

OREGON LIQUOR CONTROL COMMISSION

MALT BEVERAGE DELIVERY PRIVILEGE

Application for Same-Day and Next-Day Delivery to Oregon Residents



INSTRUCTIONS: Complete this form and mail it to: OLCC License Process Unit, P.O. Box 22297, Milwaukie, OR 97269-2297

Off-Premises Sales Licensees and Brewery-Public House Licensees are eligible to make same-day and next-day delivery of malt beverages to Oregon residents. Please indicate the type of license that you hold at the business location listed below:

License Type: [ ] Off-Premises Sales [ ] Brewery-Public House

Please Print or Type

Licensee: \_\_\_\_\_ Type of License: \_\_\_\_\_

Trade Name: \_\_\_\_\_

Business Location Address: \_\_\_\_\_ City/Zip Code: \_\_\_\_\_

Please note that you must receive approval from the OLCC prior to beginning the same-day delivery service. Indicate the type of delivery you intend to make from the above listed business:

[ ] Same-day delivery of malt beverages to Oregon residents [ ] Next-day delivery of malt beverages to Oregon residents

I certify that I will only make same-day delivery or next-day deliveries of malt beverages as allowed in Oregon Administrative Rule (OAR) 845-006-0396. (See rule language included with this form). I understand:

- I must keep records, for at least 18 months, of the amount of alcohol delivered to each Oregon resident.
I may deliver only malt beverages and only in manufacturer-sealed containers. A container must not hold more than 2 1/4 gallons.
I may deliver malt beverages only for personal use and only to Oregon residents who are at least 21 years old and are not visibly intoxicated.
The label must state that the package contains alcohol and that a signature of a person age 21 years or older is required for delivery.
I will use an approved for-hire carrier or, if not, I will ensure that the deliverer is at least 18 years of age. The deliverer must verify the age of the recipient, determine that the recipient is not visibly intoxicated and must keep a record of the transaction by recording the date and time of delivery, the name of the deliverer and the name signature and delivery address of the recipient.
I may only make a same-day delivery if I receive the order by 4:00 pm. I cannot make a same-day delivery after 9:00 pm. I understand that the following quantity limits apply to a same-day delivery:
I may deliver unlimited amounts of malt beverages if I receive the order before 9:00 am.
If I receive an order between 9:00 am and 4:00 pm, I cannot deliver more than 5 gallons of malt beverages to a resident per day, unless alcoholic beverages are 25% or less of the total retail cost of the order (at least 75% of the order must be other items.)

I understand I may be sanctioned if I or my employees do not follow the rules for same-day or next-day delivery of malt beverages to Oregon Residents. The sanction could include prohibiting me from making further deliveries.

Licensee Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

OLCC USE ONLY License Number: \_\_\_\_\_ Premises Number: \_\_\_\_\_ Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**845-006-0396**

**Requirements for Same-Day and Next-Day Retail Delivery of Malt Beverages to a Resident of Oregon**

This rule sets the requirements for same-day and next-day delivery of malt beverages to a resident of Oregon. A licensee must be approved by the Commission under OAR 845-005-0420 in order to provide same-day delivery of malt beverages.

(1) A licensee qualified to make same-day or next-day delivery of malt beverages under OAR 845-005-0420 must ship:

- (a) Only malt beverages and only in a manufacturer-sealed container. A container must not hold more than two and one-quarter gallons;
- (b) Only to a resident of Oregon who is at least 21 years of age and only if the malt beverage is for personal use and not for the purpose of resale;
- (c) Only for delivery to a resident who is not visibly intoxicated at the time of receiving the alcohol;
- (d) The malt beverage in a package that is conspicuously labeled with the words "Contains alcohol: signature of person age 21 years or older required for delivery" or similar language approved by the Commission;
- (e) Only pursuant to an order for the malt beverage that is received by the licensee prior to shipment of the alcohol;
- (f) Only for next-day delivery unless the licensee has been approved for same-day delivery by the Commission; and
- (g) Only to a home or business where the home or business has a permanent street address.

(2) A licensee must retain a record for a minimum of eighteen months of the amount of alcohol contained in the shipment to the resident.

(3) If the licensee ships via a for-hire carrier, in addition to complying with sections (1) and (2) of this rule, the licensee must use a for-hire carrier with a plan approved by the Commission under OAR 845-005-0424.

(4) If the licensee does not use a for-hire carrier, in addition to complying with sections (1) and (2) of this rule, the person delivering the malt beverage must:

- (a) Be age 18 or over;
- (b) Verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;
- (c) Determine that the person receiving the alcohol is not visibly intoxicated; and
- (d) Collect information that must be retained by the licensee for a minimum of eighteen months from the date of delivery of the alcohol to the resident. The information may be collected and retained electronically (if the licensee so chooses) and must include:
  - (A) The date and time the alcohol was delivered to the resident;
  - (B) The name or information which can be used to determine the name of the person delivering the alcohol to the resident; and
  - (C) The name, signature, and delivery address of the person receiving the alcohol.

(5) Same-day delivery. If the licensee is approved to make same-day delivery of malt beverages, in addition to complying with sections (1), (2), and either (3) or (4) of this rule, the licensee must:

- (a) Receive the order from the resident no later than 4:00 pm on the day the order is delivered, ensure that the malt beverage is delivered before 9:00 pm, and deliver not more than a total of five gallons of malt beverage per day to a resident of Oregon; or
- (b) Receive the order from the resident no later than 4:00 pm on the day the order is delivered, ensure that the malt beverage is delivered before 9:00 pm, and may deliver an unlimited amount of malt beverage if the alcohol accounts for no more than 25 percent of the retail cost of the order (at least 75 percent of the retail cost of the order must be items other than alcohol); or
- (c) Receive the order from the resident no later than 9:00 am on the day the order is delivered, ensure that the malt beverage is delivered before 9:00 pm, and may deliver an unlimited amount of malt beverage.

(6) Sanction. A violation of any section of this rule is a Category III violation.

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.305

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 7-2003(Temp), f. & cert. ef. 5-20-03 thru 11-16-03; OLCC 12-2003, f. 9-23-03, cert. ef. 11-1-03; OLCC 23-2007(Temp), f. 12-14-07, cert. ef. 1-1-08 thru 6-28-08; OLCC 6-2008(Temp), f. & cert. ef. 4-18-08 thru 6-28-08; OLCC 8-2008, f. 6-12-08, cert. ef. 6-29-08