

A-Engrossed
Senate Bill 898

Ordered by the Senate April 5
Including Senate Amendments dated April 5

Sponsored by Senator STARR; Senators DEVLIN, VERGER, Representatives BARKER, KRIEGER, LINDSAY, TOMEI

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 Oregon Health Authority or local public health authority to request proof that person performing work at restaurant meets applicable minimum age requirements. Allows health authority to order person to immediately cease activity that is subject to minimum age requirement if requested proof of age not supplied. Provides that failure of restaurant licensee or manager to provide proof of age for person performing work at restaurant is prima facie evidence licensee has allowed person to perform work in violation of minimum age requirements.]

Allows Oregon Liquor Control Commission to request proof that person performing work at premises licensed by commission meets applicable minimum age requirements. Allows commission to order person to immediately cease activity that is subject to minimum age requirement if requested proof of age not supplied. Provides that failure of licensee or manager to provide proof of age for person performing work at premises is prima facie evidence licensee has allowed person to perform work in violation of minimum age requirements.

[Allows Oregon Health Authority and Oregon Liquor Control Commission to enter into interagency agreement creating agency relationship for purpose of requesting proof of age.]

A BILL FOR AN ACT

1
2 Relating to proof of employee age; amending ORS 471.480 and 471.482.

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

4 **SECTION 1.** ORS 471.480 is amended to read:

5 471.480. (1) Any employee 18 years of age or older of a person who holds an off-premises sales
6 license from the Oregon Liquor Control Commission may sell any alcoholic liquor authorized by
7 such license on the licensed premises.

8 (2) Any employee 18 years of age or older of a person who holds a wholesale malt beverage and
9 wine license from the Oregon Liquor Control Commission may assist the licensee in the delivery of
10 any alcoholic liquor authorized by such license.

11 **(3) During any inspection of a licensed premises, the commission may require proof that**
12 **a person performing work at the premises meets any applicable minimum age requirement**
13 **created under this chapter or under commission rules. If the person does not provide the**
14 **commission with acceptable proof of age upon request, the commission may require the**
15 **person to immediately cease any activity that is subject to a minimum age requirement until**
16 **the commission receives acceptable proof of age. If the activity is the sole lawful basis for**
17 **the person to be present on the premises, the commission may require that the person leave**
18 **the premises. This subsection does not apply to a person temporarily at the premises to**
19 **make a service, maintenance or repair call, to make a delivery or for other purposes inde-**
20 **pendent of the premises operations.**

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 **(4) If a person performing work that is subject to a minimum age requirement has not**
2 **provided proof of age requested by the commission under subsection (3) of this section, the**
3 **commission may request that the licensee or a manager of the premises provide proof that**
4 **the person meets any applicable minimum age requirement created under this chapter or**
5 **under commission rules. Failure of the licensee or manager to respond to a request made**
6 **under this subsection by providing acceptable proof of age for a person is prima facie evi-**
7 **dence that the licensee has allowed the person to perform work at the licensed premises in**
8 **violation of a minimum age requirement.**

9 **SECTION 2.** ORS 471.482 is amended to read:

10 471.482. (1) The holder of a license issued under this chapter may employ persons 18, 19 and 20
11 years of age who may take orders for, serve and sell alcoholic liquor in any part of the licensed
12 premises when that activity is incidental to the serving of food except in those areas classified by
13 the Oregon Liquor Control Commission as being prohibited to the use of minors. However, no per-
14 son who is 18, 19 or 20 years of age shall be permitted to mix, pour or draw alcoholic liquor except
15 when pouring is done as a service to the patron at the patron's table or drawing is done in a portion
16 of the premises not prohibited to minors.

17 (2) A person who is 18, 19 or 20 years of age may enter areas classified by the commission as
18 being prohibited to the use of minors only for the purpose of ordering and picking up alcoholic li-
19 quor for service in other parts of the premises. However, the person shall not remain in the areas
20 longer than is necessary to perform those duties.

21 (3) The commission by rule may permit access to prohibited areas by any minor for nonalcoholic
22 liquor employment purposes as long as the minor does not remain longer than is necessary to per-
23 form the duties.

24 **(4) During any inspection of a licensed premises, the commission may require proof that**
25 **a person performing work at the premises meets any applicable minimum age requirement**
26 **created under this chapter or under commission rules. If the person does not provide the**
27 **commission with acceptable proof of age upon request, the commission may require the**
28 **person to immediately cease any activity that is subject to a minimum age requirement until**
29 **the commission receives acceptable proof of age. If the activity is the sole lawful basis for**
30 **the person to be present on the premises, the commission may require that the person leave**
31 **the premises. This subsection does not apply to a person temporarily at the premises to**
32 **make a service, maintenance or repair call, make a delivery or for other purposes inde-**
33 **pendent of the premises operations.**

34 **(5) If a person performing work that is subject to a minimum age requirement has not**
35 **provided proof of age requested by the commission under subsection (4) of this section, the**
36 **commission may request that the licensee or a manager of the premises provide proof that**
37 **the person meets any applicable minimum age requirement created under this chapter or**
38 **under commission rules. Failure of the licensee or manager to respond to a request made**
39 **under this subsection by providing acceptable proof of age for a person is prima facie evi-**
40 **dence that the licensee has allowed the person to perform work at the licensed premises in**
41 **violation of a minimum age requirement.**