

ENGROSSED HOUSE
BILL NO. 1232

BY: ADAIR, LITTLEFIELD,
SMITH (Bill), TYLER,
BOYD, COLEMAN,
GREENWOOD, HILLIARD,
POPE, SEIKEL, SULLIVAN
and WORTHEN of the HOUSE

and

EASLEY of the SENATE

AN ACT RELATING TO INTOXICATING LIQUORS; AMENDING 37
O.S. 1981, SECTION 213, AS AMENDED BY SECTION 1,
CHAPTER 128, O.S.L. 1985 (37 O.S. SUPP. 1990,
SECTION 213), WHICH RELATES TO HOURS FOR SALE OF
NONINTOXICATING BEVERAGES FOR CONSUMPTION ON THE
PREMISES; PLACING LIMITATIONS ON HOURS SUCH
BEVERAGES MAY BE DISPENSED, SERVED, AND CONSUMED ON
LICENSED PREMISES; AMENDING 37 O.S. 1981, SECTIONS
241, AS LAST AMENDED BY SECTION 2, CHAPTER 209,
O.S.L. 1990 AND 246, AS LAST AMENDED BY SECTION 1,
CHAPTER 267, O.S.L. 1990 (37 O.S. SUPP. 1990,
SECTIONS 241 AND 246), WHICH RELATE TO
NONINTOXICATING BEVERAGES; MODIFYING UNLAWFUL ACTS;
MAKING CERTAIN VIOLATIONS THE BASIS FOR JUVENILE
DELINQUENCY PROCEEDINGS; AND PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 1981, Section 213, as amended by Section 1, Chapter 128, O.S.L. 1985 (37 O.S. Supp. 1990, Section 213), is amended to read as follows:

Section 213. From and after the effective date of this act it shall be unlawful for any place licensed to sell beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of alcohol by weight to sell, dispense, or serve such beverages for consumption on the premises between the hours of two o'clock a.m. and seven o'clock a.m. or allow such beverages to be consumed on the premises between the hours of two o'clock a.m. and seven o'clock a.m. excepting Saturday nights when such beverages may not be sold, dispensed, served, or consumed on the premises between the hours of two o'clock a.m. and twelve o'clock noon on Sundays; provided, the governing body of any city or town is hereby authorized to prohibit, by ordinance regularly enacted, the sale, dispensing, serving, and consumption of such beverages between the hours of two o'clock a.m. on Sunday and seven o'clock a.m. of the following Monday.

SECTION 2. AMENDATORY 37 O.S. 1981, Section 241, as last amended by Section 2, Chapter 209, O.S.L. 1990 (37 O.S. Supp. 1990, Section 241), is amended to read as follows:

Section 241. A. It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any nonintoxicating beverage, as defined in Section 163.2 of this title.

B. It shall be unlawful for any person who holds a license to sell and dispense nonintoxicating beverages for consumption on the premises, or any agent, servant, or employee of said license holder to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless said person's parent or legal guardian is present, which has as its main purpose the selling or serving of nonintoxicating beverages for consumption on the premises. The

provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of said beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold or served said beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.

C. It shall be unlawful for any person who holds a license to sell and dispense nonintoxicating beverages, for consumption on the premises, or any agent, servant or employee of said license holder to permit any person under twenty-one (21) years of age to consume any nonintoxicating beverage on the licensed premises.

D. Any person violating the provisions of subsection A ~~or~~, B or C of this section shall upon conviction be guilty of a misdemeanor.

SECTION 3. AMENDATORY 37 O.S. 1981, Section 246, as last amended by Section 1, Chapter 267, O.S.L. 1990 (37 O.S. Supp. 1990, Section 246), is amended to read as follows:

Section 246. A. No person under twenty-one (21) years of age shall (1) consume or (2) possess with the intent to consume nonintoxicating beverages, as defined in Section 163.2 of this title, in any public place. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase nonintoxicating beverages, as defined in Section 163.2 of this title, except under supervision of law enforcement officers. Any person violating any of the provisions of this section shall be guilty, upon conviction, of a misdemeanor and punished by a fine not to exceed One Hundred Dollars (\$100.00) or by appropriate community service not to exceed twenty (20) hours. Provided, the provisions of this section shall not apply when such persons are under the direct supervision of their parent or guardian, but in no instance

shall this exception be interpreted to allow such persons to consume such beverages in any place licensed to dispense nonintoxicating beverages as provided in Section 163.11 of this title.

B. If the premises of a holder of a license to sell nonintoxicating beverages contains a separate or enclosed bar area which has as its main purpose the sale or serving of nonintoxicating beverages for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said area. The provisions of this subsection shall not prohibit persons under twenty-one (21) years of age from entering or remaining in an area which has as its main purpose some objective other than the sale or serving of nonintoxicating beverages, in which sales or serving of said beverages are incidental to the main purpose, if the persons under twenty-one (21) years of age are not sold or served or do not consume nonintoxicating beverages anywhere on the premises; however, the incidental service of food in the bar area shall not exempt persons under twenty-one (21) years of age from the provisions of this subsection. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and punished by a fine not to exceed One Hundred Dollars (\$100.00).

C. A violation of the provisions of this section ~~shall not~~ may be a basis for instituting juvenile proceedings to determine if a person under eighteen (18) years of age is a delinquent child; ~~however, if a person under eighteen (18) years of age habitually violates the provisions of this section, juvenile proceedings may be brought to determine if the person is a delinquent child.~~ A person under eighteen (18) years of age who has been convicted of violating the provisions of this section shall be subject to the penalty provisions provided in this section.

SECTION 4. This act shall become effective September 1, 1991.

Passed the House of Representatives the 4th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate