



# Oklahoma

## State Profile and Underage Drinking Facts

**State Population: 3,751,351**  
**Population Ages 12–20: 445,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	25.5	114,000
Past-Month Binge Alcohol Use	17.3	77,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	4.9	7,000
Past-Month Binge Alcohol Use	2.6	4,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	22.0	33,000
Past-Month Binge Alcohol Use	16.3	24,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	49.0	74,000
Past-Month Binge Alcohol Use	32.4	49,000
<b>Alcohol-Attributable Deaths (under 21)</b>		<b>Number</b> 68
<b>Years of Potential Life Lost (under 21)</b>		4,068

	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	16.0	22

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited with the following exception(s):

- Private location

*Note:* In Oklahoma, persons under 21 may possess with intent to consume low-point beer (defined as beer or malt beverages not more than 4 percent alcohol) if under the direct supervision of their parent or guardian.

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

*Note:* Although Oklahoma law contains no prohibition against underage consumption of alcoholic beverages generally, the State does prohibit consumption of “low-point beer” (defined as containing not more than 4 percent alcohol) by persons under 21 unless under the direct supervision of a parent or guardian. This exception does not allow persons under 21 to consume such beverages on premises licensed to dispense low-point beer.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited, but youth may purchase for law enforcement purposes.

*Note:* In Oklahoma, persons under 21 may purchase or attempt to purchase low-point beer (defined as beer or malt beverages not more than 4 percent alcohol) if under the direct supervision of their parent or guardian.

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) Targeting Minors***

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

#### ***Provisions Targeting Retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- No statutory affirmative defense—statutes do not provide an affirmative defense related to retailer’s belief that the minor was age 21 or older.

*Note:* Oklahoma provides retailers a defense in criminal prosecutions for furnishing minors with “low-point beer” (defined as all beverages containing more than 0.5 percent alcohol by volume and not more than 4 percent alcohol by weight).

## **Laws Targeting Underage Drinking and Driving**

### **BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

### **Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)**

Use/lose penalties apply to minors under age 18.

#### ***Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial***

- Underage possession

#### ***Authority To Impose Driver’s License Sanction***

- Mandatory

#### ***Length of Suspension/Revocation***

- 180 days

### **Graduated Driver’s License**

#### ***Learner Stage***

- Minimum entry age: 15 years, 6 months
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

#### ***Intermediate Stage***

- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 10 p.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one unrelated passenger, unless accompanied by driver at least 21
  - Primary enforcement of the passenger-restriction rule

#### ***License Stage***

- Minimum age to lift restrictions: 16 years, 6 months

## **Laws Targeting Alcohol Suppliers**

### **Furnishing Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law.

### **Compliance Check Protocols**

No data

### **Penalty Guidelines for Sales to Minors**

No data

### **Responsible Beverage Service**

No beverage service training requirement

### **Minimum Ages for Off-Premises Sellers**

- Beer: 21
- Wine: 21
- Spirits: 21

### **Minimum Ages for On-Premises Sellers**

- Beer: 18 for servers and 21 for bartenders
- Wine: 18 for servers and 21 for bartenders
- Spirits: 18 for servers and 21 for bartenders

### **Dram Shop Liability**

- There is no statutory liability.
- The courts recognize common law dram shop liability.

### **Social Host Liability Laws**

There is no statutory liability.

### **Host Party Laws**

Social host law is not specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Possession, consumption
- Property type(s) covered by liability law: Residence, outdoor, other
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence.
- Exception(s): Resident

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are not permitted.

### **Keg Registration**

- Keg definition: Not less than 4 gallons
- Prohibited:
  - Destroying the label on a keg—maximum fine/jail: \$500/6 months
- Purchaser information collected:
  - Purchaser's name and address
  - Verified by a government-issued ID
- Warning information to purchaser: Passive—no purchaser action required
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

## **Alcohol Pricing Policies**

### **Home Delivery**

- Beer: Prohibited
- Wine: Prohibited
- Spirits: Prohibited

### **Alcohol Tax**

#### ***Beer (5 percent alcohol)***

- Specific excise tax: \$0.40 per gallon

#### ***Wine (12 percent alcohol)***

- Specific excise tax: \$0.72 per gallon

#### ***Spirits (40 percent alcohol)***

- Specific excise tax: \$5.56 per gallon
- Ad valorem excise tax (on-premises sales): 13.5 percent
- Ad valorem tax applied at retail level

### **Drink Specials**

- Free beverages: Not prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price at specified day or time: Prohibited
- Unlimited beverages: Prohibited
- Increased volume: Prohibited

### **Wholesale Pricing**

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Volume discounts: Banned
- Price posting requirements: Post and hold—1 month minimum
- Retailer credit: Not permitted

#### ***Wine (12 percent alcohol)***

- Volume discounts: Banned
- Price posting requirements: Post and hold—2 months minimum
- Retailer credit: Not permitted

#### ***Spirits (40 percent alcohol)***

- Volume discounts: Banned
- Price posting requirements: Post and hold—2 months minimum
- Retailer credit: Not permitted

## Oklahoma State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Alcoholic Beverage Laws Enforcement (ABLE) Commission	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> In the State of Oklahoma, the ABLE Commission is required by statute to enforce laws related to alcoholic beverages. “Alcoholic beverage” means alcohol, spirits, beer, and wine and includes every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by human beings, but does not include low-point beer. All beverages containing more than 3.2 percent alcohol by weight and all mixed beverage coolers, regardless of percent of alcoholic content are declared to be intoxicating. All beverages containing more than half of 1 percent alcohol by volume and not more than 3.2 percent alcohol by weight are declared to be low-point beer. The ABLE Commission only has regulatory authority over alcoholic beverages, not low-point beer. Enforcement of laws related to low-point beer is the responsibility of local law enforcement agencies. The Oklahoma Department of Mental Health and Substance Abuse Services funds two law enforcement task forces in the State’s largest metro areas to conduct underage drinking law enforcement mobilizations. The ABLE Commission coordinates with some local law enforcement agencies as necessary.	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary State agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	No
Such laws are also enforced by local law enforcement agencies	Not applicable
	Unknown
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by State law enforcement agencies	Yes
Number pertains to the 12 months ending	1,343
Data include arrests/citations issued by local law enforcement agencies	12/31/2010
	Yes
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	296
Number of licensees that failed State compliance checks	25
Numbers pertain to the 12 months ending	No data
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
	Yes

Number of fines imposed by the State <sup>3</sup>	17
Total amount in fines across all licensees	\$17,000
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the State <sup>4</sup>	1
Total days of suspensions across all licensees	10
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>5</sup>	0
Numbers pertain to the 12 months ending	12/31/2010
<b>Additional Clarification</b>	
The information in the survey to this point was provided by the Oklahoma ABLE Commission.	

<sup>1</sup>Or having consumed or purchased per State statutes

<sup>2</sup>Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

<sup>3</sup>Does not include fines imposed by local agencies

<sup>4</sup>Does not include suspensions imposed by local agencies

<sup>5</sup>Does not include revocations imposed by local agencies

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking</b>	
<b><i>Too Much To Lose (Enforcing Underage Drinking Laws Block Grant)</i></b>	
Number of youth served	689
Number of parents served	100
Number of caregivers served	40
Numbers pertain to the 12 months ending	12/31/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: Targeting communities throughout the State, the Too Much To Lose (2M2L) project aims to decrease underage drinking and related social problems, decrease youth access to alcohol, increase community-level support for environmental change, and increase youth-driven prevention activities. The project's comprehensive plan includes enforcement training and technical assistance, community mobilization efforts, strategic partnership development, youth leadership development through youth clubs and a State Youth Council, interagency collaboration through two county-level law enforcement task forces, and media advocacy.	
<b><i>Responsible Beverage Sales and Service Training (Justice Assistance Grant)</i></b>	
Number of youth served	0
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	12/31/2010
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: Conducted in partnership with the ABLE Commission, Responsible Beverage Sales and Service (RBSS) training aims to educate licensed alcohol retailers with the information and skills needed to prevent alcohol sales to those under age 21 and those showing signs of intoxication.	

<b>Area Prevention Resource Centers (Substance Abuse Prevention and Treatment Block Grant/State Appropriated Funds)</b>	
Number of youth served	93,148
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	06/30/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
<p>Program description: The primary purpose of Area Prevention Resource Centers (APRCs) is to provide regional prevention services by engaging community members, local organizations, public agencies, youth, and the media to change community conditions that contribute to alcohol-, tobacco-, and drug-related problems. One of the major goals of the APRCs is to prevent the onset and reduce the problems associated with the use of alcohol by those under age 21.</p>	

<b>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</b>	
<b>Safe and Drug Free Schools and Communities (Governor’s Discretionary Grant)</b>	
URL for more program information	No data
<p>Program description: The primary goal of the Safe and Drug Free Schools and Communities (SDFSC) projects is to provide community-based programs that include school-aged youth and parents and focus on the prevention of violence in and around the schools as well as illegal use of alcohol, tobacco, and drugs within targeted communities throughout the State.</p>	

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
<p>Program description: The State has active collaborations with several Tribal nations, including Cherokee Nation, Osage Tribe, Choctaw Nation, and the Cheyenne-Arapaho Tribes. These collaborations include Tribal representatives serving as RBSS trainers, facilitators for the statewide 2M2L Youth Leadership Academy, and members of State advisory groups. In addition, Tribal representatives participate in 2M2L youth and adult training opportunities throughout the year. Tribal marshals have conducted alcohol compliance checks in partnership with the State’s underage drinking prevention projects, and at least one Tribe is working with an APRC to require mandatory RBSS training for all casino employees.</p>	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
<p>Program description: Not applicable</p>	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
<p>Best practice standards description: Oklahoma’s priority is to fund and implement evidence-based environmental strategies for the prevention of underage drinking. A strategy is considered a best practice if:</p> <ul style="list-style-type: none"> <li>• Definition 1: It is included on Federal lists or registries of evidence-based strategies.</li> <li>• Definition 2: It is reported (with positive effects) in peer-reviewed journals.</li> <li>• Definition 3: Documented effectiveness is supported by other sources of information and the consensus judgment of informed experts as specified by the Oklahoma Evidence Based Workgroup.</li> </ul>	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> Name: Jessica Hawkins Email: <a href="mailto:jhawkins@odmhsas.org">jhawkins@odmhsas.org</a> Address: 1200 NE 13 <sup>th</sup> Street, Oklahoma City, OK 73152 Phone: 405-522-5952	
<i>Agencies/organizations represented on the committee:</i> Oklahoma Alcoholic Beverage Law Enforcement Commission Oklahoma Turning Point Oklahoma State Department of Education Oklahoma Department of Mental Health & Substance Abuse Services Oklahoma Highway Safety Office Oklahoma Department of Public Safety Oklahoma State Department of Health Oklahoma Commission on Children & Youth Oklahoma Institute for Child Advocacy University of Oklahoma Oklahoma State Legislature Youth Oklahoma Prevention Policy Alliance	
<i>A Web site or other public source exists to describe committee activities</i>	Yes
URL or other means of access	<a href="http://www.ok.gov/odmhsas/Prevention_Programs/Initiatives/Underage_Drinking_Prevention_Initiatives/index.html">http://www.ok.gov/odmhsas/Prevention_Programs/Initiatives/Underage_Drinking_Prevention_Initiatives/index.html</a>

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Report can be accessed via	Not applicable
<b>Additional Clarification</b>	
No data	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$138,750
Estimate based on the 12 months ending	06/30/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	\$0

Estimate based on the 12 months ending	06/30/2010
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	\$0
Estimate based on the 12 months ending	06/30/2010
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i> No data	
<b>Additional Clarification</b>	
The funding amount listed for community programs reflects the State funds that are eligible to be expended on underage drinking prevention.	