

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 814

By: Bice of the Senate

and

McEntire of the House

8 An Act relating to the alcoholic beverages; amending
9 Section 142, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
10 2018, Section 6-102), which relates to prohibited
11 acts by licensee; making certain exception for number
12 of drinks per person; providing for tasting flights;
13 defining term; providing for codification; and
14 providing an effective date.

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

15 SECTION 1. AMENDATORY Section 142, Chapter 366, O.S.L.
16 2016 (37A O.S. Supp. 2018, Section 6-102), is amended to read as
17 follows:

18 Section 6-102. No licensee of the ABLE Commission shall:

19 1. Receive, possess or sell any alcoholic beverage except as
20 authorized by the Oklahoma Alcoholic Beverage Control Act and by the
21 license or permit which the licensee holds;

22 2. Employ any person under eighteen (18) years of age in the
23 selling of beer or wine or employ any person under twenty-one (21)
24 years of age in the selling of spirits. Provided:

- 1 a. a mixed beverage, beer and wine, caterer, public
2 event, special event, bottle club, retail wine or
3 retail beer licensee may employ servers or sales
4 clerks who are at least eighteen (18) years of age,
5 except persons under twenty-one (21) years of age may
6 not serve in designated bar or lounge areas, and
- 7 b. a mixed beverage, beer and wine, caterer, public
8 event, special event or bottle club licensee may
9 employ or hire musical bands who have musicians who
10 are under eighteen (18) years of age if each such
11 musician is either accompanied by a parent or legal
12 guardian or has on their person, to be made available
13 for inspection upon demand by any employee of the ABLE
14 Commission or law enforcement officer, a written,
15 notarized affidavit from the parent or legal guardian
16 giving the underage musician permission to perform in
17 designated bar or lounge areas;

18 3. Give any alcoholic beverage as a prize, premium or
19 consideration for any lottery, game of chance or skill or any type
20 of competition;

21 4. Use any of the following means or inducements to stimulate
22 the consumption of alcoholic beverages, including but not limited
23 to:
24

- 1 a. deliver more than two drinks to one person at one
2 time, except as provided for serving tasting flights
3 defined in Section 2 of this act,
- 4 b. sell or offer to sell to any person or group of
5 persons any drinks at a price that is less than six
6 percent (6%) below the markup of the cost to the mixed
7 beverage licensee; provided, a mixed beverage licensee
8 shall be permitted to offer these drink specials on
9 any particular hour of any particular day and shall
10 not be required to offer these drink specials for an
11 entire calendar week or from open to close,
- 12 c. sell or offer to sell to any person an unlimited
13 number of drinks during any set period of time for a
14 fixed price, except at private functions not open to
15 the public,
- 16 d. sell or offer to sell drinks to any person or group of
17 persons on any one day or portion thereof at prices
18 less than those charged the general public on that
19 day, except at private functions not open to the
20 public,
- 21 e. increase the volume of alcoholic beverages contained
22 in a drink without increasing proportionately the
23 price regularly charged for such drink during the same
24 calendar week, or

1 f. encourage or permit, on the licensed premises, any
2 game or contest which involves drinking or the
3 awarding of drinks as prizes.

4 Provided, that the provisions of this paragraph shall not
5 prohibit the advertising or offering of food or entertainment in
6 licensed establishments;

7 5. Permit or allow any patron or person to exit the licensed
8 premises with an open container of any alcoholic beverage.

9 Provided, this prohibition shall not be applicable to closed
10 original containers of alcoholic beverages which are carried from
11 the licensed premises of a bottle club by a patron, closed original
12 wine containers removed from the premises of restaurants, hotels and
13 motels, or to closed original containers of alcoholic beverages
14 transported to and from the place of business of a licensed caterer
15 by the caterer or an employee of the caterer;

16 6. Serve or sell alcoholic beverages with an expired license
17 issued by the ABLE Commission; or

18 7. Permit any person to be drunk or intoxicated on the
19 licensee's licensed premises.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6-102.1 of Title 37A, unless
22 there is created a duplication in numbering, reads as follows:

23 Notwithstanding Section 6-102 of Title 37A of the Oklahoma
24 Statutes, which limits a licensee to serving not more than two

1 drinks to one person at one time, a licensee may serve and deliver
2 tasting flights as follows:

3 For purposes of this section, a "tasting flight" means several
4 samples of various beers, wines or spirits served at one time to one
5 person by the licensee who is authorized to sell and serve beer,
6 wine or spirits; provided the serving is within the size limitations
7 stated below:

8 1. A beer tasting flight shall be not more than four separate
9 individual beers of not more than five (5) ounces each, served
10 together at one time;

11 2. A wine tasting flight shall be not more than four separate
12 individual wines of not more than one and one half (1.5) ounces
13 each, served together at one time; and

14 3. A spirit tasting flight shall be not more than four separate
15 individual spirits of not more than a half (0.5) ounce each, served
16 together at one time.

17 A tasting flight shall not be free samples, but shall be
18 considered a single drink.

19 SECTION 3. This act shall become effective November 1, 2019.
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21 COMMITTEE REPORT BY: COMMITTEE ON TOURISM, dated 04/04/2019 - DO
22 PASS.
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