

Oregon - Updated Cannabis Laws-

Consumers - Retail Stores

Q: When will retail recreational marijuana stores be open?

A: The exact date is up in the air, but the most likely time is during the fourth quarter of 2016.

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: The measure does not specifically address the number of retail outlets allowed. Specifics for licensing retail outlets will be part of the rule-making process that is currently underway.

Licensing - General

Q: What licenses will be available?

A: The measure lists four types of recreational marijuana licenses: Producer, Processor, Wholesaler, and Retail. A producer is also known as the grower. A processor is a business that will transform the raw marijuana into another product or extract. Processors are also responsible for packaging and labeling of recreational marijuana. A

wholesaler is a business that buys in bulk and sells to resellers rather than to consumers. A retailer is a business that sells directly to consumers. The Oregon Legislature also created a license for the laboratories that test marijuana. The OLCC will issue licenses to labs that are certified by the Oregon Health Authority.

Q: When will the OLCC begin accepting license applications?

A: The OLCC will begin accepting license applications for recreational marijuana on January 4, 2016. It will be an online-only application process.

Q. If I want to apply for a recreational marijuana license, what should I do now?

A. Be patient. The OLCC won't be accepting applications until January 4, 2016. In the meantime, to keep up-to-date on the process, [click here](#).

Q: How much are the licensing fees?

A: A non-refundable application fee of \$250 is required for all license types, including marijuana handler's permits. An annual Tier 1 Grower's license will cost \$3,750 and a Tier 2 Grower's license will cost \$5,750. All other license types will cost \$4,750.

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 if they meet certain conditions outlined in section 29 of Measure 91. Under those conditions, the OLCC may refuse a license if it believes the applicant:

Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.

Has made false statements to the commission.

Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

Has maintained an insanitary establishment.

Is not of good repute and moral character.

Did not have a good record of compliance with sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.

Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

Is unable to understand the laws of Oregon relating to marijuana or the rules of the commission.

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

A: Measure 91 states that local governments may not prohibit licenses in their jurisdiction except with a vote at a general election. Measure 91 allows local governments to adopt reasonable time, place and manner restrictions to regulate public nuisance. The Oregon Legislature created an additional provision that allows certain local governments to opt out of the program depending on how the jurisdiction voted on Measure 91.

Q: Can a license be transferred?

A: A licensee that proposes to change its corporate structure, ownership structure, or change who has a financial interest in the business must submit a form prescribed by the Commission prior to making the change. However 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: Can a person/business hold multiple licenses and/or license types?

A: Yes, a person or business may be vertically integrated, having multiple license types and licenses.

Q: Is there a closing date on applications?

A: No. The OLCC will begin accepting applications on January 4, 2016; 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: There is no specific time frame regarding how long it may take to get a license. The OLCC intends to license producers and laboratories first, as these items must be in place before all other license types may operate. This will then be followed by processors, research certificates and then retailers. It is expected to have the producers/labs licensed by Spring 2016 and for the retailers to be licensed by Fall 2016.

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

A: The application will only be available online, beginning January 4, 2016.

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

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

Q: If a legal entity is designated as the applicant do you

bypass the residency requirements?

A: No, individuals within the legal entity are required to be listed as applicants.

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: Is there a ranking in regards to applications?

A: No, the OLCC intends to license producers and laboratories first, as these items must be in place before all other license types may operate. The OLCC will next license processors, research certificates and then retailers. It is expected to have the producers/labs licensed by Spring 2016 and for the retailers to be licensed by Fall 2016.

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 the 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.

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, not unless they meet the qualifications of an applicant.

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 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.

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: When is the application and phone line live?

A: The application will be available on January 4, 2016. Call center assistance will be available during normal business hours beginning January 4, 2016. , You can continue to submit questions to marijuana@oregon.gov

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 on the premises needs to be maintained for security purposes.

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 our temporary rules does not prevent different license types from being located on the same property. However House Bill 3400 does indicate, “the Oregon Liquor Control Commission may require a premises licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, to be segregated into separate areas,” if there appears to be a reason for the licensed areas to be separated this may be requested by the OLCC accordingly. All applicants should also be in compliance with local government regulations. Although our temporary 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: 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 select proprietary 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 rules.

Q: I have an outside investor. Will I be denied a license because they don't meet the residency requirements?

A: This depends on their specific involvement and structure. If an investor meets the definition of an applicant, they will need to meet the residency requirements.

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 administrative 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 will require submitting a new application. Please review the OLCC rules for changing locations.

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

A: Not under the OLCC licensing system.

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 staff will issue the license electronically through the online licensing system.

The license will be available for electronic download and must be printed and posted on the licensed premise, according to OLCC administrative rules.

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 for the background done.

Q: Does residency mean you have to be a US citizen to apply?

A: No, residency is defined as being a state of Oregon resident for two consecutive years prior to licensure which is proved by the supporting documentation outlined in the temporary rules.

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.

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 rules.

Q: Does the facility manager need to be a resident of the state?

A: There is no residency requirement for employees who do not need the qualifications of an applicant.

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.

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 is mature, 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: Who must use CTS?

A: All license types.

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, will provide a range of CTS education and training including: large group workshops, small group training and webinars. The

large group workshops will be held around Oregon beginning in February, 2016. The small group training and webinars will follow simultaneously; the small group training will be held around the state. A licensee or his designate will be required to pass a CTS competency test before gaining access to the CTS.

Consumers - Purchasing

Q: Where can I buy recreational marijuana if the retail locations will not be licensed until Fall 2016?

A: Medical dispensaries participating in early start recreational sales are able to continue selling limited amounts of recreational marijuana until December 31, 2016. You may continue to purchase marijuana from those locations.

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Licensing - 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.

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 no set timeframe as to when a license fee is due.

Q: Are the fees the same if I opt-in from the medical marijuana program?

A: Yes, all fees are the same.

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.

Licensing - 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 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: When I submit the LUCS to the local government, what if they don't respond within 21 days?

A: Your application will move forward in the process since no approval, denial or conditional notification was

provided.

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 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.

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: Can I get my packages/labels pre-approved before I'm licensed?

A: The OLCC is in the process of setting up the package and label pre-approval process, we will have more information at www.marijuana.oregon.gov as it becomes available.

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.

Licensing - Marijuana Handler's Permit

Q: Who needs to have a handler's permit?

A: All employees including the applicant working in a

licensed retail facility must possess a marijuana handler's permit.

Licensing - 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: There is no specific licensee that is responsible for the products to be tested, however all items must be tested prior to being sold to the public. Please see the Oregon Health Authority administrative rules at <http://www.oregon.gov/oha/mmj/Pages/rules.aspx> for more information.

Licensing - Processor

Q: The CO2 machines have to be run in a spark-proof room. If I turn it on in a spark-proof room, the room is no longer spark-proof, how do I meet this requirement without violating another?

A: OLCC is required to use this definition because it is defined this way in statute. Reasonable exceptions may be made by regulatory specialists.

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

A: No, per our current rules, non-marijuana processing activity may not take place on the licensed premises.

Licensing - Producers

Q: How many producer licenses can be on an outdoor lot or parcel? What about in the case of mixed cultivation?

A: Only one licensee engaged in outdoor production may be located on a lot or parcel. Those practicing mixed cultivation are subject to outdoor production rules.

Q: What is the definition of lot or parcel?

A: ORS 92.010

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: Is canopy size measured in a rectangle?

A: OLCC rules do not address the shape of your canopy area, so you may have different canopy areas and shapes, which include but are not limited to rectangles. During the application process you will be required to designate your growing area or areas, which can be any shape but cannot be larger than the total square footage allowed depending on your tier and growing method (indoor, outdoor or mixed). Therefore whether the stems and roots of a plant are within the designated growing space will not be determinative of whether you are complying with your canopy size limits; 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 10 feet of open space (for outdoor grows). Refer to Section 845-025-2040 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

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 rules a primary residence is not considered a part of the licensed premises. No licensee 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: OLCC canopy sizes only refer to mature marijuana plants, what about immature marijuana plants? How many immature plants can I have?

A: There is no rule regarding the amount of immature plants a licensee may produce, however all marijuana plants are subject to OLCC's tracking rules.

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.

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 [DH3] 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 administrative 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 December 31, 2016, 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.

Licensing - Retail

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

A: No, drive thru windows are prohibited by statute.

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: No. You cannot offer different prices or provide free samples from a retail location because the products must be taxed and prices must remain consistent for all purchasers.

Licensing - Security

Q: Does the entire lot or parcel for outdoor production require video surveillance?

A: No. Section 845-025-1440 of the OLCC 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 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 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: What is meant by an encrypted network infrastructure?

A: The OLCC requires that your computer network be secure and protected, rather than open and accessible to the public.

Q: Under the security provisions am I required to put

everything away overnight?

A: Yes, this is outlined in the security section of our rules.

Licensing - 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.

Licensing - 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 Section 845-025-7700 of the OLCC rules. All licensees should also be in compliance with Oregon Department of Transportation rules.

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 rules, however all licensees should also be in compliance with Oregon Department of Transportation rules.

Q: Is the \$100 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 \$100 total.

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.

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

A: OLCC 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 and must have adopted an opt-out ordinance by December 27, 2015. For those 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.

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 the same location under the Opt-In provision found in our rules. Opt-In producers are limited to the number of plants allowed by OHA, and can only sell the excess amount of product into to the recreational market. Please refer to Section 845-025-2400 of our temporary rules for more information.

Q: Can an OLCC licensed producer supply products to Medical Marijuana Dispensaries?

A: No. Marijuana grown under the OLCC producer license is intended to stay within the OLCC licensing system.

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: If you can't produce medical and recreational marijuana at the same location, can you have two separate facilities?

A: Yes this is acceptable.

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'm currently 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 currently selling limited amounts of recreational marijuana are not grandfathered into the OLCC recreational marijuana program. You are encouraged to read all OLCC 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: Can medical dispensaries purchase from recreational producers?

A: No. Each supply chain and program will remain separate.

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 lots or parcels can I have two different producer licenses?

A: Yes, you may have one license per lot/parcel.

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.

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: Can I have an outside investor who owns 49%?

A: Yes, provided they do not otherwise meet the definition of an applicant.

Q: Can I store my medical and recreational marijuana in the same location?

A: No. The premises must be fully separated.

Q: What is the benefit of opting in?

A: The OLCC is unable to determine the pros and cons of opting in versus staying within the medical program. This is a personal business decision on which the agency is unable to offer advice.

Q: I thought I read there is a 25% tax not 17% at the time of sales.

A: Recreational marijuana sold in medical dispensaries

will be subject to the 25% sales tax at the beginning of 2016. OLCC licensed retailers, which we anticipate will open in Fall 2016, will be 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.

Q: Are the fees the same if I opt-in from the medical marijuana program?

A: Yes, all fees are the same. Yes, all fees are the same.

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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.

Q: Where and when can I buy marijuana?

A: Limited amounts of recreational marijuana are available for purchase through participating medical marijuana dispensaries as of October 1, 2015. Retail stores licensed by the OLCC will open sometime in the second half of 2016.

Q: Where can I buy recreational marijuana if the retail locations will not be licensed until Fall 2016?

A: Medical dispensaries participating in early start recreational sales are able to continue selling limited amounts of recreational marijuana until December 31, 2016. You may continue to purchase marijuana from those locations.

Q: Where and when can I buy edibles and extracts?

A: Edibles will eventually be available at retail outlets licensed by the OLCC, hopefully at the same time that the stores open in the second half of 2016.

Q: How much marijuana can I have?

A: As of July 1, 2015, recreational marijuana users can possess up to eight ounces of useable marijuana and four plants per residence in Oregon. An individual can carry up to one ounce in public.

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: Where can I obtain marijuana seeds or starts after July 1, 2015?

A: The OLCC can provide no guidance on that issue.

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. Measure 91 does not affect existing landlord/tenant laws.

Q: What if an employer requires drug testing?

A: Measure 91 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.

Q: What is the definition of a public place?

A: Measure 91 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 Measure 91 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 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: Measure 91 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 Measure 91 does not change existing employment law in Oregon.

Q: Where will marijuana stores be located?

A: Marijuana retailers may not be located within 1000 feet of a school. 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 more than 1000 feet from one another. To keep up to date, [click here](#).

Q. What impact does the new recreational marijuana law have on the current Medical Marijuana Program?

A: Beginning in 2016 medical marijuana growers may apply for an OLCC license to sell their excess product into the recreational market. Medical dispensaries can currently sell a one quarter ounce of marijuana flower to any adult over the age of 21. Visit the Oregon Health Authority website for participating dispensaries. This provision sunsets on December 31, 2016.

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: How is Washington state's recreational marijuana law different than Oregon's?

A: See Oregon/Washington/Colorado Comparison.

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

A: Measure 91 and HB 3400 do 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.

Q: You have defined CO₂ as a hydrocarbon in the rules, however this is incorrect. How did you receive the definition?

A: The definition found in our rules is what was in statute. The definitions in our temporary rules must mimic the definitions in statute.

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 does 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 to tax, 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. The sale of small amounts of recreational marijuana through medical marijuana dispensaries which started October 1, is regulated by the Oregon Health Authority. The OLCC will begin accepting applications for growers, wholesalers, processors and retail outlets on

January 4, 2016.

Q. When did Measure 91 go into effect?

A. The home grow/personal possession provisions of the measure started on July 1, 2015. Sales of small amounts of recreational marijuana through medical marijuana dispensaries began October 1. Visit the Oregon Health Authority's website to locate participating dispensaries. The OLCC will begin issuing commercial recreational marijuana licenses to growers, wholesalers, processors and retail outlets in 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. Sales of small amounts of recreational marijuana through medical marijuana dispensaries are regulated through the Oregon Health Authority.

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

A: Yes. The 2015 session of the Oregon Legislature made technical changes to Measure 91. It also authorized the sale of small amounts of recreational marijuana through Oregon Health Authority medical marijuana dispensaries

as of October 1. 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: Please send additional questions to marijuana@oregon.gov.

Research Certificate

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

A: You can have multiple proposals per certificate.

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[Taxes](#)

Oregon Dept. of Revenue FAQs

Q: How much are the taxes on recreational marijuana?

A: When recreational marijuana is sold in recreational stores, the taxes will range from 17 to 20 percent. 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. The tax will be 25 percent for the limited time that recreational marijuana will be sold in medical dispensaries. Recreational sales in medical dispensaries are slated to start on October 1, 2015, and end on December 31, 2016. The tax will be imposed on sales after January 4, 2016.

Q: How much money will marijuana bring in taxes?

A: The OLCC estimates \$10.7 million in revenue for the 2015-2017 biennium.

Q: Where will the tax money go?

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

40 percent to Common 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

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.

Record keeping: Growers must establish online accounts with the health authority where they are required to file monthly reports on the number of plants they have, their harvests and how much they transferred overall to dispensaries and patients.

Reporting requirements: Medical marijuana growers producing cannabis for dispensaries, more than two patients or patients who live off the property must track their use of pesticides and fertilizers. They are required,

under the draft rules, to list the names of products they use, the dates they used them, the names of those who applied them and how much was used. Those records must be kept for two years.

Plant limits: Since March 1, 2016, medical marijuana growers who grow in residential areas within city limits can have up to a dozen plants. If the site isn't in a residential zone or is outside of city limits, then growers are allowed up to 48 plants.

"Grandfathered" grow sites: Some medical marijuana producers may be eligible to have more plants, depending on the number of patients who were on their rolls on Jan. 1, 2015. Those limits are capped at 24 plants for people living in residential areas within a city and 96 for those outside of those areas.

Residency requirements: For the first time, the Oregon Legislature has imposed a residency requirement for growers and patients. People registered as growers on or before Jan. 1, 2015, must prove they've lived in the state for the past year. Otherwise, they must show proof that they've lived in Oregon for the previous two years. Patients also must be Oregon residents.

Water rights: The proposed rule requires that growers have a water right for irrigation or "nursery use" and that they have "legal authorization" to use the water.

Under a provision of last year's landmark marijuana regulatory law, growers may be reimbursed by patients for their labor, something previously not allowed.

Security: Growers must install round-the-clock camera surveillance with video backup for two years. The system must be equipped with motion sensors. Cannabis must be stored in a locked safe or vault.

For forms and publications in the state of Oregon visit this website to print them out from:

https://www.oregon.gov/olcc/marijuana/Pages/Forms_Publications.aspx