

House Bill 4117

Sponsored by Representative DOHERTY; Representatives HELM, LIVELY, WILDE (Presession filed.)

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**.

Authorizes eligible business to deliver malt beverages, wine or cider to final consumer through use of delivery person. Authorizes Oregon Liquor Control Commission retail sales agent to deliver distilled liquor to final consumer through use of delivery person.

Authorizes commission to develop, implement and maintain electronic platform for ordering of distilled liquor. Authorizes registered third party provider to facilitate ordering and payment by final consumer of alcoholic beverages and delivery of alcoholic beverages from eligible business or retail sales agent to final consumer.

Imposes requirements for person acting as third party provider or delivery person.

Requires that service permit training include training in making delivery to final consumer.

Requires that shipment of alcoholic beverages to final consumer made under direct shipper permit be delivered to final consumer by person having qualifications required of delivery person.

Eliminates requirements for certain information in application to commission for license or permit.

Eliminates restriction on visibility of liquor store advertising or display.

A BILL FOR AN ACT

1
2 Relating to alcohol; creating new provisions; and amending ORS 471.282, 471.311, 471.322, 471.360,
3 471.430, 471.542 and 471.750.

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

5 **SECTION 1. Sections 2 to 10 of this 2020 Act are added to and made a part of ORS**
6 **chapter 471.**

7 **SECTION 2. As used in sections 2 to 8 of this 2020 Act:**

8 (1) **"Deliver" means to transport alcoholic beverages from an eligible business or a retail**
9 **sales agent to a delivery address.**

10 (2) **"Delivery address" means a location with a permanent street address in Oregon that**
11 **is not regulated by the Oregon Liquor Control Commission under this chapter or ORS chap-**
12 **ter 475B.**

13 (3) **"Delivery person" means an individual who delivers alcoholic beverages to the phys-**
14 **ical possession of a final consumer as directed by an eligible business, a retail sales agent**
15 **or a third party provider.**

16 (4) **"Eligible business" means the holder of:**

17 (a) **An off-premises sales license issued under ORS 471.186;**

18 (b) **A brewery-public house license issued under ORS 471.200;**

19 (c) **A brewery license issued under ORS 471.221;**

20 (d) **A winery license issued under ORS 471.223;**

21 (e) **A grower sales privilege license issued under ORS 471.227; or**

22 (f) **A direct shipper permit issued under ORS 471.282.**

23 (5) **"Final consumer" means an individual taking possession of alcoholic beverages at a**
24 **delivery address for personal or social use, and not for resale.**

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 (6) “Retail sales agent” means an agent appointed by the commission under ORS 471.750
2 to operate a retail liquor store.

3 (7) “Third party provider” means a person, other than an eligible business or a retail
4 sales agent, that enters into an agreement with an eligible business or a retail sales agent
5 to facilitate the ordering of alcoholic beverages by a final consumer and the delivery of or-
6 dered alcoholic beverages from the business or agent to a final consumer.

7 **SECTION 3.** (1) An eligible business may deliver, or cause to be delivered, malt beverages,
8 wine or cider to a final consumer only by using a delivery person.

9 (2) A retail sales agent may deliver, or cause to be delivered, distilled liquor to a final
10 consumer only by using a delivery person.

11 **SECTION 4.** (1) A person may not perform services as a delivery person unless the per-
12 son:

13 (a) Has completed an approved alcohol server education course and examination as pro-
14 vided under ORS 471.542;

15 (b) Holds a valid service permit described in ORS 471.360 to 471.385; or

16 (c) Has completed a training provided by a third party provider, eligible business or retail
17 sales agent that, at a minimum, covers the following subjects:

18 (A) Methods for inspecting government-issued photo identification;

19 (B) Methods for recognizing signs of visible intoxication; and

20 (C) Oregon Liquor Control Commission rules relating to alcohol delivery.

21 (2) A delivery person may also be a third party provider registered under section 7 of this
22 2020 Act. However, a delivery person that is a third party provider may not be both a recip-
23 ient and provider at the same training under subsection (1)(c) of this section.

24 **SECTION 5.** (1)(a) A delivery person may deliver malt beverages, wine or cider on behalf
25 of an eligible business only if:

26 (A) The delivery person obtains the malt beverages, wine or cider from the eligible busi-
27 ness;

28 (B) The malt beverages, wine or cider is in a factory-sealed container or a container
29 sealed by the eligible business; and

30 (C) The delivery is to a final consumer.

31 (b) As used in paragraph (a) of this subsection, “container sealed by the eligible
32 business” includes but is not limited to a securely covered container supplied by the final
33 consumer.

34 (2) A delivery person may deliver distilled liquor on behalf of a retail sales agent only if:

35 (a) The delivery person obtains the distilled liquor directly from the retail sales agent;

36 (b) The distilled liquor is in a factory-sealed container; and

37 (c) The delivery is to a final consumer.

38 **SECTION 6.** The Oregon Liquor Control Commission may develop, implement and main-
39 tain an electronic system to facilitate final consumer ordering of distilled liquor from retail
40 sales agents. The commission system must include, but need not be limited to, accessibility
41 through the use of third party provider digital platforms or marketplaces.

42 **SECTION 7.** (1) A third party provider must be registered with the Oregon Liquor Control
43 Commission as adopted by commission rule. A third party provider may not:

44 (a) Be a manufacturer as defined in ORS 471.001;

45 (b) Except as provided in this section, sell alcoholic beverages; or

1 (c) Import distilled liquor into Oregon.

2 (2) Subsection (1) of this section does not prohibit a retail licensee as defined in ORS
3 471.392 or an individual with a service permit from being a third party provider or from
4 holding an interest in a third party provider. Subsection (1) of this section does not prevent
5 a retail licensee that is also a third party provider from exercising any privilege under the
6 retail license.

7 (3) A third party provider may provide the technology through which an eligible business
8 or a retail sales agent:

9 (a) Advertises alcoholic beverages available for sale;

10 (b) Accepts orders for alcoholic beverages from final consumers; and

11 (c) Receives payment for alcoholic beverages ordered by final consumers.

12 (4) The provision of technology described in this section by a third party provider does
13 not violate any sales prohibition in this chapter if the eligible business or retail sales agent
14 using the technology at all times:

15 (a) Controls the selection of alcoholic beverages to be advertised;

16 (b) Controls the prices at which alcoholic beverages are advertised;

17 (c) Controls the acceptance of orders for alcoholic beverages from final consumers; and

18 (d) Directly receives and retains all payments for ordered alcoholic beverages.

19 (5) A third party provider may direct or deploy a delivery person to deliver alcoholic
20 beverages to a final consumer on behalf of an eligible business or retail sales agent. However,
21 a third party provider may not direct or deploy a person to deliver alcoholic beverages to a
22 final consumer on behalf of the third party provider unless the third party provider has
23 verified that the person qualifies as a delivery person under section 4 of this 2020 Act.

24 (6) A third party provider may store or hold alcoholic beverages in Oregon that are in
25 transit from an eligible business or a retail sales agent to a final consumer for no more than
26 72 hours. The third party provider may not sell the stored or held alcoholic beverages and
27 may deliver the alcoholic beverages only as allowed under this chapter or by commission
28 rule.

29 (7) Notwithstanding subsection (4) of this section, failure to register as a third party
30 provider prior to engaging in activities under subsection (3) of this section or directing or
31 deploying a delivery person constitutes an unlicensed selling, soliciting, taking orders for or
32 peddling alcoholic beverages in violation of ORS 471.405.

33 (8) A third party provider shall maintain records as required by the commission. The
34 third party provider shall make the records available for inspection by the commission at a
35 location in this state no later than 30 days after receiving a request for inspection.

36 **SECTION 8.** (1) An eligible business or retail sales agent may not use the services of a
37 third party provider unless the business or agent has entered into a written agreement with
38 that third party provider prior to using the services. A third party provider may not provide
39 any service described in this section or section 7 of this 2020 Act to an eligible business or
40 retail sales agent unless the third party provider enters into a written agreement with that
41 business or agent prior to providing the service.

42 (2) The terms of an agreement between an eligible business or retail sales agent and a
43 third party provider may include, but need not be limited to, requirements for the third party
44 provider to maintain a digital platform or marketplace on which the business or agent may:

45 (a) Advertise alcoholic beverages available for sale;

1 (b) Accept orders for alcoholic beverages;

2 (c) Receive payment for alcoholic beverages; and

3 (d) Initiate the direction or deployment of delivery persons to complete a delivery of al-
4 coholic beverages to final consumers.

5 (3) If an agreement under this section provides for the third party provider to arrange
6 delivery to a final consumer, the agreement must require the third party provider to use a
7 delivery person for the delivery.

8 (4) The Oregon Liquor Control Commission may adopt rules regulating the delivery of
9 alcoholic beverages, including but not limited to prohibiting the delivery of alcoholic
10 beverages to final consumers during specified hours and limiting the amount of alcoholic
11 beverages that may be delivered to a delivery address or a final consumer in a single day.

12 (5) Third party providers and delivery persons may charge an eligible business, a retail
13 sales agent or a final consumer a fee for delivering alcoholic beverages.

14 (6) An agreement into which an eligible business or a retail sales agent enters with a
15 third party provider may not authorize any delivery in violation of a requirement, condition,
16 restriction or prohibition imposed under this chapter or commission rules, including but not
17 limited to any delivery restrictions under ORS 471.282.

18 **SECTION 9.** (1) As used in this section, “delivery person” and “third party provider” have
19 the meanings given those terms in section 2 of this 2020 Act.

20 (2) The Oregon Liquor Control Commission may assess a civil penalty against a third
21 party provider for a violation of this chapter or commission rules by the third party provider
22 or a delivery person acting on behalf of or at the direction of the third party provider.

23 (3) A civil penalty that the commission assesses under this section must be not less than
24 \$500 and not more than \$4,000 per violation. ORS 471.990 does not apply to a violation that
25 is subject to a civil penalty under this section.

26 **SECTION 10.** (1) As used in this section, “delivery person” has the meaning given that
27 term in section 2 of this 2020 Act.

28 (2) The Oregon Liquor Control Commission may assess a civil penalty against a delivery
29 person or a person described in ORS 471.282 (6) for a violation of this chapter or commission
30 rules.

31 (3) A civil penalty imposed under this section must be not less than \$250 and not more
32 than \$2,000 per violation. ORS 471.990 does not apply to a violation that is subject to a civil
33 penalty under this section.

34 **SECTION 11.** ORS 471.282 is amended to read:

35 471.282. (1) Notwithstanding any other provision of this chapter and except as provided by ORS
36 471.186 (6), a person may sell and ship malt beverages, wine or cider directly to a resident of Oregon
37 only if the person holds a direct shipper permit. The Oregon Liquor Control Commission shall issue
38 a direct shipper permit only to:

39 (a) A person that holds a license issued by this state or another state that authorizes the man-
40 ufacture of malt beverages, wine or cider;

41 (b) A person that holds a license issued by this state or another state that authorizes the sale
42 of wine or cider produced only from grapes or other fruit grown under the control of the person;

43 (c) A person that holds a license authorizing the sale of malt beverages, wine or cider at retail;
44 or

45 (d) A nonprofit trade association that holds a temporary sales license under ORS 471.190 and

1 that has a membership primarily composed of persons holding winery licenses issued under ORS
2 471.223 or grower sales privilege licenses issued under ORS 471.227.

3 (2) The holder of a direct shipper permit that is a licensee of another state may deliver malt
4 beverages under the permit only if that other state makes direct shipper permits, or the equivalent,
5 available for the delivery of malt beverages by persons holding a license issued by the commission
6 authorizing the manufacture or retail sale of malt beverages.

7 (3)(a) A person may apply for a direct shipper permit by filing an application with the commis-
8 sion. The application must be made in such form as may be prescribed by the commission.

9 (b) If the application is based on a license issued by this state, the person must include in the
10 application the number of the license issued to the person.

11 (c) If the application is based on a license issued by another state, the person must include in
12 the application a true copy of the license issued to the person by the other state or include sufficient
13 information to allow verification of the license by electronic means or other means acceptable to the
14 commission.

15 (d) If the application is based on a license issued by another state, or the application is by a
16 nonprofit trade association described in subsection (1)(d) of this section, the person or association
17 must pay a \$100 registration fee and maintain a bond or other security described in ORS 471.155 in
18 the minimum amount of \$1,000.

19 (4) Sales and shipments under a direct shipper permit:

20 (a) May be made only to a person who is at least 21 years of age;

21 (b) May be made only for personal use and not for the purpose of resale; and

22 (c) May not exceed two cases, containing not more than nine liters per case, to any resident per
23 month.

24 (5) Sales and shipments under a direct shipper permit must be made directly to a resident of this
25 state in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIG-
26 NATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

27 *[(6) A person holding a direct shipper permit must take all actions necessary to ensure that a
28 carrier used by the permit holder does not deliver any malt beverages, wine or cider unless the
29 carrier:]*

30 *[(a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery;]*

31 *[(b) Verifies by inspecting government-issued photo identification that the recipient is at least 21
32 years of age; and]*

33 *[(c) Determines that the recipient is not visibly intoxicated at the time of delivery.]*

34 **(6) Shipments to a final consumer, as defined in section 2 of this 2020 Act, made under
35 a direct shipper permit must be delivered by a person having the qualifications that section
36 4 of this 2020 Act requires of a delivery person.**

37 (7)(a) A person holding a direct shipper permit must report to the commission on a quarterly
38 basis all shipments of malt beverages, wine or cider made to Oregon residents under the permit. The
39 report must be made in a form prescribed by the commission.

40 (b) A person holding a direct shipper permit must allow the commission to audit the permit
41 holder's records upon request and shall make those records available to the commission in this state.

42 (c) A person holding a direct shipper permit consents to the jurisdiction of the commission and
43 the courts of this state for the purpose of enforcing the provisions of this section and any related
44 laws or rules.

45 (8)(a) A person holding a direct shipper permit must timely pay to the commission all taxes im-

1 posed under ORS chapter 473 on malt beverages, wine and cider sold and shipped under the permit.
 2 For the purpose of the privilege tax imposed under ORS chapter 473, all malt beverages, wine or
 3 cider sold and shipped pursuant to a direct shipper permit is sold in this state.

4 (b) A person holding a direct shipper permit based on a license issued by another state must
 5 timely pay to the commission all taxes imposed under ORS chapter 473 on all malt beverages, wine
 6 or cider sold and shipped directly to Oregon residents under the permit. The permit holder, not the
 7 purchaser, is responsible for the tax.

8 (9) A direct shipper permit must be renewed annually. If the person holds the permit based on
 9 an annual license issued by another state, the person may renew the permit by paying a \$100 re-
 10 newal fee and providing the commission with a true copy of a current license issued to the person
 11 by the other state or with sufficient information to allow verification of the license by electronic
 12 means or other means acceptable to the commission. If the person holds the permit based on an
 13 annual license issued by this state, the person may renew the permit at the same time that the
 14 person renews the license.

15 (10) The commission may refuse to issue or may suspend or revoke a direct shipper permit if the
 16 permit holder fails to comply with the provisions of this section. A person may sell and ship malt
 17 beverages, wine or cider under a direct shipper permit only for as long as the person has the license
 18 issued by this state or another state that authorizes the person to hold a direct shipper permit. A
 19 direct shipper permit does not authorize the shipment of malt beverages by a permit holder de-
 20 scribed in subsection (1)(b) of this section or lacking authority as provided under subsection (2) of
 21 this section.

22 (11) Any person who knowingly or negligently delivers malt beverages, wine or cider under the
 23 provisions of this section to a person under 21 years of age, or who knowingly or negligently de-
 24 livers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated
 25 person, violates ORS 471.410.

26 (12) A person may not make sales and shipments of malt beverages, wine or cider directly to
 27 Oregon residents unless the person holds a direct shipper permit issued under this section. Any
 28 person who knowingly makes, participates in, transports, imports or receives a shipment of malt
 29 beverages, wine or cider that is in violation of this section commits a misdemeanor as provided in
 30 ORS 471.990 (1).

31 **SECTION 12.** ORS 471.311 is amended to read:

32 471.311. (1) Any person desiring a license **or permit** or renewal of a license **or permit** under
 33 this chapter shall make application to the Oregon Liquor Control Commission upon forms to be
 34 furnished by the commission showing the [*name and address of the applicant, location of the place of*
 35 *business that is to be operated under the license, and such other*] pertinent information as the com-
 36 mission may require. A license may not be granted or renewed until the applicant has complied with
 37 the provisions of this chapter and the rules of the commission.

38 (2) The commission may reject any application that is not submitted in the form required by
 39 rule. The commission shall give applicants an opportunity to be heard if an application is rejected.
 40 A hearing under this subsection is not subject to the requirements for contested case proceedings
 41 under ORS chapter 183.

42 (3) The commission shall charge an application fee, not to exceed \$150, to process an application
 43 for the issuance of a new license under this chapter or a license following a change in ownership.
 44 The application fee applies only to an application for a class of license having an annual license fee.
 45 The application fee is nonrefundable, except that the commission shall refund the fee if the applicant

1 completes, submits and maintains an application and the commission does not, on or before 75 days
 2 following receipt of the completed application, propose that the license be granted, granted with
 3 conditions or refused. The commission shall adopt rules to:

- 4 (a) Establish application fees by class of license; and
- 5 (b) Define a completed application for purposes of this subsection.

6 (4) Subject to subsection (5) of this section, the commission shall assess a nonrefundable fee for
 7 processing a renewal application for any license authorized by this chapter only if the renewal ap-
 8 plication is received by the commission less than 20 days before expiration of the license. If the
 9 renewal application is received prior to expiration of the license but less than 20 days prior to ex-
 10 piration, the fee shall be 25 percent of the annual license fee. If a renewal application is received
 11 by the commission after expiration of the license but no more than 30 days after expiration, the fee
 12 shall be 40 percent of the annual license fee. This subsection does not apply to a certificate of ap-
 13 proval, a brewery-public house license or any license that is issued for a period of less than 30 days.

14 (5) The commission may waive the fee imposed under subsection (4) of this section if the com-
 15 mission finds that failure to submit a timely application was due to unforeseen circumstances or to
 16 a delay in processing the application by the local governing authority that is no fault of the licensee.

17 (6) The license **or permit** fee is nonrefundable and must be paid by each applicant upon the
 18 granting or committing of a license **or permit**. Subject to ORS 471.155 and 473.065, the annual or
 19 daily license **or permit** fee and the minimum bond required of each class of license under this
 20 chapter are as follows:

21 _____

License	Minimum Fee	Bond
Brewery, including Certificate		
of Approval	\$ 1,000	\$ 1,000
Winery	\$ 500	\$ 1,000
Distillery	\$ 200	None
Wholesale Malt Beverage		
and Wine	\$ 550	\$ 1,000
Warehouse	\$ 200	\$ 1,000
Brewery-Public House,		
including Certificate		
of Approval	\$ 500	\$ 1,000
Limited On-Premises Sales	\$ 400	None
Off-Premises Sales	\$ 200	None
Temporary Sales	\$ 50 per day	
Grower sales privilege		
license	\$ 500	\$ 1,000
Special events brewery		
license	\$ 10 per day	
Special events winery		
license	\$ 10 per day	
Special events grower		
sales privilege		

1	license	\$ 10 per day
2	Special events	
3	brewery-public house	
4	license	\$ 10 per day
5	Special events	
6	distillery	
7	license	\$ 10 per day

9

10 (7) The fee for a certificate of approval or special certificate of approval granted under ORS
 11 471.244 is nonrefundable and must be paid by each applicant upon the granting or committing of a
 12 certificate of approval or special certificate of approval. No bond is required for the granting of a
 13 certificate of approval or special certificate of approval. Certificates of approval are valid for a pe-
 14 riod commencing on the date of issuance and ending on December 31 of the fifth calendar year fol-
 15 lowing the calendar year of issuance. The fee for a certificate of approval is \$350. Special
 16 certificates of approval are valid for a period of 30 days. The fee for a special certificate of approval
 17 is \$10.

18 (8) Except as provided in subsection (9) of this section, the annual license fee for a full on-
 19 premises sales license is \$800. No bond is required for any full on-premises sales license.

20 (9) The annual license fee for a full on-premises sales license held by a nonprofit private club
 21 as described in ORS 471.175 (8), or held by a nonprofit or charitable organization that is registered
 22 with the state, is \$400.

23 (10) The fee for temporary use of an annual license is \$10 per day.

24 (11) The annual fee for a wine self-distribution permit is \$200, and the minimum bond is \$1,000.

25 **SECTION 13.** ORS 471.322 is amended to read:

26 471.322. (1) If a license issued under this chapter or a service permit issued under ORS 471.360
 27 is suspended for a period of 30 days or less, the Oregon Liquor Control Commission may impose
 28 against the affected licensee or permittee in lieu of or in addition to the suspension a civil penalty
 29 fixed by the commission in accordance with subsection (2) of this section if the commission is sat-
 30 isfied that such a penalty in lieu of or in addition to suspension is consistent with the purposes of
 31 the Liquor Control Act and the Oregon Distilled Liquor Control Act. Upon payment of the penalty
 32 in lieu of suspension, the commission shall cancel the suspension.

33 (2) Except as provided in ORS 471.327, the penalty *[which]* **that** the commission may impose
 34 *[pursuant to]* **under** subsection (1) of this section against a licensee shall not be less than \$100 nor
 35 more than \$5,000 **per violation**. The penalty *[which]* **that** the commission may impose *[pursuant to]*
 36 **under** subsection (1) of this section against a service permittee shall not be less than \$25 nor more
 37 than \$500 **per violation**.

38 (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

39 **SECTION 14.** ORS 471.360 is amended to read:

40 471.360. (1) Except as otherwise provided in ORS 471.375:

41 (a) Any person employed **or used by, or acting on behalf of or at the direction of**, a licensee
 42 of the Oregon Liquor Control Commission must have a valid service permit issued by the commission
 43 if the person:

44 (A) Participates in any manner in the mixing, selling or service of alcoholic liquor for con-
 45 sumption on the premises where served or sold; or

1 (B) Participates in the dispensing of malt beverages, wines or cider sold in securely covered
2 containers provided by the consumer.

3 (b) A licensee of the commission may not permit any person who lacks a service permit required
4 of the person under paragraph (a) of this subsection:

5 (A) To mix, sell or serve any alcoholic liquor for consumption on licensed premises; or

6 (B) To dispense malt beverages, wines or cider sold in securely covered containers provided by
7 the consumer.

8 (c) A permittee shall make the service permit available at any time while on duty for immediate
9 inspection by any regulatory specialist or by any other peace officer.

10 (2) The commission may waive the requirement for a service permit for an employee of a
11 licensee whose primary function is not the sale of alcoholic liquor or food, including but not limited
12 to public passenger carriers, hospitals, or convalescent, nursing or retirement homes.

13 (3) Violation of the requirements of this section is a Class B violation.

14 **SECTION 15.** ORS 471.430 is amended to read:

15 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire
16 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent
17 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of
18 age may not have personal possession of alcoholic beverages.

19 (2) For the purposes of this section, personal possession of alcoholic beverages includes the ac-
20 ceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such
21 beverages. However, this section does not prohibit the acceptance or consumption by any person
22 of sacramental wine as part of a religious rite or service.

23 (3) Except as authorized by rule or as necessitated in an emergency, a person under 21 years
24 of age may not enter or attempt to enter any portion of a licensed premises that is posted or oth-
25 erwise identified as being prohibited to the use of minors.

26 (4)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection
27 (1) or (3) of this section commits a Class B violation.

28 (b) A person commits a Class A violation if the person violates subsection (1) of this section by
29 reason of personal possession of alcoholic beverages while the person is operating a motor vehicle
30 as defined in ORS 801.360.

31 (5) In addition to and not in lieu of any other penalty established by law:

32 (a) The court may order a person who violates subsection (1) of this section through misrepre-
33 sentation of age to perform community service; and

34 (b) The court shall order, when a person violates subsection (1) of this section, that the person's
35 driving privileges and right to apply for driving privileges be suspended pursuant to ORS 809.260
36 and 809.280. The court notification made to the Department of Transportation under this paragraph
37 may include a recommendation that the person be granted a hardship permit under ORS 807.240 if
38 the person is otherwise eligible for the permit.

39 (6) If a person cited under this section is at least 13 years of age but less than 21 years of age
40 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in
41 addition to and not in lieu of any other penalty established by law, the court shall issue notice under
42 ORS 809.220 to the department for the department to suspend the person's driving privileges under
43 ORS 809.280 (4).

44 (7) In addition to and not in lieu of any penalty established by law, the court may order a person
45 who violates this section to undergo assessment and treatment as provided in ORS 471.432. The

1 court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if the
 2 person has previously been found to have violated this section.

3 (8) The prohibitions of this section do not apply to a person under 21 years of age who is acting
 4 under the direction of the Oregon Liquor Control Commission or under the direction of state or lo-
 5 cal law enforcement agencies for the purpose of investigating possible violations of laws prohibiting
 6 sales of alcoholic beverages to persons who are under 21 years of age.

7 (9) The prohibitions of this section do not apply to a person under 21 years of age who is acting
 8 under the direction of a licensee **or a retail sales agent, as defined in section 2 of this 2020 Act,**
 9 **or by a third party provider, as defined in section 2 of this 2020 Act,** for the purpose of inves-
 10 tigating possible violations by employees **or agents** of the licensee, **retail sales agent or third**
 11 **party provider** of laws prohibiting sales of alcoholic beverages to persons who are under 21 years
 12 of age.

13 (10)(a) A person under 21 years of age is not in violation of, and is immune from prosecution
 14 under, this section if:

15 (A) The person contacted emergency medical services or a law enforcement agency in order to
 16 obtain medical assistance for another person who was in need of medical assistance due to alcohol
 17 consumption and the evidence of the violation was obtained as a result of the person's having con-
 18 tacted emergency medical services or a law enforcement agency; or

19 (B) The person was in need of medical assistance due to alcohol consumption and the evidence
 20 of the violation was obtained as a result of the person's having sought or obtained the medical as-
 21 sistance.

22 (b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a result
 23 of a person's having sought medical assistance in proceedings for crimes or offenses other than a
 24 violation of this section.

25 **SECTION 16.** ORS 471.542 is amended to read:

26 471.542. (1) Except as provided in subsection (2) of this section, the Oregon Liquor Control
 27 Commission shall require a person applying for issuance or renewal of a service permit or any li-
 28 cense that authorizes the sale or service of alcoholic beverages for consumption on the premises to
 29 complete an approved alcohol server education course and examination as a condition of the issu-
 30 ance or renewal of the permit or license.

31 (2) A person applying for issuance or renewal of a license that authorizes the sale or service
 32 of alcoholic beverages for consumption on the premises need not complete an approved alcohol
 33 server education course and examination as a condition of the issuance or renewal of the license if:

34 (a) The license has been restricted by the commission to prohibit sale or service of alcoholic
 35 beverages for consumption on the premises; or

36 (b) The person applying for issuance or renewal of the license submits a sworn statement to the
 37 commission stating that the person will not engage in sale or service of alcoholic beverages for
 38 consumption on the premises, will not directly supervise or manage persons who sell or serve alco-
 39 holic beverages on the premises, and will not participate in establishing policies governing the sale
 40 or service of alcoholic beverages on the premises.

41 (3) The commission by rule shall establish requirements that licensees and permittees must
 42 comply with as a condition of requalifying for a license or permit. The licensee or permittee must
 43 comply with those requirements once every five years after completing the initial alcohol server
 44 education course and examination. The requirements established by the commission to requalify for
 45 a license may include retaking the alcohol server education course and examination. The require-

1 ments established by the commission to requalify for a service permit shall include retaking the al-
 2cohol server education course and examination.

3 (4) The commission may extend the time periods established by this section upon a showing of
 4 hardship. The commission by rule may exempt a licensee from the requirements of this section if the
 5 licensee does not participate in the management of the business.

6 (5) The standards and curriculum of alcohol server education courses shall include but not be
 7 limited to the following:

8 (a) Alcohol as a drug and its effects on the body and behavior, especially driving ability.

9 (b) Effects of alcohol in combination with commonly used legal, prescription or nonprescription,
 10 drugs and illegal drugs.

11 (c) Recognizing the problem drinker and community treatment programs and agencies.

12 (d) State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated
 13 persons, sale for on-premises or off-premises consumption, hours of operation and penalties for vio-
 14 lation of the laws.

15 (e) Drunk driving laws and liquor liability statutes.

16 (f) Intervention with the problem customer, including ways to cut off service, ways to deal with
 17 the belligerent customer and alternative means of transportation to get the customer safely home.

18 (g) Advertising and marketing for safe and responsible drinking patterns and standard operating
 19 procedures for dealing with customers.

20 **(h) Delivery of alcoholic beverages by a delivery person to a final consumer. As used in**
 21 **this paragraph, “delivery person” and “final consumer” have the meanings given those terms**
 22 **in section 2 of this 2020 Act.**

23 (6) The commission shall adopt rules to impose reasonable fees for administrative costs on al-
 24cohol server education course instructors and providers.

25 (7) The commission shall provide alcohol server education courses and examinations through
 26 independent contractors, private persons or private or public schools certified by the commission.
 27 The commission shall adopt rules governing the manner in which alcohol server education courses
 28 and examinations are made available to persons required to take the course. In adopting rules under
 29 this subsection, the commission shall consider alternative means of providing courses, including but
 30 not limited to providing courses through audiotapes, videotapes, the Internet and other electronic
 31 media.

32 **SECTION 17.** ORS 471.750 is amended to read:

33 471.750. (1) The Oregon Liquor Control Commission shall establish such stores and warehouses
 34 in such places in the state as in its judgment are required by public convenience or necessity, for
 35 the sale of spirituous liquors, wines and other alcoholic liquors containing over five percent alcohol
 36 by volume, in sealed containers for consumption off the premises. The commission shall keep on
 37 hand in such stores or warehouses such quantities and kinds of alcoholic liquors as are reasonably
 38 required to supply the public demand.

39 (2) Any person qualified to purchase such liquors from the commission has the right to present
 40 to the commission, or at any of its stores, an application for any kind or brand of alcoholic liquor
 41 that the person may desire and that may be manufactured or obtainable in any place in the United
 42 States, and the commission shall obtain such liquor and sell it to the applicant. The commission may
 43 not require that an application for a kind or brand of alcoholic liquor include a commitment to
 44 purchase a minimum amount of the liquor or require that a purchase be for more than one container
 45 of a kind or brand of alcoholic liquor if the liquor:

1 (a) Except as provided in subsection (5) of this section, has a retail sales price of \$30 or more
2 per container;

3 (b) Is available through a distributor in the United States that does not require the commission
4 to acquire more than one case of the distilled liquor in a single transaction;

5 (c) Is not regularly stocked by the commission; and

6 (d) Is ordered in a 750 milliliter container size if available in that size.

7 (3) The commission may not establish a store in any county or incorporated city of this state
8 where a local prohibitory law is in effect. The commission shall adopt rules governing advertising
9 by stores operated by the commission. The commission may appoint agents in the sale of said liquor
10 under such agreement as the commission may negotiate with said agents or their representative.

11 (4) Rules relating to advertising adopted by the commission under subsection (3) of this section
12 shall allow signs and displays within its stores for the purpose of supplying consumer information
13 to customers, including but not limited to discounts, sales and other specials. Commission discretion
14 with respect to those signs and displays shall be limited to regulation of the content, size, number
15 per brand, type and duration of the sign or display. Signs and displays may be supplied by man-
16 ufacturers, wholesalers or distributors, and may bear the name of a particular distillery, supplier
17 or brand of liquor. The use of signs and displays shall be optional with the agent appointed by the
18 commission. [*Signs or displays authorized by the commission may not be placed in positions within the*
19 *store where the sign or display would be readily visible from outside of the store.*]

20 **(5) The commission may allow consumers to purchase distilled liquor from retail liquor**
21 **stores using electronic or telephonic methods authorized by the commission.**

22 [(5)] (6) The commission may annually adjust the price threshold established in subsection (2)(a)
23 of this section by a percentage equal to the percentage change in the Consumer Price Index for All
24 Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the
25 United States Department of Labor. However, the commission may not adjust the price threshold to
26 be less than \$30.

27
