

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1347

By: McEntire

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverage licenses;
10 amending Section 32, Chapter 366, O.S.L. 2016 (37A
11 O.S. Supp. 2018, Section 2-120), which relates to the
12 wholesaler's agent license; providing an exception to
13 certain license requirement for certain employees;
14 amending Section 33, Chapter 366, O.S.L. 2016, as
15 amended by Section 1, Chapter 314, O.S.L. 2018 (37A
16 O.S. Supp. 2018, Section 2-121), which relates to the
17 employee license; providing an exception to the
18 licensure requirement for certain employees; amending
19 Section 48, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
20 2018, Section 2-136), which relates to the
21 manufacturer's agent license; modifying from whom
22 certain licensees may solicit or take orders; and
23 providing an effective date.

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

SECTION 1. AMENDATORY Section 32, Chapter 366, O.S.L.
2016 (37A O.S. Supp. 2018, Section 2-120), is amended to read as
follows:

Section 2-120. A wholesaler's agent license shall authorize the
holder thereof:

1 1. To represent only the holders of licenses within this state,
2 other than retailers, authorized to sell alcoholic beverages to
3 retail dealers in Oklahoma; and

4 2. To solicit and to take orders for the purchase of alcoholic
5 beverages from retailers including licensees authorized to sell
6 alcoholic beverages by the individual drink for on-premises
7 consumption.

8 Such license shall be issued only to agents and employees of the
9 holder of a license under the Oklahoma Alcoholic Beverage Control
10 Act, but no such license shall be required of an employee making
11 sales of alcoholic beverages on licensed premises of the employee's
12 principal or of an employee of a beer distributor licensee
13 regardless of that employee's job responsibilities.

14 SECTION 2. AMENDATORY Section 33, Chapter 366, O.S.L.
15 2016, as amended by Section 1, Chapter 314, O.S.L. 2018 (37A O.S.
16 Supp. 2018, Section 2-121), is amended to read as follows:

17 Section 2-121. An employee license shall authorize the holder
18 thereof to work in a licensed package store, retail spirits, retail
19 wine or retail beer establishment, brewpub, mixed beverage
20 establishment, beer and wine establishment, bottle club, public
21 event or any establishment where alcohol or alcoholic beverages are
22 sold, mixed or served. Persons employed by a mixed beverage, on-
23 premises beer and wine, retail wine, retail beer, public event or a
24 bottle club licensee who do not participate in the service, mixing

1 or sale of mixed beverages shall not be required to have an employee
2 license. Provided, however, that a manager employed by a mixed
3 beverage licensee, public event licensee or a bottle club shall be
4 required to have an employee license whether or not the manager
5 participates in the service, mixing or sale of mixed beverages.
6 Applicants for an employee license must be at least eighteen (18)
7 years of age and have a health card issued by the county in which
8 they are employed, if the county issues such a card; provided, the
9 provisions of this section shall not be construed to permit any
10 person under twenty-one (21) years of age to be employed to sell
11 spirits. Employees of a special event, caterer, unless catering a
12 mixed beverage-licensed ~~premise~~ premises, or airline/railroad
13 beverage licensees shall not be required to obtain an employee
14 license; further, employees of beer distributors and other licensees
15 holding licenses issued by the ABLE Commission shall not be required
16 to obtain an employee license if such employee only sells alcohol or
17 alcoholic beverages to establishments holding licenses issued by the
18 ABLE Commission and not to the public. Persons employed by a hotel
19 licensee who participate in the stocking of hotel room mini-bars or
20 in the handling of alcoholic beverages to be placed in such devices
21 shall be required to have an employee license. As a prerequisite to
22 the issuance of an employee license, not later than fourteen (14)
23 days after initial licensure, the first-time applicant shall be
24 required to have successfully completed a training program conducted

1 by the ABLE Commission, or by another entity approved by the ABLE
2 Commission, including an in-house training program conducted by the
3 employer. Proof of training completion shall be made available for
4 inspection by the ABLE Commission at the business location employing
5 the licensee. The failure of an employee licensee to comply with
6 this section may constitute a revocable offense.

7 SECTION 3. AMENDATORY Section 48, Chapter 366, O.S.L.
8 2016 (37A O.S. Supp. 2018, Section 2-136), is amended to read as
9 follows:

10 Section 2-136. A manufacturer's agent license shall authorize
11 the holder thereof to represent only the holders of a manufacturer's
12 license or nonresident seller license and to solicit and take orders
13 for the sale of wine and spirits for the purpose of resale. No such
14 license shall be issued to any person until it shall have been shown
15 to the satisfaction of the ABLE Commission that the applicant has
16 been duly authorized to act as the agent of the principal he or she
17 proposes to represent, and that the principal or principals he or
18 she proposes to represent has been duly authorized to do business in
19 the State of Oklahoma, and has appointed a service agent in this
20 state. No applicant for a manufacturer's agent license shall also
21 hold an agent license. It shall be unlawful for any person other
22 than the holder of a manufacturer's agent license or an agent
23 license to solicit or take orders in the state from a wine and
24 spirits wholesaler ~~or beer distributor.~~

SECTION 4. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
03/04/2019 - DO PASS, As Amended.