

Senate Bill 898

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 **as introduced**.

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 inter-agency agreement creating agency relationship for purpose of requesting proof of age.

A BILL FOR AN ACT

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

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 624.**

5 **SECTION 2. (1) As used in this section, "restaurant" has the meaning given that term**
6 **in ORS 624.010.**

7 **(2) During any inspection of a restaurant, the Oregon Health Authority or a local public**
8 **health authority may require proof that a person performing work at the restaurant meets**
9 **any applicable minimum age requirement created under this chapter or under Oregon Health**
10 **Authority rules. If the person does not provide the requesting health authority with accept-**
11 **able proof of age, the requesting health authority may require the person to immediately**
12 **cease any activity that is subject to a minimum age requirement until the requesting health**
13 **authority receives acceptable proof of age. This subsection does not apply to a person tem-**
14 **porarily at the restaurant to make a service, maintenance or repair call, to make a delivery**
15 **or for other purposes independent of restaurant operations.**

16 **(3) If a person performing work that is subject to a minimum age requirement has not**
17 **provided proof of age requested by a health authority under subsection (2) of this section,**
18 **the health authority may request that the licensee or a manager of the restaurant provide**
19 **proof that the person meets any applicable minimum age requirement created under this**
20 **chapter or under Oregon Health Authority rules. Failure of the licensee or manager to re-**
21 **spond to a request made under this subsection by providing acceptable proof of age for a**
22 **person is prima facie evidence that the licensee has allowed the person to perform work at**
23 **the restaurant in violation of a minimum age requirement.**

24 **SECTION 3. ORS 471.480 is amended to read:**

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.

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

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

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

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

25 **SECTION 4.** ORS 471.482 is amended to read:

26 471.482. (1) The holder of a license issued under this chapter may employ persons 18, 19 and 20
 27 years of age who may take orders for, serve and sell alcoholic liquor in any part of the licensed
 28 premises when that activity is incidental to the serving of food except in those areas classified by
 29 the Oregon Liquor Control Commission as being prohibited to the use of minors. However, no per-
 30 son who is 18, 19 or 20 years of age shall be permitted to mix, pour or draw alcoholic liquor except
 31 when pouring is done as a service to the patron at the patron's table or drawing is done in a portion
 32 of the premises not prohibited to minors.

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

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

40 **(4) During any inspection of a licensed premises, the commission may require proof that**
 41 **a person performing work at the premises meets any applicable minimum age requirement**
 42 **created under this chapter or under commission rules. If the person does not provide the**
 43 **commission with acceptable proof of age upon request, the commission may require the**
 44 **person to immediately cease any activity that is subject to a minimum age requirement until**
 45 **the commission receives acceptable proof of age. If the activity is the sole lawful basis for**

1 the person to be present on the premises, the commission may require that the person leave
2 the premises. This subsection does not apply to a person temporarily at the premises to
3 make a service, maintenance or repair call, make a delivery or for other purposes inde-
4 pendent of the premises operations.

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

13 **SECTION 5.** (1) As used in this section:

14 (a) "Local public health authority" has the meaning given that term in ORS 624.005.

15 (b) "Premises" has the meaning given that term in ORS 471.001.

16 (c) "Restaurant" has the meaning given that term in ORS 624.010.

17 (2) The Oregon Health Authority and the Oregon Liquor Control Commission may enter
18 into an interagency agreement to:

19 (a) Allow the authority or any local public health authority, when conducting an in-
20 spection of a restaurant that is also a premises licensed by the commission, to act as an
21 agent of the commission for the purpose of requesting proof of age under ORS 471.480 or
22 471.482; and

23 (b) Allow the commission, when conducting an inspection of a licensed premises that is
24 also a restaurant, to act as an agent of the Oregon Health Authority or a local public health
25 authority for the purpose of requesting proof of age under section 2 of this 2011 Act.
26