



OREGON LIQUOR CONTROL COMMISSION

The Commission proposes to amend the following
Oregon Administrative Rules:

NOTICE OF PUBLIC HEARING

Date and Time: 10:00 a.m. on Wednesday August 26th, 2015

Location: Oregon Liquor Control Commission
9079 SE McLoughlin Blvd.
Portland, OR 97222

Presiding Officer: Bryant Haley
Phone: (503) 872-5136
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Auxiliary aids for persons with disabilities are available upon advance request.

CAPTION:

Amends four rules allowing suppliers to advertise promotional events at retail licensees.

RULE SUMMARY:

This rules package would allow suppliers (wholesale/manufactures) to advertise Promotional Events for all types of alcohol and centralize this concept into a new rule OAR 845-006-0446. These amendments allow suppliers to pay for advertising (provided the payment is not to the retailer but directly to the provider of the advertising) for these events and for tasting events allowed under 845-006-0450. Further, the package removes the tasting prohibition in stores that are under 20,000 sq. ft. and that sell petroleum products.

HOW TO OBTAIN THE PROPOSED RULE LANGUAGE:

A copy of the proposed rule language, dated July 13, 2015, is attached to this Notice. Alternatively, you may obtain a copy of the proposed rule language by calling the Oregon Liquor Control Commission at either of the phone numbers listed above. For your convenience, the proposed rule language is also available on our website at <http://www.oregon.gov/OLCC/pages/index.aspx>. Go to the "Laws and Rules" tab on the left side of the screen, and then follow the link to the "Proposed Rulemaking" section of our website. You will find all of the relevant rulemaking documents, including the proposed rule language, under the "promotional events" section of this webpage.

HOW TO SUBMIT COMMENTS:

During the hearing, you may present oral or written testimony that includes opinions, information, concerns or proposals related to this rulemaking matter. The Commission also requests comments on whether other options exist and/or should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the proposed rule on business.

After the hearing, you may submit written comments in person, by mail, by fax or by e-mail (see above for relevant contact information). **However, all written comments must be received by 5:00 p.m. on Thursday September 10th 2015.**

The Commission reserves the right to request and receive additional comments at any time on or before the date the Commission takes final action on this rulemaking matter.

STATEMENT OF NEED AND FISCAL IMPACT:

This statement takes into account the fiscal impact on: (a) Liquor Licensees; (b) Local Government; (c) State Agencies; and (d) the Public.

(a) Liquor Licensees. The Commission anticipates a positive fiscal impact on liquor licensees from the proposed amendments because the proposed amendments expand the opportunity for suppliers to market their products in conjunction with retail licensees.

(b) Local Government. The Commission anticipates no new fiscal impact on local government from the proposed amendments.

(c) State Agencies. The Commission anticipates no new fiscal impact on outside state agencies from the proposed amendments.

(d) The Public. The Commission anticipates a positive fiscal impact on the public from the proposed amendments. Specifically, the public will now be more aware of events at local establishments.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Commission anticipates no new costs to comply with the proposed amendments for outside state agencies, units of local government or members of the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The Commission assumes that the majority of its licensees are small businesses. However, the Commission does not categorize its licensees, or applicants for a liquor license, according to the size of their underlying business operations. Consequently, the Commission is unable to accurately estimate the number of small businesses that might seek to engage in promotional events. However, the Commission anticipates no new costs to comply with the proposed amendments for businesses of any size because the proposed amendments do not impose any new compliance costs.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The fiscal impact statement, created by the second Advisory Committee, found that this would be an individual business decision to hold a promotional event.

c. Equipment, supplies, labor and increased administration required for compliance:

(See above)

How were small businesses involved in the development of this rule?

On June 16th, 2015, the OLCC held an Advisory Committee on this rules package. Several businesses spoke about how this would allow for more business opportunities. Further, small businesses as well as interested licensees, industry representatives, law enforcement agencies, public safety organizations, members of the public, and other interested parties will have an opportunity to comment on the proposed amendments at the public hearing that will be held on August 26th, 2015.

Administrative Rule Advisory Committee consulted?: Yes, two were held on this package.

If not, why?:

	Bryant Haley	
Signature	Printed name	Date 7/8/15

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

(This Notice was sent on July 13, 2015)