

ENGROSSED HOUSE
BILL NO. 2727

By: Plunk, Bastin,
Deutschendorf and Ervin
of the House

and

Wilkerson of the Senate

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Sections 241, 243 and 246, as amended by Sections 40, 41 and 43, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Sections 241, 243 and 246), which relate to low-point beer; amending 37 O.S. 1991, Section 598, as amended by Section 47, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 598), which relates to the Oklahoma Alcoholic Beverage Control Act; modifying restrictions on allowing certain persons in areas selling or serving low-point beer or alcoholic beverages or both types of beverages; modifying restrictions on allowing certain persons to be employed in areas selling or serving low-point beer or alcoholic beverages or both types of 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, as amended by Section 40, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, 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 low-point beer, 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 low-point beer 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 low-point beer 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 low-point beer~~ the service of food, the presentation of a professional athletic event or trade show, the presentation of a professional musical concert, bull riding and rodeo events, events offered by tourism facilities, bowling alleys or a temporary outdoor assembly, in which sales or serving of ~~said beverages~~ low-point beer 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~~ an 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 low-point beer, 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 low-point beer 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 243, as amended by Section 41, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 243), is amended to read as follows:

Section 243. A. ~~It~~ Except as provided in subsections B and C of this section, it shall be unlawful for any person under eighteen (18) years of age to be employed or permitted to work, in any capacity whatsoever, in any area of the premises of a place where licensed to sell or dispense low-point beer ~~is sold or dispensed~~ for consumption on the premises.

B. ~~It shall be unlawful for any person under the age of majority to be employed or permitted to work, in any capacity whatsoever, in the separate or enclosed bar area of a place where the main purpose of the area is the sale or consumption of low-point beer. The provisions of this subsection shall not apply to any area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of said beverages are incidental to the main purpose; however, the incidental service of food in the bar area shall not exempt a holder of a license to sell low-point beer for consumption on the premises from the provisions of this subsection.~~

~~C.~~ If the employment is in no capacity whatsoever related to the selling or dispensing of low-point beer, the provisions of subsection A of this section shall not apply to:

1. A parent as regards the employment of his or her own child or children ~~is excepted from the provisions of this section, provided that such employment shall in no capacity whatsoever be related to the selling or dispensing of such beverages;~~

2. A licensee who receives written permission from the parent or legal guardian of a child authorizing the employment of the child;

3. The employment of a person under eighteen (18) years of age as an entertainer, if the person is accompanied by the parent or legal guardian of the person; or

4. The employment of a person under eighteen (18) years of age in an area which has as its main purpose the service of food, the presentation of a professional athletic event or trade show, the presentation of a professional musical concert, bull riding and rodeo events, events offered by tourism facilities, bowling alleys or a temporary outdoor assembly.

~~D.~~ C. The provisions of subsection A of this section shall not apply to any business or establishment where sales of said beverages do not exceed twenty-five percent (25%) of the gross sales of the business or establishment.

D. As used in this section, "entertainer" means a person who performs in musical or dramatic presentations or floor shows and includes singers, musicians, dancers, comedians, magicians, and actors. The term does not include a person performing any act prohibited by Section 213.1 or 213.2 of this title. The term also does not include any type of strip-tease dancing.

SECTION 3. AMENDATORY 37 O.S. 1991, Section 246, as amended by Section 43, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 246), is amended to read as follows:

Section 246. A. No person under twenty-one (21) years of age shall consume or possess with the intent to consume low-point beer, 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 low-point beer, 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 low-point beer as provided in Section 163.11 of this title.

B. If the premises of a holder of a license to sell low-point beer contains ~~a separate or enclosed bar~~ an area which has as its main purpose the sale or serving of low-point beer 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 low-point beer~~ the service of food, the presentation of a professional athletic event or trade show, the presentation of a professional musical concert, bull riding and rodeo events, events offered by tourism facilities, bowling alleys or a temporary outdoor assembly, in which sales or serving of ~~said beverages~~ low-point beer 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 low-point beer 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 4. AMENDATORY 37 O.S. 1991, Section 598, as amended by Section 47, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, 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, the presentation of a professional musical concert, bull riding and rodeo events, events offered by tourism facilities, bowling alleys or a temporary outdoor assembly, in which sales or serving of said 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 area shall not exempt a licensee from the provisions of this section. The provisions of this section shall not apply to persons under twenty-one (21) years of age who are employed as entertainers. As used in this section, "entertainer" means a person who performs in musical or dramatic presentations or floor shows and includes singers, musicians, dancers, comedians,

magicians, and actors. The term does not include a person performing any act prohibited by Section 537.2 of this title or a municipal ordinance enacted pursuant to Section 503 of this title. The term also does not include any type of strip-tease dancing. 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 unless they are entertainers. For purposes of this section only, the term "alcoholic beverages" shall include low-point beer, as defined in Section 163.2 of this title. The ABLE Commission shall promulgate and adopt rules ~~and regulations~~ necessary to implement the provisions of this section.

SECTION 5. This act shall become effective November 1, 1996.

Passed the House of Representatives the 11th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate