

Senate Bill 246

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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 **as introduced**.

Eliminates requirement that amount of service permit application fee exceeding service permit program costs be dedicated to Alcohol Education Program. Eliminates special fee on licenses and service permits for support of Alcohol Education Program.

A BILL FOR AN ACT

Relating to Alcohol Education Program funding; amending ORS 471.375 and 471.542.

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

SECTION 1. ORS 471.375 is amended to read:

471.375. (1) Any person who has not had a permit refused or revoked or whose permit is not under suspension may mix, sell or serve alcoholic beverages as provided under subsection (3) of this section if the person prepares in duplicate an application for a service permit prior to mixing, selling or serving any alcoholic beverage for consumption on licensed premises. Until a person who has prepared an application under this subsection receives a service permit, the licensee for the premises shall make a copy of the application available for immediate inspection by any regulatory specialist or by any other peace officer.

(2) An applicant for a service permit must be 18 years of age or over. Application for a service permit shall be made on a form acceptable to the Oregon Liquor Control Commission. The applicant shall truly answer all questions, provide any further information required and pay a fee not to exceed \$50. [*The commission shall either set the fee to cover only the administrative costs of the service permit program, or apply any excess to the Alcohol Education Program established under ORS 471.541.*]

(3) An applicant described in subsection (1) of this section may:

(a) Participate in the mixing, selling or service of alcoholic beverages for consumption on the premises where served or sold; and

(b) Participate in the dispensing of malt beverages, wine or cider sold in securely covered containers provided by the consumer.

SECTION 2. ORS 471.542 is amended to read:

471.542. (1) Except as provided in subsection (2) of this section, the Oregon Liquor Control Commission shall require a person applying for issuance or renewal of a service permit or any license that authorizes the sale or service of alcoholic beverages for consumption on the premises to complete an approved alcohol server education course and examination as a condition of the issuance or renewal of the permit or license.

(2) A person applying for issuance or renewal of a license that authorizes the sale or service of alcoholic beverages for consumption on the premises need not complete an approved alcohol

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 server education course and examination as a condition of the issuance or renewal of the license if:

2 (a) The license has been restricted by the commission to prohibit sale or service of alcoholic
3 beverages for consumption on the premises; or

4 (b) The person applying for issuance or renewal of the license submits a sworn statement to the
5 commission stating that the person will not engage in sale or service of alcoholic beverages for
6 consumption on the premises, will not directly supervise or manage persons who sell or serve alco-
7 holic beverages on the premises, and will not participate in establishing policies governing the sale
8 or service of alcoholic beverages on the premises.

9 (3) The commission by rule shall establish requirements that licensees and permittees must
10 comply with as a condition of requalifying for a license or permit. The licensee or permittee must
11 comply with those requirements once every five years after completing the initial alcohol server
12 education course and examination. The requirements established by the commission to requalify for
13 a license may include retaking the alcohol server education course and examination. The require-
14 ments established by the commission to requalify for a service permit shall include retaking the al-
15 cohool server education course and examination.

16 (4) The commission may extend the time periods established by this section upon a showing of
17 hardship. The commission by rule may exempt a licensee from the requirements of this section if the
18 licensee does not participate in the management of the business.

19 (5) The standards and curriculum of alcohol server education courses shall include but not be
20 limited to the following:

21 (a) Alcohol as a drug and its effects on the body and behavior, especially driving ability.

22 (b) Effects of alcohol in combination with commonly used legal, prescription or nonprescription,
23 drugs and illegal drugs.

24 (c) Recognizing the problem drinker and community treatment programs and agencies.

25 (d) State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated
26 persons, sale for on-premises or off-premises consumption, hours of operation and penalties for vio-
27 lation of the laws.

28 (e) Drunk driving laws and liquor liability statutes.

29 (f) Intervention with the problem customer, including ways to cut off service, ways to deal with
30 the belligerent customer and alternative means of transportation to get the customer safely home.

31 (g) Advertising and marketing for safe and responsible drinking patterns and standard operating
32 procedures for dealing with customers.

33 *[(6) The commission shall impose a fee not to exceed \$2.60 a year for each license subject to the*
34 *alcohol server education requirement, and a fee not to exceed \$13 for each service permit application.*
35 *These fees shall be used for administrative costs of the Alcohol Education Program established under*
36 *ORS 471.541 and shall be in addition to any other license or permit fees required by law or rule.]*

37 **[(7)] (6)** The commission shall adopt rules to impose reasonable fees for administrative costs on
38 alcohol server education course instructors and providers.

39 **[(8)] (7)** The commission shall provide alcohol server education courses and examinations
40 through independent contractors, private persons or private or public schools certified by the com-
41 mission. The commission shall adopt rules governing the manner in which alcohol server education
42 courses and examinations are made available to persons required to take the course. In adopting
43 rules under this subsection, the commission shall consider alternative means of providing courses,
44 including but not limited to providing courses through audiotapes, videotapes, the Internet and other
45 electronic media.

