

House Bill 2641

Sponsored by Representative SCHAUFLER (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**.

Eliminates culpable mental state element in prohibition against Oregon Liquor Control Commission licensee or permittee allowing visibly intoxicated person to consume or continue to consume alcohol.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverages; creating new provisions; and amending ORS 471.412.

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

4 **SECTION 1.** ORS 471.412 is amended to read:

5 471.412. (1) [No] **A** licensee or permittee [*shall knowingly*] **may not** allow a person to consume
6 or to continue to consume alcoholic beverages on the licensed premises after observing that the
7 person is visibly intoxicated.

8 (2) A licensee or permittee is not in violation of subsection (1) of this section if the licensee or
9 permittee makes a good faith effort to remove any unconsumed alcoholic beverages from the
10 person's possession when the licensee or permittee observes that the person is visibly intoxicated.

11 (3) Nothing in this section applies to determining liability under ORS 471.565.

12 (4) Notwithstanding any other provision of law, the Oregon Liquor Control Commission shall
13 only impose letters of reprimand for the first three violations of this section within a two-year pe-
14 riod. For license renewal purposes, the first three violations of this section in a two-year period
15 [*shall*] **do** not apply in determining the past record of compliance under ORS 471.313 (4)(g).

16 **SECTION 2. The amendments to ORS 471.412 by section 1 of this 2011 Act apply to**
17 **licensee or permittee actions that occur on or after the effective date of this 2011 Act.**

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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.