

§21-1215. Intoxicating beverages or low-point beer -  
Possession by persons under age 21.

It shall be unlawful for any person under the age of twenty-one (21) years to be in the possession of any intoxicating beverage containing more than three and two-tenths percent (3.2%) alcohol by weight or any low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes while such person is upon any public street, road, or highway or in any public building or place.

Added by Laws 1963, c. 213, § 1, emerg. eff. June 11, 1963.

Amended by Laws 2006, c. 61, § 5, eff. July 1, 2006.

**Comment [1]:** BDERIV

§37-163.2. Definitions.

In the administration of Section 163.1 et seq. of this title, the following words and phrases are given the meanings respectively indicated:

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

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

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

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

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

6. "Sale" or "sales", for the purpose of the collection of the taxes imposed by any law of the state upon low-point beer, as defined herein, is hereby defined to mean and include all sales by all wholesalers within this state, for money or any other valuable consideration, to retail dealers for resale; and, also, the term "sale" or "sales" taxable under Section 163.1 et seq. of this title means and includes all sales from manufacturers or wholesalers from outside this state, to retail dealers for resale to consumers or otherwise. The term "sale" or "sales" shall also include sales from manufacturers without the state to wholesalers located within the state;

7. "Meals" means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed

premises and requires the use of dining implements for consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or desserts shall not be considered "meals"; and

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

Added by Laws 1947, p. 286, § 2. Amended by Laws 1988, c. 93, § 2, emerg. eff. March 31, 1988; Laws 1989, c. 340, § 1, emerg. eff. June 3, 1989; Laws 1990, c. 258, § 4, operative July 1, 1990; Laws 1995, c. 274, § 9, eff. Nov. 1, 1995.

**Comment [1]:** BDERIV

§37-246. Consumption or possession with intent to consume low-point beer - Entry, attempted entry and remaining in separate or enclosed bar area - Fines and punishments - Exceptions - Juvenile proceedings.

A. No person under twenty-one (21) years of age shall consume or possess with the intent to consume low-point beer, as defined in Section 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, as defined in Section 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 as provided in Section 163.11 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 contains a separate or enclosed bar area which has as its main purpose the sale or serving of low-point beer 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, 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 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.

Added by Laws 1981, c. 102, § 1. Amended by Laws 1983, c. 98, § 4; Laws 1985, c. 9, § 1, eff. Nov. 1, 1985; Laws 1985, c. 170, § 4, eff. Nov. 1, 1985; Laws 1990, c. 209, § 3, emerg. eff. May 14, 1990; Laws 1990, c. 267, § 1, emerg. eff. May 25, 1990; Laws 1995, c. 274, § 43, eff. Nov. 1, 1995; Laws 1997, c. 364, § 2, eff. Nov. 1, 1997; Laws 2000, c. 118, § 1, eff. Nov. 1, 2000; Laws 2006, c. 61, § 10, eff. July 1, 2006.

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