

Enrolled
House Bill 2487

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Oregon Winegrowers' Association)

CHAPTER

AN ACT

Relating to warehouse licenses; amending ORS 471.242.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 471.242 is amended to read:

471.242. (1) A warehouse license shall allow the licensee to store, import, bottle, produce, blend, transport and export nontax paid, bonded wine or wine on which the tax is paid and to store, import and export nontax paid malt beverages and cider, or malt beverages and cider on which the tax is paid. Wine, cider and malt beverages may be removed from the licensed premises only for:

- (a) Sale for export;
- (b) Sale or shipment to a wholesale malt beverage and wine licensee;
- (c) Sale or shipment to another warehouse licensee;
- (d) Sale or shipment to a winery licensee; [or]

(e) Shipment of wine or cider produced by a winery licensee to a licensee of the Oregon Liquor Control Commission authorized to sell wine or cider at retail if the shipment is made pursuant to a sale to the retail licensee by **the holder of a winery [licensed] license issued under ORS 471.223, a grower sales privilege license issued under ORS 471.227 or a wholesale malt beverage and wine license issued under ORS 471.235; or**

(f) Shipment of wine or cider to a person for personal use, as described in subsection (7) of this section.

(2) A license applicant must hold an approved registration for a bonded wine cellar or winery under federal law.

(3) For the purposes of tax reporting, payment and record keeping, the provisions that shall apply to a manufacturer under ORS chapter 473 shall apply to a warehouse licensee.

(4) A warehouse must be physically secure in an area zoned for the intended use and be physically separated from any other use.

(5) For purposes of ORS 471.392 to 471.400, a warehouse licensee shall be considered a manufacturer.

(6) For purposes of ORS 473.045, a warehouse licensee shall be considered a winery licensee.

(7) Wine or cider may be removed from the premises licensed under this section for shipment pursuant to a sale under ORS 471.229. The warehouse licensee shall take reasonable steps to ensure that shipments are made in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY." In addition, the warehouse licensee shall take reasonable

steps to ensure that any carrier used by the licensee does not deliver any wine or cider unless the carrier:

- (a) Obtains the signature of the recipient of the wine or cider upon delivery;
- (b) Verifies by inspecting government-issued photo identification that the recipient is at least 21 years of age; and
- (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

Passed by House April 10, 2007

Received by Governor:

Repassed by House June 8, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate June 7, 2007

Filed in Office of Secretary of State:

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President of Senate

.....M.,....., 2007

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Secretary of State