



OLCC COVID-19 Alcohol FAQ's

(As of 4/8/20)

***Newest updates are highlighted in yellow*

Information Relating to OLCC Response to Governor Brown's Executive Orders

- Due to the COVID19 outbreak, the Governor issued [Executive Order 20-07](#) (**extended indefinitely by [Executive Order 20-14](#) on April 7, 2020**) which prohibits the consumption of food and drink at all licensed premises – whether the licensed premises is a bar, restaurant, winery, brewpub, or a liquor-licensed golf course.
- It is the responsibility of a licensee to ensure that **NO consumption is taking place on their licensed premises**. This includes areas that may still be open to the public, such as golf courses.
- Licensees should be aware that any activity relating to the consumption of alcohol could result in administrative sanctions, including immediate suspension of the license.
- **The Governor's [Executive Order 20-12](#) (Stay Home, Save Lives order) established additional social distancing measures that affected operations for many liquor licensed businesses and retail liquor stores. The OLCC has modified certain rules and policies to accommodate the Governor's guidelines**

This document will be updated regularly as policies change and new information or clarification is needed; **the most recent changes will be highlighted**. The document contains questions and answers fitting under the following broad categories:

- **Off-Premises Sales of Alcohol**
- **Alcohol Delivery**
- **Public Health Rule and Policy Modifications**
- **Operational Modifications**
- **90-day Authorities to Operate for Off-Premises Sales license applications**

INFORMATION ABOUT OFF-PREMISES SALES OF ALCOHOL

Which alcohol products may be sold "to-go?"

- **ONLY** factory-sealed containers (bottles and cans) or securely-covered containers (crawlers and growlers) of malt beverages, wine, or cider may be sold "to-go" by eligible licensees.
 - A crawler is an aluminum can that can be used to package craft beers for a customer to take home.
 - A growler is a bottle that can be used to package craft beers for a customer to take home.

- **PLEASE NOTE:** liquor, distilled spirits **or** any drinks made with liquor or distilled spirits (including: pre-batch cocktails, growler cocktails) may **NOT** be sold “to go” by licensees. Licensees may **NOT** sell beverages by the drink “to-go” (or for on-premises consumption).
- See the [Off-Premises Sales Privileges by Alcohol License and Retail Liquor Store table](#) for more specific information about specific license privileges, container and volume limits.
- If you have any questions about which types of alcohol can be sold to-go, contact us at: olcc.liquorlicenseapplication@oregon.gov

What is the difference between an Off-Premises Sales license and off-premises sales privileges?

- The Off-Premises Sales **license** is a retail license that allows the licensee to sell factory-sealed containers (bottles and cans) or securely-covered containers (crowlers and growlers) of malt beverages, wine, or cider for off-premises consumption. The license includes the privilege of providing next-day deliveries to consumers. To be able to provide same-day delivery, licensees must apply for and obtain approval from the OLCC.
- Off-premises sales **privileges** are included in Winery, Brewery, Brewery Public House, and Grower Sales Privilege licenses. These licenses allow for next-day deliveries to consumers. To be able to provide same-day delivery, licensees must apply for and obtain approval from the OLCC.
- See the [Off-Premises Sales Privileges by Alcohol License and Retail Liquor Store table](#), which is organized according to business or license type to clarify which products may be sold for off-premises consumption by each of these licensees and businesses.
- To apply for same-day delivery approval, go [here](#).

What can Limited and Full On-Premises licensees sell for “takeout” without needing an additional license that includes off-premises sales privileges?

- Full On-Premises and Limited On-Premises Sales licensees may sell growlers/crowlers of malt beverages, wine, and cider for takeout. However, these licensees may not deliver malt beverages, wine, or cider to a consumer at a home, business, or the curbside without holding an additional license that includes off-premises sales privileges.

Where can I get more information about “crowlers” and “growlers”?

- A crowler is an aluminum can that can be used to package craft beers for a customer to take home.
- A growler is a bottle that can be used to package craft beers for a customer to take home.
- For OLCC-specific information about crowlers and growlers, go [here](#).

INFORMATION ABOUT ALCOHOL DELIVERY

What is a “home delivery” and who can deliver to my home?

- Home Delivery means delivery to a residence or business with a permanent street address.
 - Delivery includes shipments (e.g., wine-of-the-month club fulfillments).
 - Only malt beverages, wine, or cider may be delivered to a residence or business. See the [Off-Premises Sales Privileges by Alcohol License and Retail Liquor Store table](#) for more specific information about specific license privileges, container and volume limits.
- Who can deliver to my home or business?
 - Off-premises Sales licensees (e.g. grocery stores, bottle shops, convenience stores), Breweries, Brewery Public Houses, Wineries, Grower Sales Privilege licensees.
 - Out-of-state parties that hold a Direct Shipper Permit.
 - Approved For-Hire Carriers (food and beverage couriers and common carriers) delivering malt beverages, wine, or sold by a qualified licensee or a direct shipper permit holder to a consumer.

What is a “curbside delivery” and who can deliver to the curb?

- “Curbside delivery” is delivery to a location within 100 feet of the business.
- Who can deliver to a location within 100 feet of the business?
 - Off-Premises Sales licensees, Wineries, Breweries, and Brewery Public Houses may deliver malt beverages, wine, and cider to the curb.
 - Liquor Stores and Distillery Tasting Rooms may deliver factory-sealed containers of distilled spirits to the curb.

What is the difference between same-day and next-day deliveries?

- Next-day delivery means: delivery of the malt beverages, wine, or cider to the consumer on **the next business day after** the business received the order.
- Same-day delivery means: delivery of malt beverages, wine, or cider to the consumer on the **same** business day when the business received the order.
- The requirements for conducting both same-day and next-day deliveries are in OAR [845-006-0392](#) and [845-006-0396](#).

Can you tell me a little more about the malt beverage, wine, and cider delivery limits?

- A single licensee may deliver up to two cases (9 liters per case) of wine or cider to an approved delivery on a business day (7:00 am-2:30 am). Refer to the 03/19/20 version of [OAR 845-006-0392](#).
- A single licensee may deliver up to five gallons of malt beverages to an approved delivery location on a business day (7:00 am-2:30 am). Refer to the 3/19/20 version of [OAR 845-006-0396](#).
- See [Off-Premises Sales Privileges by Alcohol License and Retail Liquor Store table](#) for more specific information about container and volume limits.

What is a For-Hire Carrier and how can I determine if the carrier is approved to transport or deliver malt beverages, wine, and cider to consumers in Oregon?

- A For-Hire Carrier is a person or company that has approval from the Commission to transport and deliver malt beverages, wine, or cider to Oregon consumers on behalf of eligible licensees and direct shipper permit holders. The term “For-Hire Carrier” includes common carriers and same-day food and beverage couriers.
- For-Hire Carriers do not sell malt beverages, wine, or cider to a consumer. For more information regarding the role of For-Hire Carriers that are also Third-Party E-Commerce Operators (on-demand food and beverage courier entities that maintain a website or mobile application consumers may use to order food and beverage from businesses), please visit this [link](#).
- For a list of currently approved For-Hire Carriers in Oregon, please go [here](#).
- To apply to become an approved For-Hire Carrier, please go [here](#).

INFORMATION ABOUT PUBLIC HEALTH RULE AND POLICY MODIFICATIONS

For the duration of [Executive Order 20-12](#), is the OLCC requiring For-Hire Carriers to obtain recipient signatures when delivering malt beverages, wine, or cider to a consumer at a home or business?

- While Executive Order 20-12 is in effect, the OLCC is ***suspending its enforcement*** of the requirement that a For-Hire carrier collect the signature of a recipient at the time of delivery. However, for-hire carriers must continue to comply with all other requirements in OAR 845-005-0424, including ***documenting*** all the following information at the time of delivery:
 - The date and time the alcohol was delivered to the resident;
 - The name or information which can be used to determine the name of the person delivering the alcohol to the resident; and
 - The name and delivery address of the person receiving the alcohol.

For the duration of [Executive Order 20-12](#), is the OLCC requiring licensees to obtain the recipient signature on the Receipt for Sale of Malt Beverages in Kegs to Unlicensed Group or Individual (Form 760)?

- While Executive Order 20-12 is in effect, the OLCC is ***suspending the enforcement*** requiring licensees that are eligible to sell kegs to consumers to collect the signature of the recipient on [Form 760](#) (commonly known as “keg tag receipt form”) at the time of selling the keg to the consumer. However, licensees must continue to comply with all other requirements in OAR 845-006-0441, including ***completing all of the following steps*** at the time of selling the keg to the consumer:
 - Complete a Receipt for Sale of Malt Beverages in Kegs to Unlicensed Group or Individual (Keg Tag Receipt Form - [Form 760](#));

- Have the purchaser read the receipt and give the purchaser a copy of the receipt (receipt may be viewed and sent to the purchaser electronically)
- Make sure the information on the receipt is accurate; and
- Securely attach a Commission-issued, serially-numbered identification label (keg tag) to each keg.
- If the licensee has reason to question the purchaser's legal age or identity, the licensee will ask the purchaser for two additional pieces of identification. One of these pieces of identification must include the purchaser's physical description or picture, date of birth, and signature.

For the duration of [Executive Order 20-12](#), is the OLCC requiring licensees to obtain recipient signatures when delivering malt beverages, wine, or cider to a consumer at a home or business?

- On March 19, 2020, the OLCC amended [OAR 845-006-0392](#) and [845-006-0396](#) and **temporarily** removed the requirement that qualified licensees completing a delivery of malt beverages, wine, or cider to a consumer at a home, business, or the curb obtain the signature of the recipient.

Can a customer bring in a used growler and refill it with malt beverages, wine, or cider in a bar or restaurant?

- According to the [Oregon Health Authority](#), refilling a growler that a customer brings into the establishment is not recommended at this time due to the risk of cross contamination. Exchanging the used growler for a new or sanitized growler may be an option.

Is it okay to wear a face mask while working?

- Yes. Here is more information from OHA about [wearing and making face masks](#).

Can customers wear face masks?

- Yes. It is still a requirement to check ID and verify the person making the purchase is the person listed on the ID.

INFORMATION ABOUT OPERATIONAL MODIFICATIONS

A customer came to the store with an expired ID, is it alright to accept it as valid ID since the DMV is closed?

- Yes if a State of Oregon driver's license or identification card has an expiration date of March 8, 2020 or later, which means the customer wasn't able to go to the DMV to renew it, the OLCC will consider it a valid ID while the [Governor's Executive Order 20-03](#) is in effect.

Does this apply to any other forms of ID that have expired, like a passport or identification from another state?

- No, this only applies to State of Oregon issued identification.

What are the food service requirements for Full On-Premises licensees during the period of [Executive Order 20-07](#)?

- For the duration of the ban, Full On-Premises Sales Licensees do **NOT** need to meet the food service requirements of the license in order to sell malt beverages, wine, or cider for off-premises consumption.
- Full On-Premises Sales licensees may sell malt beverages, wine, and cider in crowlers or growlers for consumption off the licensed premises. (takeout only).
- Full On-Premises licensees may also obtain an Off-Premises Sales License and sell: factory-sealed containers (bottles and cans) or securely-covered containers (crowlers and growlers) for consumption off the licensed premises (takeout or delivery).
- Full On-Premises Sales licensees may NOT sell distilled liquor/spirits by the drink, pre-mixed or “batched and bottled” for off-premises consumption. **NO** takeout or delivery of distilled liquor in any form is allowed.

Are OLCC Liquor Licensees Required to keep their Liquor Liability Insurance (LLI) during the COVID-19 public health crisis, even if they’re closed?

Liquor Liability Insurance (LLI) Overview:

- In response to the COVID-19 outbreak, the Department of Consumer and Business Services issued an emergency order that “...requires all insurance companies to extend grace periods for premium payments, postpone policy cancellations and non-renewals, and extend deadlines for reporting claims.”
- Liquor Liability Insurance is a “surplus line” of insurance and is not regulated by any agency in Oregon. Licensees should be aware that any lapses in coverage may result in an increase in premiums, reinstatement fees or a licensee may be required to undergo another underwriting process. All impacted licensees should reach out to their insurance provider(s) to determine if the insurer provides any options besides cancellation, such as a suspension of payments or nonpayment forgiveness. Please visit this [link](#):

Are licensees required to maintain Liquor Liability Insurance (LLI) while the Oregon Governor’s [Executive Order 20-07](#) remains in effect?

- Yes, Oregon law cannot be waived by the emergency order and requires that licensees maintain a minimum of 300,000 in Liquor Liability Insurance (LLI) or a bond in an amount of not less than \$300,000 per ORS 471.168.
- These requirements also apply to winery licensees, brewery licensees, and grower sales privilege licensees unless the licensee has previously submitted (at the time of licensure or

renewal) an affidavit affirming that no consumption of alcoholic beverages will occur on the licensed premises.

- A licensee that is required to maintain LLI or a bond and fails to comply with these requirements may be subject to an immediate suspension, license cancellation, or a refusal to renew the license.

Will the OLCC enforce penalties for any lapse in LLI coverage during the period of time that on-premises consumption of alcoholic beverages is prohibited?

- For any licensee that is required to have LLI or a bond, the OLCC will consider a lapse in coverage to be a violation of ORS 471.168 and OAR 845-005-0400.
- Alternative Arrangements with insurers: as long as insurance is not cancelled and alternative arrangements are made for continuous coverage, negotiated premium relief for reduced risk of operations is a business transaction between licensees and their insurers. Examples might include:

If a licensee is able to negotiate a grace period for premium payments and the LLI policy continues to be in place, the OLCC has no role as the policy remains in effect.

If an insurer offers discounted premiums to a licensee based on their risk analysis of operations under the stay at home order no action is required by OLCC so long as the limits required by law are still active in the coverage.

There may be other innovations for insurers to provide some insurance premium relief; the OLCC concern is that those innovation do not cancel active coverage. Because the LLI limits are in statute, the OLCC cannot ask to or allow the waving of this requirement.

- When on-premises consumption ceases to be prohibited, the OLCC will enforce LLI requirements on licensees who fail to maintain LLI or a bond in an amount of at least \$300,000.

Are liquor stores required to operate during the regularly scheduled hours?

- OLCC Liquor Stores are open, however staffing level challenges have forced stores to alter their operating hours. Please call ahead to your local store to find out about any alterations to their operations. To locate stores near you go to: www.oregonliquorsearch.com and click on the "Locations" tab.
- The OLCC has also provided liquor store retail agents with guidance on how to conduct business while practicing safe social distancing between staff and customers under the [Governor's Executive Order 20-12](#)

Can licensed golf courses allow for consumption of alcohol on the course (fairways, greens, etc.) during the period of the [Governor's Executive Order 20-07](#)?

- If the golf course (fairways, greens, etc.) is part of the licensed premises:
 - Service and consumption of alcohol on the golf course is prohibited under the [Governor's Executive Order 20-07](#). This means the licensee may not sell or serve alcohol out on the course. In addition, because the area is licensed, it means that golfers (patrons) would not be allowed to open their own containers or consume alcohol while on the course.
- If the golf course (e.g. fairways, greens, etc.) is NOT part of the licensed premises:
 - The OLCC does not regulate unlicensed locations.

Can Distillery licensees produce hand sanitizer?

- Yes, provided that the distillery complies with the information contained in this [Hand Sanitizer Resource Guide](#)

INFORMATION ABOUT 90-DAY AUTHORITIES TO OPERATE FOR OFF-PREMISES SALES LICENSE APPLICATIONS AT EXISTING FULL OR LIMITED ON-PREMISES LICENSED LOCATIONS

Will the applicant be required to pay the license fee for the Off-Premises Sales license if the applicant did not pay the license fee at the time of receiving 90-day Authority to Operate?

- Yes, the applicant will be required to pay the license fee.
 - Payment will be due no later than at the time the OLCC issues the final Off-Premises Sales license.
 - If the Off-Premises Sales license is up for renewal, the applicant will be required to pay the full amount for the remainder of the current license year, plus the fee for the new license year that will start at the end of the quarter.
 - The OLCC does not prorate license fees. If an applicant wishes to operate during any portion of a license year, the applicant is responsible for paying the entire license fee for the year.

What do local governing bodies (cities & counties) need to know regarding the Off-Premises Sales license temporary authority to operate "auto-approval" process and the local governing body recommendation?

OLCC staff are receiving questions from local governing bodies (cities and counties) about the Off-Premises Sales license temporary authority to operate "auto approval process" that the OLCC has implemented as outlined in this fact sheet. Below is some additional information specifically intended for local governing bodies with respect to these applications:

- *Temporary Authority to Operate (90-day ATO):* Per ORS 471.297 & 471.302, the OLCC may grant a request for a temporary authority to operate to applicants for a new Off-Premises Sales license and to applicants purchasing an existing licensed business where the proposed license-type will remain the same after the change in ownership. The 90-day Authority to Operate is not a license. Rather, it is a temporary authority to operate with the privileges of the applied-for license while the OLCC conducts its investigation of the license application (including receiving the local governing body's recommendation for the license).
- *Local governing body review:* Per ORS 471.166, local governing bodies have 45 days to provide the OLCC with a recommendation on a liquor license application from the date that an applicant provides notice to the local governing body of its intent to apply for a liquor license within the jurisdiction. At this time, the OLCC is coordinating with local governing bodies, statewide, to determine which offices are open and accepting/receiving liquor license applications. The information provided by the local governing body regarding closures is being passed along to liquor license applicants when OLCC staff prepare the liquor license application packets for license applicants to send to the local governing bodies. If an office is reporting a temporary closure or that it is not accepting liquor license applications at this time, the OLCC is informing the applicant that this may delay the start date for the 45-day window that a local governing body has for making its recommendation on a liquor license to the OLCC.
- *Additional Privilege, Off-Premises Sales license application packets to local governing bodies:* The OLCC license application packets that applicants will submit to the local governing body for the add privilege, Off-Premises Sales license will include the following OLCC license application documents:
 - Liquor license application
 - Entity Questionnaire (if applicable)
 - Business Information Form