

SENATE AMENDMENTS TO SENATE BILL 623

By COMMITTEE ON BUSINESS AND TRANSPORTATION

March 3

- 1 On page 1 of the printed bill, delete lines 4 through 31 and delete page 2 and insert:
2 “**SECTION 1.** ORS 471.223 is amended to read:
3 “471.223. (1) As used in this section, ‘control’ means that the licensee:
4 “(a) Owns the brand under which the wine or cider is labeled; or
5 “(b) Performs or has the legal right to perform all of the acts common to a brand owner under
6 the terms of a trademark license or similar agreement that for the brand under which the wine or
7 cider is labeled has a term of at least three years.
8 “(2) A winery license shall allow the licensee:
9 “(a) To import wine or cider in containers that have a capacity of more than four liters.
10 “(b) To import wine or cider in containers that have a capacity of four liters or less if the brand
11 of wine or cider is under the control of the licensee.
12 “(c) To bottle, produce, blend, store, transport or export wines or cider.
13 “(d) To sell wines or cider at wholesale to the Oregon Liquor Control Commission or to
14 licensees of the commission.
15 “(e) To sell wines or cider at retail directly to the consumer for consumption on or off the li-
16 censed premises.
17 “(f) To sell malt beverages at retail for consumption on or off the licensed premises.
18 “(g) To sell for consumption off the premises malt beverages, wines and cider in securely cov-
19 ered containers supplied by the consumer and having capacities of not more than two gallons each.
20 “(h) To conduct any activities described in paragraphs (a) to (g) of this subsection at a second
21 or third premises as may be designated by the commission.
22 “(i) To purchase from or through the commission brandy or other distilled liquors for fortifying
23 wines.
24 “(j) To obtain a special events winery license that shall entitle the holder to conduct the ac-
25 tivities allowed under paragraphs (e) to (g) of this subsection at a designated location other than the
26 one set forth in the winery license for a period not to exceed five days.
27 “(3) A winery licensee shall allow a patron to remove a partially consumed bottle of wine from
28 the licensed premises if the patron is not a minor and the patron is not visibly intoxicated.
29 “(4) In order to hold a winery license the licensee shall:
30 “(a) Possess at a bonded premises within Oregon a valid producer and blender basic permit is-
31 sued by the federal Alcohol and Tobacco Tax and Trade Bureau; or
32 “(b) Possess a valid wine blender or valid wholesaler basic permit issued by the federal Alcohol
33 and Tobacco Tax and Trade Bureau and have a written contract with a winery licensed under par-
34 agraph (a) of this subsection that authorizes the winery to produce for the licensee a brand of wine
35 or cider that is under the control of the licensee.

1 “(5) A winery licensee may sell and ship wine or cider directly to a resident of this state only
2 if the licensee has a direct shipper permit issued under ORS 471.282.

3 “(6)(a) Except as provided in paragraph (b) of this subsection, a winery licensee, or any person
4 having an interest in the licensee, may also hold a full on-premises sales license. [*If a person holds*
5 *both a winery license and a full on-premises sales license, nothing in this chapter shall prevent the sale*
6 *by the licensee of both distilled liquor and wine or cider bottled and produced under the winery*
7 *license.*] **If a winery licensee, or a person having an interest in the licensee, also holds a full**
8 **on-premises sales license, the provisions of this chapter do not prevent the licensee or per-**
9 **son from both selling wine or cider bottled and produced under the winery license and selling**
10 **alcoholic liquor as authorized under the full on-premises sales license.**

11 “(b) The commission may not issue a full on-premises sales license to a winery licensee under
12 the provisions of this subsection if the winery licensee, or any person having an interest in the
13 licensee or exercising control over the licensee, is a brewery that brews more than 200,000 barrels
14 of malt beverages annually [*or a winery that produces more than 200,000 gallons of wine or cider*
15 *annually*].

16 “(7) More than one winery licensee may exercise the privileges of a winery license at a single
17 location. The commission may not refuse to issue a winery license to a person for the production
18 of wine or cider on specified premises based on the fact that other winery licensees also produce
19 wine or cider on those premises.

20 “(8) If a winery licensee does not possess at a bonded premises within Oregon a valid producer
21 and blender basic permit issued by the federal Alcohol and Tobacco Tax and Trade Bureau, the
22 licensee may exercise the privileges described in this section only for wine and cider brands that
23 are under the control of the licensee.”.

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