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**AS AMENDED**

By: Martinez of the House

Pugh of the Senate

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[ alcoholic beverages - location of licensed
establishments - effective date ]
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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; further, a church  
3 may waive the three-hundred-foot requirement by providing written  
4 notice to the establishment seeking the license and to the ABLE  
5 Commission. Provided, a college or university or church prior to  
6 waiving the three-hundred-foot requirement found in this subsection  
7 shall publish a notice of its intention to waive such requirement in  
8 a legal newspaper of general circulation within the state at least  
9 thirty (30) days but no more than forty (40) days prior to providing  
10 any written notice, waiving the three-hundred-foot requirement, to  
11 the establishment seeking the license or to the ABLE Commission. As  
12 used in this subsection "legal newspaper of general circulation  
13 within this state" means a newspaper meeting the requisites of a  
14 newspaper for publication of legal notices as prescribed in Section  
15 106 of Title 25 of the Oklahoma Statutes in a majority of the  
16 counties in this state.

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

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

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 November 1, 2019.

4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
5 April 4, 2019 - DO PASS AS AMENDED  
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