

**A-Engrossed**  
**House Bill 4094**

Ordered by the House February 12  
Including House Amendments dated February 12

Sponsored by Representative DOHERTY; Representatives BARKER, GELSER, HICKS, KENY-GUYER, KRIEGER, OLSON, TOMEI, WILLIAMSON; Senators DEMBROW, ROBLAN, STEINER HAYWARD (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.

*[Creates defense to]* **Provides that person is immune from prosecution for offense of possession of alcohol by person under 21 years of age if person was in need of medical assistance due to alcohol consumption or if person sought medical assistance for another person in need of medical assistance due to alcohol consumption, and** evidence of offense resulted from person's having sought **or obtained** medical assistance *[for alcohol poisoning]*.

**A BILL FOR AN ACT**

1  
2 Relating to possession of alcohol by persons under 21 years of age; creating new provisions; and  
3 amending ORS 471.430.

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

5 **SECTION 1.** ORS 471.430 is amended to read:

6 471.430. (1) A person under 21 years of age may not attempt to purchase, purchase or acquire  
7 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent  
8 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of  
9 age may not have personal possession of alcoholic beverages.

10 (2) For the purposes of this section, personal possession of alcoholic beverages includes the ac-  
11 ceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such  
12 beverages. However, this section does not prohibit the acceptance or consumption by any person  
13 of sacramental wine as part of a religious rite or service.

14 (3) Except as authorized by rule or as necessitated in an emergency, a person under 21 years  
15 of age may not enter or attempt to enter any portion of a licensed premises that is posted or oth-  
16 erwise identified as being prohibited to the use of minors.

17 (4)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection  
18 (1) or (3) of this section commits a Class B violation.

19 (b) A person commits a Class A violation if the person violates subsection (1) of this section by  
20 reason of personal possession of alcoholic beverages while the person is operating a motor vehicle,  
21 as defined in ORS 801.360.

22 (5) In addition to and not in lieu of any other penalty established by law, a person under 21  
23 years of age who violates subsection (1) of this section through misrepresentation of age may be  
24 required to perform community service and the court shall order that the person's driving privileges  
25 and right to apply for driving privileges be suspended for a period not to exceed one year. If a court  
26 has issued an order suspending driving privileges under this section, the court, upon petition of the

**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 person, may withdraw the order at any time the court deems appropriate. The court notification to  
2 the Department of Transportation under this subsection may include a recommendation that the  
3 person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the  
4 permit.

5 (6) If a person cited under this section is at least 13 years of age but less than 21 years of age  
6 at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in  
7 addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to  
8 the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

9 (7) In addition to and not in lieu of any penalty established by law, the court may order a person  
10 who violates this section to undergo assessment and treatment as provided in ORS 471.432. The  
11 court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if the  
12 person has previously been found to have violated this section.

13 (8) The prohibitions of this section do not apply to a person under 21 years of age who is acting  
14 under the direction of the Oregon Liquor Control Commission or under the direction of state or lo-  
15 cal law enforcement agencies for the purpose of investigating possible violations of laws prohibiting  
16 sales of alcoholic beverages to persons who are under 21 years of age.

17 (9) The prohibitions of this section do not apply to a person under 21 years of age who is acting  
18 under the direction of a licensee for the purpose of investigating possible violations by employees  
19 of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under 21 years  
20 of age.

21 **(10)(a) A person under 21 years of age is not in violation of, and is immune from prose-**  
22 **cution under, this section if:**

23 **(A) The person contacted emergency medical services or a law enforcement agency in**  
24 **order to obtain medical assistance for another person who was in need of medical assistance**  
25 **due to alcohol consumption and the evidence of the violation of this section was obtained as**  
26 **a result of the person's having contacted emergency medical services or a law enforcement**  
27 **agency; or**

28 **(B) The person was in need of medical assistance due to alcohol consumption and the**  
29 **evidence of the violation of this section was obtained as a result of the person's having**  
30 **sought or obtained the medical assistance.**

31 **(b) Paragraph (a) of this subsection does not exclude the use of evidence obtained as a**  
32 **result of a person's having sought medical assistance in proceedings for crimes or offenses**  
33 **other than a violation of this section.**

34 **SECTION 2. The amendments to ORS 471.430 by section 1 of this 2014 Act apply to con-**  
35 **duct occurring on or after the effective date of this 2014 Act.**

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