



OREGON LIQUOR CONTROL COMMISSION
The Commission proposes to amend the following
Oregon Administrative Rule:

OAR 845-006-0335 Age Verification

PUBLIC HEARING:

Commission staff will hold a public hearing on this proposed action:

Date: January 28, 2009
Time: 10:00 am - Noon
Location: Oregon Liquor Control Commission
9079 SE McLoughlin Boulevard
Portland, OR 97222

Phone: (503) 872-5004 (toll free within Oregon 1-800-452-6522)

Fax: (503) 872-5110

Presiding Officer: Jennifer Huntsman

(Auxiliary aids for persons with disabilities are available upon advance request)

CAPTION: Amendment to clarify the use of statute versus rule for sanctioning violations of age verification

The purpose of the amendment is to clarify that the Commission may sanction verification of age violations under either the applicable statute (ORS 471.130 and 471.410(2)) or this rule (OAR 845-006-0335), but not under both for the same violation. The amendment also clarifies that the Commission may impose a sanction under more than one section of the rule where there are multiple violations (such as selling to a minor and allowing a minor in a prohibited area).

You can obtain a copy of the proposed amendments by calling Laura Paul at 503-872-5105, or the toll-free number listed above. Rule drafts are also available on the OLCC web site: <http://oregon.gov/OLCC/> - go to the "Liquor Laws and Rules" button, then follow the link to "OLCC Proposed Rulemaking", then "Age Verification Rulemaking", and finally "Initial Proposed Rule Draft". If you wish to give your views, arguments, or information on this matter, you may do so at the public hearing, or you can submit comments by February 11, 2009. You can also email your comments to: jennifer.huntsman@state.or.us.

Documents faxed, mailed or emailed must be received by 5:00 pm on February 11, 2009.

ORS 183.335(2)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business. That comment must also be received by 5:00 pm on February 11, 2009.

The Commission reserves the right to request and receive additional comments at any time on or before the date the Commission takes final action on the proposed rule.

Statutory Authority: ORS Chapter 471, including 471.030, 471.040, 471.482 & 471.730

Other Authority: None

Statutes Implemented: ORS 471.130, 471.410, 471.430, 471.480 & 471.482

Need for the Rule(s): This rule describes the requirements and responsibilities of licensees and permittees to prevent minors from purchasing and consuming alcohol on their premises or from being in an area that is prohibited to minors. The purpose of the amendment is to clarify that the Commission may sanction verification of age violations under either the applicable statute (ORS 471.130 and 471.410(2)) or this rule (OAR 845-006-0335), but not under both for the same violation. The amendment also clarifies that the Commission may impose a sanction under more than one section of the rule where there are multiple violations (such as selling to a minor and allowing a minor in a prohibited area).

Documents Relied Upon, and where they are available: None.

Fiscal and Economic Impact, including Statement of Cost of Compliance: This statement takes into account the fiscal impact on (a) licensees & permittees; (b) local government; (c) state agencies; and (d) the public.

(a) **Licensees and permittees.** The Commission does not anticipate any fiscal impact on licensees and permittees from amending this rule.

(b) **Local government.** The Commission does not anticipate any fiscal impact on local government from the proposed rule amendment.

(c) **State agencies.** The Commission does not anticipate any fiscal impact on state agencies from the proposed rule amendment.

(d) **The public.** The Commission does not anticipate any fiscal impact on the public from the proposed rule amendment.

Cost of Compliance: There should be no costs for anyone to comply with these amendments. There are no reporting or recordkeeping requirements required for compliance. There is no requirement for equipment, supplies, labor, or administration.

Because there is not adequate information available to accurately project the fiscal impact, the Commission is unable to calculate the potential fiscal impacts.

How were small businesses involved in the development of this rule? The Commission assumes all licensed businesses are small businesses. Because the amendments to the rule are to clarify how sanctions will be pursued against violations of age verification, we anticipate no negative fiscal or other impacts on any small business.

Administrative Rule Advisory Committee consulted? No. Because the amendments only serve to clarify existing rules, we did not consult an advisory committee.

(This notice mailed December 31, 2008)