

FAQs

Recreational Marijuana



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 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 OLCC will begin accepting applications for growers, wholesalers, processors and retail outlets on January 4, 2016

Q: When will Measure 91 go into effect?

A: The home grow/personal possession provisions of the measure start on July 1, 2015. However, the OLCC won't begin accepting license applications from those who want to commercially grow, process, wholesale or operate retail marijuana outlets until January 4, 2016. The ability to buy marijuana at a retail outlet is not expected to start until the fall 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 tax, 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: How can I get a job with OLCC in the new marijuana program?

A: OLCC posts job opportunities on the www.Oregonjobs.org website. Interested applicants can fill out a [Job Interest Card](#) to receive email alerts about job openings at OLCC. You can also sign up for email alerts about OLCC job opportunities through our [website](#).

Q: Can Measure 91 be changed?

A: Yes. Since the measure is a statutory one instead of constitutional, any of its provisions can be changed by the Oregon Legislature, which is currently in session and will be until July 11, 2015. The measure cannot be changed by the OLCC's rule making process.

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

Medical Marijuana

Q: What impact does Measure 91 have on the current Medical Marijuana Program?

A: None. Measure 91 states that the "Act may not be construed ... to amend or affect in any way the Oregon Medical Marijuana Act."

Q: Should I get a new OMMP card or renew my existing Card?

A: Only you as an individual can answer that question. The OLCC cannot advise you on this matter.

Q: What is the difference between recreational marijuana and medical marijuana?

A: Medical marijuana is for patients with qualifying medical conditions. Recreational marijuana, whether grown at a residence or obtained from a licensed retail outlet, is for personal use for adults 21 years of age or older. For more information on medical marijuana see www.mmj.oregon.gov

Personal Use

Q: When can I smoke/use recreational marijuana?

A: Starting July 1, 2015, Measure 91 allows Oregonians 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. Until then, current marijuana laws in Oregon remain in place. Measure 91 requires OLCC to begin accepting license applications by January 4, 2016 for commercial growers, processors, wholesalers and retailers.

Q: Where and when can I buy marijuana?

A: Marijuana will be available for purchase through retail stores licensed by the OLCC sometime in the third quarter of 2016.

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

A: The OLCC has made the decision to take extra time to make sure that it gets the availability of edibles and extracts right. They will eventually be available at retail outlets licensed by the OLCC, but probably not at the same time that the stores are expected to open in the third quarter of 2016.

Q: How much marijuana can I have?

A: Beginning 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, but using marijuana in public is prohibited.

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. The act allows home grow of up to four plants per residence beginning July 1, 2015, 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. Can a landlord tell tenants not to grow recreational marijuana or smoke it 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.

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 21 years of age and old and 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: Passage of measure 91 does not change existing employment law in Oregon.

Q: Where will marijuana stores be located?

A: Measure 91 does not address siting requirements. Location of commercial recreational marijuana businesses will be determined by legislative action, local action or through the OLCC rule-making process. To keep up to date, [click here](#)

Q: Who collects the tax on recreational marijuana?

A: Under the provisions of Measure 91, the OLCC is required to collect the tax on recreational marijuana at the grower level.

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

A: See [Oregon/Washington/Colorado Comparison](#)

Licensing

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.

Q: When will the OLCC begin accepting license applications?

A: The measure requires OLCC to begin accepting license applications for recreational marijuana by January 4, 2016.

Q: How will OLCC decide to grant or deny license applications?

A: Undetermined at this point. The OLCC is in the process of writing the rules necessary to implement Measure 91. The agency has appointed an advisory committee that will write the rules and send its recommendations to the Commission sometime this fall for approval.

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 process, [click here](#)

Q: How much are the licensing fees?

A: Measure 91 establishes an annual license fee of \$1,000 plus a non-refundable application fee of \$250 per license application.

Q: How many licenses can I have?

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

Q: Can an out-of-state resident hold an Oregon recreational marijuana license?

A: Measure 91 does not specifically address this question. However, the issue of residency may be addressed by either the Oregon Legislature or by the OLCC through the rule-making process.

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.

Q: What kinds of testing will OLCC require?

A: Undetermined at this point. Under Measure 91, the OLCC has the authority to set testing requirements, but this is a policy question that will be determined during the rule-making process, including legislative and public input.

Retail Stores

Q: When will marijuana stores be open?

A: Undetermined at this point, but the most likely time is during the third quarter of 2016.

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

A: No. Measure 91 clearly states that the OLCC “has no authority to purchase, own, sell or possess any marijuana items.” The OLCC’s primary responsibility is to collect taxes and to license and regulate producers, processors, wholesalers, and retailers.

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.

Q: What will OLCC be doing to get ready for marijuana-related businesses?

A: The OLCC has held listening sessions throughout the state to gain a better understanding of what Oregonians expect in the implementation of Measure 91. In addition to getting legislative approval of the marijuana budget for 2015-17 and preparing to hire staff for the program, the OLCC has also selected a vendor to build the online application process and finding a second vendor for the traceability (seed-to-sale) system to track recreational marijuana. The OLCC has appointed an advisory committee to help write the rules necessary to implement Measure 91 and several subgroups to address specific issues. The goal is have the rules adopted by October or November of this year, after which the agency will hold seminars around the state to familiarize people with the application process in advance of accepting applications on January 4, 2016.

Taxes

Q: How much are the taxes?

A: Measure 91 provides for an excise tax that is paid by the producer (grower) of \$35 per ounce for flowers, \$10 per ounce for leaves, \$5 per immature plant.

Q: How much money will marijuana bring in taxes?

A: In its 2015-17 requested budget for the marijuana program, the OLCC estimated revenue for the two-year period to \$18.4 million. That revenue would come from application and licensing fees and the sale of recreational marijuana.

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