

## SENATE AMENDMENTS TO RESOLVE CONFLICTS TO HOUSE BILL 2742

By COMMITTEE ON LABOR AND BUSINESS

May 20

1 On page 2 of the printed bill, after line 16, insert:

2 **“SECTION 1a. If House Bill 2264 becomes law, section 1 of this 2021 Act (amending ORS**  
3 **471.186) is repealed and ORS 471.186, as amended by section 10, chapter \_\_, Oregon Laws 2021**  
4 **(Enrolled House Bill 2264), is amended to read:**

5 “471.186. (1) The holder of an off-premises sales license may sell factory-sealed containers of  
6 malt beverages, wine and cider for consumption off the licensed premises.

7 “(2) The holder of an off-premises sales license may sell for consumption off the licensed prem-  
8 ises malt beverages, wine and cider in securely covered containers supplied by the consumer and  
9 that have capacities of not more than two gallons each.

10 “(3) The holder of an off-premises sales license may provide sample tasting of alcoholic  
11 beverages on the licensed premises if the licensee applies in writing to the Oregon Liquor Control  
12 Commission and receives written approval from the commission to conduct tastings on the premises.  
13 Tastings must be limited to the alcoholic beverages that may be sold under the privileges of the li-  
14 cense.

15 “(4) An off-premises sales license may not be issued for use at a premises that is mobile.

16 “(5) Except as provided in ORS 471.402, a manufacturer or wholesaler may not provide or pay  
17 for sample tastings of alcoholic beverages for the public on premises licensed under an off-premises  
18 sales license.

19 “(6) The holder of an off-premises sales license may deliver malt beverages, wine or cider that  
20 is sold under the privileges of the license to retail customers in this state without a direct shipper  
21 permit issued under ORS 471.282. Any deliveries by the holder of an off-premises sales license are  
22 subject to any rules adopted by the commission relating to deliveries made under this subsection.  
23 Deliveries under this subsection:

24 “(a) May be made only to a person who is at least 21 years of age;

25 “(b) May be made only for personal use and not for the purpose of resale; and

26 “(c) Must be made in containers that are conspicuously labeled with the words: ‘CONTAINS  
27 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY.’

28 “(7) The holder of an off-premises sales license that makes deliveries of malt beverages, wine  
29 or cider under subsection (6) of this section shall take all actions necessary to ensure that a carrier  
30 used by the licensee does not deliver any malt beverages, wine or cider unless the carrier:

31 “(a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery;

32 “(b) Verifies by inspecting government-issued photo identification that the recipient is at least  
33 21 years of age; and

34 “(c) Determines that the recipient is not visibly intoxicated at the time of delivery.

35 “(8) Any person who knowingly or negligently delivers malt beverages, wine or cider under the

1 provisions of this section to a person under 21 years of age, or who knowingly or negligently de-  
2 livers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated  
3 person, violates ORS 471.410.

4 “(9) If a court determines that deliveries of malt beverages, wine or cider under subsection (6)  
5 of this section cannot be restricted to holders of off-premises sales licenses, and the decision is a  
6 final judgment that is no longer subject to appeal, the holder of an off-premises sales license may  
7 not make deliveries of malt beverages, wine or cider under the provisions of subsection (6) of this  
8 section after entry of the final judgment.

9 “(10) **The Oregon Liquor Control Commission may adopt rules to carry out this**  
10 **section.**”

11 After line 23, insert:

12 “**SECTION 2a.** If House Bill 2264 becomes law, section 2 of this 2021 Act is amended to read:

13 “**Sec. 2.** (1) The amendments to ORS 471.186 by section [1] **1a** of this 2021 Act become operative  
14 on January 1, 2022.

15 “(2) The Oregon Liquor Control Commission may take any action before the operative date  
16 specified in subsection (1) of this section that is necessary to enable the commission to exercise, on  
17 and after the operative date specified in subsection (1) of this section, all of the duties, functions  
18 and powers conferred on the commission by the amendments to ORS 471.186 by section [1] **1a** of this  
19 2021 Act.”.

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