

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4117**

1 On page 1 of the printed bill, line 2, delete “and” and delete “471.282,”.

2 In line 3, after “471.750” insert “; and prescribing an effective date”.

3 Delete lines 5 through 24 and delete pages 2 through 12 and insert:

4 **“SECTION 1. Sections 2 to 9 of this 2020 Act are added to and made**
5 **a part of ORS chapter 471.**

6 **“SECTION 2. As used in sections 2 to 8 of this 2020 Act:**

7 **“(1) ‘Deliver’ means to transport alcoholic beverages from an eligi-**
8 **ble business or a retail sales agent to a delivery address.**

9 **“(2) ‘Delivery address’ means:**

10 **“(a) A residence that:**

11 **“(A) Has a permanent street address in Oregon; and**

12 **“(B) Is not a location licensed by the Oregon Liquor Control Com-**
13 **mission for the carrying out of activities under this chapter or ORS**
14 **chapter 475B; or**

15 **“(b) A location that qualifies under commission rules to receive a**
16 **delivery of alcoholic beverages from a delivery person.**

17 **“(3) ‘Delivery person’ means an individual who delivers alcoholic**
18 **beverages to the physical possession of a final consumer as directed**
19 **by an eligible business, a retail sales agent or a third party delivery**
20 **provider.**

21 **“(4) ‘Electronic commerce platform provider’ means a person, other**

1 than an eligible business or retail sales agent, that:

2 “(a) Provides a platform or application to electronically connect a
3 final consumer with an eligible business or retail sales agent for the
4 purpose of ordering alcoholic beverages from the eligible business or
5 retail sales agent for delivery to the final consumer;

6 “(b) Does not employ or contract with delivery persons; and

7 “(c) Does not direct or deploy delivery persons.

8 “(5) ‘Eligible business’ means:

9 “(a) The holder of an off-premises sales license issued under ORS
10 471.186; or

11 “(b) The holder of a direct shipper permit issued under ORS 471.282.

12 “(6) ‘Final consumer’ means an individual taking possession of al-
13 coholic beverages at a delivery address for personal or social use, and
14 not for resale.

15 “(7) ‘Retail sales agent’ means an agent appointed by the commis-
16 sion under ORS 471.750 to operate a retail liquor store.

17 “(8) ‘Third party delivery provider’ means a person, other than an
18 eligible business or a retail sales agent, that facilitates the delivery
19 of ordered alcoholic beverages from an eligible business or retail sales
20 agent to a final consumer through the use of employed or contracted
21 delivery persons.

22 “SECTION 3. (1) An eligible business may deliver, or cause to be
23 delivered, malt beverages, wine or cider to a final consumer only by
24 using a delivery person.

25 “(2) A retail sales agent may deliver, or cause to be delivered, dis-
26 tilled liquor to a final consumer only by using a delivery person.

27 “(3) Shipments to a final consumer made under a direct shipper
28 permit must be delivered by a person who meets the qualifications of
29 section 4 of this 2020 Act.

30 “SECTION 4. (1) An individual may not perform services as a de-

1 **livery person unless the individual:**

2 **“(a) Has completed an approved alcohol server education course and**
3 **examination as provided under ORS 471.542;**

4 **“(b) Holds a valid service permit described in ORS 471.360 to 471.385;**
5 **or**

6 **“(c) Has completed a training provided by a third party delivery**
7 **provider, eligible business or retail sales agent that, at a minimum,**
8 **covers the following subjects:**

9 **“(A) Methods for inspecting government-issued photo identification;**

10 **“(B) Methods for recognizing signs of visible intoxication; and**

11 **“(C) Oregon Liquor Control Commission rules relating to alcohol**
12 **delivery.**

13 **“(2) A delivery person may also be a third party delivery provider.**
14 **However, a delivery person who is a third party delivery provider may**
15 **not be both a recipient and provider at the same training under sub-**
16 **section (1)(c) of this section.**

17 **“SECTION 5. (1)(a) A delivery person may deliver malt beverages,**
18 **wine or cider on behalf of an eligible business only if:**

19 **“(A) The delivery person obtains the malt beverages, wine or cider**
20 **from the eligible business;**

21 **“(B) The malt beverages, wine or cider is in a factory-sealed con-**
22 **tainer or a container sealed by the eligible business; and**

23 **“(C) The delivery is to a final consumer.**

24 **“(b) As used in paragraph (a) of this subsection, ‘container sealed**
25 **by the eligible business’ includes, but is not limited to, a securely**
26 **covered container supplied by the final consumer.**

27 **“(2) A delivery person may deliver distilled liquor on behalf of a**
28 **retail sales agent only if:**

29 **“(a) The delivery person obtains the distilled liquor directly from**
30 **the retail sales agent;**

1 **“(b) The distilled liquor is in a factory-sealed container; and**

2 **“(c) The delivery is to a final consumer.**

3 **“SECTION 6. The Oregon Liquor Control Commission may develop,**
4 **implement and maintain an electronic system to facilitate the ordering**
5 **of distilled liquor from retail sales agents by final consumers. The**
6 **commission system may include, but need not be limited to, accessi-**
7 **bility through the use of electronic commerce platform provider or**
8 **third party delivery provider electronic platforms or applications.**

9 **“SECTION 7. (1) ORS 471.392 to 471.400 do not prohibit a retail**
10 **licensee, as defined in ORS 471.392, or an individual with a service**
11 **permit from:**

12 **“(a) Being an electronic commerce platform provider or a third**
13 **party delivery provider; or**

14 **“(b) Holding an interest in an electronic commerce platform pro-**
15 **vider or third party delivery provider.**

16 **“(2) ORS 471.392 to 471.400 do not prohibit a retail licensee, as de-**
17 **finned in ORS 471.392, that is, or holds an interest in, an electronic**
18 **commerce platform provider or third party delivery provider from ex-**
19 **ercising any privilege of the retail license.**

20 **“(3) A third party delivery provider may provide electronic plat-**
21 **forms or applications through which alcoholic beverages are ordered**
22 **from an eligible business or retail sales agent for delivery to a final**
23 **consumer.**

24 **“(4) An eligible business or retail sales agent may use electronic**
25 **commerce platform provider or third party delivery provider electronic**
26 **platforms or applications to:**

27 **“(a) Advertise alcoholic beverages available for sale;**

28 **“(b) Accept orders for alcoholic beverages from final consumers;**

29 **“(c) Receive payment for alcoholic beverages ordered by final con-**
30 **sumers; and**

1 “(d) Initiate the direction or deployment of delivery persons to
2 complete a delivery of alcoholic beverages to final consumers.

3 “(5) The provision of electronic platforms or applications described
4 in this section by an electronic commerce platform provider or a third
5 party delivery provider does not violate any sales prohibition in this
6 chapter if the eligible business or retail sales agent using the platform
7 or application at all times:

8 “(a) Controls the selection of alcoholic beverages to be advertised;

9 “(b) Controls the prices at which alcoholic beverages are advertised;

10 “(c) Controls the acceptance of orders for alcoholic beverages from
11 final consumers; and

12 “(d) Directly receives and retains all payments for ordered alcoholic
13 beverages.

14 “(6) A third party delivery provider may direct or deploy a delivery
15 person to deliver alcoholic beverages to a final consumer on behalf of
16 an eligible business or retail sales agent. However, a third party de-
17 livery provider may not direct or deploy a person to deliver alcoholic
18 beverages to a final consumer on behalf of the third party delivery
19 provider unless the third party delivery provider has verified that the
20 person qualifies as a delivery person under section 4 of this 2020 Act.

21 “(7) A third party delivery provider may store or hold alcoholic
22 beverages in this state that are in transit from an eligible business or
23 a retail sales agent to a final consumer. The third party delivery pro-
24 vider may not sell the stored or held alcoholic beverages and may de-
25 liver the alcoholic beverages only as allowed under this chapter or by
26 commission rule.

27 “SECTION 8. (1) An eligible business or retail sales agent may not
28 use the services of an electronic commerce platform provider or a
29 third party delivery provider unless the business or agent has entered
30 into a written agreement with that provider prior to using the ser-

1 vices. An electronic commerce platform provider or a third party de-
2 livery provider may not provide any service described in this section
3 or section 7 of this 2020 Act to an eligible business or retail sales agent
4 unless the provider enters into a written agreement with that business
5 or agent prior to providing the service.

6 “(2) A retail sales agent must obtain permission from the Oregon
7 Liquor Control Commission prior to entering into an agreement for
8 electronic commerce platform provider or third party delivery provider
9 services.

10 “(3) The terms of an agreement between an eligible business or re-
11 tail sales agent and an electronic commerce platform provider or third
12 party delivery provider may include, but need not be limited to, re-
13 quirements for the provider to maintain an electronic platform or ap-
14 plication on which the business or agent may:

15 “(a) Advertise alcoholic beverages available for sale;

16 “(b) Accept orders for alcoholic beverages;

17 “(c) Receive payment for alcoholic beverages; and

18 “(d) Initiate the direction or deployment of delivery persons to
19 complete a delivery of alcoholic beverages to final consumers.

20 “(4) If an agreement under this section provides for the third party
21 delivery provider to arrange delivery to a final consumer, the agree-
22 ment must require that the third party delivery provider use a delivery
23 person for the delivery.

24 “(5) The Oregon Liquor Control Commission may adopt rules regu-
25 lating the delivery of alcoholic beverages, including, but not limited
26 to, prohibiting the delivery of alcoholic beverages to final consumers
27 during specified hours and limiting the amount of alcoholic beverages
28 that may be delivered to a delivery address or a final consumer in a
29 single day.

30 “(6) Third party delivery providers and delivery persons may charge

1 **an eligible business, a retail sales agent or a final consumer a fee for**
2 **delivering alcoholic beverages.**

3 **“(7) An agreement into which an eligible business or a retail sales**
4 **agent enters with a third party delivery provider may not authorize**
5 **any delivery in violation of a requirement, condition, restriction or**
6 **prohibition imposed under this chapter or commission rules.**

7 **“SECTION 9. Sections 2 to 8 of this 2020 Act do not apply to a**
8 **shipment of alcoholic beverages:**

9 **“(1) By a direct shipper permit holder located in another state to a**
10 **final consumer, as defined in section 2 of this 2020 Act; or**

11 **“(2) That is not intended for same-day delivery.**

12 **“SECTION 10. ORS 471.311 is amended to read:**

13 **“471.311. (1) Any person desiring a license **or permit** or renewal of a li-**
14 **cence **or permit** under this chapter shall make application to the Oregon**
15 **Liquor Control Commission upon forms to be furnished by the commission**
16 **showing the [*name and address of the applicant, location of the place of***
17 ***business that is to be operated under the license, and such other*] pertinent**
18 **information as the commission may require. A license may not be granted**
19 **or renewed until the applicant has complied with the provisions of this**
20 **chapter and the rules of the commission.**

21 **“(2) The commission may reject any application that is not submitted in**
22 **the form required by rule. The commission shall give applicants an opportu-**
23 **nity to be heard if an application is rejected. A hearing under this subsection**
24 **is not subject to the requirements for contested case proceedings under ORS**
25 **chapter 183.**

26 **“(3) The commission shall charge an application fee, not to exceed \$150,**
27 **to process an application for the issuance of a new license under this chapter**
28 **or a license following a change in ownership. The application fee applies**
29 **only to an application for a class of license having an annual license fee.**
30 **The application fee is nonrefundable, except that the commission shall refund**

1 the fee if the applicant completes, submits and maintains an application and
2 the commission does not, on or before 75 days following receipt of the com-
3 pleted application, propose that the license be granted, granted with condi-
4 tions or refused. The commission shall adopt rules to:

5 “(a) Establish application fees by class of license; and

6 “(b) Define a completed application for purposes of this subsection.

7 “(4) Subject to subsection (5) of this section, the commission shall assess
8 a nonrefundable fee for processing a renewal application for any license au-
9 thorized by this chapter only if the renewal application is received by the
10 commission less than 20 days before expiration of the license. If the renewal
11 application is received prior to expiration of the license but less than 20 days
12 prior to expiration, the fee shall be 25 percent of the annual license fee. If
13 a renewal application is received by the commission after expiration of the
14 license but no more than 30 days after expiration, the fee shall be 40 percent
15 of the annual license fee. This subsection does not apply to a certificate of
16 approval, a brewery-public house license or any license that is issued for a
17 period of less than 30 days.

18 “(5) The commission may waive the fee imposed under subsection (4) of
19 this section if the commission finds that failure to submit a timely applica-
20 tion was due to unforeseen circumstances or to a delay in processing the
21 application by the local governing authority that is no fault of the licensee.

22 “(6) The license **or permit** fee is nonrefundable and must be paid by each
23 applicant upon the granting or committing of a license **or permit**. Subject
24 to ORS 471.155 and 473.065, the annual or daily license **or permit** fee and
25 the minimum bond required of each class of license under this chapter are
26 as follows:

27 “ _____

| | Minimum | |
|--------------------------------|---------|------|
| License | Fee | Bond |
| Brewery, including Certificate | | |

| | | | |
|----|---------------------------|---------------|----------|
| 1 | of Approval | \$ 1,000 | \$ 1,000 |
| 2 | Winery | \$ 500 | \$ 1,000 |
| 3 | Distillery | \$ 200 | None |
| 4 | Wholesale Malt Beverage | | |
| 5 | and Wine | \$ 550 | \$ 1,000 |
| 6 | Warehouse | \$ 200 | \$ 1,000 |
| 7 | Brewery-Public House, | | |
| 8 | including Certificate | | |
| 9 | of Approval | \$ 500 | \$ 1,000 |
| 10 | Limited On-Premises Sales | \$ 400 | None |
| 11 | Off-Premises Sales | \$ 200 | None |
| 12 | Temporary Sales | \$ 50 per day | |
| 13 | Grower sales privilege | | |
| 14 | license | \$ 500 | \$ 1,000 |
| 15 | Special events brewery | | |
| 16 | license | \$ 10 per day | |
| 17 | Special events winery | | |
| 18 | license | \$ 10 per day | |
| 19 | Special events grower | | |
| 20 | sales privilege | | |
| 21 | license | \$ 10 per day | |
| 22 | Special events | | |
| 23 | brewery-public house | | |
| 24 | license | \$ 10 per day | |
| 25 | Special events | | |
| 26 | distillery | | |
| 27 | license | \$ 10 per day | |

28 “ _____
29 “(7) The fee for a certificate of approval or special certificate of approval
30 granted under ORS 471.244 is nonrefundable and must be paid by each ap-

1 plicant upon the granting or committing of a certificate of approval or spe-
2 cial certificate of approval. No bond is required for the granting of a
3 certificate of approval or special certificate of approval. Certificates of ap-
4 proval are valid for a period commencing on the date of issuance and ending
5 on December 31 of the fifth calendar year following the calendar year of is-
6 suance. The fee for a certificate of approval is \$350. Special certificates of
7 approval are valid for a period of 30 days. The fee for a special certificate
8 of approval is \$10.

9 “(8) Except as provided in subsection (9) of this section, the annual li-
10 cense fee for a full on-premises sales license is \$800. No bond is required for
11 any full on-premises sales license.

12 “(9) The annual license fee for a full on-premises sales license held by a
13 nonprofit private club as described in ORS 471.175 (8), or held by a nonprofit
14 or charitable organization that is registered with the state, is \$400.

15 “(10) The fee for temporary use of an annual license is \$10 per day.

16 “(11) The annual fee for a wine self-distribution permit is \$200, and the
17 minimum bond is \$1,000.

18 “**SECTION 11.** ORS 471.322 is amended to read:

19 “471.322. (1) If a license issued under this chapter or a service permit is-
20 sued under ORS 471.360 is suspended for a period of 30 days or less, the
21 Oregon Liquor Control Commission may impose against the affected licensee
22 or permittee in lieu of or in addition to the suspension a civil penalty fixed
23 by the commission in accordance with subsection (2) of this section if the
24 commission is satisfied that such a penalty in lieu of or in addition to sus-
25 pension is consistent with the purposes of the Liquor Control Act and the
26 Oregon Distilled Liquor Control Act. Upon payment of the penalty in lieu
27 of suspension, the commission shall cancel the suspension.

28 “(2) Except as provided in ORS 471.327, the penalty [*which*] **that** the
29 commission may impose [*pursuant to*] **under** subsection (1) of this section
30 against a licensee shall not be less than \$100 nor more than \$5,000 **per vio-**

1 **lotion.** The penalty [*which*] **that** the commission may impose [*pursuant to*]
2 **under** subsection (1) of this section against a service permittee shall not be
3 less than \$25 nor more than \$500 **per violation.**

4 “(3) Civil penalties under this section shall be imposed as provided in
5 ORS 183.745.

6 **“SECTION 12.** ORS 471.360 is amended to read:

7 “471.360. (1) Except as otherwise provided in ORS 471.375:

8 “(a) Any person employed **or used by, or acting on behalf of or at the**
9 **direction of,** a licensee of the Oregon Liquor Control Commission must have
10 a valid service permit issued by the commission if the person:

11 “(A) Participates in any manner in the mixing, selling or service of alco-
12 holic liquor for consumption on the premises where served or sold; or

13 “(B) Participates in the dispensing of malt beverages, wines or cider sold
14 in securely covered containers provided by the consumer.

15 “(b) A licensee of the commission may not permit any person who lacks
16 a service permit required of the person under paragraph (a) of this sub-
17 section:

18 “(A) To mix, sell or serve any alcoholic liquor for consumption on li-
19 censed premises; or

20 “(B) To dispense malt beverages, wines or cider sold in securely covered
21 containers provided by the consumer.

22 “(c) A permittee shall make the service permit available at any time while
23 on duty for immediate inspection by any regulatory specialist or by any other
24 peace officer.

25 “(2) The commission may waive the requirement for a service permit for
26 an employee of a licensee whose primary function is not the sale of alcoholic
27 liquor or food, including but not limited to public passenger carriers, hospi-
28 tals, or convalescent, nursing or retirement homes.

29 “(3) Violation of the requirements of this section is a Class B violation.

30 **“SECTION 13.** ORS 471.430 is amended to read:

1 “471.430. (1) A person under 21 years of age may not attempt to purchase,
2 purchase or acquire alcoholic beverages. Except when such minor is in a
3 private residence accompanied by the parent or guardian of the minor and
4 with such parent’s or guardian’s consent, a person under 21 years of age may
5 not have personal possession of alcoholic beverages.

6 “(2) For the purposes of this section, personal possession of alcoholic
7 beverages includes the acceptance or consumption of a bottle of such
8 beverages, or any portion thereof or a drink of such beverages. However, this
9 section does not prohibit the acceptance or consumption by any person of
10 sacramental wine as part of a religious rite or service.

11 “(3) Except as authorized by rule or as necessitated in an emergency, a
12 person under 21 years of age may not enter or attempt to enter any portion
13 of a licensed premises that is posted or otherwise identified as being pro-
14 hibited to the use of minors.

15 “(4)(a) Except as provided in paragraph (b) of this subsection, a person
16 who violates subsection (1) or (3) of this section commits a Class B violation.

17 “(b) A person commits a Class A violation if the person violates sub-
18 section (1) of this section by reason of personal possession of alcoholic
19 beverages while the person is operating a motor vehicle as defined in ORS
20 801.360.

21 “(5) In addition to and not in lieu of any other penalty established by law:

22 “(a) The court may order a person who violates subsection (1) of this
23 section through misrepresentation of age to perform community service; and

24 “(b) The court shall order, when a person violates subsection (1) of this
25 section, that the person’s driving privileges and right to apply for driving
26 privileges be suspended pursuant to ORS 809.260 and 809.280. The court no-
27 tification made to the Department of Transportation under this paragraph
28 may include a recommendation that the person be granted a hardship permit
29 under ORS 807.240 if the person is otherwise eligible for the permit.

30 “(6) If a person cited under this section is at least 13 years of age but less

1 than 21 years of age at the time the person is found in default under ORS
2 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of
3 any other penalty established by law, the court shall issue notice under ORS
4 809.220 to the department for the department to suspend the person's driving
5 privileges under ORS 809.280 (4).

6 “(7) In addition to and not in lieu of any penalty established by law, the
7 court may order a person who violates this section to undergo assessment
8 and treatment as provided in ORS 471.432. The court shall order a person to
9 undergo assessment and treatment as provided in ORS 471.432 if the person
10 has previously been found to have violated this section.

11 “(8) The prohibitions of this section do not apply to a person under 21
12 years of age who is acting under the direction of the Oregon Liquor Control
13 Commission or under the direction of state or local law enforcement agencies
14 for the purpose of investigating possible violations of laws prohibiting sales
15 of alcoholic beverages to persons who are under 21 years of age.

16 “(9) The prohibitions of this section do not apply to a person under 21
17 years of age who is acting under the direction of a licensee, **a retail sales**
18 **agent, as defined in section 2 of this 2020 Act, or a third party delivery**
19 **provider, as defined in section 2 of this 2020 Act,** for the purpose of in-
20 vestigating possible violations by employees **or agents** of the licensee, **retail**
21 **sales agent or third party delivery provider** of laws prohibiting sales of
22 alcoholic beverages to persons who are under 21 years of age.

23 “(10)(a) A person under 21 years of age is not in violation of, and is im-
24 mune from prosecution under, this section if:

25 “(A) The person contacted emergency medical services or a law enforce-
26 ment agency in order to obtain medical assistance for another person who
27 was in need of medical assistance due to alcohol consumption and the evi-
28 dence of the violation was obtained as a result of the person's having con-
29 tacted emergency medical services or a law enforcement agency; or

30 “(B) The person was in need of medical assistance due to alcohol con-

1 sumption and the evidence of the violation was obtained as a result of the
2 person's having sought or obtained the medical assistance.

3 “(b) Paragraph (a) of this subsection does not exclude the use of evidence
4 obtained as a result of a person's having sought medical assistance in pro-
5 ceedings for crimes or offenses other than a violation of this section.

6 “**SECTION 14.** ORS 471.542 is amended to read:

7 “471.542. (1) Except as provided in subsection (2) of this section, the
8 Oregon Liquor Control Commission shall require a person applying for is-
9 suanace or renewal of a service permit or any license that authorizes the sale
10 or service of alcoholic beverages for consumption on the premises to com-
11 plete an approved alcohol server education course and examination as a
12 condition of the issuance or renewal of the permit or license.

13 “(2) A person applying for issuance or renewal of a license that authorizes
14 the sale or service of alcoholic beverages for consumption on the premises
15 need not complete an approved alcohol server education course and exam-
16 ination as a condition of the issuance or renewal of the license if:

17 “(a) The license has been restricted by the commission to prohibit sale
18 or service of alcoholic beverages for consumption on the premises; or

19 “(b) The person applying for issuance or renewal of the license submits
20 a sworn statement to the commission stating that the person will not engage
21 in sale or service of alcoholic beverages for consumption on the premises,
22 will not directly supervise or manage persons who sell or serve alcoholic
23 beverages on the premises, and will not participate in establishing policies
24 governing the sale or service of alcoholic beverages on the premises.

25 “(3) The commission by rule shall establish requirements that licensees
26 and permittees must comply with as a condition of requalifying for a license
27 or permit. The licensee or permittee must comply with those requirements
28 once every five years after completing the initial alcohol server education
29 course and examination. The requirements established by the commission to
30 requalify for a license may include retaking the alcohol server education

1 course and examination. The requirements established by the commission to
2 requalify for a service permit shall include retaking the alcohol server edu-
3 cation course and examination.

4 “(4) The commission may extend the time periods established by this sec-
5 tion upon a showing of hardship. The commission by rule may exempt a
6 licensee from the requirements of this section if the licensee does not par-
7 ticipate in the management of the business.

8 “(5) The standards and curriculum of alcohol server education courses
9 shall include but not be limited to the following:

10 “(a) Alcohol as a drug and its effects on the body and behavior, especially
11 driving ability.

12 “(b) Effects of alcohol in combination with commonly used legal, pre-
13 scription or nonprescription, drugs and illegal drugs.

14 “(c) Recognizing the problem drinker and community treatment programs
15 and agencies.

16 “(d) State alcohol beverage laws such as prohibition of sale to minors and
17 sale to intoxicated persons, sale for on-premises or off-premises consumption,
18 hours of operation and penalties for violation of the laws.

19 “(e) Drunk driving laws and liquor liability statutes.

20 “(f) Intervention with the problem customer, including ways to cut off
21 service, ways to deal with the belligerent customer and alternative means
22 of transportation to get the customer safely home.

23 “(g) Advertising and marketing for safe and responsible drinking patterns
24 and standard operating procedures for dealing with customers.

25 “(h) **Delivery of alcoholic beverages by a delivery person to a final**
26 **consumer. As used in this paragraph, ‘delivery person’ and ‘final con-**
27 **sumer’ have the meanings given those terms in section 2 of this 2020**
28 **Act.**

29 “(6) The commission shall adopt rules to impose reasonable fees for ad-
30 ministrative costs on alcohol server education course instructors and pro-

1 viders.

2 “(7) The commission shall provide alcohol server education courses and
3 examinations through independent contractors, private persons or private or
4 public schools certified by the commission. The commission shall adopt rules
5 governing the manner in which alcohol server education courses and exam-
6 inations are made available to persons required to take the course. In
7 adopting rules under this subsection, the commission shall consider alterna-
8 tive means of providing courses, including but not limited to providing
9 courses through audiotapes, videotapes, the Internet and other electronic
10 media.

11 **“SECTION 15.** ORS 471.750 is amended to read:

12 “471.750. (1) The Oregon Liquor Control Commission shall establish such
13 stores and warehouses in such places in the state as in its judgment are re-
14 quired by public convenience or necessity, for the sale of spirituous liquors,
15 wines and other alcoholic liquors containing over five percent alcohol by
16 volume, in sealed containers for consumption off the premises. The commis-
17 sion shall keep on hand in such stores or warehouses such quantities and
18 kinds of alcoholic liquors as are reasonably required to supply the public
19 demand.

20 “(2) Any person qualified to purchase such liquors from the commission
21 has the right to present to the commission, or at any of its stores, an appli-
22 cation for any kind or brand of alcoholic liquor that the person may desire
23 and that may be manufactured or obtainable in any place in the United
24 States, and the commission shall obtain such liquor and sell it to the appli-
25 cant. The commission may not require that an application for a kind or
26 brand of alcoholic liquor include a commitment to purchase a minimum
27 amount of the liquor or require that a purchase be for more than one con-
28 tainer of a kind or brand of alcoholic liquor if the liquor:

29 “(a) Except as provided in subsection (5) of this section, has a retail sales
30 price of \$30 or more per container;

1 “(b) Is available through a distributor in the United States that does not
2 require the commission to acquire more than one case of the distilled liquor
3 in a single transaction;

4 “(c) Is not regularly stocked by the commission; and

5 “(d) Is ordered in a 750 milliliter container size if available in that size.

6 “(3) The commission may not establish a store in any county or incorpo-
7 rated city of this state where a local prohibitory law is in effect. The com-
8 mission shall adopt rules governing advertising by stores operated by the
9 commission. The commission may appoint agents in the sale of said liquor
10 under such agreement as the commission may negotiate with said agents or
11 their representative.

12 “(4) Rules relating to advertising adopted by the commission under sub-
13 section (3) of this section shall allow signs and displays within its stores for
14 the purpose of supplying consumer information to customers, including but
15 not limited to discounts, sales and other specials. Commission discretion
16 with respect to those signs and displays shall be limited to regulation of the
17 content, size, number per brand, type and duration of the sign or display.
18 Signs and displays may be supplied by manufacturers, wholesalers or dis-
19 tributors, and may bear the name of a particular distillery, supplier or brand
20 of liquor. The use of signs and displays shall be optional with the agent ap-
21 pointed by the commission. [*Signs or displays authorized by the commission*
22 *may not be placed in positions within the store where the sign or display*
23 *would be readily visible from outside of the store.*]

24 “**(5) The commission may allow consumers to purchase distilled li-**
25 **quor from retail liquor stores using electronic or telephonic methods**
26 **authorized by the commission.**

27 “[5] (6) The commission may annually adjust the price threshold estab-
28 lished in subsection (2)(a) of this section by a percentage equal to the per-
29 centage change in the Consumer Price Index for All Urban Consumers, West
30 Region (All Items), as published by the Bureau of Labor Statistics of the

1 United States Department of Labor. However, the commission may not adjust
2 the price threshold to be less than \$30.

3 **“SECTION 16. Sections 1 to 9 of this 2020 Act and the amendments**
4 **to ORS 471.311, 471.322, 471.360, 471.430, 471.542 and 471.750 by sections**
5 **10 to 15 of this 2020 Act become operative January 1, 2020.**

6 **“SECTION 17. The Oregon Liquor Control Commission shall con-**
7 **vene a work group that includes, but need not be limited to, alcohol**
8 **and transportation industry stakeholders to identify and describe any**
9 **regulatory provisions in addition to sections 2 to 8 of this 2020 Act that**
10 **the work group believes appropriate for the regulation of deliveries of**
11 **alcoholic beverages to a final consumer as defined in section 2 of this**
12 **2020 Act. The work group shall conclude its work and develop final**
13 **recommendations in time for the recommendations to be included in**
14 **the report required under section 18 of this 2020 Act.**

15 **“SECTION 18. The Oregon Liquor Control Commission shall report**
16 **to an interim committee of the Legislative Assembly relating to eco-**
17 **nomical development, in the manner provided by ORS 192.245, no later**
18 **than September 15, 2020, regarding the status of commission rule**
19 **making and other preparations for the implementation of sections 2**
20 **to 8 of this 2020 Act. The commission shall include in the report any**
21 **recommendations for legislation regarding activities described in**
22 **sections 2 to 8 of this 2020 Act or otherwise pertaining to the regu-**
23 **lation of deliveries of alcoholic beverages to final consumers as defined**
24 **in section 2 of this 2020 Act.**

25 **“SECTION 19. This 2020 Act takes effect on the 91st day after the**
26 **date on which the 2020 regular session of the Eightieth Legislative**
27 **Assembly adjourns sine die.”.**

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