House Bill 3245

Sponsored by Representative WILDE

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 as introduced.

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

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

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

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

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

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

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

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

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

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

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

(c) A brewery license issued under ORS 471.221;

(d) A winery license issued under ORS 471.223;

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

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

(5) “Final consumer” means an individual taking possession of alcoholic beverages at a

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.

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delivery address for personal or social use, and not for resale.

(6) “Retail sales agent” means an agent appointed by the commission under ORS 471.750 to operate a retail liquor store.

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

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

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

SECTION 4. (1) An individual may not perform services as a delivery person unless the individual:

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

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

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

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

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

(C) Oregon Liquor Control Commission rules relating to alcohol delivery.

(2) A delivery person may also be a third party provider registered under section 7 of this 2021 Act. However, a delivery person that is a third party provider may not be both a recipient and provider at the same training under subsection (1)(c) of this section.

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

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

(B) The malt beverages, wine or cider is in a factory-sealed container or a container sealed by the eligible business; and

(C) The delivery is to a final consumer.

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

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

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

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

(c) The delivery is to a final consumer.

SECTION 6. The Oregon Liquor Control Commission may develop, implement and maintain an electronic system to facilitate final consumer ordering of distilled liquor from retail sales agents. The commission system must include, but need not be limited to, accessibility through the use of third party provider digital platforms or marketplaces.

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

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

(2) Subsection (1) of this section does not:
(a) Prohibit a retail licensee as defined in ORS 471.392 or an individual with a service permit from being a third party provider or from holding an interest in a third party provider.
(b) Prevent a retail licensee that is also a third party provider from exercising any privilege under the retail license.

(3) A third party provider may provide the technology through which an eligible business or a retail sales agent:
(a) AdVERTISES alcoholic beverages available for sale;
(b) Accepts orders for alcoholic beverages from final consumers; and
(c) Receives payment for alcoholic beverages ordered by final consumers.

(4) The provision of technology described in this section by a third party provider does not violate any sales prohibition in this chapter if the eligible business or retail sales agent using the technology at all times:
(a) Controls the selection of alcoholic beverages to be advertised;
(b) Controls the prices at which alcoholic beverages are advertised;
(c) Controls the acceptance of orders for alcoholic beverages from final consumers; and
(d) Directly receives and retains all payments for ordered alcoholic beverages.

(5)(a) A third party provider may direct or deploy a delivery person to deliver alcoholic beverages to a final consumer on behalf of an eligible business or retail sales agent.
(b) A third party provider may not direct or deploy an individual to deliver alcoholic beverages to a final consumer on behalf of the third party provider unless the third party provider has verified that the individual meets the requirements of section 4 of this 2021 Act.

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

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

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

SECTION 8. (1) An eligible business or retail sales agent may not use the services of a third party provider unless the eligible business or retail sales agent has entered into a written agreement with that third party provider prior to using the services. A third party provider may not provide any service described in this section or section 7 of this 2021 Act to an eligible business or retail sales agent unless the third party provider enters into a written agreement with that eligible business or retail sales agent prior to providing the service.

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

(a) Advertise alcoholic beverages available for sale;
(b) Accept orders for alcoholic beverages;
(c) Receive payment for alcoholic beverages; and
(d) Initiate the direction or deployment of delivery persons to complete a delivery of alcoholic beverages to final consumers.

(3) If an agreement under this section provides for the third party provider to arrange delivery to a final consumer, the agreement must require the third party provider to use a delivery person for the delivery.

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

(5) Third party providers and delivery persons may charge an eligible business, a retail sales agent or a final consumer a fee for delivering alcoholic beverages.

(6) An agreement into which an eligible business or a retail sales agent enters with a third party provider may not authorize any delivery in violation of a requirement, condition, restriction or prohibition imposed under this chapter or commission rules, including but not limited to any delivery restrictions under ORS 471.282.

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

(2) The Oregon Liquor Control Commission may assess a civil penalty against a third party provider for a violation of this chapter or commission rules by the third party provider or a delivery person acting on behalf of or at the direction of the third party provider.

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

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

(2) The Oregon Liquor Control Commission may assess a civil penalty against a delivery person or a person described in ORS 471.282 (6) for a violation of this chapter or commission rules.

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

SECTION 11. ORS 471.282 is amended to read:

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

(a) A person that holds a license issued by this state or another state that authorizes the manufacture of malt beverages, wine or cider;
(b) A person that holds a license issued by this state or another state that authorizes the sale
of wine or cider produced only from grapes or other fruit grown under the control of the person;
(c) A person that holds a license authorizing the sale of malt beverages, wine or cider at retail;
or
(d) A nonprofit trade association that holds a temporary sales license under ORS 471.190 and
has a membership primarily composed of persons holding winery licenses issued under ORS
471.223 or grower sales privilege licenses issued under ORS 471.227.
(2) The holder of a direct shipper permit that is a licensee of another state may deliver malt
beverages under the permit only if that other state makes direct shipper permits, or the equivalent,
available for the delivery of malt beverages by persons holding a license issued by the commission
authorizing the manufacture or retail sale of malt beverages.
(3)(a) A person may apply for a direct shipper permit by filing an application with the commis-
sion. The application must be made in such form as may be prescribed by the commission.
(b) If the application is based on a license issued by this state, the person must include in the
application the number of the license issued to the person.
(c) If the application is based on a license issued by another state, the person must include in
the application a true copy of the license issued to the person by the other state or include sufficient
information to allow verification of the license by electronic means or other means acceptable to the
commission.
(d) If the application is based on a license issued by another state, or the application is by a
nonprofit trade association described in subsection (1)(d) of this section, the person or association
must pay a $100 registration fee and maintain a bond or other security described in ORS 471.155 in
the minimum amount of $1,000.
(4) Sales and shipments under a direct shipper permit:
(a) May be made only to a person who is at least 21 years of age;
(b) May be made only for personal use and not for the purpose of resale; and
(c) May not exceed two cases, containing not more than nine liters per case, to any resident per
month.
(5) Sales and shipments under a direct shipper permit must be made directly to a resident of this
state in containers that are conspicuously labeled with the words: “CONTAINS ALCOHOL: SIG-
NATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY.”
(6) A person holding a direct shipper permit must take all actions necessary to ensure that a
carrier used by the permit holder does not deliver any malt beverages, wine or cider unless the
carrier:
(a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery;
(b) Verifies by inspecting government-issued photo identification that the recipient is at least 21
years of age; and
(c) Determines that the recipient is not visibly intoxicated at the time of delivery.
(6) Shipments to a final consumer, as defined in section 2 of this 2021 Act, made under
a direct shipper permit must be delivered by an individual that meets the requirements of
section 4 of this 2021 Act for a delivery person.
(a) A person holding a direct shipper permit must report to the commission on a quarterly
basis all shipments of malt beverages, wine or cider made to Oregon residents under the permit. The
report must be made in a form prescribed by the commission.
(b) A person holding a direct shipper permit must allow the commission to audit the permit
holder’s records upon request and shall make those records available to the commission in this state.
(c) A person holding a direct shipper permit consents to the jurisdiction of the commission and the courts of this state for the purpose of enforcing the provisions of this section and any related laws or rules.

(8)(a) A person holding a direct shipper permit must timely pay to the commission all taxes imposed under ORS chapter 473 on malt beverages, wine and cider sold and shipped under the permit. For the purpose of the privilege tax imposed under ORS chapter 473, all malt beverages, wine or cider sold and shipped pursuant to a direct shipper permit is sold in this state.

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

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

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

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

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

SECTION 12. ORS 471.311 is amended to read:

471.311. (1) Any person desiring a license or permit or renewal of a license or permit under this chapter shall submit an application to the Oregon Liquor Control Commission upon forms to be furnished on a form provided by the commission showing the name and address of the applicant, location of the place of business that is to be operated under the license, and such other that includes any pertinent information as the commission may require. A license may not be granted or renewed until the applicant has complied with the provisions of this chapter and the rules of the commission.

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

(3) The commission shall charge an application fee, not to exceed $150, to process an application for the issuance of a new license under this chapter or a license following a change in ownership. The application fee applies only to an application for a class of license that has an annual license fee. The application fee is nonrefundable, except that the commission shall refund the fee if the applicant completes, submits and maintains an application and the commission does not, on or before 75 days following receipt of the completed application, propose that the license be granted, granted with conditions or refused. The commission shall adopt rules to:

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

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

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

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

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

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<tr>
<th>License</th>
<th>Minimum Fee</th>
<th>Bond</th>
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<tr>
<td>Brewery, including Certificate of Approval</td>
<td>$ 1,000</td>
<td>$ 1,000</td>
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<tr>
<td>Winery</td>
<td>$ 500</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Distillery</td>
<td>$ 200</td>
<td>None</td>
</tr>
<tr>
<td>Wholesale Malt Beverage and Wine</td>
<td>$ 550</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Warehouse</td>
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<td>$ 1,000</td>
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<tr>
<td>Brewery-Public House, including Certificate of Approval</td>
<td>$ 500</td>
<td>$ 1,000</td>
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<tr>
<td>Limited On-Premises Sales</td>
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<tr>
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<tr>
<td>Temporary Sales</td>
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<td>$ 1,000</td>
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<tr>
<td>Special events brewery</td>
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license $ 10 per day
Special events winery license $ 10 per day
Special events grower sales privilege license $ 10 per day
Special events brewery-public house license $ 10 per day
Special events distillery license $ 10 per day

(7) The fee for a certificate of approval or special certificate of approval granted under ORS 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a certificate of approval or special certificate of approval. [No bond is] A bond is not required for the granting of a certificate of approval or special certificate of approval. Certificates of approval are valid for a period commencing on the date of issuance and ending on December 31 of the fifth calendar year following the calendar year of issuance. The fee for a certificate of approval is $350. Special certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval is $10.

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

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

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

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

SECTION 13. ORS 471.322 is amended to read:

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

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

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

(3) Civil penalties under this section shall be imposed as provided in ORS 183.745.
SECTION 14. ORS 471.360 is amended to read:

471.360. (1) Except as otherwise provided in ORS 471.375:
(a) Any person employed or used by, or acting on behalf of or at the direction of, a licensee of the Oregon Liquor Control Commission must have a valid service permit issued by the commission if the person:

(A) Participates in any manner in the mixing, selling or service of alcoholic liquor for consumption on the premises where served or sold; or
(B) Participates in the dispensing of malt beverages, wines or cider sold in securely covered containers provided by the consumer.

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

(A) To mix, sell or serve any alcoholic liquor for consumption on licensed premises; or
(B) To dispense malt beverages, wines or cider sold in securely covered containers provided by the consumer.

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

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

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

SECTION 15. ORS 471.430 is amended to read:

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

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

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

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

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

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

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

(b) The court shall order, when a person violates subsection (1) of this section, that the person's driving privileges and right to apply for driving privileges be suspended pursuant to ORS 809.260 and 809.280. The court notification made to the Department of Transportation under this paragraph may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.
(6) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty established by law, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person’s driving privileges under ORS 809.280 (4).

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

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

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

(10)(a) A person under 21 years of age is not in violation of, and is immune from prosecution under, this section if:

(A) The person contacted emergency medical services or a law enforcement agency in order to obtain medical assistance for another person who was in need of medical assistance due to alcohol consumption and the evidence of the violation was obtained as a result of the person’s having contacted emergency medical services or a law enforcement agency; or

(B) The person was in need of medical assistance due to alcohol consumption and the evidence of the violation was obtained as a result of the person’s having sought or obtained the medical assistance.

(b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result of a person’s having sought medical assistance in proceedings for crimes or offenses other than a violation of this section.

SECTION 16. ORS 471.542 is amended to read:

471.542. (1) Except as provided in subsection (2) of this section, the Oregon Liquor Control Commission shall require a person applying for issuance or renewal of a service permit or any license that authorizes the sale or service of alcoholic beverages for consumption on the premises to complete an approved alcohol server education course and examination as a condition of the issuance or renewal of the permit or license.

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

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

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

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

(4) The commission may extend the time periods established by this section upon a showing of hardship. The commission by rule may exempt a licensee from the requirements of this section if the licensee does not participate in the management of the business.

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

(a) Alcohol as a drug and its effects on the body and behavior, especially driving ability.
(b) Effects of alcohol in combination with commonly used legal, prescription or nonprescription, drugs and illegal drugs.
(c) Recognizing the problem drinker and community treatment programs and agencies.
(d) State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated persons, sale for on-premises or off-premises consumption, hours of operation and penalties for violation of the laws.
(e) Drunk driving laws and liquor liability statutes.
(f) Intervention with the problem customer, including ways to cut off service, ways to deal with the belligerent customer and alternative means of transportation to get the customer safely home.
(g) Advertising and marketing for safe and responsible drinking patterns and standard operating procedures for dealing with customers.

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

(6) The commission shall adopt rules to impose reasonable fees for administrative costs on alcohol server education course instructors and providers.

(7) The commission shall provide alcohol server education courses and examinations through independent contractors, private persons or private or public schools certified by the commission. The commission shall adopt rules governing the manner in which alcohol server education courses and examinations are made available to persons required to take the course. In adopting rules under this subsection, the commission shall consider alternative means of providing courses, including but not limited to providing courses through audiotapes, videotapes, the Internet and other electronic media.

SECTION 17. ORS 471.750 is amended to read:

471.750. (1) The Oregon Liquor Control Commission shall establish [such] stores and warehouses in [such] places in [the] this state [as in its] that in the commission's judgment are required by public convenience or necessity, for the sale of [spirits] distilled liquors, wines and other alcoholic liquors containing over five percent alcohol by volume, in sealed containers for consumption off the premises. The commission shall keep on hand in [such] the stores or warehouses [such] established under this section quantities and kinds of alcoholic liquors as are reasonably required to supply the public demand.

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

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

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

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

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

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

(b) The commission shall adopt rules governing advertising by stores operated by the commission.

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

(4)(a) Rules relating to advertising adopted by the commission under subsection (3) of this section [shall] must allow signs and displays within [its] the commission's stores for the purpose of supplying consumer information to customers, including but not limited to discounts, sales and other specials. Commission discretion with respect to [those] the signs and displays [shall be] described in this subsection is limited to regulation of the content, size, number per brand, type and duration of the sign or display.

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

(5) The commission may allow consumers to purchase distilled liquor from the commission's stores established under this section through electronic or telephonic methods authorized by the commission.

[(5)] (6) The commission may annually adjust the price threshold established in subsection (2)(a) of this section by a percentage equal to the percentage change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor. However, the commission may not adjust the price threshold to be less than $30.

SECTION 18. (1) Sections 2 to 10 of this 2021 Act and the amendments to ORS 471.282, 471.311, 471.322, 471.360, 471.430, 471.542 and 471.750 by sections 11 to 17 of this 2021 Act become operative on January 1, 2022.

(2) The Oregon Liquor Control Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by sections 2 to 10 of this 2021
Act and the amendments to ORS 471.282, 471.311, 471.322, 471.360, 471.430, 471.542 and 471.750 by sections 11 to 17 of this 2021 Act.

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