For your information

The Oregon Liquor Control Commission has:

Amended X Adopted Repealed

OAR 845-006-0446

Effective: April 1, 2016

Note: Bold and underlined = new text; strikethrough and italics = deleted text

845-006-0446

Promotional Events at a Retailer Licensed Premises Involving Suppliers

(1) Definitions. For the purposes of this rule:

(a) “Retailer Licensed Premises” means a premises licensed with a full on-premises sales issued under ORS 471.175, limited on-premises sales issued under ORS 471.178, or brewery-public house licensed issued under ORS 471.200.

(b) “Supplier” means a Winery, Grower Sales Privilege, Brewery, Brewery-Public House, Warehouse, and Distillery licensee. It also means an Oregon Certificate of Approval (CERA) holder and an Oregon Certificate of Approval Distillery (CERD) but only for the product for which it holds the certificate. Further, a supplier does not mean an Oregon Wholesale Malt Beverage and Wine licensee; however, a Wholesale Malt Beverage and Wine licensee may represent a CERA holder.

(c) “Promotional Event” means an event sponsored by a retailer at a retailer licensed premises where the retailer accepts assistance as per section (3) of this rule from one or more suppliers. Examples include winemaker dinners, food and alcohol pairings, and product releases.

(2) Retail Licensee Responsibilities. The retail licensee is responsible for:

(a) All sale and service of alcohol at the event.

(b) Ensuring that a supplier who serves alcoholic beverages at the event has a valid Oregon service permit.
(c) **Ensuring that the supplier does not compensate the retailer or any employee or agent of the retailer to participate in any event as described in this section.**

(d) **Ensuring that the supplier does not donate alcohol or sell alcohol at a discount to the retail licensee and the retail licensee does not accept donated alcohol or discounted alcohol from a supplier (the retail licensee must obtain the alcohol from a retail sales agent of the Commission or a supplier authorized to sell alcohol directly to retail licensees of the Commission).**

(e) **Meeting all applicable food service requirements.**

(3) **Supplier Assistance.** OAR 845-013-0001 to 845-013-0110 apply to these events; however, at these events a supplier may provide to a retailer and a retailer may accept from a supplier:

(a) **Education to patrons and staff.**

(b) **Staff or agents of the supplier to serve alcoholic beverages for the products it represents provided the server has a valid Oregon service permit.**

(4) **Record Keeping.** The retail licensee must keep a record of each event it sponsors, including the date and location of each event, the products served, and the names of suppliers. Records of events must be retained for at least one year from the date of the event.

(5) **Advertising.** The retailer may advertise these events. The supplier may advertise these events as allowed in OAR 845-013-0040.

(6) **Number of Promotional Events.** A supplier may be in each retail premises no more than 12 days per calendar year for the purpose of a promotional event.

(7) **This rule does not apply to items or services a supplier provides under OAR 845-013-0090 to a nonprofit or governmental temporary sales licensee as described in OAR 845-013-0090(4)(a).**

(8) **Violation of sections (2) through (4) of this rule are Category III violations.**

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.730(1) & (5)  
Stats. Implemented: ORS 471.398 & 471.400