

SHORT TITLE: Intoxicating liquors; prohibiting premises of certain licensees to remain open or certain persons to remain on premises during certain hours; providing exceptions; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 797

By: Easley

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Sections 213, 591 and 592, which relate to the sale of certain beverages and the Oklahoma Alcoholic Beverage Control Act; prohibiting certain licensed premises to remain open or certain persons to remain on premises during certain hours; providing exception; prohibiting premises of mixed beverage licensee to remain open or certain persons to remain on premises during certain hours; providing exception; prohibiting premises of bottle club licensee to remain open or certain persons to remain on premises during certain hours; providing exception; and declaring an emergency.

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

SECTION 1. AMENDATORY 37 O.S. 1991, Section 213, is amended to read as follows:

Section 213. ~~From and after the effective date of this act it~~  
A. It shall be unlawful for any place licensed to sell beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of alcohol by weight to sell, dispense, or serve such beverages for consumption on the premises between the hours of ~~two o'clock~~ 2:00 a.m. and ~~seven o'clock~~ 7:00 a.m. or allow such beverages to be consumed on the premises between the hours of ~~two o'clock~~ 2:00 a.m.

and ~~seven o'clock~~ 7:00 a.m. excepting Saturday nights when such beverages may not be sold, dispensed, served, or consumed on the premises between the hours of ~~two o'clock~~ 2:00 a.m. and ~~twelve o'clock~~ 12:00 noon on Sundays; provided, the governing body of any city or town is hereby authorized to prohibit, by ordinance regularly enacted, the sale, dispensing, serving, and consumption of such beverages between the hours of ~~two o'clock~~ 2:00 a.m. on Sunday and ~~seven o'clock~~ 7:00 a.m. of the following Monday.

B. It shall be unlawful for any place licensed to sell beverages containing more than one-half of one percent (1/2 of 1%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of alcohol by weight to remain open or permit any person other than the licensee or the licensee's employees to remain on the premises during the hours that the sale, dispensing, serving, or consumption of such beverages is prohibited in subsection A of this section. Provided, however, that this prohibition shall not apply to hotels, motels, or restaurants which employ at least one full-time cook, have a menu and a fully equipped kitchen and serve food twenty-four (24) hours a day.

SECTION 2. AMENDATORY 37 O.S. 1991, Section 591, is amended to read as follows:

Section 591. A. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage licensee between the hours of 2:00 a.m. and 10:00 a.m.

B. No premises of a mixed beverage licensee shall remain open between the hours of 2:00 a.m. and 10:00 a.m. No mixed beverage licensee shall permit any person other than the licensee or the licensee's employees to remain on the premises between the hours of 2:00 a.m. and 10:00 a.m. Provided, however, the prohibitions within this subsection shall not apply to any hotel, motel, or restaurant open and serving food twenty-four (24) hours per day.

C. Counties that elect to authorize sales of alcoholic beverages by the individual drink may designate any or all of the following days as days or portions thereof on which the sales of alcoholic beverages are not authorized:

1. On the first day of the week, commonly called Sunday;

2. On the day of any national, state, county or city election, including primary elections, during the hours the polls are open; and

3. On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

SECTION 3. AMENDATORY 37 O.S. 1991, Section 592, is amended to read as follows:

Section 592. A. No alcoholic beverages may be dispensed, served or consumed on the ~~premise~~ premises of a bottle club licensee between the hours of 2:00 a.m. and 10:00 a.m.

B. No premises of a bottle club licensee shall remain open between the hours of 2:00 a.m. and 10:00 a.m. No bottle club licensee shall permit any person other than the licensee or the licensee's employees to remain on the premises between the hours of 2:00 a.m. and 10:00 a.m. Provided, however, the prohibitions within this subsection shall not apply to any hotel, motel, or restaurant open and serving food twenty-four (24) hours per day.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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