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2nd Session of the 58th Legislature (2022)

HOUSE BILL 3732

An Act relating to  
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BE IT ENACTED BY

SECTION 1.

amended to read

Section 7-1

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By: West (Josh) of the House

and

**Coleman** of the Senate

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beverages; amending 37A which relates to cocktails-the meaning of original flavored mixed drinks; on 7-103, which relates to take-to-go; modifying take-to-go; and providing

STATE OF OKLAHOMA:

A O.S. 2021, Section 7-102, is

act:

means any beverage obtained by

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is nonalcoholic in nature,

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-to-go; modifying  
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OF OKLAHOMA:

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An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 7-102, which relates to cocktails-to-go definitions; expanding the meaning of original container to include manufactured mixed drinks; amending 37A O.S. 2021, Section 7-103, which relates to the requirements for cocktails-to-go; modifying requirements to sell cocktails-to-go; and providing an effective date.

ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

TION 1. AMENDATORY 37A O.S. 2021, Section 7-102 to read as follows:

Section 7-102. As used in this act:

"Cocktail" or "mixed drink" means any beverage containing ingredients alcoholic in nature, whether brewed, distilled, or distilled, with ingredients nonalcoholic in nature, fruit juice, lemonade, cream or a carbonated beverage.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Sect

amended to read as follows:

Section 7-102. As used in this act:

1. "Cocktail" or "mixed drink" means any beverage combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients nonalcoholic such as fruit juice, lemonade, cream or a carbonated

SECTION 1. AMENDATORY 37A O.S. 2021, Section 7-102, is amended to read as follows:

Section 7-102. As used in this act:

1. "Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients nonalcoholic in nature, such as fruit juice, lemonade, cream or a carbonated beverage;

Section 7-102. As used in this act:

1. "Cocktail" or "mixed drink" means combining ingredients alcoholic in nature fermented, or distilled, with ingredients such as fruit juice, lemonade, cream or

1. "Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients nonalcoholic in nature, such as fruit juice, lemonade, cream or a carbonated beverage;

1        2. "Single-serve wine" means a bottle or sealed container,  
2 containing seven (7) fluid ounces, or less, of wine;

3        3. "Original container" means, for the purposes of this act  
4 only, a container that is filled, sealed and secured with a tamper-  
5 evident lid or cap by the original manufacturer of the mixed drink  
6 or by a mixed beverage licensee's or caterer licensee's employee at  
7 the mixed beverage licensee's or caterer licensee's location ~~with a~~  
8 ~~tamper evident lid or cap~~;

9        4. "Sealed container" means a rigid container that contains a  
10 mixed drink, is new, has never been used, has a secured lid or cap  
11 designed to prevent consumption without removal of the lid or cap  
12 and is tamper evident. Sealed container does not include a  
13 container with a lid with sipping holes or openings for straws or a  
14 container made of plastic, paper or polystyrene foam; and

15        5. "Tamper evident" means a lid or cap that has been sealed  
16 with tamper-evident covers, including, but not limited to, wax dip  
17 or heat-shrink wrap.

18        SECTION 2.        AMENDATORY        37A O.S. 2021, Section 7-103, is  
19 amended to read as follows:

20        Section 7-103. A cocktail, mixed drink or single-serve wine  
21 ~~placed in a sealed container by a mixed beverage licensee at the~~  
22 ~~mixed beverage licensee's or caterer licensee's location~~ in its  
23 original container may be transferred and sold for off-premises  
24 consumption if the following requirements are met:

1        1. The cocktail, mixed beverage or single-serve wine is  
2 transferred within the licensed premises by a curbside pickup or by  
3 delivery by an employee of the retail licensee who:

- 4            a. is at least twenty-one (21) years of age, and
- 5            b. upon delivery, verifies the age of the person to whom  
6                the cocktail is being delivered;

7        2. If the employee delivering the cocktail, mixed drink or  
8 single-serve wine is not able to safely verify a person's age or  
9 level of intoxication upon delivery, the employee shall cancel the  
10 sale of alcohol and return the product to the retail license holder;

11       3. The sealed container is placed in the trunk of the vehicle  
12 or, if there is no trunk, in the vehicle's rear compartment that is  
13 not readily accessible to the passenger area; ~~and~~

14       4. ~~The~~ In the case of a mixed drink sealed by the mixed  
15 beverage or caterer licensee, the sealed container shall be affixed  
16 with a label or tag that contains the following information:

- 17           a. the cocktail, mixed drink or single-serve wine  
18                ingredients, type and name of the alcohol,
- 19           b. the name, license number and address of the mixed  
20                beverage licensee or caterer licensee who filled the  
21                original container and sold the product,
- 22           c. the volume of the cocktail, mixed drink or single-  
23                serve wine in the sealed container, and

1           d.     verification that the sealed container was filled less  
2                    than seven (7) days before the date of sale; and

3           5.   In the case of a mixed drink in its original container from  
4 the original manufacturer of the mixed drink, the Oklahoma-  
5 registered label shall not be tampered with, modified, or otherwise  
6 changed.

7           SECTION 3.   This act shall become effective November 1, 2022.

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9   COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
10 SUBSTANCES, dated 03/03/2022 - DO PASS, As Coauthored.