

## SENATE AMENDMENTS TO SENATE BILL 316

By COMMITTEE ON FINANCE AND REVENUE

March 16

1 On page 3 of the printed bill, after line 2, insert:

2 “**SECTION 3.** ORS 471.230, as amended by section 1 of this 2021 Act, is amended to read:

3 “471.230. (1) A distillery license allows the licensee to import, manufacture, distill, rectify, blend,  
4 denature and store distilled liquor, to sell the distilled liquor to the Oregon Liquor Control Com-  
5 mission and to transport the distilled liquor out of this state for sale outside this state. Distillery  
6 licensees may purchase and sell distilled liquor from or to another distillery licensee in containers  
7 having a capacity greater than one U.S. gallon for blending and manufacturing purposes. A distillery  
8 licensee may not sell any alcoholic beverage within this state except to the commission or as pro-  
9 vided in this section. However, any agricultural producer or association of agricultural producers  
10 or the legal agents of an agricultural producer or association of agricultural producers that manu-  
11 factures and converts agricultural surpluses, by-products and wastes into denatured ethyl and in-  
12 dustrial alcohol for use in the arts and industry are not required to obtain a license from the  
13 commission.

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

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

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

29 “(c) Apply for appointment by the commission as a distillery retail outlet agent for purposes of  
30 retailing distilled liquor at locations where tastings are permitted under paragraph (a) of this sub-  
31 section or subsection (4)(a) of this section. A distillery retail outlet agent may sell at locations  
32 where tastings are allowed under paragraph (a) of this subsection only distilled liquor that is on the  
33 list of products approved by the commission for retail sale in Oregon and is manufactured in Oregon  
34 by the distillery licensee or by another distillery licensee that uses the same premises as a primary  
35 production location or is owned by the same entity as the distillery licensee.

1 “(3) Notwithstanding ORS 471.392 to 471.400, a distillery licensee may hold one or more full  
2 on-premises sales licenses. All distilled liquor sold under a full on-premises sales license must be  
3 purchased from the commission.

4 “(4) A distillery licensee that holds a special events distillery license may conduct an event on  
5 premises designated in the special events distillery license. Except as provided in this subsection,  
6 a special events distillery license may be valid for a period not exceeding five days. The commission  
7 shall limit the approval of special events distillery licenses for a distillery licensee at the same lo-  
8 cation to not more than 62 days during a calendar year. A distillery licensee conducting a special  
9 event may:

10 “(a) Permit tastings of distilled liquor approved by the commission for sale in Oregon and man-  
11 ufactured in Oregon by the distillery licensee. Tastings may be of the distilled liquor alone or with  
12 a mix of other liquids. If any of the other liquids are distilled liquors, they must be distilled liquors  
13 on the list of products approved by the commission for retail sale in Oregon and must be purchased  
14 by the licensee at the retail price established by the commission. If the manufacturer of the distilled  
15 liquor obtains distilled liquor for conducting tastings from the inventory of the commission, the  
16 licensee shall pay the commission a processing fee.

17 “(b) Permit sales by the drink of distilled liquor. A drink that a distillery licensee sells under  
18 this paragraph must include distilled liquor that the licensee manufactured in Oregon. Any distilled  
19 liquor contained in the drink must be on the list of products approved by the commission for retail  
20 sale in Oregon. The distillery licensee selling the drink must purchase all distilled liquor contained  
21 in the drink at the retail price set by the commission for the month in which the drink is sold.

22 “(c) If the distillery licensee has been appointed as a distillery retail outlet agent under sub-  
23 section (2)(c) of this section, sell distilled liquor in factory-sealed containers for consumption off the  
24 licensed premises. A distillery retail outlet agent may sell at a location where tastings are allowed  
25 under paragraph (a) of this subsection only distilled liquor that is on the list of products approved  
26 by the commission for retail sale in Oregon and is manufactured in Oregon by the distillery licensee.  
27 The distillery retail outlet agent must sell the distilled liquor at the retail price set by the com-  
28 mission for the month of sale.

29 “[5] *The commission shall pay a distillery retail outlet agent compensation for distilled liquor re-*  
30 *tail sales by the agent under subsection (2)(c) or (4)(c) of this section. The compensation rate shall*  
31 *be:]*

32 “[a] *For the first \$250,000 of annual total combined retail sales from all distillery retail outlet*  
33 *agent tasting locations operated by the distillery licensee under subsection (2)(a) or (4)(a) of this section,*  
34 *45 percent of the retail price set by the commission for the sold distilled liquor.]*

35 “[b] *For distilled liquor retail sales by the agent that are not described in paragraph (a) of this*  
36 *subsection, 17 percent of the retail price set by the commission for the sold distilled liquor.]*

37 “**SECTION 4. The amendments to ORS 471.230 by section 3 of this 2021 Act become op-**  
38 **erative January 2, 2028, and apply to distilled liquor retail sales made by a distillery retail**  
39 **outlet agent on or after January 2, 2028.”.**