

OREGON LIQUOR CONTROL COMMISSION
CHAPTER 845
PROPOSED AMENDMENTS

Note: **Bold and underlined** = new text; *italics and strikethrough* = deleted text

845-004-0101

~~Purchase of Grain and Ethyl Alcohol for Scientific, Pharmaceutical, Manufacturing, Mechanical and Industrial Purposes~~ **Industrial Alcohol Authority**

~~(1) ORS 471.730(8) and 471.404 allow the Commission to license, regulate and control the use of alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes.~~

~~(2) To meet the needs of those who use grain and ethyl alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes, the Commission requires these users to secure Importation Permit/s. For purposes of this rule, the Commission considers agricultural use of this product to be an industrial use. Importation Permits may be issued for alcohol importation to a person who is not a Brewery, Winery, Distillery, or wholesale licensee.~~

~~(3) Importation Permit:~~

~~(a) The Commission may issue a permit that allows a person to import 190 or 200 proof alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes to a person who:~~

~~(A) Is at least 21 years old;~~

~~(B) Completes the Importation Permit application; and~~

~~(C) Sends the application to the Commission at any time. The application must be received at least 30 days prior to the first purchase or use of alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes.~~

~~(b) If the person is eligible for a permit, the Commission will send the person the permit. The person may then order the alcohol from an alcohol vendor and must include a copy of the permit with the order;~~

~~(c) The Commission may deny the permit if the person does not complete the application, proposes an unacceptable use for the alcohol or makes a false statement on the application. If the person makes a false statement on the application or uses the alcohol other than described in the application, the Commission may refuse to issue another permit; and~~

~~(d) Before the end of each calendar year, Importation Permit holders must send the Commission a listing of the 190 or 200 proof alcohol which the Permit holder used during that calendar year.~~

(4) ~~The Commission retains the right to audit the records of alcohol vendors and Importation Permit holders at any time to determine compliance with this rule and other regulations of the Oregon Liquor Control Commission.~~

(1) Definitions. For this rule:

(a) “Denatured alcohol” means ethanol (ethyl alcohol) with additives for the purpose of making it unfit for human consumption. Denatured alcohol is not considered an alcoholic beverage or alcoholic liquor under ORS 471.001(1).

(b) “Non-denatured alcohol” means alcohol as defined in ORS 471.001(1).

(2) Denatured alcohol may be imported into Oregon and stored, possessed, sold, purchased, transferred, shipped, delivered, and transported in Oregon without an Industrial Alcohol Authority or license from the Commission.

(3) A person without a distillery license issued under ORS 471.230 may not manufacture non-denatured alcohol but may obtain an Industrial Alcohol Authority to:

(a) Import into Oregon and store 190 to 200 proof non-denatured alcohol without a distillery licensed issued under ORS 471.230 if the person also holds a certificate of approval issued under ORS 471.251.

(b) Convert non-denatured alcohol into denatured alcohol.

(c) Sell or transfer 80 to 200 proof non-denatured alcohol to the holder of an Industrial Alcohol Authority.

(d) Acquire 80 to 200 proof non-denatured alcohol from the holder of an Industrial Alcohol Authority.

(e) Use 80 to 200 proof non-denatured alcohol for scientific, pharmaceutical, manufacturing, mechanical, and industrial purposes.

(4) Application. Applicants for an Industrial Alcohol Authority must apply in writing using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete or not accompanied by the documents or disclosures required by the form or the Commission.

(5) The Commission may refuse to issue an Industrial Alcohol Authority, and may cancel or revoke the Industrial Alcohol Authority, if the person makes a false statement to the Commission or uses or proposes to use the alcohol other than for scientific, pharmaceutical, manufacturing, mechanical, or industrial purposes.

(6) A person may hold both a distillery license issued under ORS 471.230 and an Industrial Alcohol Authority.

(7) A person with an Industrial Alcohol Authority must keep a record of all non-denatured alcohol imported into Oregon including the date and amount of all alcohol imported. These records must be kept for a minimum of two years from the date the alcohol was imported into Oregon. The authority holder must allow the Commission to audit the authority holder's records upon request and shall make those records available to the Commission in Oregon no later than 60 days after the Commission mails the notice.

Stat. Auth.: ORS 471, including 471.030 & 471.730(1) & (5)

Stats. Implemented: ORS 471.404 & 471.730(8)

Hist.: OLCC 25-1990, f. 12-19-90, cert. ef. 2-1-91; OLCC 16-1999, f. 11-2-99, cert. ef. 12-31-99; OLCC 13-2004, f. 11-18-04, cert. ef. 1-1-05

~~OAR 845-004-0105~~

~~Domestic Purchase of Grain and Ethyl Alcohol for Scientific, Pharmaceutical, Manufacturing, Mechanical and Industrial Purposes~~

~~(1) ORS 471.730(8) allows the Commission to license, regulate and control the use of alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes.~~

~~(2) The Commission requires those who use grain and ethyl alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes, and who purchase such grain and ethyl alcohol from Oregon vendors, to secure an Open Purchase Order. For purposes of this rule, the Commission considers agricultural use of this product to be an industrial use. Open Purchase Orders as described in this rule may be issued for domestic ethyl alcohol purchases to a person who is not a Brewery, Winery, Distillery, or wholesale licensee of the Commission.~~

~~(3) Open Purchase Order for Domestic Purchase of Grain and Ethyl Alcohol:~~

~~(a) The Commission may issue an Open Purchase Order that allows a person to purchase 190 proof through 200 proof alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes from an Oregon vendor of ethyl alcohol to a person who:~~

~~(A) Is at least 21 years old;~~

~~(B) Completes a request for an Open Purchase Order with the Commission; and~~

~~(C) Sends the completed application to the Commission at least 30 days prior to the first purchase of alcohol for scientific, pharmaceutical, manufacturing, mechanical and industrial purposes.~~

~~(b) If the person is eligible for an Open Purchase Order, the Commission will establish an Open Purchase Order for that person. The person may then order grain and ethyl alcohol from an Oregon alcohol vendor and must include a copy of the Open Purchase Order with their order to each vendor from whom they purchase.~~

~~(c) The Commission may refuse to issue an Open Purchase Order if the person does not complete the application, proposes an unacceptable use for the alcohol or makes a false statement on the application. If the person uses the alcohol other than described in the application, or the Commission discovers after issuing the Open Purchase Order that the person made a false statement on the application, the Commission may withdraw any existing Open Purchase Order previously issued to the person.~~

~~(d) Before the end of each calendar year, each holder of an Open Purchase Order as described by this rule must send the Commission a listing of the 190 proof through 200 proof alcohol which the Open Purchase Order holder purchased from an Oregon vendor during that calendar year.~~

~~(4) The Commission retains the right to audit the records of alcohol vendors and holders of Open Purchase Orders as described by this rule at any time to determine compliance with this rule and other regulations of the Oregon Liquor Control Commission.~~

~~(5) Open Purchase Orders for domestic purchase of grain and ethyl alcohol below 190 proof will be reviewed by the Director of the Distilled Spirits Program, and approved if uses are consistent with this rule.~~

Stat. Auth.: ORS 471, including 471.030, 471.730(1) & (5)

Stats. Implemented: ORS 471.730(8)

Hist.: OLCC 4-2006, f. 2-22-06, cert. ef. 3-1-06

845-005-0413

Special Events Distillery License

ORS 471.230 authorizes the Commission to issue a Special Events Distillery (SED) license to an Oregon Distillery licensee. This rule sets the qualifications and requirements for a Special Events Distillery license.

(1) Definitions. For this rule:

(a) "Bar" means a counter at which the preparation, pouring, serving, sale, or consumption of alcoholic beverages is the primary activity;

(b) "Food counter" means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale, or consumption of food;

(c) "License day" means from 7:00 am until 2:30 am on the succeeding calendar day.

The license fee is \$10.00 per license day or any part of a license day.

(d) “Manufactured by the distillery licensee” means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product on the distillery licensed premises in Oregon.

(e) “Serious violation history” means:

(A) Two or more category III or IIIa administrative violations of any type, or category IV violations involving minors. However, if the circumstances of a violation include aggravation, one violation may be sufficient; or

(B) One category I, II, or IIa administrative violation; or

(C) Two or more crimes or offenses involving liquor laws.

(f) “Social game” means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(g) “Trade visitor” means a person whose job includes the purchase, or recommended purchase, of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(h) “Video lottery game” means a video lottery game terminal authorized by the Oregon State Lottery. Examples include but are not limited to video poker and video slots. Keno monitors are not considered a video lottery game.

(2) Only the holder of a Distillery license issued under ORS 471.230 may qualify for a Special Events Distillery license.

~~(a) The SED license is only for a location other than that designated as the Distillery licensee’s annually licensed premises.~~

~~(b)~~ **(a)** A distillery licensee providing tastings of distilled liquor for retailers at an educational seminar that is not open to the public is not required to obtain a SED and is subject to OAR 845-013-0060.

~~(c)~~ **(b)** A distillery licensee providing tastings of distilled liquor at a retail liquor store must follow OAR 845-015-0155. A distillery licensee is not eligible for a SED at a retail liquor store.

(3) The Commission will not approve more than five license days on a single application. The Commission may limit approval of any application to a single license day or to any number of license days fewer than five days.

(4) Applicants must apply in writing for a Special Events Distillery license, using the application form provided by the Commission. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application not complete, not accompanied by the documents or disclosures required by the form or the Commission, or that does not allow the Commission sufficient time to investigate it. Sufficient time is typically one to three weeks prior to the event date. The Commission may give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this

subsection is not subject to the requirements for contested case proceeding under ORS 183.310 to 183.550.

(5) The application for a SED license under this rule shall include:

(a) A written, dated, and signed plan. An application is not complete if this plan is not approved by the Commission. To approve a plan, the Commission must determine that the plan adequately manages:

- (A) The event to prevent problems and violations;
- (B) Patronage by minors as set out in subsection (6) of this rule; and
- (C) Alcohol consumption by adults.

(b) Identification of the individuals to be employed by the licensee to manage events on the SED licensed premises;

(c) Identification of the premises or area proposed to be licensed;

(d) Statement of the type of event to be licensed, type and extent of entertainment to be offered, expected patronage overall and by minors, and proposed hours of operation;

(e) A description of how the licensee will distinguish trade visitors from members of the general public, such as by providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, by using distinctive glassware for trade visitors, or by the use of badges or name tags;

(f) The recommendation in writing of the local governing body where the licensed premises will be located; and

(g) License fees as established by ORS 471.311.

(h) If the licensee will provide distilled liquor by the drink, a written proposal showing compliance with the food service standards of OAR 845-006-0465.

(6) A plan for managing patronage by minors under subsection (5)(a) of this rule must meet the following requirements:

(a) If the SED license will be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the plan will follow the minor posting and control plan, including any temporary relaxation of the minor posting, assigned to that premises, room, or area under the annual license. The Commission must also be convinced that the plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises prohibited to minors.

(b) If the SED license will not be on any part of a premises, room, or area with an annual license issued by the Commission, the Commission must be convinced that the

plan will prevent minors from gaining access to alcoholic beverages and any portion of the licensed premises the Commission prohibits to minors.

(7) Minors are prohibited from the SED licensed premises or portions of the licensed premises as follows:

- (a) Minors may not sit or stand at a bar; however, minors may sit or stand at a food counter;
- (b) Minors may not be in an area where there are video lottery games, social games, or nude entertainment or where such activities are visible;
- (c) Minors may not be in an area where the licensee's approved written plan designates that minors will be excluded.

(8) The Commission may deny, cancel or restrict a SED license for any reason for which the Commission may deny, cancel or restrict a regular license.

(9) The Commission may deny or restrict a SED license if the applicant has a serious violation history at events previously licensed with a special license within the past 36 months.

(10) The Commission shall limit the issuance of a SED license to the same applicant at the same location to no more than ~~34~~ **62** license days from January 1 to December 31 of each year.

(11) The Commission may refund the SED license fee if the application is withdrawn by the applicant or denied by the Commission, or if the event does not take place because of circumstances beyond the licensee's control, or if the Commission determines the applicant does not need a license for the event proposed in the application.

(12) When the Commission approves a written plan under subsection (5)(a) of this rule, the licensee must follow that written plan. Failure to follow that written plan is a Category III violation.

(13) If the licensee fails to prevent minors from gaining access to alcoholic beverages or fails to prevent minors from gaining access to any portion of the licensed premises prohibited to minors, the Commission may immediately prohibit minors from the licensed premises or portion(s) of the premises.

(14) A distillery licensee with a SED may:

- (a) Permit tastings of distilled liquor **approved by the Commission for sale in Oregon manufactured by the licensee. The taste must contain distilled liquor manufactured in Oregon by the distillery licensee. Once the taste contains distilled liquor manufactured in Oregon by the distillery licensee, the taste may contain other distilled liquor approved by the Commission for sale in Oregon and may also include malt beverages, wine, cider, and non-alcoholic liquids.** ~~The distillery~~

~~licensee must purchase the distilled liquor that the licensee uses for conducting tastings at the event from the Commission at the price set by the Commission for distilled liquor removed from bond for tastings.~~

(A) The distillery licensee must pay the Commission a processing fee for any distilled liquor in the taste that is manufactured by the distillery licensee and is obtained from the inventory of the Commission.

(B) The distillery licensee must purchase at the retail price set by the Commission any distilled liquor in the taste that was not manufactured by the distillery licensee.

(b) Permit sales by the drink of distilled liquor **approved by the Commission for sale in Oregon** ~~manufactured by the licensee.~~ **The drink must contain distilled liquor manufactured in Oregon by the distillery licensee. Once the drink contains distilled liquor manufactured in Oregon by the distillery licensee, the drink may contain other distilled liquor approved by the Commission for sale in Oregon and may also include malt beverages, wine, cider, and non-alcoholic liquids.** The distillery licensee must purchase the distilled liquor that the licensee uses for sales by the drink at the event at the retail price set by the Commission for the month in which the distilled liquor is sold by the drink.

(c) If the distillery licensee has been appointed as a distillery retail outlet agent, sell factory-sealed containers of distilled liquor manufactured by the licensee for consumption off the licensed premises of the event. The distillery licensee must purchase and sell the factory-sealed containers in accordance with the terms of the Distillery Retail Outlet Agent Agreement and the Commission's Distillery Retail Outlet Manual.

(15) Tastings provided to the general public.

(a) A tasting provided to the general public shall be no more than one-half fluid ounce of distilled liquor in a single container. The container may also contain malt beverage, wine, cider, and nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A licensee may charge a member of the general public a fee for tastings.

(b) A distillery licensee shall not provide more than two and one-half fluid ounces of distilled liquor per person per license day.

(16) Tastings provided to a trade visitor.

(a) A tasting provided to a trade visitor shall be no more than one fluid ounce of distilled liquor in a single container. The container may also contain malt beverage, wine, cider, and nonalcoholic beverages; however, the total amount of liquid in the container may be no more than three ounces. A licensee may not charge a trade visitor a fee for tastings.

(b) There is no daily limit on distilled liquor tastings provided to a trade visitor.

(c) Trade visitors must be distinguished from members of the general public. ~~per subsection (5)(e) of this rule~~ **For example, providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, using distinctive glassware for trade visitors, or using badges or name tags to identify trade visitors could be ways a licensee complies with this requirement.**

Stat. Auth.: ORS 471, 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.230

Hist.: OLCC 1-2010, f. 2-22-10, cert. ef. 3-1-10; OLCC 2-2012(Temp), f. & cert. ef. 4-5-12 thru 10-1-12; OLCC 7-2012, f. 9-14-12, cert. ef. 10-1-12

845-005-0431

Qualifications for Distilled Liquor Tastings Provided by Oregon Distillery Licensee

ORS 471.230 allows an Oregon distillery licensee to provide tastings of distilled liquor manufactured by the distillery licensee for consumption on the distillery licensee's premises and on no more than five other premises owned or leased by the distillery licensee. This rule sets the qualifications to obtain approval to provide these tastings.

(1) Definitions.

(a) "Identified tasting area" means a specific defined area where tastings of alcohol occur. The area must be of a size and design such that the person(s) serving the taste(s) can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol and that other liquor laws are followed.

(b) "Manufactured by the distillery licensee" means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product in Oregon on the distillery's licensed premises.

(c) "Other premises owned or leased by the distillery licensee" means any other licensed location that is owned or leased by the distillery licensee and separate from its annually licensed location. To qualify under this definition, the distillery licensee must provide proof of ownership or a written contract entitling it to exclusive use and possession of the other location.

(d) "Per day" means from 7:00 am until 2:30 am on the succeeding calendar day.

(e) "Primary location" means the location where distilled liquor is manufactured by the distillery licensee.

~~(e)~~ **(f)** "Trade visitor" means a person whose job includes the purchase or recommended purchase of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(2) A distillery licensee providing tastings of distilled liquor on its ~~annually licensed premises~~ **primary location** and on no more than five other premises owned or leased

by the distillery licensee must follow this rule and may only offer tastings of distilled liquor in accordance with the requirements of OAR 845-006-0452.

(3) A distillery licensee providing tastings of distilled liquor for retailers at an educational seminar that is not open to the public is subject to OAR 845-013-0060 and is not subject to this rule.

(4) A distillery licensee providing tastings of distilled liquor at a retail liquor store is subject to OAR 845-015-0155 and is not subject to this rule.

(5) A distillery licensee providing tastings of distilled liquor on a full on-premises licensed premises that is other than the distillery licensee's full on-premises licensed premises is subject to OAR 845-005-0428 and is not subject to this rule.

(6) If a distillery licensee also holds a full on-premises sales license as per ORS 471.175 on the distillery licensed premises or on any other premises owned or leased by the distillery licensee, then all sale or service of alcohol for on-premises consumption at the full on-premises licensed location, including tastings, is provided under the full on-premises license and is not subject to this rule.

(7) A distillery licensee holding a full on-premises sales license as per ORS 471.175 that provides alcohol service at a catered event that is on a premises approved as per OAR 845-005-0405 or 845-005-0410 is providing the alcohol service under the privilege of the full on-premises sales license and is not subject to this rule.

(8) More than one distillery licensee may be licensed at a primary location to use the same premises at the same time for conducting tastings if:

- (a) The premises is a primary location and the licensees share the premises;**
- or**
- (b) The premises is owned by the same entity.**

~~(8)~~ **(9)** Application for tastings on the distillery licensee's annually licensed premises **primary location**. A distillery licensee who intends to provide the service of distilled liquor tastings on the distillery's licensed premises **primary location** must make application to the Commission upon forms to be furnished by the Commission and receive prior approval from the Commission before beginning the distilled liquor tasting service. After the Commission has given its approval for the tastings, the distillery licensee must re-apply if it changes its identified tasting area. The application shall include:

- (a) A floor plan showing the identified tasting area on a form provided by the Commission;
- (b) A description of how the licensee will distinguish trade visitors from members of the general public, such as by providing tastings for trade visitors in separate areas or at

separate times from tastings for the general public, by using distinctive glassware for trade visitors, or by the use of badges or name tags; and

(c) A statement that the licensee understands and will comply with the requirements of OAR 845-006-0452.

~~(9)~~ **(10)** Application for tastings on no more than five other premises owned or leased by the distillery licensee. A distillery licensee who intends to provide the service of distilled liquor tastings on no more than five other premises owned or leased by the distillery licensee must make application to the Commission upon forms to be furnished by the Commission and receive prior approval from the Commission before beginning the distilled liquor tasting service. After the Commission has given its approval for the tastings, the distillery licensee must re-apply if it changes its identified tasting area. The application shall include:

~~(a)~~ All of the items required in subsections ~~(8)(a)–(c)~~ of this rule **A floor plan showing the identified tasting area on a form provided by the Commission;**

(b) A description of how the licensee will distinguish trade visitors from members of the general public, such as by providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, by using distinctive glassware for trade visitors, or by using badges or name tags to identify trade visitors;

(c) A statement that the licensee understands and will comply with the requirements of OAR 845-006-0452; and

~~(b)~~ **(d)** Proof of ownership or a written contract that entitles the distillery licensee to exclusive use and possession of the other premises.

~~(10)~~ **(11)** Liquor liability insurance requirement. A distillery licensee providing only tastings under this rule and OAR 845-006-0452 is not required to obtain or maintain liquor liability insurance.

~~(11)~~ **(12)** The Commission may refuse to process any application required under this rule if the application is not complete and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

Stat. Auth: ORS 471, 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.230

Hist.: OLCC 11-2009, f. 8-26-09 cert. ef. 11-1-09; OLCC 2-2014, f. 2-11-14, cert. ef. 3-1-14

845-006-0452

Requirements for Distilled Liquor Tastings Provided by Oregon Distillery Licensee

OAR 845-005-0431 sets the qualifications for an Oregon distillery licensee to obtain approval to provide tastings of distilled liquor manufactured by the distillery licensee for consumption on the distillery licensee's premises and on no more than five other premises owned or leased by the distillery licensee. This rule sets the requirements to provide these tastings.

(1) Definitions.

(a) "Identified tasting area" means a specific defined area where tastings of alcohol occur. The area must be of a size and design such that the person(s) serving the taste(s) can observe and control persons in the area to ensure no minors or visibly intoxicated persons possess or consume alcohol and that other liquor laws are followed.

(b) "Manufactured by the distillery licensee" means the licensee distills, rectifies, blends, or otherwise produces the distilled liquor product in Oregon on the distillery's licensed premises.

(c) "Other premises owned or leased by the distillery licensee" means any other licensed location that is owned or leased by the distillery licensee and separate from its annually licensed location. To qualify under this definition, the distillery licensee must provide proof of ownership or a written contract entitling it to exclusive use and possession of the other location.

(d) "Per day" means from 7:00 am until 2:30 am on the succeeding calendar day.

(e) "Primary Location" means the location where distilled liquor is manufactured by the distillery licensee.

~~(e)~~ **(f)** "Trade visitor" means a person whose job includes the purchase or recommended purchase of distilled spirits by a licensee of the Commission or distributors and others in the commercial distribution chain; or a person representing an agency of mass communication, such as television, radio, newspaper, magazine, and internet.

(2) Tastings of distilled liquor are allowed only within the identified tasting area or areas approved by the Commission. The identified tasting area or areas may be on the distillery licensee's ~~annually licensed premises~~ **primary location** and on no more than five other premises owned or leased by the distillery licensee. Customers may not remove the tastings from the identified tasting area or areas.

(3) A distillery licensee may provide ~~only tastings and only of distilled liquor manufactured by the distillery licensee and approved by the Commission for sale in Oregon~~ **as described in this rule.**

(4) The distilled liquor in a taste must be approved by the Commission for sale in Oregon. The taste must contain distilled liquor manufactured in Oregon by the distillery licensee or another distillery licensee. Once the taste contains distilled liquor manufactured in Oregon by the distillery licensee or another distillery licensee, the taste may contain other distilled liquor approved by the Commission

for sale in Oregon and may also include malt beverages, wine, cider, and non-alcoholic liquids.

(a) **The distillery licensee must pay the Commission a processing fee for any distilled liquor in the taste that is manufactured by the distillery licensee and is obtained from the inventory of the Commission.**

(b) **The distillery licensee must purchase at the retail price set by the Commission any distilled liquor that was not manufactured by the distillery licensee.**

~~(4)~~ **(5)** Tastings provided to the general public.

(a) A tasting provided to the general public shall be no more than one-half fluid ounce of distilled liquor in a single container. The container may also contain malt beverage, wine, cider, and nonalcoholic beverages; however, the total amount of liquid in the container may be no more than two ounces. A licensee may charge a member of the general public a fee for tastings.

(b) A distillery licensee shall not provide more than two and one-half fluid ounces of distilled liquor per person per day.

~~(5)~~ **(6)** Tastings provided to a trade visitor.

(a) A tasting provided to a trade visitor shall be no more than one fluid ounce of distilled liquor in a single container. The container may also contain malt beverage, wine, cider, and nonalcoholic beverages; however, the total amount of liquid in the container may be no more than three ounces. A licensee may not charge a trade visitor a fee for tastings.

(b) There is no daily limit on distilled liquor tastings provided to a trade visitor.

(c) Trade visitors must be distinguished from members of the general public. ~~(see OAR 845-005-0431(8)(b))~~ **For example, providing tastings for trade visitors in separate areas or at separate times from tastings for the general public, using distinctive glassware for trade visitors, or using badges or name tags to identify trade visitors could be ways a licensee complies with this requirement.**

~~(6)~~ **(7)** Minors are permitted in the identified tasting area only if allowed by the Commission's rule on minor postings (see OAR 845-006-0340).

~~(7)~~ **(8)** Alcohol servers who pour tastings must have valid service permits and be at least 21 years of age.

~~(8)~~ **(9)** Failing to obtain Commission approval as required by OAR 845-005-0431 prior to providing the service of distilled liquor tastings is a Category I violation. A violation of sections (1) – ~~(7)~~ **(8)** of this rule is a Category III violation.

(9) A violation of a liquor law at any premises owned or leased by the distillery licensee is the responsibility of the distillery licensee.

Staff Draft 11.18.15

Stat. Auth: ORS 471, 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.230

Hist.: OLCC 11-2009 f. 8-26-09 cert. ef. 11-1-09; OLCC 2-2014, f. 2-11-14, cert. ef. 3-1-14