

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 804

By: Bice

AS INTRODUCED

An Act relating to prohibited acts of alcoholic beverage licensees; amending Section 142, Chapter 366, O.S.L. 2016, (37A O.S. Supp. 2018, Section 6-102), which relates to prohibited acts of licensees; providing exceptions to certain prohibited acts; providing an effective date; and declaring an emergency.

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

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

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

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

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

- a. deliver more than two drinks to one person at one time,
- b. sell or offer to sell to any person or group of persons any drinks at a price that is less than six percent (6%) below the markup of the cost to the mixed beverage licensee; provided, a mixed beverage licensee shall be permitted to offer these drink specials on any particular hour of any particular day and shall not be required to offer these drink specials for an entire calendar week or from open to close,
- c. sell or offer to sell to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public,
- d. sell or offer to sell drinks to any person or group of persons on any one day or portion thereof at prices less than those charged the general public on that day, except at private functions not open to the public,
- e. increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same 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 B. A mixed beverage or beer and wine licensee shall not be  
21 deemed to have violated the provisions of paragraph 5 of subsection  
22 A of this section if it allowed a patron to leave the premise with  
23 an open container of beer or wine only and:

1       1. The otherwise prohibited act was committed during the hours  
2 of 8 A.M to midnight on the day of a scheduled home football game of  
3 institutions within The Oklahoma State System of Higher Education,  
4 and the establishment is located within two thousand (2,000) feet of  
5 said institution; or

6       2. The licensee is participating by invitation in a municipally  
7 sanctioned and sponsored single day art or music event within city  
8 limits when the municipality has provided written notice of the  
9 event and a list of invited licensees to the ABLE Commission at  
10 least five (5) days prior to the event.

11       SECTION 2. This act shall become effective July 1, 2019.

12       SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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