: Is there a list some place we should refer people to? Does Dept of Education maintain such a list? Especially important for private schools? What is a day care setting?

Comment [PME34]: Extending from where? Presumably from dispensary's property boundary but could also do front door.

Comment [sko35]: From HB 3434.

Comment [D36]: Good but at least in Portland there are schools associated with Parks. Check out Chapman elementary.

Comment [D37]: Is this term defined any place in law that we can point to?

Comment [D38]: Both of these are aimed at transparency on actual ownership of business. I don't want to discover that some criminal put up the money for the business using a front person.

Comment [sko39]: What else?

Comment [sko40]: ORS 181.534, the statute that we have to follow, says we have to have in our rules if doing criminal background checks. The rules shall include but need not be limited to:
(a) Specifying categories of subject individuals who are subject to criminal records checks.
(b) Specifying the information that may be required from a subject individual to permit a criminal records check.
(c) Specifying which programs or services are subject to this section.
(d) Specifying the types of crimes that may be considered in reviewing criminal offender information of a subject individual.
(e) Specifying when a nationwide fingerprint-based criminal records check must be conducted. An authorized agency shall consider the additional cost of obtaining a nationwide fingerprint-based criminal records check when adopting rules under this subsection.
(f) If the authorized agency uses criminal records checks for agency employment purposes:
(A) Determining when and under what conditions a subject individual may be hired on a preliminary basis pending a criminal records check; and
(B) Defining the conditions under which a subject individual may participate in training, orientation and work activities pending completion of a criminal records check.
(g) Establishing fees in an amount not to exceed the actual cost of acquiring and furnishing criminal offender information.

Comment [sko41]: Form needs to be created.

Comment [sko42]: Taken from DHS' criminal background check rules in OAR 407-007-0030. Do we want to automatically do a fingerprint based check since 2 convictions disqualifies you?

Comment [D43]: Yes, fingerprints should be provided at all times.

(2) The Authority may request that the person disclose his or her Social Security Number if the person is provided with a notice that:

(a) Indicates the disclosure of the Social Security Number is voluntary; and

(b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the person during the criminal records check process.

(3) The Authority shall conduct a criminal records check in order to determine whether the person responsible for a facility has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in Oregon or in another state if the person has been outside of Oregon for 60 or more consecutive days during the previous five years.

(4) The Authority must conduct a criminal background check in accordance with this rule on a person responsible for a registered facility every _____ years.

(5) If a person responsible for a facility wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process specified in XXX-XXX-.

Comment [D44]: Can we do a background check without a SS number?

Comment [D45]: The law is silent on where the conviction occurred.

Comment [sko46]: See previous comment.

Comment [D47]: Background check to be conducted annually

Comment [D48]: Instead of listing agencies can we just say any agency the Authority relies on for information.

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Security for Medical Marijuana Facilities

(1) A person responsible for a facility must ensure that _____.

(2) At the time of application a person responsible for a facility must submit to the Authority _____.

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Testing of Marijuana

(1) A person responsible for a facility must ensure that _____.

(2) At the time of application a person responsible for a facility must submit to the Authority _____.

Comment [D49]: We need to make sure these facilities are licensed under the provisions of this bill.

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Record Keeping

(1) A person responsible for a registered facility must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority:

(a) All Authorization to Transfer forms, including the date on which a form was received;

(b) All transfer agreement forms;

(c) Any written notifications from a registered identification cardholder with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);

(d) Any revocation of an Authorization to Transfer form;

(e) The amounts of all usable marijuana and number of immature plants received by the registered facility, who the marijuana or plants were received from, and the date the marijuana or plants were received;

Comment [D50]: Is this defined? How long does a form stay in effect?

Comment [D51]: Defined? Different from authorization to transfer

Comment [D52]: In a unit of weight. Don't want one dispensary to use pounds, other grams, other ounces.

- (f) The name and Oregon Medical Marijuana Program card number of each individual to whom the registered facility transfers usable marijuana or an immature plant, the amount of usable marijuana and number of plants transferred to each individual, and the date of the transfer;
- (g) The amount of any reimbursement provided by an individual to the registered facility for a transfer of usable marijuana or an immature plant;
- (h) The costs of doing business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants;
- (i) The amount of money paid by a registered facility to a persons responsible for a growsite for the transfer of usable marijuana or immature plants; and
- (j) _____
- (2) The information required to be documented and maintained pursuant to section (1) of this rule must be maintained in a safe and secure manner that protects the information from theft, fire, or other destructive forces, and must be easily retrievable for inspection by the Authority upon request.
- (3) A person responsible for a registered facility must use an inventory tracking system that _____.

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Transfers of Medical Marijuana

- (1) A registered identification cardholder may authorize usable marijuana or immature marijuana plants to be transferred to a registered facility by signing an Authorization to Transfer form prescribed by the Authority. The Authorization must include, but is not limited to, the following information:
- (a) The registered identification cardholder's name and contact information;
 - (b) The name and contact information of the individual who is authorized to transfer the usable marijuana or immature marijuana plants to the registered facility;
 - (c) The name and address of the registered facility that is authorized to receive the usable marijuana or immature marijuana plants; and
 - (d) The maximum amount of usable marijuana or immature plants that are authorized to be transferred to the registered facility.
- (2) Only a registered identification cardholder, the registered identification cardholder's designated primary caregiver, or the person designated by the registered identification cardholder as a person responsible for a growsite may be authorized to transfer usable marijuana or immature plants to a registered facility.
- (3) An Authorization to Transfer form must be submitted to the registered facility to which transfers may be made.
- (4) Once a person responsible for a registered facility receives an Authorization to Transfer form the person must provide the registered identification cardholder with a transfer agreement that both the registered identification cardholder and the person responsible for a growsite sign and date. The transfer agreement must include but is not limited to:
- (a) The amount of usable marijuana or plants the person responsible for a registered facility will accept and how often;

Comment [PME53]: I think this would qualify as Protected Health Information, in which case this'd have to be HIPAA compliant, right?

Comment [D54]: In a standard unit of weight

Comment [D55]: Should this be defined? There is a long list in 9(a) of the bill. Do the terms in there need to be defined?

Comment [D56]: Amount paid for "each" transfer, not the aggregate amount over a month or year or week.

Comment [sko57]: What else?

Comment [D58]: Immediately? What does this word mean. I will hand you a stack of papers? A thumb drive? I have to go to another location to get it?

Comment [D59]: Tracks from seed to product (Colorado) kidding

Comment [sko60]: Can a patient authorize the transfer of marijuana to more than one facility? There doesn't seem to be anything in the bill that would prohibit that.

Comment [sko61]: Form needs to be created.

Comment [D62]: The authority should develop a standard form which must be used by all dispensaries

Comment [D63]: Defined?

(b) The amount of money, if any, the person responsible for the registered facility will provide to the person responsible for the growsite and how and when this reimbursement will occur;

(c) Under what **conditions** usable marijuana or immature plants will be returned to the registered identification cardholder, designated primary caregiver, or person responsible for a growsite, as applicable, if the usable marijuana or immature plants are found to be contaminated with pesticides, mold, or mildew;

(d) Under what conditions usable marijuana or immature plants may be **destroyed** and whether the registered identification cardholder will receive notice prior to the destruction in order to request that the usable marijuana or immature plants be returned; and

(e) The process for a registered identification cardholder to request that usable marijuana or immature plants be returned and to what extent any money received by the person responsible for a growsite for the transfer must be refunded to the person responsible for a registered facility.

(5) Prior to a registered facility transferring usable marijuana or an immature plant to a registered identification cardholder or a designated primary caregiver the facility must:

(a) Verify that the product is free from mold mildew and pesticides as defined in OAR XXX-XXX-_____.

(a) Verify the identity of the person requesting usable marijuana or an immature plant by looking at the individual's picture identification;

(b) Verify that the person requesting usable marijuana or an immature plant is a registered identification cardholder or designated primary caregiver by looking at the individual's Oregon Medical Marijuana Program card;

(c) Ensure that the names on the person's picture identification and Oregon Medical Marijuana Program card match; and

(d) Document the information required in OAR XXX-XXX-_____ in a format required by the Authority.

(6) Prior to a registered facility accepting a transfer of usable marijuana or immature plants the person responsible for a registered facility must:

(a) Verify that it has a valid Authorization to Transfer form on file that authorizes the individual that is transferring the usable marijuana or immature plants to make the transfer;

(b) Verify the identity of the individual and his or her cardholder status by taking the steps identified in Section (5)(a) to (c) of this rule; and

(c) Ensure that there is a signed transfer agreement that meets the criteria in XXX-XXX-_____.

(7) A registered facility must return any usable marijuana or immature plants that are the property of the registry identification cardholder upon a written request by the registry identification cardholder.

XXX-XXX-rrrr Inspections

Comment [D64]: Should we require the testing to be done before the transfer or after. If after there needs to be a process to return.

Comment [D65]: How does one "destroy" this product and how do we verify it is in fact destroyed?

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Comment [PME66]: I'm assuming this means they'd have to make a copy of the ID and OMMP card?

Comment [D67]: Within 5 business days?

Comment [sko68]: See HB 3460, Section 4(5).

- (1) The Authority must conduct an initial inspection of every registered facility within ___ days/months of approving an application to ensure compliance with these rules, and conduct a routine inspection of every registered facility at least every _____ years.
- (2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a facility is in violation of Oregon Laws 2013, Chapter 726, or these rules.
- (3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registered facility or a person responsible for a facility is in violation of Oregon Laws 2013, Chapter 726, or these rules.
- (4) A registered facility must cooperate with the Authority during an inspection.
- (5) If a registered facility fails to permit the Authority to conduct an inspection the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.

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Violations

A person in charge of a facility is in violation of Oregon Laws 2013, Chapter 726 or these rules for:

- (1) Failing to cooperate with an inspection;
- (2) Submitting false or misleading information to the Authority in support of an application; or
- (3) Transferring usable marijuana or immature plants to an individual who is not a registered identification cardholder or a designated primary caregiver;
- (4) Accepting a transfer of usable marijuana or immature plants with a valid authorization from the registered identification cardholder;
- (5) Failing to document and maintain information in the manner required by these rules; or
- (6) Failing to comply with Oregon Laws 2013, Chapter 726 or any of these rules.

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Enforcement

(1) Informal Enforcement

(a) If, during an inspection the Authority documents violations of Oregon Laws 2013, Chapter 726 or any of these rules, the Authority may issue a written Notice of Violation to the person responsible for a registered facility that cites the laws alleged to have been violated and the facts supporting the allegations.

(b) The person responsible for a registered facility must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.

(c) A person responsible for a registered facility must correct all deficiencies within 60 days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.

(d) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the person responsible for the registered facility in writing and request that the plan of correction be modified and

Comment [D69]: Does this allow for a no advance notice ie unannounced inspections?

Comment [D70]: What powers should OHA have for enforcement, if any?

Comment [sko71]: What else?

Comment [D72]: Is there "non-usable" marijuana? Thinking of leaves or "duff" that can't be transferred but does exist. We were told up to 10% by weight of what comes in "disappears" in dust and evaporation

Comment [PME73]: What about other agencies or jurisdictions? I suppose we can't speak for them, but that might be a liability issue for the dispensaries

Comment [D74]: A long time. If they are current when applied and current when renewed, why should they have 60 days to correct a deficiency?

resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed.

(e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.

(f) The Authority may conduct an inspection at any time to determine whether a registered facility has corrected the deficiencies in a Notice of Violation.

(2) Formal Enforcement: If, during an inspection or based on other information the Authority determines that a registered facility or person responsible for a registered facility is in violation of Oregon Laws 2013, Chapter 726 or these rules the Authority may issue a Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470.

(3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the person responsible for the registered facility or the registered facility ~~have~~ has a history of violations.

(4) The Authority must issue a Notice of Proposed Revocation if a court has issued an order that prohibits the person responsible for a registered facility from participating in the Oregon Medical Marijuana Program under ORS 475.300 – 475.346.

Comment [D75]: Participating in a dispensary not OMMMP

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Confidentiality

(1) Any criminal background information received by the Authority about a person responsible for a facility during the criminal background check process is confidential and is not subject to disclosure without a court order.

(2) The name of a person responsible for a registered facility and the address of a registered facility is confidential and is not subject to disclosure without a court order, except as provided in section (5) of this rule.

(3) If an application has been denied, the information submitted to the Authority in an application for registration of a facility is not confidential and may be subject to disclosure under ORS 192.410 -192.505.

(4) A final order revoking the registration of a facility is not confidential and may be posted on the Authority's website or otherwise made public by the Authority.

(5) Authorized employees of state and local law enforcement agencies may verify with the Authority at all times that:

- (a) A location is a registered medical marijuana facility; or
- (b) A person is the person listed as the person responsible for a registered facility.

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Change of Location

A registered facility that changes location must submit a new application that complies with OAR XXX-XXX-_____ (new application rule).