

For your information

The Oregon Liquor Control Commission has:

Amended

Adopted

Suspended

OAR 845-025-1030
PERMANENT

Effective Date: May 16, 2021

Note: **Bold and underlined** = new text; ~~*italics and strikethrough*~~ = deleted text

845-025-1030

Application Process

(1) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, or laboratory license.

(2) An application for a license and all documentation required in the application instructions and any requirements of this rule must be submitted in a manner specified by the Commission. The application fee specified in OAR 845-025-1060 must also be paid in a manner specified by the Commission.

(3) An application must include the following:

(a) The names and other required information for all individuals and legal entities who are applicants as described in OAR 845-025-1045.

(b) Any forms required by the Commission and any information identified in the form that is required to be submitted;

(c) A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises, the location of any primary residence located on the same tax lot as the licensed premises, and a scaled floor or plot plan sketch of all enclosed areas with clear identification of walls, all areas of ingress and egress, and all limited access areas;

(d) An operating plan in a form prescribed by the Commission that demonstrates at a minimum, how the applicant's proposed premises and business will comply with the applicable laws and rules regarding:

(A) Security;

(B) Employee qualifications and training;

(C) Transportation of product;

(D) Preventing minors from entering the licensed premises; and

(E) Preventing minors from obtaining or attempting to obtain marijuana items.

(e) For producers:

(A) The proposed production tier and producer type as described in OAR 845-025-2040.

(B) A report describing the applicant's electricity and water usage, on a form prescribed by the Commission.

(i) For initial licensure, the report must describe the estimated electricity and water usage taking into account all portions of the premises and expected requirements of the operation for the next twelve months.

(ii) For renewal, the report must describe the actual electricity and water usage for the previous year taking into account all portions of the premises.

(C) An attestation that the applicant has a legal source of water.

(D) If the applicant is not the owner of the premises proposed to be licensed, a form, prescribed by the Commission, signed by the owner of the premises that states the owner consents to the production of marijuana on the premises.

(f) For processors, on a form prescribed by the Commission, the proposed endorsements as described in OAR 845-025-3210.

(4) In addition to submitting the application form and the items described in section (3) of this rule, the Commission may require the following to be submitted:

(a) For applicants:

(A) information or fingerprints in order to perform a criminal background check in accordance with OAR 845-025-1080.

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(b) The names and other required information for all individuals and legal entities with a

financial interest in the business.

(c) For an individual identified as a person with a financial interest:

(A) Information or fingerprints for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(d) For a legal entity that is identified as having a financial interest:

(A) Information or fingerprints for any individual within the legal entity for a criminal background check in accordance with OAR 845-025-1080; and

(B) Any forms required by the Commission and any information identified in the form that is required to be submitted.

(e) Proof of the right to occupy the premises proposed for licensure.

(f) For producers:

(A) A designation of the proposed canopy area within the licensed premises.

(B) Proof that the applicant has a legal source of water as evidenced by:

(i) A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resources Department;

(ii) A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or

(iii) Proof from the Oregon Water Resources Department that the water to be used for production is from a source that does not require a water right.

(g) Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.

(5) The Commission must review an application to determine if it is complete. An application may be considered incomplete if an application form is not complete, the full application and license fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(6) An applicant may submit a written request for reconsideration of a decision that an 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 subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.040

Statutes/Other Implemented: ORS 475B.040, 475B.045, 475B.060, 475B.070, 475B.090, 475B.100, 475B.105, 475B.560 & **2019 OL CH. 145**