



Drinks to-go for Full On-Premises Licensees

FAQs (7/21/2021)

This document provides information about Drinks to-go for Full On-Premises Licensees. This document will be updated regularly as policies change and new information or clarification is needed, so check back for updates regularly. **Updates will be highlighted.**

- **What is going on with “drinks to-go”?**
 - On June 11, 2021, the Oregon Legislature passed [SB 317](#) which permanently enables Full-On-Premises Sales licensees to sell mixed drinks and single servings of wine for off-premises consumption and delivery. This includes selling mixed drinks and wine for takeout from the licensed premises or for curbside or home delivery.
 - All sales must include a “substantial food item”.
 - For more information see: <https://www.oregon.gov/olcc/Pages/drinks-to-go.aspx>

- **What is a “drink to-go”?**
 - A “drink-to-go” is a mixed drink or a serving of wine sold by a Full On-Premises Sales licensee under the framework established by [SB 317](#) and [OAR 845-006-0399](#).
 - **“Mixed drink”** means a beverage that is combined on a licensed premises and sold in a sealed container for consumption off of the licensed premises and is:
 - A drink where the principal alcoholic liquor is distilled liquor and one or more mixers, and contains no more than three ounces of distilled liquor; or
 - A drink where the principal alcoholic liquor is wine combined with one or more mixers or distilled liquor that contains no more than six ounces of liquid.
 - “Mixer” means malt beverages, wine, cider or non-alcoholic ingredients.
 - A mixed drink DOES NOT include a drink where the principal alcoholic liquor is malt beverage (beer).
 - **“Serving of wine”** means a container holding six ounces or less of wine with no mixer and no distilled liquor.

- **May I put more than one drink-to-go in a single sealed container?**
 - No. Each drink-to-go (mixed drink or serving of wine) must be in its own sealed container. This means no “doubles” in a single sealed container.

- **Do the “mixers” need to be in the sealed container with the distilled liquor or wine in order to qualify as a “mixed drink?”**
 - Yes. In order for a drink to qualify as a mixed drink, the sealed container must include one or more mixers with the wine or distilled liquor at the time the container is removed from the licensed premises for off-premises consumption or delivery. Distilled liquor may not be sold in “straight shots” or “neat” for off premises consumption or delivery.

- **Do ice cubes qualify as mixers?**
 - Yes.

- **What is a substantial food item?**
 - “Substantial food item” means a food item prepared or cooked on the licensed premises and that are typically served as a main course or entrée.

- Some examples could include but are not limited to items such as fish, steak, chicken, pasta, pizza, sandwiches, dinner salads, hot dogs, soup and sausages.
- Side dishes, appetizer items, dessert items, and snack items such as popcorn, peanuts, chips and crackers **do not qualify** as substantial food items.
- **What qualifies as a sealed container?**
 - A sealed container means a container with a secure cap or lid that completely covers the opening for the container and a seal designed to make it evident when the seal has been removed or broken. The seal is affixed to the container by the licensee after the container is filled pursuant to a consumer order for the mixed drink. This may include the use tape or other adhesive.
 - For more information see:
 - [What You Need to Know About Drinks To-Go - Infographic](#)
 - [Drinks To-Go - What Can Go: A Visual Guide to Container Sizes - Infographic](#)
- **Is there a limit on the number of substantial food items and drinks I can sell? (ex. 10 food items w/ 20 drinks?)**
 - There is no cap on the number of substantial food items and drinks to-go that can be sold by a licensee, however, the drink order must be limited to two mixed drinks or servings of wine per substantial food item.
- **Is it possible for a patron to purchase the drink(s) to go from one business and the required substantial food item from another business such as a neighboring business?**
 - No, the mixed drink must be accompanied by a substantial food item that was prepared or cooked on the licensed premises that is selling the alcohol.
- **Can I fill and seal a mixed drink or serving of wine to go before I receive an order for the drink?**
 - No. A container with a mixed drink or wine may only be filled pursuant to an order for the drink by a consumer. An order may occur in person on the licensed premises or remotely such as through a licensee’s own website or mobile application or a third party platform.
- **I have a bunch of empty distilled spirit containers and wine bottles. Can I use those to put to-go mixed drinks in for customers? They can be sealed and otherwise are just going to waste.**
 - Under 26 U.S.C 5301 and 27 CFR 31.201 it is federally prohibited to place any distilled spirits whatsoever in any manufacturer-sealed liquor bottle other than those distilled spirits that were placed in the bottle at the time of tax determination.
- **Can I charge a deposit on containers?**
 - Yes, however, this is a business decision that a licensee may or may not choose to implement and the container would not be redeemable via the bottle bill program.
- **Can I “pre-batch” mixed drinks so that I have a stock on hand when an order comes in?**
 - Yes. Licensees may mix together the ingredients for mixed drinks in a large batch. However, the mixed drinks may not be poured into the individual drink containers and sealed until after the licensee receives an order for the drink. Pre-filling a drink to go before an order is received is considered a manufacturing privilege. Retailers, including Full On-Premises Sales licensees do not have this privilege. If you have more questions about pre-mixing cocktails, contact the Alcohol Tobacco Tax and Trade Bureau to determine what is allowed.

- **Where must I post the open container law notice?**
 - The notice must be prominently displayed on the premises and present in whatever manner is necessary to ensure that the consumer purchasing, or a delivery person transporting such beverages is given notice of this warning.
 - To download a printable version, please visit: <https://www.oregon.gov/olcc/Pages/drinks-to-go.aspx>
- **When is a service permit required?**
 - A service permit is required for any staff who participate in the mixing or selling of the drink to-go. Selling includes accepting an order or payment for the drink-to-go.
- **Where can I go to get more information about how to properly check ID?**
 - https://www.oregon.gov/olcc/docs/publications/checking_id_routine.pdf
- **What is the penalty for selling or delivering alcohol to a minor?**
 - Selling or delivering alcohol to a minor is a crime and may result in the individual who sold or delivered the alcohol receiving a criminal citation. If the individual who sold or delivered alcohol to a minor holds a service permit, they may receive a civil penalty or suspension of their service permit.

Delivering Drinks to-go

- **Do delivery drivers need a service permit?**
 - A service permit is not required for delivery drivers as long as the individual did not participate in the mixing or selling of the drink to-go. However, companies offering this service must be approved For-Hire-Carriers.
- **What are the requirements for delivery people?**
 - Licensees and their staff must follow the requirements in OAR 845-006-0399 (5)
 - For-hire carriers must follow OAR 845-005-0424. For more information about deliveries by For-Hire Carriers, see [Quick Reference: Approved For-Hire Carriers](#).
- **What if the person at the door does not have ID and looks under 26? Can I deliver the mixed drinks?**
 - Verification of age is required for all individuals who reasonably appear under the age of 26. The individual delivering the alcohol must verify the person's age as required by ORS 471.130. That means accepting only the following forms of identification:
 - https://www.oregon.gov/olcc/docs/publications/Acceptable_ID_Alcohol_English.pdf
- **Can I provide a straw if the container is sealed?**
 - No. Licensees should refrain from any activity that may encourage customers to consume any drinks before they arrive at a residence. Further, licensees must ensure they are meeting the requirements of a sealed container.
- **What if the customer is intoxicated at time of delivery?**
 - It is unlawful to provide alcohol to a visibly intoxicated person. If the customer appears visibly intoxicated you must not complete the delivery. Providing alcohol to a visibly intoxicated person may result in a criminal citation to the person providing the alcohol. If the delivery person has a service permit, they may receive a civil penalty or suspension of their service permit.

- **Can I sell drinks to go if I hold a Limited On-Premises Sales license?**
 - No. Only licensees with a Full On-Premises Sales license may sell drinks-to-go.
- **I hold a Limited On-Premises Sales license (L), how can I obtain a Full-On Premises License so I can sell drinks-to-go?**
 - You can find information on how to apply for a Full On-Premises License by visiting:
https://www.oregon.gov/olcc/lic/Pages/full_on_premises_license.aspx
- **Can a drink (i.e. cocktail or glass of wine) be partially consumed on the licensed premises and then sealed and provided to a patron to take home?**
 - No. A drink to-go must be filled and sealed at the time of purchase.
- **Can I sell a canned cocktail with distilled liquor to-go?**
 - If the canned cocktail contains distilled liquor and is a product that is manufacturer-sealed, then it cannot be sold by a Full On- Premises license as a mixed drink to-go. In order to qualify as a mixed drink to-go, the drink must be a combination of distilled liquor and one or more mixers that is combined on a licensed premises and then filled and sealed at the time of purchase.
- **Can I sell a drink to go for delivery to a consumer in another state?**
 - No, deliveries may only be made to residents of Oregon.
 - Licensees may sell drinks to go at the licensed premises or curbside to any consumer regardless of where the consumer resides.
- **If a licensee wants to use a Third-Party Platform (TPP) to facilitate orders for mixed drinks, does the TPP need to have the ability to also accept orders for food?**
 - Yes, a drink to-go may only be sold in conjunction with the purchase of a substantial food item, therefore, any TPP involved in the purchase would also need to accept food orders.
- **If a licensee wants to use a For-Hire Carrier (FHC) to deliver mixed drinks on its behalf, does the FHC have to deliver food items as well?**
 - Yes, drinks to-go must only be sold in conjunction with the purchase of a substantial food item. Therefore, any For-Hire Carrier involved in the delivery must also be willing to deliver food.
- **How do I become a “For-Hire Carrier” (FHC)?**
 - Please see:
https://www.oregon.gov/olcc/docs/liquor_license_and_license_process/for_hire_carrier_application_deliver_malt_beverages_wine_cider.pdf
- **Do I need to collect a signature at the time of delivery?**
 - Beginning September 1, 2021, OLCC will resume enforcing the requirement for

licensees or for-hire carriers to collect a signature from the recipient for alcohol at the time of delivery.

- **What is a “label” for the purposes of delivery?**
 - The drink is in a sealed container that is conspicuously labeled with the words **“Contains alcohol:deliver only to a person age 21 years or older”** or similar language approved by the Commission.This message may be directly on the sealed container, within the packaging holding the drink, or accompanying the drink.
 - Examples that meet this labeling requirement include but are not limited to a card, adhesive label or notice, or other medium approved by the Commission.