

Requested by SENATE COMMITTEE ON BUSINESS AND GENERAL GOVERNMENT

**PROPOSED AMENDMENTS TO
SENATE BILL 829**

1 On page 1 of the printed bill, delete lines 4 through 21 and delete page
2 2 and insert:

3 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part
4 of ORS chapter 471.**

5 **“SECTION 2. (1) As used in this section, ‘American viticultural
6 area’ means a delimited grape growing region approved under 27
7 C.F.R. part 9.**

8 **“(2) If the appellation of origin on a wine label is an American
9 viticultural area that is wholly or partially within the boundaries of a
10 larger American viticultural area, the Oregon Liquor Control Com-
11 mission may require that the wine label also identify the larger
12 American viticultural area. If the commission requires that the wine
13 label identify the larger American viticultural area, the area must be
14 identified in letters:**

15 **“(a) At least two millimeters high if the wine container is more
16 than 187 milliliters in volume; or**

17 **“(b) At least one millimeter high if the wine container is 187 milli-
18 liters or less in volume.**

19 **“(3) Subsection (2) of this section does not require that the name
20 of the larger American viticultural area:**

21 **“(a) Be included in or near the appellation of origin; or**

1 **“(b) Be in the same size or font as the appellation of origin.**

2 **“(4) The commission shall adopt rules specifying any American**
3 **viticultural areas for which the wine labeling requirement in sub-**
4 **section (2) of this section is applicable. The commission shall, at a**
5 **minimum, adopt rules to require American viticultural areas that are**
6 **wholly or partially within the boundaries of the Willamette Valley**
7 **viticultural area to identify the Willamette Valley viticultural area on**
8 **the label. For all other areas, the commission shall solicit and consider**
9 **recommendations by Oregon winemaking industry associations that**
10 **are associated with an American viticultural area before determining**
11 **whether the area should be included for purposes of the wine labeling**
12 **requirement in subsection (2) of this section.**

13 **“(5) Except as provided in this subsection, an American viticultural**
14 **area may not appear on a wine label in a manner that resembles all**
15 **or part of a brand name or appear in lettering that is larger or more**
16 **prominent than the brand name. This subsection does not apply if the**
17 **brand name stating or implying an American viticultural area has**
18 **been in continuous use as a brand name since December 31, 2017, and**
19 **prior to December 31, 2017, was:**

20 **“(a) Used in conformance with commission standards;**

21 **“(b) Subject to a federal trademark registration for wine under**
22 **United States Patent and Trademark Office Class 33; and**

23 **“(c) Sold in interstate commerce.**

24 **“(6) The commission may adopt rules to impose additional wine la-**
25 **beling requirements that the commission deems appropriate. The**
26 **commission may make a wine labeling requirement applicable to wines**
27 **produced in some or all of the American viticultural areas in this**
28 **state.**

29 **“SECTION 3. (1) The Oregon Liquor Control Commission shall ap-**
30 **point an advisory committee to assist the commission in developing**

1 rules to carry out section 2 of this 2019 Act. The commission shall
2 ensure that members of the advisory committee are persons having
3 expertise in the production and labeling of Oregon wines. To the ex-
4 tent practicable, the commission shall appoint advisory committee
5 members from the various wine grape growing areas of this state in
6 proportion to the relative acreage in those areas used for wine grape
7 production. In making appointments to the advisory committee the
8 commission shall consider nominees of winemaking industry associ-
9 ations or other organizations related to the winemaking industry.

10 “(2) The duties of the advisory committee may include making
11 recommendations regarding the labeling of wine and shall include, at
12 a minimum, developing recommendations to the commission regard-
13 ing:

14 “(a) Subject to subsection (3) of this section, American viticultural
15 areas that should be included for purposes of the wine labeling re-
16 quirement described in section 2 (2) of this 2019 Act, including but not
17 limited to recommendations regarding any American viticultural areas
18 in this state that extend across state lines;

19 “(b) Standards for a winery to request, and for the commission to
20 approve, the use of existing stocks of labels; and

21 “(c) A penalty schedule for violations of section 2 of this 2019 Act.

22 “(3) The advisory committee shall solicit and consider recommen-
23 dations by Oregon winemaking industry associations associated with
24 an American viticultural area before the advisory committee may re-
25 commend to the commission that an American viticultural area be
26 included for purposes of the wine labeling requirement described in
27 section 2 (2) of this 2019 Act.

28 **“SECTION 4.** The Oregon Liquor Control Commission shall adopt
29 rules establishing a penalty schedule for violations of section 2 of this
30 2019 Act. The commission shall complete the adoption of an initial

1 penalty schedule under this section in time for the penalties to take
2 effect on January 1, 2023.

3 **“SECTION 5.** The Oregon Liquor Control Commission shall report
4 to an interim committee of the Legislative Assembly relating to busi-
5 ness, in the manner provided under ORS 192.245, no later than Sep-
6 tember 15, 2020, regarding the recommendations made by the advisory
7 committee described in section 3 of this 2019 Act and the status of
8 commission rule adoption proceedings under sections 2 and 4 of this
9 2019 Act.

10 **“SECTION 6.** Section 2 of this 2019 Act becomes operative on Jan-
11 uary 1, 2023, and applies to wine labeled on or after January 1, 2023.

12 **“SECTION 7.** Section 3 of this 2019 Act is repealed on January 2,
13 2024.

14 **“SECTION 8.** Section 4 of this 2019 Act is repealed on January 2,
15 2024. The repeal of section 4 of this 2019 Act by this section does not
16 affect the validity of any rules adopted under section 4 of this 2019 Act.

17 **“SECTION 9.** This 2019 Act takes effect on the 91st day after the
18 date on which the 2019 regular session of the Eightieth Legislative
19 Assembly adjourns sine die.”.

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