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PERMANENT ADMINISTRATIVE ORDER

OLCC 8-2024

CHAPTER 845

OREGON LIQUOR AND CANNABIS COMMISSION

FILED

07/29/2024 8:39 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: The amendments outline the requirements retailers must follow to obtain an extension for tax compliance.

EFFECTIVE DATE: 08/13/2024

AGENCY APPROVED DATE: 07/18/2024

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AMEND: 845-025-1190

REPEAL: Temporary 845-025-1190 from OLCC 2-2024

RULE TITLE: License Renewal

NOTICE FILED DATE: 05/30/2024

RULE SUMMARY: This rule describes license processes and requirements for license renewal. The amendments the requirement for retailer licensees to submit DOR certificate of tax compliance for each applicant with their annual renewal application; grant 90 day extensions for retailer licensees to obtain their certificates of tax compliance and reconsiderations of incomplete renewal applications.

RULE TEXT:

(1) A licensee must annually submit a renewal application and the applicable fees regardless of whether the Commission has acted on a previous renewal application. A research certificate holder must submit a renewal application and the applicable renewal fees every three years, regardless of whether the Commission has acted on a previous renewal application.

(2) For purposes of this rule "license expiration date" means:

(a) The date of expiration on a license; or

(b) If the Commission has not acted on a pending license renewal application, the date the pending license would expire if the application had been approved.

(3) Except as described in section (9) of this rule, a licensee who annually and timely submits a renewal application as described in section (8) of this rule on or before the license expiration date may continue to operate, pending a decision by the Commission.

(4) A licensee who fails to annually and timely submit a renewal application as described in section (8) of this rule on or before the license expiration date must stop engaging in any licensed activity when the license expires.

(5) Except as described in section (9) of this rule, if a licensee annually submits a renewal application as described in section (8) of this rule within 30 days after the license expiration date, the licensee may resume operation pending a decision by the Commission on the renewal application.

(6) The Commission will not accept a renewal application that is received more than 30 days after the license expiration date. In this circumstance, a person:

(a) May submit a new application, including the application fee, license fee, documents, and information required by the Commission; and

(b) Must not engage in any licensed activity unless and until granted a new license by the Commission.

(7) A person who engages in any activity that would require a license but who is not licensed or who is not otherwise authorized to operate under this rule may be subject to administrative and criminal sanctions.

(8) For purposes of this rule, in order for a renewal application to be considered submitted all of the following must be received by the Commission:

(a) A fully completed renewal application signed by an applicant; and

(b) The appropriate renewal application and license and renewal fees described in OAR 845-025-1060 and 845-025-1070.

(9) Certificates of tax compliance.

(a) A retailer licensee that submits a renewal application must also submit a certificate of tax compliance issued no earlier than 90 calendar days prior to the expiration date listed on the current license certificate for each applicant as that term is described in OAR 845-025-1045.

(b) Temporary Extensions.

(A) A retailer licensee that has submitted a renewal application but has not submitted all certificates of tax compliance may continue to operate no more than 90 calendar days following the expiration date listed on the current license certificate, pending a decision by the Commission unless the Commission grants additional extensions under subsection (9)(b)(B) of this rule.

(B) A retailer licensee may request additional time to obtain all required certificates of tax compliance, which the Commission will consider on a case-by-case basis. The request must be made in writing and made at least seven calendar days prior to the expiration of the timeframe set forth in (9)(b)(A) of this rule, and must include, at a minimum documentation that:

(i) Verifies the retailer licensee has corresponded promptly and accurately to all the requests made by the Department of Revenue;

(ii) Explains the reasons the retailer licensee has not obtained all certificates of compliance prior to expiration of the timeframe set forth in this subsection; and

(iii) Substantiates that the retail licensee is compliant with all marijuana tax payments due to the Department of Revenue at the time of the request.

(c) Unless granted an extension under subsection (9)(b)(B) of this rule, if a retailer licensee fails to provide all certificates of tax compliance as required under this rule within 90 calendar days of the expiration date listed on the current license certificate, the Commission shall consider the renewal application to be incomplete and the license to be expired as of the expiration date listed on the current license certificate. The Commission shall notify the applicant in writing that the application is incomplete.

(d) For the purposes of this section, if the Commission has not acted on the retailer licensee's previous renewal application, "the expiration date listed on the current license certificate" means the license expiration date prior to the submission of the most recent renewal application.

(10) The Commission may require a licensee with a pending renewal application to submit forms, documents, and information described in OAR 845-025-1030 in order to complete an investigation of a renewal application. Failure to submit fees, forms, documents or information requested by the Commission under this section within a time period prescribed by the Commission may result in denial of the renewal application.

(11) If the Commission approves a renewal application, the Commission must notify the licensee in writing that the renewal application has been approved and provide the licensee with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. The renewed license is effective for a license year beginning the date following the license expiration date for

the previous license year.

(12) An applicant may submit a written request for reconsideration of a decision that a renewal application is incomplete. Such a request must be received by the Commission within ten days of the date the incomplete notice was sent to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this section is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(13) Except as provided in OAR 845-025-1060 (6), the Commission will refund a renewal license fee to an applicant whose application is not timely submitted and whose license expires, within 180 calendar days of when the license renewal fee was paid.

STATUTORY/OTHER AUTHORITY: ORS 475C.017, 475C.065, 475C.085, 475C.093, 475C.097, 475C.548

STATUTES/OTHER IMPLEMENTED: ORS 475C.033