

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
HOUSE BILL 3239**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and insert “471.130 and 471.230; and declaring an emergency.”.

3 Delete lines 4 through 32 and delete page 2 and insert:

4 **“SECTION 1.** ORS 471.130 is amended to read:

5 “471.130. (1) All licensees and permittees of the Oregon Liquor Control
6 Commission, before selling or serving alcoholic liquor to any person about
7 whom there is any reasonable doubt of the person’s having reached 21 years
8 of age, shall require such person to produce one of the following pieces of
9 identification:

10 “(a) The person’s passport **issued by the United States or a foreign**
11 **government.**

12 “(b) The person’s motor vehicle operator’s license issued by this state or
13 another state of the United States.

14 “(c) An identification card issued under ORS 807.400.

15 “(d) A United States military identification card.

16 “(e) An identification card issued by a federally recognized Indian tribe.

17 “(f) Any other identification card issued by a state or territory of the
18 United States that bears a picture of the person, the name of the person, the
19 person’s date of birth and a physical description of the person.

20 **“(g) Proof of the person’s participation in the Secure Electronic**
21 **Network for Travelers Rapid Inspection program operated by United**

1 **States Customs and Border Protection, the NEXUS program jointly**
2 **operated by that agency and the Canada Border Services Agency, or**
3 **a successor to either of those programs that is recognized by the**
4 **commission.**

5 “(2) If a person does not have identification as described in subsection (1)
6 of this section, the permittee or licensee shall require such person to make
7 a written statement of age and furnish evidence of the person’s true age and
8 identity. The written statement of age shall be on a form furnished or ap-
9 proved by the commission, including but not limited to the following infor-
10 mation:

11 “ _____

12 Date _____

13 I am 21 years of age or over. _____

14 Signature _____

15 Description of evidence in support of age and identity:

16 _____ Identification No. (if any) _____

17 _____ Identification No. (if any) _____

18 (Fill in information pertaining to any two or more pieces of evidence submitted by the person.)

19 I hereby certify that I have accurately recorded identification of the evidence submitted to
20 complete this form.

21 _____

22 Signature of permittee or licensee

23 A person under 21 years of age who knowingly misrepresents the person’s true age with the
24 intent of obtaining alcohol in violation of ORS chapter 471 may be subject to criminal penalties
25 under ORS 165.805.

26 “ _____

27 **“SECTION 2.** ORS 471.230 is amended to read:

28 “471.230. (1) A distillery license allows the licensee to import, manufac-
29 ture, distill, rectify, blend, denature and store distilled liquor [*with an alco-*
30 *holic content greater than 10 percent alcohol by volume*], to sell the distilled

1 liquor to the Oregon Liquor Control Commission and to transport the dis-
2 tilled liquor out of this state for sale outside this state. Distillery licensees
3 may purchase and sell distilled liquor from or to another distillery licensee
4 in containers having a capacity greater than one U.S. gallon for blending
5 and manufacturing purposes. A distillery licensee may not sell any alcoholic
6 beverage within this state except to the commission or as provided in this
7 section. However, any agricultural producer or association of agricultural
8 producers or the legal agents of an agricultural producer or association of
9 agricultural producers that manufactures and converts agricultural sur-
10 pluses, by-products and wastes into denatured ethyl and industrial alcohol
11 for use in the arts and industry are not required to obtain a license from the
12 commission.

13 “(2) If a distillery licensee holds a valid distilled spirits plant basic permit
14 issued by the federal Alcohol and Tobacco Tax and Trade Bureau for the li-
15 censed premises, the distillery licensee may:

16 “(a) Permit tastings of distilled liquor approved by the commission for
17 sale in Oregon and manufactured in Oregon by the distillery licensee or by
18 another distillery licensee. Tastings may be of the distilled liquor alone or
19 with a mix of other liquids. If any of the other liquids are distilled liquors,
20 they must be distilled liquors on the list of products approved by the com-
21 mission for retail sale in Oregon and must be purchased by the licensee at
22 the retail price established by the commission. This paragraph does not au-
23 thorize sales by the drink of distilled liquor. The tastings may be conducted
24 on the licensed premises of the distillery and at no more than five other
25 premises owned or leased by the licensee. The commission may allow more
26 than one distillery licensee to use the same premises at the same time for
27 conducting tastings if the premises are a primary production location and the
28 licensees share the premises or are owned by the same entity. If the man-
29 ufacturer of the distilled liquor obtains distilled liquor for conducting
30 tastings from the inventory of the commission, the licensee shall pay the

1 commission a processing fee.

2 “(b) Obtain a special events distillery license.

3 “(c) Apply for appointment by the commission as a distillery retail outlet
4 agent for purposes of retailing distilled liquor at locations where tastings
5 are permitted under paragraph (a) of this subsection or subsection (4)(a) of
6 this section. A distillery retail outlet agent may sell at locations where
7 tastings are allowed under paragraph (a) of this subsection only distilled li-
8 quor that is on the list of products approved by the commission for retail
9 sale in Oregon and is manufactured in Oregon by the distillery licensee or
10 by another distillery licensee that uses the same premises as a primary pro-
11 duction location or is owned by the same entity as the distillery licensee.

12 “(3) Notwithstanding ORS 471.392 to 471.400, a distillery licensee may
13 [*also hold a full on-premises sales license for a location at the licensed prem-*
14 *ises of the distillery and a full on-premises sales license for one other*
15 *location*] **hold one or more full on-premises sales licenses**. All distilled
16 liquor sold under [*the*] **a full on-premises sales license** must be purchased
17 from the commission.

18 “(4) A distillery licensee that holds a special events distillery license may
19 conduct an event on premises designated in the special events distillery li-
20 cense. Except as provided in this subsection, a special events distillery li-
21 cense may be valid for a period not exceeding five days. The commission
22 shall limit the approval of special events distillery licenses for a distillery
23 licensee at the same location to not more than 62 days during a calendar
24 year. A distillery licensee conducting a special event may:

25 “(a) Permit tastings of distilled liquor approved by the commission for
26 sale in Oregon and manufactured in Oregon by the distillery licensee.
27 Tastings may be of the distilled liquor alone or with a mix of other liquids.
28 If any of the other liquids are distilled liquors, they must be distilled liquors
29 on the list of products approved by the commission for retail sale in Oregon
30 and must be purchased by the licensee at the retail price established by the

1 commission. If the manufacturer of the distilled liquor obtains distilled li-
2 quor for conducting tastings from the inventory of the commission, the
3 licensee shall pay the commission a processing fee.

4 “(b) Permit sales by the drink of distilled liquor. A drink that a distillery
5 licensee sells under this paragraph must include distilled liquor that the
6 licensee manufactured in Oregon. Any distilled liquor contained in the drink
7 must be on the list of products approved by the commission for retail sale
8 in Oregon. The distillery licensee selling the drink must purchase all dis-
9 tilled liquor contained in the drink at the retail price set by the commission
10 for the month in which the drink is sold.

11 “(c) If the distillery licensee has been appointed as a distillery retail
12 outlet agent under subsection (2)(c) of this section, sell distilled liquor in
13 factory-sealed containers for consumption off the licensed premises. A
14 distillery retail outlet agent may sell at a location where tastings are al-
15 lowed under paragraph (a) of this subsection only distilled liquor that is on
16 the list of products approved by the commission for retail sale in Oregon and
17 is manufactured in Oregon by the distillery licensee. The distillery retail
18 outlet agent must sell the distilled liquor at the retail price set by the com-
19 mission for the month of sale.

20 **“SECTION 3. This 2019 Act being necessary for the immediate**
21 **preservation of the public peace, health and safety, an emergency is**
22 **declared to exist, and this 2019 Act takes effect on its passage.”.**

23
