

SENATE AMENDMENTS TO SENATE BILL 1044

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 21

- 1 On page 1 of the printed bill, line 2, after “279A.025,” insert “471.037, 471.162,”.
- 2 In line 3, delete the second “and” and after “471.390” insert “; and declaring an emergency”.
- 3 On page 3, after line 31, insert:
- 4 “**SECTION 4.** ORS 471.037 is amended to read:
- 5 “471.037. (1) As used in this section and ORS 471.268:
- 6 “(a)(A) ‘Financial consideration,’ except as provided in subparagraph (B) of this paragraph,
- 7 means value that is given or received directly or indirectly through sales, barter, trade, fees,
- 8 charges, dues, contributions or donations.
- 9 “(B) ‘Financial consideration’ does not mean any of the following:
- 10 “(i) A tax deduction or credit for donating beer, wine or fermented fruit juice to a nonprofit
- 11 organization.
- 12 “(ii) An event admission charge or club or organization dues, if the amount of the admission
- 13 charge or dues is independent of the amount of alcoholic beverages to be provided or consumed at
- 14 the event or through club or organization activities.
- 15 “(iii) A prize awarded at a state or county fair or other organized judging, tasting, exhibition,
- 16 contest or competition at which consumption of a submitted beer, wine or fermented fruit juice is
- 17 without charge and only by the entrants, submitters, judges, exhibitors, contestants or competitors.
- 18 “(iv) Homemade beers, wines or fermented fruit juices made by other persons.
- 19 “(v) Beer, wine or fermented fruit juice ingredients.
- 20 “(vi) Wages and salaries paid by an educational organization for teaching brewing, winemaking,
- 21 fermentation science or fermentation processes.
- 22 “(vii) **The receipt of donated homemade beers, wines or fermented fruit juices by a**
- 23 **nonprofit or charitable organization registered in this state for sale at an auction under ORS**
- 24 **471.162 (6), or the proceeds received by the organization from selling those donated home-**
- 25 **made beers, wines or fermented fruit juices at an auction under ORS 471.162 (6).**
- 26 “(b) ‘Homemade’ means made for noncommercial purposes.
- 27 “(c) ‘Noncommercial’ means not dependent or conditioned upon the provision or receipt of fi-
- 28 nancial consideration.
- 29 “(2) Except as provided in subsection (3) of this section, the Liquor Control Act does not apply
- 30 to the following:
- 31 “(a) The making of homemade beer, wine or fermented fruit juice, if the total of beer, wine and
- 32 fermented fruit juice produced during a calendar year does not exceed:
- 33 “(A) One hundred gallons in a household having one person who is 21 years of age or older; or
- 34 “(B) Two hundred gallons in a household having two or more persons who are 21 years of age
- 35 or older.

1 “(b) The keeping, storage or transportation of homemade beer, wine or fermented fruit juice.

2 “(c) The possession of mash, wort or wash, for the purpose of making homemade beer, wine or
3 fermented fruit juice.

4 “(d) Except as provided in ORS 471.268, the noncommercial consumption at any location of
5 homemade beer, wine or fermented fruit juice.

6 “(3) Subsection (2) of this section does not exempt any person from ORS 471.410, 471.430 or
7 471.432.

8 “**SECTION 5.** ORS 471.162 is amended to read:

9 “471.162. (1) Hospitals, sanitariums, convalescent homes, rest homes, retirement homes and fa-
10 cilities for the care of the elderly that have been licensed or registered by the state may sell and
11 serve alcoholic beverages to patients, inmates and residents, and to bona fide visitors and guests
12 of patients, inmates and residents, without a license issued under this chapter. Facilities authorized
13 to sell and serve alcoholic beverages without a license under this subsection may not sell or serve
14 alcoholic beverages after 10 p.m. except upon a physician’s prescription.

15 “(2) A person who operates a private residence that is not a boarding house but that accom-
16 modates transient guests for a limited duration may sell and serve wine, malt beverages and cider
17 to registered overnight guests without a license. Facilities authorized to sell and serve alcoholic
18 beverages without a license under this subsection must have six or fewer guest units.

19 “(3) A person who is an employee or agent of the holder of a license issued under this chapter
20 that authorizes wholesale distribution of alcoholic beverages may, on behalf of the licensee, sell al-
21 coholic beverages in factory-sealed containers to retail licensees and wholesalers.

22 “(4) A pharmacist licensed under the laws of this state may sell alcoholic beverages without a
23 license. Pharmacists may only sell alcoholic beverages under the provisions of this section if the
24 alcoholic beverages are drugs as defined in ORS 689.005. A pharmacist may sell alcoholic beverages
25 under the provisions of this subsection pursuant to a prescription, in containers of not more than
26 one quart capacity.

27 “(5) A wine collector, or the agent of a wine collector, may sell wine in factory-sealed containers
28 at auction without a license. Any wine sold under this subsection must have been held by the col-
29 lector for at least a six-month period. A wine collector must receive written approval from the
30 Oregon Liquor Control Commission before conducting a sale under this subsection. No more than
31 one sale in a 12-month period may be conducted by a wine collector under the provisions of this
32 subsection.

33 “(6) A nonprofit or charitable organization registered in this state may sell wine, malt beverages
34 and cider, **including but not limited to donated homemade malt beverages, wine and**
35 **fermented fruit juices**, and a total of not more than four liters of distilled liquor, in factory-sealed
36 containers at an auction or through a raffle without a license. The organization must receive written
37 approval from the commission before conducting an auction or raffle under this subsection. The or-
38 ganization may conduct no more than one auction or raffle under this subsection in a 12-month pe-
39 riod. The auction or raffle may not have a duration of more than one day. The organization may sell
40 under this subsection wine, malt beverages, cider and distilled liquor purchased by or donated to the
41 organization. **Except for donated homemade malt beverages, wine and fermented fruit juices**,
42 the purchased or donated wine, malt beverages, cider and distilled liquor must be imported into this
43 state by the commission or be manufactured in or imported into this state under a brewery,
44 brewery-public house, distillery, grower sales privilege, winery or wholesale malt beverage and wine
45 license. **As used in this subsection, ‘homemade’ has the meaning given that term in ORS**

1 **471.037.**

2 “(7) A manufacturer may sell proprietary or patent medicines, perfumes, lotions, flavoring ex-
3 tracts, medicinal tinctures and other preparations unfit for beverage purposes without a license.”.

4 In line 32, delete “4” and insert “6”.

5 In line 37, delete “5” and insert “7”.

6 On page 4, line 30, delete “6” and insert “8”.

7 On page 5, line 4, delete “7” and insert “9”.

8 In line 26, delete “8” and insert “10”.

9 On page 6, line 5, after “be” insert “reasonable and sufficient and to be not less than”.

10 In line 10, delete “accrued” and insert “earned”.

11 In line 13, delete “9” and insert “11”.

12 In line 14, delete “10” and insert “12”.

13 In line 17, delete “4” and insert “6”.

14 In line 19, delete “5 to 7” and insert “7 to 9”.

15 After line 21, insert:

16 **“SECTION 13. This 2017 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
18 **on its passage.”.**

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