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RULES:

845-005-0312, 845-005-0450, 845-006-0301, 845-006-0401, 845-006-0475

AMEND: 845-005-0312

RULE TITLE: Application for Issuance of an Annual License or Request for Change to License

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: This rule describes requirements for individuals who exercise control over licensed businesses.

RULE TEXT:

- (1) An applicant for issuance of an annual license under ORS chapter 471 must submit to the Commission all materials, forms, documents, information, and fees required by the Commission in a manner that are complete, accurate, legible, timely, and correct.
- (2) In order to accept an application for issuance of an annual license, an applicant must submit to the Commission at a minimum the edition of the Liquor License Application form posted on the Commission's website that has been completed and includes from the local government as described in OAR 845-005-0304 either:
- (a) The local government's written recommendation;
 - (b) Documentation from the local government that it received the written notice provided from the applicant pursuant to OAR 845-005-0304 and the date of receiving that notice; or
 - (c) Documentation from the local government that the applicant is not required to submit a notice to the local government.
- (3) A licensee requesting approval of a change as required by Commission rules must submit to the Commission a written and dated request and include all materials, forms, documents, information, and fees required by the Commission for that request and submit them in a manner that are complete, accurate, legible, timely, and correct.
- (4) Upon the Commission's receipt of materials submitted pursuant to sections (1), (2), and (3), the Commission will decide if the materials contains all required forms, documents, information, or fees in a manner that are complete, accurate, legible, timely, and correct.
- (a) The Commission may accept the submitted materials if they contain all required forms, documents, information, or fees in a manner that are complete, accurate, legible, timely, and correct may be accepted; or
 - (b) The Commission will be unable to accept the submitted materials if they don't contain all required forms, documents,

information, or fees in a manner that are complete, accurate, legible, timely, and correct. The Commission's inability to accept an application or request is not subject to the requirements of ORS chapter 183.

(5) After accepting the submitted materials, the Commission may:

(a) Require additional forms, documents, information, or fees from an applicant, licensee, or other persons where there is reason to believe that the forms, documents, information, or fees are required by law or rule or may help the Commission determine the merits of an application or request or to otherwise perform its statutory duties;

(b) Inactivate an application form or request when the Commission determines the applicant or licensee fails to provide to the Commission all required materials, forms, documents, information, or fees in a manner that are complete, accurate, legible, and correct within 10 calendar days of the Commission's notice to the applicant or licensee. Despite the requirement, the Commission may grant an applicant or licensee additional time based on the merits of the case. The Commission shall give applicants the opportunity to request a review if the Commission inactivates an application or request. A review under this subsection is not subject to the requirements for contested case proceedings of ORS chapter 183; or

(c) Grant, refuse, or restrict the license or request.

(6) Examples of materials, forms, documents, information, and fees the Commission may require include but are not limited to:

(a) Individual History form from all individuals who are an applicant or licensee as per Commission rules. The Commission may waive this requirement when it determines it does not need the materials to perform its statutory duties. Examples of this waiver include but are not limited to:

(A) When an applicant is an entity, for all individuals within the entity who are an applicant per Commission rules when the applicant entity provides proof to the Commission that it is listed on an exchange registered with the U.S. Securities and Exchange Commission; or

(B) When an individual, or one or more parties who are an applicant or licensee for the same license at the same premises, declares in writing to the Commission that the individual has relinquished control of the day-to-day operation of the business. Relinquishing control includes not making decisions that directly impact the sale and service of alcohol and not managing or controlling the sale or service of alcohol or directly supervising any person who sells or serves alcohol. An individual who declares in writing they have relinquished control under this rule who later resumes control of day-to-day operation of the business agrees to notify the Commission of their change of control upon resumption of control.

(b) An entity questionnaire from all entity applicants. The Commission may waive this requirement when it determines it does not need the form to perform its statutory duties.

(c) Documents necessary to define the licensed premises and, if relevant, assign minor postings.

(d) License fees as required by ORS 471.311.

(e) Proof of liquor liability insurance or bond as required by ORS 471.168 or Commission rules.

(f) The bond or equivalent as required by ORS chapters 471 and 473.

(7) When the Commission inactivates an application form or request under this rule:

(a) Any person wanting a license or approval at the same address as the inactivated application or request must resubmit the application materials required by this rule; and

(b) Any authority issued by the Commission to the applicant based on the application form or request is no longer valid.

(8) An applicant or licensee may submit a written request to the Commission to withdraw an application form or request. Upon the Commission's acceptance of the request, any authority issued by the Commission to the applicant or licensee based on the application or request is no longer valid.

STATUTORY/OTHER AUTHORITY: ORS 471.030, 471.040, 471.730 (1), 471.730 (5)

STATUTES/OTHER IMPLEMENTED: ORS 471.311

AMEND: 845-005-0450

RULE TITLE: Standards for Authority to Operate a Licensed Business as a Trustee, a Receiver, a Personal Representative or a Secured Party

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: This rule describes roles of individuals taking over for insolvent or bankrupt licensed businesses or in the case of death of the licensee.

RULE TEXT:

(1) ORS 471.292(2)(b) and (c) allow the Commission to issue a temporary authority to operate a licensed business to a trustee, the receiver of an insolvent or bankrupt licensed business, the personal representative of a deceased licensee, or a person holding a security interest in the business. The purpose of this authority is to provide for the operation of the licensed business for a reasonable period of time to allow orderly disposition of the business.

(a) The trustee, receiver or personal representative must provide the Commission with the following information:

(A) Proof that the person is the legal trustee, receiver or personal representative for the business; and

(B) A written request for authority to operate as a trustee, receiver or personal representative, listing the address and telephone number of the trustee, receiver or personal representative.

(b) The secured party must provide the Commission with the following information:

(A) Proof of a security interest in the licensed business;

(B) Proof of the licensee's default on the secured debt;

(C) Proof of legal access to the real property; and

(D) A written request for authority to operate as a secured party listing the secured party's address and telephone number.

(2) The Commission may revoke or refuse to issue or extend authority for the trustee, receiver, personal representative, or secured party to operate:

(a) If the trustee, receiver, personal representative or secured party does not propose to operate the business immediately or does not begin to operate the business immediately upon receiving the temporary authority;

(b) For any of the reasons that the Commission may revoke or refuse to issue or renew a license;

(c) If the trustee, receiver, personal representative or secured party operates the business in violation of ORS Chapter 471 or OAR chapter 845; or

(d) If a reasonable time for disposition of the business has elapsed.

(3) No person or entity described in section (1) of this rule may operate the business until a certificate of authority has been issued under this rule, except that the personal representative of a deceased licensee may operate the business for up to 30 days after the death provided that the personal representative submits the information required in section (1)(a) and obtains a certificate of authority within that time period.

(4) A certificate of authority under this rule may be issued at the Commission's discretion for a minimum duration of 60 days and may be extended as reasonably necessary to allow for the disposition of the business.

STATUTORY/OTHER AUTHORITY: ORS 471.030, 471.040, 471.730 (1), 471.730 (5)

STATUTES/OTHER IMPLEMENTED: ORS 471.292 (2)

AMEND: 845-006-0301

RULE TITLE: "Applicant" and "Licensee" Defined

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: This rule describes who qualifies as a licensee based on responsibility over the licensed business or ownership of the licensed business.

RULE TEXT:

(1) A license issued by the Commission shall include as licensees under a single license all individuals or entities who own or have an ownership interest in the business as defined in OAR 845-005-0311. If any such licensee is an entity, the following persons shall also be included as licensees under the license:

(a) Each principal officer, including the president, any vice president with responsibility over the operation of a licensed business, the secretary, the treasurer, or any other officer designated by the Commission.

(b) Each director with 20 percent or more of the entity's stock or who holds 20 percent or more of the total membership interest in the entity or whose investment interest is 20 percent or more of the total investment interests in the entity;

(c) Each person or entity who owns or controls 20% or more of the entity's stock or who holds 20% or more of the total membership interest in the entity or whose investment interest is 20% or more of the total investment interests in the entity;

(d) Each manager of a limited liability company and each general partner of a limited partnership.

(2) As used in ORS 471.313, "applicant" includes all of the entities and individuals (as applicable) listed in subsection (1) of this rule. As used in 471.315, "licensee" includes all of the entities and individuals (as applicable) listed in subsection (1) of this rule.

(3) In any proceeding brought under the authority of ORS 471.313 or subject to the penalty provisions of 471.315, each licensee as defined in subsection (1) shall be individually responsible for any violation or other resolution of the proceeding and shall be jointly and severally liable for any sanction.

STATUTORY/OTHER AUTHORITY: ORS 471.030, 471.040, 471.730 (1), 471.730 (5)

STATUTES/OTHER IMPLEMENTED: ORS 471.313, 471.315

AMEND: 845-006-0401

RULE TITLE: Requirements for Oregon Retailers to Receive Malt Beverages, Wine or Cider from the Holder of a Direct to Retailer Permit

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: This rule describes requirements for reporting of direct to retail shipments for retail licensees.

RULE TEXT:

(1) The holder of a license issued under ORS 471.175, 471.178, 471.186, 471.190, or 471.200 may purchase and receive malt beverages, wine, and cider directly from the holder of a Direct to Retailer permit provided:

(a) The malt beverages, wine, and cider are received only at an address where the licensee holds a valid annual license issued under ORS 471.175, 471.178, 471.186, 471.190, or 471.200 or at an address where the licensee holds a special license issued by the Commission; and

(b) The malt beverages, wine, and cider are only for retail sale and service by the licensee at the address at which they were received.

(2) A person described in subsection (1) of this rule may submit to the Commission on or before the 20th day of each month a report showing the quantity of malt beverages, wine, or cider received directly from holders of a Direct to Retailer permit during the immediately preceding calendar month, and any other information required by the Commission. This subsection does not apply to a person who receives in one month no more than a combined total of 10 liters of malt beverages, wine, or cider from all holders of a Direct to Retailer permit.

(3) ORS chapter 474 does not apply to a person described in subsection (1) of this rule when the retail licensee receives malt beverages, wine, or cider directly from the holder of a Direct to Retailer permit.

STATUTORY/OTHER AUTHORITY: ORS 471.030, 471.040, 471.730 (1), 471.730 (5)

STATUTES/OTHER IMPLEMENTED: ORS 471.274, 471.404

AMEND: 845-006-0475

RULE TITLE: License Changes Requiring Prior Approval

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: This rule describes individuals who have a defined ownership interest in a licensed business.

RULE TEXT:

(1) As used in this rule:

(a) "Partnership" means an association of two or more persons who carry on a business jointly and who demonstrate an intent to be treated as partners by signing a partnership agreement;

(b) "Person" includes individuals, corporations, partnerships or other business organizations;

(2) All licensees:

(a) Except as allowed by Commission rule, no person will obtain an ownership interest, as defined in OAR 845-005-0311, in a licensed business without prior Commission approval;

(b) A person must receive Commission approval prior to being added or removed as a licensee. Each licensee will remain responsible for any violation or other resolution and shall be jointly and severally liable for any sanction until the Commission removes the person as a licensee;

(c) The Commission may deny a request to add a person as a licensee, or may restrict the license, for any of the grounds for which it may deny or restrict a license.

(3) A violation of this rule is a Category I violation.

STATUTORY/OTHER AUTHORITY: ORS 471.030, 471.040, 471.730 (1), 471.730 (5)

STATUTES/OTHER IMPLEMENTED: ORS 471.313 (4) (h)