

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 697

By: Williams

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 598, as last amended by Section 4, Chapter 364, O.S.L. 1997 (37 O.S. Supp. 2000, Section 598), which relates to prohibited acts pertaining to low-point beer and alcoholic beverages; modifying prohibition; providing exception for stated purpose; requiring presentation of specified identification; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 1991, Section 598, as last amended by Section 4, Chapter 364, O.S.L. 1997 (37 O.S. Supp. 2000, Section 598), is amended to read as follows:

Section 598. A. If the premises of a licensee of the Alcoholic Beverage Laws Enforcement Commission contains a separate or enclosed lounge or bar 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, except for members of a musical band employed or hired as provided in paragraph 2 of subsection B of Section 537 of this title when the band is to perform within such area, and except for persons at least sixteen (16) years of age who are admitted to the premises solely for the purpose of listening to a musical band or other entertainment group performing on the premises and who have presented for admission a state identification card, state driver's license, or passport indicating they are at least sixteen (16) years of age; provided,

said persons may consume meals or short-order foods while on premises but shall not be served or consume low-point beer or alcoholic beverages. 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, 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 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 low-point beer, as defined in Section 163.2 of this title.

B. Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an establishment pursuant to subsection A of this section. As used in this section, "admission charge" means any form of consideration received by an establishment from a person in order for that person to gain entrance into the establishment.

C. The provisions of subsection B of this section shall not apply:

1. If only persons eighteen (18) years of age or older are permitted to enter the licensed premises; provided however, if the licensee is claiming an exception from the requirements of subsection B of this section pursuant to this paragraph and fails to restrict the entry by persons under age eighteen (18) into the licensed premises, the ABLE Commission shall designate that only persons twenty-one (21) years of age or older are allowed on the licensed premises;

2. If the licensed premises are owned or operated by a service organization or fraternal establishment which is exempt under

Section 501(c)(19), (8), or (10) of the Internal Revenue Code; or

3. To a public event held in a facility owned or operated by any agency, political subdivision or public trust of this state.

D. The ABLE Commission shall promulgate rules necessary to implement the provisions of this section.

SECTION 2. This act shall become effective November 1, 2001.

48-1-959

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