

OREGON LIQUOR CONTROL COMMISSION
OAR 845, DIVISION 5 & 6
DISTILLERIES
PROPOSED ADOPTION – *Final Staff Draft*

Note: **Bold and underlined** = new text

OAR 845-005-0430

Qualifications for Oregon Distillery Licensee Providing Tastings of Distilled Liquor on the Distillery Premises or on Another Premises Owned or Leased by the Distillery

ORS 471.230 allows an Oregon distillery licensee to provide tastings of distilled liquor manufactured by the distillery licensee on the distillery licensee’s premises or another premises owned or leased by the licensee. This rule sets the qualifications to obtain approval to provide these tastings.

(1) Definitions. For this rule and OAR 845-006-0451:

(a) “Per day” means from 7:00 am until 2:30 am on the succeeding calendar day.

(b) “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.

(c) “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.

(d) “Another premises owned or leased by the distillery licensee” means the distillery licensee owns specific real estate or has a written contract which allows the licensee to exclusively possess or use specific real estate for a specified term and for a specified rent. The real estate must be off of the distillery licensee’s permanently licensed premises and may not be on the premises of a retail licensee as defined in ORS 471.392(2).

(e) “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 at the distillery licensee's own premises, or another premises owned or leased by the distillery licensee, must follow this rule and may offer tastings of distilled liquor in accordance with the requirements of OAR 845-006-0451.

(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 the requirements of 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 the requirements of 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 the requirements of 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 another 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 also 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 OAR 845-005-0410 is providing the alcohol service under the privilege of the full on-premises sales license and is not subject to the requirements of this rule.

(8) Application for tastings on the distillery licensee's permanently licensed premises. A distillery licensee who intends to provide the service of distilled liquor tastings on the distillery licensed premises 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. Once the Commission has given its approval for the tastings, the distillery licensee must re-apply if the licensee 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 845-006-0451.

(9) Application for tastings on another premises owned or leased by the distillery licensee. A distillery licensee who intends to provide the service of distilled liquor tastings on another 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. Once the Commission has given its approval for the tastings, the distillery licensee must re-apply if the licensee changes its identified tasting area. The application shall include:

(a) All of the items required in section (8) (a) – (c);

(b) Either proof of ownership or the lease for the real estate for the address at which the other premises will be located; and

(c) A statement that the identified tasting area is not on the premises of a retail licensee as defined in ORS 471.392(2).

(10) Liquor liability insurance requirement. A distillery licensee providing only tastings under the requirements of this rule and OAR 845-006-0451 is not required to obtain or maintain liquor liability insurance.

(11) 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.

Stats Auth: ORS Chapter 471, including 471.030, 471.040, 471.730(1) & (5)
Stats implemented: ORS 471.230

OAR 845-006-0451

Requirements for Oregon Distillery Licensee Providing Tastings of Distilled Liquor on the Distillery Premises or on Another Premises Owned or Leased by the Distillery

OAR 845-005-0430 sets the qualifications for an Oregon distillery licensee to obtain Commission approval to provide tastings of distilled liquor manufactured by the distillery licensee for consumption on the distillery licensed premises or on another premises owned or leased by the licensee. This rule sets the requirements to provide the tastings.

(1) Definitions. For this rule and OAR 845-005-0430:

(a) “Per day” means from 7:00 am until 2:30 am on the succeeding calendar day.

(b) “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.

(c) “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.

(d) “Another premises owned or leased by the distillery licensee” means the distillery licensee owns specific real estate or has a written contract which allows the licensee to exclusively possess or use specific real estate for a specified term and for a specified rent. The real estate must be off of the distillery licensee’s permanently licensed premises and may not be on the premises of a retail licensee as defined in ORS 471.392(2).

(e) “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) The tastings of distilled liquor are allowed only within the identified tasting area approved by the Commission. The identified tasting area must be on the distillery licensee’s permanently licensed premises or on another premises owned or leased by the licensee. Customers may not remove the tasting from the identified tasting area.

(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.

(4) 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 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) 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 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 (OAR 845-005-0430(8)(b)).

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

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

(8) Failing to obtain Commission approval as required by OAR 845-005-0430 prior to providing the service of distilled liquor tastings is a Category I violation. A violation of sections (1) – (7) of this rule is a Category III violation.

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

Stats Auth: ORS Chapter 471, including 471.030, 471.040, 471.730(1) & (5)
Stats implemented: ORS 471.230