

Enrolled
House Bill 2164

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission and Office of Regulatory Streamlining of Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to winery licenses; creating new provisions; amending ORS 471.223; and declaring an emergency.

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

SECTION 1. ORS 471.223 is amended to read:

471.223. (1) A winery license shall allow the licensee:

- (a) To import, bottle, produce, blend, store, transport or export wines or cider.
 - (b) To sell wines or cider at wholesale to the Oregon Liquor Control Commission or to licensees of the commission.
 - (c) To sell wines or cider at retail directly to the consumer for consumption on or off the licensed premises.
 - (d) To sell malt beverages at retail for consumption on or off the licensed premises.
 - (e) To conduct the activities allowed under paragraph (a), (b), (c) or (d), or all, of this subsection at a second or third premises as may be designated by the commission.
 - (f) To purchase from or through the commission brandy or other distilled liquors for fortifying wines.
 - (g) To obtain a special events winery license that shall entitle the holder to conduct the activities allowed under [paragraph (c)] **paragraphs (c) and (d)** of this subsection at a designated location other than the one set forth in the winery license for a period not to exceed five days.
- (2) In order to hold a winery license the licensee shall principally produce wine or cider in this state.
- (3) On and after July 1, 1990, a winery licensee is not authorized to import wine or cider in bottles unless the brand of wine or cider is owned by the licensee.
- (4) A winery licensee is authorized to ship not more than two cases of wine or cider per month for personal use and not for resale, containing not more than nine liters per case to any resident of this state who is at least 21 years of age. The shipping container of any wine or cider shipped under this subsection must be clearly labeled to indicate that the container contains alcoholic beverages and cannot be delivered to a person who is not at least 21 years of age or to a person who is visibly intoxicated. Orders for shipments under this subsection may be taken by phone, mail or any other form of communication.
- (5)(a) Except as provided in paragraph (b) of this subsection, a winery licensee, or any person having an interest in the licensee, may also hold a full on-premises sales license. If a person holds both a winery license and a full on-premises sales license, nothing in this chapter shall prevent the

sale by the licensee of both distilled liquor and wine or cider bottled and produced under the winery license.

(b) The commission may not issue a full on-premises sales license to a winery licensee under the provisions of this subsection if the winery licensee, or any person having an interest in the licensee or exercising control over the licensee, is a distillery, a brewery that brews more than 200,000 barrels of malt beverages annually or a winery that produces more than 200,000 gallons of wine or cider annually.

(6) More than one winery licensee may exercise the privileges of a winery license at a single location. The commission may not refuse to issue a winery license to a person for the production of wine or cider on specified premises based on the fact that other winery licensees also produce wine or cider on those premises.

SECTION 2. The amendments to ORS 471.223 by section 1 of this 2007 Act apply to all winery licenses, whether issued before, on or after the effective date of this 2007 Act.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House February 15, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate March 27, 2007

.....
President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

.....
Secretary of State