

**HB 2334 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Girod

**Senate Committee On Business and General Government**

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**Action Date:** 04/16/19

**Action:** Do pass.

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Girod, Hass, Olsen, Riley

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Tyler Larson, LPRO Analyst

**Meeting Dates:** 4/16

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**WHAT THE MEASURE DOES:**

Makes violation of permit requirements for service of alcoholic beverages punishable by maximum of \$1,000 fine.

**ISSUES DISCUSSED:**

- Need to establish reasonable punishment for server permit violations
- Current statutes allowing for prosecution of a server permit violation as a Class A misdemeanor and concerns about local abuse of prosecutorial discretion
- Recent prosecution of a winery owner for two Class A misdemeanors when owner could not produce a valid server permit

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The Oregon Liquor Control Commission is responsible for regulating the sale and service of alcoholic beverages in Oregon by administering the Oregon Liquor Control Act. Businesses that sell, manufacture, import, or distribute alcohol in Oregon must obtain an OLCC license. Service permits are required for servers and their managers who mix, serve, or sell alcohol. There are more than 165,000 active service permit holders in Oregon. Applicants who submit an application to the OLCC, complete the alcohol server education course, and pass the server examination receive a 5-year server permit.

Current statute does not prescribe a punishment for violation of the server permit requirement; this allows OLCC to impose a civil penalty up to \$500, or to treat any violation for which no punishment is prescribed as a Class A misdemeanor. Class A misdemeanors are punishable by a fine up to \$6,250 and 364 days imprisonment.

HB 2334 makes the failure to obtain a service permit a Class B violation. Class B violations come with a presumptive fine of \$265 and a maximum fine of \$1,000.