

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1332

By: Bice

6 AS INTRODUCED

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

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

13 SECTION 1. AMENDATORY Section 51, Chapter 366, O.S.L.
14 2016 (37A O.S. Supp. 2017, Section 2-139), is amended to read as
15 follows:

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

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

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

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

22 1. Mixed beverage establishments, beer and wine establishments,
23 or bottle clubs, which have been licensed to sell alcoholic
24 beverages for on-premises consumption or retail package stores prior

1 to November 1, 2000; provided, if at the time of application for
2 license renewal the licensed location has not been in actual
3 operation for a continuous period of more than sixty (60) days, the
4 license shall not be renewed; or

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

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

1 beverages for on-premises consumption, or package store, changes
2 ownership or the operator thereof is changed and such change of
3 ownership results in the same type of business being conducted on
4 the premises, the provisions of this section shall not be a
5 deterrent to the issuance of a license to the new owner or operator
6 if he or she is otherwise qualified.

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

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

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

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

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

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

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