

# Enrolled House Bill 2148

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)

CHAPTER .....

AN ACT

Relating to minors in possession of alcoholic beverages; amending ORS 471.430.

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

**SECTION 1.** ORS 471.430 is amended to read:

471.430. (1) [No] **A** person under the age of 21 years [shall] **may not** attempt to purchase, purchase or acquire alcoholic [liquor] **beverages**. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, [no] **a** person under the age of 21 years [shall] **may not** have personal possession of alcoholic [liquor] **beverages**.

(2) For the purposes of this section, personal possession of alcoholic [liquor] **beverages** includes the acceptance or consumption of a bottle of such [liquor] **beverages**, or any portion thereof or a drink of such [liquor] **beverages**. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(3) Except as authorized by rule or as necessitated in an emergency, [no] **a** person under the age of 21 years [shall] **may not** enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

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

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

(5) In addition to and not in lieu of any other penalty established by law, a person under the age of 21 years who violates subsection (1) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order denying driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

(6) In addition to and not in lieu of any penalty established by law, the court:

(a) Shall order a person who is at least 18 years of age and not more than 21 years of age, who is convicted of violation of this section and who has been convicted of violation of this section at

least once before when the person was at least 18 years of age, to undergo assessment and treatment as provided in ORS 471.432.

(b) May order a person who is at least 18 years of age and not more than 21 years of age and who is convicted of violation of this section to undergo assessment and treatment as provided in ORS 471.432.

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

(8) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the age of 21 years.

**Passed by House February 15, 2007**

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Chief Clerk of House

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Speaker of House

**Passed by Senate March 26, 2007**

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President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State