



# LAW ORIENTATION FOR RETAILERS

*Promoting Responsible Alcohol Sales and Service*



## THE OLCC AND YOU

As a business owner and liquor licensee, you bring jobs to the community and provide valuable services to your neighbors. We at the OLCC want to help you in your efforts to run a profitable business selling alcohol lawfully and responsibly.

The OLCC issues your license and regulates alcohol sales and use. Our goal is to provide quality service to all Oregonians and promote responsible alcohol use through the effective administration of the state's Liquor Control Act.

We developed this booklet to help you understand the liquor laws that are important to the success of your business. We encourage you to use it as a guide in training your employees and in the day-to-day operation of your business. The OLCC believes that we can achieve compliance with liquor laws primarily through educational efforts with licensees like you. Working together, we can make Oregon a safe and productive place to live.

This booklet is not a legal reference and is not a complete statement of the state liquor laws or OLCC's administrative rules. In any conflict between this booklet and Oregon laws or administrative rules, the laws and administrative rules shall prevail. Please contact your local OLCC office if you have questions about your liquor license privileges.

## CONTACTING AN OLCC OFFICE

- A list of OLCC offices, contact information for those offices, and which counties they serve is on the OLCC website: [OLCC offices](#)



## ALCOHOL AND PREGNANCY WARNING SIGN



All retail licensees must post this warning sign about alcohol and pregnancy. At a minimum, the licensee must post either a large sign (8 ½ x 11 inches) at the entrance to the business or a small sign (5 x 7 inches) at all points of sale. The sign is also available in Spanish.

Signs are available on the OLCC website under "signs" here: [OLCC forms and publications](#)



## WHAT IS AN “ALCOHOLIC BEVERAGE?”

“Alcoholic beverage” and “alcoholic liquor” mean any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.” See Oregon Revised Statute (ORS) 471.001, sub (1).

Oregon has the following four types of alcoholic beverages:

### **CIDER**

Oregon Revised Statute (ORS) 471.023 and 473.015.

“Cider” means an alcoholic beverage made from the fermentation of the juice of apples or pears and that contains not more than 8.5% alcohol by volume. “Cider” may be flavored, sparkling, carbonated cider, and fortified; but “cider” does not include wine.

- The juice is not required to come only from apples or pears.

### **DISTILLED LIQUOR**

ORS 471.001(4).

“Distilled liquor” means any alcoholic beverage that does not qualify as a wine, cider, or malt beverage.

- Other common names for “distilled liquor” are distilled spirits, hard liquor, hard alcohol, ethyl alcohol, and ethanol.
- Typically distilled liquor comes from a distillation process. Oregon considers distilling to be any process that separates beverage alcohol (also known as ethanol or ethyl alcohol) from any substance or mixture. The two primary methods of distilling are using a still to apply heat and freeze distillation.
- However, in Oregon, it is not a requirement that the liquor be distilled to be considered distilled liquor. A fermented liquor that does not meet the definition of cider, malt beverage, or wine would be considered a distilled liquor.

### **MALT BEVERAGE**

ORS 471.001(6).

(a) “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages that contain more than one-half of one percent and not more than 16 percent of alcohol by volume and that are brewed or produced from malt, wholly or in part, or from rice, grain<sup>1</sup>, bran, glucose, sugar or molasses as a substitute for malt.

(b) “Malt beverage” does not include cider, mead, sake or wine.

### **WINE**

ORS 471.001(11).

“Wine” means any fermented liquor or fruit juice (but not cider; see the definition of “cider”) that is not a malt beverage and that contains not more than 21 percent alcohol by volume.

- Wine may contain distilled liquor and still be considered “wine” as long as the final alcohol content of the wine is not more than 21 percent alcohol by volume.

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<sup>1</sup> OLCC relies on the federal definition of “grain” to mean barley, canola, corn, flaxseed, mixed grain, oats, rye, sorghum, soybeans, sunflower seed, triticale, and wheat and the subsequent definition for each specific grain.



## HOURS OF SALE, SERVICE, AND/OR DRINKING OF ALCOHOLIC BEVERAGES ON YOUR OLCC-LICENSED PREMISES

Alcoholic beverages may be sold, dispensed, served, consumed on, or removed from licensed premises only between the hours of 7:00 a.m. and 2:30 a.m., unless allowed by the following exceptions:

- Alcoholic beverages may be sold and removed from a premises with an off-premises sales license issued under ORS 471.186 between the hours of 6:00 a.m. and 2:30 a.m.
- Alcoholic beverages may be sold, dispensed, served, consumed on, or removed from a licensed premises located within any Oregon public use airport designated as a Category I – Commercial Service Airport by the Oregon Department of Aviation between the hours of 4:00 a.m. and 2:30 a.m. However, from 4:00 a.m. to 7:00 a.m. alcoholic liquor may be sold, dispensed, or served only to a ticketed airline passenger with a valid same-day boarding pass.
- Licensees whose license privileges permit the sale and distribution of malt beverages, cider, and wines for resale may make deliveries of that alcohol to licensees at any time.

## TYPE OF ALCOHOLIC BEVERAGES ALLOWED ON A LICENSED PREMISES

Licensees are allowed to have on the licensed premises only the type of alcoholic beverages the license permits. For example, if the license permits the sale of only beer, wine, and cider, then neither you nor your customers may bring distilled spirits into the business.

The only exception is that Limited On-Premises Sales and Brewery-Public House Sales licensees may have distilled spirits on the premises if the distilled spirits are used only for cooking, are kept in a container only in the food preparation area, and the container is clearly marked “for cooking only.”

## THE THREE ANNUAL RETAIL LICENSE TYPES

### Full On-Premises Sales License

Oregon law created six different types of Full On-Premises Sales licenses.

- On-premises consumption:
  - \* Note that a Full On-Premises, Cater (F-CAT) does not allow the consumption of alcoholic beverages on the annually licensed premises.
  - \* However, the other five types of Full On-Premises Sales licenses may sell and serve distilled spirits, malt beverages (beer), wine, and cider by the drink at retail to consumers for consumption on the annually licensed premises.



- **Off-Premises:** May sell at retail to consumers for consumption **off** the licensed premises:
  - \* Malt beverages, wine, and cider in factory-sealed containers.
  - \* Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. See later in this document for more information on growlers.
  - \* Cocktails (mixed drinks) and servings of wine by the drink
- May **deliver:**
  - \* Factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption **off** the licensed premises. Must follow OAR 845-006-0392 and 845-006-0396
  - \* Cocktails (mixed drinks) and servings of wine by the drink to consumers for consumption **off** the licensed premises. Must follow OAR 845-006-0399
- May allow a patron to take a partially consumed bottle of wine from the premises, but only if the bottle of wine was served in conjunction with the patron's meal and the patron is not a minor or visibly intoxicated.
- Must, in all areas where alcohol is available, have food service available at all times when alcohol is sold. See later in this document for more information on food service.
- May have a separate bar or lounge.
- May be able to cater food and alcohol at temporary events held at a location other than your licensed premises. You must apply for this privilege as you will need **prior** OLCC approval for this privilege.
- Must ensure any person who works for you mixing, selling, or serving alcohol, or supervising any person who does those duties, either has a valid Oregon service permit or has applied for an Oregon service permit. You must do this **before** the person does any of these duties.
- May not sell distilled spirits in a growler.
- Must purchase all distilled spirits from an OLCC liquor store. You may present a copy of your license to the liquor store as proof to receive a discount on distilled spirits purchased for use at your business.

## Limited On-Premises Sales License

- **On-premises.** May sell and serve **by the drink** at retail to consumers for consumption **on** your licensed premises:
  - \* Malt beverages (beer), wine, and cider.
- **Off-Premises:** May sell at retail to consumers for consumption **off** your licensed premises:
  - \* Malt beverages, wine, and cider in factory-sealed containers.
  - \* Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. See later in this document for more information on growlers.
- May **deliver** factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption **off** your licensed premises; however, must follow the delivery rules at OAR 845-006-0392 and 845-006-0396.
- May allow a patron to take a partially consumed bottle of wine from your premises, but only if the bottle of wine was served in conjunction with the patron's meal and the patron is not a



minor or visibly intoxicated.

- May be able to cater food and alcohol at temporary events held at a location other than your licensed premises. You must apply for this privilege as you will need prior OLCC approval for this privilege.
- Must ensure any person who works for you mixing, selling, or serving alcohol, or supervising any person who does those duties, either has a valid Oregon service permit or has applied for an Oregon service permit. You must do this before the person does any of these duties.
- May not sell or serve distilled spirits.

## Off-Premises Sales License

- Off-Premises: May sell at retail to consumers for consumption ***off*** your licensed premises:
  - \* Malt beverages, wine, and cider in factory-sealed containers.
  - \* Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. See later in this document for more information on growlers.
- May deliver factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption ***off*** your licensed premises; however, must follow the delivery rules at OAR 845-006-0392 and 845-006-0396.
- If you sell growlers:
  - \* You must require any person employed by you that participates in the dispensing of malt beverage (beer), wine, or cider sold into a growler to have a valid service permit.
  - \* A person employed by you who doesn't participate in the dispensing of malt beverage (beer), wine, or cider into a growler but who does ring up the sale doesn't need a service permit.
  - \* The people managing or supervising those people who dispense malt beverage (beer), wine, or cider into a growler are required to have a service permit only if they also participate in the dispensing of malt beverage (beer), wine, or cider sold into a growler.
- Must ensure that any employee selling alcohol (including growlers) is at least 18 years old.
- Must ensure before your employees sell alcohol that they have read, dated, and signed the OLCC-provided brochure "What Every Store Clerk Needs to Know About Selling Alcohol." Or as an alternative, you provide other OLCC-approved training.
- May not sell distilled spirits.



## ***Alcohol training for package store clerks***



Oregon law requires that your clerks be trained in how to sell alcohol responsibly. These are the requirements:

- You must require your clerks to read the OLCC brochure “What Every Store Clerk Needs to Know About Selling Alcohol.”
- Link to brochure: [Store Clerk brochure](#)
- Your clerks must sign and date the brochure, and you must keep the brochure on file at the store as long as the clerk works for you.
- If you want to keep the signed brochures at another location, you must keep a list at the store of all employees who sell alcohol, the date they read and signed the brochure, and the date the employee started selling alcohol.
- If an OLCC employee asks to see the signed brochures or list, you must be able to make it immediately available for inspection.

A brief optional quiz is also available to help your clerks review their understanding of the brochure. Some stores offer their own alcohol training. If you use training other than the OLCC brochure, you must ensure that the training covers all of the material in the OLCC brochure. You must also have your employees sign and date the training material, and you must keep the material on file as described above.

OAR 845-009-0130

## **GROWLERS**

### **What is a “growler?”**

In Oregon the term means a container with a capacity of no more than two gallons supplied by a customer to a Full On-Premises, Limited On-Premises, Off-Premises, Brewery-Public House, Brewery, Winery, or Grower Sales Privilege licensee where the licensee has filled the container with malt beverage, wine, or cider sold to the customer at retail and then has securely-covered the container.

### **What does “securely-covered” mean?**

“Securely-covered” means the container is sealed by the licensee after filling the growler so that liquid cannot be removed without breaking the seal.

### **What does “supplied by the customer” mean?**

“Supplied by the customer” means the customer supplies an empty container to the licensee. The container is then filled with malt beverage, wine, or cider by the licensee.



The licensee may provide/sell an empty container to the customer prior to or at the time of filling the container; however, the container must be empty when the licensee begins the act of filling it.

### **Is a pre-filled “securely-covered” container a growler?**

No. In order for a container to be a growler it must be an empty container supplied or purchased by the customer that is then filled with malt beverage, wine, or cider. Pre-filled containers would be required to meet federal TTB labeling approval requirements.

## **FOOD SERVICE AND DINING SEATING REQUIREMENTS**

### **Full On-Premises Sales Licenses**

Oregon law created six different types of Full On-Premises Sales licenses. Each type has its own food service and dining seating requirements.

- Full On-Premises, Commercial (F-COM)
  - \* Rules: OAR 845-006-0459, 845-006-0460, and 845-006-0466
  - \* Food service: Must make at least five different meals available at all times and in all areas where alcoholic beverage service is available.
    - “Meal” means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
    - A licensee may make fewer than five different meals available if the Commission determines that the clearly dominant emphasis in the areas with alcoholic beverage service is food service. One method for showing that the clearly dominant emphasis in the area is food service is for the Commission to determine that the gross receipts from the sale of meals to patrons for consumption in the area exceed or are reasonably expected to exceed the gross receipts from alcoholic beverage sales when alcoholic beverage service is available.
    - “Different meals” means meals that the Commission determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, a pepperoni pizza differs from a cheese pizza, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different under this rule. For example, a large cheese pizza is not different from a small cheese pizza and a large hot dog is not different from a small hot dog.
  - \* Dining seating: Must have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating. A premises may have less



than 30 dining seats during this time period if the Commission determines that the clearly dominant emphasis of the premises is food service as described in this rule at all times and in all areas where alcohol service is available when open to the public.

- Full On-Premises, For-Profit Private Club (F-FPC)
  - \* Rules: OAR 845-006-0459, 845-006-0460, 845-006-0466, and 845-006-0490
  - \* Food service: Must make at least five different meals available at all times and in all areas where alcoholic beverage service is available.
    - “Meal” means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
    - A licensee may make fewer than five different meals available if the Commission determines that the clearly dominant emphasis in the areas with alcoholic beverage service is food service. One method for showing that the clearly dominant emphasis in the area is food service is for the Commission to determine that the gross receipts from the sale of meals to patrons for consumption in the area exceed or are reasonably expected to exceed the gross receipts from alcoholic beverage sales when alcoholic beverage service is available.
    - “Different meals” means meals that the Commission determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, a pepperoni pizza differs from a cheese pizza, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different under this rule. For example, a large cheese pizza is not different from a small cheese pizza and a large hot dog is not different from a small hot dog.
  - \* Dining seating: Must have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating. A premises may have less than 30 dining seats during this time period if the Commission determines that the clearly dominant emphasis of the premises is food service as described in this rule at all times and in all areas where alcohol service is available when open to the public.
  
- Full On-Premises, Nonprofit Private Club (F-CLU)
  - \* Rules: OAR 845-006-0459, 845-006-0461, and 845-006-0466
  - \* Food service: At all times and in all areas where alcoholic beverage service is available, you must make available at least three different meals
    - “Meal” means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to,



popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.

- A licensee may make fewer than five different meals available if the Commission determines that the clearly dominant emphasis in the areas with alcoholic beverage service is food service. One method for showing that the clearly dominant emphasis in the area is food service is for the Commission to determine that the gross receipts from the sale of meals to patrons for consumption in the area exceed or are reasonably expected to exceed the gross receipts from alcoholic beverage sales when alcoholic beverage service is available.
- “Different meals” means meals that the Commission determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, a pepperoni pizza differs from a cheese pizza, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different under this rule. For example, a large cheese pizza is not different from a small cheese pizza and a large hot dog is not different from a small hot dog.

\* Dining seating: There is no OLCC dining seating requirement.

- Full On-Premises, Other Public Location (F-PL)

- \* Rules: OAR 845-006-0459, 845-006-0464, and 845-006-0466

- \* Food service: At all times and in all areas where alcohol service is available, must make available at least five different meals. See OAR 845-006-0459 and 845-006-0464.

- “Meal” means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
    - A licensee may make fewer than five different meals available if the Commission determines that the clearly dominant emphasis in the areas with alcoholic beverage service is food service. One method for showing that the clearly dominant emphasis in the area is food service is for the Commission to determine that the gross receipts from the sale of meals to patrons for consumption in the area exceed or are reasonably expected to exceed the gross receipts from alcoholic beverage sales when alcoholic beverage service is available.
    - “Different meals” means meals that the Commission determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, a pepperoni pizza differs from a cheese pizza, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different under this rule. For example, a large cheese pizza is not different from a small cheese pizza and a large hot dog is not different from a small hot dog.

- \* Dining seating: There is no OLCC dining seating requirement.



- Full On-Premises, Caterer (F-CAT)
  - \* This license does not allow the consumption of alcoholic beverages on the annually licensed premises; therefore, this license has no food service or dining seating requirements for the annually licensed premises.
  - \* However, there are food service requirements when the licensee provides alcoholic beverage service at events off the annually licensed premises.
  
- Full On-Premises, Public Passenger Carrier (F-PC)
  - \* Rule: OAR 845-006-0463
  - \* Food service: must make available to passengers a selection of at least five different types of food items
  - \* Dining seating: There is no OLCC dining seating requirement.

### **Other Licenses That Serve or Could Serve Alcoholic Beverages for Drinking on the Premises**

The other licenses that serve or could serve alcoholic beverages for drinking on the premises are a Brewery, Brewery-Public House, Grower Sales Privilege, Limited On-Premises Sales, and Winery.

Unless needed in order to obtain an OLCC-issued minor posting that will allow minors (individuals under the age of 21) on the premises, these licenses have no OLCC food service or dining seating requirements.

## **LIQUOR LIABILITY INSURANCE**

The following licenses must have current liquor liability insurance coverage:

- Full On-Premises (all six types)
- Limited On-Premises
- Brewery-Public House
- Winery (but only if on-premises consumption, including tastings, is offered)
- Brewery (but only if on-premises consumption, including tastings, is offered)
- Grower Sales Privilege (but only if on-premises consumption, including tastings, is offered)
- All special licenses if the event will be open to the public and the expected attendance will exceed 300 individuals per day. These special licenses are a Temporary Sales License (TSL), Temporary Use of an Annual License (TUAL), Special Event Winery (SEW), Special Event Grower (SEG), Special Event Brewery-Public House (SEBPH), Special Event Brewery (SEB), and Special Event Distillery (SED)

You must show proof of coverage before the OLCC will issue you a Temporary Authority to Operate, a new license, or renew your existing license.

- For liquor liability insurance, you must give the OLCC a certificate of insurance that shows the following: all applicants as insured, the premises address, liquor liability (not just “liability”)



insurance, liquor liability coverage of at least \$300,000, the coverage is current (not expired), and names the OLCC as a Certificate Holder.

- For a liquor liability bond, you must provide proof by giving the OLCC a copy of the bond.
- Only a public body meeting the requirement in ORS 30.282(2) may qualify for a self-insurance exemption.

Failure to maintain liquor liability insurance could result in the cancellation of your license.

**Posting the proof of insurance or making it available at your premises**

As required by OAR 845-005-0400(5), you must maintain valid and current proof of insurance or bond on your licensed premises and either:

- Post the proof of insurance or bond in full public view at your premises; **or**
- Make the proof of insurance or bond available at any time for immediate inspection by any Commission employee.

## RENEWING YOUR LICENSE

Oregon is divided into four renewal districts (see table below). ***Your license year is determined by the county where your business is located (with the exception of Portland which is divided into two districts).***

<b>COUNTIES</b>	<b>LICENSE YEAR</b>
<b><u>DISTRICT 1</u></b> Multnomah & City of <u>PORTLAND NORTH</u> of Burnside Street center line	<b><u>January 1 to December 31</u></b> We will mail your renewal application in October. Return the completed application by the date specified on the form to avoid late fees.
<b><u>DISTRICT 2</u></b> Clackamas, Clatsop, Columbia, Marion, Polk, Tillamook, Washington, & Yamhill	<b><u>April 1 to March 31</u></b> We will mail your renewal application in January. Return the completed application by the date specified on the form to avoid late fees.
<b><u>DISTRICT 3</u></b> Benton, Coos, Curry, Douglas, Lane, Lincoln, Linn, & City of <u>PORTLAND SOUTH</u> of Burnside Street center line	<b><u>July 1 to June 30</u></b> We will mail your renewal application in April. Return the completed application by the date specified on the form to avoid late fees.
<b><u>DISTRICT 4</u></b> Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco & Wheeler	<b><u>October 1 to September 30</u></b> We will mail your renewal application in July. Return the completed application by the date specified on the form to avoid late fees.



Renewed licenses are issued for one year. Your first license will likely be issued for a partial year to synchronize with your renewal district. You must renew your license each year by completing a renewal application, paying the annual fee, and submitting both the application and the fee to the OLCC before your license expires.

If you do not renew your license before it expires, you must stop selling and serving alcohol until we issue you a new license. It is a violation to sell and serve alcohol with an expired license. If you sell and serve alcohol with an expired license you may receive an administrative or criminal citation.

If you do not renew your license by 30 days after expiration, ***you cannot renew your license and you must apply as a new outlet.***

## HELP US RENEW YOUR LICENSE

**Avoid these common reasons license renewal applications are returned:**

### **Questions**

Answer all of the renewal questions.

### **Local Government Fee**

Pay your local government fee and check the local government fee box on the back of your renewal application. You must pay the local government fee before you send OLCC your renewal application.

### **Signatures**

*Individual Licensees:* Have all of the individuals listed as licensees at the top of the renewal form sign the renewal application form.

*Entity Licensees (corporations, limited liability companies (LLCs), limited partnerships, etc.):* Have an authorized representative, such as a corporate officer, partner, managing member, or attorney with written approval, sign the renewal application form for each organization or entity. The authorized representative must be a person the OLCC recognizes. If you make changes in your entity during the year, and have not already told the OLCC in writing, you must report the changes on the renewal application.

### **Renewal Fee**

Enclose the correct fee with your renewal application. If you miss the deadline listed on the application, you must include the late fees.

### **Server Education**

Make sure that your server education course has not expired. If you are an entity, make sure that your server education designee's course has not expired. The course must be taken every five years to renew your license.



### **Questions on License Renewal**

If you have questions, call the license renewal desk at 503-872-5138 or 800-452-6522 ext 5138 or email at: [OLCC.Renewals@oregon.gov](mailto:OLCC.Renewals@oregon.gov)

## **CHECKING ID**

### **Minor Decoy Operation**

As a licensee of the OLCC, your business is subject to a minor decoy visit without notice. OLCC and local law enforcement agencies may visit your premises in an effort to measure your compliance with state liquor laws regarding checking identification and sale of alcohol to minors.

The OLCC and local law enforcement agencies may use individuals under the age of 21 (“minor decoys”) in an attempt to purchase alcohol from your business. Minor decoys will look under 26 years of age, will not lie about their age, or use false identification. If a licensee or employee sells alcohol to a minor decoy, the seller and licensee are subject to administrative and/or criminal penalties. Our goal is to help you and your employees prevent the illegal sale of alcohol to minors. If you and your staff would like training on ID checking, please call your local OLCC office.

### **Whose ID should I check?**

A person must be at least 21 years old to purchase alcohol. The law requires you and your employees to ask anyone who looks under 26 years of age for proper identification.

### **Reasonable Doubt**

The law says you and your employees must check the age of a person when there is *any reasonable doubt* that the person is at least 21 years old. The law says that *reasonable doubt* exists if the person looks to be under the age of 26.

### **What is acceptable ID?**

Under Oregon law, only the following **non-digital, unexpired, and unaltered** forms of identification are acceptable alone a proof age:

1. Driver license from a U.S. state, District of Columbia, or a province or territory of Canada.
2. Identification card with photo, name, date of birth, and physical description issued by a U.S. state, District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, United States Virgin Islands, American Samoa, or a province or territory of Canada.
3. Identification card issued by a federally recognized Indigenous American tribe with photo, name, physical description, and date of birth.
4. Passport or passport card.
5. U.S. military ID card.
6. NEXUS or SENTRI card.

Link to OLCC guidance document: [Acceptable ID for Alcohol](#)



**Warning:** Beware of internet and “mail order” type cards that say “State Resident” or “Personal ID.” These cards are made to look like official IDs, but they are not. If you cannot tell whether the card was issued by an official state agency, do not accept it. Additionally, Consular Cards are not acceptable ID.

### **Examples of how to tell if the ID is valid**

- Check the expiration date – **expired ID in NOT valid.**
- Ask the person to remove the ID from the wallet or plastic folder.
- Feel the ID for cuts, slits, bumps, uneven lamination, and other signs of alteration.
- Examine the ID in good light.
- Look for erasures and misaligned numbers.
- Compare the ID to the person presenting it: photo, name, date of birth, description, etc.
- Ask the person questions; such as: *What’s your address? What’s your zip code? Etc.*

If you have any doubt about the person’s age or ID,  
Do not sell alcohol to that person

### **What if I believe the ID is false?**

If the ID is false, altered, expired, or looks illegally produced, refuse the sale of alcohol. Do not try to keep the ID.

### **What if the person does not have one of the six pieces of acceptable ID?**

You must:

1. Refuse to serve or sell alcoholic beverages to that person;
2. Do not allow the person to possess alcoholic beverages; and
3. Do not allow the person to be in an area prohibited to minors.

## **MINOR POSTINGS**

The OLCC assigns minor postings to licenses that allow on-premises consumption of alcohol. Examples of these licenses are restaurants, nightclubs, wineries, breweries, and distilleries. Minor postings are in effect 24 hours a day.

Minor postings tell owners, servers, and the public when and in what areas of the premises minors are allowed or prohibited. “Minor” means a person under the age of 21 and includes employees, servers, and the public.

Licensees must use the minor posting signs provided by the OLCC, but may frame them to match the



décor of the business.

Minor posting signs must be in full public view. The OLCC Investigator or Inspector will help identify where to place the signs. Licensees may not remove or change minor postings without OLCC approval. Licensees must immediately replace any altered, unreadable, or missing signs.

Here are the types of minor postings:

### **#1 Minor Posting: NO MINORS PERMITTED ANYWHERE ON THIS PREMISES**

- This posting is assigned to an entire premises, such as a typical tavern.
- Unless allowed by exception, no minors are permitted anywhere on the premises. This includes minor service permittees and minor employees such as kitchen staff.
- In some circumstances, minors other than service permittees and employees may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.

### **#2 Minor Posting: NO MINORS PERMITTED IN THIS PORTION OF THE PREMISES**

- This posting is assigned to an area of a premises, such as a lounge, bar, or video poker room.
- Minor service permittees and minor employees are allowed in the area to perform some work duties and to go to and return from a rest room.
- When in the area, minor service permittees and minor employees may not: check ID, control conduct in the area, mix, sell, or serve alcoholic beverages, or directly supervise any person who does mix, sell, or serve alcoholic beverages.
- In some circumstances, minors other than service permittees and employees may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.
- A minor customer that is in a room or area where minors are allowed may go to and return from a rest room that is in a room or area with a #2 minor posting provided the minor does not remain longer than necessary in the room or area with the #2 minor posting.

### **#3 Minor Posting: MINORS ALLOWED IN THIS AREA**

- No sign is physically posted in the area but OLCC records will show this posting.
- This posting is assigned to an area of a premises where there will never be a drinking environment and drinking alcohol will never be the predominant activity.
- All minors are allowed in this area at all times.

### **#3A Minor Posting: MINORS ALLOWED IN THIS AREA DURING SPECIFIED TIMES**

- This posting is assigned to an area to allow minors when there is no drinking environment and drinking alcohol does not predominate **and** to prohibit minors during times when there is a drinking environment or drinking alcohol does or is likely to predominate.
- Minors may use entertainment devices during the times minors are allowed.
- During the times minors are prohibited, minor service permittees and minor employees are



allowed in the area to perform some work duties and to go to and return from a rest room.

- During the times minors are prohibited and when in the area, minor service permittees and minor employees may not: check ID, control conduct in the area, mix, sell, or serve alcoholic beverages, or directly supervise any person who does mix, sell, or serve alcoholic beverages.
- In some circumstances, during the times minors are prohibited, other minors may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.
- A minor customer that is in a room or area where minors are allowed may go to and return from a rest room that is in a room or area with a #3A minor posting during the times that minors are prohibited provided the minor does not remain longer than necessary in the room or area with the #3A minor posting during the times that minors are prohibited.

#### **#4 Minor Posting: MINORS ALLOWED DURING THESE HOURS**

- This posting is assigned to an area or entire premises that has a drinking environment to let minors consume food during times when eating food is the predominant activity.
- Eating food must be the predominant activity during the times when minors are allowed, even if minors are not present during the time minors are allowed.
- Minors may not use entertainment devices in this area.
- During the times minors are prohibited, minor service permittees and minor employees are allowed in the area to perform some work duties and to go to and return from a rest room.
- During the times minors are prohibited and when in the area, minor service permittees and minor employees may not: check ID, control conduct in the area, mix, sell, or serve alcoholic beverages, or directly supervise any person who does mix, sell, or serve alcoholic beverages.
- In some circumstances, during the times minors are prohibited, other minors may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.
- A minor customer that is in a room or area where minors are allowed may go to and return from a rest room that is in a room or area with a #4 minor posting during the times that minors are prohibited provided the minor does not remain longer than necessary in the room or area with the #4 minor posting during the times that minors are prohibited.

#### **#5 Minor Posting: MINORS ALLOWED IN TASTING ROOM**

- This posting is assigned to an area or entire premises where the only alcoholic beverages served or consumed are sample tastings of distilled spirits, malt beverages (beer), wine or cider.
- The licensee may serve and sell only the type of alcoholic beverage allowed by the license.
- A sample tasting is a single container with no more than one and half ounces of wine or cider, three ounces of malt beverage, one-half ounce of distilled spirits for the general public, or one ounce of distilled spirits for a trade visitor.
- All minors are allowed in this area at all times.

#### **#6 Minor Posting: MINORS ALLOWED WITH A MINOR CONTROL PLAN**

- This posting is assigned to a premises, room, or area where minors are allowed only as per the minor control plan approved by the OLCC.



- During the times minors are prohibited, minor service permittees and minor employees are allowed in the area to perform some work duties and to go to and return from a rest room.
- During the times minors are prohibited and when in the area, minor service permittees and minor employees may not: check ID, control conduct in the area, mix, sell, or serve alcoholic beverages, or directly supervise any person who does mix, sell, or serve alcoholic beverages.
- In some circumstances, during the times minors are prohibited, other minors may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.
- A minor customer that is in a room or area where minors are allowed may go to and return from a rest room that is in a room or area with a #6 minor posting during the times that minors are prohibited provided the minor does not remain longer than necessary in the room or area with the #6 minor posting during the times that minors are prohibited.

### **#7 Minor Posting: MINORS ALLOWED WITH NO DRINKING ENVIRONMENT**

- This posting allows minors up until no later than 9:00 p.m. in a premises, room, or area when there is no drinking environment in the premises, room, or area.
- A “drinking environment” means a combination of conditions or factors in a premises, room, or area that include but are not limited to cocktail tables, a bar, bar equipment and accessories, dim lighting, alcohol advertising, events or entertainment primarily targeted to adults, and events or operations where the monitoring of patron behavior is or could be insufficient to prevent minors from obtaining alcohol.
- Drinking alcohol is allowed to be the predominant activity at all times.
- During the times minors are prohibited, minor service permittees and minor employees are allowed in the area to perform some work duties and to go to and return from a rest room.
- During the times minors are prohibited and when in the area, minor service permittees and minor employees may not: check ID, control conduct in the area, mix, sell, or serve alcoholic beverages, or directly supervise any person who does mix, sell, or serve alcoholic beverages.
- In some circumstances, during the times minors are prohibited, other minors may be permitted. Examples are a minor vendor, minor contractor, and minor entertainer.

### **GENERAL PROHIBITIONS**

- A minor customer who is in a room or area where minors are allowed may go to and return from a rest room that is in a room or area where minors are prohibited provided the minor does not remain longer than necessary in the room or area where minors are prohibited.
- Minors may **not** sit at a bar. A “bar” means a counter at which the preparation, pouring, serving, sale or consumption of alcoholic beverages is the primary activity
  - Note: minors may sit at a food counter. A “food counter” means a counter in an area in which minors are allowed and at which the primary activity at all times is the preparation, serving, sale or consumption of food
- Unless allowed by an exception, minors may **not** be in areas where there is video poker, nude entertainment, stage revues, or other forms of adult-oriented entertainment. Also, minors may not be in areas where this entertainment is visible.

### **MINOR EMPLOYEES & MINOR SERVICE PERMITTEES**



### **In a premises with a #1 minor posting**

- Minor employees and minor service permittees are prohibited from the entire premises at all times.

### **In an area of the premises with a #2 minor posting**

- Minor employees and minor service permittees are allowed in the area and while in the area:
  - May **NOT** take food orders.
  - May go to and return from a rest room.
  - May perform the following limited work duties: restock supplies, set and clear tables, and deliver food. The person may not stay in the prohibited area any longer than is necessary to perform the work duties.
  - A minor service permittee may enter an area prohibited to minors to order and pick up drinks for service in an area where minors are allowed. The person may not stay in the prohibited area any longer than is necessary to perform the work duties.
  - May not check ID, control conduct in the area, mix, sell, or serve alcoholic beverage, or directly supervise people who mix, sell, or serve alcoholic beverages.

### **In an area of the premises with a #3 or #5 minor posting**

- Minor employees and minor service permittees are allowed at all times in the area and may perform regular work duties.

### **In an area of the premises with a #3A, #4, #6, or #7**

- During the times minors are allowed in the area: Minor employees and minor service permittees are allowed in the area and may perform regular work duties. During the times minors are prohibited from the area: Minor employees and minor service permittees are allowed in the area and while in the area:
  - May **NOT** take food orders.
  - May go to and return from a rest room.
  - May perform the following limited work duties: restock supplies, set and clear tables, and deliver food. The person may not stay in the prohibited area any longer than is necessary to perform the work duties.
  - A minor service permittee may enter an area prohibited to minors to order and pick up drinks for service in an area where minors are allowed. The person may not stay in the prohibited area any longer than is necessary to perform the work duties.
  - May not check ID, control conduct in the area, mix, sell, or serve alcoholic beverage, or directly supervise people who mix, sell, or serve alcoholic beverages.



## MINOR ENTERTAINERS

### In an area of the premises and during the times when minors are allowed

- Minor entertainers are allowed

### In an area of the premises and during the times when minors are prohibited

- This will be at all times for a #1 and #2 minor posting
- This will be during the times and in the areas where minors are prohibited due to a #3A, #4, #6, or #7 minor posting
- In order for licensees to allow minor entertainers in areas of the licensed premises that are prohibited to minors, the licensee must **first** obtain approval from the OLCC
- To obtain OLCC approval to allow minor entertainers in areas of the licensed premises that are prohibited to minors, contact a liquor license investigator or liquor compliance inspector

## THE LAW, YOU, AND VISIBLY INTOXICATED PERSONS

**What does “visibly intoxicated” mean?** Visible intoxication is intoxication you can see. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated.

**What does the law say is my responsibility regarding visibly intoxicated persons?** It is against the law to serve or sell alcohol to a visibly intoxicated person. The law says that you shall not "knowingly allow" a person to drink or **continue to drink** alcohol after you have observed that the person is visibly intoxicated. This means: **FIRST**, do not sell alcohol or serve an alcoholic drink to a visibly intoxicated person. **SECOND**, if a customer is in the middle of a drink and begins to show signs of visible intoxication, you must remove the drink or at least attempt to remove it.

**What do you mean when you say I have to remove the drink?** The law says you must make a **good faith effort** to remove the drink. The law defines this as: Placing your hand on the drink and trying to remove it, or, if you have reason to believe that touching the patron's drink could cause a disturbance, you must make a verbal request for the drink.

**What if I try and fail?** If you make a good faith effort, there is no violation, even if you are unsuccessful in removing the drink. If you have not made a good faith effort, as defined by the law, you will need to make that effort or you will be in violation.

**What if I made a good faith effort and an Inspector comes in and the patron is still drinking?** You need to tell the Inspector that you have made a good faith effort and what you did to make that effort. The Inspector must prove that you did not make a good faith effort in order for there to be a violation. In the absence of other evidence, the Inspector will take your word. The Inspector may ask you to try again. Our goal is to get the drink away from the visibly intoxicated person.



***What if I cut someone off and take his drink, but another customer gives him another drink?*** If you see a patron with another drink after you cut him off, you need to immediately try again to get that drink away from him. You may wish to find out how the patron got the drink, so that you can take steps to avoid the patron getting another drink. A customer who provides alcoholic liquor to a visibly intoxicated person may be criminally and civilly liable for his action.

***What will happen to me if I allow a visibly intoxicated person to continue to drink alcohol?*** You could be fined and your license or service permit suspended. Repeated violations could lead to the cancellation of your license or service permit. In addition, you could be held liable in a third party liability law suit if the visibly intoxicated person injures another person or damages someone else's property.

## **50 SIGNS OF VISIBLE INTOXICATION**

Serving alcohol to a visibly intoxicated person (VIP) is against the law. If you can tell on sight that a person has been drinking or using other drugs, the person is visibly intoxicated. Servers are not expected to know a customer's blood alcohol content (BAC) as determined by a blood, breath, or urine test, but they are required to recognize visible intoxication.

Here are some common signs of visible intoxication. These are not all of the possible signs. If a person shows just one or two of these signs that does not necessarily mean the person is intoxicated. But if a person shows a combination of several signs, or has a sudden change in behavior, that could be a strong indication that the person is intoxicated. Remember that intoxication can result from the use of drugs other than alcohol. ***If you're not sure, don't serve.***



### **Appearance**

1. Bloodshot, glassy, or watery eyes
2. Flushed face
3. Droopy eyelids
4. Blank stare or dazed look

### **Speech**

7. Thick, slurred speech
8. Loud, noisy speech
9. Speaking loudly, then quietly
10. Rambling train of thought
11. Unusually fast or slow talking
12. Slow response to questions or comments
13. Repetitive statements
14. Bravado, boasting
15. Making irrational statements

### **Attitude**

16. Annoying other guests and employees
17. Argumentative
18. Aggressive or belligerent
19. Obnoxious or mean
20. Inappropriate sexual advances
21. Overly friendly to other guests or employees
22. Boisterous

### **Behavior**

23. Swaying, staggering, or stumbling
24. Unable to sit straight
25. Careless with money
26. Difficulty making change
27. Restless
28. Depressed or sullen
29. Crying or moody
30. Extreme or sudden change in behavior
31. Overly animated or entertaining
32. Crude, inappropriate speech or gestures
33. Drowsiness or falling asleep
34. Lack of focus and eye contact
35. Difficulty standing up
36. Unusual walk
37. Can't find mouth with glass
38. Falling down or falling off of chair
39. Difficulty lighting cigarettes
40. Lighting more than one cigarette
41. Clumsy
42. Difficulty remembering
43. Spilling drinks
44. Disoriented
45. Agitated, anxious
46. Grinding teeth
47. Vomiting

### **Other**

48. Odor of alcohol, marijuana or chemicals
49. Excessive perspiration
50. Repeated trips to rest room or outside area



## MONITORING CUSTOMERS INSIDE AND OUTSIDE YOUR BUSINESS

### *Neighborhood Livability*

Liquor licensees are responsible for monitoring the behavior of customers **outside** as well as inside their businesses. The law is designed to insure that restaurants, taverns, grocery stores, and convenience stores that sell alcohol don't disturb their neighbors.

The majority of a licensee's customers do not cause problems for neighbors, but some licensees have occasional problems. Most often, prompt attention and cooperative efforts with the OLCC can help prevent continuing disturbances or resolve problems to the mutual satisfaction of those involved. If you are having difficulties with customers, we will be glad to help you develop a plan to correct the situation before it escalates.

The law focuses on businesses with serious and persistent problems caused by customers who are noisy, disorderly or involved in illegal activities and **the disturbances are related to the sale or service of alcohol**. Licensees are responsible for customer disturbances in **the immediate vicinity of the premises**. If the problems are not brought under control, the OLCC may issue violation tickets or may refuse to renew the license.

Licensees must be aware of, monitor, and avoid the following problems, specifically stated in the law: **Obtrusive or excessive noise, public drunkenness, fights, altercations, harassment, unlawful drug sales, music or sound vibrations, alcohol or related litter, trespassing on private property, public urination.**

#### ***If you run a restaurant, tavern, or lounge, you need to avoid these problems:***

- Noise and other disturbances involving patrons outside the premises (shouting, fighting, revving car engines, loud car radios)
- Sounds or vibrations from music that interferes with normal living activities of neighbors
- Patrons drinking on the street, in the parking lot or in a park across the street where drinking is illegal
- Customers discarding alcohol containers or related litter on the street or in neighbors' yards.
- Patrons urinating in public or trespassing on private property
- Drug dealing or drug use in parking lot or nearby property

#### ***If you run a grocery or convenience store, you need to avoid these problems:***

- Noise and other disturbances involving patrons outside the premises (shouting, fighting, revving car engines, loud car radios)
- Patrons drinking on the street, in the parking lot or in a park across the street where drinking is illegal
- Discarded alcohol containers or related litter on the street or in neighbors' yards
- Adults purchasing alcohol for minors after being contacted by the minor outside the store
- Cruisers who use the store parking lot for a place to park, play loud music, and consume alcohol or drugs
- Shoplifting and robberies involving alcohol



- Drug dealing or drug use in parking lot or nearby property

The OLCC will work with licensees to help them develop plans to correct problems created by customer behavior. Contact your local OLCC office for further information.

## PROHIBITED CONDUCT

### **\* You are responsible for the activities of your employees \***

If your employees violate a liquor law, you (and possibly your employee) will be held responsible ***even if you are not at the business when the violation occurs***. Be sure your employees understand and obey liquor laws.

**Here is a partial list of activities prohibited by liquor laws:**

***Noisy or Disorderly Activities:*** You or your employees must not permit noisy or disorderly activities ***on the licensed premises or in areas you control that are adjacent to or outside the premises.***

***“Disorderly activities”*** are those that harass, threaten or physically harm another person.

***“Noisy Activities”*** include types of noise from inside your business or caused by patrons outside your business that a reasonable person would not expect to hear inside or outside of a business where alcohol is sold. If your business is located in a city or county that has local noise ordinances, you may also receive a violation from the OLCC.

***Unlawful Activities:*** You or your employees must not permit any unlawful activity ***on the licensed premises or in areas you control that are adjacent to or outside the premises.*** *Examples of unlawful activities include:* prostitution, illegal drug sales or use, illegal gambling, and anything else prohibited by state or local criminal codes.

***Eviction of Customers:*** You or your employees who know that a customer has engaged in noisy, disorderly or unlawful activities must evict that customer from the premises for at least a 24-hour period. The 24-hour period begins at the time the licensee evicts the patron.

***Drinking Alcohol Outside the Premises:*** You and your employees must not permit anyone to drink alcohol outside the licensed business, including a parking lot, unless the OLCC has approved the sale or service of alcohol in the area.

***Open Containers:*** You or your employees must not permit a person to take an open container of alcoholic beverages from the licensed premises. However, the following exceptions are allowed:

- Full On-Premises and Limited On-Premises licenses: may allow a patron to remove a partially consumed bottle of wine from the license premises if the wine was served in conjunction with the patron’s meal and the patron is not a minor or visibly intoxicated.



- Winery and Grower Sales Privilege licenses: may allow a patron to remove a partially consumed bottle of wine from the license premises if the patron is not a minor or visibly intoxicated.
- Licensees selling “growlers” may allow a patron to remove the growler from the licensed premises. A “growler” is defined as a refillable, securely-covered container with a capacity of two gallons or less that contains malt beverage, wine, or cider and the malt beverage, wine, or cider has been sold to the consumer at retail.
- Full On-Premises licensee may allow cocktails (mixed drinks) and servings of wine by the drink sold to consumers for consumption **off** the licensed premises to be removed. Licensees must follow OAR 845-006-0399

**Drinking Alcoholic Beverages on Duty:** Generally, no licensee, permittee, or agent of a licensee may drink alcoholic beverages or be under the influence of intoxicants while on duty.

1. On duty:
  - a) Means from the beginning of a work shift that involves the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises, to the end of the shift including any breaks.
  - b) It also means, for those working outside a scheduled work shift, having the authority to put himself or herself on duty and performing acts on behalf of the licensee which involve the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises. Whether a person is paid or scheduled for work is not determinative of whether the person is considered “on duty.” A work shift that involves the sale and service of alcoholic beverages" includes supervising those who mix, sell or serve, check identification or control the premises.
2. Despite #1, a person may self-serve and may taste malt beverages, wine, or cider while on duty or as an agent of a licensee only under the following circumstances:
  - a) The person is not a minor.
  - b) The person is not visibly intoxicated.
  - c) The time the alcoholic beverage is consumed is between 7:00 a.m. and 2:30 a.m. on the succeeding calendar day.
  - d) The alcoholic beverage consumed is **ONLY** malt beverages, wine, or cider (consuming distilled liquor or drinks containing distilled liquor while on duty is not allowed).
  - e) The amount of alcoholic beverage consumed per serving does not exceed one ounce.
  - f) The person does not consume more than a total of six ounces of alcoholic beverages while on duty between 7:00 a.m. and 2:30 a.m. on the succeeding calendar day.
  - g) The purpose of the consumption is for educational purposes or to test the quality of the alcoholic beverage to ensure the product is not flawed or deteriorated.

**Alcoholic Beverage on the Premises:** You and your employees must not have or permit any alcoholic beverage on the licensed premises which your license does not allow you to sell or serve.



The only exception is that limited on-premises sales and brewery-public house sales licensees may have distilled spirits on the premises if the distilled spirits are used only for cooking, are kept in a container only in the food preparation area, and the container is clearly marked “for cooking only.”

**Drive-up Window:** If you are licensed to sell alcohol for off-premises consumption, you and your employees must not sell or deliver any alcohol through a drive-up window.

**Liquor as a Prize:** You or your employees must not give or permit to be given any alcoholic beverage as a prize, premium, or consideration for any lottery, contest, game of chance or skill, or any competition of any kind on the licensed premises. Charitable, fraternal or religious organizations may offer alcohol as a prize in certain specific and narrow circumstances. Call your local OLCC office for more information.

**Access to Premises:** You or your employees must not deny entrance to the licensed premises to an OLCC regulatory employee or police officer who wants to conduct a reasonable search to ensure compliance with liquor laws. Once the OLCC employee or police officer is on the licensed premises, you or your employees may not ask the OLCC employee or officer to leave until they have had an opportunity to complete their search. Examinations of premises that are or appear closed occur only when there is reason to believe a liquor law violation is occurring.

**Calling the Police:** You or your employees must not fail to call the police if an OLCC regulatory employee directs you to do so.

**Evidence:** You or your employees must not destroy, damage, alter, remove, or conceal potential evidence, or refuse to give an OLCC regulatory employee or police officer this evidence when the employee or officer lawfully requests it.

**NSF Checks:** It is a violation to pay wholesalers for your alcohol with NSF checks (“not sufficient funds,” bounced, or bad checks). It could be considered a form of “credit,” and thus financial assistance. Wholesalers are required to report NSF checks to the OLCC.

**Marijuana Use:** No licensee or permittee will permit the use, consumption, ingestion, or inhalation of marijuana items as defined in ORS 475B.015 and OAR 845-025-1015 on a premises licensed to sell or serve alcoholic beverages.

## KEEPING AN INCIDENT LOG

The OLCC encourages you to keep an Incident Log. Examples of when you should complete a log include anytime you or your employees intervene to prevent or stop patron conduct such as:

- Refusing someone alcohol service
- Cutting someone off or removing a drink
- Arranging safe transportation home for someone who appears intoxicated
- Stopping an argument, fight, or assault



- Stopping other illegal activities
- Asking a noisy patron to be quiet as they leave or drive away

Other activities to put in your log include whenever an incident is reported to the police or OLCC, whenever you receive a complaint from a neighbor, or any other time you think it necessary.

Sometimes complaints, investigations, or lawsuits do not surface until weeks, months, or years after the incident occurred. Gathering complete and accurate information immediately after an incident is one of the best ways to document how you and your employees handled the problem.

Be sure your employees are instructed on the importance of filling out incident logs. Keep completed forms in a safe place and retain them for at least 5 years.

## **DPSST CERTIFICATION REQUIREMENTS FOR SECURITY PROFESSIONALS**

Oregon law requires individuals who function primarily as security professionals to be certified by the Oregon Department of Public Safety Standards and Training (DPSST). An employee is likely considered a private security professional if his/her primary responsibility includes any of the security services described below. If these duties are performed, even if the individual is working part-time, the individual may need to be DPSST certified:

- Control of access to the premises
  - Exception: Under some conditions a person with a valid OLCC service permit may not be required to be DPSST certified. Contact the DPSST for the details.
- Observation and reporting of any unlawful activity
- Prevention of theft or misappropriation of any goods, money or other items of value
- Protection of individuals or property, including but not limited to proprietary information, from harm or misappropriation
- Taking enforcement action by lawfully detaining persons or placing persons under citizen's arrest
- Providing canine services for the purposes of guarding or detection
- Taking enforcement action by detaining or placing persons under arrest as authorized by the person's employer as part of the person's employment.

### **Types of certification**

- Unarmed Security Professional
- Armed Security Professional
- Instructor
- Alarm Monitor

### **Types of licenses**



- Executive Manager
- Supervisory Manager

### Contact the DPSST for certification

- Main website: <https://www.oregon.gov/dpsst/Pages/default.aspx>
- Private security program: <mailto:dpsst.security@dpsst.oregon.gov>
- Private security program phone 503-378-8531

### Any person applying for security professional certification must:

- Be at least 18 years of age, 21 if seeking armed certification
- Must have satisfactorily completed the training requirements as defined by law
- Demonstrate minimum standards
- Not be required to register or be registered as a sex offender
- Have no disqualifying criminal history
- Have no disqualifying history of mental illness

### Compliance

OLCC inspectors, police, and other law enforcement officers may issue citations for failure to have the necessary certification. Fines range from \$250 to \$1,500.

## WHO NEEDS TO HAVE A SERVICE PERMIT & TAKE SERVER EDUCATION

### *Who needs a service permit?*

Any person employed or used by a licensee of the commission who participates in any manner in the mixing, selling or serving of alcohol for consumption on the licensed premises is required to have a service permit. This includes managers/supervisors who oversee servers and bartenders or who also take alcoholic drink orders, hostesses who take drink orders and cashiers who ring up drink orders.

The employees who do not need service permits are those who never mix, sell, serve alcohol or manage any person that does. This could include ID checkers, security guards, bouncers, bus people who clear and set up tables, and cooks.

Licensees whose names appear on their liquor license - If your individual name appears on the liquor license *as a licensee*, you do **NOT** need to have a service permit. However, you still need to pass a server education class every 5 years.

Entities (such as corporations, LLCs, and limited partnerships) - Any member who participates in the mixing, serving or selling of alcohol for drinking on the premises, or who manages workers who do, must have a service permit.

### *Who needs to take the server education course?*



Employees – Any employee who needs a service permit and does not already have one must take and pass a server education class within **45 days** of signing the application.

Licensees whose names appear on their liquor license - If your individual name appears on the liquor license as a *licensee*, you must take and pass a server education class.

Entities (such as corporations, LLCs, and limited partnerships) – If a corporation or other business entity has its name on the liquor license, a designated person or persons must take and pass a server education class on behalf of the business entity.

### ***How do I and my employees get a service permit?***

1. ***Before*** you or your employees mix, sell, or serve alcoholic beverages, or manage any person that does mix, sell, or serve alcoholic beverages, you or your employees must obtain a temporary service permit. The online Service Permit application portal is available <https://www.oregon.gov/olcc/Pages/portalservicepermits.aspx>
2. To get a temporary service permit, you or your employee will need to create a user account, fill out the application, and submit the application online with payment.
3. To get a 5-year permit, you or your employee will need to take an alcohol server education course, upload your course proof/certificate and take the test in your OLCC user portal ***within 45 days of your application.***

### ***How may I keep track of my employees' service permits?***

You should create a service permit file where you keep copies of service permit applications that you have signed and sent to the OLCC. You should note the **45 days deadline** each employee has to pass the server education course. You should review the file regularly to make sure your employee complies with the requirement. You should also keep copies of your employees' service permits. Highlight the permit expiration date on each permit and review the file regularly to make sure that your employee renews his/her permit on time.

### ***Remember, you are responsible for the acts of your employees***

- You are responsible for your employees' performance, even before they take a server education course. You may be cited if they violate a liquor law.
- Your employees must have their service permit available for inspection any time they are working.
- The service permit is your employee's license to serve alcohol. It belongs to your employee, not to you.
- A service permit expires **5 years** from the date the service permit is issued. A service permit must be renewed every **5 years**. Renewing a service permit is the same process as applying for a new one. The server must retake server education.



## ALCOHOL SERVICE BY EMPLOYEES 18-20 YEARS OLD

If your business has a #1 minor posting, minor employees and minor service permittees are prohibited from the entire premises at all times.

In an area of a premises with a minor posting that allows minors, you may employ 18 to 20 year olds to take orders for and serve alcohol in this area provided the primary duty of the minor service permittee is food service. In the area where minors are allowed the minor service permittee may:

1. Take orders for and serve alcohol **only** in connection with food service.
2. Pour alcohol as a service to patrons at their tables.
3. Draw alcohol from the tap if the drawing is done in an area where minors are allowed.

In an area of a premises with a minor posting that prohibits minors, a minor service permittee may enter the area to perform **only** the following limited duties and may remain in the area only as long as necessary to perform these specific duties:

1. Order and pick up drinks for service in areas where minors are allowed.
2. Restock supplies.
3. Set and clear tables.
4. Deliver food (but not take food orders).

Employees 18 to 20 years old may **NOT**:

1. Mix drinks.
2. Serve drinks in the bar or lounge area.
3. Take food orders in areas prohibited to minors.

## OWNERSHIP OF YOUR BUSINESS

**Declare All Owners** – When you apply for your liquor license, you must specify the real and true names of all persons who own or have an ownership interest in the business. All persons applying as an individual must sign the application. In the case of an entity, a duly authorized officer or member must sign the application. Entities must disclose the individuals required by the OLCC. The liquor license is granted only to the persons or entities specified in the application and only for the premises designated on the application.

**Changes in Existing Ownership** – Once licensed by the OLCC, the licensee must receive Commission approval prior to being added or removed as a licensee. Each licensee will remain responsible for any violation or other resolution and shall be jointly and. Here are the most common examples of changes to existing ownership:

- Change from one or more individual owners to an entity. You must file the proper application



materials with the OLCC prior to making the change.

- Changes within an entity licensee of record.
  - You must obtain prior written approval from the OLCC whenever a person intends to acquire or accumulate ownership or control of 20% or more of the entity.
  - You must notify the OLCC immediately in writing when there has been a change in an officer, director, managing member, or other person who controls the entity.

**Ownership Interest Defined** – Ownership interest is indicated by the following behaviors, benefits, or obligations:

- a) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that exercises control over, or is entitled to exercise control over, the business.
- b) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that incurs, or is entitled to incur, debt or similar obligations on behalf of the business.
- c) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that enters into, or is entitled to enter into, a contract or similar obligations on behalf of the business.
- d) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, who sells or manufacturers alcoholic beverages at the premises or who imports alcoholic beverages to the premises or is entitled to sell or manufacture alcoholic beverages at the premises or import alcoholic beverages to the premises.
- e) Any person or entity identified as a lessee, tenant, or renter (or similar term) of the premises proposed to be licensed.
- f) Any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- g) When the applicant is an entity (like a corporation or LLC), any person or entity defined as an applicant or licensee as per OAR 845-006-0301.

**Financial Interest Defined** – In addition to denying an application because the applicant(s) or proposed operation do not qualify for a liquor license, the OLCC may deny, cancel, or suspend a license if an unlicensable person has a financial interest in the business. Examples of financial interest include:

- a) A licensee.
- b) An employee or agent who receives out-of-the-ordinary compensation. “Out-of-the-ordinary compensation” includes both over- and under- compensation.
- c) Any person who rents or leases real property to a licensee or applicant for use by the business.
- d) Any person who rents or leases personal property to a licensee or applicant for use in the business for a commercially unreasonable rate.
- e) Any person who lends money, real property or personal property to a licensee or applicant for use in the business.



- f) Any person who gives money, real property or personal property to a licensee or applicant for use in the business.
- g) A spouse or domestic partner of the licensee or license applicant. For purposes of this subsection, “domestic partners” includes adults who share the same regular and permanent address and would be financially effected by the success or failure of the business as well as adults who qualify for a “domestic partnership” as defined under ORS 106.310.
- h) Any person with any ownership of an entity who is an applicant or licensee under Commission rules.

## CHANGES IN OPERATION

The OLCC issues licenses with the understanding that you will operate your business as you proposed at the time of licensing. The OLCC may cancel, suspend, fine or refuse to renew your license if you fail to get the required approval or give the required notice.

### **Prior Approval Necessary**

OLCC 845-006-0480 (1). All OLCC licensees must receive **prior** approval from the OLCC before expanding the licensed premises to include other areas where alcoholic beverages are sold, served, made, or stored. This includes outdoor areas such as a patio or sidewalk café.

### **Notification Necessary**

The following require notification to the OLCC:

- OLCC 845-006-0480 (2). A licensee licensed to sell alcoholic beverages for on-premises consumption must notify the Commission in writing of any change to the premises or the business operation that could reasonably affect the minor posting assigned to the premises or any room or area of the premises prior to the change.
- OLCC 845-009-0075. For some licenses, when the Commission issues a license in the name of a corporation, limited partnership or business entity other than individual persons, the licensee must designate a person or persons (depending on business structure) to take the server education course and pass the exam on the licensee's behalf. The designee must have the authority to set, implement or change the licensee's practices for selling and serving alcoholic beverages. The licensee may change its designee. If the designee no longer qualifies to act on the licensee's behalf, the licensee must appoint a new designee within 20 days. The licensee must give the Commission written notification within ten days of the appointment. The new designee must take the course and pass the exam within 45 days of appointment.

## CLOSING YOUR BUSINESS

### **TEMPORARY CLOSURES (*Closing to Go on Vacation, Remodel, Etc.*)**

No notice to the OLCC is required.



## **PERMANENT CLOSURE**

If you close your business permanently, you may surrender your license. Your license is valid until it expires, whether or not you are operating **and all of the requirements are still in effect. For example, you must still maintain liquor liability insurance if your license requires it.**

To surrender your license, you must submit a request to the OLCC.

You may also request authorization to return your unsold beer and wine to your wholesalers, who *may* be willing to accept returned product. Include this request with your surrender request.

## **CLOSING FOR PRIVATE USE**

OAR 845-006-0482:

- (1) All licensees may close all or part of the licensed business for private use at any time. Licensees are responsible for following all Commission regulations even when closed for private use.
- (2) Closure for private use does not excuse a Full On-premises Sales licensee from compliance with the food service rules of the Commission.
- (3) Whenever any licensee closes the licensed premises or a part of it to the public for private use, at least one entry normally used by the public must remain unlocked to allow Commission inspectors unrestricted access.
- (4) Examples of private uses are: banquets, conferences, meetings and parties.

## **ADVERTISING**

The OLCC regulates the advertising of alcohol to encourage its moderate and responsible use, to discourage the appeal of alcohol to minors, and to minimize health and safety problems caused by the misuse of alcohol.

**Flyers** – You may not advertise alcohol through handbills, flyers, or leaflets that are posted or passed out on public property.

**Exterior Signs** – You may NOT accept free exterior signs referring to alcohol from a wholesaler or manufacturer that are larger than 2,160 square inches (approximately 3' x 5'). You may accept a sign larger than 2,160 square inches if you pay the fair market price for it.

**Coupons** – The OLCC allows manufacturers to offer **mail in rebates** and **cross promotional rebate coupons**.

**Mail in rebate coupons** must be redeemable only by mail, except that a manufacturer may offer instantly redeemable coupons for products sold to consumers under the manufacturer's retail privileges at the manufacturer's licensed premises; coupons must bear an expiration date; manufacturers must require proof of purchase; and coupons must be valid only for adults of legal drinking age.



**Cross Promotional rebate coupons** provide a discount or rebate on food, non-alcoholic beverages, or non-food items with or without the purchase of alcohol. For example, \$1.00 off tortilla chips with the purchase of a six pack of beer. Such coupons may be offered for generic or branded products (for example, store brand hot dogs or name brand hot dogs) but may not be limited exclusively to a store brand.

The OLCC allows retailers to issue **coupons on alcohol** provided that the retailer bears all costs associated with the redemption of the coupon and receives no payment from any manufacturer. Examples include rain checks, coupons that provide a discount on meals including alcohol to be consumed at the licensed premises, discount coupons for any product the retailer sells, and customer loyalty cards. Retailer issued coupons may be instantly redeemable or mail in. The retail licensee must pay for all discounts on alcohol provided under retailer issued coupons.

### **Happy Hour**

- A liquor licensed business may advertise “happy hour” or similar terms outside the licensed premises only as allowed by OLCC rule OAR 845-007-0020.
- Advertising is considered “outside the licensed premises” if the advertising is visible or audible from the outside, including advertising on a website or on a telephone answering machine recording. Responding via email or telephone to a question from a member of the public is not considered advertising and thus is allowed.

### **What is ALLOWED under the rule?**

- A business may use “happy hour” and similar terms that reference discounts on food and/or alcohol.
- A business may advertise its regular and reduced prices both inside and outside the licensed premises.

### **What is NOT ALLOWED under the rule?**

- You may not advertise reduced prices after midnight.
- You may not advertise a reduced price for the purchase of multiple drinks. Advertising drink specials in which a customer must purchase more than one drink in order to receive the special price or all you can drink for a set price is prohibited. Examples of what’s not allowed:
  - Buy One – Get One Free
  - Two-for-One Margaritas
  - \$10 Bottomless Beer
- The OLCC prohibits advertising that contains material so appealing to minors that it encourages them to purchase, possess, or drink alcohol.



## FINANCIAL ASSISTANCE

To ensure that manufacturers and wholesalers (M/W) do not monopolize alcohol sales nor unduly influence or control retailers, Oregon law strictly regulates what types of services they can offer retailers. Over the past 75 years, the laws (known as the financial assistance rules) have been gradually amended to adapt to changes in society and business. Now, under limited circumstances, M/Ws may provide certain services as part of doing business with you. The following describe these services.

To aid in interpreting the financial assistance rule, the Commission developed the following guiding principle:

### Guiding Principle

**Manufacturers and Wholesalers (M/W) may promote their products but may NOT promote a retailer's business or underwrite a retailer's business expenses.**

### **GENERAL LIMITATIONS**

The law does **not require** M/Ws to give retail licensees what is listed below; it simply **allows** them to do so if they choose.

- M/W may give or loan what's allowed for their products only.
- If a M/W provides something, they must provide it to all retailers upon request, subject to availability. However, M/W may give what's allowed based on the type of business involved (for example, a Limited On-Premises license vs. an Off-Premises license) or in proportion to the size of the account.
- M/W may not disturb or alter other M/W's products except when a retailer decides to do a general reset, in which case the retailer must first notify all M/W whose products are being moved and the retailer must move or help move the products of M/W who are not present.
- A M/W may sell or rent you items, labor, or services that they are not allowed to give you if they charge you a *reasonable fee*. A *reasonable fee* is one that at least covers the cost to the M/W for the item, labor, or service. Both you and the M/W must keep a record of the transaction.

### **ITEMS A M/W MAY GIVE A RETAIL LICENSEE**

**Alcohol samples:** Only of products you do not carry. The sample size may not exceed 1 gallon of beer, 5 liters of wine, or 50 ml of distilled spirits. Beer and wine samples must be clearly marked: "Sample - not for resale."

**Display bins or racks:** Only one per business location at any given time under these restrictions: the supplier provides no more than one bin or rack per brand name family per retailer at any given time; the cost of the display bin or rack does not exceed \$300.00 (cost = the cost to the supplier who initially purchased or produced the bin or rack); the supplier has permanently marked the bin or rack



with a brand name or trade name of the supplier's alcoholic beverage product; and the retailer uses the bin or rack to display only products from the brand name family or trade name permanently marked on the bin or rack. .

**Food and beverages:** For immediate consumption at a business meeting between you and the M/W, at a convention when the food and beverages are offered to all participants, and at a sports or entertainment event that the M/W attends with you. See next item.

**Tickets and admission fees:** To athletic or entertainment events (including green, court, and lane fees) only if the M/W accompanies you. A M/W may not pay associated costs, such as your airfare.

**Items at a convention:** As long as the items are offered to all convention participants.

**Gifts:** To acknowledge a special occasion, such as a grand opening, personal or business anniversary, death in the family, birthday, or holiday. The value of all gifts given to you by a M/W in a calendar year **may not exceed \$30** fair market value. Gifts may not include cash or anything else prohibited by these rules.

**Tavern head:** One per calendar year.

**Trade-in of a tavern head:** At fair market value as partial payment for a new one when you replace an existing draft system.

**Washers or Thomas valves:** Only those necessary for the proper operation of your draft equipment.

**Bags or shells:** New or used in sufficient quantity, for returning empty beverage containers.

## **POINT OF SALE ADVERTISING MATERIALS AND CONSUMER TAKE-AWAYS A M/W MAY GIVE YOU**

**Generic Advertising:** Only generic, off-premises references to a M/W's products that mention no specific retailer – such as radio and television commercials and billboards.

**Point of sale materials:** Items designed to be used to attract consumer attention to M/W's products. Such materials include window decorations, posters, placards, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, calendars, alcohol beverage lists or menus, display mirrors, table tents, chalk boards, thermometers, and similar items like value. Also allowed are signs (neon, electrical, mechanical, inflatable or otherwise). Items do not include fixtures, furniture, or furnishings prohibited by ORS 471.398(3) and OAR 845-013-0030.

**Consumer take-aways:** Items intended for use by the retailer's customers off the premises that provide information to the customer but do not promote the retailer's business. Only items made of paper or other similar inexpensive material are allowed to be given to the retailer such as recipes,



calendars, sports and entertainment event schedules, and informational pamphlets.

**Conditions:** A M/W may provide point of sale materials and consumer take-aways to a retailer provided the following conditions are met:

- Items must bear conspicuous and substantial advertising matter about the product or supplier that is permanently inscribed or securely affixed. The name and address of the retailer may appear on the point of sale advertising materials only.
- The M/W may not directly or indirectly pay or credit the retailer for using or distributing these items.
- Items that predominantly advertise the M/W's alcoholic beverage and a generic food items or generic words or symbols for activities are allowed.
- Beer, wine, cider, and distilled spirits lists of any products you sell, including other M/W products. A M/W may add generic food references to the list, for example, the list may say that a particular wine goes well with chicken, but it may not refer to a chicken dish on your menu.
- Exterior point of sale items given or loaned must not exceed 2,160 square inches. This includes inflatables in parking lots or other outside areas.

## ***SERVICES A M/W MAY PROVIDE TO YOU***

**Inspect draft equipment**, including coolers and cooling equipment, for sanitation and quality control.

**Make emergency repairs on draft equipment**.

**Instruct** you on the proper use, maintenance, and care of draft and cooling equipment.

**Tap kegs** during delivery calls.

**Deliver products** to a designated place on your premises.

**Inspect, rearrange, and replenish** the M/W's products.

**Price** the M/W's products. The M/W may not re-price products, including entering UPC information in your system, but the M/W may change shelf tags.

**Exchange** products delivered in error for the proper product. A M/W may exchange products that are damaged, missing labels, or near or past their shelf date for an equal amount of the identical product. If the amount exchanged is one case or less of beer, the M/W may substitute another beer of similar value. A M/W may not exchange products which you or your customers damaged.

**Rent** you picnic pumps, cold plates, tubs, refrigerated trailers, refrigerated vans, and refrigerated draft systems for a special event if a reasonable rental or service fee is charged and the rental period does not exceed 10 days.



## ***CREDIT, CASH, & DISCOUNTS***

**NSF Checks:** Not Sufficient Funds, “bounced,” or bad checks: It is a violation to pay M/W with NSF checks. It could be considered a form of “credit” and financial assistance. The M/W is required to report NSF checks to the OLCC. You must pay for all your alcohol purchases with cash or check. Credit is allowed only in the exceptions listed below.

**Beer and wine returns:** A M/W may give you cash or credit when you return beer and wine but only with the Commission’s prior written approval and only under the following circumstances:

- When you permanently close your business.
- When you temporarily close your business for more than 29 days, or you stop operating because of unforeseen circumstances, such as fire, flood, or other natural disasters.
- When you close for the season if you have a seasonal business.
- After an event at which you had a Temporary Sales License except for Full On-Premises Sales licensees
- When you exchange beer and wine as allowed under SERVICES above and the M/W has no product available. These restrictions apply:
  - A M/W may give you credit only, not cash, and that credit must apply to your next purchase.
  - The credit must be limited to the price you originally paid for the product.
  - If the credit is for more than one case, the M/W must get prior written approval from the OLCC.

Guide on the OLCC website: [Supplier accepting returns](#)

**Non-alcoholic merchandise:** A M/W may sell you non-alcoholic merchandise on credit. However, you must pay for credit purchases in full within 45 days of delivery.

**Discounts:** A M/W may NOT offer you discounts of any kind. They must charge all their retail customers the same price for any alcoholic beverage. You may not contract for delivery of alcohol more than 10 days in the future except when purchasing existing vintage-dated wines for future delivery prior to winery releases.

**Distilled Spirits Purchases:** Distilled spirits must be purchased from an Oregon liquor store. Use these steps and guidelines when purchasing distilled spirits:

- Contact a liquor store in advance to place an order. Give the store ample time to prepare the order.
- You may present a copy of your license to the liquor store as proof to receive a discount on distilled spirits purchased for use at your business.
- When you receive the order, review the contents and sign the paperwork acknowledging receipt of the contents.
- Payment for the order must be made with cash or a business check imprinted with the licensee’s business name or trade name and written for the amount of the purchase only.
- Licensees must not present checks that the bank will decline (i.e. NSF, closed account).



Licensees are placed on a “cash only” basis when OLCC receives two declined checks from the licensee within a six month period.

- Licensees are prohibited from using a debit or credit card for any purchase made at a liquor store that will be used for their business.

## ALCOHOL TASTINGS ON A RETAILER’S PREMISES WITH INVOLVEMENT BY A M/W

### Distilled Spirits

- Both distilled spirits and assistance provided by the M/W.
  - OAR 845-005-0428, under some circumstances, allows a M/W with distilled spirits approved for sale in Oregon to provide both product and assistance with distilled spirits tastings at any Full On-Premises Sales licensed premises.
- Distilled spirits provided by the Full On-Premises Sales licensee with assistance provided by a M/W.
  - OAR 845-006-0446, under some circumstances, allows a M/W to provide limited assistance with an event at any Full On-Premises Sales licensed premises.

### Malt Beverages (Beer), Wine, and Cider

- Both malt beverages, wine, and/or cider and assistance provided by the M/W.
  - OAR 845-006-0450, under some circumstances, allows a M/W to provide both product and assistance with malt beverage, wine, and cider tastings at any Full On-Premises Sales, Limited On-Premises Sales, and Off-Premises Sales licensed premises.
- Malt beverages, wine, and/or cider provided by the Full On-Premises Sales, Limited On-Premises Sales, and Brewery-Public House licensee with assistance provided by a M/W.
  - OAR 845-006-0446, under some circumstances, allows a M/W to provide limited assistance with an event at any Full On-Premises Sales, Limited On-Premises Sales, and Brewery-Public House licensed premises.

## HEARINGS

The OLCC holds two types of hearings:

**Public hearings or meetings** - Public hearings or meetings are open meetings or gatherings where the general public may comment and are not under oath. Examples are rule making hearings, where the Commission considers a proposed new rule or changes to an existing rule.

**Administrative or contested case hearings** - Administrative or contested case hearings are held for violation cases and license denials. They are not open for public comment and testimony is sworn under oath.

### **ADMINISTRATIVE or CONTESTED CASE HEARINGS**



**Violations or License Denials** - If we refuse your license request or if we issue you a ticket for violating a liquor law, you have the right to ask for a hearing. The purpose of a contested case hearing is to make a record of the facts and arguments surrounding a case. An impartial hearings officer, not employed by the OLCC, is the presiding officer. Contested case hearings are not as formal as a court proceeding, but only people asked to testify as witnesses or those who are party to the proceedings may present information or speak on the record. Testimony is under oath and must be relevant to the issues of the case.

**Representation at the hearing** – If you are licensed as a sole proprietor, you may represent yourself at the hearing or hire an attorney at your own expense. If you are licensed as an entity then you must be represented by an attorney. You or your attorney may call witnesses, make arguments and introduce evidence.

**Proposed Order** - After the hearing, the hearings officer prepares a report of the facts and makes a recommendation called a Proposed Order. If the hearing was about a violation, the proposed order may dismiss the charge, uphold the proposed penalty, or alter it. If the hearing was about a license request, the order may reverse the decision, uphold it, or alter it.

**Exceptions & Final Order** - If you object to the Proposed Order, you may file written exceptions. Your exceptions, along with the hearing officer's Proposed Order, will then be considered by the Commissioners at their monthly meeting. You and your attorney will have the opportunity to make final remarks to the Commissioners. The Commissioners may accept, reject, or modify the Proposed Order. The Commissioners will then issue their decision in a report called a Final Order.

**Link to Sanction Schedule:** [OLCC alcohol sanction schedule](#)

## RESPONSIBLE VENDOR PROGRAM

The Responsible Vendor Program is a FREE, self-monitoring program which rewards responsible licensees who take positive steps to prevent the sale and service of alcohol to minors by their employees.

Licensees in the program with all of the criteria in place at the time of a violation will not have licenses canceled or denied if any employee sells alcohol to a minor. Licensees will be eligible for reduced penalties or sanctions.

Any person holding a liquor license that authorizes the person to sell alcoholic beverages at retail may participate in the program.

- On-premises licensees must require employees to have either: **A)** an issued and valid OLCC-issued service permit before mixing, selling, or serving alcohol; or **B)** a temporary service permit before mixing, selling, or serving alcohol, and employees with a temporary service



permit must complete an OLCC-certified Alcohol Server Education course and test within 45 days of receiving their temporary permit.

- Off-Premises Sales licensees must require employees to read and sign the Off-Premises Sales Brochure before selling alcohol.
- All licensees must train employees within three days of selling alcohol, and follow other training requirements as outlined in the rule.
- House policies on alcohol sales and checking identification must be posted for employees, and each employee must read and sign your house policy.
- Signs must be permanently posted reminding patrons and employees of the legal requirements for selling alcohol.
- Licensees must have no personal Category I or II violations for the past five years, or any personally committed violations within the past year.

*Qualifying licensees will receive a certificate to display on their premises.*

INTERESTED in the program?  
Contact the Responsible Vendor Program coordinator at 503-872-5133 or 800-452-6522, ext 5133 for an application form.

## **OREGON'S BOTTLE BILL**

Oregon's Bottle Bill was introduced in 1971 as the very first bottle bill in the U.S. The bill was created to address a growing litter problem along Oregon beaches, highways and other public areas. Later it became a tool for recycling.

Water, beer and other malt beverages, carbonated soft drinks, kombucha, and hard seltzers in metal, glass, and plastic bottles and cans in sizes up to and including 3 liters have a 10-cent Oregon refund value. All other beverages (except distilled liquor, wine, dairy milk, plant-based milk, infant formula, and beverages marketed specifically as meal replacements) have a 10-cent Oregon refund value in metal, glass, and plastic bottles and cans in sizes from 4 ounces up to and including 1.5 liters. These other beverages include but are not limited to hard cider, tea, coffee, coconut water, fruit juice, vegetable juice, energy drinks, sports drinks, smoothies, and ready-to-drink cocktail mixers.

Beverages in cartons, foil pouches, drink boxes, and metal containers that require a tool to be opened are exempt no matter what the beverage is or the size of the container. All containers with a 10-cent Oregon refund value must have OR 10¢ clearly indicated on the container for it to legally be sold or offered for sale in Oregon.

Most Oregon stores that sell beverages with a refund value must accept empty beverage containers



and pay the 10-cent refund value to customers. Stores that are required to accept empty beverage containers must accept them on all days and at all hours they are open to the public. Only containers for beverages that were purchased in Oregon may legally be redeemed. Stores are not required to charge the 10-cent deposit, but they must accept empty container returns and pay out the refund value even if they do not charge a deposit.

The size and location of a store determines how many empty containers a store must accept. Large stores (5,000 or more square feet in size) within the first zone of a full-service redemption center<sup>2</sup> and that participate in the redemption center may refuse to redeem all containers (these are the only Oregon stores that do not have to accept container returns). Large stores that participate in the second zone of a full-service redemption center may limit returns to 24 containers per person per day. Large stores that are not in a zone of a full-service redemption center or are in a zone of a full-service redemption center and have been granted an exemption by the OLCC must accept at least 144 containers per person per day. Large stores within a full-service redemption center zone that do not participate in the redemption center or have not been approved for an exemption must provide equivalent services to the redemption center, including accepting up to 350 containers per person per day and implementing a bag drop-off service and an associated accounting system.

Stores of any size may partner with the Oregon Beverage Recycling Cooperative (OBRC) to become a dealer redemption center (called partner retailers on the OBRC website). Dealer redemption centers must provide a secure bag drop-off service and may limit container returns by hand count or through a self-service machine to 24 containers per person per day. Some stores have a bag drop-off service but are not dealer redemption centers. These stores must usually accept 144 containers per person per day and may only limit returns to 24 containers per person per day if they're in the second zone of a full-service redemption center.

Large stores must accept the kinds of beverages sold at the store even if that brand or size isn't sold at the store. There are five kinds of beverages covered under the Bottle Bill:

1. Water;
2. Carbonated soft drinks;
3. All other non-alcoholic beverages (excluding dairy milk and plant-based milk, infant formula, and liquid meal replacements);
4. Alcoholic beverages (excluding distilled liquor and wine); and
5. Beverages containing marijuana or hemp.

For example, if a large store sells water, soft drinks, fruit juice, and beer, it must accept all sizes and brands of containers for numbers 1, 2, 3, and 4 above, even other store brands. Number 3, all other non-alcoholic beverages, includes but is not limited to fruit juice, vegetable juice, energy drinks,

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<sup>2</sup> A full-service redemption center is a staffed facility that has received approval from OLCC to accept empty containers from consumers. Full-service redemption centers are staffed and open 7 days per week for a minimum of 10 hours per day during the summer and a minimum of 9 hours per day during the winter. They accept up to 350 containers per person per day through self-serve reverse vending machines, up to 50 containers per person per day by hand count or through a bulk-feed material recovery facility, and 15 bags per account per calendar quarter through a bag drop-off service. Locations and other information for approved full-service redemption centers can be found on OLCC's website.



sports drinks, tea, coffee, smoothies, and cocktail mixers; if a store sells any one of these ready-to-drink beverages, it must accept empties for all beverages in that category. Stores that do not hold a marijuana license may refuse to accept containers for beverages found in number 5, although it's fine to accept them.

Small stores (under 5,000 square feet in size) that are not in a full-service redemption center zone must accept at least 50 containers per person per day. Small stores cannot participate in a full-service redemption center, but if they are located within a full-service redemption center zone may limit returns to 24 containers per person per day. There is no option for a small store to refuse to accept all container returns. Small stores may limit container returns to the sizes and brands that they sell, but cannot require that those beverages be purchased at their store.

In order to legally limit returns to 24, 50, or 144 containers per person per day, a notice must be posted at the store where it is clearly visible to customers. This notice is available from the OLCC in English, Korean, and Spanish.

Stores can contact OBRC Route Operations at [ROadmin@obrc.com](mailto:ROadmin@obrc.com) to arrange for pickup of the empty containers collected at the store. OBRC will pay stores the refund value of containers it picks up. Stores cannot legally refuse to accept container returns due to a lack of storage space or because they are waiting for OBRC to provide supplies or pick up empties.

Stores with reverse vending machines or other equipment associated with container returns should contact OBRC Field Services at [FSadmin@OBRC.com](mailto:FSadmin@OBRC.com) for service.

For more information on Oregon's Bottle Bill, go to OLCC's Bottle Bill website at [https://www.oregon.gov/olcc/pages/bottle\\_bill.aspx](https://www.oregon.gov/olcc/pages/bottle_bill.aspx). You may email [OLCC.bottlebill@oregon.gov](mailto:OLCC.bottlebill@oregon.gov) to request the required OLCC notice for your store and ask questions, including checking to see if your store is within a full-service redemption center zone.

## THIRD PARTY LIABILITY

**If you sell or serve alcohol to a minor or to a visibly intoxicated person, you could be held responsible (or “liable”) for any injuries or damages that person causes. This is called “third party liability.”**

Liquor liability is commonly called “third party liability” because the lawsuit involves 3 parties:

- 1st party** = **the server and/or licensee**
- 2nd party** = **the intoxicated person/minor**
- 3rd party** = **the victim**

Third party liability lawsuits usually involve automobile accidents, but not always. Sometimes the lawsuit involves a fight or an assault.

Third party liability is a civil matter which is decided in a court of law. The OLCC does not govern or judge third party liability lawsuits.



## **When does third party liability exist?**

LIABILITY EXISTS WHEN...

**SERVERS AND LICENSEES VIOLATE THE LAW.**

To be found responsible in a third party liability lawsuit, this is what must happen:

1. You must break the law by giving alcohol to a visibly intoxicated person or to a minor.
2. The person suing you must prove by clear and convincing evidence that you gave alcohol to a visibly intoxicated person or that you knowingly gave alcohol to a minor or to a person you should have known was a minor.

Remember, licensees are responsible for the actions of their employees, so if your employee breaks the law and is sued, you could also be sued.

## **How can I protect myself from third party liability?**

If you and your employees do not sell or serve alcohol to visibly intoxicated persons or minors, you will protect yourselves from third party liability.

Your best protection against liability is to:

1. Know the law
2. Know the signs of visible intoxication
3. Not sell to or serve visibly intoxicated persons
4. Not sell to or serve minors
5. Ask anyone who appears to be 26 years old or younger for identification
6. Adopt house policies that ensure responsible alcohol use and service in your business;
7. Keep an incident log of such events as fights, disturbances, refusing service to a minor or intoxicated person, and calling the police (this will document the steps you took to handle the problem)
8. Be sure your employees know and follow these guidelines