

House Bill 2588

Sponsored by Representative SCHAUFLEER; Representative MATTHEWS (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**.

Expands homemade beer, wine and fermented fruit juice exemption from Liquor Control Act.

A BILL FOR AN ACT

Relating to alcoholic beverages; creating new provisions; and amending ORS 471.403 and 471.440.

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 471.

SECTION 2. (1) As used in this section, "noncommercial" means unrelated to any financial consideration, including but not limited to direct or indirect consideration through sales, barter, trade, fees, charges, dues, contributions or donations. However, for purposes of this subsection, medals, trophies or other contest awards of de minimis monetary value and the homemade beers, wines and fermented fruit juices of other persons are not financial consideration.

(2) Except as provided in subsection (3) of this section, the Liquor Control Act does not apply to:

(a) The making of beer, naturally fermented wine or naturally fermented fruit juice, in a home for the purpose of noncommercial consumption;

(b) The keeping or transportation of beer, naturally fermented wine or naturally fermented fruit juice, made in a home for the purpose of noncommercial consumption; or

(c) The possession of mash, wort or wash, for the purpose of making beer, naturally fermented wine or naturally fermented fruit juice in a home for noncommercial consumption.

(3) Subsection (2) of this section does not exempt any person from ORS 471.410, 471.430 or 471.432.

SECTION 3. ORS 471.403 is amended to read:

471.403. (1) No person shall brew, ferment, distill, blend or rectify any alcoholic liquor unless licensed so to do by the Oregon Liquor Control Commission. [*However, the Liquor Control Act does not apply to the making or keeping of naturally fermented wines and fruit juices or beer in the home, for home consumption and not for sale.*]

(2) Notwithstanding subsection (1) of this section, the holder of a brewery-public house license or a brewery license may allow patrons to brew malt beverages not to exceed 14 percent alcoholic content by volume if the brewing is conducted under the direct supervision of the licensee or employees of the licensee. Malt beverages produced under this subsection may not be sold by the patron or consumed on the licensed premises.

(3) Notwithstanding subsection (1) of this section, the holder of a winery license may allow pa-

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 trons to make wine if the winemaking is conducted under the direct supervision of the licensee or
 2 employees of the licensee. Wine produced under this subsection may not be sold by the patron or
 3 consumed on the licensed premises.

4 **SECTION 4.** ORS 471.440 is amended to read:

5 471.440. (1) No mash, wort or wash fit for distillation or for the manufacture of spirituous alco-
 6 holic liquors, shall be made, fermented or possessed within this state by any person [*who*] **that** does
 7 not at the time own a distillery license under the Liquor Control Act. [*This section does not prevent*
 8 *the possession of mash for the purpose of manufacturing wine, cider or beer for home consumption as*
 9 *provided for in ORS 471.403.*]

10 (2) No distillery shall be set up or operated in this state for the purpose of manufacturing al-
 11 coholic liquor for beverage purposes except by a person duly licensed under the Liquor Control Act
 12 to operate a distillery. Any device or process [*which*] **that** separates alcoholic spirits from any
 13 fermented substance shall be regarded as a distillery. A distillery is set up [*when*] **if** the still is in
 14 position over a furnace, or is connected with a boiler, so that heat may be applied, although the
 15 worm or worm tank is not in position.

16 (3) The finding of any mash, wort, wash or distillery in any house, on any premises or within
 17 any enclosure, is prima facie evidence that it was made and fermented by, or set up by, and the
 18 property of, the person who is in possession of [*such*] **the** house, premises or enclosure.

19 **SECTION 5.** Section 2 of this 2011 Act and the amendments to ORS 471.403 and 471.440
 20 by sections 3 and 4 of this 2011 Act apply to beer, wine and fermented fruit juices made be-
 21 fore, on or after the effective date of this 2011 Act.

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