

State Report

Oklahoma

This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Oklahoma

State Profile and Underage Drinking Facts*

State Population: 3,791,508
Population Ages 12–20: 452,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	23.9	108,000
Past-Month Binge Alcohol Use	15.4	70,000
Ages 12–14		
Past-Month Alcohol Use	4.7	7,000
Past-Month Binge Alcohol Use	2.4	4,000
Ages 15–17		
Past-Month Alcohol Use	20.8	31,000
Past-Month Binge Alcohol Use	14.9	22,000
Ages 18–20		
Past-Month Alcohol Use	44.7	70,000
Past-Month Binge Alcohol Use	28.0	44,000
Alcohol-Attributable Deaths (under 21)		68
Years of Potential Life Lost (under 21)		4,092
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	23.0	24

* See Appendix C for data sources.

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 a 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

Distance Limitations for New Alcohol Outlets Near Universities and Schools***Colleges and Universities***

Limitations on outlet siting:

- Off-premises outlets: Yes—within 300 feet. College or university located within an improvement district may override state restriction.
- On-premises outlets: Yes—within 300 feet. College or university located within an improvement district may override state restriction.
- Alcohol products: Beer, wine, spirits

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: Yes—within 300 feet
- On-premises outlets: Yes—within 300 feet
- Alcohol products: Beer, wine, spirits

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

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

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

State Agency Information	
<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> State and local law enforcement agencies have concurrent jurisdiction with underage drinking laws. Many agencies coordinate activities with this agency. ABLE also contacts various law enforcement agencies for assistance with compliance checks. Additionally, ABLE coordinates and guides compliance checks through Too Much To Lose (2M2L) and Justice Assistance Grant (JAG).	
Enforcement Strategies	
<i>State 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>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	No data
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by state law enforcement agencies	No data
Number pertains to the 12 months ending	No data
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations² 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	212
Number of licensees that failed state compliance checks	71
Numbers pertain to the 12 months ending	12/31/2011
<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	No
Number of licensees checked for compliance by local agencies	No data
Number of licensees that failed local compliance checks	No data
Numbers pertain to the 12 months ending	No data
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	96
Total amount in fines across all licensees	No data
Numbers pertain to the 12 months ending	12/31/2011
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the state ⁴	14
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	12/31/2011

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	11
Numbers pertain to the 12 months ending	12/31/2011
Additional Clarification	
None given	

¹ Or having consumed or purchased per state statutes.

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

³ Does not include fines imposed by local agencies.

⁴ Does not include suspensions imposed by local agencies.

⁵ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
<i>Too Much To Lose (2M2L) (Enforcing Underage Drinking Laws Block Grant)</i>	
Number of youth served	980
Number of parents served	0
Number of caregivers served	0
Numbers pertain to the 12 months ending	12/31/2011
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description: Targeting communities throughout the State, the 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.	
<i>Responsible Beverage Sales and Service (RBSS) Training</i>	
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	Yes
URL for evaluation report:	Not applicable
URL for more program information:	Not applicable
Program description: Conducted in partnership with the ABLE Commission, 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.	
<i>Regional Prevention Coordinators (RPCs) (Substance Abuse Prevention and Treatment Block Grant/State Appropriated Funds and Strategic Prevention Framework State Incentive Grant)</i>	
Number of youth served	30,000
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	07/31/2011
Program has been evaluated	No

Evaluation report is available	Not applicable
URL for evaluation report:	
URL for more program information:	Not applicable
<p>Program description: The primary purpose of RPCs 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. A major goal of the RPCs is to prevent the onset and reduce the problems associated with the use of alcohol by those under age 21.</p>	

<p>Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking</p>	
<p><i>Safe and Drug-Free Schools and Communities (SDFSC) (Governor’s Discretionary Grant)</i> URL for more program information: No data</p>	
<p>Program description: The primary goal of the SDFSC projects is to provide community-based programs that include school-aged youth and parents and focus on prevention of violence in and around schools, as well as illegal use of alcohol, tobacco, and drugs within targeted communities throughout the state. Even though SDFSC funding has officially concluded, Oklahoma schools continue to have the opportunity to participate in the evidence-based AlcoholEdu for High School program. The state continues to have available Social Host Law (Oklahomans Who Host Stand to Lose the Most) media materials to promote and improve enforcement of social host liability.</p>	

<p>Additional Information Related to Underage Drinking Prevention Programs</p>	
<p><i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i></p> <p>Description of collaboration: 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 two Tribes are working with an RPC to require mandatory RBSS training for all casino employees.</p>	<p>Yes</p>
<p><i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i></p> <p>Program description: Not applicable</p>	<p>No</p>
<p><i>State has adopted or developed best practice standards for underage drinking prevention programs</i></p> <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"> • Definition 1: It is included on federal lists or registries of evidence-based strategies. • Definition 2: It is reported (with positive effects) in peer-reviewed journals. • 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. 	<p>Yes</p>
<p>Additional Clarification</p>	
<p>None given</p>	

State Interagency Collaboration	
<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 E-mail: jhawkins@odmhsas.org Address: 1200 NE 13th Street, Oklahoma City, OK 73152 Phone: 405-522-5952	
<i>Agencies/organizations represented on the committee:</i> <ul style="list-style-type: none"> • 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 website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://www.ok.gov/odmhsas/Prevention_Programs/Initiatives/Underage_Drinking_Prevention_Initiatives/index.ht	

Underage Drinking Reports	
<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 Plan can be accessed via: Not applicable	
Additional Clarification	
None given	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	0
Estimate based on the 12 months ending	12/31/2011
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	0
Estimate based on the 12 months ending	12/31/2011

<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	0
Estimate based on the 12 months ending	12/31/2011
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	0
Estimate based on the 12 months ending	12/31/2011
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	0
Estimate based on the 12 months ending	12/31/2011
<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

Funds Dedicated to Underage Drinking	
<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	
Additional Clarification	
None given	