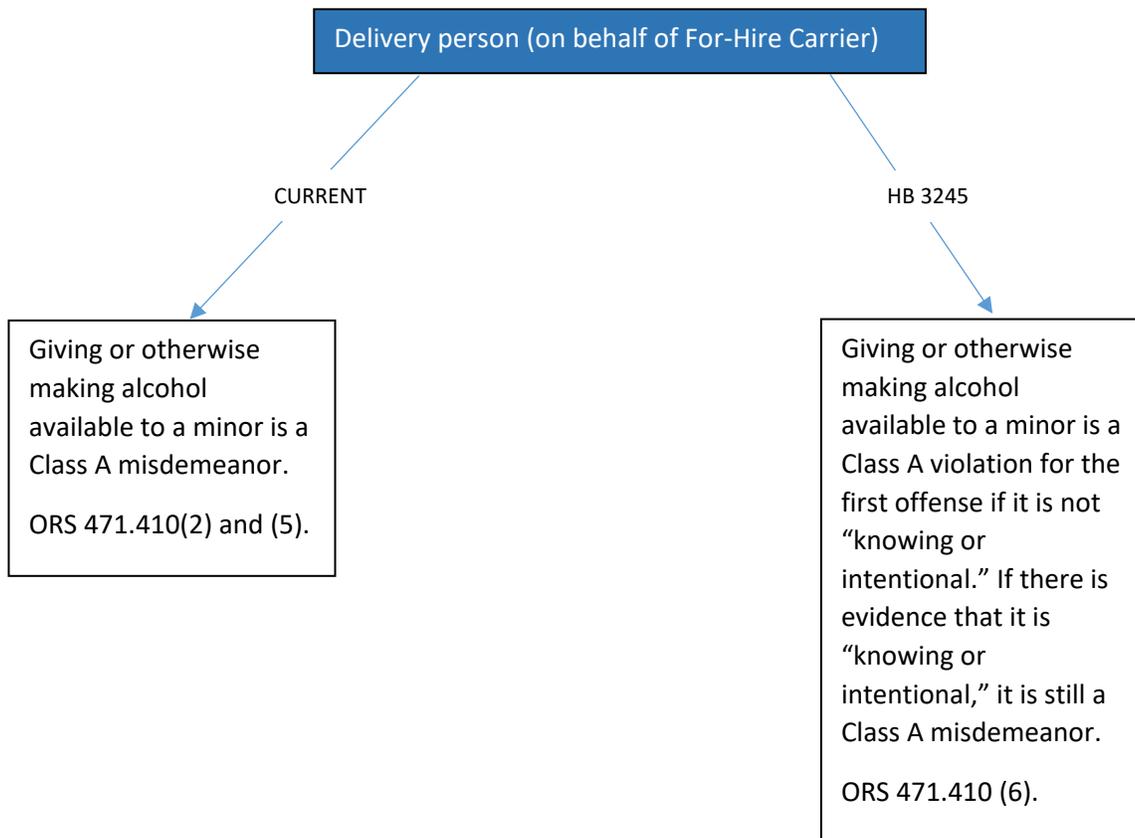


**ACCOUNTABILITY FRAMEWORK FOR PROVIDING ALCOHOL TO A MINOR:
CURRENT STATE AND FUTURE STATE (IF HB 3245 BECOMES LAW)**

Introduction

HB 3245 amends ORS 471.346 and 471.410. The amendments to 471.346 include expanding the minor decoy program to apply to deliveries of alcohol off of a licensed premises or liquor store premises. The decoy operation program will be used to test compliance with age verification requirements by anyone who delivers alcohol. This includes licensee or liquor store agent personnel or individuals delivering alcohol at the direction of approved for-hire carriers. As discussed below, unless a specific exception applies in ORS 471.410(2) or (6), giving or otherwise making alcohol available to a minor carries a penalty of a Class A misdemeanor. The proposed amendments to 471.410 would lower the penalty for the first offense by a delivery person if the delivery was not made knowingly or intentionally. As we start to go out into the field to run decoy operations for deliveries, we may see an increase in discovered violations of ORS 471.410(2), thus the interest in reducing the penalty for delivery persons to a Class A violation for the first offense. Approved for-hire carriers, licensees, direct shipper permittees, and liquor agents may be held accountable separately for deliveries of alcoholic beverages to minors by their agents under the current regulatory framework in Oregon.



Store clerk (typically working at a grocery or liquor store)

CURRENT

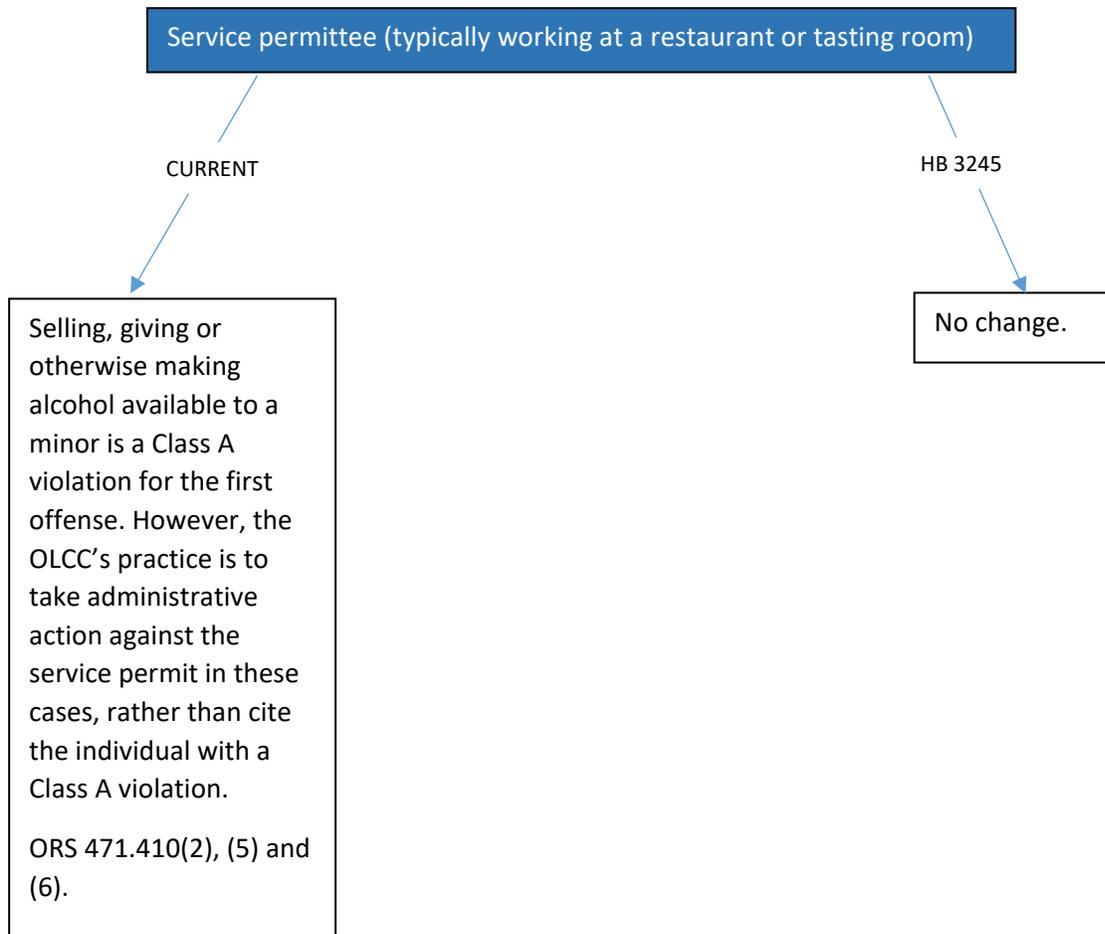
HB 3245

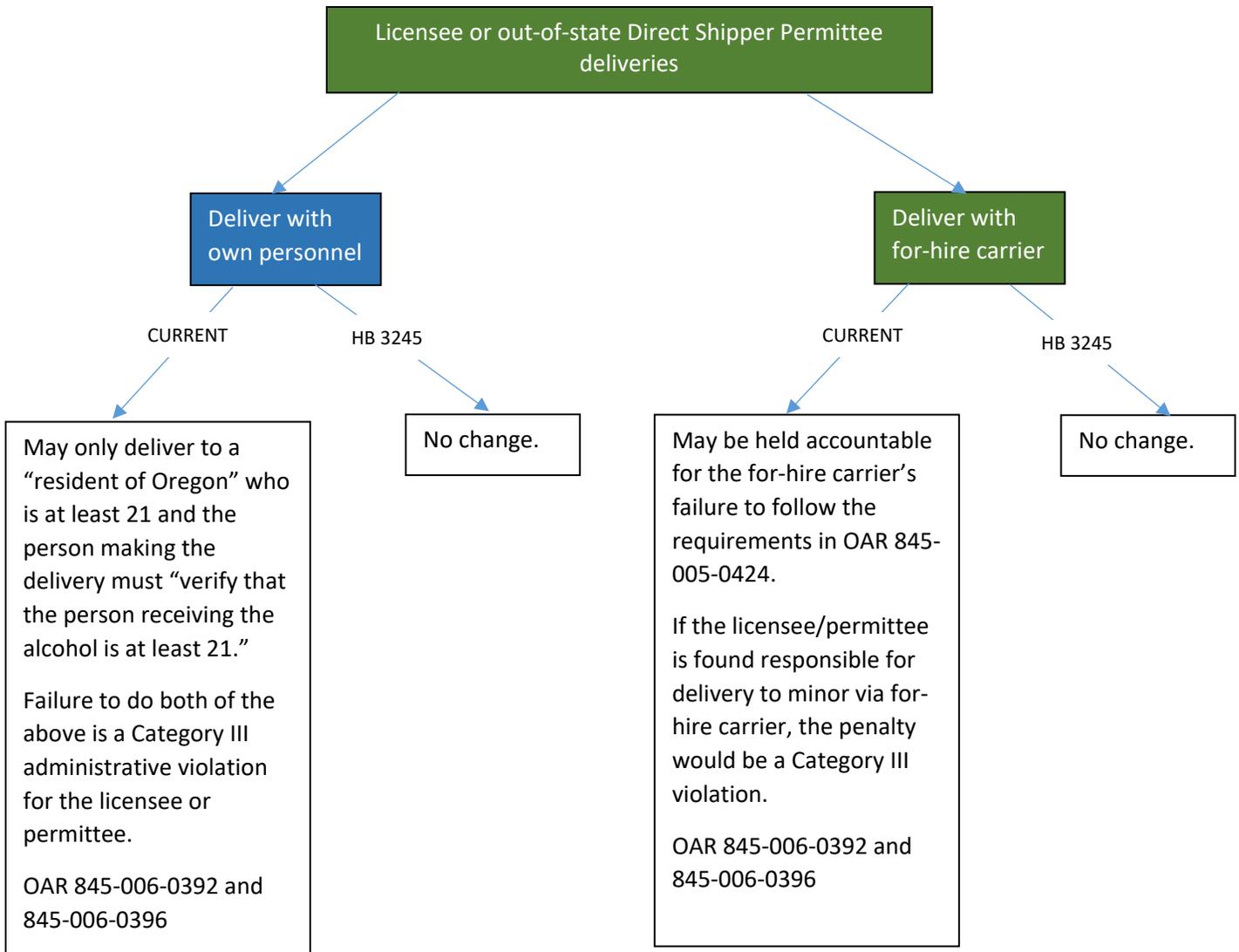
Selling, giving or otherwise making alcohol available to a minor is a Class A misdemeanor. However, if the individual did not act “knowingly or intentionally” AND attended a qualifying program, the penalty would be reduced to a Class A violation for the first offense.

ORS 471.410(2), (5) and (6).

Selling, giving or otherwise making alcohol available to a minor is a Class A violation for the first offense if it is not “knowing or intentional.” If there is evidence that it is “knowing or intentional,” it is still a Class A misdemeanor.

ORS 471.410 (6).





For-Hire Carrier deliveries (ecommerce platforms with delivery services and common carriers)

CURRENT

HB 3245

The person making the delivery must “verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age.”

Commission may suspend, revoke, or refuse its approval of a for-hire carrier’s plan if the for-hire carrier fails to follow the plan approved by the Commission or comply with the provisions of this rule. A suspension, revocation, or refusal under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

OAR 845-05-0424

No change.