

Marijuana Producer Application Processing Deadlines Division 25

OREGON LIQUOR CONTROL COMMISSION CHAPTER 845 PROPOSED AMENDMENTS

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

845-025-1131

Producer Application Submission Deadlines *Processing Deadlines*

(1) For the purposes of this rule, “complete the application process” means an applicant has submitted all fees, forms, documents and information required under OAR 845-025-1030 that are necessary to act on an application and the applicant is ready for a pre-licensing inspection as required in OAR 845-025-1090(4). Completing the application process does not include timeframes described in OAR 845-025-1090(5) to correct deficiencies discovered during a prelicensing inspection.

(2) Submitted Applications

(a) **(1)** All **producer** applications submitted on or before June 15, 2018 through the Commission’s online licensing system with the non-refundable application fee will be held until the application is assigned to a Commission staff member.

(b) **(2) Producer A** applications will only be processed after the application is assigned to a Commission staff member.

(c) **(3) Producer A** applications submitted after June 15, 2018 will be inactivated.

(3) Assigned Applications (a) An applicant that had an application assigned to a Commission staff member prior to September 1, 2019 must comply with any and all deadlines for completing the application process that the Commission previously provided to the applicant in writing. (b) An applicant that has an application assigned to a Commission staff member on or after September 1, 2019 must complete the application process within 60 calendar days of the Commission notifying the applicant that the application has been assigned.

(c) If the applicant does not complete the application process within 60 calendar days, the application will be unassigned and placed on hold as described in subsection (4)(b) of this rule.

(d) If the Commission discovers a potential basis to deny the license that requires

~~further investigation, the applicant is not subject to the deadline described in (3)(b) above. The Commission will communicate any new deadlines to the applicant in writing.~~

~~(4) Applications on Hold~~

~~(a) Applications placed on hold prior to September 1, 2019~~

~~(A) Before an application that was previously placed on hold is assigned to a Commission staff member, applicants must provide to the Commission all requested documents and information by the deadline previously communicated in writing by the Commission.~~

~~(B) If the applicant provides all requested documents and information by its deadline previously communicated by the Commission, the application will be assigned and the applicant must complete the application process within 60 calendar days of being placed in that status.~~

~~(C) If the applicant does not provide all requested documents and information by the deadline communicated by the Commission, the application is incomplete as described in subsection (6) of this rule.~~

~~(b) Applications placed on hold on or after September 1, 2019~~

~~(A) If an applicant is unable to complete the application process in the initial 60 calendar days after the application is assigned as described in subsection 3(b) of this rule, the application will be unassigned and placed on hold.~~

~~(B) Applications placed on hold will not be processed until the application is reassigned to a Commission staff member.~~

~~(C) Once the Commission has reassigned the application to a Commission staff member, the applicant must complete the application process within a final 60-calendar-day period. If the applicant does not complete the application process within 60 calendar days, the application is incomplete as described in subsection (6) of this rule.~~

~~(5) Approved Applications. An applicant whose application has been approved by the Commission will have 30 calendar days after the application is approved to complete payment of the license fee described in OAR 845-025-1060. If payment is not received within 30 calendar days of application approval, the application is incomplete as described in subsection (6) of this rule.~~

~~(6) Incomplete Applications. The Commission will inactivate an incomplete application by placing the application into a withdrawn status in its licensing system.~~

~~(a) An applicant will be notified in writing as described in subsection (8) of this rule that~~

~~its application is incomplete and has been inactivated by the Commission.~~

~~(b) 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 10 calendar days of the date the incomplete notice was sent or transmitted pursuant to subsection (8) of this rule. The Commission may give the applicant the opportunity to be heard if an application is inactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.~~

~~(7) The Commission may place an assigned application on hold to balance staff resources. When this occurs, the Commission will notify the applicant of the status change in writing and will provide the application with a new deadline for completion of the application.~~

~~(8) The Commission will communicate deadlines and changes in application status under this rule by e-mail to the contact e-mail identified on the application, unless an applicant makes a written request that any deadline communications be sent by regular mail. Upon such a request, the Commission will mail communications to an applicant's mailing address identified on the application.~~

Statutory/Other Authority: ORS 475B.025 & **2019 OL Ch. 419**

Statutes/Other Implemented: ORS 475B.070

OAR 845-025-1132

Prohibited Changes to ~~Producer~~ License Applications

(1) The Commission will not allow changes in ownership of ~~a producer~~ **an** application after submission of an application for licensure.

(2) For purposes of this rule, "change of ownership" is defined as a change of 51% or greater in the applicants identified on the application submitted to the Commission or one or more changes that cumulatively results in a change of ownership that is 51% or greater from the date the application was first submitted.

(3) The Commission will not allow an applicant to change the location of a proposed licensed premises after submission of an application for licensure.

(4) The Commission will not allow an applicant to change the license type of the application after submission of an application for licensure.

Statutory/Other Authority: ORS 475B.025 & **2019 OL Ch. 419**

Statutes/Other Implemented: ORS 475B.070

OAR 845-025-1135

Application Processing Deadlines

(1) For the purposes of this rule, “complete the application process” means an applicant has submitted all fees, forms, documents and information required under OAR 845-025-1030 that are necessary to act on an application and the applicant is ready for a pre-licensing inspection as required in OAR 845-025-1090(4). Completing the application process does not include timeframes described in OAR 845-025-1090(5) to correct deficiencies discovered during a pre-licensing inspection.

(2) Assigned Applications

(a) An applicant that had an application assigned to a Commission staff member prior to January 1, 2020 must comply with any and all deadlines for completing the application process that the Commission previously provided to the applicant in writing.

(b) An applicant that has an application assigned to a Commission staff member on or after January 1, 2020 must complete the application process within 60 calendar days of the Commission notifying the applicant that the application has been assigned.

(c) If the applicant does not complete the application process within 60 calendar days, the application will be unassigned and placed on hold as described in subsection (3)(b) of this rule.

(d) If the Commission discovers a potential basis to deny the license that requires further investigation, the applicant is not subject to the deadline described in (2)(b) above. The Commission will communicate any new deadlines to the applicant in writing.

(3) Applications on Hold

(a) Applications placed on hold prior to January 1, 2020

(A) Before an application that was previously placed on hold is assigned to a Commission staff member, applicants must provide to the Commission all requested documents and information by the deadline previously communicated in writing by the Commission.

(B) If the applicant provides all requested documents and information by its deadline previously communicated by the Commission, the application will be assigned and the applicant must complete the application process within 60 calendar days of being placed in that status.

(C) If the applicant does not provide all requested documents and information by the deadline communicated by the Commission, the application is incomplete as described in subsection (5) of this rule.

(b) Applications placed on hold on or after January 1, 2020.

(A) If an applicant is unable to complete the application process in the initial 60 calendar days after the application is assigned as described in subsection 2(b) of this rule, the application will be unassigned and placed on hold.

(B) Applications placed on hold will not be processed until the application is reassigned to a Commission staff member.

(C) Once the Commission has reassigned the application to a Commission staff member, the applicant must complete the application process within a final 60-calendar-day period. If the applicant does not complete the application process within 60 calendar days, the application is incomplete as described in subsection (6) of this rule.

(4) Approved Applications. An applicant whose application has been approved by the Commission will have 30 calendar days after the application is approved to complete payment of the license fee described in OAR 845-025-1060. If payment is not received within 30 calendar days of application approval, the application is incomplete as described in subsection (5) of this rule.

(5) Incomplete Applications. The Commission will inactivate an incomplete application by placing the application into a withdrawn status in its licensing system.

(a) An applicant will be notified in writing as described in subsection (7) of this rule that its application is incomplete and has been inactivated by the Commission.

(b) 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 10 calendar days of the date the incomplete notice was sent or transmitted pursuant to subsection (7) of this rule. The Commission may give the applicant the opportunity to be heard if an application is inactivated. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS 183.310 to 183.550.

(6) The Commission may place an assigned application on hold to balance staff resources. When this occurs, the Commission will notify the applicant of the status change in writing and will provide the application with a new deadline for completion of the application.

(7) The Commission will communicate deadlines and changes in application status under this rule by e-mail to the contact e-mail identified on the application, unless an applicant makes a written request that any deadline communications

be sent by regular mail. Upon such a request, the Commission will mail communications to an applicant's mailing address identified on the application.

Statutory/Other Authority: ORS 475B.025 & 2019 OL Ch. 419

Statutes/Other Implemented: ORS 475B.070