

House Bill 2150

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows cities with populations of 500,000 or more to conduct random minor decoy operations within specified geographical areas that have populations of 20,000 or more.

A BILL FOR AN ACT

Relating to minor decoy operations; amending ORS 471.346.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 471.346 is amended to read:

471.346. (1) The Oregon Liquor Control Commission shall by rule develop uniform standards for minor decoy operations used to investigate licensees and agents operating stores on behalf of the commission under ORS 471.750 for violations of the laws of this state prohibiting sales of alcoholic beverages to minors. Uniform standards established by the commission under this section apply to all investigations conducted by the commission that use minor decoys. The commission shall encourage all law enforcement agencies of this state to use the uniform standards established under this section for minor decoy operations conducted by the law enforcement agencies.

(2) To the greatest extent possible, the uniform standards established by the commission under this section:

(a) Shall be the same for minor decoy operations conducted by the commission and for minor decoy operations conducted by law enforcement agencies of this state; and

(b) Shall provide for coordination between the commission and law enforcement agencies of this state in conducting minor decoy operations.

(3) The uniform standards established by the commission under this section shall provide that minor decoy operations must be conducted on either a random or a targeted basis in cities with populations of 20,000 or more. Random minor decoy operations shall cover a range of retail outlets. Targeted minor decoy operations may be conducted for a single licensee or agent, but may be used only if there is a documented compliance problem with the specific licensee or agent that is the target of the operation. For the purpose of implementing standards for random minor decoy operations under this subsection, the commission shall by rule adopt a methodology that produces, to the greatest extent possible, an equal chance that any licensee or agent will be subject to a minor decoy operation.

(4) In cities with populations of 500,000 or more, the uniform standards established by the commission under this section shall allow a random minor decoy operation within the boundaries of the city or within a specified geographical area that has a population of at least 20,000. If a specified geographical area is the subject of a random minor decoy operation under this subsection, the methodology adopted by the commission under subsection (3) of

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **this section shall produce, to the greatest extent possible, an equal chance that any licensee**
2 **or agent within the geographical area will be subject to a minor decoy operation.**

3 [(4)] (5) Except as provided in subsection [(5)] (6) of this section, the failure of the commission
4 or of a law enforcement agency to follow uniform standards established by the commission under
5 this section is not grounds for challenging any complaint, citation or conviction for violation of the
6 laws prohibiting the sale of alcoholic beverages to minors.

7 [(5)] (6) In determining whether to impose sanctions based on multiple violations of the laws of
8 this state prohibiting sales of alcoholic beverages to minors, the commission may not consider any
9 complaint filed against a licensee for selling alcoholic beverages to a minor, citation issued to a
10 licensee for selling alcoholic beverages to a minor or conviction of a licensee for selling alcoholic
11 beverages to a minor if the complaint, citation or conviction arose out of a minor decoy operation
12 that was not conducted pursuant to the uniform standards established by the commission under this
13 section.

14 [(6)] (7) Notwithstanding any other provision of this chapter, the commission may not consider
15 any sale of alcoholic beverages to a minor that results from a minor decoy operation that is not
16 conducted in compliance with the standards established under this section for the purpose of im-
17 posing any civil penalty against a licensee, making a decision on the renewal, suspension or can-
18 cellation of a license issued under this chapter or otherwise sanctioning a licensee for the sale of
19 alcoholic beverages to a minor.

20 [(7)] (8) The commission shall give notice of the uniform standards established under this section
21 to all law enforcement agencies of this state that conduct minor decoy operations.

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