

House Bill 4047

Sponsored by Representative BERGER; Representatives BARNHART, WINGARD, Senators ATKINSON, JOHNSON
(Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Revises authority of charitable or nonprofit organization to sell alcoholic beverages in factory-sealed containers without license. Allows organization to sell by raffle. Allows organization to auction or raffle limited amounts of distilled liquor. Allows organization to auction or raffle cider. Limits duration of auction or raffle. Specifies origin and importation requirements for auctioned or raffled alcoholic beverages.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverage sales exempted from licensing requirements; amending ORS 471.162;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 471.162 is amended to read:

6 471.162. (1) Hospitals, sanitariums, convalescent homes, rest homes, retirement homes and facil-
7 ities for the care of the elderly that have been licensed or registered by the state may sell and serve
8 alcoholic beverages to patients, inmates and residents, and to bona fide visitors and guests of pa-
9 tients, inmates and residents, without a license issued under this chapter. Facilities authorized to
10 sell and serve alcoholic beverages without a license under this subsection may not sell or serve al-
11 coholic beverages after 10 p.m. except upon a physician's prescription.

12 (2) A person who operates a private residence that is not a boarding house but that accommo-
13 dates transient guests for a limited duration may sell and serve wine, malt beverages and cider to
14 registered overnight guests without a license. Facilities authorized to sell and serve alcoholic
15 beverages without a license under this subsection must have six or fewer guest units.

16 (3) A person who is an employee or agent of the holder of a license issued under this chapter
17 that authorizes wholesale distribution of alcoholic beverages may, on behalf of the licensee, sell al-
18 coholic beverages in factory-sealed containers to retail licensees and wholesalers.

19 (4) A pharmacist licensed under the laws of this state may sell alcoholic beverages without a
20 license. Pharmacists may only sell alcoholic beverages under the provisions of this section if the
21 alcoholic beverages are drugs as defined in ORS 689.005. A pharmacist may sell alcoholic beverages
22 under the provisions of this subsection pursuant to a prescription, in containers of not more than
23 one quart capacity.

24 (5) A wine collector, or the agent of a wine collector, may sell wine in factory-sealed containers
25 at auction without a license. Any wine sold under this subsection must have been held by the col-
26 lector for at least a six-month period. A wine collector must receive written approval from the
27 Oregon Liquor Control Commission before conducting a sale under this subsection. No more than
28 one sale in a 12-month period may be conducted by a wine collector under the provisions of this

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 subsection.

2 (6) A nonprofit or charitable organization registered [*with the state may sell wine and malt*
 3 *beverages in factory-sealed containers at auction without a license.*] **in this state may sell wine, malt**
 4 **beverages and cider, and a total of not more than four liters of distilled liquor, in factory-**
 5 **sealed containers at an auction or through a raffle without a license.** The organization must
 6 receive written approval from the commission before conducting [*a sale*] **an auction or raffle** under
 7 this subsection. [*No more than one sale in a 12-month period may be conducted by an organization*
 8 *under the provisions of this subsection.*] **The organization may conduct no more than one auction**
 9 **or raffle under this subsection in a 12-month period. The auction or raffle may not have a**
 10 **duration of more than one day. The organization may sell under this subsection wine, malt**
 11 **beverages, cider and distilled liquor purchased by or donated to the organization. The pur-**
 12 **chased or donated wine, malt beverages, cider and distilled liquor must be imported into this**
 13 **state by the commission or be manufactured in or imported into this state under a brewery,**
 14 **brewery-public house, distillery, grower sales privilege, winery or wholesale malt beverage**
 15 **and wine license.**

16 (7) A manufacturer may sell proprietary or patent medicines, perfumes, lotions, flavoring ex-
 17 tracts, medicinal tinctures and other preparations unfit for beverage purposes without a license.

18 **SECTION 2. This 2012 Act being necessary for the immediate preservation of the public**
 19 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
 20 **on its passage.**

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