

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1325

By: Humphrey

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5  
6 AS INTRODUCED

7 An Act relating to energy drinks; defining term;  
8 prohibiting a person under the age of eighteen (18)  
9 from purchasing, receiving, or possessing an energy  
10 drink; providing that employees under a certain age  
11 may still handle energy drinks in the course of their  
12 employment; providing for an administrative fine;  
13 providing penalty for not paying administrative fine;  
14 providing the Oklahoma Alcoholic Beverage Laws  
15 Enforcement (ABLE) Commission shall establish rules  
16 to provide for notification to a parent or guardian  
17 of any minor cited for a violation; providing that  
18 cities and towns may enact certain ordinances;  
19 prohibiting the sale of energy drinks to anyone under  
20 eighteen (18) years of age; providing requirements of  
21 when to ID buyers before the sale of energy drinks;  
22 providing fines for violation; providing defenses;  
23 providing penalty for not paying fine; providing for  
24 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 701 of Title 37, unless there is  
created a duplication in numbering, reads as follows:

A. As used in this act, an energy drink shall mean any beverage  
containing over 150 milligrams of caffeine per liter.

1 B. It is unlawful for a person who is under eighteen (18) years  
2 of age to purchase, receive, or have in his or her possession an  
3 energy drink or to present or offer to any person any purported  
4 proof of age which is false or fraudulent, for the purpose of  
5 purchasing or receiving an energy drink. It shall not be unlawful  
6 for an employee under eighteen (18) years of age to handle energy  
7 drinks when required in the performance of the employee's duties.

8 C. When a person violates subsection B of this section, the  
9 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose  
10 an administrative fine of:

11 1. Not to exceed One Hundred Dollars (\$100.00) for a first  
12 offense; and

13 2. Not to exceed Two Hundred Dollars (\$200.00) for a second or  
14 subsequent offense within a one-year period following the first  
15 offense.

16 Upon failure of the individual to pay the administrative fine  
17 within ninety (90) days of the day of the fine, the ABLE Commission  
18 shall notify the Department of Public Safety, and the Department  
19 shall suspend or not issue a driver license to the individual until  
20 proof of payment has been furnished to the Department of Public  
21 Safety.

22 D. The ABLE Commission shall establish rules to provide for  
23 notification to a parent or guardian of any minor cited for a  
24 violation of this section.

1 E. Cities and towns may enact and municipal police officers may  
2 enforce ordinances prohibiting and penalizing conduct under  
3 provisions of this section, but the provisions of such ordinances  
4 shall be the same as provided for in this section, and the  
5 enforcement provisions under such ordinances shall not be more  
6 stringent than those of this section.

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 702 of Title 37, unless there is  
9 created a duplication in numbering, reads as follows:

10 A. It is unlawful for any person to sell, give, or furnish in  
11 any manner an energy drink to another person who is under eighteen  
12 (18) years of age, or to purchase in any manner an energy drink on  
13 behalf of any such person. It shall not be unlawful for an employee  
14 under eighteen (18) years of age to handle energy drinks when  
15 required in the performance of the employee's duties.

16 B. A person engaged in the sale or distribution of energy  
17 drinks shall demand proof of age from a prospective purchaser or  
18 recipient if an ordinary person would conclude on the basis of  
19 appearance that the prospective purchaser may be under eighteen (18)  
20 years of age.

21 If an individual engaged in the sale or distribution of energy  
22 drinks has demanded proof of age from a prospective purchaser or  
23 recipient who is not under eighteen (18) years of age, the failure  
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1 to subsequently require proof of age shall not constitute a  
2 violation of this subsection.

3 C. 1. When a person violates subsection A or B of this  
4 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission  
5 shall impose an administrative fine of:

6 a. not more than One Hundred Dollars (\$100.00) for the  
7 first offense,

8 b. not more than Two Hundred Dollars (\$200.00) for the  
9 second offense within a two-year period following the  
10 first offense,

11 c. not more than Three Hundred Dollars (\$300.00) for a  
12 third offense within a two-year period following the  
13 first offense, or

14 d. not more than Three Hundred Dollars (\$300.00) for a  
15 fourth or subsequent offense within a two-year period  
16 following the first offense.

17 2. Proof that the defendant demanded, was shown, and reasonably  
18 relied upon proof of age shall be a defense to any action brought  
19 pursuant to this section. A person cited for violating this section  
20 shall be deemed to have reasonably relied upon proof of age, and  
21 such person shall not be found guilty of the violation if such  
22 person proves that:

23 a. the individual who purchased or received the energy  
24 drink presented a driver license or other government-

1 issued photo identification purporting to establish  
2 that such individual was eighteen (18) years of age or  
3 older, or

4 b. the person cited for the violation confirmed the  
5 validity of the driver license or other government-  
6 issued photo identification presented by such  
7 individual by performing a transaction scan by means  
8 of a transaction scan device.

9 Provided, that this defense shall not relieve from liability any  
10 person cited for a violation of this section if the person failed to  
11 exercise reasonable diligence to determine whether the physical  
12 description and picture appearing on the driver license or other  
13 government-issued photo identification was that of the individual  
14 who presented it. The availability of the defense described in this  
15 subsection does not affect the availability of any other defense  
16 under any other provision of law.

17 D. If the sale is made by an employee of the owner of a store  
18 at which tobacco products or vapor products are sold at retail, the  
19 employee shall be guilty of the violation and shall be subject to  
20 the fine.

21 E. Upon failure of the employee to pay the administrative fine  
22 within ninety (90) days of the day of the assessment of such fine,  
23 the ABLE Commission shall notify the Department of Public Safety,  
24 and the Department shall suspend or not issue a driver license to

1 the employee until proof of payment has been furnished to the  
2 Department of Public Safety.

3 G. Cities and towns may enact and municipal police officers may  
4 enforce ordinances prohibiting and penalizing conduct under  
5 provisions of this section, but the provisions of municipal  
6 ordinances shall be the same as provided for in this section, and  
7 the penalty provisions under such ordinances shall not be more  
8 stringent than those of this section.

9 SECTION 3. This act shall become effective November 1, 2025.

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11 60-1-10059 JL 12/16/24

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