

House Bill 2166

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services)

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**.

Requires alcohol server education courses to include curriculum related to recognizing characteristics indicative of addiction to, or other emotional or behavioral issues related to, playing games of state lottery.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to alcohol server education curriculum about games of state lottery; creating new pro-
3 visions; amending ORS 471.542; and declaring an emergency.

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

5 **SECTION 1.** ORS 471.542 is amended to read:

6 471.542. (1) Except as provided in subsection (2) of this section, the Oregon Liquor Control
7 Commission shall require a person applying for issuance or renewal of a service permit or any li-
8 cense that authorizes the sale or service of alcoholic beverages for consumption on the premises to
9 complete an approved alcohol server education course and examination as a condition of the issu-
10 ance or renewal of the permit or license.

11 (2) A person applying for issuance or renewal of a license that authorizes the sale or service
12 of alcoholic beverages for consumption on the premises need not complete an approved alcohol
13 server education course and examination as a condition of the issuance or renewal of the license if:

14 (a) The license has been restricted by the commission to prohibit sale or service of alcoholic
15 beverages for consumption on the premises; or

16 (b) The person applying for issuance or renewal of the license submits a sworn statement to the
17 commission stating that the person will not engage in sale or service of alcoholic beverages for
18 consumption on the premises, will not directly supervise or manage persons who sell or serve alco-
19 holic beverages on the premises, and will not participate in establishing policies governing the sale
20 or service of alcoholic beverages on the premises.

21 (3) The commission by rule shall establish requirements that licensees and permittees must
22 comply with as a condition of requalifying for a license or permit. The licensee or permittee must
23 comply with those requirements once every five years after completing the initial alcohol server
24 education course and examination. The requirements established by the commission to requalify for
25 a license may include retaking the alcohol server education course and examination. The require-
26 ments established by the commission to requalify for a service permit shall include retaking the al-
27 cohool server education course and examination.

28 (4) The commission may extend the time periods established by this section upon a showing of
29 hardship. The commission by rule may exempt a licensee from the requirements of this section if the
30 licensee does not participate in the management of the business.

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 (5) The standards and curriculum of alcohol server education courses shall include but not be
2 limited to the following:

3 (a) Alcohol as a drug and its effects on the body and behavior, especially driving ability.

4 (b) Effects of alcohol in combination with commonly used legal, prescription or nonprescription,
5 drugs and illegal drugs.

6 (c) Recognizing the problem drinker and community treatment programs and agencies.

7 (d) State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated
8 persons, sale for on-premises or off-premises consumption, hours of operation and penalties for vio-
9 lation of the laws.

10 (e) Drunk driving laws and liquor liability statutes.

11 (f) Intervention with the problem customer, including ways to cut off service, ways to deal with
12 the belligerent customer and alternative means of transportation to get the customer safely home.

13 (g) Advertising and marketing for safe and responsible drinking patterns and standard operating
14 procedures for dealing with customers.

15 **(h) Recognizing characteristics exhibited by players of games of the state lottery that are**
16 **indicative of addiction to, or other emotional or behavioral issues related to, playing games**
17 **of the state lottery.**

18 (6) The commission shall impose a fee not to exceed \$2.60 a year for each license subject to the
19 alcohol server education requirement, and a fee not to exceed \$13 for each service permit applica-
20 tion. These fees shall be used for administrative costs of the Alcohol Education Program established
21 under ORS 471.541 and shall be in addition to any other license or permit fees required by law or
22 rule.

23 (7) The commission shall adopt rules to impose reasonable fees for administrative costs on al-
24cohol server education course instructors and providers.

25 (8) The commission shall provide alcohol server education courses and examinations through
26 independent contractors, private persons or private or public schools certified by the commission.
27 The commission shall adopt rules governing the manner in which alcohol server education courses
28 and examinations are made available to persons required to take the course. In adopting rules under
29 this subsection, the commission shall consider alternative means of providing courses, including but
30 not limited to providing courses through audiotapes, videotapes, the Internet and other electronic
31 media.

32 **SECTION 2. The Oregon Liquor Control Commission may adopt rules and take necessary**
33 **actions to implement the amendments to ORS 471.542 by section 1 of this 2013 Act before the**
34 **operative date set forth in section 3 of this 2013 Act.**

35 **SECTION 3. The amendments to ORS 471.542 by section 1 of this 2013 Act:**

36 **(1) Become operative January 1, 2014.**

37 **(2) Apply to alcohol server education courses offered on or after the operative date set**
38 **forth in subsection (1) of this section.**

39 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
41 **on its passage.**