

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 827**

- 1 In line 2 of the printed bill, after “ORS” insert “471.001 and”.
- 2 Delete lines 4 through 14 and insert:
- 3 **“SECTION 1.** ORS 471.001 is amended to read:
- 4 “471.001. As used in this chapter and ORS chapter 473:
- 5 “(1) ‘Alcoholic beverage’ and ‘alcoholic liquor’ mean any liquid or solid
- 6 containing more than one-half of one percent alcohol by volume and capable
- 7 of being consumed by a human being.
- 8 “(2) ‘Commercial establishment’ means a place of business:
- 9 “(a) Where food is cooked and served;
- 10 “(b) That has kitchen facilities adequate for the preparation and serving
- 11 of meals;
- 12 “(c) That has dining facilities adequate for the serving and consumption
- 13 of meals; and
- 14 “(d) That:
- 15 “(A) If not a for-profit private club, serves meals to the general public;
- 16 or
- 17 “(B) If a for-profit private club, serves meals to the club’s members and
- 18 guests and complies with any minimum membership and food service re-
- 19 quirements established by Oregon Liquor Control Commission rules.
- 20 “(3) ‘Commission’ means the Oregon Liquor Control Commission.
- 21 “(4) ‘Distilled liquor’ means any alcoholic beverage other than a wine,

1 cider or malt beverage. ‘Distilled liquor’ includes distilled spirits.

2 “(5) ‘Licensee’ means any person holding a license issued under this
3 chapter.

4 “(6)(a) ‘Malt beverage’ means an alcoholic beverage obtained by the
5 fermentation of grain that contains not more than 14 percent alcohol by
6 volume.

7 “(b) ‘Malt beverage’ includes:

8 “(A) Beer, ale, porter, stout and similar alcoholic beverages containing
9 not more than 14 percent alcohol by volume;

10 “(B) Malt beverages containing six percent or less alcohol by volume and
11 that contain at least 51 percent alcohol by volume obtained by the
12 fermentation of grain, as long as not more than 49 percent of the beverage’s
13 overall alcohol content is obtained from flavors and other added nonbeverage
14 ingredients containing alcohol; and

15 “(C) Malt beverages containing more than six percent alcohol by volume
16 that derive not more than 1.5 percent of the beverage’s overall alcohol con-
17 tent by volume from flavors and other added nonbeverage ingredients con-
18 taining alcohol.

19 “(c) ‘Malt beverage’ does not include cider or an alcoholic beverage ob-
20 tained primarily by fermentation of rice, such as sake.

21 “(7) ‘Manufacturer’ means every person who produces, brews, ferments,
22 manufactures or blends an alcoholic beverage within this state or who im-
23 ports or causes to be imported into this state an alcoholic beverage for sale
24 or distribution within the state.

25 “(8) ‘Permittee’ means a person holding a permit issued under ORS 471.360
26 to 471.385.

27 “[9) ‘Premises’ or ‘licensed premises’ means a location licensed under this
28 chapter and includes all enclosed areas at the location that are used in the
29 business operated at the location, including offices, kitchens, rest rooms and
30 storerooms, including all public and private areas where patrons are permitted

1 *to be present. ‘Premises’ or ‘licensed premises’ includes areas outside of a*
2 *building that the commission has specifically designated as approved for al-*
3 *coholic beverage service or consumption.]*

4 **“(9) ‘Premises’ or ‘licensed premises’ means a place described under**
5 **paragraph (a), (b) or (c) of this subsection as determined and approved**
6 **by the commission:**

7 **“(a)(A) A location licensed under this chapter;**

8 **“(B) Offices, kitchens, rest rooms, storerooms or other enclosed**
9 **areas used in the business operating a location licensed under this**
10 **chapter;**

11 **“(C) All enclosed public and private areas of a location licensed**
12 **under this chapter where patrons are permitted to be present; and**

13 **“(D) Areas outside of a building licensed as provided under this**
14 **paragraph, if the commission has specifically designated or approved**
15 **the area for alcoholic beverage service or consumption.**

16 **“(b)(A) A mobile dispensary equipped for selling malt beverages,**
17 **wine or cider that is not a public passenger carrier described in ORS**
18 **471.182; and**

19 **“(B) An area adjacent to a mobile dispensary described in paragraph**
20 **(b) of this subsection that meets any applicable criteria specified by**
21 **the commission for the consumption of malt beverages, wine or cider**
22 **sold from a mobile dispensary.**

23 **“(c) A public passenger carrier described in ORS 471.182.**

24 **“(10) ‘Regulatory specialist’ means a full-time employee of the commission**
25 **who is authorized to act as an agent of the commission in conducting in-**
26 **spections or investigations, making arrests and seizures, aiding in prose-**
27 **cutions for offenses, issuing citations for violations and otherwise enforcing**
28 **this chapter, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.545, 475B.550**
29 **to 475B.590 and 475B.600 to 475B.655, commission rules and any other stat-**
30 **utes the commission considers related to regulating liquor, marijuana or**

1 marijuana-derived products.

2 “(11) ‘Wine’ means any fermented vinous liquor or fruit juice, or other
3 fermented beverage fit for beverage purposes that is not a malt beverage,
4 containing more than one-half of one percent of alcohol by volume and not
5 more than 21 percent of alcohol by volume. ‘Wine’ includes fortified wine.
6 ‘Wine’ does not include cider.

7 **“SECTION 2.** ORS 471.159 is amended to read:

8 “471.159. (1) [*The Oregon Liquor Control Commission may not license a*
9 *location that does not have defined boundaries.*] **If the Oregon Liquor Con-**
10 **trol Commission licenses a location as a premises under ORS 471.001**
11 **(9)(a), the location must have fixed boundaries. If the commission li-**
12 **censes a mobile premises that is not a public passenger carrier de-**
13 **scribed in ORS 471.182, each location at which the mobile premises**
14 **sells malt beverages, wine or cider must conform to any applicable**
15 **criteria specified by the commission for the sale of malt beverages,**
16 **wine or cider by a mobile dispensary or for the consumption of malt**
17 **beverages, wine or cider in an area adjacent to a mobile dispensary.**

18 “(2) A licensed premises need not be enclosed by a wall, fence or other
19 structure, but the commission may require that any licensed premises be
20 enclosed as a condition of issuing or renewing a license.

21 “(3) Except as provided in ORS 471.182, [*the commission may not license*
22 *premises that are mobile*] **a mobile premises must be licensed only for**
23 **limited on-premises sales or must be a location where a brewery-public**
24 **house licensee conducts activities under ORS 471.200 (1)(g). This sub-**
25 **section does not authorize a brewery-public house licensee to conduct**
26 **activities on a public passenger carrier described in ORS 471.182.”.**

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