

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 645

By: Easley

AS INTRODUCED

An Act relating to Intoxicating Liquors; amending Sections 61 and 63, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 2000, Sections 603 and 605), which relate to the Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act; requiring wholesalers notify Alcoholic Beverage Laws Enforcement Commission of keg sales within time certain; directing rule-making concerning means of notification and administrative fines for failure to make notification; requiring retailers keep records of keg sales, maintain records for time certain, and permit access to records by law enforcement officers; directing rule-making providing administrative fines for failure to keep or grant access to records; identifying Commission as an agency having responsibility for enforcement of act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 61, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 2000, Section 603), is amended to read as follows:

Section 603. A. Every person who sells alcoholic beverages at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: "IT'S THE LAW. WE DO NOT SELL ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE". Every person who sells low-point beer at retail shall post conspicuously and keep so posted at the place of business a sign stating the following: "IT'S THE LAW. WE DO NOT SELL LOW-POINT BEER TO PERSONS UNDER 21 YEARS OF AGE".

B. A violation of subsection A of this section constitutes a misdemeanor and upon conviction thereof a violator shall be assessed a fine not to exceed Fifty Dollars (\$50.00) for each day such

offense occurred. The notices required by subsection A of this section shall be the only notices required to be posted or maintained in any store that sells alcoholic beverages or low-point beer at retail.

C. All wholesalers shall provide written notification to the Alcoholic Beverage Laws Enforcement Commission when the sale of a keg of low-point beer is made to an establishment that possesses a license to sell low-point beer for off-premises consumption. The notification shall be made within twenty-four (24) hours of the sale and shall include the name and address of the licensee to whom the keg was sold. The Commission shall adopt and promulgate rules concerning the means of notification and providing for administrative fines for failure to provide notification. The rules shall permit notification by electronic mail or facsimile transmission.

D. All retail establishments that hold a license to sell low-point beer for off-premises consumption shall obtain the name and address of each person that purchases a keg of low-point beer from the licensee. This information shall be kept at the sales location for a period of at least one (1) year and shall be made available to any law enforcement officer upon request but otherwise kept confidential. The Commission shall adopt and promulgate rules providing for administrative fines for failure to maintain or release the information required by this subsection.

SECTION 2. AMENDATORY Section 63, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 2000, Section 605), is amended to read as follows:

Section 605. A. ~~All~~ The Alcoholic Beverage Laws Enforcement Commission and all other law enforcement agencies are authorized and empowered to enforce the provisions of ~~this act~~ the Prevention of Youth Access to Alcoholic Beverages and Low-Point Beer Act. The provisions shall be enforced in a manner that can reasonably be

expected to reduce the extent to which alcoholic beverages and low-point beer are sold or distributed to persons under twenty-one (21) years of age.

B. Persons under twenty-one (21) years of age may be enlisted by law enforcement agencies to assist in enforcement. Provided, however, that such persons may be used to test compliance only if the testing is conducted under the direct supervision of the law enforcement agency; provided, written parental consent shall be obtained prior to the use of any person under the age of eighteen (18) years. Any other use of persons under twenty-one (21) years of age to test compliance shall be unlawful and punishable by assessment of an administrative fine of One Hundred Dollars (\$100.00).

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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