

For your information

The Oregon Liquor Control Commission has:

Amended

Adopted

Suspended

OAR 845-025-1160
PERMANENT

Effective Date: May 16, 2021

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

845-025-1160

Notification of Changes

(1) An applicant, licensee, or laboratory licensee must notify the Commission in writing within 10 calendar days of any of the following:

- (a) A change in any contact information for anyone listed in an application or subsequently identified as an applicant;
- (b) A disciplinary proceeding or licensing enforcement action by another governmental entity that may affect the business;
- (c) The temporary closure of the business for longer than 30 days; or
- (d) The permanent closure of the business.

(2) An applicant, **licensee**, or **laboratory** licensee must notify the Commission in a manner prescribed by the Commission within **72** hours of an arrest, a citation issued in lieu of arrest, or a conviction for any misdemeanor or felony of an individual listed in an application or subsequently identified as an applicant, or **licensee**.

(a) Failure to notify the Commission of a conviction within the prescribed timeframe is a Category II violation.

(b) Failure to notify the Commission of an arrest or a citation in lieu of arrest within the prescribed timeframe is a Category III violation. An arrest or citation in lieu of arrest in itself is not a basis for compliance or licensing action but

the Commission may investigate the conduct underlying the arrest.

(3) A **licensee or laboratory** licensee must notify the Commission in a manner prescribed by the Commission as soon as reasonably practical and in no case more than 24 hours from the theft of marijuana items or money from the licensed premises.

(4) Changes in Business Structure.

(a) A licensee **or laboratory licensee** that **changes** its ownership structure by adding an individual or legal entity who will meet the qualifications of an applicant as described in OAR 845-025-1045 or by removing an individual or legal entity that is a licensee **or laboratory licensee** must, prior to making the change, submit:

(A) A form prescribed by the Commission; and

(B) Any information identified in the form to be submitted to the Commission.

(b) The Commission must review the form and other information submitted under subsection (4)**(a)** of this rule.

(c) If the Commission determines that the addition of an individual or legal entity who meets the qualifications of an applicant as described in OAR 845-025-1045 would result in an initial or renewal application denial under OAR 845-025-1115, or serve as the basis of a license suspension or revocation, the licensee may remove that individual or legal entity from the business. If the licensee does not remove that individual or legal entity from the business, the Commission shall propose license suspension or revocation under OAR 845-025-1115.

(d) Notwithstanding subsection (4)(a) of this rule, a licensee **or laboratory licensee** does not need to notify the Commission prior to the following changes occurring, but must notify the Commission within 60 calendar days of the following change occurring:

(A) A shareholder of a publicly traded corporation acquiring or accumulating twenty percent or more of the voting stock.

(B) A publicly traded corporation adding or removing Principal Officers.

(5) Change of Ownership. A new application must be submitted in accordance with OAR 845-025-1030 if:

(a) A business proposes to add or replace a licensee of record; or

(b) A business proposes a change in its ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.

(6) Change of Location.

(a) A **licensee or laboratory** licensee who wishes to change the location of the licensed premises must submit a completed application for the new premises including all required forms and documents and the fee specified in OAR 845-025-1060, but does not need to submit information and fingerprints required for a criminal background check if there are no changes to the individuals listed on the initial application.

(b) If a licensee **or laboratory licensee** loses access to the licensed premises, the Commission may allow the licensee **or laboratory licensee** to change location if:

(A) The **licensee or laboratory** licensee submits written notice, in a form and manner prescribed by the Commission, at least 15 days in advance of losing access;

(B) The **licensee or laboratory** licensee removes all marijuana items from the licensed premises in compliance with ORS Chapter 475B and these rules prior to losing access;

(C) The licensee **or laboratory licensee** is not under investigation for suspected violations of any provision of ORS Chapter 475B or these rules and does not have pending administrative violations;

(D) The licensee **or laboratory licensee** supplies documentation showing legal access to a new proposed location within 30 days of losing access to the licensed premises; and

(E) The **licensee or laboratory** licensee submits a Land Use Compatibility Statement for the new proposed location from the city or county that authorizes land use where the new location is located and the use is not prohibited.

(c) The Commission must approve any change of location prior to licensee **or laboratory licensee** beginning business operations in the new location.

(7) Addition or Change of Trade Name.

(a) A **licensee or laboratory** licensee must notify and receive approval from the Commission on a form prescribed by the Commission prior to any changes or additions to the business trade name.

(b) The Commission may deny any addition or change to a business trade name.

Statutory/Other Authority: ORS 475B.025

Statutes/Other Implemented: ORS 475B.055 & 475B.045