

SENATE AMENDMENTS TO HOUSE BILL 3239

By COMMITTEE ON RULES

June 18

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and insert “471.130
2 and 471.230; and declaring an emergency.”.

3 Delete lines 4 through 32 and delete page 2 and insert:

4 “**SECTION 1.** ORS 471.130 is amended to read:

5 “471.130. (1) All licensees and permittees of the Oregon Liquor Control Commission, before
6 selling or serving alcoholic liquor to any person about whom there is any reasonable doubt of the
7 person’s having reached 21 years of age, shall require such person to produce one of the following
8 pieces of identification:

9 “(a) The person’s passport **issued by the United States or a foreign government.**

10 “(b) The person’s motor vehicle operator’s license issued by this state or another state of the
11 United States.

12 “(c) An identification card issued under ORS 807.400.

13 “(d) A United States military identification card.

14 “(e) An identification card issued by a federally recognized Indian tribe.

15 “(f) Any other identification card issued by a state or territory of the United States that bears
16 a picture of the person, the name of the person, the person’s date of birth and a physical description
17 of the person.

18 “(g) **Proof of the person’s participation in the Secure Electronic Network for Travelers
19 Rapid Inspection program operated by United States Customs and Border Protection, the
20 NEXUS program jointly operated by that agency and the Canada Border Services Agency,
21 or a successor to either of those programs that is recognized by the commission.**

22 “(2) If a person does not have identification as described in subsection (1) of this section, the
23 permittee or licensee shall require such person to make a written statement of age and furnish ev-
24 idence of the person’s true age and identity. The written statement of age shall be on a form fur-
25 nished or approved by the commission, including but not limited to the following information:

26 “ _____
27

28 Date _____

29 I am 21 years of age or over. _____

30 Signature

31 Description of evidence in support of age and identity:

32 _____ Identification No. (if any) _____

33 _____ Identification No. (if any) _____

34 (Fill in information pertaining to any two or more pieces of evidence submitted by the person.)

35 I hereby certify that I have accurately recorded identification of the evidence submitted to

1 complete this form.

2 _____
3 Signature of permittee or licensee

4 A person under 21 years of age who knowingly misrepresents the person's true age with the
5 intent of obtaining alcohol in violation of ORS chapter 471 may be subject to criminal penalties
6 under ORS 165.805.

7 “ _____

8
9 **“SECTION 2.** ORS 471.230 is amended to read:

10 “471.230. (1) A distillery license allows the licensee to import, manufacture, distill, rectify, blend,
11 denature and store distilled liquor [*with an alcoholic content greater than 10 percent alcohol by vol-*
12 *ume*], to sell the distilled liquor to the Oregon Liquor Control Commission and to transport the
13 distilled liquor out of this state for sale outside this state. Distillery licensees may purchase and sell
14 distilled liquor from or to another distillery licensee in containers having a capacity greater than
15 one U.S. gallon for blending and manufacturing purposes. A distillery licensee may not sell any al-
16 coholic beverage within this state except to the commission or as provided in this section. However,
17 any agricultural producer or association of agricultural producers or the legal agents of an agri-
18 cultural producer or association of agricultural producers that manufactures and converts agricul-
19 tural surpluses, by-products and wastes into denatured ethyl and industrial alcohol for use in the
20 arts and industry are not required to obtain a license from the commission.

21 “(2) If a distillery licensee holds a valid distilled spirits plant basic permit issued by the federal
22 Alcohol and Tobacco Tax and Trade Bureau for the licensed premises, the distillery licensee may:

23 “(a) Permit tastings of distilled liquor approved by the commission for sale in Oregon and man-
24 ufactured in Oregon by the distillery licensee or by another distillery licensee. Tastings may be of
25 the distilled liquor alone or with a mix of other liquids. If any of the other liquids are distilled li-
26 quors, they must be distilled liquors on the list of products approved by the commission for retail
27 sale in Oregon and must be purchased by the licensee at the retail price established by the com-
28 mission. This paragraph does not authorize sales by the drink of distilled liquor. The tastings may
29 be conducted on the licensed premises of the distillery and at no more than five other premises
30 owned or leased by the licensee. The commission may allow more than one distillery licensee to use
31 the same premises at the same time for conducting tastings if the premises are a primary production
32 location and the licensees share the premises or are owned by the same entity. If the manufacturer
33 of the distilled liquor obtains distilled liquor for conducting tastings from the inventory of the
34 commission, the licensee shall pay the commission a processing fee.

35 “(b) Obtain a special events distillery license.

36 “(c) Apply for appointment by the commission as a distillery retail outlet agent for purposes of
37 retailing distilled liquor at locations where tastings are permitted under paragraph (a) of this sub-
38 section or subsection (4)(a) of this section. A distillery retail outlet agent may sell at locations
39 where tastings are allowed under paragraph (a) of this subsection only distilled liquor that is on the
40 list of products approved by the commission for retail sale in Oregon and is manufactured in Oregon
41 by the distillery licensee or by another distillery licensee that uses the same premises as a primary
42 production location or is owned by the same entity as the distillery licensee.

43 “(3) Notwithstanding ORS 471.392 to 471.400, a distillery licensee may [*also hold a full on-*
44 *premises sales license for a location at the licensed premises of the distillery and a full on-premises*
45 *sales license for one other location*] **hold one or more full on-premises sales licenses.** All distilled

1 liquor sold under [the] a full on-premises sales license must be purchased from the commission.

2 “(4) A distillery licensee that holds a special events distillery license may conduct an event on
3 premises designated in the special events distillery license. Except as provided in this subsection,
4 a special events distillery license may be valid for a period not exceeding five days. The commission
5 shall limit the approval of special events distillery licenses for a distillery licensee at the same lo-
6 cation to not more than 62 days during a calendar year. A distillery licensee conducting a special
7 event may:

8 “(a) Permit tastings of distilled liquor approved by the commission for sale in Oregon and man-
9 ufactured in Oregon by the distillery licensee. Tastings may be of the distilled liquor alone or with
10 a mix of other liquids. If any of the other liquids are distilled liquors, they must be distilled liquors
11 on the list of products approved by the commission for retail sale in Oregon and must be purchased
12 by the licensee at the retail price established by the commission. If the manufacturer of the distilled
13 liquor obtains distilled liquor for conducting tastings from the inventory of the commission, the
14 licensee shall pay the commission a processing fee.

15 “(b) Permit sales by the drink of distilled liquor. A drink that a distillery licensee sells under
16 this paragraph must include distilled liquor that the licensee manufactured in Oregon. Any distilled
17 liquor contained in the drink must be on the list of products approved by the commission for retail
18 sale in Oregon. The distillery licensee selling the drink must purchase all distilled liquor contained
19 in the drink at the retail price set by the commission for the month in which the drink is sold.

20 “(c) If the distillery licensee has been appointed as a distillery retail outlet agent under sub-
21 section (2)(c) of this section, sell distilled liquor in factory-sealed containers for consumption off the
22 licensed premises. A distillery retail outlet agent may sell at a location where tastings are allowed
23 under paragraph (a) of this subsection only distilled liquor that is on the list of products approved
24 by the commission for retail sale in Oregon and is manufactured in Oregon by the distillery licensee.
25 The distillery retail outlet agent must sell the distilled liquor at the retail price set by the com-
26 mission for the month of sale.

27 “**SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
28 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
29 **on its passage.”**