



# OLCC Marijuana Program: Frequently Asked Questions (all)

## Table of Contents

|                                   |         |
|-----------------------------------|---------|
| Cannabis Tracking System (CTS)    | Page 2  |
| Consumers                         | Page 2  |
| Fees                              | Page 4  |
| Forms                             | Page 5  |
| General                           | Page 5  |
| Hemp                              | Page 12 |
| Labeling & Packaging              | Page 14 |
| Local Government – Opt Out        | Page 15 |
| Local Government – Zoning         | Page 16 |
| Marijuana Worker Permit           | Page 17 |
| Medical Marijuana                 | Page 19 |
| Personal Use                      | Page 20 |
| Processor                         | Page 23 |
| Producers                         | Page 25 |
| Product Testing                   | Page 28 |
| Recreational Marijuana in General | Page 29 |
| Renewals                          | Page 30 |
| Research Certificate              | Page 31 |
| Retail                            | Page 31 |
| Security                          | Page 34 |
| Taxes                             | Page 35 |
| Transportation & Delivery         | Page 35 |
| Wholesaler                        | Page 37 |
| Waste Material                    | Page 37 |
| Water Rights                      | Page 37 |

## **Cannabis Tracking System (CTS)**

**Q: Can an Oregon business provide the UID tags?**

**A:** The UID tags must be purchased by Franwell.

**Q: How much do the tags cost?**

**A:** The tags cost approximately \$.25 to \$.45 per tag.

**Q: When is a tracking code required on a plant?**

**A:** When the plant reaches 24 inches of height, it will need a UID. However all plants need to be tracked. When a plant is immature, it may be included in a larger lot under single ID.

**Q. When I create a package in CTS does this mean the marijuana needs to be physically packaged?**

**A:** No, a package in CTS is a quantity of product tracked for inventory purposes. This is not a physical package, but those marijuana items will have a UID tag associated with that quantity of product.

**Q: Who must use CTS?**

**A:** All OLCC license types, and OMMP grow sites with 3 or more registered patients.

**Q: Who needs to take CTS training?**

**A:** The licensee must attend and complete all required trainings to be a CTS administrator, and can subsequently ask other persons in the licensee's operation to be an administrator as well. All persons using CTS must be trained by an administrator prior to use.

**Q: How much does the CTS access and training cost?**

**A:** Participation costs are included in the license fee.

**Q: When will we have access to the CTS?**

**A:** An OLCC licensee will have access to the CTS after an OLCC regulatory specialist certifies the licensee and/or his designated CTS administrator are competent on the CTS. The OLCC, in partnership with Franwell Metrc, provides a range of CTS education and training including: large group workshops, small group training and webinars. You can find more information on CTS [here](#).

## **Consumers**

**Q: How do I know if a retail store is licensed by the OLCC?**

**A:** The OLCC keeps an updated list of all licensed retail stores on our website, we also have a [map](#) so you can easily find locations around the state.

**Q: Will the OLCC distribute marijuana out of a central warehouse?**

A: No. Marijuana will be distributed by those who hold an OLCC recreational marijuana license.

**Q: Will there be a quota for how many retail outlets will be allowed?**

A: There is no quota for the number of retail licenses we will be issuing at this time.

**Q: How much marijuana is in a pound?**

A: A pound is 16 ounces or 453.592 grams.

**Q: How much marijuana can I purchase?**

A: A customer cannot purchase more than the following amounts at any one time or within one day:

- One ounce of usable marijuana if a recreational consumer;
- Eight ounces of useable marijuana at any one time or within one day, and no more than 32 ounces in one calendar month if an OMMP registry identification cardholder or designated caregiver;
- 16 ounces of a cannabinoid product in solid form;
- 72 ounces of a cannabinoid product in liquid form;
- Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system;
- Four immature marijuana plants; and
- Ten marijuana seeds.

**Q: I'm a registered OMMP patient, but I'm 18 years old. Can I buy medical marijuana from an OLCC retailer?**

A: OLCC retailers selling marijuana for medical purposes can sell medical marijuana to OMMP patients 18 years of age or older.

**Q: What's medical grade marijuana?**

A: Medical grade means marijuana items that have a higher THC concentration limit compared to items sold to recreational customers. For example a recreational customer can buy a package of edibles that contains up to 50 mg of THC and each serving size in that package can be up to 5mg of THC. A medical grade edible sold to an OMMP registered patient can contain up to 100 mg of THC per package and there is no maximum serving size for medical grade edibles.

## Fees

**Q: Does the licensing fee have to be paid no matter what?**

**A:** The licensing fee is only due upon approval of the application. If the application is approved, it is the applicant's business decision to move forward and pay the applicable fee. Until the application fee is paid the application is considered approved, but incomplete. No licensed activity can take place until the time of payment.

**Q: How are fees re-examined on the need for the OLCC to "break even" on costs?**

**A:** They will be adjusted based on the actuals costs of administering the program.

**Q: Will there be a cap on the license fees?**

**A:** OLCC is currently authorized only to collect fees necessary to recover the costs of administering the program.

**Q: What does the charge show on my bank account when paying for the fees?**

**A:** It shows as application of license fee.

**Q: Can you take cash payments for fees?**

**A:** The OLCC accepts electronic payments only for the application fee. OLCC may be able to accept cash payments for the license fee. However this will require an appointment and may take time to arrange, resulting in the delay of license acceptance. The online system accepts most major credit cards. Cash cards are available in large denominations at many local retail outlets across the State and may be used to streamline your e-government service experience with the OLCC.

**Q: Once approved for a license, how long do we have to pay the license fee?**

**A:** There is currently no set timeframe as to when a license fee is due.

**Q: Are the fees the same if I transitioning from the medical marijuana program?**

**A:** Yes the fees are the same if transitioning from the OHA's medical program to the OLCC program.

**Q: Is there a separate fee for the LUCS?**

**A:** The local jurisdiction processing the LUCS may have an applicable fee which it charges. The fee is paid directly to the local government.

## Forms

**Q: What supporting documentation is required to be submitted with the application?**

**A:** This is dependent on license type. You are encouraged to read the Division 25 rules which indicate which items need to be submitted with your application. Marijuana.Oregon.gov also contains a licensing checklist, which you may find useful for preparing your application.

**Q: Do I have to report people who own less than 10% of a business?**

**A:** Yes. You need to report all people with a financial interest in your business.

**Q: For employee qualifications and training what do I have to submit?**

**A:** The OLCC does not dictate this form. This is left to the applicant.

**Q: If I'm on well water, what are the requirements for using it for a recreational marijuana business?**

**A:** You must disclose the source of the water used for your business and you may be subject to water rights. Refer to the Business Readiness Guide and the Oregon Department of Water Resources website for more information regarding water rights.

**Q: Where do we upload the forms?**

**A:** There is a supporting documentation section in the online application where you can upload all required forms.

## General

**Q: What licenses are available?**

**A:** There are six types of recreational marijuana licenses: Producer, Processor, Wholesaler, Retail, Laboratory, a Certificate for Research, and a Hemp Certificate. A producer is also known as the grower. A processor is a business that will transform the raw marijuana into another product (topicals, edibles, concentrates, or extracts). A wholesaler is a business that buys in bulk and sells to licensees rather than to consumers. A retailer is a business that sells directly to consumers. A laboratory will test marijuana based on rules established by the Oregon Health Authority. To receive a Laboratory license a Lab must be accredited by the Oregon Environmental Laboratory Accreditation program (ORELAP). The Hemp Certificate allows persons that are registered with the Oregon Department of Agriculture (ODA) to transfer hemp flower, extracts, or concentrates to OLCC licensed processors who hold an Industrial hemp processor endorsement

**Q: Is the OLCC still accepting license applications?**

**A:** Yes, the OLCC began accepting license applications for recreational marijuana on January 4, 2016, and businesses can still apply.

**Q: How much are the licensing fees?**

**A:** A non-refundable application fee of \$250 is required for all license types.

-Producers:

-Micro Tier I: \$1,000

-Micro Tier II: \$2,000

-Tier I: \$3,750

-Tier II: \$5,750

-Medical Canopy: \$100

-Processors: \$4,750

-Wholesalers: \$4,750

-Retailers: \$4,750

-Micro Wholesaler: \$1,000

-Laboratories: \$4,750

-Sampling Laboratory: \$2,250

-Hemp Certificate: \$500

**Q: How many licenses can I have?**

**A:** A licensee may hold multiple licenses and multiple license types.

**Q: Who will be eligible for a marijuana license?**

**A:** Anyone over 21 years of age and older will be eligible for a recreational marijuana license who meets all requirements as outlined in OLCC Division 25 rules.

**Q: Can I sell or make marijuana products for pets?**

**A:** OLCC retailers may not sell marijuana products that are specifically to be consumed by animals.

**Q: What if my city/county wants to go “dry?”**

**A:** The Oregon Legislature allows local governments to opt out of the program through the adoption of a local ordinance. Contact your local municipality directly to verify what their current policies are on marijuana businesses in their jurisdiction.

**Q: Can a license be transferred?**

**A:** Licenses are not transferrable. However, a licensee that proposes to change its corporate structure, ownership structure, or change who has a financial interest in the business may do so by submitting a form prescribed by the Commission prior to making the change. If a licensee has a change in ownership that is 51% or greater, a new application must be submitted.

**Q: Is there a limit to the number of licenses that will be issued?**

**A:** No. There is no limit to the number of licenses the OLCC will be issuing.

**Q: Is there a closing date on applications?**

**A:** No, there is no closing date for accepting applications.

**Q: Do you have a time frame for how long it will take to get a license?**

**A:** The Oregon Liquor Control Commission announced on May 30, 2018 it will temporarily shift licensing staff to exclusively process recreational marijuana license renewals and applications for recreational marijuana licenses **received by June 15, 2018**. Any applications for recreational marijuana submitted after June 15 will be set aside for processing until the OLCC processes outstanding applications and renewals in the queue. This [bulletin](#) provides the most up to date guidance on license processing times.

**Q: If I do not have computer access is there a paper application?**

**A:** The application is only available online.

**Q: Do you have to be an Oregon resident to receive a license?**

**A:** No, there is no residency requirement.

**Q: How much information do capital investors have to disclose to the OLCC?**

**A:** We will ask amount and description. OLCC may require additional information be included in the interested parties section. We ask potential applicants to use their best judgment in regards to disclosing information, it is important to not appear as if you are hiding information in the application.

**Q: Are applications time stamped?**

**A:** Yes, due to the nature of an online system. The date/time stamped on the application will not be used to determine the order of issuing licenses.

**Q: Can all license types buy and purchase from each other?**

**A:** Yes, however there are certain restrictions regarding who can buy what items. You are encouraged to read Division 25 rules and review all the specific privileges under each license type. For example: a producer may not sell useable marijuana to another producer, only immature plants and seeds.

**Q: Can my attorney complete the application for me?**

**A:** Yes, the OLCC does not prevent business representatives from applying for the license on behalf of their applicant clients, however the applicant must be the e-signatory on the application.

**Q: Can we apply for a license even though the building isn't complete?**

**A:** Yes, you may apply for your license even though the building, security measures, etc. are not complete, however all items must be in place prior to license approval. You must have a premises address to apply for a license.

**Q: Does my on-site facility manager have to be a two year resident?**

**A:** No, all residency requirements were removed in 2016 legislation.

**Q: Are applicants with a complete application expected to go through the licensing process quicker?**

**A:** We are unable to determine the time it will take to process individual applications, since each application is approved/denied on a case by case basis. However the more documents you have up front the better.

**Q: Will we be required to submit information for spouses?**

**A:** An applicant's spouse is considered a person with financial interest and their information is required to be included in the application whether they are involved in the business or not.

**Q: Am I required to own the land I'm using for my license or can I rent? At the time of application the Division 25 rules indicate you need to prove lawful possession of the property. Do I have to hold the lease until my application is approved?**

**A:** It is not required to own the property that is being used for the license. You will need to provide verification you have the legal right to use the land proposed for business. A draft lease or agreement referencing the circumstance between the potential licensee and the property owner may be acceptable when submitting the application, but any such lease or agreement will need to be executed prior to license issuance.

**Q: If one of my applicants has an outstanding tax burden will this affect our license?**

**A:** Each application is reviewed on a case by case basis.

**Q: If I am teaching an education class on growing marijuana do I need a license?**

**A:** If you are within the laws of personal possession, then no. If you are intending to sell marijuana products then you will need a license.

**Q: If I want to apply as the DBA which SOS registration do I use?**

**A:** If you are applying with the DBA business information, then you should use the corresponding SOS registration number with that DBA.

**Q: Are franchises a possibility?**

**A:** Yes, there is nothing in our current rule language prohibiting franchises.

**Q: Once I'm approved for a license am I required to operate my business immediately?**

**A:** There is no requirement to operate your business as soon as you've received your license. This is your personal business decision.



**Q: If I have a criminal background will I be denied approval for a license?**

**A:** We are unable to confirm if an application will be approved or denied as each application is considered on a case by case basis. However it is important to provide as much information as possible so as not to appear as if you are withholding or providing false information.

**Q: Do employees need to be listed on the application?**

**A:** No, however a log of all employees will be entered into the Cannabis Tracking System (CTS).

**Q: Are there resources available for those interested in transitioning from an agricultural farmer to a marijuana producer?**

**A:** You may wish to contact the Oregon Department of Agriculture. They have a cannabis coordinator who may be able to assist.

**Q: What happens if I feel the investigator reviewing my application is abusing their power?**

**A:** OLCC has a process for making complaints against employees. If you feel a final decision adversely affects your license, you are entitled to pursue a hearing under ORS Chapter 183.

**Q: Can I have all of my licenses in one building?**

**A:** The language in Division 25 rules does not prevent different license types from being located on the same property. However Chapter 475B does indicate the Oregon Liquor Control Commission may require a premises to be segregated into separate areas if there appears to be a reason for the licensed areas to be separated. All applicants should also be in compliance with local government regulations. Although Division 25 rules do not require segregation, the local government may have specific restrictions on this matter. The OLCC recommends applicants work with local governments to ensure compliance.

**Q. I would like to split a warehouse into multiple areas and rent the space to licensees. Is this possible?**

**A:** Yes, for most license types. Indoor growers may be located in the same building as long as they are not under common ownership. With the exception of those processors sharing a commercial kitchen, all licenses should have their own separate address (suite/unit).

**Q: What information will be subject to public records requests?**

**A:** Some application information is subject to disclosure under Oregon's Public Records Law. There are exceptions to disclosure, including addresses, select proprietary information, and security details. If necessary the OLCC will work with the Department of Justice to determine if specific application information should be considered public or confidential under Oregon Public Records Law.

**Q: Can I open a smoking lounge?**

**A:** Public consumption is still prohibited under law. Licensure for a cannabis café allowing public use would require a statutory change. Also, cannabis falls under the regulation of Oregon's Clean Air Act in 2016.

**Q: Are there limits in regards to how much marijuana can be transferred between license types?**

**A:** No limit has been established at this time. We encourage applicants to research Oregon Department of Transportation laws and Division 25 rules.

**Q: How is banking handled? Banks won't work with me because marijuana is illegal federally?**

**A:** The OLCC does not set banking regulations.

**Q: What level of debt can an applicant have while applying?**

**A:** The OLCC does not check credit.

**Q: Can I charge for the tours that I conduct on the premises?**

**A:** OLCC Division 25 rules do not prohibit charging for tours conducted on premises. However, all tours must comply with requirements in rule.

**Q: I want to move my licensed premises, how do I do this?**

**A:** Changing the location of a business requires submittal of a Change of Location application and payment of the \$1,000 review fee.

**Q: If I want to be a contractor to perform work at licensed premises do I need a license?**

**A:** This will depend on the circumstances of the financial interest and work performed. In general, a contractor who is paid a set fee to do work will not be required to be licensed under the OLCC licensing system. Profit-sharing arrangements may constitute a financial interest requiring a license.

**Q: How will the grower/processor know that the retailer is licensed? Will licensees be able to check with the OLCC about license status?**

**A:** OLCC has a list of retail licensees posted on our website and it is updated on a weekly basis. The license will be available for electronic download and must be printed and posted on the licensed premise, according to OLCC Division 25 rules. When transferring product to another licensee, a manifest through CTS is required, which lists the receiving licensee's CTS information and confirms that they have an active license.

**Q: How do you define out of ordinary compensation for financial interest?**

**A:** Out of the ordinary compensation would be paying an employee at a much higher rate than others doing the same job. If your investigator thinks someone is receiving an unreasonable rate of pay they may inquire why and how the business decision was made.

**Q: How do we do the background check?**

**A:** Fieldprint, in coordination with the Oregon State Police, will be used to perform the background check on all persons where this is required. You will be notified by the investigator

reviewing your application who is affected and if/when it is time to get your fingerprints taken for the background check.

**Q: Will we receive notice before an inspector visits the premises?**

**A:** After licensure the inspector may visit the premise at any time, however there is no intention to continuously visit a premise unannounced unless a reason arises to do so.

**Q: Is there a minimum or maximum facility size?**

**A:** No, except that a producer's canopy area may not exceed the maximum allowed by their license type.

**Q: How long is the license good for?**

**A:** The licenses are annual from the date of payment.

**Q: What is the minimum age of the workers on a site?**

**A:** All employees must be 21+.

**Q: What if there's a change to the business structure after a license is issued?**

**A:** There is a change of business structure form that must be completed prior to the change occurring, as indicated in the OLCC Division 25 rules.

**Q: Can a liquor licensee apply for a recreational license?**

**A:** Yes, but the proposed business may not be at the same location as the liquor establishment.

**Q: How do we submit the [LUCS](#) request form?**

**A:** After submitting the [LUCS](#) to your local jurisdiction and paying their local fee, applicants should return the final LUCS to the OLCC with the initial application or upon request by OLCC staff. OLCC will then verify with the local government that all information on the form is correct.

**Q: If I submit an Outdoor Producer application will I be licensed in time to participate in this grow season?**

**A:** Based off of the current trend the outdoor producer license investigations are averaging about 3-4 months once assigned to an investigator, but may be longer or shorter depending on various factors. OLCC will accept applications for all license types at any time, but you will need to make your own judgment, based on this current average, whether submitting your application will work for your business.

**Q: I received a Producer license from the OLCC and would like to know when I can sell my product into the recreational marijuana market?**

**A:** A producer may sell or transfer their recreational product to any OLCC licensed Processor, Wholesaler or Retailer. A producer cannot sell or transfer their recreational product directly to consumers.

**Q: I have been in Local Government Review for a long time but have already submitted my approved Land Use Compatibility Statement (LUCS). What does this status mean?**

A: Once the OLCC has noted the receipt of your processed or submitted LUCS your status will be changed to Local Government Review. You will remain in Local Government Review until your application has been assigned to an investigator.

**Q: I submitted my application months ago and haven't been contacted by anyone from the OLCC.**

A: The OLCC is working diligently to process the hundreds of applications that have been submitted. You will be contacted directly by your investigator once your file has been assigned.

**Q: I have submitted an application and have questions about it. What information does the OLCC need in order to answer my questions about my application?**

A: Any time you contact the OLCC with questions it will be extremely helpful for you to provide your Record ID number. This is a number that you can easily find by logging into your application, and will be on the same line as your application on your license dashboard.

**Q: I submitted my license application but would like to upload updated documents to it. How do I do this?**

A: Please wait until you have been assigned an investigator, you may contact your investigator and ask them to help you upload documents to your application.

## **Hemp**

**Q: I'm an industrial hemp grower how can I get my hemp into the OLCC market?**

A: ODA registered hemp growers can transfer industrial hemp items to OLCC licensed processors that have a hemp endorsement. You must apply and be approved for an OLCC hemp certificate to be able to transfer those items. Effective Friday, April 13, 2018 the OLCC temporarily stopped accepting applications for new hemp certificates for Oregon Department of Agriculture registered growers and handlers until rulemaking is completed and the agency can implement HB 4089.

**Q: I'm a registered ODA Hemp Handler how can I get my hemp into the OLCC market?**

A: ODA registered hemp handlers can transfer industrial hemp concentrates or extracts to OLCC licensed processors that have a hemp endorsement. You must apply and be approved for an OLCC hemp certificate to be able to transfer those items. Effective Friday, April 13, 2018 the OLCC temporarily stopped accepting applications for new hemp certificates for Oregon Department of Agriculture registered growers and handlers until rulemaking is completed and the agency can implement HB 4089.

**Q: If I'm an ODA registered hemp grower or handler can I give hemp items directly to OLCC retailers?**

A: No, effective December 28, 2017 only OLCC processors may receive hemp items from ODA registered hemp growers or handlers. Once our licensed processors receive those items the, the OLCC processor can then give those hemp items to OLCC retailers.

**Q: If I'm an OLCC processor, how do I know that the item I'm receiving is actually industrial hemp?**

A: Prior to receiving the hemp item from an ODA registered hemp grower or handler you must receive a copy of their ODA test results which should indicate the hemp item has passed.

**Q: If I'm an OLCC processor can I mix industrial hemp and marijuana together prior to making a concentrate or extract?**

A: No. Industrial hemp must first be processed into an extract or concentrate on its own and tested to verify it does not contain more than 5% THC. After the testing is completed it can be combined with marijuana.

**Q: If I'm an OLCC processor can I mix industrial hemp items and marijuana items together after necessary testing to make a different product?**

A: Yes, OLCC processors with a hemp endorsement can make a product that contains both industrial hemp and marijuana, the resulting end product will be considered a marijuana item.

**Q: I'm an OLCC retailer and I have industrial hemp inventory that didn't come from an OLCC processor. What do I do with this remaining inventory?**

A: Effective December 28, 2017 OLCC retailers can no longer receive industrial hemp items from non-OLCC licensees. Any old industrial hemp inventory that meets the previous rule requirements could be sold until April 1, 2018.

**Q: What type of hemp products can an ODA registered grower or handler transfer into the OLCC licensing system?**

A: Only industrial hemp, industrial hemp extract and industrial hemp concentrates. Finished products (ready for consumer sale) may not be transferred into the OLCC system.

**Q: If I'm an OLCC processor how do I apply for a hemp processing endorsement?**

A: Hemp endorsement application forms are available on the OLCC website. If you are planning to receive raw hemp material to process into concentrates or extracts the ODA may require you to obtain a hemp handlers license; you can find the ODA hemp handler's application forms on their website.

**Q: If I'm an OLCC wholesaler who can I receive hemp from?**

A: You can receive hemp items from an OLCC licensed processor with a hemp endorsement.

**Q: If I'm an OLCC retailer what license type can I receive hemp from?**

A: A retailer can receive hemp items from an OLCC licensed processor with a hemp endorsement or from OLCC licensed wholesalers.

**Q: Since hemp items will be in CTS, are they taxed?**

A: No. Hemp items are not taxed, unless they are mixed with marijuana. For example a chocolate bar made with half hemp extract and half marijuana extract would be considered a marijuana item, and would be taxable.

**Q: I'm an OLCC processor, can I process hemp for an ODA registered grower or handler and transfer the extract or concentrate back to them?**

A: No. Once the hemp is in the OLCC system it is required to stay in the system until sale to a consumer at the retail level. An OLCC processor may transfer to another OLCC licensed processor, wholesaler, or retailer.

## **Labeling & Packaging**

**Q: Who came up with the 5mg limit for edibles?**

A: This was determined by the OHA. By law, the OLCC is required to accept the OHA established limit.

**Q: Are we unable to use the words: candy, sweet, or delicious on the label?**

A: It is important to keep in mind the intent is for marijuana products to **NOT** be appealing to children. Businesses should use common sense in regards to what is appealing to children, and to remember all items should be geared towards adults.

**Q: Who is able to package products?**

A: All license types.

**Q: Who has to meet packaging for sale requirements?**

A: All license types.

**Q: How can I learn more about the packaging and labeling pre-approval process?**

A: The OLCC website has a section dedicated to packaging and labeling, you can find tutorials, rules and training videos [here](#).

**Q: Is child resistance required for the initial use or for each subsequent use?**

A: If there are multiple servings of a cannabinoid concentrate, extract or product, the package must be child resistant at all times. Usable marijuana is only required to be in a child resistant package at time of sale.

**Q: After the most recent rule changes for packaging and labelling, can I continue to sell my product with its current label?**

**A:** On August 15, 2018, new packaging and labeling rules went into effect. As a result the status of all labels approved before August 15, 2018 have been changed to “Resubmission Required.” Producers, processors, and wholesalers must transfer all of their previously approved label inventory to retailers before April 1, 2019. If they do not, the product will have to be relabeled or destroyed. Retailers may sell down products with previously approved labels through December 31, 2019. Starting January 1, 2020, marijuana items and industrial hemp commodities and products with labels approved prior to August 15, 2018, can no longer be sold, offered for sale, or transferred to a consumer, patient, or designated primary caregiver. Read the specific rules at: OAR 845-025-7190.

## **Local Government - Opt-Out**

**Q: Multiple cities and counties are opting out. What if the city/county opts-out after I’ve submitted my application?**

**A:** This is a local government issue and the OLCC does not have any oversight in these matters. Potential applicants are encouraged to work with their local governing body to understand where it may stand on the “opt out” matter. Per statute, the OLCC must deny applications where the business is located in a jurisdiction that has opted out. The OLCC website has a list of currently opted-out cities and counties [here](#).

**Q: My city/county has opted out. Can I open a business in another jurisdiction?**

**A:** OLCC Division 25 rules do not prevent residents currently living in a city/county that has opted-out from applying outside their jurisdiction.

**Q: My property is in unincorporated land, but has a city address. The city has opted out. Does the city opt out affect me?**

**A:** You should contact your local government to confirm if your property falls under city or county jurisdiction. The opt-out may affect you depending on its response.

**Q: Is it possible to still apply if my city/county has opted out?**

**A:** Yes, however OLCC will propose denial based on denial criteria in statute.

**Q: Are there any deadlines for the local municipalities to opt-out?**

**A:** Those cities and counties that voted 55% or more in opposition to Measure 91 had until December 27, 2015 to adopt an ordinance without putting the decision to a vote on the next general election. For all other cities/counties that are putting the matter on the next general election, there is no deadline.

## **Local Government – Zoning**

**Q: Is there a 1,000 foot distance rule between OLCC recreational marijuana licenses?**

**A:** The OLCC currently does not have a 1,000 foot rule between recreational businesses. However local municipalities have the ability to adopt restrictions regarding time, place, and manner. You are encouraged to work with your local government directly to be in compliance with their rules.

**Q: Is it acceptable to have an OLCC business on an area zoned rural residential?**

**A:** The OLCC does not have any restrictions regarding rural residential zoned areas. This is up to the local jurisdiction.

**Q: Does a college meet the definition of school?**

**A:** Oregon statute defines a school as:

(a) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(b) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a)

**Q: If someone lives in an industrial area is it considered residential?**

**A:** OLCC does not regulate local zoning code. However if a location meets the definition of a “primary residence,” the OLCC is prohibited from licensing a primary residence.

**Q: What are the zoning requirements of an outdoor grow?**

**A:** This is a local decision. OLCC only needs the LUCS to show that the use is permitted.

**Q: Is there a separate fee for the LUCS?**

**A:** The local jurisdiction processing the LUCS may have an applicable fee which it charges. The fee is paid directly to the local government.

**Q. I would like to grow in my basement which has an entrance separate from my home. Is this allowable?**

**A.** No, a basement would be considered part of a primary residence.

## **Marijuana Worker Permit**

**Q: Who needs to have a marijuana worker permit?**



**A:** All employees who perform work on behalf of an OLCC licensed producer, processor, wholesaler, or retailer, including the licensees working in a licensed business or managing information in CTS must possess a marijuana worker permit if they participate in any of the following:

- Possession, production, propagation, processing, securing or selling of marijuana items at the premises for which the license has been issued;
- Recording of the possession, production, propagation, processing, securing or selling of marijuana items at the premises for which the license has been issued;
- The verification of any document described in ORS 475B.170; or
- The direct supervision of a person described above.

**Q. How do I apply for a permit?**

**A:** Go to <http://www.oregon.gov/olcc/marijuana/Pages/mjworkerpermit.aspx>

**Q. How much does the worker permit cost?**

**A:** The worker permit fee is \$100 and is only due upon approval.

**Q: I took the on-line test for my workers permit, where is my permit?**

**A:** Taking the online test is just the first step. To complete the process you need to [apply for your worker permit online](#). Click on Register for a Worker Permit account and follow the directions that follow.

**Q: When I try to login, it says that I don't have a valid token or password. What do I do?**

**A:** You may use the same USERNAME and PASSWORD as you did for the testing site if you would like, however the website for the online test and the application need to be registered for separately.

**Q: I got locked out of my account or forgot my password. Should I just create a new account?**

**A:** No. Please email your USERNAME to [marijuana.licensing@oregon.gov](mailto:marijuana.licensing@oregon.gov) from the email address you used to register your account. You will receive an email response within 24 hours during regular business hours, M-F, 8am-5pm. Please allow for the next business day if you submit your request after 5pm on Fridays

**Q: I got an email stating that my account is in a DRAFT status or that I have something pending. How do I fix this?**

**A:** Do not create an additional account. Log in to your account and follow the directions listed in the email.

**Q: How will I know when I can pay for my Worker Permit?**

**A:** You will receive an email indicating a change in status, from NICUSA, at the email address you provided upon registration.

**Q: Will the OLCC be sending me my worker permit in the mail?**

**A:** No. Worker Permits are available to be printed from your account dashboard after payment. Log in, click on Print my Worker Permit and print it off. This is what a Recreational Marijuana Worker Permit should look like:



**Q. How do I know if my criminal convictions will make me ineligible for a permit?**

**A.** Denial criteria is located in the OLCC Division 25 rules, [OAR 845-025-5540](#).

**Q: I completed a background check for the marijuana application, do I need another background check for the worker permit?**

**A:** Yes, a separate background check is required for the worker permit application. This will be processed directly by OLCC. You will be contacted by an email from [marijuana.workerpermit@oregon.gov](mailto:marijuana.workerpermit@oregon.gov) if additional information is needed.

**Q. I work as a trimmer, why do I need to learn about checking ID's?**

**A.** All marijuana workers will take the same test, this will allow for you to change jobs within the industry if you so desire.

**Q. I am planning to work for a producer over the summer and go back to school in the fall, since I'm only working 3 months do I need a permit?**

**A.** Yes, all employees, even seasonal employees need a worker permit.

**Q: I work at an OHA medical dispensary - do I need a worker permit?**

**A:** Worker permits are only required for employees of businesses licensed by the OLCC. However, some medical marijuana businesses may ask you to get a worker permit.

## Medical Marijuana

**Q: If you're currently a grower for the Medical Marijuana Program can you still participate in the OLCC Recreational marijuana program?**

**A:** Yes, those currently registered as growers for the Medical Marijuana Program under the OHA may still participate in the OLCC recreational program at separate locations. If approved for the medical canopy, OLCC licenses are able to grow medical grade products without being registered under the medical program.

**Q: I currently have a Medical Dispensary registered under the OHA. Can I co-locate, using the same address for my OLCC licensed retail store?**

**A:** Currently the law does not allow co-location of dispensaries and OLCC licenses. It may be possible for medical marijuana and recreational marijuana businesses to be located in the same building that has different suites/units in the building. However each suite/unit would need its own address and must be completely separate. No sharing of facilities, space, or marijuana products will be permitted.

**Q: Can an OMMP grower sell products to an OLCC licensed retailer?**

**A:** No, all marijuana items in an OLCC licensed retail store must come from within the licensed supply chain. However, growsites that are registered with the OHA and tracked in METRC may be able to transfer up to 20 lbs of useable marijuana per year directly to our OLCC licensed wholesalers or processors.

**Q: If I currently own a Medical Marijuana Dispensary and I apply for an OLCC license, do I have to close up my dispensary until I've approved?**

**A:** No, you may continue your medical business as normal until the time of approval, assuming you are following OHA rules. Once approved for an OLCC retail license you must cease all medical business practices and no medical marijuana products may be located on the licensed premises. The investigator reviewing your application will keep you informed of the status of your application, you will know when it is the appropriate time to possibly sell down all medical products to prepare for OLCC licensure.

**Q: I was selling recreational marijuana at my Medical Dispensary do I still need to apply for an OLCC recreational retail license or am I grandfathered in?**

**A:** Medical dispensaries that were selling limited amounts of recreational marijuana were not grandfathered into the OLCC recreational marijuana program. You are encouraged to read all OLCC Division 25 rules if you're interested in applying for an OLCC license.

**Q: When I enter in my financial information are you asking where I obtained my funding sources when I first started my medical business?**

**A:** No, the intent is where you're obtaining your current funding sources for your proposed business.

**Q: Is the sales tax on marijuana 17% or 20%?**

**A:** OLCC licensed retailers are subject to the 17% sales tax at the state level and up to an additional 3% at the local level.

**Q: Are funding sources required to be seasoned?**

**A:** There is no requirement for sources to be seasoned in a bank account.

**Q: Is there any benefit for potential applicants to already having a business prior to licensure?**

**A:** The OLCC is not giving preferential treatment to already established businesses.

## **Personal Use**

**Q: When can I smoke/use recreational marijuana?**

**A:** As of July 1, 2015, Oregonians are allowed to grow up to four plants on their property, possess up to eight ounces of usable marijuana in their homes and up to one ounce on their person. Recreational marijuana cannot be sold or smoked in public. For more information go to: [www.whatslegaloregon.com](http://www.whatslegaloregon.com).

**Q: Where and when can I buy marijuana?**

**A:** You may purchase marijuana items at an OLCC licensed retail location.

**Q: How much marijuana can I have?**

**A:** The personal possession limits are:

- One ounce of usable marijuana on your persons in public;
- 8 ounces of usable marijuana in your home;
- 16 ounces of a cannabinoid product in solid form;
- 72 ounces of a cannabinoid product in liquid form;
- Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system;
- Four marijuana plants; and
- Ten marijuana seeds.

**Q: What is meant by "useable" marijuana?**

**A:** Useable marijuana refers to dried marijuana flowers or leaves. In other words, marijuana that is ready to smoke.

**Q: Can I grow marijuana at home and when?**

**A:** Yes, with limits. As of July 1, 2015, Oregonians can home grow of up to four plants per residence, regardless of how many people live in the residence. Four adults in one residence does not mean 16 plants. The limit is four per residence.

**Q: Is synthetic marijuana legal?**

**A:** No, the Oregon Board of Pharmacy has voted to ban sale and possession of synthetic marijuana. Synthetic marijuana is comprised of a number of different chemicals, none of which are derived from the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The chemicals contained in synthetic marijuana have been added to the Oregon Board of Pharmacy's list of controlled substances.

**Q. Can a landlord tell tenants not to grow recreational marijuana or smoke in rental units?**

**A.** Chapter 475B does not affect existing landlord/tenant laws.

**Q: What if an employer requires drug testing?**

**A:** Chapter 475B does not affect existing employment law. Employers who require drug testing can continue to do so.

**Q: Can I smoke marijuana in a bar/restaurant?**

**A:** No. Marijuana cannot be smoked or used in a public place. The OLCC considers any establishment with a state liquor license to be public, including patios or decks set aside for smokers. Allowing marijuana use may put an establishment's liquor license in jeopardy. In addition, smoking and vaping in most businesses is limited by the Indoor Clean Air Act.

**Q: What is the definition of a public place?**

**A:** Chapter 475B defines a public place as "a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation."

**Q: Who can smoke recreational marijuana? What is the minimum age?**

**A:** As of July 1, 2015, anyone at least 21 years of age can consume recreational marijuana in Oregon. Marijuana use or possession of recreational marijuana by anyone under 21 years of age is illegal. That includes home consumption.

**Q: Who will enforce recreational marijuana laws?**

**A:** Enforcement of the home grow/personal possession provisions of Chapter 475B will be at the discretion of local jurisdictions, the state police and possibly other law enforcement agencies. The OLCC is responsible for enforcement actions against businesses that the OLCC licenses to grow, process, wholesale and sell recreational marijuana and related products.

**Q: How much will recreational marijuana cost?**

**A:** The retail price of recreational marijuana will be determined through a competitive marketplace.

**Q: Can Oregon recreational marijuana be taken to the state of Washington or California where it is also legal?**

**A:** No. Taking marijuana across state lines is a federal offense.

**Q: How will children be protected from recreational marijuana and marijuana products?**

**A:** Chapter 475B prohibits the sale of recreational marijuana to anyone under the age of 21. The act also gives OLCC authority to regulate or prohibit advertising. In writing the rules necessary to implement the new law, the OLCC may also regulate packages and labels to ensure public safety and prevent appeal to minors.

**Q: Can I get a DUII while under the influence of marijuana?**

**A:** Yes. Current laws for DUII have not changed. Driving under the influence of intoxicants (DUII) refers to operating a motor vehicle while intoxicated or drugged, including impairment from the use of marijuana. In addition, Measure 91 requires OLCC to examine, research and present a report to the Legislature on driving under the influence of marijuana. The OLCC will do this in conjunction with the Department of Justice Criminal Investigation Division and Oregon State Police.

**Q: Can I lose my job for using marijuana?**

**A:** That depends on who you work for and what your employer says about the use of marijuana by employees. Passage of Chapter 475B does not change existing employment law in Oregon.

**Q: Where will marijuana stores be located?**

**A:** Unless meeting the exemptions in Oregon Law 2017, Ch. 7 and 613, Marijuana retailers may not be located within 1000 feet of a school, unless they meet specific exemptions. All licensed businesses must be located in an area that is appropriately zoned. Also, local jurisdictions have authority to adopt reasonable regulations regarding the location of marijuana businesses, including regulations requiring that the businesses be located no less than 1000 feet from one another. To keep up to date, [click here](#).

**Q: Who collects the tax on recreational marijuana?**

**A:** Taxes on recreational marijuana will be collected by the Oregon Department of Revenue at the retail level.

**Q: Is it legal to possess or use recreational marijuana on Federal or Tribal land in Oregon?**

**A:** Chapter 475B does not address the possession or use of recreational marijuana on the land of Federally Recognized Tribes in Oregon. This is an issue between the Federal Government and Tribal Governments.

## **Processor**

**Q: Would pre-packaged food require ODA licensure?**

**A:** The ODA is the best source for clarification regarding its policies on such food establishments.

**Q: ODA differentiates between a kitchen and a bakery. Does the OLCC differentiate between the two?**

**A:** No. You will require ODA certification for your operation, which is determined directly by the ODA.

**Q: For storage of edibles what is required?**

**A:** This is included in rule. Refer to the requirements regarding storage of marijuana products.

**Q: Can non-marijuana businesses share the commercial kitchen space of marijuana producers if there is a clear schedule?**

**A:** No, per Division 25 rules, non-marijuana food processing activity may not take place on the licensed premises.

**Q: I am a processor, can I process for OMMP and OLCC at the same location?**

**A:** No. The Oregon Health Authority (OHA) regulates medical marijuana system and the Oregon Liquor Control Commission (OLCC) regulates the recreational marijuana system. Medical and recreational marijuana businesses cannot share the same physical address.

If you want to sell medical grade cannabinoid products to an OLCC licensed retailer for sale to an OMMP cardholder, you must register with the OLCC to produce medical grade cannabinoid products.

**Q: What does Medical Grade mean?**

**A:** OLCC licensed processors may make products that meet the concentration limits for use by patients in the medical system. These products need to include the medical grade symbol on the product's principal display panel. This symbol will be provided during the packaging and labeling preapproval process. OLCC licensed retail stores can sell medical grade product to OMMP cardholders tax free, if the retailer registers with the OLCC to sell recreational marijuana for medical purposes.

**Q: I am an OLCC licensed processor. Who can I receive marijuana from?**

**A:** You can receive product from other OLCC licensees that have a Metrc account; all transfers between licensees must be done using a Metrc transfer manifest. There is a [list](#) on the OLCC website to help you find other licensees. Some OHA registered growsites will also have accounts in METRC, you may be able to receive product from those registrants in the future.

**Q: As an OLCC processor what testing, packaging and labeling rules do I need to follow?**

**A:** All of the following requirements must be met:

- Product needs to be tested by an ORELAP certified and OLCC licensed lab
- Packages must be approved by the OLCC
- Labels must be approved by the OLCC or be a generic label that is compliant with the labeling rules ([OAR 845-025-7000 – 845-025-7170](#))
- Must meet the recreational concentration limits established under [333-007-0210](#) or for medical grade [333-007-0220](#).

**Q: How does the one time inventory transfer for a processor work?**

**A:** To be eligible for the one time transfer:

- You must be listed as a processor on the OMMP website.
- The business to be licensed by the OLCC must be the same location as the medical marijuana processing site from which the inventory is to be transferred.
- Must meet the recreational concentration limits established under [333-007-0210](#) or for medical grade [333-007-0220](#).

**Q: Can I process items for OMMP cardholders?**

**A:** Yes, OLCC processors can process useable marijuana that they receive from an OMMP cardholder for a fee. You cannot receive more than 24 oz of useable marijuana from a single patient at a time, and can't receive more than 3 lbs of useable marijuana per a 12 month period.



## Producers

**Q: How many producer licenses can be on a tax lot?**

**A:** Multiple producers may be located on a tax lot as long as there is no common ownership between those licenses, and the presence of multiple producers on the same tax lot does not a risk of non-compliance with any of these rules.

**Q: What will the OLCC do to help farmers who can't sell their marijuana products?**

**A:** This is a legislative question, as the OLCC only has jurisdiction over licensing and regulating recreational marijuana operations.

**Q: How is canopy size measured?**

**A:** Square footage of canopy space is measured horizontally starting from the outermost point of the furthest plant in a designated growing space and continuing around the outside of all plants located within the designated growing space. If immature plants are grown on racks or shelving within the immature canopy, only the footprint of the area containing the immature plants will be used to calculate the immature canopy.

For licenses issued or renewed after April 1, 2018, a producer may designate no more than 20 quadrilateral immature and mature canopy areas, **or** no more than 20 canopy areas in alternative shapes and provide the Commission with a survey of the canopy space conducted by a Professional Land Surveyor licensed by Oregon State Board of Examiners for Engineering and Land Surveying that shows the canopy is within the licensed canopy limits.

All portions of any mature, flowering plant must be contained within the boundaries of the designated canopy area(s); it will be important to place your plants within the growing area in such a way that they do not grow over the boundaries of the designated space. Multiple grow canopy areas may be designed at the licensed premises but those spaces must be separated by a physical boundary such as an interior wall (for indoor grows) or by at least 8 feet of open space. Refer to [845-025-2040](https://www.oregon.gov/OLCC/Pages/845-025-2040.aspx) for more information.

**Q: I only want to grow within a quarter acre space, why should I pay for the full size?**

**A:** It is a business decision to decide how much to grow up to the amount allowed under the tiered canopy limit. You may consider applying for a lower tier of producer license.

**Q: I live on a farm and I understand a primary residence cannot be licensed, can I still be apply/be approved for a producer license?**

**A:** Yes. Under OLCC Division 25 rules a primary residence is not considered a part of the licensed premises. No license activity may take place inside the primary residence.

**Q: Part of my operation plan includes monthly rotation of the location of the mature canopy area. Is this allowed?**

**A:** This may be allowed, however licensees are required to notify the OLCC whenever a change of canopy designation is made, and the notification must take place before the canopy area is moved (not afterwards). When you submit your cultivation plan with your application you will describe your plans for canopy layout and movement.

**Q: Is light deprivation considered indoor production?**

**A:** No. Indoor production means using artificial lighting in any manner on mature marijuana plants.

**Q: If a processor wants to grow for its own use, does it need a producer license?**

**A:** Yes. Each type of operation needs a separate license.

**Q: Do I need to have a wholesale license in addition to my producer license to sell to retailers?**

**A:** Producers may sell marijuana they produce to retailers without a separate wholesaler license. Producers who want to sell marijuana that is grown by other licensed producers would need a separate wholesaler license.

**Q: If I'm interested in running a recreational marijuana nursery what type of license do I need?**

**A:** A producer license is required to cultivate marijuana and sell immature plants to other license types. A retailer license is required to sell immature plants directly to consumers.

**Q: I want to grow indoor part of the year and outdoor part of the year. Is this acceptable?**

**A:** Yes, this would fall under the mixed cultivation rules. When you submit your cultivation plan with your application you will describe your plans for canopy layout and movement, and a license investigator will verify that the ratio of indoor to outdoor canopy size does not exceed the allowable production limits.

**Q: Can I get multiple producer licenses at a single location to get a larger canopy size?**

**A:** No, but you may apply for additional licenses for different locations.

**Q: My kids live on our farm property. How does that work if businesses are 21+?**

**A:** A primary residence is not considered part of a licensed premises, so there are no restrictions in OLCC's Division 25 rules that prohibit minor children of a licensee from living on a licensed premises in this situation. However, minors are not allowed into areas of the licensed premises that are deemed "limited access areas". When you apply for a license you will be

required to submit an operating plan, which must describe how you plan on preventing minors from accessing those limited access areas.

**Q: Where do I obtain my starter plants once licensed?**

**A:** For producers licensed prior to July 1, 2018, [OAR 845-025-2060](#) addresses starter crop materials during the first 90 days of licensure. The OLCC cannot advise on where you may obtain your plants during that time.

**Q: Can I cure and dry at the same place?**

**A:** Yes. Please see the OLCC producer rules about harvest lot segregation for additional information.

**Q: Can I have both an indoor and outdoor license?**

**A:** Yes. If you intend to do mixed cultivation at a single location. Your canopy sizes at that location will be allocated proportionately. Alternatively, you can grow full canopy at separate locations.

**Q: I'm currently a vegetable farmer and want to be a recreational marijuana producer. Can I continue to grow my vegetable crops at the same property as my marijuana?**

**A:** Yes, but you will need to follow all of the OLCC producer rules for the licensed premises.

**Q: If I have two different tax lots can I have two different producer licenses?**

**A:** Yes, you may have one license per tax lot.

**Q. If I want to hold all license types (producer, processor, wholesale and retail) can I have them all at the same location?**

**A:** Yes, as long as all licensing criteria and local codes are met. However you cannot have more than one of the same license type at the same address or location.

**Q: Can I change my application once it has been submitted?**

**A:** If information needs to be updated/corrected, notify the investigator reviewing your application. However if your premises address changes, you will need to self-cancel your application and begin a new one, as you will also need to begin a new Land Use Compatibility Statement with your local governing body.

**Q: If I've already submitted my producer application can I start growing marijuana?**

**A:** No, only those that have been approved and issued a license can grow recreational marijuana plants (both mature or immature). However, 4 personal plants per household is still permitted. Those who are registered with the Oregon Health Authority's Medical Marijuana Program may also still grow their registered plants while awaiting approval.

**Q: My grow canopy area will either be 5,000 square feet outdoor, 1,250 square feet indoor, or less, do I still need a LUCS?**

**A:** All applicants are required to provide a LUCS unless they meet all of the requirements:

- The address is outside of city limits;
- At least one person responsible for a marijuana grow site located at the address first registered with the Authority under ORS 475B.420 before January 1, 2015;
- Each person responsible for a marijuana grow site located at the address first registered with the Authority under ORS 475B.420 before February 1, 2016; and
- The applicant is applying for a mature marijuana plant grow canopy of:
  - 5,000 square feet or less, if the marijuana is produced outdoors; or
  - 1,250 square feet or less, if the marijuana is produced indoors.

Those who are not required to provide a LUCS are still subject to local-opt out ordinances, OLCC is unable to issue a license in an opt-out area. Applicants who meet all of the above requirements are encouraged to contact their local jurisdiction to ensure compliance with other local regulations that may exist.

**Q: What is the “bump up?” Is it the same as the micro canopy tier?**

**A:** The micro canopy is different from the “bump up” option. The micro canopy refers to smaller tiers sizes that were introduced during the permanent rule making session. The “bump up” also called the medical canopy allows OLCC producer licensees to grow medical marijuana for registered OMMP cardholders at the same location as their producer license. OLCC licensees participating in the bump up will not be registered with the OHA. Those participating in the bump up can grow marijuana specifically for OLCC commercial purposes and can grow additional marijuana that is intended for registered OMMP cardholders only.

## **Product Testing**

**Q: When a retail outlet breaks a received shipment of marijuana into smaller amounts, does the product need to be tested again?**

**A:** No. Retesting is not required.

**Q: Who is responsible for testing the products?**

**A:** This is dependent on the intended use of the product. Please see the Oregon Health Authority administrative rules at <http://www.oregon.gov/oha/mmj/Pages/rules.aspx> for more information on licensee responsibilities.

**Q: My useable marijuana failed pesticide testing, do I destroy the products?**

**A:** Do not destroy any marijuana items that have failed pesticide testing until we provide more instruction. Those items must be securely stored on the licensed premises and labeled accordingly so it can be clearly identified as failed pesticide products. We will contact all

licenses directly with instructions on how to destroy those items in the near future, however until that time, those items should not be destroyed.

**Q: How do I request reanalysis for items that have failed tests?**

A: To request reanalysis follow these instructions:

- a. Email [marijuana@oregon.gov](mailto:marijuana@oregon.gov)
- b. Use the subject line: "Request for Reanalysis"
- c. Include the following information:
  1. Your license number and facility name (as they appear in Metrc)
  2. The Metrc package tag ID of the sample package being reanalyzed
  3. The lab doing the reanalysis
  4. Date of request for reanalysis
  5. Test(s) requested for reanalysis

**Q: I have more specific questions about the testing rules and I can't find the answers.**

A: For all other testing questions please contact the OHA directly at [ommp.labs@dhs.ohs.state.or.us](mailto:ommp.labs@dhs.ohs.state.or.us) as they will be better able to assist with questions related to their rules.

## Recreational Marijuana in General

**Q: What is the purpose of legalizing recreational marijuana?**

A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

**Q: What did Measure 91 do?**

A: Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law. The measure also gives OLCC authority license and regulate recreational marijuana grown, sold, or processed for commercial purposes. The OLCC does not regulate the home grow/personal possession provisions of the law

**Q. When did Measure 91 go into effect?**

**A.** The home grow/personal possession provisions of the measure started on July 1, 2015. OLCC began issuing commercial licenses in spring of 2016.

**Q. Who will implement the initiative?**

**A.** The initiative designates the Oregon Liquor Control Commission as the state agency that will regulate the commercial growing and selling of recreational marijuana. It also gives the OLCC authority to license and regulate commercial recreational marijuana operations. The OLCC has no authority to regulate or enforce the home grow/personal possession provisions of the law.

**Q: Has Measure 91 been changed from what voters approved?**

**A:** Yes. Both the 2015 and 2016 sessions of the Oregon Legislature made technical changes to Measure 91, that can be found in ORS 475B The Legislature also changed the way recreational marijuana is taxed. Instead of the OLCC imposing the tax at the grower level, it will now be imposed at the retail level and collected by the Department of Revenue.

**Q: Where can I get more information?**

**A:** As updates occur and information is available, we will share that information with you on this website. To keep up to date, [click here](#).

**Q: What if I have additional questions?**

**A:** For questions related to:

- Marijuana Worker permits, if you have forgotten your password, or have been locked out of your worker permit account contact [marijuana.workerpermit@oregon.gov](mailto:marijuana.workerpermit@oregon.gov).
- The status of your license application, updating license application information, submitting change forms, if you have forgotten your password, or have been locked out of your licensing account contact [marijuana.licensing@oregon.gov](mailto:marijuana.licensing@oregon.gov).
- All other items send questions to [marijuana@oregon.gov](mailto:marijuana@oregon.gov).

## Renewals

**Q: How will I know my marijuana license is ready to renew?**

**A:** You will receive a system generated email sent to the contact email address that the OLCC has on file for your application. The email will instruct you to log in to your marijuana license dashboard.

**Q: How can I renew my recreational marijuana license?**

**A:** 90 days prior to a marijuana license expiring a “renew” button will appear in your online marijuana application dashboard. You will be able to click on that “renew” button to submit your license renewal.

**Q: What is the fee to renew my recreational marijuana license?**

**A:** A \$250 non-refundable application fee plus the annual license fee are due at the time your renewal application is submitted.

**Q: Are there late fees for recreational marijuana license renewals?**

**A:** Yes- If your renewal application is submitted less than 20 days before your current license expires you will be charged a \$150 late fee. If your renewal application is submitted within 30 days after your current license expires you will be charged a \$300 late fee.

**Q: I submitted my renewal application, but it hasn't been approved and my license is about to expire. Does that mean I have to stop operating at my expiration date?**

**A:** The OLCC allows licensees who have requested renewal to continue to operate pending a renewal decision by the Commission. As long as you've submitted your renewal application and paid the appropriate fees you can continue to operate until informed otherwise.

**Q: Will I be required to complete new licensing forms for my annual renewal?**

**A:** Yes, the renewal packet for your specific license type can be found [here](#). If additional forms are required they will be requested of you through an action request in your renewal application.

**Q: What is an action request or action needed in the marijuana renewal application?**

**A:** You may receive an alert through your email that there is an action needed in your pending license renewal application. The action request will show up in red bold text in the section of your renewal application that needs changes. Respond to action needed requests promptly to complete the requested changes.

## **Research Certificate**

**Q: Can you have multiple proposals per certificate or do you need multiple certificates?**

**A:** You can have multiple proposals per certificate.

## **Retail**

**Q: Can I have a drive thru window if I'm approved for a retail license?**

**A:** No, drive thru and walk up windows are prohibited by rule.

**Q: At what level are taxes collected?**

**A:** At the retail sale to the consumer; the tax is 17% for the state and up to 3% at the local level, for a potential top rate of 20%

**Q: Will recreational retailers be able to sell every type of recreational marijuana product that a medical dispensary can sell?**

**A:** Yes.

**Q: Can a non-profit give away free medication to an Armed Services Veteran at a retail store?**

**A:** OLCC licensed retailers that are authorized to sell medical grade products may sell or provide usable marijuana and medical grade cannabinoid products, concentrates and extracts to registry identification cardholders and designated primary care givers free of charge or at a discounted price.

**Q: I am a medical marijuana dispensary, do I need to apply with the OLCC to become a recreational store?**

**A:** Yes. You can apply for an OLCC license through the [OLCC's website](#). You do not become an OLCC licensee until you apply, go through the application process, have a final site inspection, are approved for a license by the OLCC, and pay your licensing fee.

**Q: Can I continue to sell medical marijuana after I have an OLCC Retailer license? Can I sell medical marijuana to OMMP registered patients that are 18+?**

**A:** After you receive an OLCC Retailer license you may register with the OLCC to sell marijuana for medical purposes. This will allow you to sell medical grade cannabinoid extracts, concentrates, and products to OMMP cardholders and usable marijuana to OMMP cardholders tax-free that are 18 and over. You will only be able to obtain new marijuana items from other OLCC licensees and will only be able to obtain medical grade cannabinoid items from a Processor registered with the OLCC to produce medical grade products.

**Q: I own a medical dispensary, and plan to stay medical, what rules do I follow?**

**A:** You need to follow all of the OHA OMMP medical marijuana rules. The rules can be found on the [OMMP website](#). All packages and labels must comply with the packaging and labeling rules, packages and labels must be approved by the OLCC.

**Q: Once I am licensed by the OLCC who can I receive product from? Can I still take product from patients?**

**A:** To receive your Oregon Liquor Control Commission (OLCC) license you are required to surrender your OHA registration. Once you receive an OLCC recreational marijuana license, you can no longer operate as an OMMP dispensary. As an OLCC licensed retailer you can no longer accept product from the medical system, you can only receive product from other OLCC licensees that are using a Metrc (Cannabis Tracking System) account; all transfers between licensees require the use of a Metrc transfer manifest. You must follow all rules and regulations listed in OLCC [Division 25 Rules](#).





**Q: How do I know if I am licensed by the OLCC?**

**A:** One easy way to find out is to determine if you have an OLCC license posted at your store. This is what an OLCC license looks like:

**Q: How much marijuana can I sell to a customer?**

**A:** A retailer may not sell more than the following amounts to an individual at any one time or within one day:

- One ounce of usable marijuana to recreational consumers;
- Eight ounces of useable marijuana at any one time or within one day, and no more than 32 ounces in one calendar month if an OMMP registry identification cardholder or designated caregiver;
- 16 ounces of a cannabinoid product in solid form;
- 72 ounces of a cannabinoid product in liquid form;
- Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system;
- Five grams of cannabinoid products intended for inhalation;
- Four immature marijuana plants; and
- Ten marijuana seeds.

The concentration limits for some marijuana items differ if being sold to a recreational versus a medical customer. Refer to [OAR 333-007-0210, Table 1 for recreational](#) products and [OAR 333-007-0220, Table 2 for medical](#) products for the concentration limits.

**Q: Can I offer discounts to recreational customers and OMMP cardholders? What about employee or veteran discounts?**

**A:** OLCC retailers can offer discounts, however there are restrictions. Retailers can't:

- Provide free marijuana items to a recreational consumer.
- Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
- Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items. (This means promotions such as "buy one marijuana items, get one discounted marijuana item" are prohibited.)
- Sell a marijuana item at a nominal price for promotional purposes.

Retailers may sell marijuana items tax free to OMMP patient and caregiver cardholders at a discounted price or provide marijuana items to those people free of charge. These transactions must be recorded as "Patient" transactions in CTS and the person's medical marijuana registry ID number must be record. As long as the above restrictions are followed, employee or veteran discounts are permitted.

## **Security**

**Q: Does the entire tax lot for outdoor production require video surveillance?**

**A:** No. Section 845-025-1440 of the OLCC Division 25 rules clarifies at which point video surveillance is required, including, but not limited to: All limited access areas, all points of sale areas, all points of entry to or exit from limited access areas, all points of entry to or exit from the licensed premises.

**Q: I don't believe it's necessary for my licensed premises to meet all security requirements in the Division 25 rules.**

**A:** The OLCC understands that due to various circumstances, certain security requirements may not be appropriate or possible to meet. A licensee may, in writing, request that the Commission waive one or more of the security requirements by submitting a security plan for Commission approval. The security plan must include: The specific rules and subsections of a rule that are requested to be waived; the reason for the waiver; a description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver; and an explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety, prevention of diversion, accountability, and prohibiting access to minors. For more information review Section 845-025-1400 of the OLCC Division 25 rules.

**Q: Do all security measures have to be in place at the time of the inspection?**

**A:** Yes, all items outlined in the applicant’s approved operational plan must be in place at the time of inspection. The investigator reviewing your application will notify you when the inspection will occur, it is not intended to be a surprise visit. The inspection takes place at the end of the license process, just before approval. You can work with your investigator if you need an extended period of time to put the security measures in place.

**Q: Under the security provisions am I required to put everything away overnight?**

**A:** Yes, this is outlined in the security section of Division 25 rules.

## **Taxes**

**Q: How much are the taxes on recreational marijuana?**

**A:** The legislature set the base tax rate at 17 percent, however, they made provisions under certain circumstances for cities and counties to add up to an additional 3 percent tax. The retailer can retain 2 percent of the tax to cover their expenses.

**Q: How do I find out what forms I need to submit with my tax payments?**

**A:** The Oregon Department of Revenue is responsible for tax collection, please visit their website at <http://www.oregon.gov/DOR/programs/businesses/Pages/marijuana.aspx> for information on Marijuana Taxes.

**Q: Where will the tax money go?**

**A:** Measure 91 provides distribution of revenue after costs to the following:

- 40 percent to State School Fund
- 20 percent to Mental Health Alcoholism and Drug Services
- 15 percent to State Police
- 10 percent to Cities for enforcement of the measure
- 10 percent to Counties for enforcement of the measure
- 5 percent to Oregon Health Authority for alcohol and drug abuse prevention

## **Transportation & Delivery**

**Q: What are the regulations about transporting products? What requirements will the vehicles need to meet?**

**A:** Refer to the Transportation and Delivery Section beginning with [OAR 845-025-7700](#). All licensees should also be in compliance with Oregon Department of Transportation rules and regulations, including:

- **Motor Carrier Operating Authority:** you need authority to operate in Oregon if operating a commercial vehicle with a combined weight of over 26,000 pounds, or

operating vehicles less than 26,000 pounds and hauling for hire. Refer to [ODOT Motor Carrier Transportation Division](#) for operating authority requirements.

- **Vehicle Registration:** [Motor Carrier Transportation Division](#) issues most commercial vehicle registration. [DMV](#) can title commercial vehicles and register Oregon-only heavy trucks or permanent fleet vehicles weighing less than 26,000 pounds.
- **Tax Liability:** Commercial vehicles with a registration weight over 26,000 pounds are subject to Weight-Mile Tax. Fuels Tax applies to vehicles 26,000 pounds or less, which is often paid at the fuel pump. Refer to [Motor Carrier Transportation Division](#) for tax liability information.
- **Commercial Driver's License:** A commercial driver license may be required. Check with the [DMV](#) for CDL requirements.
- **Truck Safety:** Carriers must comply with [state and federal safety regulations](#), including load securement requirements.

**Q: If I have a wholesale license am I limited to only transporting products in my area?**

**A:** No, there are no restrictions as to where licensees may transport products between license types.

**Q: How much marijuana can I transport at a time?**

**A:** There is no limit under OLCC Division 25 rules, however all licensees should also be in compliance with Oregon Department of Transportation rules [truck safety rules and load securement requirements](#).

**Q: Is the \$3000 limit for home deliveries the retail cost?**

**A:** Yes, this is at the retail level.

**Q: Can you carry multiple home deliveries in the same car?**

**A:** Yes, however the total maximum value that may be carried in a delivery vehicle at one time is \$3000 total.

**Q: I'm transporting marijuana and have to make an unplanned stop that wasn't previously on the manifest how do I notify you?**

**A:** Send an email to below persons and include the following information:

To: [Mandy.Standiford@oregon.gov](mailto:Mandy.Standiford@oregon.gov)

CC: [marijuana@oregon.gov](mailto:marijuana@oregon.gov)

**Subject line:** "Marijuana Transport Notification – Stop exceeding two hours (license number)"

In the body of the email, include the following:

- Your license number:
- The manifest number(s):
- Reason for stop:
- Date and time of stop:
- Expected date and time of departure:
- Location of stop (where the vehicle will be located):
- Any additional information you may feel is relevant:

**Q: If I'm staying overnight at hotel or other unlicensed facility while transporting marijuana can I take the marijuana into the hotel room?**

**A:** No, the marijuana cannot leave the transporting vehicle.

## Wholesaler

**Q: If I don't intend to hold marijuana at a premises and only plan to transport marijuana do I need to meet all security requirements for a physical location?**

**A:** Yes, however you may request a security waiver in these instances at the time of application submittal.

## Waste Material

**Q: How do I dispose of waste material?**

**A:** A licensee must store, manage, and dispose of hazardous liquid and solid waste, including pesticide waste generated in accordance with all state and local laws.

For post-harvest waste a licensee should mark the product as waste in CTS (by adjusting the package in CTS with the reason of waste). Licensee should then render the product unusable on camera and on the licensed premises, and securely store the unusable product under camera for 3 days. After 3 days on camera the product can then be disposed of. For more information please see the [Marijuana Waste Management](#) guide.

The Oregon Department of Environmental Quality has more information on waste management, including types of waste and disposal methods.

## Water Rights

**Q: Do you need water rights to be granted a license?**

**A:** This is dependent on the specific situation. For producer licenses the following is required, a water right permit or certificate number; 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

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.

**Q: It may take several months to acquire the water rights on a property. If I'm in the process of obtaining the water rights can I get a conditional approval?**

**A:** If you do not have rights to water on a property, you may make a business decision to obtain water from a temporary source until you have final approval in order to satisfy the OLCC requirement. OLCC will hold your application until you can prove you have a legal method of obtaining water on your property. You may contact the Water Resources Department to assist you further with water issues.