

House Bill 3113

Sponsored by COMMITTEE ON ECONOMIC DEVELOPMENT (at the request of Bill Cross)

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**.

Increases number of premises at which winery licensee may import, process, store and export wine or cider and sell malt beverages, wine and cider.

A BILL FOR AN ACT

1
2 Relating to winery licensees; amending ORS 471.223.

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

4 **SECTION 1.** ORS 471.223 is amended to read:

5 471.223. (1) As used in this section, "control" means that the licensee:

6 (a) Owns the brand under which the wine or cider is labeled; or

7 (b) Performs or has the legal right to perform all of the acts common to a brand owner under
8 the terms of a trademark license or similar agreement that for the brand under which the wine or
9 cider is labeled has a term of at least three years.

10 (2) A winery license shall allow the licensee:

11 (a) To import wine or cider in containers that have a capacity of more than four liters.

12 (b) To import wine or cider in containers that have a capacity of four liters or less if the brand
13 of wine or cider is under the control of the licensee.

14 (c) To bottle, produce, blend, store, transport or export wines or cider.

15 (d) To sell wines or cider at wholesale to the Oregon Liquor Control Commission or to licensees
16 of the commission.

17 (e) To sell wines or cider at retail directly to the consumer for consumption on or off the li-
18 censed premises.

19 (f) To sell malt beverages at retail for consumption on or off the licensed premises.

20 (g) To sell for consumption off the premises malt beverages, wines and cider in securely covered
21 containers supplied by the consumer and having capacities of not more than two gallons each.

22 (h) To conduct any activities described in paragraphs (a) to (g) of this subsection at [*a second*
23 *or third*] **five or fewer** premises [*as may be*] designated by the commission.

24 (i) To purchase from or through the commission brandy or other distilled liquors for fortifying
25 wines.

26 (j) To obtain a special events winery license that shall entitle the holder to conduct the activ-
27 ities allowed under paragraphs (e) to (g) of this subsection at a designated location other than the
28 one set forth in the winery license for a period not to exceed five days.

29 (3) A winery licensee shall allow a patron to remove a partially consumed bottle of wine from
30 the licensed premises if the patron is not a minor and the patron is not visibly intoxicated.

31 (4) Except as provided in subsection (5) of this section, in order to hold a winery license the

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.

1 licensee shall:

2 (a) Possess at a bonded premises within Oregon a valid producer and blender basic permit issued
3 by the federal Alcohol and Tobacco Tax and Trade Bureau; or

4 (b) Possess a valid wine blender or valid wholesaler basic permit issued by the federal Alcohol
5 and Tobacco Tax and Trade Bureau and have a written contract with a winery licensed under par-
6 agraph (a) of this subsection that authorizes the winery to produce for the licensee a brand of wine
7 or cider that is under the control of the licensee.

8 (5) Subsection (4) of this section does not apply if a licensee produces only cider under the
9 winery license.

10 (6) A winery licensee may sell and ship malt beverages, wine or cider directly to a resident of
11 this state only if the licensee has a direct shipper permit issued under ORS 471.282.

12 (7) A winery licensee, or any person having an interest in the licensee, may also hold a full
13 on-premises sales license. If a winery licensee, or a person having an interest in the licensee, also
14 holds a full on-premises sales license, the provisions of this chapter do not prevent the licensee or
15 person from both selling wine or cider bottled and produced under the winery license and selling
16 alcoholic liquor as authorized under the full on-premises sales license.

17 (8) More than one winery licensee may exercise the privileges of a winery license at a single
18 location. The commission may not refuse to issue a winery license to a person for the production
19 of wine or cider on specified premises based on the fact that other winery licensees also produce
20 wine or cider on those premises.

21 (9) If a winery licensee does not possess at a bonded premises within Oregon a valid producer
22 and blender basic permit issued by the federal Alcohol and Tobacco Tax and Trade Bureau, the
23 licensee may exercise the privileges described in this section only for wine and cider brands that
24 are under the control of the licensee.

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