

House Bill 4149

Sponsored by Representative TOMEI; Representatives BARNHART, DEMBROW, GARRETT, GELSER, HOLVEY, HOYLE, KENY-GUYER, KOMP, KOTEK, READ (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**.

Authorizes Oregon Liquor Control Commission inspectors and investigators to enforce laws relating to tobacco products to same extent as peace officers. Allows commission to accept moneys from federal government and other public or private sources to carry out enforcement of tobacco-related laws.

A BILL FOR AN ACT

1
2 Relating to Oregon Liquor Control Commission enforcement of tobacco-related laws; amending ORS
3 471.725 and 471.730.

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

5 **SECTION 1.** ORS 471.725 is amended to read:

6 471.725. The function, duties and powers of the Oregon Liquor Control Commission include the
7 following:

8 (1) To buy, have in its possession, bottle, blend, rectify, transport and sell, for present or future
9 delivery, in its own name, alcoholic liquor in the manner set forth in this chapter.

10 (2) To purchase, acquire, rent, lease or occupy any building, rooms, stores or land and acquire,
11 own, lease and sell equipment and fixtures required for its operations.

12 (3) To lease or sublet to others property [*which*] **that** it acquires or owns and [*which*] **that** is
13 not immediately required for its operations. However, no real property shall be purchased without
14 the consent and approval of the Governor.

15 (4) To borrow money, guarantee the payment thereof and of the interest thereon, by the transfer
16 or pledge of goods or in any other manner required or permitted by law.

17 (5) To issue, sign, indorse and accept checks, promissory notes, bills of exchange and other ne-
18 gotiable instruments.

19 (6) In the event the United States Government provides any plan or method whereby the taxes
20 upon alcoholic liquors are collected at the source, to enter into any and all contracts and comply
21 with all regulations, even to the extent of partially or wholly abrogating any statutory provisions
22 [*which*] **that** might be in conflict with federal law or regulations, to the end that the commission
23 receives the portion thereof allocated to this state, to be distributed as provided by statute.

24 (7) To secure and pay for such policies of insurance as may be necessary to adequately protect
25 it from loss by fire, theft or other casualty.

26 (8) **To accept moneys from the United States Government or other public or private**
27 **sources and, notwithstanding ORS 471.805 and 471.810, utilize those moneys in accordance**
28 **with any federal restrictions or other funding source restrictions to carry out its functions,**
29 **duties and powers under ORS 471.730 related to tobacco products.**

30 **SECTION 2.** ORS 471.730 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.

1 471.730. The function, duties and powers of the Oregon Liquor Control Commission include the
 2 following:

3 (1) To control the manufacture, possession, sale, purchase, transportation, importation and de-
 4 livery of alcoholic liquor in accordance with the provisions of this chapter and ORS 474.105 and
 5 474.115.

6 (2) To grant, refuse, suspend or cancel licenses and permits for the sale or manufacture of al-
 7 coholic liquor, or other licenses and permits in regard thereto, and to permit, in its discretion, the
 8 transfer of a license of any person.

9 (3) To collect the taxes and duties imposed by statutes relating to alcoholic liquors, and to issue,
 10 and provide for cancellation, stamps and other devices as evidence of payment of such taxes or du-
 11 ties.

12 (4) To investigate and aid in the prosecution of every violation of statutes relating to alcoholic
 13 liquors, to seize alcoholic liquor manufactured, sold, kept, imported or transported in contravention
 14 of this chapter and ORS 474.105 and 474.115, and apply for the confiscation thereof, whenever re-
 15 quired by statute, and cooperate in the prosecution of offenders before any court of competent ju-
 16 risdiction.

17 (5) To adopt such regulations as are necessary and feasible for carrying out the provisions of
 18 this chapter and ORS 474.105 and 474.115 and to amend or repeal such regulations. When such
 19 regulations are adopted they shall have the full force and effect of law.

20 (6) To exercise all powers incidental, convenient or necessary to enable it to administer or carry
 21 out any of the provisions of this chapter and ORS 474.105 and 474.115.

22 (7) To control, regulate and prohibit any advertising by manufacturers, wholesalers or retailers
 23 of alcoholic liquor by the medium of newspapers, letters, billboards, radio or otherwise.

24 (8) To sell, license, regulate and control the use of alcohol for scientific, pharmaceutical, man-
 25 ufacturing, mechanical, industrial and other purposes, and to provide by regulation for the sale
 26 thereof for such uses.

27 **(9) To enforce through the inspectors and investigators employed by the commission any**
 28 **laws enforceable by peace officers of this state relating to tobacco products, including but**
 29 **not limited to laws relating to the storage, transport, purchase or other possession of to-**
 30 **bacco products, the sale or other supplying of tobacco products or the offering to sell or**
 31 **otherwise supply tobacco products. As used in this subsection, "tobacco products" has the**
 32 **meaning given that term in ORS 431.840.**

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