ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 178 By: Crain of the Senate

and

Loring of the House

[intoxicating beverages - broadening inclusions - effective date]

AUTHOR: Remove Representative Loring as principal House author and substitute Sanders as principal House author and show Loring as coauthor

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to intoxicating beverages; amending 37 O.S. 2011, Section 246, which relates to consumption and possession of low-point beer by juveniles; broadening certain prohibited acts to include intoxicating beverages; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 2011, 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 <u>or any intoxicating beverage</u>, as defined in ~~Section~~ <u>Sections 163.1</u>

and 163.2 of this title. It shall be unlawful for any person under twenty-one (21) years of age to purchase or attempt to purchase low-point beer or any intoxicating beverage, as defined in ~~Section~~ Sections 163.1 and 163.2 of this title, except under supervision of law enforcement officers. Any person violating any of the provisions of this subsection shall be guilty, upon conviction, of a misdemeanor and punished by a fine not to exceed Three Hundred Dollars ($300.00) or ordered to perform community service not to exceed thirty (30) hours, or both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. For a second offense, any person who is convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and punished by a fine of not to exceed Six Hundred Dollars ($600.00) or ordered to perform community service not to exceed sixty (60) hours or both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. If the person does not have an

Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. For a third offense, any person who is convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and punished by a fine of not to exceed Nine Hundred Dollars ($900.00) or ordered to perform community service not to exceed ninety (90) hours or both such fine and community service. In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes. Provided, the provisions of this subsection 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 <u>or any intoxicating beverage</u> as provided in ~~Section~~ <u>Sections</u> 163.11 <u>and 523</u> of this title.

In addition to any penalty or condition imposed pursuant to the provisions of this subsection, the person shall be subject to an assessment of the person's degree of alcohol abuse, in the same

manner as prescribed in subsection G of Section 11-902 of Title 47 of the Oklahoma Statutes, which may result in treatment as deemed appropriate by the court.

B. If the premises of a holder of a license to sell low-point beer or any intoxicating beverage contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer or any intoxicating beverage for consumption on the premises, no person under twenty-one (21) years of age shall enter, attempt to enter, or remain in said 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 or any intoxicating beverage, in which sales or serving of said beverages 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 or any intoxicating beverage anywhere on the premises; however, the incidental service of food in the bar 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).

In addition, if the person has an Oklahoma driver license issued by the Department of Public Safety, that license shall be revoked for the period of time provided in Section 6-107.1 of Title 47 of

the Oklahoma Statutes. If the person does not have an Oklahoma driver license, the person shall be ineligible to obtain an Oklahoma driver license for the period of time provided in Section 6-107.1 of Title 47 of the Oklahoma Statutes.

C. Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an area pursuant to subsection B of this section. For purposes of this section, an "admission charge" shall mean any form of consideration received by an establishment from a person in order for that person to gain entry into the establishment or an area thereof.

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

1. If only persons eighteen (18) years of age or older are permitted to enter 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.

E. 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.

F. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section, but the provisions of the municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section and shall be limited to the provisions of Section 14-111 of Title 11 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2015."

Passed the House of Representatives the 14th day of April, 2015.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate