

**PROPOSED AMENDMENTS TO
SENATE BILL 795**

1 In line 2 of the printed bill, after “471.157” insert “and 471.200”.

2 After line 7, insert:

3 **“SECTION 2.** ORS 471.200 is amended to read:

4 “471.200. (1) A brewery-public house license allows the licensee:

5 “(a) To manufacture on the licensed premises, store, transport, sell to
6 wholesale malt beverage and wine licensees of the Oregon Liquor Control
7 Commission and export malt beverages;

8 “(b) To sell malt beverages manufactured on or off the licensed premises
9 at retail for consumption on or off the premises;

10 “(c) To sell malt beverages in brewery-sealed packages at retail directly
11 to the consumer for consumption off the premises;

12 “(d) To sell on the licensed premises at retail malt beverages manufac-
13 tured on or off the licensed premises in unpasteurized or pasteurized form
14 directly to the consumer for consumption off the premises, delivery of which
15 may be made in a securely covered container supplied by the consumer;

16 “(e) To sell wine and cider at retail for consumption on or off the prem-
17 ises;

18 “(f) To conduct the activities, **except manufacturing**, described in par-
19 agraphs [(b)] (a) to (e) of this subsection at one location other than the
20 premises where the manufacturing occurs; and

21 “(g) To obtain a special events brewery-public house license entitling the
22 holder to conduct the activities allowed under paragraphs (b), (c) and (e) of

1 this subsection at a designated location other than the location set forth in
2 the brewery-public house license for a period not exceeding five days.

3 “(2) In addition to the privileges specified in subsection (1) of this section,
4 in any calendar year a brewery-public house licensee may sell at wholesale
5 to licensees of the commission malt beverages produced by the brewery-
6 public house licensee if the brewery-public house licensee produced 5,000
7 barrels or less of malt beverages in the immediately preceding calendar year.

8 “(3) A brewery-public house licensee, or any person having an interest in
9 the licensee, is a retail licensee for the purposes of ORS 471.394 and, except
10 as otherwise provided by this section and ORS 471.396, may not acquire or
11 hold any right, title, lien, claim or other interest, financial or otherwise, in,
12 upon or to the premises, equipment, business or merchandise of any man-
13 ufacturer or wholesaler, as defined in ORS 471.392. A brewery-public house
14 licensee, or any person having an interest in the licensee, is also a man-
15 ufacturer for the purposes of ORS 471.398 and, except as otherwise provided
16 by this section and ORS 471.400, may not acquire or hold any right, title,
17 lien, claim or other interest, financial or otherwise, in, upon or to the
18 premises, equipment, business or merchandise of any other retail licensee,
19 as defined in ORS 471.392.

20 “(4) A brewery-public house licensee, or any person having an interest in
21 the licensee, is a retail licensee for the purposes of ORS 471.398 and, except
22 as otherwise provided by this section and ORS 471.400, may not accept di-
23 rectly or indirectly any financial assistance described in ORS 471.398 from
24 any manufacturer or wholesaler, as defined in ORS 471.392. A brewery-public
25 house licensee, or any person having an interest in the licensee, is also a
26 manufacturer for the purposes of ORS 471.398 and, except as otherwise pro-
27 vided by this section and ORS 471.400, may not provide directly or indirectly
28 any financial assistance described in ORS 471.398 to any retail licensee, as
29 defined in ORS 471.392. The prohibitions on financial assistance in ORS
30 471.398 do not apply to financial assistance between manufacturing and retail

1 businesses licensed to the same person under the provisions of this section.

2 “(5) Notwithstanding subsection (3) of this section, a brewery-public house
3 licensee, or any person having an interest in the licensee, may also hold a
4 winery license authorized by ORS 471.223. A brewery-public house licensee,
5 or any person having an interest in the licensee, may also hold a warehouse
6 license authorized by ORS 471.242.

7 “(6) Notwithstanding subsection (3) of this section, a brewery-public house
8 licensee is eligible for limited on-premises sales licenses and temporary sales
9 licenses.

10 “(7)(a) Notwithstanding subsection (3) of this section, and except as pro-
11 vided in this subsection, a brewery-public house licensee, or any person
12 having an interest in the licensee, may also hold a full on-premises sales li-
13 cense. If a person holds both a brewery-public house license and a full on-
14 premises sales license, nothing in this chapter shall prevent the sale by the
15 licensee of both distilled liquor and malt beverages manufactured under the
16 brewery-public house license.

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

23 “(8) Notwithstanding any other provision of this chapter, a brewery-public
24 house licensee, or any person having an interest in the licensee, may also
25 hold a distillery license. No provision of this chapter prevents a brewery-
26 public house licensee that also holds a distillery license from being appointed
27 by the commission as the distillery’s retail outlet agent for the purpose of
28 selling distilled liquors under ORS 471.230.

29 “(9) Notwithstanding subsection (3) of this section, the commission by
30 rule may authorize a brewery-public house licensee to coproduce special

1 events with other manufacturers.

2 “(10)(a) Notwithstanding subsection (3) of this section, a brewery-public
3 house licensee may hold, directly or indirectly, an interest in a manufacturer
4 or wholesaler, provided that the interest does not result in exercise of con-
5 trol over, or participation in the management of, the manufacturer’s or
6 wholesaler’s business or business decisions and does not result in exclusion
7 of any competitor’s brand of alcoholic liquor.

8 “(b) Notwithstanding subsection (3) of this section, a manufacturer or
9 wholesaler, and any officer, director or substantial stockholder of any cor-
10 porate manufacturer or wholesaler, may hold, directly or indirectly, an in-
11 terest in a brewery-public house licensee, provided that the interest does not
12 result in exercise of control over, or participation in the management of, the
13 licensee’s business or business decisions and does not result in exclusion of
14 any competitor’s brand of alcoholic liquor.

15 “(11) For purposes of ORS chapter 473, a brewery-public house licensee
16 shall be considered to be a manufacturer.”.

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