

Enrolled
House Bill 2363

Sponsored by Representatives SALINAS, GOMBERG; Representatives BOSHART DAVIS, DEXTER, LEIF, NOSSE, POST, SMITH DB, WILDE, WRIGHT (Presession filed.)

CHAPTER

AN ACT

Relating to temporary sales licenses; creating new provisions; amending ORS 471.190; and declaring an emergency.

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

SECTION 1. ORS 471.190 is amended to read:

471.190. (1) The holder of a temporary sales license may:

(a) Sell at retail by the drink wine, malt beverages, cider and distilled liquor.

(b) Sell for consumption off the licensed premises wine, malt beverages and cider in factory-sealed containers.

(c) Sell for consumption off the licensed premises wine, malt beverages and cider in securely covered containers supplied by the consumer and having capacities of not more than two gallons each.

(2) Distilled liquor served by the holder of a temporary sales license must be purchased from a retail sales agent of the Oregon Liquor Control Commission. The holder of a temporary sales license must provide food service as required by commission rule.

(3) A temporary sales license may be issued only to:

(a) Nonprofit or charitable organizations that are registered with the state.

(b) A political committee that has filed a statement of organization under ORS 260.039 or 260.042.

(c) State agencies.

(d) Local governments, and agencies and departments of local governments.

(e) Persons not otherwise described in this subsection, as long as the applicant submits a plan that is approved by the commission detailing how minors will be prevented from gaining access to alcoholic beverages and how minors will be prevented from gaining access to any portion of the licensed premises prohibited to minors under ORS 471.430 (3) or any rule adopted by the commission.

(4) The commission may by rule establish additional eligibility requirements for temporary sales licenses.

(5) Subject to such qualifications as the commission may establish by rule, persons who hold a full or limited on-premises sales license are eligible for temporary sales licenses.

(6) A temporary sales license issued to a person described in subsection (3)(a), (c) or (d) of this section authorizes the holder of the temporary sales license to:

(a)(A)(i) Have on a single licensed premises more than one location at which wine, malt beverages or cider is sold at retail by the drink or for consumption off the licensed premises; and

(ii) Have on a single licensed premises more than one location at which wine, malt beverages, cider or distilled liquor is sold at retail by the drink; or

(B) Have up to three separate premises in this state licensed under the temporary sales license at which wine, malt beverages or cider is sold for consumption off the licensed premises; and

(b) Operate for up to 30 days, whether or not the days are consecutive.

(7) The commission may adopt rules to carry out subsection (6) of this section.

[(6)] (8) A person holding a temporary sales license is not required to obtain an intermittent temporary restaurant, seasonal temporary restaurant, single-event temporary restaurant license or mobile unit license under ORS chapter 624 if only wine, malt beverages and cider in single-service containers are served and only nonperishable food items that are exempted from licensure by the Oregon Health Authority are served.

[(7)] (9) Employees and volunteers serving alcoholic beverages for a nonprofit or charitable organization licensed under this section are not required to have service permits or to complete an alcohol server education program and examination under ORS 471.542. The commission by rule may establish education requirements for servers described in this subsection.

[(8)] (10) Notwithstanding ORS 471.392 to 471.400, a temporary sales license may be issued to a nonprofit trade association that has a membership primarily composed of persons that hold winery licenses issued under ORS 471.223 or grower sales privilege licenses issued under ORS 471.227.

SECTION 2. The amendments to ORS 471.190 by section 1 of this 2021 Act apply to temporary sales licenses issued on or after January 1, 2021.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 8, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 19, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State