



**A GUIDE TO
MANUFACTURING AND WHOLESALING
DISTILLED SPIRITS IN OREGON**

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BECOME AN OREGON DISTILLERY LICENSEE

You want to do one or more of the following in Oregon:

- **MANUFACTURE** (distill, rectify, blend, denature, or otherwise produce) distilled spirits in Oregon.

[Note: Oregon law, ORS 471.403(1), doesn't allow for an exception to this license requirement.]

- **IMPORT** distilled spirits from a location outside of Oregon directly to a location inside of Oregon **and** where that location inside of Oregon is other than the OLCC.

[Note: you don't need an Oregon Distillery license if your product is imported into Oregon directly to the OLCC.]

- **STORE** distilled spirits in Oregon with intent to use in the manufacturing process or to sell.

[Note: you don't need an Oregon Distillery license if you are storing distilled spirits for personal use, such as for consumption in the home, or if you hold a Full On-Premises Sales license issued under ORS 471.175 and the alcohol is stored at your licensed premises.]

To manufacture, import, or store in Oregon (as described above) you will need **both** of the following:

1. A Distillery Permit issued by the Federal Tax and Trade Bureau. Go to www.ttb.gov.
2. An Oregon Distillery license issued by the Oregon Liquor Control Commission (OLCC). Go to the OLCC's web site at www.oregon.gov/olcc and:
 - Under "Get a Liquor License" read the "Application Guide and Supplements" at:
http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/license_application_guide_2009.pdf
 - Under "Get a Liquor License" read the supplement for "Winery, Brewery, and Distillery Licenses" at:
http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/winery_brewery_and_distillery_licenses_12_2007.pdf
 - If you have questions after you've read the guides, call 503-872-5217.

Once you have an Oregon Distillery license and a federal permit you can manufacture, import, and store distilled spirits in Oregon.

EXCEPTIONS

If one of the following exceptions applies you will not need an Oregon Distillery license; however, you may still need a federal permit:

- As per ORS 471.230(1), any agricultural producer, or association of agricultural producers, or legal agents thereof who manufacture and convert agriculture surpluses, by-products, and wastes into denatured ethyl and industrial alcohol for use in the arts and industry may do so in Oregon without obtaining an Oregon Distillery license from the OLCC. ORS 471.230 is available at: <http://www.leg.state.or.us/ors/471.html>
- Alcohol produced for fuel and complies with OAR 845-004-0100 .
 - You must furnish information to, and receive approval from, the OLCC prior to conducting this activity in Oregon.
 - Call the OLCC Distilled Spirits Program Support at 503-872-5034.
- Grain and ethyl alcohol imported into Oregon for scientific, pharmaceutical, manufacturing, mechanical, and industrial purposes; and complies with OAR 845-004-0101.
 - You must furnish information to, and receive approval from, the OLCC prior to conducting this activity in Oregon.
 - Call the OLCC Distilled Spirits Program Support at 503-872-5034.
- The purchase of grain and ethyl alcohol for scientific, pharmaceutical, manufacturing, mechanical, and industrial purposes; and to purchase such grain and ethyl alcohol from an Oregon Distillery licensee; and complies with OAR 845-004-0105.
 - You must furnish information to, and receive approval from, the OLCC prior to conducting this activity in Oregon.
 - Call the OLCC Distilled Spirits Program Support at 503-872-5034.

OAR 845-004-0100, 845-004-0101, and 845-004-0105 are available at: http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_004.html

HAVE YOUR PRODUCT IN OREGON RETAIL LIQUOR STORES

- If you want to have your product available in Oregon Retail Liquor Stores you must first obtain approval from the OLCC.
 - If you are already an Oregon Distillery licensee, or are in the process of becoming an Oregon Distillery licensee, the process of having your product

available in Oregon Retail Liquor Stores is in addition to obtaining an Oregon Distillery license.

- To start the process of getting your product approved by the OLCC call the OLCC Purchasing Division at 503-872-5019.

PROVIDE TASTINGS ON YOUR ANNUALLY LICENSED PREMISES

- If you are an Oregon Distillery licensee, you can qualify to provide tastings of your product to consumers and industry on your annually licensed distillery premises, or a second location which is owned or leased by you, or both.
 - You must apply and receive approval from the OLCC prior to providing this service. There is no fee.
 - Obtain the “Distillery Tasting Privilege” application form on the OLCC’s web site at www.oregon.gov/olcc under “Get a Liquor License” and then under “Licensing Forms”
http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/distillery_tasting_application_webform_09_09.pdf
 - To obtain approval you must follow OAR 845-005-0431. Completing and submitting the “Distillery Tasting Privilege” application form will help you meet this requirement.
 - Once you are approved, you must follow OAR 845-006-0452. This rule is printed on page two of the “Distillery Tasting Privilege” form. Requirements include: tastings are allowed only in an identified tasting area approved by the OLCC; a tasting to the general public can be no more than ½ ounce in a single container and no more than a total of 2 ½ ounces per person per day; a tasting to a trade visitor can be no more than 1 ounce in a single container with no daily limit; and servers must have a valid Oregon service permit.
 - OAR 845-005-0431 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_005.html
 - OAR 845-006-0452 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_006.html
- If you are not an Oregon Distillery licensee, you can’t qualify for this privilege.

HAVE YOUR PRODUCT FOR SALE DIRECTLY TO RETAIL CONSUMERS

- If you are an Oregon Distillery licensee, you can qualify to have factory-sealed containers of your product available for sale directly to retail consumers visiting your annually licensed distillery premises; a second location that is owned or leased by you; or both.

- You must identify the retail outlet area on your premises (and the retail outlet must be separate from the production area).
 - You must first be approved by the OLCC to provide tastings of your product to consumers and industry on your annually licensed distillery premises, or a second location which is owned or leased by you, or both.
 - You can't sell to Oregon retail licensees from this retail outlet.
 - To start the process of getting approved as a Distillery Retail Outlet Agent, call the OLCC Retail Services Division at 503-872-5020.
- If you are not an Oregon Distillery licensee, you can't qualify for this privilege.

OBTAIN A SPECIAL LICENSE TO PROVIDE TASTINGS AT TEMPORARY EVENTS

- If you are an Oregon Distillery licensee, you can qualify to obtain a special license, called a "Special Events Distillery" (SED), to provide tastings of your product to consumers and industry at temporary special events such as wine shows, fairs, festivals, fund-raising events, etc. where the location is other than your annually licensed premises or a second location which is owned or leased by you.
 - The qualifications and requirements are in OAR 845-005-0413. This rule is available at: http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_005.html
 - You must apply and receive approval from the OLCC prior to each temporary special event. There is a \$10 per license day fee.
 - The SED application form is on the OLCC's web site at www.oregon.gov/olcc and then under "Get a Liquor License" then under "Special Events Licensing – Applications, Guides and Forms" http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/sed_app_form.pdf
- If you are not an Oregon Distillery licensee, you can't qualify for this privilege.

PROVIDE TASTINGS AT A FULL ON-PREMISES SALES LICENSE

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may participate in distilled spirits educational seminars and sample tasting events on the premises of a Full On-Premises Sales licensee.
 - The event must be sponsored by the Full On-Premises Sales licensee and be held on the Full On-Premises Sales licensee's annually (not temporarily) licensed premises.

- You do not need to fill out an application or pay a fee, but you must follow the requirements in OAR 845-005-0428, sections (1) – (7). Important requirements include: tastings are permitted only in an area prohibited to minors; all servers must have valid Oregon service permits; and sample tastings are limited to two free samples of one-quarter ounce each per customer per tasting session or one free sample of no more than one-half ounce per customer per tasting session.
- OAR 845-005-0428 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_005.html

ASSIST WITH PROMOTIONAL DINNER EVENTS

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may assist a Full On-Premises Sales licensee with promotional dinner events.
 - The event must be sponsored by the Full On-Premises Sales licensee and be held on the Full On-Premises Sales licensee's annually (not temporarily) licensed premises.
 - You do not need to fill out an application or pay a fee, but you must follow the requirements in OAR 845-005-0428, section (8). Requirements include: you may not provide any distilled spirits product for the event.
 - OAR 845-005-0428 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_005.html

PROVIDE TASTINGS IN AN OREGON RETAIL LIQUOR STORE

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may provide tastings of product to consumers in an Oregon Retail Liquor Store.
 - You do not need to fill out an application or pay a fee, but you must follow the requirements in OAR 845-015-0155. Important requirements include: a tasting can be no more than one-quarter ounce in a single container and no more than a total of one-half ounce per person per day; the product provided for sample tastings must be available for sale at the retail liquor store at the time of the tasting; tastings are allowed only in an identified tasting area approved by the OLCC; and servers must have valid Oregon service permits.
 - OAR 845-015-0155 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_015.html

OFFER SAMPLES OF YOUR PRODUCT TO RETAIL SALES AGENTS

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may offer samples of product to Retail Sales Agents.
 - You do not need to fill out an application or pay a fee, but you must follow the requirements in OAR 845-015-0180. Important requirements include: providing not more than four 50 ml factory-sealed containers of distilled spirits one time per brand and the sample must be an OLCC approved brand.
 - OAR 845-015-0180 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_015.html

PROVIDE TASTINGS AND SAMPLES OF YOUR PRODUCT TO INDUSTRY

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may provide tastings and samples of product to industry.
 - Tastings are allowed when the event is open only to industry (in other words, the event is closed to the general public).
 - For an Oregon Distillery licensee, the tastings and samples allowed under this privilege are in addition to both: 1) the tastings and samples that are open to both the general public and the industry at your annually licensed distillery premises, or a second location which is owned or leased by you, or both; and 2) the tastings and samples at a location where you have a temporary special event license for the event.
 - You do not need to fill out an application or pay a fee, but you must follow the requirements in:
 - OAR 845-005-0428(10) and OAR 845-013-0060(2)(d)(C): you may give sample tastings to participants at a retailer educational seminar that is not open to the public; however, a sample tasting may not exceed one-quarter ounce of alcohol per sample tasting by measured pour; and
 - OAR 845-006-0353(3), OAR 845-006-0370(5), and OAR 845-013-0060(2)(d)(A): you may give samples and tastings to Full On-Premises Sales licensees and their representatives; however, the samples and tastings must be of a product that the licensee doesn't carry, each tasting doesn't exceed one-quarter ounce by measured pour, a sample must be in a factory-sealed container which does not exceed 50 ml, and the Full On-Premises Sales licensee can't sell the samples or serve, give, or offer them to a patron.

- Product provided by an Oregon Distillery licensee must be approved for sale in Oregon.
- Product provided by a manufacturer or wholesaler of distilled spirits who is not an Oregon Distillery licensee must be approved for sale in Oregon and be obtained through the OLCC. To obtain the product from the OLCC, call 503-872-5019.
- OAR 845-005-0428 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_005.html
- OAR 845-006-0353 and 845-006-0370 are available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_006.html
- OAR 845-013-0060 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_013.html

OBTAIN A FULL ON-PREMISES SALES LICENSE FROM THE OLCC

- An Oregon Distillery licensee may qualify to obtain a Full On-Premises Sales license from the OLCC (which allows the sale and service of distilled spirits by the drink).
 - You must apply and receive a Full On-Premises Sales license from the OLCC prior to providing this service. There is an annual license fee.
 - You must provide the required food service at all times.
 - Go to the OLCC's web site at www.oregon.gov/olcc and under "Get a Liquor License" read the "Application Guide and Supplements" at:
http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/license_application_guide_2009.pdf
 - Under "Get a Liquor License" read the supplement for "Full and Limited On-Premises Commercial Licenses" at:
http://www.oregon.gov/OLCC/docs/liquor_license_and_license_process/full_and_limited_on-premises_commercial_licenses_rev_04_2009.pdf
 - If you have questions after you've read the guides, call 503-872-5217.
- If you are not an Oregon Distillery licensee, you can't qualify for this privilege.

PROVIDE PRODUCTS & SERVICES TO A NONPROFIT TSL LICENSEE

- All manufacturers and wholesalers of distilled spirits with products approved for sale in Oregon (and representatives, employees, contractors, and agents of the manufacturers and wholesalers) may provide products and services to an entity with a Temporary Sales License (TSL) registered as a nonprofit in Oregon. A TSL licensee can sell and serve distilled spirits by the drink for consumption on the special event licensed premises; however, no containers of distilled spirits, open or sealed, are allowed to be removed from the special event licensed premises.

- IMPORTANT NOTE: If the TSL applicant/licensee is not a nonprofit registered as such in Oregon, you can provide only very limited assistance to this applicant/licensee. See the Division 13 rules at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_013.html
- Factory-sealed containers of distilled spirits may be provided to the nonprofit TSL licensee for free.
- Product provided by an Oregon Distillery licensee must be approved for sale in Oregon.
- Product provided by a manufacturer or wholesaler of distilled spirits who is not an Oregon Distillery licensee must be approved for sale in Oregon and be obtained through the OLCC. To obtain the product from the OLCC, call 503-872-5019.
- You do not need to fill out an application or pay a fee, but you must follow the requirements in OAR 845-013-0090. An important requirement to remember is that any person representing a manufacturer or wholesaler of distilled spirits wanting to sell or serve alcohol at a nonprofit TSL event must have either a valid Oregon service permit or have passed an Oregon alcohol server education class within the five years previous to the date of the event.
- OAR 845-013-0090 is available at:
http://arcweb.sos.state.or.us/rules/OARS_800/OAR_845/845_013.html

OREGON REVISED STATUTES (ORS) AND OREGON ADMINISTRATIVE RULES (OAR)

This document provides information and links to some of the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) used by the OLCC; however, all statutes and rules are available on the OLCC's web site at www.oregon.gov/olcc.