

House Bill 2071

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

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**.

Clarifies minimum alcohol content making nonbeverage foods subject to Oregon Liquor Control Commission regulation.

A BILL FOR AN ACT

1
2 Relating to alcohol; amending ORS 471.038.

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

4 **SECTION 1.** ORS 471.038 is amended to read:

5 471.038. (1) Nonbeverage food products described in subsection (6) of this section may be sold
6 at retail by any holder of a license issued by the Oregon Liquor Control Commission that authorizes
7 the sale of alcoholic liquor at retail, or in any store operated by the commission under the pro-
8 visions of ORS 471.750. Any nonbeverage food product containing more than one-half of one percent
9 of alcohol by volume must be clearly labeled to reflect the alcohol content of the product and clearly
10 labeled on the front of the package to indicate that the product may not be sold to persons under
11 21 years of age.

12 (2) Except as provided by this section, sales of nonbeverage food products described in sub-
13 section (6) of this section are subject to all provisions of this chapter, including the prohibitions on
14 sales to persons under 21 years of age and the prohibitions on sales to persons who are visibly
15 intoxicated.

16 (3) Nonbeverage food products described in subsection (6) of this section may be imported,
17 stored and distributed in this state without a license issued by the commission. Nonbeverage food
18 products described in subsection (6) of this section are not subject to the privilege taxes imposed
19 by ORS chapter 473.

20 (4) Manufacturers of nonbeverage food products described in subsection (6) of this section are
21 not subject to the provisions of ORS 471.392 to 471.400, 471.485, 471.490 or 471.495 or any other
22 provision of this chapter relating to manufacturers of alcoholic liquor. A manufacturer of
23 nonbeverage food products described in subsection (6) of this section may sell and deliver the
24 product directly to a licensee authorized under this section to sell the product at retail.

25 (5) The holder of a distillery license issued under ORS 471.230 who is also a manufacturer of
26 nonbeverage food products described in subsection (6) of this section may purchase distilled liquor
27 directly from other distilleries.

28 (6) The provisions of this section apply only to nonbeverage food products that contain **more**
29 **than one-half of one percent of alcohol by volume and** not more than **the greater of** five percent
30 alcohol by weight or 10 percent alcohol by volume[, *whichever is greater*].
31

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.