

# A-Engrossed House Bill 3015

Ordered by the House April 5  
Including House Amendments dated April 5

Sponsored by COMMITTEE ON BUSINESS, LABOR AND CONSUMER AFFAIRS

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies definition of "malt beverage" for purposes of liquor control laws.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to malt beverages; amending ORS 471.001; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 471.001 is amended to read:

5 471.001. As used in this chapter and ORS chapter 473:

6 (1) "Alcoholic beverage" and "alcoholic liquor" mean any liquid or solid containing more than  
7 one-half of one percent alcohol by volume and capable of being consumed by a human being.

8 (2) "Commercial establishment" means a place of business where food is cooked and served and  
9 having adequate kitchen facilities for the preparation and serving of meals and having for that  
10 purpose proper dining space. "Commercial establishment" includes athletic clubs and golf clubs op-  
11 erated for profit. A commercial establishment must serve meals to the general public or, if the  
12 commercial establishment is an athletic club or golf club, must serve meals to the club's members  
13 and guests.

14 (3) "Commission" means the Oregon Liquor Control Commission.

15 (4) "Distilled liquor" means any alcoholic beverage other than a wine, cider or malt beverage.  
16 "Distilled liquor" includes distilled spirits.

17 (5) "Licensee" means any person holding a license issued under this chapter.

18 (6)(a) "Malt beverage" means an alcoholic beverage obtained by the fermentation of grain that  
19 contains not more than 14 percent alcohol by volume.

20 (b) "Malt beverage" includes:

21 (A) Beer, ale, porter, stout and similar alcoholic beverages containing not more than 14 percent  
22 alcohol by volume;

23 (B) **Malt beverages containing six percent or less alcohol by volume and that contain at  
24 least 51 percent alcohol by volume obtained by the fermentation of grain, as long as not more  
25 than 49 percent of the beverage's overall alcohol content is obtained from flavors and other  
26 added nonbeverage ingredients containing alcohol; and**

27 (C) **Malt beverages containing more than six percent alcohol by volume that derive not  
28 more than 1.5 percent of the beverage's overall alcohol content by volume from flavors and**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **other added nonbeverage ingredients containing alcohol.**

2 (c) "Malt beverage" does not include cider or an alcoholic beverage obtained **primarily** by  
3 fermentation of rice, **such as sake.**

4 (7) "Manufacturer" means every person who produces, brews, ferments, manufactures or blends  
5 an alcoholic beverage within this state or who imports or causes to be imported into this state an  
6 alcoholic beverage for sale or distribution within the state.

7 (8) "Permittee" means a person holding a permit issued under ORS 471.360 to 471.390.

8 (9) "Premises" or "licensed premises" means a location licensed under this chapter and includes  
9 all enclosed areas at the location that are used in the business operated at the location, including  
10 offices, kitchens, rest rooms and storerooms, including all public and private areas where patrons  
11 are permitted to be present. "Premises" or "licensed premises" includes areas outside of a building  
12 that the commission has specifically designated as approved for alcoholic beverage service or con-  
13 sumption.

14 (10) "Wine" means any fermented vinous liquor or fruit juice, or other fermented beverage fit  
15 for beverage purposes that is not a malt beverage, containing more than one-half of one percent of  
16 alcohol by volume and not more than 21 percent of alcohol by volume. "Wine" includes fortified  
17 wine. "Wine" does not include cider.

18 **SECTION 2. This 2005 Act being necessary for the immediate preservation of the public**  
19 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
20 **on its passage.**

21