

**PROPOSED AMENDMENTS TO  
SENATE BILL 138**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete pages  
2 2 and 3 and insert:

3 **SECTION 1.** 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 sell for consumption off the premises wines and cider in securely  
19 covered containers supplied by the consumer and having capacities of not  
20 more than two gallons each;

21 “(g) To conduct the activities, except manufacturing, described in para-  
22 graphs (a) to (f) of this subsection at one location other than the premises

1 where the manufacturing occurs; *[and]*

2 “(h) To obtain a special events brewery-public house license entitling the  
3 holder to conduct the activities allowed under paragraphs (b) to (f) of this  
4 subsection at a designated location other than the location set forth in the  
5 brewery-public house license for a period not exceeding five days[.];

6 **“(i) To distribute malt beverages manufactured at the licensed  
7 premises to any other premises licensed to the same licensee, whether  
8 a manufacturer, wholesaler or retail premises; and**

9 **“(j) To distribute for export, in any amount, malt beverages manu-  
10 factured at the licensed premises; and**

11 “(2) In addition to the privileges specified in subsection (1) of this section,  
12 in any calendar year a brewery-public house licensee may sell at wholesale  
13 **and distribute** to licensees of the commission **no more than 7,500 barrels**  
14 **of** malt beverages produced by the brewery-public house licensee[ *if the*  
15 *brewery-public house licensee produced 5,000 barrels or less of malt beverages*  
16 *in the immediately preceding calendar year*].

17 “(3) A brewery-public house licensee, or any person having an interest in  
18 the licensee, is a retail licensee for the purposes of ORS 471.394 and, except  
19 as otherwise provided by this section and ORS 471.396, may not acquire or  
20 hold any right, title, lien, claim or other interest, financial or otherwise, in,  
21 upon or to the premises, equipment, business or merchandise of any man-  
22 ufacturer or wholesaler, as defined in ORS 471.392. A brewery-public house  
23 licensee, or any person having an interest in the licensee, is also a man-  
24 ufacturer for the purposes of ORS 471.398 and, except as otherwise provided  
25 by this section and ORS 471.400, may not acquire or hold any right, title,  
26 lien, claim or other interest, financial or otherwise, in, upon or to the  
27 premises, equipment, business or merchandise of any other retail licensee,  
28 as defined in ORS 471.392.

29 “(4) A brewery-public house licensee, or any person having an interest in  
30 the licensee, is a retail licensee for the purposes of ORS 471.398 and, except

1 as otherwise provided by this section and ORS 471.400, may not accept di-  
2 rectly or indirectly any financial assistance described in ORS 471.398 from  
3 any manufacturer or wholesaler, as defined in ORS 471.392. A brewery-public  
4 house licensee, or any person having an interest in the licensee, is also a  
5 manufacturer for the purposes of ORS 471.398 and, except as otherwise pro-  
6 vided by this section and ORS 471.400, may not provide directly or indirectly  
7 any financial assistance described in ORS 471.398 to any retail licensee, as  
8 defined in ORS 471.392. The prohibitions on financial assistance in ORS  
9 471.398 do not apply to financial assistance between manufacturing and retail  
10 businesses licensed to the same person under the provisions of this section.

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

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

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

26 “(b) The commission may not issue a full on-premises sales license to a  
27 brewery-public house licensee under the provisions of this subsection if the  
28 brewery-public house licensee, or any person having an interest in the  
29 licensee or exercising control over the licensee, is a brewery that brews more  
30 than 200,000 barrels of malt beverages annually or a winery that produces

1 more than 200,000 gallons of wine annually.

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

8 “(9) Notwithstanding subsection (3) of this section, the commission by  
9 rule may authorize a brewery-public house licensee to coproduce special  
10 events with other manufacturers.

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

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

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

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