

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 723

By: Leewright

AS INTRODUCED

An Act relating to alcoholic beverage licenses; creating the marina beverage license; stating license authority and requirements; authorizing sale and service of sealed containers of wine and beer; requiring retail store on premises; limiting where license is authorized; allowing simultaneous application for licenses; requiring separate license for each location; directing promulgation of rules by ABLE Commission; providing for employee license; stating age and eligibility for purchases; stating presumption of consumption; prohibiting consumption in certain places; directing purchases be made from licensed wholesaler and beer distributors; defining terms; providing additional requirements and limitations; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-119A of Title 37A, unless there is created a duplication in numbering, reads as follows:

A. A marina beverage license shall authorize the holder thereof to sell or serve beer and wine in sealed containers of any size in accordance with the rules promulgated by the ABLE Commission. All beer and wine sales shall be made from a retail store located on the

1 premises and owned by the marina. A marina beverage license shall
2 only be issued in counties of this state where the sale of alcoholic
3 beverages by the individual drink for on-premises consumption has
4 been authorized. A marina beverage license shall only be issued to
5 a marina as defined by this section which is also the holder of a
6 mixed beverage license. Provided, application may be made
7 simultaneously for both such licenses to be held by a marina. A
8 separate license shall be required for each place of business.

9 B. The ABLE Commission shall promulgate rules governing the
10 application for and the issuance of marina beverage licenses. All
11 employees handling beer and wine offered for sale at a retail store
12 located on the premises of or waters where the marina provides its
13 services must possess an employee license issued by the ABLE
14 Commission. The holder of a marina beverage licensee shall only
15 sell beer and wine in sealed containers to customers aged twenty-one
16 years or older who are engaged in activities on the respective
17 premises of or waters where the marina provides its services.

18 C. Beer and wine purchased from a retail store located on the
19 premises of a marina shall be presumed to be purchased for
20 consumption on the premises or waters where the marina provides its
21 services, except consumption shall be prohibited inside the actual
22 premises of the retail store or inside any restaurant or food
23 establishment premises subject to a mixed beverage license.
24

1 D. The holder of a marina beverage license shall purchase
2 alcoholic beverages only from a licensed wine wholesaler or beer
3 distributor, or as otherwise specifically provided by law. No
4 restaurant located on the marina premises subject to a mixed
5 beverage license shall sell or provide sealed containers of
6 alcoholic beverages to any customer or retail store associated with
7 the marina.

8 E. For purposes of this section "marina" means a commercial
9 boating establishment located on or adjacent to a body of water
10 which provides boat docks and secure moorings for pleasure boats and
11 offers boating supplies, repairs, fuel, and other facilities to
12 customers. A marina must additionally have:

13 1. A restaurant or food establishment on-premise that holds a
14 mixed beverage license;

15 2. A retail store where merchandise and services are provided
16 to boating customers for a fee;

17 3. A valid Oklahoma Sales Tax Number issued by the Oklahoma Tax
18 Commission; and

19 4. Proper permits or authority for operation of boat docks and
20 secure moorings.

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

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3

4 57-1-955

NP

1/28/2019 3:53:48 PM