

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

SENATE BILL 712

By: Bice of the Senate

5 and

6 Mulready of the House

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8 CONFERENCE COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; amending
10 Sections 40 and 145, Chapter 366, O.S.L. 2016 (37A
11 O.S. Supp. 2016, Sections 2-128 and 6-105), which
12 relate to licenses; providing exceptions to certain
13 prohibition; and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 40, Chapter 366, O.S.L.
16 2016 (37A O.S. Supp. 2016, Section 2-128), is amended to read as
17 follows:

18 Section 2-128. A. An on-premises beer and wine license shall
19 authorize the holder thereof:

20 1. To purchase beer and wine in retail containers from the
21 holder of a wholesaler, beer distributor, small brewer self-
22 distribution or brewpub self-distribution license or as specifically
23 provided by law; and

24 2. To sell, offer for sale and possess beer and wine for on-
premises consumption only; provided, the holder of an on-premises

1 beer and wine license issued for an establishment which is also a
2 restaurant may purchase wine from a winemaker who is permitted and
3 has elected to self-distribute as provided in Article XXVIII A of the
4 Oklahoma Constitution.

5 B. Sales and service of beer and wine by holders of on-premises
6 beer and wine licenses shall be limited to the licensed premises of
7 the licensee unless the holder of the on-premises beer and wine
8 license also obtains a caterer license. An on-premises beer and
9 wine license shall only be issued in counties of this state where
10 the sale of alcoholic beverages by the individual drink for on-
11 premises consumption has been authorized. A separate license shall
12 be required for each place of business. No spirits shall be stored,
13 possessed or consumed on the licensed premises of an on-premises
14 beer and wine license, unless the premises also has a mixed beverage
15 license.

16 SECTION 2. AMENDATORY Section 145, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2016, Section 6-105), is amended to read as
18 follows:

19 Section 6-105. No mixed beverage, public event, special event
20 or on-premises beer and wine licensee shall:

21 1. Purchase or receive any alcoholic beverage other than from a
22 person holding a wine and spirit wholesaler or beer distributor
23 license issued pursuant to the Oklahoma Alcoholic Beverage Control
24 Act; provided, a mixed beverage or on-premises beer and wine

1 licensee whose premises are a restaurant may purchase wine produced
2 at wineries in this state directly from a winemaker as provided in
3 Section 2 of Article XXVIII A of the Oklahoma Constitution;

4 2. Transport alcoholic beverages from the place of purchase to
5 the licensed premises unless the licensee also holds a private
6 carrier license issued by the ABLE Commission;

7 3. Use or allow the use of any mark or label on a container of
8 alcoholic beverage which is kept for sale which does not clearly and
9 precisely indicate the nature of the contents or which might deceive
10 or conceal the nature, composition, quantity, age or quality of such
11 beverage;

12 4. Keep or knowingly permit any alcoholic beverage to be kept,
13 brought or consumed on the licensed premises which is not allowed to
14 be sold or served upon such premises; or

15 5. Allow any person under twenty-one (21) years of age to enter
16 into, remain within or loiter about the designated bar area of the
17 licensed premises, except for persons who incidentally pass through
18 the designated area.

19 The prohibition in this subsection against persons under twenty-
20 one (21) years of age entering or remaining within the designated
21 bar area of the licensed premises shall not apply:

22 a. if the licensed premises are closed to the public
23 during a time the premises are legally permitted to be
24 open for business and the premises are used for a

1 private party at which alcoholic beverages may be
2 served to persons twenty-one (21) years of age or
3 older. Any alcoholic beverages served at a private
4 party on the licensed premises may be purchased from
5 the licensee at a negotiated price or purchased
6 privately and served at the private party on the
7 licensed premises. Any licensee who desires to
8 conduct such a private party shall notify the ABLE
9 Commission, in writing, at least ten (10) calendar
10 days prior to the private party. The notification
11 shall include the date, time and purpose of the
12 private party and any other information the ABLE
13 Commission may deem necessary, or

14 b. to a designated bar area which is a concessions stand
15 serving beer and wine, in addition to food and non-
16 alcoholic beverages, which concession stand is located
17 at, in, or on the premises of a sports, music or
18 entertainment venue, convention center, fairgrounds or
19 similar facility.

20 SECTION 3. This act shall become effective October 1, 2018.

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