

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2007)

3 SENATE BILL 1952

By: Burrage

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5  
6 AS INTRODUCED

7 An Act relating to intoxicating liquors; amending 37  
8 O.S. 2001, Section 163.2, which relates to  
9 definitions; clarifying language; and providing an  
10 effective date.

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

13 SECTION 1. AMENDATORY 37 O.S. 2001, Section 163.2, is  
14 amended to read as follows:

15 Section 163.2 ~~In the administration of~~ As used in Section 163.1  
16 et seq. of this title, the following words and phrases are given the  
17 meanings respectively indicated:

18 1. "Low-point beer" means and includes beverages containing  
19 more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
20 not more than three and two-tenths percent (3.2%) alcohol by weight,  
21 including but not limited to beer or cereal malt beverages obtained  
22 by the alcoholic fermentation of an infusion of barley or other  
23 grain, malt or similar products;

1       2. "Person" means and includes an individual, a trust or an  
2 estate, a partnership, an association or a corporation;

3       3. "Manufacturer" means and includes any person who prepares  
4 for human consumption by the use of raw materials or other  
5 ingredients any low-point beer, as defined herein, upon which a  
6 license fee and a tax are imposed by any law of this state;

7       4. "Wholesaler" means and includes any person who sells any  
8 low-point beer, as defined herein, to a licensed retail dealer, as  
9 hereinafter defined, for resale;

10       5. "Retail dealer" means and includes any person who sells any  
11 low-point beer, as defined herein, at retail for consumption or use,  
12 and such definitions include state and county fair associations, and  
13 special licenses may be issued for the sale of low-point beer, as  
14 herein defined, by such associations, and to other persons for the  
15 sale of such low-point beer at rodeos, picnics, or other organized  
16 temporary assemblages of people. The term "retail dealer" also  
17 includes railways for the sale of such beverages, and licenses may  
18 be issued for each dining car or railway train, which railways and  
19 dining cars shall pay the same license fees as regular retail  
20 dealers;

21       6. "Sale" or "sales", for the purpose of the collection of the  
22 taxes imposed by any law of the state upon low-point beer, as  
23 defined herein, is hereby defined to mean and include all sales by  
24 all wholesalers within this state, for money or any other valuable

1 consideration, to retail dealers for resale; and, also, the term  
2 "sale" or "sales" taxable under Section 163.1 et seq. of this title  
3 means and includes all sales from manufacturers or wholesalers from  
4 outside this state, to retail dealers for resale to consumers or  
5 otherwise. The term "sale" or "sales" shall also include sales from  
6 manufacturers without the state to wholesalers located within the  
7 state;

8 7. "Meals" means foods commonly ordered at lunch or dinner and  
9 at least part of which is cooked on the licensed premises and  
10 requires the use of dining implements for consumption. Provided,  
11 that the service of only food such as appetizers, sandwiches, salads  
12 or desserts shall not be considered "meals"; and

13 8. "Motion picture theater" means a place where motion pictures  
14 are exhibited and to which the general public is admitted, but does  
15 not include a place where meals, as defined by this section, are  
16 served, if only persons twenty-one (21) years of age or older are  
17 admitted.

18 SECTION 2. This act shall become effective November 1, 2008.

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