



## OREGON LIQUOR CONTROL COMMISSION

The Commission proposes to amend the following  
Oregon Administrative Rules:

- 845-005-0410 - Full or Limited On-Premises Licensee Large-Scale Private Catered Events and Temporary Use of an Annual License for Events at Another Location
- 845-005-0413 - Special Events Distillery License
- 845-005-0414 - Special Events Brewery-Public House License
- 845-005-0415 - Special Event Winery and Special Event Grower Sales Licenses
- 845-005-0440 - Temporary Sales Licenses

### NOTICE OF PUBLIC HEARING

**Date and Time:** 10:00 a.m. on Thursday May 21<sup>st</sup> 2015

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

**Presiding Officer:** Bryant Haley  
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*Auxiliary aids for persons with disabilities are available upon advance request.*

**CAPTION:**

Amends five rules eliminating the 31 day special license limit to allow more business opportunities.

**RULE SUMMARY:**

OAR 845-005-0410, 005-0413, 005-0414, 005-0415, and 005-0440 limit the number of days a Special License may be obtained. Currently, these rules limit a person from obtaining a special event license to sell alcohol at the same address to only 31 license days in a calendar year. Eliminating the 31 days limit will allow more business opportunities.

There are three primary measures already in place that give the Commission the ability to control these licenses: (1) The applicant must still obtain the local government's (city or county) approval of each application. (2) The Commission won't approve the application until there is a control plan approved by the Commission. (3) There is a limit

on the number of licensed days per application (the limit is 5 days or 7 days, depending on the type of application). This limit allows the Commission to monitor an event, and if necessary, require an enhanced control plan for future events.

### **HOW TO OBTAIN THE PROPOSED RULE LANGUAGE:**

A copy of the proposed rule language, dated April 8, 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 "Special Licenses Package" 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 Friday June 5<sup>th</sup> 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:**

In the Matter of:

The proposed amendments to:

845-005-0410 - Full or Limited On-Premises Licensee Large-Scale Private Catered Events and Temporary Use of an Annual License for Events at Another Location

845-005-0413 - Special Events Distillery License

845-005-0414 - Special Events Brewery-Public House License

845-005-0415 - Special Event Winery and Special Event Grower Sales Licenses

845-005-0440 - Temporary Sales Licenses

Statutory Authority: ORS 471, 471.030, 471.040, 471.190, 471.730(1) & (5)

Other Authority: None.

Statutes Implemented: ORS 471.184(2), 471.190, 471.200, 471.223, 471.227, 471.230, 471.360, 471.482

Need for the Rule:

OAR 845-005-0410, 005-0413, 005-0414, 005-0415, and 005-0440 limit the number of days a Special License may be obtained. Currently, these rules limit a person from obtaining a special event license to sell alcohol at the same address to only 31 license days in a calendar year. Eliminating the 31 days limit will allow more business opportunities.

Documents Relied Upon and Where They Are Available:

Fiscal Impact Statement written with Advisory Committee and rule file is available at OLCC Headquarters 9079 Se Mcloughlin Blvd. Portland, Oregon 97222.

Fiscal and Economic Impact Statement:

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 Temporary Sales License privileges.

(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 to the extent that an expansion in Special Licenses privileges provides the public with increased access to desired goods and services without compromising public health and safety interests.

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 hold, or be seeking, a Special License. However, the Commission anticipates no new costs of compliance to comply with the proposed amendments for businesses of any size because the proposed amendments do not impose any new compliance costs on the holder of a Special Sales License.

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

(See above.)

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

(See above.)

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

On March 24<sup>th</sup>, 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 in May of 2015.

Was an administrative rule advisory committee consulted?

Yes.

**(This Notice was sent on April 9<sup>th</sup>, 2015)**