



## OREGON LIQUOR CONTROL COMMISSION

The Commission proposes to amend the following  
Oregon Administrative Rule:

**OAR 845-015-0130 Advertising a Retail Liquor Store**

### **PUBLIC HEARING:**

Commission staff will hold a public hearing on this proposed action:

**Date:** February 4, 2010  
**Time:** 10:00 am  
**Location:** Oregon Liquor Control Commission  
9079 SE McLoughlin Boulevard  
Portland, OR 97222

Phone: (503) 872-5004 (toll free within Oregon 1-800-452-6522)

Fax: (503) 872-5110

**Presiding Officer:** Jennifer Huntsman

(Auxiliary aids for persons with disabilities are available upon advance request)

### **CAPTION: Amendments allowing more flexibility in advertising a retail liquor store with prior Commission approval**

This rule describes the specific advertising the Commission allows a retail sales agent to use to advertise a retail liquor store. The Commission accepted a petition from Saleem Noorani (a Corvallis liquor agent) requesting amendment of this rule to provide much more flexibility in what advertising, including outside signage, a liquor store would be allowed to utilize. All liquor store advertising would require prior Commission approval. The proposed amendments would also allow a liquor store website to list the specific brands of distilled spirits they carry, as well as their price.

You can obtain a copy of the proposed amendments by calling Laura Paul at 503-872-5105, or the toll-free number listed above. Rule drafts are also available on the OLCC web site: <http://oregon.gov/OLCC/> - go to the "Liquor Laws and Rules" button, then follow the link to "OLCC Proposed Rulemaking", then "Liquor Store Advertising", and finally "Final Staff Rule Draft". If you wish to give your views, arguments, or information on this matter, you may do so at the public hearing, or you can submit comments by February 18, 2010. You can also email your comments to: [jennifer.huntsman@state.or.us](mailto:jennifer.huntsman@state.or.us).

**Documents faxed, mailed or emailed must be received by 5:00 pm on February 18, 2010.**

ORS 183.335(2)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business. That comment must also be received by 5:00 pm on February 18, 2010.

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 the proposed rule.

**Statutory Authority:** ORS 471, including 471.030, 471.730(1) & (5), & 471.750

**Other Authority:** None

**Statutes Implemented:** ORS 471.750(1) & 471.750(2)

**Need for the Rule(s):** This rule describes the specific advertising the Commission allows a retail sales agent to use to advertise a retail liquor store. The Commission accepted a petition from Saleem Noorani (a Corvallis liquor agent) requesting amendment of this rule to provide much more flexibility in what advertising, including outside signage, a liquor store would be allowed to utilize. All liquor store advertising would require prior Commission approval. The proposed amendments would also allow a liquor store website to list the specific brands of distilled spirits they carry, as well as their price.

**Documents Relied Upon, and where they are available:** Minutes of Advisory Committee meeting of November 17, 2009 available from the Commission's rules coordinator, Jennifer Huntsman, at 9079 SE McLoughlin Boulevard Portland, OR 97222.

**Fiscal and Economic Impact, including Statement of Cost of Compliance:** This statement takes into account the fiscal impact on **(a)** retail liquor stores; **(b)** off-premises sales licensees; **(c)** local government; **(d)** state agencies; and **(e)** the public.

**(a) Retail Liquor Stores.** While direct fiscal impact to any one liquor store should be negligible, there is potential for an overall positive fiscal impact statewide. The positive impact would come from more available information on hours and services translating into consumers being better able to find and utilize the existing store locations. While direct fiscal impact on individual liquor stores, especially in the Portland metro area, is not anticipated, there could be some positive impact on the stores in certain destination locations such as the Oregon coast.

**(b) Off-Premises Sales Licensees.** No fiscal impact is anticipated for grocery and convenience stores as they do not sell distilled spirits.

**(c) Local government.** The Commission does not anticipate any fiscal impact on local government from the proposed rule amendments.

**(d) State agencies.** The Commission does not anticipate any fiscal impact on state agencies from the proposed rule amendments.

**(e) The public.** The Commission does not anticipate any significant fiscal impact on the public from the proposed rule amendments.

**Cost of Compliance:** There should be no costs for anyone to comply with these amendments. There are no reporting or recordkeeping requirements required for compliance. There is no requirement for equipment, supplies, labor, or administration.

**Because there is not adequate information available to accurately project the fiscal impact, the Commission is unable to calculate the potential fiscal impacts.**

**How were small businesses involved in the development of this rule?** The Commission assumes the majority of its licensees are small businesses. We invited licensees, retail sales agents, industry representatives, and public safety representatives, including moderation groups, to the Advisory Committee meeting where this matter was discussed. The liquor stores are all small businesses and the only fiscal impacts foreseen are positive.

**Administrative Rule Advisory Committee consulted? Yes.** An Advisory Committee met on November 17, 2009. Members included industry representatives, licensees, retail sales agents, and members representing moderation and public safety concerns. The Committee assisted in writing this Fiscal Impact Statement.

(This notice mailed December 31, 2009)