



Recreational Marijuana Program Compliance Education Bulletin

Bulletin CE2022-04

December 16, 2022

The Oregon Liquor and Cannabis Commission is providing the following information to recreational marijuana licensees.

The bulletin is part of OLCC's compliance education. It is important that you read it, and understand it. If you don't understand it please contact the OLCC for help.

Failure to understand and follow the information contained in this bulletin *could result in a compliance violation including fine, suspension or the loss of your recreational marijuana license.*

Bulletin CE2022-04 covers the following issues:

- Walk-up and Drive-up retail sales changes

Walk-up and Drive-up retail sales

What's going on?

The Oregon Liquor and Cannabis Commission (OLCC) recently approved new Recreational Marijuana Program rules. The new rules make some modifications to walk-up, drive through, or on-site delivery transactions (where minors might be present). However, not everything has changed and it's important that licensees review this clarification.

During the last two years, OLCC has allowed various methods for consumers to obtain cannabis products at retail locations while encouraging limited person-to-person contact. For the most part, this rule package has not changed that.

While the height of the pandemic is over, we understand licensees, employees, and customers still have concerns about being in close contact with others. The Commission is also well aware that the cannabis industry has been increasingly targeted by criminals and that licensees would like more options to ensure employee safety at retail locations. Below is a summary of what this rule package has changed and what remains in place, as well as information about upcoming rulemaking.

What remains the same?

- OLCC will continue to NOT enforce the prohibition on drive-up windows. Local jurisdictions (cities and counties) can still prohibit drive through activity through time, place and manner regulations.
- Retailers can continue to offer on-site delivery options for consumers (e.g. – order ahead, deliver to vehicle in controlled parking lot.) Delivery through a walk-up window is considered on-site delivery and must comply with OAR 845-025-2885.

What changes?

- This rule package removed the walk-up window prohibition, meaning you can continue to use or add walk-up window options at retail stores.
- For on-site delivery or drive-up delivery a new rule has been added that prohibits delivery to a car if minors are present, unless the minors are accompanying a parent or guardian. This only applies to deliveries made to a vehicle; minors are still NOT allowed inside retail stores.

Upcoming rulemaking

During the rules advisory committee meetings and the rule public comment period, it became obvious to the OLCC that a separate rulemaking process focusing solely on drive-up and on-site delivery rules is needed. We will be scheduling that in the coming New Year.

The OLCC has made clear that prior to modifying any of the rules introduced since the start of the COVID pandemic that we would have a robust engagement process that includes input from licensees, local jurisdictions, community members and public health and safety partners.