

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4

February 27, 2018

By: Bice

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

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

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

Section 2-139. A. It shall be unlawful for any mixed beverage establishment, beer and wine establishment or bottle club which has been licensed by the ABLE Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or package store, to be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities; however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the three-hundred-

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

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

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

21 1. Mixed beverage establishments, beer and wine establishments,  
22 or bottle clubs, which have been licensed to sell alcoholic  
23 beverages for on-premises consumption or retail package stores prior  
24 to November 1, 2000; provided, if at the time of application for

1 license renewal the licensed location has not been in actual  
2 operation for a continuous period of more than sixty (60) days, the  
3 license shall not be renewed; or

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

14 D. If any school or church shall be established within three  
15 hundred (300) feet of any package store, mixed beverage  
16 establishment, beer and wine establishment or bottle club subject to  
17 the provisions of this section after such package store, mixed  
18 beverage establishment, beer and wine establishment or bottle club  
19 has been licensed, the provisions of this section shall not be a  
20 deterrent to the renewal of such license if there has not been a  
21 lapse of more than sixty (60) days. When any mixed beverage  
22 establishment, beer and wine establishment or bottle club subject to  
23 the provisions of this section which has a license to sell alcoholic  
24 beverages for on-premises consumption, or package store, changes

ownership or the operator thereof is changed and such change of ownership results in the same type of business being conducted on the premises, the provisions of this section shall not be a deterrent to the issuance of a license to the new owner or operator if he or she is otherwise qualified.

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

- a. be submitted in writing,
- b. be signed by the person protesting,
- c. contain the mailing address and address of residence, if different from the mailing address of the protester,
- d. contain the title of the person signing the protest, if the person is acting in an official capacity as a church or school official, and
- e. contain a concise statement explaining why the application is being protested.

2. Within thirty (30) days of the date of receipt of a written protest, the ABLE Commission shall conduct a hearing on the protest

1 if the protest meets the requirements of paragraph 1 of this  
2 subsection.

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

- 4 a. a parent or legal guardian whose child or children  
5 attend the church or school which is alleged to be  
6 closer to the mixed beverage establishment or bottle  
7 club which has as its main purpose the selling or  
8 serving of alcoholic beverages for consumption on the  
9 premises, or package store, than is allowed by this  
10 section,
- 11 b. an official of a church which is alleged to be closer  
12 to the mixed beverage establishment or bottle club  
13 which has as its main purpose the selling or serving  
14 of alcoholic beverages for consumption on the  
15 premises, or package store, than is allowed by this  
16 section, or
- 17 c. an official of a school which is alleged to be closer  
18 to the mixed beverage establishment or bottle club  
19 which has as its main purpose the selling or serving  
20 of alcoholic beverages for consumption on the  
21 premises, or package store, than is allowed by this  
22 section.

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

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
February 27, 2018 - DO PASS