

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 ENGROSSED SENATE
5 BILL NO. 1332

 By: Bice and Pittman of the
 Senate

6 and

7 Mulready of the House

8
9 An Act relating to alcoholic beverages; amending
10 Section 51, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
11 2017, Section 2-139), which relates to the Alcoholic
12 Beverage Control Act; exempting certain
 establishments from location requirements; and
 providing an effective date.

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

16 SECTION 1. AMENDATORY Section 51, Chapter 366, O.S.L.
17 2016 (37A O.S. Supp. 2017, Section 2-139), is amended to read as
18 follows:

19 Section 2-139. A. It shall be unlawful for any mixed beverage
20 establishment, beer and wine establishment or bottle club which has
21 been licensed by the ABLE Commission and which has as its main
22 purpose the selling or serving of alcoholic beverages for
23 consumption on the premises, or package store, to be located within
24 three hundred (300) feet of any public or private school or church

1 property primarily and regularly used for worship services and
2 religious activities; however, a college or university located
3 within an improvement district created pursuant to Section 39-103.1
4 of Title 11 of the Oklahoma Statutes may waive the three-hundred-
5 foot requirement by providing written notice to the establishment
6 seeking the license and to the ABLE Commission. Provided, a college
7 or university prior to waiving the three-hundred-foot requirement
8 found in this subsection shall publish a notice of its intention to
9 waive such requirement in a legal newspaper of general circulation
10 within the state at least thirty (30) days but no more than forty
11 (40) days prior to providing any written notice, waiving the three-
12 hundred-foot requirement, to the establishment seeking the license
13 or to the ABLE Commission. As used in this subsection "legal
14 newspaper of general circulation within this state" means a
15 newspaper meeting the requisites of a newspaper for publication of
16 legal notices as prescribed in Section 106 of Title 25 of the
17 Oklahoma Statutes in a majority of the counties in this state.

18 B. The distance indicated in this section shall be measured
19 from the nearest property line of such public or private school or
20 church to the nearest perimeter wall of the premises of any such
21 mixed beverage establishment, beer and wine establishment, bottle
22 club or package store which has been licensed to sell alcoholic
23 beverages.

24 C. The provisions of this section shall not apply to ~~mixed~~:

1 1. Mixed beverage establishments, beer and wine establishments,
2 or bottle clubs, which have been licensed to sell alcoholic
3 beverages for on-premises consumption or retail package stores prior
4 to November 1, 2000; provided, if at the time of application for
5 license renewal the licensed location has not been in actual
6 operation for a continuous period of more than sixty (60) days, the
7 license shall not be renewed; or

8 2. Establishments licensed prior to October 1, 2018, to sell
9 low-point beer which were permitted to be located within three
10 hundred (300) feet of any public or private school or church
11 property primarily and regularly used for worship services and
12 religious activities, pursuant to the provisions of Section 163.27
13 of Title 37 of the Oklahoma Statutes. Such establishments shall be
14 permitted to have any license in effect on October 1, 2018,
15 transferred to a mixed beverage license; provided, if such an
16 establishment ceases to regularly be open to the public or changes
17 ownership, the provisions of this paragraph shall cease to apply.

18 D. If any school or church shall be established within three
19 hundred (300) feet of any package store, mixed beverage
20 establishment, beer and wine establishment or bottle club subject to
21 the provisions of this section after such package store, mixed
22 beverage establishment, beer and wine establishment or bottle club
23 has been licensed, the provisions of this section shall not be a
24 deterrent to the renewal of such license if there has not been a

1 lapse of more than sixty (60) days. When any mixed beverage
2 establishment, beer and wine establishment or bottle club subject to
3 the provisions of this section which has a license to sell alcoholic
4 beverages for on-premises consumption, or package store, changes
5 ownership or the operator thereof is changed and such change of
6 ownership results in the same type of business being conducted on
7 the premises, the provisions of this section shall not be a
8 deterrent to the issuance of a license to the new owner or operator
9 if he or she is otherwise qualified.

10 E. 1. Any interested party may protest the application for or
11 granting of a license for a package store, or for a mixed beverage
12 establishment, beer and wine establishment or bottle club which has
13 as its main purpose the selling or serving of alcoholic beverages
14 for consumption on the premises, based on an alleged violation of
15 this section. To be considered by the ABLE Commission, the protest
16 must:

- 17 a. be submitted in writing,
- 18 b. be signed by the person protesting,
- 19 c. contain the mailing address and address of residence,
20 if different from the mailing address of the
21 protester,
- 22 d. contain the title of the person signing the protest,
23 if the person is acting in an official capacity as a
24 church or school official, and

1 e. contain a concise statement explaining why the
2 application is being protested.

3 2. Within thirty (30) days of the date of receipt of a written
4 protest, the ABLE Commission shall conduct a hearing on the protest
5 if the protest meets the requirements of paragraph 1 of this
6 subsection.

7 3. As used in this subsection, "interested party" means:

8 a. a parent or legal guardian whose child or children
9 attend the church or school which is alleged to be
10 closer to the mixed beverage establishment or bottle
11 club which has as its main purpose the selling or
12 serving of alcoholic beverages for consumption on the
13 premises, or package store, than is allowed by this
14 section,

15 b. an official of a church which is alleged to be closer
16 to the mixed beverage establishment or bottle club
17 which has as its main purpose the selling or serving
18 of alcoholic beverages for consumption on the
19 premises, or package store, than is allowed by this
20 section, or

21 c. an official of a school which is alleged to be closer
22 to the mixed beverage establishment or bottle club
23 which has as its main purpose the selling or serving
24 of alcoholic beverages for consumption on the

1 premises, or package store, than is allowed by this
2 section.

3 SECTION 2. This act shall become effective October 1, 2018.

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5 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
6 04/04/2018 - DO PASS, As Coauthored.
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