

Enrolled Senate Bill 515

Sponsored by Senators GIROD, KENNEMER; Senators FINDLEY, HANSELL, KNOPP, THATCHER, Representatives BOSHART DAVIS, CATE, HAYDEN, LEWIS, MOORE-GREEN, WALLAN, WILDE, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to mandatory reporting by service permit holders; creating new provisions; amending ORS 471.385; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 471.

SECTION 2. (1) As used in this section, “law enforcement agency” means:

- (a) A city or municipal police department;**
- (b) A county sheriff’s office; or**
- (c) The Oregon State Police.**

(2) An employee of a premises licensed for full on-premises sales or limited on-premises sales who is a permittee shall:

(a) Report to a law enforcement agency and to the Oregon Liquor Control Commission if the permittee has a reasonable belief that sex trafficking is occurring at the licensed premises; and

(b) Report to the commission if the permittee has a reasonable belief that a minor is employed or contracted as a performer at the licensed premises in a manner that violates commission rules.

(3) A permittee making a report under this section in good faith is immune from any criminal or civil liability for making the report.

(4) The commission may adopt rules to carry out this section.

SECTION 3. ORS 471.385 is amended to read:

471.385. (1) The Oregon Liquor Control Commission may revoke or suspend a service permit, or impose a civil penalty in lieu of or in addition to suspension as provided by ORS 471.322, if [it] the commission finds or has reasonable grounds to believe any of the following to be true:

- (a) That the permittee has made false statements to the commission.**
- (b) That the permittee has been convicted of a felony, of violating any of the liquor laws of the state, general or local, or any misdemeanor or violation of any municipal ordinance committed on the licensed premises.**
- (c) That the permittee has performed or permitted any act which would constitute a violation of any provision of this chapter or any rule of the commission, if the act were performed or permitted by any licensee of the commission.**

(d) That the permittee was aware of activities that the permittee had a duty to report under section 2 of this 2021 Act and the permittee did not report.

(2) The issuance, suspension or revocation of a permit under ORS 471.360 to 471.385 does not relieve a licensee from responsibility for any act of an employee on the licensee's premises.

(3) When there has been a violation of this chapter or any rule adopted thereunder upon any premises licensed by the commission, the commission may revoke or suspend either the service permit of the employee who violated the law or rule or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

SECTION 4. (1) Section 2 of this 2021 Act and the amendments to ORS 471.385 by section 3 of this 2021 Act become operative on January 1, 2022.

(2) The Oregon Liquor Control Commission may take any action before the operative date specified in subsection (1) to enable the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by section 2 of this 2021 Act and the amendments to ORS 471.385 by section 3 of this 2021 Act.

SECTION 5. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by Senate April 5, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 10, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State