

**A-Engrossed**  
**House Bill 2150**

Ordered by the House February 28  
Including House Amendments dated February 28

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.

Allows cities with populations of [500,000] **70,000** 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**

1  
2 Relating to minor decoy operations; amending ORS 471.346.

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

4 **SECTION 1.** ORS 471.346 is amended to read:

5 471.346. (1) The Oregon Liquor Control Commission shall by rule develop uniform standards for  
6 minor decoy operations used to investigate licensees and agents operating stores on behalf of the  
7 commission under ORS 471.750 for violations of the laws of this state prohibiting sales of alcoholic  
8 beverages to minors. Uniform standards established by the commission under this section apply to  
9 all investigations conducted by the commission that use minor decoys. The commission shall en-  
10 courage all law enforcement agencies of this state to use the uniform standards established under  
11 this section for minor decoy operations conducted by the law enforcement agencies.

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

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

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

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

27 **(4) In cities with populations of 70,000 or more, the uniform standards established by the**  
28 **commission under this section shall allow a random minor decoy operation within the**

**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 **boundaries of the city or within a specified geographical area that has a population of at least**  
2 **20,000. If a specified geographical area is the subject of a random minor decoy operation**  
3 **under this subsection, the methodology adopted by the commission under subsection (3) of**  
4 **this section shall produce, to the greatest extent possible, an equal chance that any licensee**  
5 **or agent within the geographical area will be subject to a minor decoy operation.**

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

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

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

23 [(7)] (8) The commission shall give notice of the uniform standards established under this section  
24 to all law enforcement agencies of this state that conduct minor decoy operations.

25