

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 760

                              By: Pugh and **Bergstrom** of the  
                                      Senate

6   and

7   Osburn of the House

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10           An Act relating to alcoholic beverage licensees;  
11           amending Section 149, Chapter 366, O.S.L. 2016, as  
12           amended by Section 8, Chapter 205, O.S.L. 2017 (37A  
13           O.S. Supp. 2020, Section 6-109), which relates to  
14           prohibited acts of certain licensees; authorizing  
15           transport of alcoholic beverages in certain common  
16           areas for certain licensees; allowing ABLE Commission  
17           to designate common drinking areas for certain  
18           licensees; requiring notice of consent for common  
19           areas of certain licensees; and declaring an  
20           emergency.

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

22           SECTION 1.           AMENDATORY           Section 149, Chapter 366, O.S.L.  
23           2016, as amended by Section 8, Chapter 205, O.S.L. 2017 (37A O.S.  
24           Supp. 2020, Section 6-109), is amended to read as follows:

          Section 6-109. No mixed beverage, beer and wine, bottle club,  
caterer, charitable event, public event or special event licensee or  
any employee, manager, operator or agent thereof shall:

1        1. Consume or be under the influence of alcoholic beverages  
2 during the hours he or she is on duty. For the purposes of this  
3 section, licensees will be deemed to be on duty from the time the  
4 licensee first comes on duty until the time the licensee goes off  
5 duty at the end of the shift, including any break periods permitted  
6 by management. This paragraph shall not apply to any person who  
7 works on the premises as an entertainer only;

8        2. Permit or tolerate any conduct or language which is intended  
9 to threaten another with physical harm or any fighting or offensive  
10 physical contact, in or upon the licensed premises or areas just  
11 outside the licensed premises which are controlled by the licensee;

12        3. Permit empty or discarded alcoholic beverage containers to  
13 be in public view outside the licensed premises. All empty or  
14 discarded containers shall be disposed of in accordance with ABLE  
15 Commission rules and regulations;

16        4. Permit any illegal gambling activity, violations of the  
17 state narcotic and dangerous drug laws, prostitution activity or any  
18 other criminal conduct to occur on the licensed premises;

19        5. Refuse or fail to promptly open a door to the licensed  
20 premises upon request of an employee of the ABLE Commission or any  
21 other peace officer to enter the premises when the licensee or  
22 employee knows or should know that such request is made by an  
23 employee of the ABLE Commission or a peace officer. This provision  
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1 shall not be construed to deny employees of the ABLE Commission or  
2 peace officers access at any time to any licensed premises;

3 6. Permit a sealed or unsealed container of alcoholic beverage  
4 to be removed from the licensed premises. Provided, that  
5 restaurants, hotels and motels may permit the removal of closed  
6 original wine containers the contents of which have been partially  
7 consumed and bottle clubs may permit the removal by a club member of  
8 closed original containers of alcoholic beverages belonging to  
9 members. The provisions of this paragraph shall not be construed to  
10 prohibit or restrict:

11 a. hotels or motels who are holders of mixed beverage or  
12 on-premises beer and wine licenses from allowing  
13 alcoholic beverages to be served away from the bar  
14 area anywhere on the licensed premises,

15 b. licensees, who are lawfully operating in a facility or  
16 on property owned or operated by any agency, political  
17 subdivision or public trust of this state, from  
18 allowing persons to transport alcoholic beverages from  
19 one licensed premises to another within the same  
20 building or property, provided that the building or  
21 property or a part thereof is defined as a common  
22 drinking area for consumption of alcohol by resolution  
23 of the governing body of the agency, political  
24 subdivision or public trust of this state, or

1 c. licensees, who are licensed to operate in a facility  
2 or on property owned or operated by any agency,  
3 political subdivision or public trust of this state,  
4 from allowing other licensees to operate on their  
5 licensed premises for events that are temporary in  
6 nature. In the event that multiple licensees are  
7 operating in a facility or on property owned or  
8 operated by any agency, political subdivision or  
9 public trust of this state, each licensee shall be  
10 responsible for violations occurring in their area  
11 designated to be their temporary licensed premises; ~~or~~

12 d. licensees, who are lawfully operating in a facility or  
13 property intended for multiple licensed premises  
14 within the facility and also contains a common use  
15 area, from allowing persons to transport alcoholic  
16 beverages within the entire premises, which shall be  
17 designated by the ABLE Commission as a common drinking  
18 area for the consumption of alcoholic beverages.  
19 Provided, further, the property owner and all  
20 licensees licensed within the facility or property  
21 desiring the entire premises be designated a common  
22 drinking area shall notify the ABLE Commission in  
23 writing of their consent prior to such area being  
24 designated a common drinking area; or

1        7. Destroy, damage, alter, remove or conceal potential  
2 evidence, or attempt to do so, or refuse to surrender evidence when  
3 lawfully requested to do so by an inspector, agent or any other  
4 peace officer or incite another person to do any of the above.

5        SECTION 2. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
11 SUBSTANCES, dated 04/08/2021 - DO PASS, As Coauthored.  
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