

# House Bill 2246

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Liquor Control Commission)

## 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**.

States conditions under which parent or guardian may give or otherwise make alcoholic liquor available to person under 21 years of age. Exempts person exercising control over private residence from liability for allowing use of property by person under age of 21 years to consume alcoholic liquor supplied by accompanying parent or guardian.

## A BILL FOR AN ACT

1  
2 Relating to the consumption of alcoholic liquor by underage persons; creating new provisions; and  
3 amending ORS 471.410.

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

5 **SECTION 1.** ORS 471.410 is amended to read:

6 471.410. (1) *[No person shall]* **A person may not** sell, give or otherwise make available any al-  
7 coholic liquor to any person who is visibly intoxicated.

8 (2) No one other than the person's parent or guardian shall sell, give or otherwise make avail-  
9 able any alcoholic liquor to a person under the age of 21 years. **A parent or guardian may give**  
10 **or otherwise make alcoholic liquor available to a person under the age of 21 years only if the**  
11 **person is in a private residence and is accompanied by the parent or guardian.** A person vio-  
12 lates this subsection who sells, gives or otherwise makes available alcoholic liquor to a person with  
13 the knowledge that the person to whom the liquor is made available will violate this subsection.

14 (3)(a) *[No]* **A** person who exercises control over private real property may **not** knowingly allow  
15 any other person under the age of 21 years who is not a child or minor ward of the person to con-  
16 sume alcoholic liquor on the property, or allow any other person under the age of 21 years who is  
17 not a child or minor ward of the person to remain on the property if the person under the age of  
18 21 years consumes alcoholic liquor on the property. *[The prohibitions of]*

19 **(b)** This subsection: *[apply]*

20 **(A) Applies** only to a person who is present and in control of the location at the time the  
21 consumption occurs; *[. The prohibitions of This subsection do]*

22 **(B) Does** not apply to the owner of rental property, or the agent of an owner of rental property,  
23 unless the consumption occurs in the individual unit in which the owner or agent resides[.]; **and**

24 **(C) Does not apply to a person who exercises control over a private residence if the liquor**  
25 **consumed by the person under the age of 21 years is supplied only by an accompanying par-**  
26 **ent or guardian.**

27 (4) A person who violates subsection (1) or (2) of this section commits a Class A misdemeanor.  
28 Upon violation of subsection (2) of this section, the court shall impose at least a mandatory minimum  
29 sentence as follows:

30 (a) Upon a first conviction, a fine of \$350.

**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 (b) Upon a second conviction, a fine of \$1,000.

2 (c) Upon a third or subsequent conviction, a fine of \$1,000 and not less than 30 days of  
3 imprisonment.

4 (5) The court *[shall]* **may** not waive or suspend imposition or execution of the mandatory mini-  
5 mum sentence required by subsection (4) of this section. In addition to the mandatory sentence the  
6 court may require the violator to make restitution for any damages to property where the alcoholic  
7 liquor was illegally consumed or may require participation in volunteer service to a community  
8 service agency.

9 (6) The mandatory minimum penalty provisions of subsection (4) of this section *[shall]* **do** not  
10 apply to persons licensed or appointed under the provisions of this chapter.

11 (7) A person who violates subsection (3) of this section commits a violation. Upon violation of  
12 subsection (3) of this section, the court shall impose at least a mandatory minimum fine as follows:

13 (a) Upon a first conviction, a fine of \$350.

14 (b) Upon a second or subsequent conviction, a fine of \$1,000.

15 (8) Nothing in this section prohibits any licensee under this chapter from allowing a person who  
16 is visibly intoxicated from remaining on the licensed premises so long as the person is not sold or  
17 served any alcoholic liquor.

18 **SECTION 2. The amendments to ORS 471.410 by section 1 of this 2009 Act apply to:**

19 **(1) The selling, giving or making available of alcoholic liquor on or after the effective date**  
20 **of this 2009 Act for the purpose of enabling a person under the age of 21 years to possess the**  
21 **alcoholic liquor; and**

22 **(2) A person exercising control over private property at which a person under the age**  
23 **of 21 years consumes alcoholic liquor on or after the effective date of this 2009 Act.**

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