

HB 2742-1
(LC 1482)
5/11/21 (SCT/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
HOUSE BILL 2742**

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**
3 **Act (amending ORS 471.186) is repealed and ORS 471.186, as amended**
4 **by section 10, chapter __, Oregon Laws 2021 (Enrolled House Bill 2264),**
5 **is amended to read:**

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

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

13 “(3) The holder of an off-premises sales license may provide sample tasting
14 of alcoholic beverages on the licensed premises if the licensee applies in
15 writing to the Oregon Liquor Control Commission and receives written ap-
16 proval from the commission to conduct tastings on the premises. Tastings
17 must be limited to the alcoholic beverages that may be sold under the priv-
18 ileges of the license.

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

21 “(5) Except as provided in ORS 471.402, a manufacturer or wholesaler may

1 not provide or pay for sample tastings of alcoholic beverages for the public
2 on premises licensed under an off-premises sales license.

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

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

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

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

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

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

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

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

25 “(8) Any person who knowingly or negligently delivers malt beverages,
26 wine or cider under the provisions of this section to a person under 21 years
27 of age, or who knowingly or negligently delivers malt beverages, wine or
28 cider under the provisions of this section to a visibly intoxicated person,
29 violates ORS 471.410.

30 “(9) If a court determines that deliveries of malt beverages, wine or cider

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

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

8 After line 23, insert:

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

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

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

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