

D R A F T

SUMMARY

Authorizes eligible business to deliver malt beverages, wine or cider to final consumer through use of delivery person. Authorizes Oregon Liquor Control Commission retail sales agent to deliver distilled liquor to final consumer through use of delivery person. Defines “delivery person” and “eligible business.”

Authorizes commission to develop, implement and maintain electronic platform for ordering of distilled liquor. Authorizes registered third party provider to facilitate ordering and payment by final consumer of alcoholic beverages and delivery of alcoholic beverages from eligible business or retail sales agent to final consumer.

Imposes requirements for individual acting as third party provider or delivery person.

Requires that service permit training include training in making delivery to final consumer.

Requires that shipment of alcoholic beverages to final consumer made under direct shipper permit be delivered to final consumer by individual having qualifications required of delivery person.

Eliminates requirements for certain information in application to commission for license or permit.

Eliminates restriction on visibility of liquor store advertising or display. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to alcohol; creating new provisions; amending ORS 471.282, 471.311,
3 471.322, 471.360, 471.430, 471.542 and 471.750; and prescribing an effective
4 date.

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

6 **SECTION 1. Sections 2 to 10 of this 2021 Act are added to and made**
7 **a part of ORS chapter 471.**

8 **SECTION 2. As used in sections 2 to 8 of this 2021 Act:**

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 (1) “Deliver” means to transport alcoholic beverages from an eligi-
2 ble business or a retail sales agent to a delivery address.

3 (2) “Delivery address” means a location with a permanent street
4 address in Oregon that is not regulated by the Oregon Liquor Control
5 Commission under this chapter or ORS chapter 475B.

6 (3) “Delivery person” means an individual who delivers alcoholic
7 beverages to the physical possession of a final consumer as directed
8 by an eligible business, a retail sales agent or a third party provider.

9 (4) “Eligible business” means the holder of:

10 (a) An off-premises sales license issued under ORS 471.186;

11 (b) A brewery-public house license issued under ORS 471.200;

12 (c) A brewery license issued under ORS 471.221;

13 (d) A winery license issued under ORS 471.223;

14 (e) A grower sales privilege license issued under ORS 471.227; or

15 (f) A direct shipper permit issued under ORS 471.282.

16 (5) “Final consumer” means an individual taking possession of al-
17 coholic beverages at a delivery address for personal or social use, and
18 not for resale.

19 (6) “Retail sales agent” means an agent appointed by the commis-
20 sion under ORS 471.750 to operate a retail liquor store.

21 (7) “Third party provider” means a person, other than an eligible
22 business or a retail sales agent, that enters into an agreement with
23 an eligible business or a retail sales agent to facilitate the ordering
24 of alcoholic beverages by a final consumer and the delivery of ordered
25 alcoholic beverages from the business or agent to a final consumer.

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

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

31 SECTION 4. (1) An individual may not perform services as a deliv-

1 **ery 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 provider, el-**
7 **igible business or retail sales agent that, at a minimum, covers the**
8 **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 provider registered**
14 **under section 7 of this 2021 Act. However, a delivery person that is a**
15 **third party provider may not be both a recipient and provider at the**
16 **same training under subsection (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 cov-**
26 **ered container supplied by the final consumer.**

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

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

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

1 (c) The delivery is to a final consumer.

2 **SECTION 6.** The Oregon Liquor Control Commission may develop,
3 implement and maintain an electronic system to facilitate final con-
4 sumer ordering of distilled liquor from retail sales agents. The com-
5 mission system must include, but need not be limited to, accessibility
6 through the use of third party provider digital platforms or market-
7 places.

8 **SECTION 7.** (1) A third party provider must be registered with the
9 Oregon Liquor Control Commission pursuant to rules adopted by the
10 commission. A third party provider may not:

- 11 (a) Be a manufacturer as defined in ORS 471.001;
- 12 (b) Except as provided in this section, sell alcoholic beverages; or
- 13 (c) Import distilled liquor into Oregon.

14 (2) Subsection (1) of this section does not:

15 (a) Prohibit a retail licensee as defined in ORS 471.392 or an indi-
16 vidual with a service permit from being a third party provider or from
17 holding an interest in a third party provider.

18 (b) Prevent a retail licensee that is also a third party provider from
19 exercising any privilege under the retail license.

20 (3) A third party provider may provide the technology through
21 which an eligible business or a retail sales agent:

- 22 (a) Advertises alcoholic beverages available for sale;
- 23 (b) Accepts orders for alcoholic beverages from final consumers;
- 24 and

25 (c) Receives payment for alcoholic beverages ordered by final con-
26 sumers.

27 (4) The provision of technology described in this section by a third
28 party provider does not violate any sales prohibition in this chapter if
29 the eligible business or retail sales agent using the technology at all
30 times:

- 31 (a) Controls the selection of alcoholic beverages to be advertised;

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

2 (c) Controls the acceptance of orders for alcoholic beverages from
3 final consumers; and

4 (d) Directly receives and retains all payments for ordered alcoholic
5 beverages.

6 (5)(a) A third party provider may direct or deploy a delivery person
7 to deliver alcoholic beverages to a final consumer on behalf of an eli-
8 gible business or retail sales agent.

9 (b) A third party provider may not direct or deploy an individual
10 to deliver alcoholic beverages to a final consumer on behalf of the
11 third party provider unless the third party provider has verified that
12 the individual meets the requirements of section 4 of this 2021 Act.

13 (6) A third party provider may store or hold alcoholic beverages in
14 Oregon that are in transit from an eligible business or a retail sales
15 agent to a final consumer for no more than 72 hours. The third party
16 provider may not sell the stored or held alcoholic beverages and may
17 deliver the alcoholic beverages only as allowed under this chapter or
18 by commission rule.

19 (7) Notwithstanding subsection (4) of this section, failure to register
20 as a third party provider prior to engaging in activities under sub-
21 section (3) of this section or directing or deploying a delivery person
22 constitutes an unlicensed selling, soliciting, taking orders for or ped-
23 dling alcoholic beverages in violation of ORS 471.405.

24 (8) A third party provider shall maintain records as required by the
25 commission. The third party provider shall make the records available
26 for inspection by the commission at a location in this state no later
27 than 30 days after receiving a request for inspection.

28 **SECTION 8.** (1) An eligible business or retail sales agent may not
29 use the services of a third party provider unless the eligible business
30 or retail sales agent has entered into a written agreement with that
31 third party provider prior to using the services. A third party provider

1 may not provide any service described in this section or section 7 of
2 this 2021 Act to an eligible business or retail sales agent unless the
3 third party provider enters into a written agreement with that eligible
4 business or retail sales agent prior to providing the service.

5 (2) The terms of an agreement between an eligible business or retail
6 sales agent and a third party provider may include, but need not be
7 limited to, requirements for the third party provider to maintain a
8 digital platform or marketplace on which the eligible business or retail
9 sales agent may:

10 (a) Advertise alcoholic beverages available for sale;

11 (b) Accept orders for alcoholic beverages;

12 (c) Receive payment for alcoholic beverages; and

13 (d) Initiate the direction or deployment of delivery persons to
14 complete a delivery of alcoholic beverages to final consumers.

15 (3) If an agreement under this section provides for the third party
16 provider to arrange delivery to a final consumer, the agreement must
17 require the third party provider to use a delivery person for the de-
18 livery.

19 (4) The Oregon Liquor Control Commission may adopt rules regu-
20 lating the delivery of alcoholic beverages, including but not limited to
21 prohibiting the delivery of alcoholic beverages to final consumers
22 during specified hours and limiting the amount of alcoholic beverages
23 that may be delivered to a delivery address or a final consumer in a
24 single day.

25 (5) Third party providers and delivery persons may charge an eligi-
26 ble business, a retail sales agent or a final consumer a fee for deliv-
27 ering alcoholic beverages.

28 (6) An agreement into which an eligible business or a retail sales
29 agent enters with a third party provider may not authorize any deliv-
30 ery in violation of a requirement, condition, restriction or prohibition
31 imposed under this chapter or commission rules, including but not

1 **limited to any delivery restrictions under ORS 471.282.**

2 **SECTION 9. (1) As used in this section, “delivery person” and “third**
3 **party provider” have the meanings given those terms in section 2 of**
4 **this 2021 Act.**

5 **(2) The Oregon Liquor Control Commission may assess a civil pen-**
6 **alty against a third party provider for a violation of this chapter or**
7 **commission rules by the third party provider or a delivery person**
8 **acting on behalf of or at the direction of the third party provider.**

9 **(3) A civil penalty that the commission assesses under this section**
10 **must be not less than \$500 and not more than \$4,000 per violation. ORS**
11 **471.990 does not apply to a violation that is subject to a civil penalty**
12 **under this section.**

13 **SECTION 10. (1) As used in this section, “delivery person” has the**
14 **meaning given that term in section 2 of this 2021 Act.**

15 **(2) The Oregon Liquor Control Commission may assess a civil pen-**
16 **alty against a delivery person or a person described in ORS 471.282 (6)**
17 **for a violation of this chapter or commission rules.**

18 **(3) A civil penalty imposed under this section must be not less than**
19 **\$250 and not more than \$2,000 per violation. ORS 471.990 does not apply**
20 **to a violation that is subject to a civil penalty under this section.**

21 **SECTION 11. ORS 471.282 is amended to read:**

22 **471.282. (1) Notwithstanding any other provision of this chapter and ex-**
23 **cept as provided by ORS 471.186 (6), a person may sell and ship malt**
24 **beverages, wine or cider directly to a resident of Oregon only if the person**
25 **holds a direct shipper permit. The Oregon Liquor Control Commission shall**
26 **issue a direct shipper permit only to:**

27 **(a) A person that holds a license issued by this state or another state that**
28 **authorizes the manufacture of malt beverages, wine or cider;**

29 **(b) A person that holds a license issued by this state or another state that**
30 **authorizes the sale of wine or cider produced only from grapes or other fruit**
31 **grown under the control of the person;**

1 (c) A person that holds a license authorizing the sale of malt beverages,
2 wine or cider at retail; or

3 (d) A nonprofit trade association that holds a temporary sales license
4 under ORS 471.190 and that has a membership primarily composed of persons
5 holding winery licenses issued under ORS 471.223 or grower sales privilege
6 licenses issued under ORS 471.227.

7 (2) The holder of a direct shipper permit that is a licensee of another state
8 may deliver malt beverages under the permit only if that other state makes
9 direct shipper permits, or the equivalent, available for the delivery of malt
10 beverages by persons holding a license issued by the commission authorizing
11 the manufacture or retail sale of malt beverages.

12 (3)(a) A person may apply for a direct shipper permit by filing an appli-
13 cation with the commission. The application must be made in such form as
14 may be prescribed by the commission.

15 (b) If the application is based on a license issued by this state, the person
16 must include in the application the number of the license issued to the per-
17 son.

18 (c) If the application is based on a license issued by another state, the
19 person must include in the application a true copy of the license issued to
20 the person by the other state or include sufficient information to allow ver-
21 ification of the license by electronic means or other means acceptable to the
22 commission.

23 (d) If the application is based on a license issued by another state, or the
24 application is by a nonprofit trade association described in subsection (1)(d)
25 of this section, the person or association must pay a \$100 registration fee and
26 maintain a bond or other security described in ORS 471.155 in the minimum
27 amount of \$1,000.

28 (4) Sales and shipments under a direct shipper permit:

29 (a) May be made only to a person who is at least 21 years of age;

30 (b) May be made only for personal use and not for the purpose of resale;

31 and

1 (c) May not exceed two cases, containing not more than nine liters per
2 case, to any resident per month.

3 (5) Sales and shipments under a direct shipper permit must be made di-
4 rectly to a resident of this state in containers that are conspicuously labeled
5 with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
6 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

7 [(6) *A person holding a direct shipper permit must take all actions neces-*
8 *sary to ensure that a carrier used by the permit holder does not deliver any*
9 *malt beverages, wine or cider unless the carrier:]*

10 [(a) *Obtains the signature of the recipient of the malt beverages, wine or*
11 *cider upon delivery;]*

12 [(b) *Verifies by inspecting government-issued photo identification that the*
13 *recipient is at least 21 years of age; and]*

14 [(c) *Determines that the recipient is not visibly intoxicated at the time of*
15 *delivery.*]

16 **(6) Shipments to a final consumer, as defined in section 2 of this**
17 **2021 Act, made under a direct shipper permit must be delivered by an**
18 **individual that meets the requirements of section 4 of this 2021 Act for**
19 **a delivery person.**

20 (7)(a) A person holding a direct shipper permit must report to the com-
21 mission on a quarterly basis all shipments of malt beverages, wine or cider
22 made to Oregon residents under the permit. The report must be made in a
23 form prescribed by the commission.

24 (b) A person holding a direct shipper permit must allow the commission
25 to audit the permit holder's records upon request and shall make those re-
26 cords available to the commission in this state.

27 (c) A person holding a direct shipper permit consents to the jurisdiction
28 of the commission and the courts of this state for the purpose of enforcing
29 the provisions of this section and any related laws or rules.

30 (8)(a) A person holding a direct shipper permit must timely pay to the
31 commission all taxes imposed under ORS chapter 473 on malt beverages, wine

1 and cider sold and shipped under the permit. For the purpose of the privi-
2 lege tax imposed under ORS chapter 473, all malt beverages, wine or cider
3 sold and shipped pursuant to a direct shipper permit is sold in this state.

4 (b) A person holding a direct shipper permit based on a license issued by
5 another state must timely pay to the commission all taxes imposed under
6 ORS chapter 473 on all malt beverages, wine or cider sold and shipped di-
7 rectly to Oregon residents under the permit. The permit holder, not the
8 purchaser, is responsible for the tax.

9 (9) A direct shipper permit must be renewed annually. If the person holds
10 the permit based on an annual license issued by another state, the person
11 may renew the permit by paying a \$100 renewal fee and providing the com-
12 mission with a true copy of a current license issued to the person by the
13 other state or with sufficient information to allow verification of the license
14 by electronic means or other means acceptable to the commission. If the
15 person holds the permit based on an annual license issued by this state, the
16 person may renew the permit at the same time that the person renews the
17 license.

18 (10) The commission may refuse to issue or may suspend or revoke a di-
19 rect shipper permit if the permit holder fails to comply with the provisions
20 of this section. A person may sell and ship malt beverages, wine or cider
21 under a direct shipper permit only for as long as the person has the license
22 issued by this state or another state that authorizes the person to hold a
23 direct shipper permit. A direct shipper permit does not authorize the ship-
24 ment of malt beverages by a permit holder described in subsection (1)(b) of
25 this section or lacking authority as provided under subsection (2) of this
26 section.

27 (11) Any person who knowingly or negligently delivers malt beverages,
28 wine or cider under the provisions of this section to a person under 21 years
29 of age, or who knowingly or negligently delivers malt beverages, wine or
30 cider under the provisions of this section to a visibly intoxicated person,
31 violates ORS 471.410.

1 (12) A person may not make sales and shipments of malt beverages, wine
2 or cider directly to Oregon residents unless the person holds a direct shipper
3 permit issued under this section. Any person who knowingly makes, partic-
4 ipates in, transports, imports or receives a shipment of malt beverages, wine
5 or cider that is in violation of this section commits a misdemeanor as pro-
6 vided in ORS 471.990 (1).

7 **SECTION 12.** ORS 471.311 is amended to read:

8 471.311. (1) [*Any person desiring*] **An applicant for a license or permit**
9 or renewal of a license **or permit** under this chapter shall [*make*] **submit**
10 **an** application to the Oregon Liquor Control Commission [*upon forms to be*
11 *furnished*] **on a form provided** by the commission [*showing the name and*
12 *address of the applicant, location of the place of business that is to be operated*
13 *under the license, and such other*] **that includes any** pertinent information
14 as the commission may require. [*A license may not be granted or renewed*]
15 **The commission may not grant or renew the license or permit** until the
16 applicant has complied with the provisions of this chapter and the rules of
17 the commission.

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

23 (3) The commission shall charge an application fee, not to exceed \$150,
24 to process an application for the issuance of a new license under this chapter
25 or a license following a change in ownership. The application fee applies
26 only to an application for a class of license [*having*] **that has** an annual li-
27 cense fee. The application fee is nonrefundable, except that the commission
28 shall refund the fee if the applicant completes, submits and maintains an
29 application and the commission does not, on or before 75 days following re-
30 ceipt of the completed application, propose that the license be granted,
31 granted with conditions or refused. The commission shall adopt rules to:

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

14 (5) The commission may waive the fee imposed under subsection (4) of this
 15 section if the commission finds that failure to submit a timely application
 16 was due to unforeseen circumstances or to a delay in processing the appli-
 17 cation by the local governing authority that is no fault of the licensee.

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

	Minimum	
License	Fee	Bond
Brewery, including Certificate		
of Approval	\$ 1,000	\$ 1,000
Winery	\$ 500	\$ 1,000
Distillery	\$ 200	None
Wholesale Malt Beverage		
and Wine	\$ 550	\$ 1,000

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

23

24 (7) The fee for a certificate of approval or special certificate of approval
 25 granted under ORS 471.244 is nonrefundable and must be paid by each ap-
 26 plicant upon the granting or committing of a certificate of approval or spe-
 27 cial certificate of approval. [No bond is] **A bond is not** required for the
 28 granting of a certificate of approval or special certificate of approval. Cer-
 29 tificates of approval are valid for a period commencing on the date of issu-
 30 ance and ending on December 31 of the fifth calendar year following the
 31 calendar year of issuance. The fee for a certificate of approval is \$350. Spe-

1 cial certificates of approval are valid for a period of 30 days. The fee for a
2 special certificate of approval is \$10.

3 (8) Except as provided in subsection (9) of this section, the annual license
4 fee for a full on-premises sales license is \$800. *[No bond is]* **A bond is not**
5 required for any full on-premises sales license.

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

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

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

12 **SECTION 13.** ORS 471.322 is amended to read:

13 471.322. (1) If a license issued under this chapter or a service permit is-
14 sued under ORS 471.360 is suspended for a period of 30 days or less, the
15 Oregon Liquor Control Commission may impose against the affected licensee
16 or permittee in lieu of or in addition to the suspension a civil penalty fixed
17 by the commission in accordance with subsection (2) of this section if the
18 commission is satisfied that such a penalty in lieu of or in addition to sus-
19 pension is consistent with the purposes of the Liquor Control Act *[and the*
20 *Oregon Distilled Liquor Control Act]*. Upon payment of the penalty in lieu
21 of suspension, the commission shall cancel the suspension.

22 (2)(a) Except as provided in ORS 471.327, the penalty *[which]* **that** the
23 commission may impose *[pursuant to]* **under** subsection (1) of this section
24 against a licensee *[shall]* **may** not be less than \$100 nor more than \$5,000
25 **per violation.**

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

29 (3) Civil penalties under this section shall be imposed as provided in ORS
30 183.745.

31 **SECTION 14.** ORS 471.360 is amended to read:

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

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

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

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

9 (b) A licensee of the commission may not permit any person who lacks a
10 service permit required of the person under paragraph (a) of this subsection:

11 (A) To mix, sell or serve any alcoholic liquor for consumption on licensed
12 premises; or

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

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

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

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

23 **SECTION 15.** ORS 471.430 is amended to read:

24 471.430. (1) A person under 21 years of age may not attempt to purchase,
25 purchase or acquire alcoholic beverages. Except when such minor is in a
26 private residence accompanied by the parent or guardian of the minor and
27 with such parent's or guardian's consent, a person under 21 years of age may
28 not have personal possession of alcoholic beverages.

29 (2) For the purposes of this section, personal possession of alcoholic
30 beverages includes the acceptance or consumption of a bottle of such
31 beverages, or any portion thereof or a drink of such beverages. However, this

1 section does not prohibit the acceptance or consumption by any person of
2 sacramental wine as part of a religious rite or service.

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

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

9 (b) A person commits a Class A violation if the person violates subsection
10 (1) of this section by reason of personal possession of alcoholic beverages
11 while the person is operating a motor vehicle as defined in ORS 801.360.

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

13 (a) The court may order a person who violates subsection (1) of this sec-
14 tion through misrepresentation of age to perform community service; and

15 (b) The court shall order, when a person violates subsection (1) of this
16 section, that the person's driving privileges and right to apply for driving
17 privileges be suspended pursuant to ORS 809.260 and 809.280. The court no-
18 tification made to the Department of Transportation under this paragraph
19 may include a recommendation that the person be granted a hardship permit
20 under ORS 807.240 if the person is otherwise eligible for the permit.

21 (6) If a person cited under this section is at least 13 years of age but less
22 than 21 years of age at the time the person is found in default under ORS
23 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of
24 any other penalty established by law, the court shall issue notice under ORS
25 809.220 to the department for the department to suspend the person's driving
26 privileges under ORS 809.280 (4).

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

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

6 (9) The prohibitions of this section do not apply to a person under 21
7 years of age who is acting under the direction of a licensee **or retail sales**
8 **agent or third party provider, as those terms are defined in section 2**
9 **of this 2021 Act**, for the purpose of investigating possible violations by em-
10 ployees **or agents** of the licensee, **retail sales agent or third party pro-**
11 **vider** of laws prohibiting sales of alcoholic beverages to persons who are
12 under 21 years of age.

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

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

20 (B) The person was in need of medical assistance due to alcohol con-
21 sumption and the evidence of the violation was obtained as a result of the
22 person's having sought or obtained the medical assistance.

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

26 **SECTION 16.** ORS 471.542 is amended to read:

27 471.542. (1) Except as provided in subsection (2) of this section, the
28 Oregon Liquor Control Commission shall require a person applying for is-
29 suance or renewal of a service permit or any license that authorizes the sale
30 or service of alcoholic beverages for consumption on the premises to com-
31 plete an approved alcohol server education course and examination as a

1 condition of the issuance or renewal of the permit or license.

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

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

8 (b) The person applying for issuance or renewal of the license submits a
9 sworn statement to the commission stating that the person will not engage
10 in sale or service of alcoholic beverages for consumption on the premises,
11 will not directly supervise or manage persons who sell or serve alcoholic
12 beverages on the premises, and will not participate in establishing policies
13 governing the sale or service of alcoholic beverages on the premises.

14 (3) The commission by rule shall establish requirements that licensees and
15 permittees must comply with as a condition of requalifying for a license or
16 permit. The licensee or permittee must comply with those requirements once
17 every five years after completing the initial alcohol server education course
18 and examination. The requirements established by the commission to re-
19 qualify for a license may include retaking the alcohol server education
20 course and examination. The requirements established by the commission to
21 requalify for a service permit [*shall*] **must** include retaking the alcohol
22 server education course and examination.

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

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

29 (a) Alcohol as a drug and its effects on the body and behavior, especially
30 driving ability.

31 (b) Effects of alcohol in combination with commonly used legal, pre-

1 scription or nonprescription, drugs and illegal drugs.

2 (c) Recognizing the problem drinker and community treatment programs
3 and agencies.

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

7 (e) Drunk driving laws and liquor liability statutes.

8 (f) Intervention with the problem customer, including ways to cut off
9 service, ways to deal with the belligerent customer and alternative means
10 of transportation to get the customer safely home.

11 (g) Advertising and marketing for safe and responsible drinking patterns
12 and standard operating procedures for dealing with customers.

13 **(h) Delivery of alcoholic beverages by a delivery person to a final**
14 **consumer, as those terms are defined in section 2 of this 2021 Act.**

15 (6) The commission shall adopt rules to impose reasonable fees for ad-
16 ministrative costs on alcohol server education course instructors and pro-
17 viders.

18 (7) The commission shall provide alcohol server education courses and
19 examinations through independent contractors, private persons or private or
20 public schools certified by the commission. The commission shall adopt rules
21 governing the manner in which alcohol server education courses and exam-
22 inations are made available to persons required to take the course. In
23 adopting rules under this subsection, the commission shall consider alterna-
24 tive means of providing courses, including but not limited to providing
25 courses through audiotapes, videotapes, the Internet and other electronic
26 media.

27 **SECTION 17.** ORS 471.750 is amended to read:

28 471.750. (1) The Oregon Liquor Control Commission shall establish
29 [*such*] stores and warehouses in [*such*] places in [*the*] **this** state [*as in its*]
30 **that in the commission's** judgment are required by public convenience or
31 necessity, for the sale of [*spirituous liquors*] **distilled liquors**, wines and

1 other alcoholic liquors containing over five percent alcohol by volume, in
2 sealed containers for consumption off the premises. The commission shall
3 keep on hand in *[such]* **the** stores or warehouses *[such]* **established under**
4 **this section** quantities and kinds of alcoholic liquors as are reasonably re-
5 quired to supply the public demand.

6 (2) Any person qualified to purchase *[such]* **alcoholic** liquors from the
7 commission *[has the right to]* **may** present to the commission, or at any of
8 *[its stores]* **the stores established by the commission**, an application for
9 any kind or brand of alcoholic liquor that the person may desire and that
10 may be manufactured or obtainable in any place in the United States[,
11 *and*]. The commission shall obtain *[such]* **the alcoholic** liquor and sell it to
12 the applicant. The commission may not require that an application for a kind
13 or brand of alcoholic liquor include a commitment to purchase a minimum
14 amount of the **alcoholic** liquor or require that a purchase be for more than
15 one container of a kind or brand of alcoholic liquor if the **alcoholic** liquor:

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

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

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

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

23 (3)(a) The commission may not establish a store in any county or incor-
24 porated city of this state where a local prohibitory law is in effect.

25 (b) The commission shall adopt rules governing advertising by stores op-
26 erated by the commission.

27 (c) The commission may appoint agents in the sale of *[said]* **alcoholic**
28 liquor under *[such]* **an** agreement as the commission may negotiate with
29 *[said]* **the** agents or their representative.

30 (4)(a) Rules relating to advertising adopted by the commission under
31 subsection (3) of this section *[shall]* **must** allow signs and displays within

1 *[its]* **the commission's** stores for the purpose of supplying consumer infor-
 2 mation to customers, including but not limited to discounts, sales and other
 3 specials. Commission discretion with respect to *[those]* **the** signs and displays
 4 *[shall be]* **described in this subsection is** limited to regulation of the con-
 5 tent, size, number per brand, type and duration of the sign or display.

6 **(b)** Signs and displays may be supplied by manufacturers, wholesalers or
 7 distributors, and may bear the name of a particular distillery, supplier or
 8 brand of liquor. The use of signs and displays *[shall be]* **is** optional with the
 9 agent appointed by the commission. *[Signs or displays authorized by the*
 10 *commission may not be placed in positions within the store where the sign or*
 11 *display would be readily visible from outside of the store.]*

12 **(5) The commission may allow consumers to purchase distilled li-**
 13 **quor from the commission's stores established under this section**
 14 **through electronic or telephonic methods authorized by the commis-**
 15 **sion.**

16 *[(5)]* **(6)** The commission may annually adjust the price threshold estab-
 17 lished in subsection (2)(a) of this section by a percentage equal to the per-
 18 centage change in the Consumer Price Index for All Urban Consumers, West
 19 Region (All Items), as published by the Bureau of Labor Statistics of the
 20 United States Department of Labor. However, the commission may not adjust
 21 the price threshold to be less than \$30.

22 **SECTION 18. (1) Sections 2 to 10 of this 2021 Act and the amend-**
 23 **ments to ORS 471.282, 471.311, 471.322, 471.360, 471.430, 471.542 and**
 24 **471.750 by sections 11 to 17 of this 2021 Act become operative on Janu-**
 25 **ary 1, 2022.**

26 **(2) The Oregon Liquor Control Commission may take any action**
 27 **before the operative date specified in subsection (1) of this section that**
 28 **is necessary to enable the commission to exercise, on and after the**
 29 **operative date specified in subsection (1) of this section, all of the du-**
 30 **ties, functions and powers conferred on the commission by sections 2**
 31 **to 10 of this 2021 Act and the amendments to ORS 471.282, 471.311,**

1 471.322, 471.360, 471.430, 471.542 and 471.750 by sections 11 to 17 of this
2 2021 Act.

3 SECTION 19. This 2021 Act takes effect on the 91st day after the
4 date on which the 2021 regular session of the Eighty-first Legislative
5 Assembly adjourns sine die.

6
