

SHORT TITLE: Nonintoxicating beverages; prohibiting 3.2% beer dealers from offering or advertising "happy hours"; providing penalties; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 133

By: Weedn

AS INTRODUCED

An Act relating to nonintoxicating beverages;

prohibiting retail dealer of certain beverages from advertising or offering "happy hours"; specifying certain prohibited acts; providing penalties; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.26 of Title 37, unless there is created a duplication in numbering, reads as follows:

A. No retail dealer of beverages containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume, and not more than three and two-tenths percent (3.2%) of alcohol measured by weight for on-premises consumption shall advertise or offer "happy hours" or any other means or inducements to stimulate the consumption of such beverages including:

1. Deliver more than two such beverages to one person at one time;

2. Sell or offer to sell to any person or group of persons any such beverages at a price less than the price regularly charged for such beverages during the same calendar week, except at private functions not open to the public;

3. Sell or offer to sell to any person an unlimited number of such beverages during any set period of time for a fixed price, except at private functions not open to the public;

4. Sell or offer to sell such beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;

5. Increase the volume of such beverages without increasing proportionately the price regularly charged for such beverages during the same calendar week; or

6. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of such beverages as prizes.

Provided, the provisions of this section shall not prohibit the advertising or offering of food or entertainment in licensed establishments.

B. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisoned in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. In addition to the penalty specified herein, any license or permit issued to a retail dealer of beverages containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume, and not more than three and two-tenths percent (3.2%) of alcohol measured by weight shall be revoked by the Oklahoma Tax Commission pursuant to the provisions of Section 163.16 of Title 37 of the Oklahoma Statutes if a violation of any provision of this section occurs upon the licensed premises.

SECTION 2. This act shall become effective November 1, 1995.

45-1-0141

CD

