



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855
BOARD OF PHARMACY

FILED

10/14/2025 12:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Criminal Conviction Determination Process

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/25/2025 4:30 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Rachel Melvin
971-673-0001
pharmacy.rulemaking@bop.oregon.gov

800 NE Oregon St., Suite 150
Portland, OR 97232

Filed By:
Rachel Melvin
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/25/2025

TIME: 9:30 AM

OFFICER: Rachel Melvin

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 739529152

SPECIAL INSTRUCTIONS:

This hearing will be held virtually via Microsoft Teams.

If you wish to present oral testimony virtually during this hearing, sign up on our website at

www.oregon.gov/pharmacy/pages/

rulemaking-information or email your first and last name and email address to

pharmacy.rulemaking@bop.oregon.gov. Please indicate which

rule(s) you would like to comment on.

You must submit written comments before 4:30PM on November 25, 2025. Email written comments to

pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S)

Proposes adopting a new permanent rule that would allow a person who was convicted of a crime to petition the board for a determination as to whether a criminal conviction will prevent the person from receiving an occupational or professional license as mandated in 2024 SB 1552.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2024 SB 1552 <https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1552/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The adoption of this rule may favorably impact racial equity in Oregon by allowing a person to petition the board to learn whether a prior criminal conviction will prevent them from qualifying or obtaining a license before they expend time and resources on an educational program.

FISCAL AND ECONOMIC IMPACT:

Petitioners who apply for predetermination will be required to pay a \$100 fee.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No fiscal anticipated. The agency will absorb the additional administrative processes required in the predetermination process by utilizing current FTE. The proposed rule will have no additional economic impact on state agencies, units of local government, registrants or licensees who identify as a small business.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in determining to amend the rule. A notice of rulemaking hearing will be sent to interested parties, some of whom may identify as a small business and will have an opportunity to provide public comment on the proposed rule amendments.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Permanent rules are required as a legislative mandate of 2024 SB 1552.

ADOPT: 855-104-0155

RULE SUMMARY: Proposes permanently adopting a new rule related to criminal conviction determination process and requirements and for petitioners as required in 2024 SB 1552.

CHANGES TO RULE:

855-104-0155

Criminal Conviction Determination Process

(1) Prior to beginning required education or training, a person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board.

(2) To be complete, a petition must include the following:

(a) A complete and signed determination request form;

(b) The required fee of \$100;

(c) The following records related to the final judgment of each criminal conviction:

(A) A certified copy of the judgment of criminal conviction;

(B) Any charging document(s);

(C) The arrest report(s);

(D) Probation and parole records, if they exist;

(d) A written statement from the petitioner regarding the facts underlying the criminal conviction, and any intervening circumstances.

(e) A written statement or other document listing all criminal convictions, including dates of conviction and a

summary of the facts, if the petitioner has more than one.[¶]

(3) If any of the records in (2)(c) no longer exist, have been sealed or are otherwise unavailable to the petitioner, petitioner must provide evidence from the agency that held the record that the record no longer exists.[¶]

(4) A petition is incomplete when it is missing one or more of the items required in this rule. An incomplete petition will expire 60 days from the date the petition form was submitted to the Board. Petitioners who allow their petition to expire must file a new complete petition, including the required fee.[¶]

(5) The petition and the Board's determination are subject to Oregon's public records laws, and unless an exemption applies, the information in the petition and determination are subject to public disclosure.[¶]

(6) The Board will reconsider a determination that a criminal conviction prevents the person from obtaining a license when the person submits a completed application for a license.[¶]

(7) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant:[¶]

(a) Has allegations or charges pending in criminal court;[¶]

(b) Has failed to disclose a previous criminal conviction;[¶]

(c) Has been convicted of another crime during the period between the determination and the person's submission of a completed application for an occupational or professional license; or[¶]

(d) Has been convicted of a crime that, during the period between the determination and the person's submission of a completed application for an occupational or professional license, became subject to a change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime.[¶]

(8) Failure to disclose a previous criminal conviction includes any misrepresentation or a prior criminal conviction, any concealment or failure to disclose a material fact about a prior criminal conviction, or any other misinformation regarding a prior criminal conviction.[¶]

(9) Nothing in this rule prohibits the Board from denying licensure when the person submits a completed application for a reason other than conviction of a crime.[¶]

(10) A determination under this rule is not considered a final determination of the Board.

Statutory/Other Authority: ORS 689.205, 2024 SB 1552

Statutes/Other Implemented: ORS 689.135, 2024 SB 1552