

# Oregon Liquor Control Commission

## Administrative Rules Annual Report

### HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2019 and December 31, 2019

#### Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	10
Amended	28
Repealed	1

#### Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	4
Amended	1
Suspended	0

**OLCC 1-2019**

**Filed: 01/04/2019 12:10 PM**

845-025-9100

Adopt

#### Statement of Need

The rule will allow for current industrial hemp certificate holders to continue to operate while the Commission completes rule making.

#### Justification

If the Commission fails to take temporary action, industrial hemp certificate holders will not be able to continue to sell their products into the the tracked recreational system. This would impact 28 industrial hemp certificate holders whose certificates will start to expire as of January 10, 2019. The temporary rule will enable certificate holders to continue to operate while the Commission completes its permanent rule making. The Commission plans to complete permanent rule making by the end of February 2019.

**OLCC 12-2019**

**Filed: 08/26/2019 10:59 AM**

845-025-1131

Adopt

845-025-1132

Adopt

#### Statement of Need

Senate Bill 218 directs the OLCC to set timelines to process producer applications received prior to June 15, 2018, and directs the OLCC to inactivate producer applications received after June 15, 2018. These rules describe the timelines the Commission will impose on applicants to complete the application process, and describes what constitutes an incomplete application which will be inactivated. These rules also implement language from Senate Bill 218 that prohibits an applicant from changing the location or the ownership of a pending application, and defines what constitutes a change of ownership.

#### Justification

Senate Bill 218 directs the OLCC to set timelines to process producer applications received prior to June 15, 2018, and directs the OLCC to inactivate producer applications received after June 15, 2018. Due to the fact that Senate Bill 218 mandates applications received after June 15th, 2018 be inactivated, there is an immediate need for these rules. These

temporary rules lay out the process for the implementation and management of these deadlines. These rules inform applicants on steps to complete the application process and describe what constitutes an incomplete application and how it will be inactivated. Without these rules, applicants, and those interested in applying, would be unaware of how the OLCC plans to implement Senate Bill 218. These rules also implement language from Senate Bill 218 that prohibits an applicant from changing the location or the ownership of a pending application and defines what constitutes a change of ownership, so that applicants, and those wishing to apply, have prior information about what will be accepted.

<b>OLCC 13-2019</b>	<b>Filed: 10/14/2019 3:03 PM</b>
845-025-2805	Adopt
845-025-5760	Amend

### **Statement of Need**

On October 4, 2019 the Governor issued Executive Order 19-09 which directs the Oregon Liquor Control Commission to immediately adopt temporary rules banning the sale and manufacturer of all flavored vaping products for 180 days.

### **Justification**

It is imperative that the Oregon Liquor Control Commission take actions necessary to protect the health and safety of Oregonians as directed by the Governor in Executive Order 19-09. Nationally there is an ongoing vaping public health crisis, with an alarming outbreak in recent months of lung injuries among previously healthy individuals who have used vaping products. According to the CDC, as of October 10, 2019, there have been more than 1,200 vaping-related lung injury cases and 26 deaths nationally, with nine vaping related injuries and two deaths in Oregon. The Oregon Health Authority has issued a public health advisory, warning all Oregonians not to use vaping products or e-cigarettes, but it is imperative for the State to take evidence based action immediately to protect Oregonians, especially Oregon's youth, from the harms associated with vaping products.

No specific types of e-cigarettes, vaping devices, or liquids have been conclusively identified as a cause of the illnesses at this time; the FDA is testing vaping products from cases around the United States to determine which specific products or ingredients may be the cause. Until a cause has been identified, the Commission must act promptly, in accordance with the Governor's Executive Order, to protect Oregonians, and failure to act promptly will result in serious prejudice to the public interest.