

For your information

The Oregon Liquor Control Commission has:

Amended
 Adopted
 Suspended

OAR 845-025-1450
PERMANENT

Effective Date: February 1, 2020

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

845-025-1450

Video Recording Requirements for Licensed Facilities

(1) A licensee must have cameras that continuously record, 24 hours a day:

(a) In all areas where mature marijuana plants, immature marijuana plants, usable marijuana, cannabinoid concentrates, extracts, products or waste may be present on the licensed premises; and

(b) All points of ingress and egress to and from areas where mature marijuana plants, immature marijuana plants, usable marijuana, cannabinoid concentrates, extracts, products or waste are present.

(2) A licensee must:

(a) In **all areas where camera coverage is required**, ~~limited access and consumer sales areas~~, use cameras that record at a minimum resolution of 1280 x 720 px and record at 10 fps (frames per second);

~~(b) In exterior perimeter and areas on the licensed premises that are not limited access areas, use cameras that record at a minimum resolution of 1280 x 720 px and record at least 5 fps, except where coverage overlaps any limited access areas such as entrances or exits and in those overlap areas cameras must record at 10 fps;~~

~~(b)(e)~~ Use cameras that are capable of recording in all lighting conditions;

~~(c)(e)~~ **Have and keep** surveillance recordings for a minimum of 90 calendar days;

~~(d)(e)~~ **Have and keep** off-site backup recordings described in (2)(~~k~~) of this rule for a minimum of 30 days;

~~(e)(f)~~ Maintain surveillance recordings in a format approved by the Commission that can be easily accessed for viewing and easily reproduced;

~~(f)(g)~~ Upon request of the Commission, keep surveillance recordings for periods exceeding the retention period specified in section (2)~~(c)(d)~~ of this rule;

~~(g)(h)~~ Have the date and time embedded on all surveillance recordings without significantly obscuring the picture;

~~(h)(i)~~ Archive video recordings in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place;

~~(i)(j)~~ Make video surveillance records and recordings available immediately upon request to the Commission in a format specified by the Commission for the purpose of ensuring compliance with ORS Chapter 475B and these rules;

~~(j)(k)~~ Immediately notify the Commission of any equipment failure or system outage lasting 30 minutes or more; and

~~(k)(l)~~ Back up the video surveillance recordings off-site and in real time for the surveillance room or surveillance area.

(3) Notwithstanding the requirements in section (1) of this rule a licensee **or laboratory licensee** may stop recording in areas where marijuana items are not present due to seasonal closures or prolonged periods of inactivity. *The licensee must provide notice to OLCC when recording is stopped and must keep a log of all times that recording is stopped due to marijuana items not being present. The log and notice must identify which cameras were not recording, the date and time recording stops, the date and time recording resumes or is scheduled to resume, and a description of the reason why the recording stopped and started.*

(a) At least 24 hours before stopping recording, a licensee or laboratory licensee must submit written notice to the Commission by email using a designated form as published by the Commission on its website and the notice must include:

(A) A copy of the licensee's plot plan or diagram as described in OAR 845-025-1030 showing which cameras will be deactivated, the total number of cameras that will be deactivated, and a description or list of areas or applicable labels of the deactivated cameras.

(B) The date and time recording will stop.

(C) An explanation for why recording will be stopped.

(D) The date and time recording will resume.

(b) A licensee or laboratory licensee:

(A) May not stop the recording or continuous real time back up of the recording for a surveillance area unless all other cameras on the licensed premises are shut down under this rule.

(B) Must resume all required recording no later than the date and time specified in the notice submitted under subsection (a) of this section.

(C) May not engage in any licensed privileges in any areas where recording was stopped under this section.

(4) Failure to comply with subsections (1)(a), (b) or (2)~~(f)~~, (e), **(g) or (h)** or ~~(i)~~ of this rule is a Category I violation and may result in license revocation.

(5) Failure to comply with subsections (2)(a), (b), ~~(c)~~, **(d), (f), (i)** ~~(e), (g)~~, (j), **or (k)**, or ~~(h)~~ of this rule is a Category II violation.

(6) Failure to comply with subsection (2)~~(c)~~~~(d)~~ of this rule is:

(a) For the first violation in a two-year period:

(A) A Category I violation if the licensee maintained surveillance recordings for less than 30 days; or

(B) A Category III violation if the licensee maintained surveillance recordings for more than 30 days but less than 90 days.

(b) A Category I violation for any subsequent violation in a two-year period.

(7) A licensee may not engage in any privileges of the license in an area that does not have camera coverage as described in OAR 845-025-1440 and 845-025-1450 or in an area where camera coverage has been stopped pursuant to section (3) of this rule, including but not limited to possessing, storing, cultivating, transporting, transferring, or receiving marijuana items.

Statutory/Other Authority: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105

Statutes/Other Implemented: ORS 475B.025, 475B.070, 475B.090, 475B.100 & 475B.105