

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1232

By: Smalley

4  
5  
6 AS INTRODUCED

7 An Act relating to low-point beer; amending 37 O.S.  
8 2011, Sections 163.20 and 163.26, which relate to  
9 transport or shipment of low-point beer; deleting  
10 obsolete language; clarifying penalties; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 37 O.S. 2011, Section 163.20, is  
14 amended to read as follows:

15 Section 163.20. A. Any person who shall engage in the sale of  
16 low-point beer in violation of the provisions of Sections 163.1  
17 through 163.25 of this title shall be deemed guilty of a  
18 misdemeanor, and upon conviction thereof shall be punished for such  
19 misdemeanor as provided for by the general statutes of this state.

20 B. ~~Any person who engages in the sale or shipping of low-point~~  
21 ~~beer in violation of the provisions of Section 1 of this act on or~~  
22 ~~after the effective date of Section 20.1 of Title 21 of the Oklahoma~~  
23 ~~Statutes, upon conviction, shall be guilty of a Schedule G felony if~~  
24 ~~the sale or delivery is made to a person under twenty-one (21) years~~

1 ~~of age, or a misdemeanor if the sale or delivery is made to a person~~  
2 ~~twenty-one (21) years of age or older.~~ Any person who engages in  
3 the sale or shipping of low-point beer in violation of the  
4 provisions of Section ~~1~~ 163.26 of this ~~act before the effective date~~  
5 ~~of Section 20.1 of Title 21 of the Oklahoma Statutes~~ title shall be  
6 guilty of a felony punishable by a fine, imprisonment for not more  
7 than two (2) years, or both such fine and imprisonment, if the sale  
8 or delivery is made to a person under twenty-one (21) years of age,  
9 or a misdemeanor, if the sale or delivery is made to a person  
10 twenty-one (21) years of age or older. The fine for a violation ~~of~~  
11 ~~Section 1 of this act~~ shall be ~~not more than~~ an amount not exceeding  
12 Five Thousand Dollars (\$5,000.00). In addition, if such person  
13 holds a permit issued by the Oklahoma Tax Commission pursuant to  
14 Section 163.7 of this title, the permit shall be revoked pursuant to  
15 the procedures set forth in Section 163.18H of this title.

16 SECTION 2. AMENDATORY 37 O.S. 2011, Section 163.26, is  
17 amended to read as follows:

18 Section 163.26. No person shall manufacture, sell, possess,  
19 store, import into or export from this state, transport, or deliver  
20 any low-point beer except as specifically provided in this title.  
21 It is unlawful for any manufacturer, wholesaler or retailer of low-  
22 point beer, located and doing business from outside this state, to  
23 make retail sales of low-point beer to purchasers located in this  
24 state or to ship low-point beer sold at retail to persons located in

1 this state. The penalty for any violation of this section shall be  
2 the same as provided in Section 163.20 of this title.

3 SECTION 3. This act shall become effective November 1, 2016.

4  
5 55-2-2650 NP 1/25/2016 1:55:13 PM  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24