



BREWERY LOCATED IN A STATE OR TERRITORY OUTSIDE OF OREGON: APPLICATION TO SELL AT WHOLESALE AND SHIP BRANDS OF MALT BEVERAGES MANUFACTURED BY THE BREWERY DIRECTLY TO ELIGIBLE OREGON RETAIL LICENSES

What's going on?

The Oregon State Legislature is currently considering legislation that, if adopted, will allow a brewery located in a state or territory outside of Oregon to be eligible to obtain OLCC approval to sell at wholesale and ship brands of malt beverages manufactured by the brewery directly to eligible Oregon retail licenses. The OLCC has set up a process to approve this activity on a temporary basis while the legislation is pending.

How does Oregon define “ship?”

The term “ship” means to cause the delivery or transport of malt beverages, wine or cider to either a resident of Oregon or a licensee of the Commission. The term “deliver” has a similar meaning and includes the transport and handing over of malt beverages, wine or cider to a resident or a licensee of the Commission. The terms ship and deliver may be used interchangeably.

How does Oregon define “malt beverages?”

Malt beverage means beer, ale, porter, stout and other similar fermented beverages that contain more than one-half of one percent and not more than 16 percent of alcohol by volume and that are brewed or produced from malt, wholly or in part, or from rice, grain, bran, glucose, sugar or molasses as a substitute for malt. Malt beverage does not include cider, mead, sake or wine. Under this definition, most “hard seltzer” and “hard kombucha” products qualify as malt beverages in Oregon. See ORS 471.001(6)

Tied House and Prohibited Financial Assistance

Oregon considers a brewery located in a state or territory outside of Oregon to be a supplier of alcoholic beverages. Oregon law prohibits a supplier of alcoholic beverages from having any financial or ownership interest or connection in a retailer unless allowed by exception. It also prohibits a supplier from giving, directly or indirectly, financial assistance to a retailer unless allowed by exception.

- Read the OLCC's [Supplier-Retailer Guidelines](#);
- You will be required to submit the [Supplier-Retailer Relations Affirmation](#)

Oregon Wholesale Distribution Agreement (AKA “Territorial Agreement”)

Do you already have a Wholesale Distribution Agreement (aka “territorial agreement”) with an Oregon wholesaler to distribute one or more brands of malt beverages to Oregon retail licenses in a designated territory?

- If yes, then you may *not* sell and ship those brands of malt beverages directly to Oregon retail licenses in a territory already covered by a territorial agreement for a designated territory (you must continue to use the Oregon wholesaler to distribute those brands in that designated territory)
 - * *Note: if you hold an OLCC-issued Direct Shipper (DS) permit, you may sell and ship any brand of malt beverages directly to an Oregon resident in any territory*
- If no, then you may sell and ship those brands of malt beverages manufactured by you in a territory not already covered by a territorial agreement for a designated territory

Link to an OLCC guidance document: [Territorial Agreement](#)

Is OLCC brand or label registration or approval needed for malt beverages?

No.

Oregon's Bottle Bill

You will be subject to Oregon's Bottle Bill. Please review the following:

- Factsheet: [Oregon's Bottle Bill FAQ](#)
- Factsheet: [Bottle Bill Guidelines](#)
- Factsheet: [Bottle Bill Update](#)

For inquiries about Oregon Beverage & Recycling Cooperative (OBRC): membership@obrc.com

For inquiries about Oregon's Bottle Bill email OLCC: OLCC.BottleBill@Oregon.gov

After I obtain OLCC approval to sell at wholesale and ship brands of malt beverages manufactured by me directly to eligible Oregon retail licenses, what are the types of eligible Oregon retail licenses?

License Type	Notes
• Full On-Premises Sales license; and • Limited On-Premises Sales License	May deliver to the licensee’s annually licensed premises and/or to an event address where the full or limited on-premises licensee is operating under the authority of a temporary license (called a “Temporary Use of an Annual License” or “TUAL”)
Off-Premises Sales License	May deliver only to the licensee’s annually licensed premises
Temporary Sales License (TSL)	May deliver only to the address of the TSL special event and only on a TSL license date listed on the TSL application
Brewery-Public House license	May deliver to the licensee’s annually licensed premises and/or to an event address where the licensee is operating under the authority of a temporary license (called a “Special Event Brewery-Public House” license or “SEBPH”)
Other special license types	You may not deliver to an event address operating under any other special license type

May I deliver malt beverages to an address that does not have an OLCC-issued license?

Not under this authority. However, if you have an OLCC-issued Direct Shipper (DS) permit, you may ship malt beverages direct to an Oregon consumer, provided you follow [OAR 845-006-0396](#)

- Link to [DS permit application](#)

Am I eligible for any type of OLCC-issued special license that would allow me to sell and serve alcoholic beverages at retail in Oregon?

No. As a supplier, you are not eligible for any type of OLCC-special license.

What are the OLCC requirements for an eligible retail license to directly receive from me malt beverages that I manufactured?

Prior to receiving malt beverages from you, each eligible retail license must confirm that you have obtained OLCC approval to sell at wholesale and ship brands of malt beverages to it.

How does a brewery located in a state or territory outside of Oregon obtain OLCC approval to sell and ship brands of malt beverages manufactured by the brewery directly to eligible Oregon retail licenses?

The party holding the license located in another state or territory outside of Oregon that allows the privilege of manufacturing malt beverages must:

1. Hold a valid OLCC-issued Certificate of Approval (CERA);
 - a. Already hold a valid and current OLCC-issued CERA? No need to reapply for another CERA.
 - b. Don’t already hold a valid and current OLCC-issued CERA? [CERA application form](#)
2. Submit the application and other required documents to the OLCC and receive OLCC approval before starting this activity



**BREWERY LOCATED IN A STATE OR TERRITORY OUTSIDE OF OREGON:
APPLICATION TO SELL AT WHOLESALE AND SHIP BRANDS OF MALT BEVERAGES
MANUFACTURED BY THE BREWERY DIRECTLY TO ELIGIBLE OREGON RETAIL LICENSES**

Applicant Identification

Please review [OAR 845-006-0301](#) and [OAR 845-005-0311](#). All individuals (sole proprietors) and entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311) in the brewery located in a state or territory outside of Oregon must be listed as applicants in this document. Please add an additional page if more space is needed:

Printed name of applicant #1

Printed name of applicant #2

Printed name of applicant #1

Printed name of applicant #2

Entity Questionnaire

“Entity” means an association, corporation, limited liability company, partnership, trust, or any similar entity that has legal standing under the laws of Oregon or another state within the United States.

- An applicant who is an corporation must submit [OLCC Corporate Questionnaire](#)
- An applicant who is a Limited Liability Company (LLC) must submit [OLCC LLC Questionnaire](#)
- OLCC will work with an entity other than a corporation or LLC to submit appropriate documents.

Business Information

Trade Name of the business (name customers see of your business in your home state)

Premises Street Address (of your business in your home state where you manufacture of malt beverages)

City

State

Zip Code

Mailing Address of the Business

This is the address you want the OLCC to record as the official contact mailing address and where you agree to receive all notices relating to the privileges of this authority, including any notice of disciplinary action and rights associated with the denial, suspension, cancellation, or other action affecting this authority.

Mailing Address

City

State

Zip Code

Contact Person

Printed name of contact person

Email

Phone

Home State License

Name of the Home State License (that allows the manufacture of malt beverages)

Name of the issuing Agency (that issues your home state license)

Each applicant listed in the "Applicant Identification" section of this document attest that all of the foregoing information is true, complete, and accurate and further attests that all applicants:

- Have read and understand OAR 845-005-0311 and that no person not listed in the "Applicant Identification" section of this document has an ownership interest in the business unless the person qualifies to have that ownership interest waived under the rule;
- Understand and agree that this authority is valid only so long as the applicant holds a valid license located in a state or territory outside of Oregon that allows the manufacture of malt beverages;
- Understand and agree that under this agreement the applicant may sell at wholesale and ship directly to eligible Oregon retail licenses only brands of malt beverages manufactured under the license and only if the brands are not covered under a Wholesale Distribution Agreement (aka "territorial agreement") with an Oregon wholesaler to distribute those brands to Oregon retail licenses in a designated territory;
- Understand and agree that the eligible Oregon retail licenses are only the following: Full On-Premises Sales license, Limited On-Premises Sales license, Off-Premises Sales License, Temporary Sales License, Brewery-Public House license;
- Understand and agree that applicant will not in a calendar year sell at wholesale and transport to the holders of eligible Oregon retail licenses a combined total of more than 7,500 barrels of malt beverages;
- Understand and agree to follow applicable Oregon Bottle Bill requirements including, if required, becoming a member of the Oregon Beverage & Recycling Cooperative (OBRC);
- Have read OLCC's Supplier-Retailer Guidelines and understand and agree that applicant is subject to Oregon's tied house and prohibited financial assistance requirements;
- Applicant already holds a valid and current OLCC-issued Certificate of Approval (CERA) or has submitted an application for a CERA to the OLCC;
- Agree that the privileges held by the authority are governed by Oregon law;
- Understand and agree that any administrative process brought by the OLCC against applicant may be heard pursuant to the Oregon Administrative Procedures Act and that such process will take place before an administrative law judge in the Oregon Office of Administrative Hearings, or similar venue; and
- Understand that OLCC approval for this activity is temporary, and if the legislation currently under consideration, or similar legislation, is adopted by the Oregon State Legislature, consents to and will give to the OLCC all other information necessary to comply with the legislation.

Signatures

(Please add an additional page if more space is needed.)

Date

PRINTED name of applicant #1

SIGNATURE of applicant #1 (may electronically sign)

PRINTED name of applicant #2

SIGNATURE of applicant #2 (may electronically sign)

PRINTED name of applicant #3

SIGNATURE of applicant #3 (may electronically sign)

PRINTED name of applicant #4

SIGNATURE of applicant #4 (may electronically sign)

Submit

- A copy of your home state license that allows the manufacture of malt beverages;
- If applicable, an entity questionnaire for each corporation or LLC listed as an applicant;
- A completed Supplier-Retailer Relations Affirmation; and
- This application

If by email to: olcc.SupplierInquiries@oregon.gov

If by mail to: OLCC, ATTN Dan Croy, PO Box 22297, Milwaukie, Or 97269-2297

Have questions?

Email: olcc.SupplierInquiries@oregon.gov

Phone: Dan Croy, 503-872-5137 (direct)