

(To Resolve Conflicts)

**A-Engrossed  
House Bill 2742**

Ordered by the Senate May 20  
Including Senate Amendments dated May 20 to resolve conflicts

Sponsored by Representative LEIF (Pre-session filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows holder of off-premises sales license to sell factory-sealed containers of malt beverages that hold more than seven gallons.

Takes effect on 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to sale of malt beverages; creating new provisions; amending ORS 471.186; and prescribing  
3 an effective date.

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

5 **SECTION 1.** ORS 471.186 is amended to read:

6 471.186. (1) The holder of an off-premises sales license may sell factory-sealed containers of malt  
7 beverages, wine and cider. Factory-sealed containers of malt beverages sold under the license may  
8 *[not hold more than two and one-quarter gallons]* **hold more than seven gallons.**

9 (2) The holder of an off-premises sales license may sell for consumption off the licensed premises  
10 malt beverages, wines and cider in securely covered containers supplied by the consumer and having  
11 capacities of not more than two gallons each.

12 (3) The holder of an off-premises sales license may provide sample tasting of alcoholic beverages  
13 on the licensed premises if the licensee makes written application to the Oregon Liquor Control  
14 Commission and receives approval from the commission to conduct tastings on the premises.  
15 Tastings must be limited to the alcoholic beverages that may be sold under the privileges of the li-  
16 cense.

17 (4) An off-premises sales license may not be issued for use at a premises that is mobile.

18 (5) Except as provided in ORS 471.402, a manufacturer or wholesaler may not provide or pay for  
19 sample tastings of alcoholic beverages for the public on premises licensed under an off-premises  
20 sales license.

21 (6) The holder of an off-premises sales license may deliver malt beverages, wine or cider that is  
22 sold under the privileges of the license to retail customers in this state without a direct shipper  
23 permit issued under ORS 471.282. Any deliveries by the holder of an off-premises sales license are  
24 subject to any rules adopted by the commission relating to deliveries made under this subsection.  
25 Deliveries under this subsection:

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

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

2 (c) Must be made in containers that are conspicuously labeled with the words: "CONTAINS  
3 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR  
4 DELIVERY."

5 (7) The holder of an off-premises sales license that makes deliveries of malt beverages, wine or  
6 cider under subsection (6) of this section must take all actions necessary to ensure that a carrier  
7 used by the licensee does not deliver any malt beverages, wine or cider unless the carrier:

8 (a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery;

9 (b) Verifies by inspecting government-issued photo identification that the recipient is at least  
10 21 years of age; and

11 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

12 (8) Any person who knowingly or negligently delivers malt beverages, wine or cider under the  
13 provisions of this section to a person under 21 years of age, or who knowingly or negligently de-  
14 livers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated  
15 person, violates ORS 471.410.

16 (9) If a court determines that deliveries of malt beverages, wine or cider under subsection (6)  
17 of this section cannot be restricted to holders of off-premises sales licenses, and the decision is a  
18 final judgment that is no longer subject to appeal, the holder of an off-premises sales license may  
19 not make deliveries of malt beverages, wine or cider under the provisions of subsection (6) of this  
20 section after entry of the final judgment.

21 **(10) The Oregon Liquor Control Commission may adopt rules to carry out this section.**

22 **SECTION 1a. If House Bill 2264 becomes law, section 1 of this 2021 Act (amending ORS**  
23 **471.186) is repealed and ORS 471.186, as amended by section 10, chapter \_\_, Oregon Laws 2021**  
24 **(Enrolled House Bill 2264), is amended to read:**

25 471.186. (1) The holder of an off-premises sales license may sell factory-sealed containers of malt  
26 beverages, wine and cider for consumption off the licensed premises.

27 (2) The holder of an off-premises sales license may sell for consumption off the licensed premises  
28 malt beverages, wine and cider in securely covered containers supplied by the consumer and that  
29 have capacities of not more than two gallons each.

30 (3) The holder of an off-premises sales license may provide sample tasting of alcoholic beverages  
31 on the licensed premises if the licensee applies in writing to the Oregon Liquor Control Commission  
32 and receives written approval from the commission to conduct tastings on the premises. Tastings  
33 must be limited to the alcoholic beverages that may be sold under the privileges of the license.

34 (4) An off-premises sales license may not be issued for use at a premises that is mobile.

35 (5) Except as provided in ORS 471.402, a manufacturer or wholesaler may not provide or pay for  
36 sample tastings of alcoholic beverages for the public on premises licensed under an off-premises  
37 sales license.

38 (6) The holder of an off-premises sales license may deliver malt beverages, wine or cider that is  
39 sold under the privileges of the license to retail customers in this state without a direct shipper  
40 permit issued under ORS 471.282. Any deliveries by the holder of an off-premises sales license are  
41 subject to any rules adopted by the commission relating to deliveries made under this subsection.  
42 Deliveries under this subsection:

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

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

45 (c) Must be made in containers that are conspicuously labeled with the words: "CONTAINS

1 ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR  
2 DELIVERY.”

3 (7) The holder of an off-premises sales license that makes deliveries of malt beverages, wine or  
4 cider under subsection (6) of this section shall take all actions necessary to ensure that a carrier  
5 used by the licensee does not deliver any malt beverages, wine or cider unless the carrier:

6 (a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery;

7 (b) Verifies by inspecting government-issued photo identification that the recipient is at least  
8 21 years of age; and

9 (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

10 (8) Any person who knowingly or negligently delivers malt beverages, wine or cider under the  
11 provisions of this section to a person under 21 years of age, or who knowingly or negligently de-  
12 livers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated  
13 person, violates ORS 471.410.

14 (9) If a court determines that deliveries of malt beverages, wine or cider under subsection (6)  
15 of this section cannot be restricted to holders of off-premises sales licenses, and the decision is a  
16 final judgment that is no longer subject to appeal, the holder of an off-premises sales license may  
17 not make deliveries of malt beverages, wine or cider under the provisions of subsection (6) of this  
18 section after entry of the final judgment.

19 **(10) The Oregon Liquor Control Commission may adopt rules to carry out this section.**

20 **SECTION 2. (1) The amendments to ORS 471.186 by section 1 of this 2021 Act become**  
21 **operative on January 1, 2022.**

22 **(2) The Oregon Liquor Control Commission may take any action before the operative date**  
23 **specified in subsection (1) of this section that is necessary to enable the commission to ex-**  
24 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**  
25 **duties, functions and powers conferred on the commission by the amendments to ORS 471.186**  
26 **by section 1 of this 2021 Act.**

27 **SECTION 2a.** If House Bill 2264 becomes law, section 2 of this 2021 Act is amended to read:

28 **Sec. 2.** (1) The amendments to ORS 471.186 by section [1] **1a** of this 2021 Act become operative  
29 on January 1, 2022.

30 (2) The Oregon Liquor Control Commission may take any action before the operative date  
31 specified in subsection (1) of this section that is necessary to enable the commission to exercise, on  
32 and after the operative date specified in subsection (1) of this section, all of the duties, functions  
33 and powers conferred on the commission by the amendments to ORS 471.186 by section [1] **1a** of this  
34 2021 Act.

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

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