



## COVID-19 INDUSTRY DISCUSSION FORUM MEETING NOTES

MAY 5, 2020

### ATTENDEES

#### INDUSTRY & PARTNERS:

David Adelsheim, Ross Allen, Evyan Andries, Fawn Barrie, Jessica Blauert, Terry Brandborg, Ellen Brittan, Julia Burke, Kevin Chambers, Kerry Damon, Ariel Eberle, Matthew Farver, Bertony Faustin, Denise Flora, Maggi Gerhard, Bob Hackett, Robert Hanson, Anna Hatcher, Dan Jarman, Ken Johnston, Hilda Jones, Eugenia Keegan, Mike Keunz, Joel Kiff, Ed King, Jodee King, Justin King, Jean Kurtz, Nora Lancaster, Laurie Lewis, Kelly Luzania, Jesse Lyon, Cathy Martin, Jana McKamey, Morgen McLaughlin, Mike McNally, Elin Miller, Donna Morris, Bob Morus, Scott Neal, Mia Noren, Ximena Orrego, Gary Oxley, Alyssa Petroff, Bruce Sonnen, Barb Steele, Andy Steinman, GinaLisa Tamayo, Jessica Thomas, Steve Thomson, Jason Tosch, Christie Totten, Dan Warnshuis, Carolyn Wasem, Eric Weisinger

#### STAFF:

Margaret Bray, Marie Chambers, Tom Danowski, Christina DeArment, Stacey Kohler, Kai McMurtry, Sally Murdoch, Bree Stock, Jess Willey

#### GUESTS:

Dan Croy (OLCC), Jamie Dickinson (OLCC)

### OBJECTIVES

This meeting covered the following:

- Legalities around charitable giving
- OLCC Update
- Reopening Oregon Update
- OSHA/OHA Safety & Sanitation Rules Update
- Other business

### BACKGROUND

This Oregon wine industry forum offers an opportunity for business leaders from around the state to come together periodically during the COVID-19 crisis to share what is known and to identify gaps in our understanding of key issues that deserve continued attention.

### SUMMARY OF DISCUSSION

#### **Legalities around Charitable Giving**

- Jeff Giametta (OWA legal counsel Davis Wright Tremaine) spoke in response to last week's issue that started with New York State Liquor Authority rules relevant to wineries designating charitable beneficiaries and extends to certain Oregon winery promotional activities.
  - In Oregon, if wineries were going to set a specific percentage of its sales to a charity the OLCC would not have an issue from an alcohol regulatory standpoint. There may be some issue with wineries promising a charity a portion of its proceeds and needing to register that charity as a commercial co-venturer (CCV). Before promoting a charitable giving campaign, you need to consider how to structure the promotion in a way that complies with existing laws.
  - Wineries are advised to have a written agreement with the charity that clearly defines the terms of how the promotion will be executed, and keep records of fulfilling the agreement.
- OWA & DWT are working on guidance that they will circulate regarding state rules related to charitable donation programs and POS materials.

#### **OLCC Update**

- Licensed areas of legal consumption:
  - In response to a question about wineries expanding the physical area within their licensed



- premises open to consumers for tastings while accommodating physical distancing guidelines, Jeff Giametta said that the OLCC would have on file the exact areas designated for tastings and hospitality. OLCC would expect that wineries request to update those floor plans.
- Dan Croy (OLCC) informed the group that the OLCC is working on developing a process for wineries to seek permission to expand the licensed footprint on their premises for hospitality and tastings. OLCC will come back to this industry discussion forum when this process is developed.
  - Jeff and Dan will work on developing OLCC guidance for wineries on how to move forward while also considering TTB requirements.
  - Temporary rule change on virtual wine tastings:
    - Dan Croy clarified the temporary change on requirements for virtual wine tastings. The OLCC fact sheet notes that virtual tastings cannot be hosted at any premises with one of three specific OLCC-issued licenses. However, this does not apply to wineries holding this license. OLCC will offer further clarification regarding virtual wine tastings in the near future.
    - Dan also reminded the group that there are no minimums or maximums when it comes to pricing for sales or delivery by producers or wholesalers selling direct to consumer.

### **Reopening Oregon Update**

- Evyan Andries (OWC lobbyist with Oxley & Advocates) shared that Governor Brown has extended the State of Emergency declaration until July 6 and clarified that it is different from stay-at-home-orders. The Governor's office is working with county commissioners to discuss the pre-requisites for re-opening, which will be done on a county-by-county basis.
- On Monday the Restaurant and Food Service sector group met and they went over what are expected to be the final reopening guidelines to be released later this week.
- Mike McNally (WVWA) shared that the latest guidelines are organized around distancing & occupancy, employees, and operations. Establishments will need to determine their maximum occupancy to maintain physical distancing requirements and limit the number of customers on the premises accordingly. In the latest draft they are requiring businesses to provide mandatory cloth face masks or disposable coverings for employees
- Dan Jarman (OWA lobbyist with Crosswater Strategies) clarified that counties will need state approval to reopen before sectors within them can reopen. Therefore those counties with significant metro areas are likely to reopen later.

### **OSHA/OHA Safety & Sanitation Rules Update**

- Evyan Andries updated the group that OSHA decided to move forward with temporary emergency rulemaking around safety and sanitation for agricultural operations, employer-provided housing and worker transportation.
  - OSHA has provided a [summary of these rules](#), but there are still many areas that need clarification.
  - OHA is also in the process of developing their own guidelines that would be aligned with and an actionable addition to the OSHA rules.
  - The Governor's office has set the implementation of these rules effective May 11, and a coalition of ag sector groups is advocating for delayed enforcement as there are a number of new or increased costs and supply chain constraints that compliance introduces, which need to be worked through.

### **Other Business**

- Jana McKamey (OWA) shared that OWA and DWT have been tracking the expansion of EIDL



eligibility to include agriculture businesses. The SBA website notes that only ag businesses are being accepted for cash advances under EIDL since they weren't able to access funding till now. SBA is focusing on making those loans available to businesses that were not able to access the funds up until now while continuing to process applications that were submitted previously.

- Morgen McLaughlin (WVWA) asked about Travel Oregon's plans and how the wine industry can get involved. Tom Danowski shared that Travel Oregon provided in a webinar last week a grim outlook on its budget for the upcoming fiscal year. Regions are recommended to get in touch with DMO / RDMO partners, who are statutorily funded with a fixed percentage of Travel Oregon's transient lodging tax revenue. Travel Oregon is also looking at all competitive grant programs to make funding more readily available for reopening.