



**Testimony on SB 795
House Business & Labor Committee
May 22, 2013**

**Submitted by Dan Jarman on behalf of the
Oregon Winegrowers Association**

Good morning Chair Doherty, Vice-Chairs Kennemer and Barton. For the record my name is Dan Jarman and I am here representing the Oregon Winegrowers Association (OWA).

On behalf of OWA, I would like to thank you and Senator Floyd Prozanski for the opportunity to propose an amendment to SB 795. You should be able to see the –A5 amendment before you. With this amendment we wish to bring some clarity to OLCC rules regarding filling growlers and removing partially consumed bottles of wine from winery premises.

The proposed OWA amendment to SB 795 will do the following:

- Allow individuals with temporary service permits to fill growlers;
- Allow winery and grower sales privilege special events licensees to fill growlers;
- Allow patrons of wineries to remove partially consumed bottles of wine from the premises.

On April 11, 2013 the governor signed the wine growler bill, HB 2443. It is now legal for OLCC license holders to dispense and sell of wine, cider and beer from a secured keg to a consumer by filling a reusable growler container. The licensee dispensing the beverage must securely cover the growler before transferring to the consumer. The wine and cider growler volume is restricted to two-gallons each, which is consistent with the current restrictions on the size of beer growler containers.

During this legislative session and working on the growler bill, the OWA and OLCC discussed providing clarity in some OLCC rules regarding wine containers. This amendment is a result of those discussions.

This amendment will allow two additional types of permit holders to fill growlers, those with temporary service permits as well as winery and grower special event privilege



licensees. The Commission recently approved two temporary rules regarding service permits as a result of the passage of HB 2443. The temporary rules do not allow individuals with temporary service permits to fill growlers because the statute regarding temporary service permits contains references to on-premises sales, but not off-premises sales. Previously, individuals with temporary service permits have been allowed to do everything that the holder of a permanent service permit could do. Temporary service permits allow the holder to start work and give them 45 days in which to complete the alcohol server education training and test. This proposed amendment would maintain consistency between temporary and permanent service permits by allowing an individual with a temporary service permit to do everything that a holder of a permanent service permit could do while completing the final requirements for their permanent service permit.

This amendment will also allow winery and grower sales privilege licensees to fill and sell growlers at special events off premises. An example of a special event would be a festival or fair where it is legal to pour wine under a special event license. It is legal to sell bottles of wine to be removed from the premises at these events.

Another fix this amendment will make is to allow the removal of partially consumed bottles of wine from the winery premises. This fix would clarify that winery licensees and grower sales privilege licensees can allow patrons to remove partially consumed bottles of wine from the premises provided that the patron is not a minor and is not visibly intoxicated. The OLCC allows restaurant patrons to remove partially consumed bottles of wine and this amendment would maintain consistency for wineries and restaurants.

We want to again thank you Senator Prozanski for allowing us to submit this proposed amendment to this committee.

We hope that you see these as relatively straightforward fixes and OWA asks that you support our proposed amendments.

Allowing these fixes will help bring consistency and clarification on who can fill growlers and where patrons can remove partially consumed bottles of wine.

Thank you, and I am happy to answer any questions.