

For your information

The Oregon Liquor Control Commission has:

Amended
 Adopted
 Suspended

OAR 845-005-0417
PERMANENT

Effective Date: October 14, 2020

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

845-005-0417

Qualifications for Direct ~~Shipment and Retail~~ Delivery of Malt Beverages, Wine, or Cider to a Resident of Oregon

ORS 471.282 allows a person with a Direct Shipper Permit to sell and deliver malt beverages, wine or cider directly to a resident of Oregon who is at least 21 years of age. 471.186 allows an off-premises sales licensee to deliver malt beverages, wine and cider to a resident of Oregon who is at least 21 years of age.

(1) A Direct Shipper Permit allows the delivery of only the type of alcohol allowed by the license that authorizes the person to hold a Direct Shipper Permit. Only the following persons may qualify for a Direct Shipper Permit:

(a) A person holding a brewery-public house license issued under ORS 471.200, a brewery license issued under ORS 471.220, a winery license issued under ORS 471.223, or a grower sales privilege license issued under 471.227. These licenses are issued with a Direct Shipper Permit.

(b) A person holding a temporary sales license issued under ORS 471.190 that is also a nonprofit trade association and that has a membership primarily composed of persons holding winery licenses issued under 471.223 and grower sales privilege licenses issued under 471.227.

(c) A person holding a license issued by another state within the United States that authorizes the manufacture of malt beverages, wine, or cider. The person in the other state may deliver malt beverages only if that state allows Oregon licensees to deliver malt beverages directly to a resident of that state.

(d) A person holding a license issued by another state within the United States that authorizes the sale of wine or cider produced only from grapes or other fruit grown under the control of the licensee.

(e) A person holding a license issued by another state within the United States that authorizes the sale of malt beverages, wine, or cider at retail for consumption off the licensed premises. The person in the other state may deliver malt beverages only if that state allows Oregon licensees to deliver malt beverages directly to a resident of that state.

(2) Application for a Direct Shipper Permit. A person described under subsections (1)(b)–(e) of this rule must make application to the Commission and receive a Direct Shipper Permit from the Commission before shipping any malt beverages, wine or cider directly to a resident of Oregon. Applicants must apply in writing using the forms provided by the Commission and submit the required fee. The Commission may require additional forms, documents, or information as part of the application. The Commission may refuse to process any application that is not complete or not accompanied by the documents or disclosures required by the form or the Commission.

(3) The Commission may revoke or refuse to issue or renew a Direct Shipper Permit if the permit holder or applicant fails to qualify for the permit under this rule or a refusal basis applies under ORS Chapter 471 or any other rule of the Commission and good cause does not overcome the refusal basis.

(4) A Direct Shipper Permit issued under subsections (1)(c)–(e) of this rule must be renewed annually.

(a) If the person holds the permit based on a license issued by another state, the permit may be renewed by applying in writing using the forms provided by the Commission and submitting the required fee. The Commission may require additional forms, documents, or information as part of the application.

(b) If the person holds the permit based on an annual license issued by this state, the permit may be renewed at the same time that the license is renewed.

~~(5) Same-Day and Next-Day Delivery.~~

~~(a) The privileges of both next day and same-day delivery of malt beverages, wine, and cider to a resident of Oregon is are included with a Direct Shipper Permit and an off-premises sales license.~~

~~(b) A person who holds, or is applying for, a Direct Shipper Permit or an off-premises sales license issued by the Commission who intends to provide the service of same-day delivery of malt beverages, wine, or cider to a resident of Oregon must make application to the Commission upon forms to be furnished by the Commission and receive approval from the Commission prior to beginning the same-day delivery service. The application for same-day delivery approval shall include a statement that the person~~

(5) Delivery. Licensees and permit-holders delivering malt beverages, wine, and cider to a resident of Oregon ~~and will~~ **must** follow the ~~same-day~~ delivery requirements listed in OAR 845-006-0392 and 845-006-0396.

(6) The Commission may refuse to process any application required under this rule if the application is not complete and accompanied by the documents or disclosures required by the form. The Commission shall give applicants the opportunity to be heard if the Commission refuses to process an application. A hearing under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

Statutory/Other Authority: ORS 471, 471.030, 471.040, 471.186, 471.730(1) & (5)

Statutes/Other Implemented: ORS 471.155, 471.186, 471.282 & 471.305