

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 9 - 0 - 0
Yeas: Barton, Cameron, Hicks, Krieger, Lininger, Olson, Tomei, Williamson, Barker
Nays: 0
Exc.: 0
Prepared By: Channa Newell, Counsel
Meeting Dates: 2/20

WHAT THE MEASURE DOES: Changes penalty when employee unknowingly or unintentionally sells alcohol to a minor while operating a store checkout device from Class A misdemeanor to Class A violation. Clarifies offense of endangering welfare of minor is Class A violation when person sells device for smoking tobacco to person under 18 years of age. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Inconsistency with charging misdemeanor or violation across jurisdictions
- Misdemeanor conviction often results in immediate termination from employment
- Loss of employability disproportionate to impact of offense
- Effect of measure on clerks monitoring self-checkout devices
- Public purpose strict liability for action
- Clarification on offense of endangering welfare of minor

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon law prohibits anyone other than the parent or guardian of a person under the age of 21 years from selling or giving alcohol to a person under 21 years of age. An employee who does unknowingly or unintentionally sell alcohol to a minor is required to undergo the Oregon Liquor Control Commission training course under ORS 471.341, but is subject to a misdemeanor charge for a first conviction.

Senate Bill 1546-A specifies that employees of off-premises sale licensees, such as a grocery store clerk, who unknowingly or unintentionally sell alcohol to a minor while operating a checkout device may be convicted of a Class A violation and not a Class A misdemeanor for a first offense.