

**Enrolled**  
**Senate Bill 317**

Sponsored by Senator BEYER, Representative NOSSE; Representatives BYNUM, FAHEY, WILDE  
(Presession filed.)

CHAPTER .....

AN ACT

Relating to alcoholic beverages; creating new provisions; amending ORS 471.175; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 471.**

**SECTION 2. (1) As used in this section:**

(a) "Mixed drink" means a beverage that is a combination of wine or distilled liquor and one or more mixers that is combined on a licensed premises and sold in a sealed container for consumption off the licensed premises.

(b) "Sealed container" means a container with a secure cap or lid:

(A) That is designed to prevent consumption of the contents of the container without removal of the cap or lid; or

(B) That has a seal covering the holes or opening, if the cap or lid has sipping holes or an opening for a straw to allow consumption of the contents of the container without removal of the cap or lid.

(2) Notwithstanding ORS 471.175, the holder of a full on-premises sales license may make retail sales of mixed drinks and single servings of wine for off-premises consumption if the mixed drink or single serving of wine is sold in a sealed container that meets the requirements of subsection (3) of this section. The retail sale must be made directly to the consumer although delivery may be made through a third party that provides a delivery service.

(3) The cap or lid, and any seal, of the sealed container must be affixed to the container in a manner that makes it obvious when the cap or lid, and any seal, has been removed or broken. The cap or lid, and any seal, may be affixed with the use of tape or other adhesive.

(4) The Oregon Liquor Control Commission may adopt rules to carry out this section, including rules establishing additional requirements for the retail sale of mixed drinks and single servings of wine for off-premises consumption.

**SECTION 3. ORS 471.175 is amended to read:**

471.175. (1) The holder of a full on-premises sales license may sell by the drink at retail wine, malt beverages, cider and distilled liquor. Except as provided in this section **and section 2 of this 2021 Act**, all alcoholic beverages sold under a full on-premises sales license must be consumed on the licensed premises.

(2) A full on-premises sales license may be issued only to:

- (a) A nonprofit private club, as described in subsection (8) of this section.
- (b) A public passenger carrier as provided in ORS 471.182.

- (c) A commercial establishment, as defined in ORS 471.001 (2).
  - (d) A public location that does not qualify for licensing under paragraphs (a) to (c) of this subsection if:
    - (A) Food is cooked and served at the location;
    - (B) The predominant business activity at the location is other than the preparation or serving of food or the serving of alcohol; and
    - (C) The location meets any minimum food service requirements established by Oregon Liquor Control Commission rule.
  - (e) A caterer, subject to the requirements of ORS 471.184.
- (3) The holder of a full on-premises sales license shall allow a patron to remove a partially consumed bottle of wine from the licensed premises if the wine is served in conjunction with the patron's meal, the patron is not a minor and the patron is not visibly intoxicated.
- (4) The holder of a full on-premises sales license is entitled to purchase any distilled liquor from an agent of the commission appointed pursuant to ORS 471.750 at a discount of not more than five percent off the regular listed price fixed by the commission, together with all taxes, in a manner prescribed by commission rule. For purposes of compensation by the commission, the appointed agent shall be credited with such sales at full retail cost. The commission may not require the licensee to purchase more than one container of distilled liquor at a time if the distilled liquor:
- (a) Except as provided in subsection (9) 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.
- (5) The holder of a full on-premises sales license may purchase distilled liquor only from a retail sales agent of the commission or from another person licensed under this section who has purchased the distilled liquor from a retail sales agent of the commission.
- (6) The holder of a full on-premises sales license may sell factory-sealed containers of wine to a person who organizes a private gathering on the licensee's premises if the wine was acquired as part of a larger purchase of wine by the licensee for the purpose of the gathering and only part of the larger purchase was consumed at the gathering. Wine sold under this subsection may be sold only for an amount adequate to compensate the licensee for the amounts paid by the licensee for the wine.
- (7) The holder of a full on-premises sales license may sell for consumption off the licensed premises malt beverages, wines and cider in securely covered containers provided by the consumer and having capacities of not more than two gallons each.
- (8) A nonprofit private club, including but not limited to a fraternal or veterans organization, may qualify for a full on-premises sales license under this section only if the club meets any minimum membership, nonprofit status and food service requirements established by commission rule.
- (9) Beginning January 1, 2017, the commission may annually adjust the price threshold established in subsection (4)(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 4. (1) Section 2 of this 2021 Act and the amendments to ORS 471.175 by section 3 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 section 2 of this 2021 Act and the amendments to ORS 471.175 by section 3 of this 2021 Act.**

**SECTION 5. 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.**

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**Passed by Senate March 31, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 1, 2021**

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Tina Kotek, Speaker of House

**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