

1 ENGROSSED HOUSE  
2 BILL NO. 2920

By: Loring of the House

3 and

4 Weaver of the Senate

5  
6 An Act relating to alcoholic beverages; amending  
7 Section 141, Chapter 366, O.S.L. 2016, as amended by  
8 Section 5, Chapter 113, O.S.L. 2018 (37A O.S. Supp.  
9 2019, Section 6-101), which relates to prohibited  
10 acts; expanding certain prohibition; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY Section 141, Chapter 366, O.S.L.  
14 2016, as amended by Section 5, Chapter 113, O.S.L. 2018 (37A O.S.  
15 Supp. 2019, Section 6-101), is amended to read as follows:

16 Section 6-101. A. No person shall:

17 1. Knowingly sell, deliver or furnish alcoholic beverages to  
18 any person under twenty-one (21) years of age;

19 2. Sell, deliver or knowingly furnish alcoholic beverages to an  
20 intoxicated person or to any person who has been adjudged insane or  
21 mentally deficient;

22 3. Open a retail container or consume alcoholic beverages on  
23 the premises of a package store, grocery store, convenience store or  
24 drug store, unless otherwise permitted by law;

1       4. Import into this state, except as provided for in the  
2 Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages;  
3 provided, that nothing herein shall prohibit the importation or  
4 possession for personal use of not more than one (1) liter of  
5 alcoholic beverages upon which the Oklahoma excise tax is  
6 delinquent;

7       5. Receive, possess or use any alcoholic beverage in violation  
8 of the provisions of the Oklahoma Alcoholic Beverage Control Act;

9       6. Knowingly transport into, within or through this state more  
10 than one (1) liter of alcoholic beverages upon which the Oklahoma  
11 excise tax has not been paid unless the person accompanying or in  
12 charge of the vehicle transporting same shall possess a true copy of  
13 a bill of lading, invoice, manifest or other document particularly  
14 identifying that alcoholic beverages are being transported and  
15 showing the name and address of the consignor and consignee;  
16 provided, this prohibition shall not apply to the first one hundred  
17 eighty (180) liters of alcoholic beverages classified as household  
18 goods by military personnel, age twenty-one (21) or older, when  
19 entering Oklahoma from temporary active assignment outside the  
20 contiguous United States;

21       7. Knowingly transport in any vehicle upon a public highway,  
22 street or alley any alcoholic beverage except in the original  
23 container which shall not have been opened and the seal upon which  
24 shall not have been broken and from which the original cap or cork

1 shall not have been removed, unless the opened container be in the  
2 rear trunk or rear compartment, which shall include the spare tire  
3 compartment in a vehicle commonly known as a station wagon and panel  
4 truck, or any outside compartment which is not accessible to the  
5 driver or any other person in the vehicle while it is in motion;

6 8. Consume spirits in public except on the premises of a  
7 licensee of the ABLE Commission who is authorized to sell or serve  
8 spirits by the individual drink, or be intoxicated in a public place  
9 as provided for in subsection D of this section. This provision  
10 shall be cumulative and in addition to existing law;

11 9. Forcibly resist lawful arrest, or by physical contact  
12 interfere with an investigation of any infringement of the Oklahoma  
13 Alcoholic Beverage Control Act or with any lawful search or seizure  
14 being made by a law enforcement officer or an employee of the ABLE  
15 Commission, when such person knows or should know that such acts are  
16 being performed by a state, county or municipal officer or employee  
17 of the ABLE Commission;

18 10. Manufacture, duplicate, counterfeit or in any way imitate  
19 any bottle club membership card required to be issued by the ABLE  
20 Commission without the permission of the ABLE Commission;

21 11. Consume or possess alcoholic beverages on the licensed  
22 premises of a bottle club unless such person possesses a valid  
23 membership card for that club issued by the club;

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1 12. Knowingly possess any bottle club membership card required  
2 to be issued by the ABLE Commission which has been manufactured,  
3 counterfeited, imitated or in any way duplicated without the  
4 permission of the ABLE Commission; or

5 13. Knowingly and willfully permit any individual under twenty-  
6 one (21) years of age who is an invitee to the person's residence,  
7 any building, structure or room owned, occupied, leased or otherwise  
8 procured by the person or on any land owned, occupied, leased or  
9 otherwise procured by the person, to possess or consume any  
10 alcoholic beverage as defined by Section 1-103 of this title, any  
11 controlled dangerous substance as defined in the Uniform Controlled  
12 Dangerous Substances Act, or any combination thereof, in such place.

13 B. Except as provided for in subsection C of this section,  
14 punishment for violation of paragraph 13 of subsection A of this  
15 section shall be as follows:

16 1. Any person who is convicted of a violation of the provisions  
17 of paragraph 13 of subsection A of this section shall be deemed  
18 guilty of a misdemeanor for the first offense and be punished by a  
19 fine of not more than Five Hundred Dollars (\$500.00);

20 2. Any person who, within ten (10) years after previous  
21 convictions of a violation:

22 a. of paragraph 13 of subsection A of this section,  
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1           b.    of the provisions of any law of another state  
2                    prohibiting the offense provided for in paragraph 13  
3                    of subsection A of this section, or

4           c.    in a municipal criminal court of record for the  
5                    violation of a municipal ordinance prohibiting the  
6                    offense provided for in paragraph 13 of subsection A  
7                    of this section,

8 shall be guilty of a misdemeanor and shall be punished by a fine of  
9 not more than One Thousand Dollars (\$1,000.00);

10         3.    Any person who, within ten (10) years after two or more  
11 previous convictions of a violation:

12           a.    of paragraph 13 of subsection A of this section,

13           b.    of the provisions of any law of another state  
14                    prohibiting the offense provided for in paragraph 13  
15                    of subsection A of this section, or

16           c.    in a municipal criminal court of record for the  
17                    violation of a municipal ordinance prohibiting the  
18                    offense provided for in paragraph 13 of subsection A  
19                    of this section, or

20           d.    ~~or~~ any combination of two or more thereof,

21 shall be guilty of a felony and shall be punished by a fine of not  
22 more than Two Thousand Five Hundred Dollars (\$2,500.00), or by  
23 imprisonment in the custody of the Department of Corrections for not  
24 more than five (5) years, or by both such fine and imprisonment.

1 C. Any person who violates paragraph 13 of subsection A of this  
2 section, and such actions cause great bodily injury or the death of  
3 a person, shall, in addition to any other penalty provided by law,  
4 be guilty of a felony, punishable by imprisonment in the custody of  
5 the Department of Corrections for not more than five (5) years, a  
6 fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00)  
7 nor more than Five Thousand Dollars (\$5,000.00), or both such fine  
8 and imprisonment.

9 D. Except as provided in subsection C of Section 6-126 of this  
10 title, any person who shall engage in any of the following and  
11 disturb the peace of any person, create a public safety hazard or  
12 endanger his or her personal safety or that of another person:

13 1. In any public place, or in or upon any passenger coach,  
14 streetcar, or in or upon any other vehicle commonly used for the  
15 transportation of passengers, or in or about any depot, platform,  
16 waiting station or room, drink or otherwise consume any intoxicating  
17 liquor unless authorized by the Oklahoma Alcoholic Beverage Control  
18 Act, intoxicating substance or intoxicating compound of any kind, or  
19 inhale glue, paint or other intoxicating substance;

20 2. Be drunk or intoxicated in any public or private road, or in  
21 any passenger coach, streetcar or any public place or building, or  
22 at any public gathering, from drinking or consuming such  
23 intoxicating liquor, intoxicating substance or intoxicating compound  
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1 or from inhalation of glue, paint or other intoxicating substance;  
2 or

3 3. Be drunk or intoxicated from any cause,  
4 shall be guilty of a misdemeanor, and upon conviction thereof shall  
5 be punished by a fine of not less than Ten Dollars (\$10.00), nor  
6 more than One Hundred Dollars (\$100.00) or by imprisonment for not  
7 less than five (5) days nor more than thirty (30) days or by both  
8 such fine and imprisonment.

9 SECTION 2. This act shall become effective November 1, 2020.

10 Passed the House of Representatives the 5th day of March, 2020.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2020.

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Presiding Officer of the Senate

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