

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2203

By: Bastin

COMMITTEE SUBSTITUTE

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Sections 241 and 246, which relate to nonintoxicating beverages, and 37 O.S. 1991, Section 598, which relates to the Oklahoma Alcoholic Beverage Control Act; modifying restrictions on allowing certain persons in areas selling or serving nonintoxicating and alcoholic beverages; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 1991, 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~~ any 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, while such beverages are being served or consumed in that area. 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~~ the service of food, the presentation of a professional athletic event or trade

show, or a temporary outdoor assembly, in which sales or serving of ~~said~~ nonintoxicating 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~~ any 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, B or C of this section shall upon conviction be guilty of a misdemeanor.

SECTION 2. AMENDATORY 37 O.S. 1991, 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~~ an 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 while such beverages are being served or consumed in that 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~~ the service of food, the presentation of a professional athletic event or trade show, or a temporary outdoor assembly, in which sales or serving of ~~said~~ nonintoxicating 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~~ an 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 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 3. AMENDATORY 37 O.S. 1991, Section 598, is amended to read as follows:

Section 598. If the premises of a licensee of the Alcoholic Beverage Laws Enforcement Commission contains ~~a separate or enclosed lounge or bar~~ an area, which has as its main purpose the sale or distribution, of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short order foods are made available therein, no person under

twenty-one (21) years of age shall be admitted to such area while such beverages are being served or consumed in that area. 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 mixing or serving of said beverages~~ the service of food, the presentation of a professional athletic event or trade show, or a temporary outdoor assembly, in which sales or serving of ~~said~~ nonintoxicating beverages are incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages. The incidental service of food in ~~the bar~~ any area shall not exempt a licensee from the provisions of this section. The ABLE Commission shall have the authority to designate the portions of the premises of a licensee where persons under twenty-one (21) years of age shall not be admitted pursuant to this section. For purposes of this section only, the term "alcoholic beverages" shall include nonintoxicating beverages, as defined in Section 163.2 of this title. ~~Within sixty (60) days after the effective date of this act, the~~ The ABLE Commission shall promulgate and adopt rules and regulations necessary to implement the provisions of this section.

SECTION 4. This act shall become effective September 1, 1994.

44-2-9034

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