

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2380 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Dean Davis

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2380

By: Davis

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to alcoholic beverages; amending  
Section 142, Chapter 366, O.S.L. 2016, as last  
amended by Section 20, Chapter 161, O.S.L. 2020 (37A  
O.S. Supp. 2020, Section 6-102), which relates to  
licensee prohibited acts; providing requirements for  
patron self-pour service of beer and wine; defining  
term; and providing an effective date.

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

SECTION 1. AMENDATORY Section 142, Chapter 366, O.S.L.  
2016, as last amended by Section 20, Chapter 161, O.S.L. 2020 (37A  
O.S. Supp. 2020, 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;

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

4            a.    a mixed beverage, beer and wine, caterer, public  
5                    event, special event, bottle club, retail wine or  
6                    retail beer licensee may employ servers or sales  
7                    clerks who are at least eighteen (18) years of age,  
8                    except persons under twenty-one (21) years of age may  
9                    not serve in designated bar or lounge areas, and

10          b.    a mixed beverage, beer and wine, caterer, public  
11                    event, special event or bottle club licensee may  
12                    employ or hire musical bands who have musicians who  
13                    are under eighteen (18) years of age if each such  
14                    musician is either accompanied by a parent or legal  
15                    guardian or has on their person, to be made available  
16                    for inspection upon demand by any employee of the ABLE  
17                    Commission or law enforcement officer, a written,  
18                    notarized affidavit from the parent or legal guardian  
19                    giving the underage musician permission to perform in  
20                    designated bar or lounge areas;

21        3.    Give any alcoholic beverage as a prize, premium or  
22    consideration for any lottery, game of chance or skill or any type  
23    of competition;

1        4. Use any of the following means or inducements to stimulate  
2 the consumption of alcoholic beverages, including but not limited  
3 to:

4            a. deliver more than two drinks to one person at one  
5 time, except as provided for serving tasting flights  
6 defined in Section ~~2~~ 6-102.1 of this ~~act~~ title,

7            b. sell or offer to sell to any person or group of  
8 persons any drinks at a price that is less than six  
9 percent (6%) below the markup of the cost to the mixed  
10 beverage licensee; provided, a mixed beverage licensee  
11 shall be permitted to offer these drink specials on  
12 any particular hour of any particular day and shall  
13 not be required to offer these drink specials for an  
14 entire calendar week or from open to close,

15            c. sell or offer to sell to any person an unlimited  
16 number of drinks during any set period of time for a  
17 fixed price, except at private functions not open to  
18 the public,

19            d. sell or offer to sell drinks to any person or group of  
20 persons on any one day or portion thereof at prices  
21 less than those charged the general public on that  
22 day, except at private functions not open to the  
23 public,

- 1           e.    increase the volume of alcoholic beverages contained  
2                    in a drink without increasing proportionately the  
3                    price regularly charged for such drink during the same  
4                    calendar week, or
- 5           f.    encourage or permit, on the licensed premises, any  
6                    game or contest which involves drinking or the  
7                    awarding of drinks as prizes.

8           Provided, that the provisions of this paragraph shall not  
9   prohibit the advertising or offering of food or entertainment in  
10 licensed establishments;

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

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

20          6.   Serve or sell alcoholic beverages with an expired license  
21 issued by the ABLE Commission; ~~or~~

22          7.   Permit any person to be drunk or intoxicated on the  
23 licensee's licensed premises; or  
24

1       8. Permit or allow any patron to serve or pour themselves any  
2 alcoholic beverage, except a licensee may offer a patron self-pour  
3 service of beer or wine, or both, from automated devices on licensed  
4 premises so long as:

5           a. the licensee monitors and has the ability to control  
6 the dispensing of such beer or wine, or both, from the  
7 automated devices. "Automated device" shall mean any  
8 mechanized device capable of dispensing wine or beer,  
9 or both, directly to a customer in exchange for  
10 compensation that a licensee has received directly  
11 from the patron, and

12           b. each licensee offering a patron self-pour service of  
13 wine or beer, or both, from any automated device shall  
14 provide constant video monitoring of the automated  
15 device at all times during which the licensee is open  
16 to the public. The licensee shall keep recorded  
17 footage from the video monitoring for at least sixty  
18 (60) days, and shall provide the footage, upon  
19 request, to any agent of the Director of the ABLE  
20 Commission or other authorized law enforcement agent.

21       B. 1. The compensation required by subparagraph a of paragraph  
22 8 of subsection A of this section shall be in the form of a radio-  
23 frequency identification (RFID) device, mobile application or any  
24 other technology approved by the ABLE Commission containing a fixed

1 amount of volume of thirty-two (32) ounces for beer and ten (10)  
2 ounces for wine that may be directly exchanged for beer or wine  
3 dispensed from the automated device:

- 4       a.   RFID devices may be assigned, used or reactivated only  
5           during a business day,
- 6       b.   each RFID device shall be obtained from the licensee  
7           by a patron,
- 8       c.   a licensee shall not issue more than one active RFID  
9           device to a patron, and
- 10      d.   a RFID device shall be deemed active if the RFID  
11           device contains volume credit or has not yet been used  
12           to dispense ten (10) ounces of wine or thirty-two (32)  
13           ounces of beer.

14       2.   In order to obtain a RFID device from a licensee, each  
15 patron shall produce a valid driver license, identification card or  
16 other government-issued document that contains a photograph of the  
17 individual and demonstrates that the individual is at least twenty-  
18 one (21) years of age. Each RFID device shall be programmed to  
19 require the production of the patron's valid identification before  
20 the RFID device can be used for the first time during any business  
21 day or for any subsequent reactivation.

22       3.   Each RFID device shall become inactive at the end of each  
23 business day.

1       4. Each RFID device shall be programmed to allow the dispensing  
2 of no more than ten (10) ounces of wine or thirty-two (32) ounces of  
3 beer to a patron:

4           a. once a RFID device has been used to dispense ten (10)  
5 ounces of wine or thirty-two (32) ounces of beer to a  
6 patron, the RFID device shall become inactive, and

7           b. any patron in possession of an inactive RFID device  
8 may, upon production of the patron's valid  
9 identification to the licensee or licensee's employee,  
10 have the RFID device reactivated to allow the  
11 dispensing of an additional ten (10) ounces of wine or  
12 thirty-two (32) ounces of beer from an automated  
13 device.

14 Paragraphs 1, 2, 3 and 4 of this subsection shall not apply to wine  
15 or beer that is dispensed directly to the licensee or the licensee's  
16 agent or employee.

17       ~~B.~~ C. A mixed beverage or beer and wine licensee shall not be  
18 deemed to have violated the provisions of paragraph 5 of subsection  
19 A of this section if it allowed a patron to leave the licensed  
20 premises with an open container of beer or wine only and:

21           1. The otherwise prohibited act was committed during the hours  
22 of 8 a.m. to midnight on the day of a scheduled home football game  
23 of institutions within The Oklahoma State System of Higher  
24



1 Education, and the establishment is located within two thousand  
2 (2,000) feet of the institution;

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

8 3. The patron remains on the connected, physical property of  
9 the licensee or in a public area adjacent to the physical property  
10 of the licensee with prior municipal approval; provided that written  
11 notice of the use of the connected, physical property of the  
12 licensee or public area shall be provided to the ABLE Commission at  
13 least five (5) days prior to such use.

14 SECTION 2. This act shall become effective November 1, 2021.

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16 58-1-7434 JL 02/09/21  
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