

MEMORANDUM

October 16, 2009

TO: Lawbook Holders

FROM: Jennifer Huntsman, Rules Coordinator

RE: Commission action on rules – October 2009 meeting

At the October 15, 2009 meeting, the Commissioners took the following actions on rules:

INITIAL ACTION

- **OAR 845-007-0020(2) Restrictions (Happy Hour)**

This rule places restrictions on the content of alcohol advertising that liquor licensees use. Due to recent case history, staff recommended amendment of section (2) regarding temporary price reductions in order to make it more enforceable and understandable.

Action: The Commission initiated action to amend OAR 845-007-0020. An advisory committee meeting is scheduled for November 24, 2009. A rulemaking hearing is scheduled for February 9, 2010.

PETITION FOR RULEMAKING/POSSIBLE INITIAL ACTION

- **OAR 845-015-0130 Advertising a Retail Liquor Store**

We received a petition from a Corvallis liquor agent requesting amendment of this rule. The petitioner requests to amend this rule so that there would be much more flexibility in what advertising, including outside signage, a liquor store would be allowed to utilize.

Action: The Commission accepted the petition and initiated action to amend OAR 845-015-0130. An advisory committee meeting is scheduled for November 17, 2009. A rulemaking hearing is scheduled for February 4, 2010.

FINAL ACTION

- **OAR 845-008-0030 Tap Labeling (renumber only)**

This rule describes the labeling requirements for retail licensees who dispense draught beer from taps. Staff recommended renumbering the rule, with no amendments, and moving it to Division 6. The Attorney General's Model Rules allow this renumbering of a rule without prior notice or going through the regular rulemaking process.

Action: The Commission renumbered OAR 845-008-0030 to OAR 845-006-0443, effective December 1, 2009.

- **OAR 845-005-0415 Special Event Winery and Special Event Grower Sales Licenses**

This rule describes Special Event licenses that are available to current Winery or Grower Sales Privilege licensees and also describes the application process. Because the rule was in conflict with its enabling statutes, we needed to amend this rule in order to bring the rule language within the scope of the current statutory language.

Action: The Commission took final action to permanently amend OAR 845-005-0415, which had been temporarily amended July 15, 2009 – January 10, 2010. The permanent amendments (which are the same as the temporary amendments) are effective January 11, 2010.

I've attached copies of documents related to this rulemaking. If you have questions about these or other rules matters, please call me at 503-872-5004 or Laura Paul at 503-872-5105.

Att.