

House Bill 3628

Sponsored by Representative PARRISH; Representatives THOMPSON, WEIDNER

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**.

Provides exemption from fine and suspension of driving privileges if person under 21 years of age calls 9-1-1 for medical assistance following consumption of alcohol by person or another person under 21 years of age. Specifies exceptions.

A BILL FOR AN ACT

1
2 Relating to use of alcohol by minors; creating new provisions; and amending ORS 471.430.

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

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

5 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire
6 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent
7 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of
8 age may not have personal possession of alcoholic beverages.

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

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

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

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

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

30 (6) If a person cited under this section is at least 13 years of age but less than 21 years of age
31 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in

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 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to
2 the department for the department to suspend the person's driving privileges under ORS 809.280 (5).

3 (7) In addition to and not in lieu of any penalty established by law, the court may order a person
4 who violates this section to undergo assessment and treatment as provided in ORS 471.432. The
5 court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if the
6 person has previously been found to have violated this section.

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

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

15 **(10) It is an affirmative defense to a prosecution under subsection (1) or (3) of this sec-**
16 **tion that:**

17 **(a) The person called 9-1-1 and reported that either the person or another person under**
18 **21 years of age was in need of medical assistance due to alcohol consumption; and**

19 **(b) The person remained on the scene until medical assistance arrived and the person**
20 **cooperated with medical assistance and law enforcement personnel on the scene.**

21 **(11) The affirmative defense created in subsection (10) of this section does not apply if**
22 **the person violated subsection (1) of this section while engaged in conduct described in sub-**
23 **section (4)(b) of this section.**

24 **SECTION 2. The amendments to ORS 471.430 by section 1 of this 2011 Act apply to of-**
25 **fenses committed on or after the effective date of this 2011 Act.**

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