



OREGON LIQUOR CONTROL COMMISSION
The Commission proposes to amend the following
Oregon Administrative Rules:

Same-Day Delivery Package
(OAR 845-006-0392 & OAR 845-006-0396)

PUBLIC HEARING:

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

Date: February 22, 2012
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: Add additional same-day delivery option to accommodate alcohol deliveries with evening meal orders

The Commission accepted a petition from Nathaniel Paschal (Restaurant Retrievers LLC) requesting amendment of OAR 845-006-0396 which describes the requirements for same-day delivery of malt beverages to a resident of Oregon. Because it contains parallel language, rulemaking was also initiated for OAR 845-006-0392 which describes same-day delivery requirements for wine or cider.

The proposed amendments would allow the delivery of malt beverages and wine with evening meal orders from restaurants with an Off-Premises license privilege. The proposed amendments would allow the additional option of delivering up to 1.25 gallons (two 6-packs) of malt beverage and 2 (standard) bottles of wine to an Oregon residence per day, to be delivered until 9:00 p.m., and with an order placement deadline of 7:00 p.m.

The proposed amendments also include in both OAR 845-006-0392 (8) and OAR 845-006-0396 (5) leaving both (b) & (c) options, which include unlimited amounts of alcohol being delivered, the same, and amending (a) & (d), that contain specific quantity limits, so that daily delivery amounts are per "residence".

You can obtain a copy of the proposed amendments by calling 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 "Proposed Rulemaking", then "Same-Day Delivery", and finally "Final Staff 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 March 7, 2012. You can also email your comments to:
jennifer.huntsman@state.or.us .

Documents faxed, mailed or emailed must be received by 5:00 pm on March 7, 2012.

ORS 183.335(2)(b)(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 March 7, 2012.

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, 471.040, 471.186 & 471.730(1) & (5)

Other Authority: None

Statutes Implemented: ORS 471.186, 471.282, 471.305 & 473

Need for the Rule(s): The Commission accepted a petition from Nathaniel Paschal (Restaurant Retrievers LLC) requesting amendment of OAR 845-006-0396 which describes the requirements for same-day delivery of malt beverages to a resident of Oregon. Because it contains parallel language, rulemaking was also initiated for OAR 845-006-0392 which describes same-day delivery requirements for wine or cider. The proposed amendments would allow the delivery of malt beverages and wine with evening meal orders from restaurants with an Off-Premises license privilege. The proposed amendments would allow the additional option of delivering up to 1.25 gallons (two 6-packs) of malt beverage and 2 (standard) bottles of wine to an Oregon residence per day, to be delivered until 9:00 p.m., and with an order placement deadline of 7:00 p.m. The proposed amendments also include in both OAR 845-006-0392 (8) and OAR 845-006-0396 (5) leaving both (b) & (c) options, which include unlimited amounts of alcohol being delivered, the same, and amending (a) & (d), that contain specific quantity limits, so that daily delivery amounts are per "residence".

Documents Relied Upon, and where they are available: Minutes of Advisory Committee meeting of December 13, 2011 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) Liquor Licensees; (b) local government; (c) state agencies; and (d) the public.

(a) Liquor Licensees. The Commission anticipates the potential for positive impacts from the proposed rule amendments on both restaurants with an Off-Premises sales license and the delivery service businesses who work with them. Those who choose to offer home meal delivery could benefit from the expansion in hours available to sell and deliver alcohol along with food.

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

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

(d) The public. The Commission anticipates any negative impact from the proposed amendments to be negligible, if any. Although there are other avenues available for consumers to obtain alcohol, there is still some potential for negative impact to public safety by making

three more hours available for alcohol home delivery. Any impact would likely be small and it is impossible to predict precisely, but anytime you increase the availability of alcohol there is the potential for negative impact.

Cost of Compliance: There should be no costs for anyone to comply with these rule amendments. There are no new reporting or recordkeeping requirements required for compliance. There is no additional 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, industry representatives, and public safety representatives, including moderation groups, to the Advisory Committee meeting where this matter was discussed.

Administrative Rule Advisory Committee consulted? Yes. An Advisory Committee met on December 13, 2011. Members included industry representatives, licensees, and members representing moderation and public safety concerns. The Committee assisted in writing this Fiscal Impact Statement.

(This notice mailed February 1, 2012)