

# Minors at Wineries

A Legal Resource Provided by Davis Wright Tremaine LLP

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Davis Wright Tremaine LLP is a full service law firm providing services to the wine industry in the areas of mergers and acquisitions and other business transactions, land use and real estate, alcohol regulatory and licensing, intellectual property, employment, and litigation.

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## MINORS AT WINERIES

We know tasting rooms can get very busy, especially in the summer months, so please remind your tasting room staff to slow down to make sure they are properly checking IDs before serving wine and to make sure they are complying with any applicable OLCC or WSLCB service laws.

The WSLCB and OLCC have indicated that minor access and sales to visibly intoxicated persons are top enforcement priorities. State and local law enforcement operate minor "sting" operations at all licensed premises, including wineries. These operations are usually random, but can also be targeted or complaint driven if there is a documented compliance problem with a specific licensee. Wineries should ensure that their tasting room employees hold current OLCC Service Permits or WSLCB MAST Permits, use best practices when it comes to ID checks, and be especially vigilant during the busy tourist season.

### Mandatory Postings:

The OLCC regulates how and when minors may be present at a premise that serves alcohol. The OLCC has minor posting rules, which, generally speaking, prohibit minors during times when there is a "drinking environment" and/or "drinking predominates" the guests' activity. The type of posting assigned by the OLCC is based on what activities the winery proposes to the OLCC and what is required by regulation. It is important to understand which type of minor posting has been assigned to your tasting room by the OLCC. While a detailed description of each of the eight minor postings is outside the scope of this guide, of particular interest to Oregon winery tasting rooms is the minor posting "Number 7". Under a Number 7 posting, a winery tasting room can allow minors on the premises until 9:00 p.m. where there is no "drinking environment" present, even if tasting wine is the "predominant activity".

The WSLCB does not have specific minor posting requirements, but Washington law mandates that Washington wineries post WSLCB signs warning patrons of the risk of birth defects. Such signs must be posted in plain view at the main entrance to all tasting areas.

## General Pointers for How OLCC Minor Decoy Stings/WSLCB Compliance Checks

### Operate:

#### Oregon:

- The OLCC Minor Decoy Program uses minor volunteers 20 years old and under who look under the age of 26, to attempt to buy alcohol at licensed businesses, including special events.
- If asked for identification, the minor decoy shows their own valid Oregon ID, which indicates they are underage; Minor decoys cannot lie about their real age.
- A selected business will usually be visited once during a 12-month period. However, the OLCC may make multiple visits if they believe that alcohol sales to minors are likely to continue.

## Washington:

- WSLCB performs Compliance Checks using minor volunteers 20 years old and under who do not look “overly mature” to attempt to purchase alcohol.
- If asked for identification, minors may either provide no ID, or may state that they are 21 years of age. This is why identification should ALWAYS be checked, especially if there is any doubt that the individual is a minor.

## Penalties for Failing to Verify Age that Results in the Sale or Service to a Minor

	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation
Oregon	\$2500 penalty or 10 day suspension of the liquor license.	\$4950 or 30 day suspension.	30 day suspension (no fine option).	License cancelled
Washington (additional violations within 2 yr. window)	5 day suspension or \$500 fine	7 day suspension	30 day suspension	Cancellation of license

## How wineries should handle ID checks and minors in the tasting room:

- Your staff should be regularly reminded to always check ID and verify the age of anyone who looks to be a minor (In Oregon, must check anyone who appears to be under 26 years old) before pouring them any wine, whether tastes or full glasses. This includes both at the tasting room and at special events.
- If there is any doubt, decline service.
- Do not permit minors in an area of your facility where minors are not allowed.
- Do not allow minors to consume alcohol on your premises, even if you or your staff did not directly serve them.
- Your staff must immediately return identification presented by the minor decoy upon request of law enforcement or an OLCC or WSLCB representative.
- Cooperate with OLCC, WSLCB, or law enforcement personnel.

