

Requested by Representative LIVELY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2264**

1 In line 2 of the printed bill, delete “and declaring an emergency.” and  
2 insert “creating new provisions; amending ORS 471.001, 471.130, 471.162,  
3 471.175, 471.178, 471.184, 471.186, 471.282, 471.311, 471.400, 471.750, 471.805,  
4 473.030, 473.140, 473.150 and 473.170; repealing ORS 471.478; and declaring an  
5 emergency.”.

6 Delete lines 4 through 10 and insert:

7 **“SECTION 1. Sections 2 and 3 of this 2021 Act are added to and**  
8 **made a part of ORS chapter 471.**

9 **“SECTION 2. Notwithstanding ORS 471.175, an Indian tribe that**  
10 **holds a full on-premises sales license may purchase distilled liquor for**  
11 **sale by the drink within Indian country directly from the Oregon Li-**  
12 **quor Control Commission at a price negotiated by the Indian tribe and**  
13 **the commission. As used in this section, ‘Indian country’ has the**  
14 **meaning given that term in 18 U.S.C. 1151.**

15 **“SECTION 3. Notwithstanding ORS 471.175, an airline described in**  
16 **ORS 471.182 that holds a full on-premises sales license may purchase**  
17 **distilled liquor for sale to ticketed passengers aboard a commercial**  
18 **aircraft directly from the Oregon Liquor Control Commission at a**  
19 **price negotiated by the airline and the commission.**

20 **“SECTION 4. ORS 471.001 is amended to read:**

21 **“471.001. As used in this chapter and ORS chapter 473:**

1 “(1) ‘Alcoholic beverage’ and ‘alcoholic liquor’ mean any liquid or solid  
2 containing more than one-half of one percent alcohol by volume and capable  
3 of being consumed by a human being.

4 “(2) ‘Commercial establishment’ means a place of business:

5 “(a) Where food is cooked and served;

6 “(b) That has kitchen facilities adequate for the preparation and serving  
7 of meals;

8 “(c) That has dining facilities adequate for the serving and consumption  
9 of meals; and

10 “(d) That:

11 “(A) If not a for-profit private club, serves meals to the general public;  
12 or

13 “(B) If a for-profit private club, serves meals to the club’s members and  
14 guests and complies with any minimum membership and food service re-  
15 quirements established by Oregon Liquor Control Commission rules.

16 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

17 “(4) ‘Distilled liquor’ means any alcoholic beverage other than a wine,  
18 cider or malt beverage. ‘Distilled liquor’ includes distilled spirits.

19 “(5) ‘Licensee’ means any person holding a license issued under this  
20 chapter.

21 “[*(6)(a) ‘Malt beverage’ means an alcoholic beverage obtained by the*  
22 *fermentation of grain that contains not more than 14 percent alcohol by*  
23 *volume.*]

24 “[*(b) ‘Malt beverage’ includes:*]

25 “[*(A) Beer, ale, porter, stout and similar alcoholic beverages containing not*  
26 *more than 14 percent alcohol by volume;*]

27 “[*(B) Malt beverages containing six percent or less alcohol by volume and*  
28 *that contain at least 51 percent alcohol by volume obtained by the fermentation*  
29 *of grain, as long as not more than 49 percent of the beverage’s overall alcohol*  
30 *content is obtained from flavors and other added nonbeverage ingredients*”

1 *containing alcohol; and]*

2 *“[(C) Malt beverages containing more than six percent alcohol by volume*  
3 *that derive not more than 1.5 percent of the beverage’s overall alcohol content*  
4 *by volume from flavors and other added nonbeverage ingredients containing*  
5 *alcohol.]*

6 *“[(c) ‘Malt beverage’ does not include cider or an alcoholic beverage ob-*  
7 *tained primarily by fermentation of rice, such as sake.]*

8 **“(6)(a) ‘Malt beverage’ means beer, ale, porter, stout and other**  
9 **similar fermented beverages that contain more than one-half of one**  
10 **percent and not more than 16 percent of alcohol by volume and that**  
11 **are brewed or produced from malt, wholly or in part, or from rice,**  
12 **grain, bran, glucose, sugar or molasses as a substitute for malt.**

13 **“(b) ‘Malt beverage’ does not include cider, mead, sake or wine.**

14 *“(7) ‘Manufacturer’ means every person who produces, brews, ferments,*  
15 *manufactures or blends an alcoholic beverage within this state or who im-*  
16 *ports or causes to be imported into this state an alcoholic beverage for sale*  
17 *or distribution within the state.*

18 *“(8) ‘Permittee’ means a person holding a permit issued under ORS 471.360*  
19 *to 471.385.*

20 *“(9) ‘Premises’ or ‘licensed premises’ means a location licensed under this*  
21 *chapter and includes all enclosed areas at the location that are used in the*  
22 *business operated at the location, including offices, kitchens, rest rooms and*  
23 *storerooms, including all public and private areas where patrons are per-*  
24 *mitted to be present. ‘Premises’ or ‘licensed premises’ includes areas outside*  
25 *of a building that the commission has specifically designated as approved for*  
26 *alcoholic beverage service or consumption.*

27 *“(10) ‘Regulatory specialist’ means a full-time employee of the commission*  
28 *who is authorized to act as an agent of the commission in conducting in-*  
29 *spections or investigations, making arrests and seizures, aiding in prose-*  
30 *cutions for offenses, issuing citations for violations and otherwise enforcing*

1 this chapter, ORS 474.005 to 474.095, 474.115, 475B.010 to 475B.545, 475B.550  
2 to 475B.590 and 475B.600 to 475B.655, commission rules and any other stat-  
3 utes the commission considers related to regulating liquor, marijuana or  
4 marijuana-derived products.

5 “(11) ‘Wine’ means any fermented vinous liquor or fruit juice, or other  
6 fermented beverage fit for beverage purposes that is not a malt beverage,  
7 containing more than one-half of one percent of alcohol by volume and not  
8 more than 21 percent of alcohol by volume. ‘Wine’ includes fortified wine.  
9 ‘Wine’ does not include cider.

10 **“SECTION 5.** ORS 471.130 is amended to read:

11 “471.130. (1) [*All licensees and permittees of the Oregon Liquor Control*  
12 *Commission,*] Before selling or serving **an** alcoholic [*liquor*] **beverage** to any  
13 person about whom there is any reasonable doubt of the person’s having  
14 reached 21 years of age, **a licensee or permittee** shall require [*such*] **the**  
15 person to produce one of the following pieces of identification:

16 “(a) The person’s passport issued by the United States or a foreign gov-  
17 ernment.

18 “(b) The person’s motor vehicle operator’s license issued by this state or  
19 another state of the United States **or a province or territory of Canada.**

20 “(c) An identification card issued under ORS 807.400.

21 “(d) A United States military identification card.

22 “(e) An identification card issued by a federally recognized Indian tribe.

23 “(f) Any other identification card issued by a state or territory of the  
24 United States **or province or territory of Canada** that bears a picture of  
25 the person, the name of the person, the person’s date of birth and a physical  
26 description of the person.

27 “(g) Proof of the person’s participation in the Secure Electronic Network  
28 for Travelers Rapid Inspection program operated by United States Customs  
29 and Border Protection, the NEXUS program jointly operated by that agency  
30 and the Canada Border Services Agency, or a successor to either of those

1 programs that is recognized by the **Oregon Liquor Control** Commission.

2 “(h) **Any other form of identification as defined by the commission**  
3 **by rule.**

4 “(2) If a person does not have identification as described in subsection (1)  
5 of this section, the permittee or licensee shall require [*such*] **the** person to  
6 make a written statement of age and furnish evidence of the person’s true  
7 age and identity. The written statement of age shall be on a form furnished  
8 or approved by the commission, including but not limited to the following  
9 information:

10 “ \_\_\_\_\_

11 Date \_\_\_\_\_

12 I am 21 years of age or over. \_\_\_\_\_

13 Signature \_\_\_\_\_

14 Description of evidence in support of age and identity:

15 \_\_\_\_\_ Identification No. (if any) \_\_\_\_\_

16 \_\_\_\_\_ Identification No. (if any) \_\_\_\_\_

17 (Fill in information pertaining to any two or more pieces of evidence  
18 submitted by the person.)

19 I hereby certify that I have accurately recorded identification of the evi-  
20 dence submitted to complete this form.

21 \_\_\_\_\_

22 Signature of permittee or licensee

23 A person under 21 years of age who knowingly misrepresents the person’s  
24 true age with the intent of obtaining alcohol in violation of ORS chapter 471  
25 may be subject to criminal penalties under ORS 165.805.

26 “ \_\_\_\_\_

27 “**SECTION 6.** ORS 471.162 is amended to read:

28 “471.162. (1) Hospitals, sanitariums, convalescent homes, rest homes, re-  
29 tirement homes and facilities for the care of the elderly that have been li-  
30 censed or registered by the state may sell and serve alcoholic beverages to

1 patients, inmates and residents, and to bona fide visitors and guests of pa-  
2 tients, inmates and residents, without a license issued under this chapter.  
3 Facilities authorized to sell and serve alcoholic beverages without a license  
4 under this subsection may not sell or serve alcoholic beverages after 10 p.m.  
5 except upon a physician's prescription.

6 “(2) A person who operates a private residence that is not a boarding  
7 house but that accommodates transient guests for a limited duration may sell  
8 and serve wine, malt beverages and cider to registered overnight guests  
9 without a license. Facilities authorized to sell and serve alcoholic beverages  
10 without a license under this subsection must have six or fewer guest units.

11 “(3) A person who is an employee or agent of the holder of a license is-  
12 sued under this chapter that authorizes wholesale distribution of alcoholic  
13 beverages may, on behalf of the licensee, sell alcoholic beverages in  
14 factory-sealed containers to retail licensees and wholesalers.

15 “(4) A pharmacist licensed under the laws of this state may sell alcoholic  
16 beverages without a license. Pharmacists may only sell alcoholic beverages  
17 under the provisions of this section if the alcoholic beverages are drugs as  
18 defined in ORS 689.005. A pharmacist may sell alcoholic beverages under the  
19 provisions of this subsection pursuant to a prescription, in containers of not  
20 more than one quart capacity.

21 “(5) A wine collector, or the agent of a wine collector, may sell wine in  
22 factory-sealed containers at auction without a license. Any wine sold under  
23 this subsection must have been held by the collector for at least a six-month  
24 period. A wine collector must receive written approval from the Oregon Li-  
25 quor Control Commission before conducting a sale under this subsection.  
26 No more than one sale in a 12-month period may be conducted by a wine  
27 collector under the provisions of this subsection.

28 “[6) *A nonprofit or charitable organization registered in this state may sell*  
29 *wine, malt beverages and cider, including but not limited to donated home-*  
30 *made malt beverages, wine and fermented fruit juices, and a total of not more*

1 *than four liters of distilled liquor, in factory-sealed containers at an auction*  
2 *or through a raffle without a license. The organization must receive written*  
3 *approval from the commission before conducting an auction or raffle under this*  
4 *subsection. The organization may conduct no more than one auction or raffle*  
5 *under this subsection in a 12-month period. The auction or raffle may not have*  
6 *a duration of more than one day. The organization may sell under this sub-*  
7 *section wine, malt beverages, cider and distilled liquor purchased by or do-*  
8 *nated to the organization. Except for donated homemade malt beverages, wine*  
9 *and fermented fruit juices, the purchased or donated wine, malt beverages,*  
10 *cider and distilled liquor must be imported into this state by the commission*  
11 *or be manufactured in or imported into this state under a brewery, brewery-*  
12 *public house, distillery, grower sales privilege, winery or wholesale malt*  
13 *beverage and wine license. As used in this subsection, ‘homemade’ has the*  
14 *meaning given that term in ORS 471.037.]*

15 **“(6)(a) As used in this subsection, ‘homemade’ has the meaning**  
16 **given that term in ORS 471.037.**

17 **“(b) A nonprofit or charitable organization registered in this state**  
18 **may sell, including but not limited to through an auction or raffle,**  
19 **alcoholic beverages for up to 45 days in a calendar year without a li-**  
20 **cence issued under this chapter, subject to paragraphs (c) to (f) of this**  
21 **subsection.**

22 **“(c) Prior to selling or offering for sale an alcoholic beverage, the**  
23 **organization must obtain written approval from the commission to sell**  
24 **or offer for sale an alcoholic beverage on any day on which the or-**  
25 **ganization wishes to sell or offer for sale alcoholic beverages under**  
26 **this subsection.**

27 **“(d) The organization may sell malt beverages, wine, cider and dis-**  
28 **tilled liquor purchased by or donated to the organization. Except for**  
29 **donated homemade malt beverages, wine and fermented fruit juices,**  
30 **the purchased or donated malt beverages, wine, cider and distilled li-**

1 **quor must be imported into this state by the commission or be man-**  
2 **ufactured in or imported into this state under a brewery,**  
3 **brewery-public house, distillery, grower sales privilege, winery or**  
4 **wholesale malt beverage and wine license.**

5 **“(e) The organization may sell:**

6 **“(A) Malt beverages, wine, cider, distilled liquor and donated**  
7 **homemade malt beverages, wine and fermented fruit juices by the**  
8 **drink for on-premises consumption;**

9 **“(B) Malt beverages, wine, cider and donated homemade malt**  
10 **beverages, wine and fermented fruit juices in factory-sealed containers**  
11 **or securely covered containers for off-premises consumption; and**

12 **“(C) Up to a total of four liters per calendar year of distilled liquor**  
13 **in factory-sealed containers for off-premises consumption.**

14 **“(f) The organization may deliver or arrange for the delivery of al-**  
15 **coholic beverages sold for off-premises consumption as described in**  
16 **this subsection.**

17 **“(7) A manufacturer may sell proprietary or patent medicines, perfumes,**  
18 **lotions, flavoring extracts, medicinal tinctures and other preparations unfit**  
19 **for beverage purposes without a license.**

20 **“SECTION 7. ORS 471.175 is amended to read:**

21 **“471.175. (1) The holder of a full on-premises sales license may sell by the**  
22 **drink at retail wine, malt beverages, cider and distilled liquor. Except as**  
23 **provided in this section, all alcoholic beverages sold under a full on-premises**  
24 **sales license must be consumed on the licensed premises.**

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

26 **“(a) A nonprofit private club, as described in subsection (8) of this sec-**  
27 **tion.**

28 **“(b) A public passenger carrier as provided in ORS 471.182.**

29 **“(c) A commercial establishment, as defined in ORS 471.001 (2).**

30 **“(d) A public location that does not qualify for licensing under para-**



1 graphs (a) to (c) of this subsection if:

2 “(A) Food is cooked and served at the location;

3 “(B) The predominant business activity at the location is other than the  
4 preparation or serving of food or the serving of alcohol; and

5 “(C) The location meets any minimum food service requirements estab-  
6 lished by Oregon Liquor Control Commission rule.

7 “(e) A caterer, subject to the requirements of ORS 471.184.

8 “(3) The holder of a full on-premises sales license shall allow a patron to  
9 remove a partially consumed bottle of wine from the licensed premises if the  
10 wine is served in conjunction with the patron’s meal, the patron is not a  
11 minor and the patron is not visibly intoxicated.

12 “(4) The holder of a full on-premises sales license [*is entitled to*] **may**  
13 purchase any distilled liquor from an agent of the commission appointed  
14 pursuant to ORS 471.750 at a discount of not more than five percent off the  
15 regular listed price fixed by the commission, together with all taxes, in a  
16 manner prescribed by commission rule. For purposes of compensation by the  
17 commission, the appointed agent shall be credited with such sales at full  
18 retail cost. The commission may not require the licensee to purchase more  
19 than one container of distilled liquor at a time if the distilled liquor:

20 “(a) Except as provided in subsection [(9)] **(10)** of this section, has a retail  
21 sales price of \$30 or more per container;

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

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

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

27 “(5) The holder of a full on-premises sales license may purchase distilled  
28 liquor only from a retail sales agent of the commission or from another  
29 person licensed under this section who has purchased the distilled liquor  
30 from a retail sales agent of the commission.

1       “[(6) *The holder of a full on-premises sales license may sell factory-sealed*  
2 *containers of wine to a person who organizes a private gathering on the*  
3 *licensee’s premises if the wine was acquired as part of a larger purchase of*  
4 *wine by the licensee for the purpose of the gathering and only part of the*  
5 *larger purchase was consumed at the gathering. Wine sold under this sub-*  
6 *section may be sold only for an amount adequate to compensate the licensee for*  
7 *the amounts paid by the licensee for the wine.*]

8       “[(7)] **(6)** The holder of a full on-premises sales license may sell for con-  
9 sumption off the licensed premises malt beverages, [*wines*] **wine** and cider  
10 in securely covered containers provided by the consumer [*and having*] **that**  
11 **have** capacities of not more than two gallons each.

12       “**(7) The holder of a full on-premises sales license may sell for con-**  
13 **sumption off the licensed premises malt beverages, wine and cider in**  
14 **factory-sealed containers.**

15       “**(8) The holder of a full on-premises sales license may deliver malt**  
16 **beverages, wine and cider that are sold for off-premises consumption**  
17 **under the privileges of the license to retail customers in this state**  
18 **without a direct shipper permit issued under ORS 471.282. Any deliv-**  
19 **eries by the licensee are subject to any rules adopted by the commis-**  
20 **sion relating to deliveries made under this subsection.**

21       “[(8)] **(9)** A nonprofit private club, including but not limited to a fraternal  
22 or veterans organization, may qualify for a full on-premises sales license  
23 under this section only if the club meets any minimum membership, nonprofit  
24 status and food service requirements established by commission rule.

25       “[(9)] **(10)** Beginning January 1, 2017, the commission may annually adjust  
26 the price threshold established in subsection (4)(a) of this section by a per-  
27 centage equal to the percentage change in the Consumer Price Index for All  
28 Urban Consumers, West Region (All Items), as published by the Bureau of  
29 Labor Statistics of the United States Department of Labor. However, the  
30 commission may not adjust the price threshold to be less than \$30.

1       **“SECTION 8.** ORS 471.178 is amended to read:

2       “471.178. (1) The holder of a limited on-premises sales license may sell by  
3 the drink at retail wine, malt beverages and cider. Except as provided in this  
4 section, all alcoholic beverages sold under a limited on-premises sales license  
5 must be consumed on the licensed premises.

6       “(2) The holder of a limited on-premises sales license may sell malt  
7 beverages, **wine and cider** in factory-sealed containers for consumption off  
8 the licensed premises. [*Containers sold under this subsection may not hold*  
9 *less than seven gallons per container.*]

10       “(3) The holder of a limited on-premises sales license may sell for con-  
11 sumption off the licensed premises malt beverages, [*wines*] **wine** and cider  
12 in securely covered containers provided by the consumer and [*having*] **that**  
13 **have** capacities of not more than two gallons each.

14       **“(4) The holder of a limited on-premises sales license may deliver**  
15 **malt beverages, wine and cider that are sold for off-premises con-**  
16 **sumption under the privileges of the license to retail customers in this**  
17 **state without a direct shipper permit issued under ORS 471.282. Any**  
18 **deliveries by the holder of a limited on-premises sales license are**  
19 **subject to any rules adopted by the commission relating to deliveries**  
20 **made under this subsection.**

21       “~~[(4)]~~ (5) The holder of a limited on-premises sales license shall allow a  
22 patron to remove a partially consumed bottle of wine from the licensed  
23 premises if the wine is served in conjunction with the patron’s meal, the  
24 patron is not a minor and the patron is not visibly intoxicated.

25       “~~[(5)]~~ *Sales of alcoholic beverages under a limited on-premises sales license*  
26 *must consist principally of sales by the drink for consumption on the licensed*  
27 *premises.*]

28       **“SECTION 9.** ORS 471.184 is amended to read:

29       “471.184. (1) The holder of a full or limited on-premises sales license may  
30 cater a temporary event at a location other than the licensed premises if the

1 event is not open to the general public. Catering of an event under this  
2 subsection must be pursuant to a contract with a client. The contract must  
3 provide that the licensee will furnish food and beverage services for no more  
4 than 100 patrons. The licensee must serve food as required by rules of the  
5 commission. The licensee may cater events under this subsection without  
6 giving advance notice to the Oregon Liquor Control Commission if, before  
7 the event occurs, the commission gives written approval to the licensee au-  
8 thorizing catering pursuant to this subsection. Events catered under the  
9 provisions of this subsection must meet all requirements for enclosure of  
10 premises that may be imposed by the commission for the purposes of this  
11 section. Notwithstanding ORS 471.175 (3), **(6)** and (7) and 471.178 (2) to [(4)]  
12 **(5)**, the licensee may not permit patrons of the event to remove any alcoholic  
13 beverages from the premises of the event.

14 “(2) In addition to catered events under subsection (1) of this section, the  
15 commission may by rule allow the exercise of the privileges of a full or  
16 limited on-premises sales license at temporary events held at locations other  
17 than the licensed premises. The commission may:

18 “(a) Require notice to the commission before the exercise of license priv-  
19 ileges at temporary events under this subsection;

20 “(b) Require that written approval by the commission be obtained before  
21 the exercise of license privileges at temporary events under this subsection;

22 “(c) Establish eligibility criteria for the exercise of license privileges at  
23 temporary events under this subsection; and

24 “(d) Establish fees reasonably calculated to cover administrative expenses  
25 incurred by the commission in administering this subsection.

26 “**SECTION 10.** ORS 471.186 is amended to read:

27 “471.186. (1) The holder of an off-premises sales license may sell factory-  
28 sealed containers of malt beverages, wine and cider **for consumption off**  
29 **the licensed premises.** [*Factory-sealed containers of malt beverages sold un-*  
30 *der the license may not hold more than two and one-quarter gallons.*]

1 “(2) The holder of an off-premises sales license may sell for consumption  
2 off the licensed premises malt beverages, [*wines*] **wine** and cider in securely  
3 covered containers supplied by the consumer and [*having*] **that have** capac-  
4 ities of not more than two gallons each.

5 “(3) The holder of an off-premises sales license may provide sample tasting  
6 of alcoholic beverages on the licensed premises if the licensee [*makes written*  
7 *application*] **applies in writing** to the Oregon Liquor Control Commission  
8 and receives **written** approval from the commission to conduct tastings on  
9 the premises. Tastings must be limited to the alcoholic beverages that may  
10 be sold under the privileges of the license.

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

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

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

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

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

25 “(c) Must be made in containers that are conspicuously labeled with the  
26 words: ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS  
27 OR OLDER REQUIRED FOR DELIVERY.’

28 “(7) The holder of an off-premises sales license that makes deliveries of  
29 malt beverages, wine or cider under subsection (6) of this section [*must*]  
30 **shall** take all actions necessary to ensure that a carrier used by the licensee

1 does not deliver any malt beverages, wine or cider unless the carrier:

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

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

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

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

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

19 **“SECTION 11.** ORS 471.282 is amended to read:

20 “471.282. (1) Notwithstanding any other provision of this chapter and ex-  
21 cept as provided by ORS **471.175, 471.178 and** 471.186 [(6)], a person may sell  
22 and ship malt beverages, wine or cider directly to a resident of Oregon only  
23 if the person holds a direct shipper permit. The Oregon Liquor Control  
24 Commission shall issue a direct shipper permit only to:

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

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

30 “(c) A person that holds a license authorizing the sale of malt beverages,

1 wine or cider at retail; or

2 “(d) [A *nonprofit trade association that holds a temporary sales license*  
3 *under ORS 471.190 and that has a membership primarily composed of persons*  
4 *holding winery licenses issued under ORS 471.223 or grower sales privilege*  
5 *licenses issued under ORS 471.227.] **A person that holds a temporary sales**  
6 **license under ORS 471.190, if the shipments of malt beverages, wine**  
7 **or cider made by the person are delivered only during the term of va-**  
8 **lidity of the temporary sales license.***

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

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

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

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

25 “(d) If the application is based on a license issued by another state, or the  
26 application is by a [*nonprofit trade association*] **person** described in sub-  
27 section (1)(d) of this section, the person [*or association*] must pay a \$100  
28 registration fee and maintain a bond or other security described in ORS  
29 471.155 in the minimum amount of \$1,000.

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

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

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

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

6       “(5) Sales and shipments under a direct shipper permit must be made di-  
7 rectly to a resident of this state in containers that are conspicuously labeled  
8 with the words: ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE  
9 21 YEARS OR OLDER REQUIRED FOR DELIVERY.’

10       “(6) A person holding a direct shipper permit must take all actions nec-  
11 essary to ensure that a carrier used by the permit holder does not deliver  
12 any malt beverages, wine or cider unless the carrier:

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

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

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

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

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

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

29       “(8)(a) A person holding a direct shipper permit must timely pay to the  
30 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  
5 by 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  
19 direct 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,

1 violates ORS 471.410.

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

8 **“SECTION 12.** ORS 471.311 is amended to read:

9 “471.311. (1) *[Any person desiring]* **An applicant for** a license or renewal  
10 of a license under this chapter shall *[make]* **submit an** application to the  
11 Oregon Liquor Control Commission *[upon forms to be furnished]* **on a form**  
12 **provided** by the commission *[showing]* **that includes** the name and address  
13 of the applicant, location of the place of business that is to be operated un-  
14 der the license, and *[such]* **any** other pertinent information as the commis-  
15 sion may require. *[A license may not be granted or renewed]* **The**  
16 **commission may not grant or renew a license** until the applicant has  
17 complied with the provisions of this chapter and the rules of 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 only*  
26 *to an application for a class of license having an annual license fee. The ap-*  
27 *plication fee is nonrefundable, except that the commission shall refund the fee*  
28 *if the applicant completes, submits and maintains an application and the*  
29 *commission does not, on or before 75 days following receipt of the completed*  
30 *application, propose that the license be granted, granted with conditions or*

1 *refused. The commission shall adopt rules to:]*

2 “[(a) *Establish application fees by class of license; and]*

3 “[(b) *Define a completed application for purposes of this subsection.]*

4 “[(4)] **(3)** Subject to subsection [(5)] **(4)** of this section, the commission  
5 shall assess a nonrefundable fee for processing a renewal application for any  
6 license authorized by this chapter only if the renewal application is received  
7 by the commission less than 20 days before expiration of the license. If the  
8 renewal application is received prior to expiration of the license but less  
9 than 20 days prior to expiration, the fee shall be 25 percent of the annual  
10 license fee. If a renewal application is received by the commission after ex-  
11 piration of the license but no more than 30 days after expiration, the fee  
12 shall be 40 percent of the annual license fee. This subsection does not apply  
13 to a certificate of approval, a brewery-public house license or any license  
14 that is issued for a period of less than 30 days.

15 “[(5)] **(4)** The commission may waive the fee imposed under subsection  
16 [(4)] **(3)** of this section if the commission finds that failure to submit a timely  
17 application was due to unforeseen circumstances or to a delay in processing  
18 the application by the local governing authority that is no fault of the  
19 licensee.

20 “[(6)] **(5)** The license fee is nonrefundable and must be paid by each ap-  
21 plicant upon the granting or committing of a license. Subject to ORS 471.155  
22 and 473.065, the annual or daily license fee and the minimum bond required  
23 of each class of license under this chapter are as follows:

24 “ \_\_\_\_\_

	Minimum	
License	Fee	Bond
Brewery, including Certificate		
of Approval	\$ 1,000	\$ 1,000
Winery	\$ 500	\$ 1,000
Distillery	\$ 200	None

1	Wholesale Malt Beverage		
2	and Wine	\$ 550	\$ 1,000
3	Warehouse	\$ 200	\$ 1,000
4	Brewery-Public House,		
5	including Certificate		
6	of Approval	\$ 500	\$ 1,000
7	Limited On-Premises Sales	\$ 400	None
8	Off-Premises Sales	\$ 200	None
9	Temporary Sales	\$ 50 per day	
10	Grower sales privilege		
11	license	\$ 500	\$ 1,000
12	Special events brewery		
13	license	\$ 10 per day	
14	Special events winery		
15	license	\$ 10 per day	
16	Special events grower		
17	sales privilege		
18	license	\$ 10 per day	
19	Special events		
20	brewery-public house		
21	license	\$ 10 per day	
22	Special events		
23	distillery		
24	license	\$ 10 per day	

25 “ \_\_\_\_\_

26 “[(7)] **(6)** The fee for a certificate of approval or special certificate of ap-  
27 proval granted under ORS 471.244 is nonrefundable and must be paid by each  
28 applicant upon the granting or committing of a certificate of approval or  
29 special certificate of approval. *[No bond is]* **A bond is not** required for the  
30 granting of a certificate of approval or special certificate of approval. Cer-

1 tificates of approval are valid for a period commencing on the date of issu-  
2 ance and ending on December 31 of the fifth calendar year following the  
3 calendar year of issuance. The fee for a certificate of approval is \$350. Spe-  
4 cial certificates of approval are valid for a period of 30 days. The fee for a  
5 special certificate of approval is \$10.

6 “[~~(8)~~] (7) Except as provided in subsection [~~(9)~~] (8) of this section, the  
7 annual license fee for a full on-premises sales license is \$800. [*No bond is*]  
8 **A bond is not** required for any full on-premises sales license.

9 “[~~(9)~~] (8) The annual license fee for a full on-premises sales license held  
10 by a nonprofit private club as described in ORS 471.175 [~~(8)~~] (9), or held by  
11 a nonprofit or charitable organization that is registered with the state, is  
12 \$400.

13 “[~~(10)~~] (9) The fee for temporary use of an annual license is \$10 per day.

14 “[~~(11)~~] (10) The annual fee for a wine self-distribution permit is \$200, and  
15 the minimum bond is \$1,000.

16 **“SECTION 13.** ORS 471.400 is amended to read:

17 “471.400. (1)(a) Notwithstanding ORS 471.394 and 471.398, a manufacturer  
18 or wholesaler may lease or furnish picnic pumps, cold plates, tubs, refriger-  
19 ated trailers, refrigerated vans and refrigerated draft systems to a retail  
20 licensee if:

21 “(A) The equipment is leased or furnished for a special event[, *if*];

22 “(B) A reasonable rental or service fee is charged for the equipment; and  
23 [*if*]

24 “(C) **Except as provided in paragraph (b) of this subsection,** the pe-  
25 riod that the equipment is leased or furnished does not exceed [~~10~~] **14** days.

26 “(b) **The maximum period for which equipment may be leased or**  
27 **furnished under this subsection may be extended by periods that are**  
28 **reasonable for the equipment to be set up at or removed from the site**  
29 **of the special event.**

30 “(2) Notwithstanding ORS 471.394 and 471.398, the Oregon Liquor Control

1 Commission may specify by rule the manner and circumstances under which  
2 a manufacturer or wholesaler may provide products and services to a  
3 nonprofit special licensee.

4 “(3)(a) Notwithstanding ORS 471.394 and 471.398, the commission shall  
5 allow the sale of nonalcoholic products in the manner in which the nonal-  
6 coholic product is sold by a manufacturer or wholesaler not licensed by the  
7 commission. The commission may limit merchandising practices involving  
8 nonalcoholic products if the commission finds that the limitations are nec-  
9 essary to prevent abuses of ORS 471.394 and 471.398 by the industry as a  
10 whole.

11 “(b) Any fixtures, equipment or furnishings provided by a manufacturer  
12 or wholesaler in furtherance of the sale of nonalcoholic products may not  
13 be used by the retail licensee to store, service, display, advertise, furnish or  
14 sell, or aid in the sale of, alcoholic products regulated by the commission.  
15 All [*such*] fixtures, equipment or furnishings **described in this subsection**  
16 must be identified by the retail licensee as being furnished by a licensed  
17 manufacturer or wholesaler.

18 “**SECTION 14.** ORS 471.750 is amended to read:

19 “471.750. (1) The Oregon Liquor Control Commission shall establish  
20 [*such*] stores and warehouses in [*such*] places in [*the*] **this** state [*as*] **that,**  
21 in [*its*] **the commission’s** judgment, are required by public convenience or  
22 necessity[,] for the sale of [*spirituous*] **distilled** liquors, wines and other al-  
23 coholic liquors containing over five percent alcohol by volume, in sealed  
24 containers for consumption off the premises. The commission shall keep on  
25 hand in [*such*] **the** stores or warehouses [*such*] **the** quantities and kinds of  
26 alcoholic liquors as are reasonably required to supply the public demand.

27 “(2) Any person qualified to purchase [*such*] **alcoholic** liquors from the  
28 commission [*has the right to*] **may** present to the commission, or [*at any of*  
29 *its stores*] **to a store established under this section,** an application for any  
30 kind or brand of alcoholic liquor that the person may desire and that may

1 be manufactured or obtainable in any place in the United States, and the  
2 commission shall obtain [*such*] **the alcoholic** liquor and sell it to the appli-  
3 cant. The commission may not require that an application for a kind or  
4 brand of alcoholic liquor include a commitment to purchase a minimum  
5 amount of the liquor or require that a purchase be for more than one con-  
6 tainer of a kind or brand of alcoholic liquor if the liquor:

7 “(a) Except as provided in subsection [(5)] **(6)** of this section, has a retail  
8 sales price of \$30 or more per container;

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

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

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

14 “(3) The commission may not establish a store in any county or incorpo-  
15 rated city of this state where a local prohibitory law is in effect. [*The com-*  
16 *mission shall adopt rules governing advertising by stores operated by the*  
17 *commission.*]

18 “(4) The commission may appoint agents in the sale of [*said liquor under*  
19 *such agreement as the commission may negotiate with said agents or their*  
20 *representative*] **alcoholic liquors pursuant to agreements negotiated be-**  
21 **tween the commission and the agents, or representatives of the**  
22 **agent.**

23 “[~~(4)~~] **(5) The commission shall adopt rules governing advertising by**  
24 **stores operated by the commission.** Rules relating to advertising adopted  
25 by the commission under **this** subsection [*(3) of this section shall*] **must** al-  
26 low signs and displays within [*its*] **the** stores for the purpose of supplying  
27 consumer information to customers, including but not limited to discounts,  
28 sales and other specials. Commission discretion with respect to those signs  
29 and displays shall be limited to regulation of the content, size, number per  
30 brand, type and duration of the sign or display. Signs and displays may be

1 supplied by manufacturers, wholesalers or distributors, and may bear the  
2 name of a particular distillery, supplier or brand of liquor. The use of signs  
3 and displays shall be optional with the agent appointed by the commission.  
4 [*Signs or displays authorized by the commission may not be placed in positions*  
5 *within the store where the sign or display would be readily visible from out-*  
6 *side of the store.*]

7 “[~~(5)~~] **(6)** The commission may annually adjust the price threshold estab-  
8 lished in subsection (2)(a) of this section by a percentage equal to the per-  
9 centage change in the Consumer Price Index for All Urban Consumers, West  
10 Region (All Items), as published by the Bureau of Labor Statistics of the  
11 United States Department of Labor. However, the commission may not adjust  
12 the price threshold to be less than \$30.

13 **“SECTION 15.** ORS 471.805 is amended to read:

14 “471.805. (1)**(a)** Except as otherwise provided in subsection (3) of this  
15 section and ORS 471.810 (2), all [*money*] **moneys** collected by the Oregon  
16 Liquor Control Commission under this chapter and ORS chapter 473 and **as**  
17 privilege taxes shall be remitted to the State Treasurer who shall credit [*it*]  
18 **the moneys** to a suspense account of the commission. Whenever the com-  
19 mission determines that **the commission has received** moneys [*have been*  
20 *received by it*] in excess of the amount legally due and payable to the com-  
21 mission [*or that it has received money to which it has no legal interest*], **that**  
22 **the commission has received moneys to which the commission has no**  
23 **legal interest** or that any license fee or deposit is properly refundable, the  
24 commission is authorized and directed to refund such [*money*] **moneys** by  
25 check drawn upon the State Treasurer and charged to the suspense account  
26 of the commission.

27 “**(b)** After withholding refundable license fees and [*such*] **a** sum, not to  
28 exceed \$250,000, as [*it*] **the commission** considers necessary as a revolving  
29 fund for a working cash balance for the purpose of paying travel expenses,  
30 advances, other miscellaneous bills and extraordinary items which are paya-



1 ble in cash immediately upon presentation, the commission shall direct the  
2 State Treasurer to transfer the [*money*] **moneys** remaining in the suspense  
3 account to the Oregon Liquor Control Commission Account in the General  
4 Fund. Moneys in the Oregon Liquor Control Commission Account are con-  
5 tinuously appropriated to the commission to be distributed and used as re-  
6 quired or allowed by law.

7 “(2) All necessary expenditures of the commission incurred in carrying  
8 out the purposes required of the commission by law, including the salaries  
9 of [*its*] **the commission’s** employees, purchases made by the commission and  
10 such sums necessary to reimburse the \$250,000 revolving fund, shall be au-  
11 dited and paid from the Oregon Liquor Control Commission Account in the  
12 General Fund, upon warrants drawn by the Oregon Department of Adminis-  
13 trative Services, pursuant to claims duly approved by the commission.

14 “(3)(a) Moneys from the retail sale of distilled liquor that are being held  
15 by an agent appointed under ORS 471.750 or by a distillery retail outlet  
16 agent appointed under ORS 471.230 are not subject to ORS 295.001 to 295.108  
17 if the agent has on deposit with the commission an amount equaling or ex-  
18 ceeding an amount the commission, in [*its*] **the commission’s** discretion,  
19 deems to be reasonable and sufficient and [*to be*] **that is** not less than the  
20 average daily gross **cash and check** receipts from retail sales of distilled  
21 liquor by the agent.

22 “(b) The commission shall remit moneys deposited with the commission  
23 under this subsection to the State Treasurer for deposit to a separate reserve  
24 account of the commission. Moneys in the reserve account are not revenue  
25 of the commission for purposes of ORS 221.770. The commission shall return  
26 the deposit, and any interest earned on the deposit, if the appointment of the  
27 agent terminates and the agent has forwarded to the commission all moneys  
28 owed the commission from retail sales of distilled liquor by the agent.

29 “**SECTION 16.** ORS 473.030 is amended to read:

30 “473.030. (1) A tax is imposed upon the privilege of engaging in business

1 as a manufacturer or as an importing distributor of malt beverages at the  
2 rate of \$2.60 per barrel of 31 gallons on all such beverages.

3 “(2) A tax is imposed upon the privilege of engaging in business as a  
4 manufacturer or as an importing distributor of wines at the rate of 65 cents  
5 per gallon on all such beverages.

6 “(3) In addition to the tax imposed by subsection (2) of this section, a  
7 manufacturer or an importing distributor of wines containing more than  
8 [14] 16 percent alcohol by volume shall be taxed at the rate of 10 cents per  
9 gallon.

10 “(4) In addition to the taxes imposed by subsections (2) and (3) of this  
11 section, a manufacturer or an importing distributor of wines shall be taxed  
12 at the rate of two cents per gallon. Notwithstanding any other provision  
13 of law, all moneys collected by the Oregon Liquor Control Commission pur-  
14 suant to this subsection shall be paid into the account established by the  
15 Oregon Wine Board under ORS 182.470.

16 “(5) The rates of tax imposed by this section upon malt beverages apply  
17 proportionately to quantities in containers of less capacity than those  
18 quantities specified in this section.

19 “(6) The taxes imposed by this section shall be measured by the volume  
20 of wine or malt beverages produced, purchased or received by any manufac-  
21 turer. If the wine or malt beverage remains unsold and in the possession of  
22 the producer at the plant where it was produced, no tax imposed or levied  
23 by this section is required to be paid until the wine or malt beverage has  
24 become sufficiently aged for marketing at retail, but this subsection shall  
25 not be construed so as to alter or affect any provision of this chapter relat-  
26 ing to tax liens or the filing of statements.

27 **“SECTION 17.** ORS 473.140 is amended to read:

28 “473.140. Every manufacturer shall keep a complete and accurate record  
29 of all sales of wine, cider and malt beverages, a complete and accurate record  
30 of the number of gallons imported, produced, purchased, manufactured,

1 brewed or fermented, and the date of importation, production, purchase,  
2 manufacturing, brewing or fermentation. The records [*shall*] **must** be in  
3 [*such*] **the** form and contain [*such*] other information as the Oregon Liquor  
4 Control Commission may prescribe. The commission, by rule or regulation,  
5 may require the delivery of statements by distributors to purchasers, with  
6 wine, cider and malt beverages, and prescribe the matters to be contained  
7 [*therein*] **in the statements**. [*Such*] **The** records and statements [*shall*] **must**  
8 be preserved by the distributor and the purchaser respectively, for a period  
9 of [*two*] **three** years, and [*shall*] **must** be offered for inspection at any time  
10 upon oral or written demand by the commission or its duly authorized  
11 agents.

12 **“SECTION 18.** ORS 473.150 is amended to read:

13 “473.150. (1) The Oregon Liquor Control Commission may, at any time,  
14 examine the books and records of a holder of a wine self-distribution permit  
15 or of any manufacturer of wine, cider or malt beverages, and may appoint  
16 auditors, investigators and other employees that the commission considers  
17 necessary to enforce its powers and perform its duties under this section.

18 “(2) Every holder of a wine self-distribution permit and every manufac-  
19 turer shall maintain and keep for [*two*] **three** years all records, books and  
20 accounts required by this chapter and shall provide copies of those records,  
21 books and accounts to the commission when requested by the commission.

22 **“SECTION 19.** ORS 473.170 is amended to read:

23 “473.170. (1) [*No manufacturer shall*] **A manufacturer may not:**

24 “(a) Fail to pay the privilege tax prescribed in ORS 473.030 and 473.035  
25 when it is due; or

26 “(b) Falsify the statement required by ORS 473.070.

27 “(2) [*No person shall*] **A person may not:**

28 “(a) Refuse to permit the Oregon Liquor Control Commission or any of  
29 its representatives to make an inspection of the books and records authorized  
30 by ORS 473.140 to 473.160;

1       “(b) Fail to keep books of account prescribed by the commission or re-  
2       quired by this chapter;

3       “(c) Fail to preserve the books for [*two*] **three** years for inspection of the  
4       commission; or

5       “(d) Alter, cancel or obliterate entries in the books of account for the  
6       purpose of falsifying any record required by this chapter to be made, main-  
7       tained or preserved.

8       **“SECTION 20. ORS 471.478 is repealed.**

9       **“SECTION 21. The amendments to 473.030, 473.140, 473.150 and  
10       473.170 by sections 16 to 19 of this 2021 Act apply to the manufacture  
11       or distribution of malt beverages, wine or cider occurring on or after  
12       January 1, 2022.**

13       **“SECTION 22. This 2021 Act being necessary for the immediate  
14       preservation of the public peace, health and safety, an emergency is  
15       declared to exist, and this 2021 Act takes effect on its passage.”.**

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