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March 3, 2022

By: Paxton

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 2-121, which relates to employee license; authorizing license to be allowed to underage employee if working at a specified workplace; and declaring an emergency.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 2-121, is amended to read as follows:

Section 2-121. A. An employee license shall authorize the holder thereof to work in a licensed package store, retail spirits, retail wine or retail beer establishment, brewpub, mixed beverage establishment, beer and wine establishment, bottle club, public event or any establishment where alcohol or alcoholic beverages are sold, mixed or served. Persons employed by a mixed beverage, on-premises beer and wine, retail wine, retail beer, public event or a bottle club licensee who do not participate in the service, mixing or sale of mixed beverages shall not be required to have an employee license. Provided, however, that a manager employed by a mixed beverage licensee, public event licensee or a bottle club shall be

1 required to have an employee license whether or not the manager
2 participates in the service, mixing or sale of mixed beverages.
3 Applicants for an employee license ~~must~~ shall be at least eighteen
4 (18) years of age, except for applicants employed by a grocery store
5 or convenience store who shall be at least sixteen (16) years of
6 age, and have a health card issued by the county in which they are
7 employed, if the county issues such a card; provided, the provisions
8 of this section shall not be construed to permit any person under
9 twenty-one (21) years of age to be employed to sell spirits.
10 Employees of a special event, caterer, unless catering a mixed
11 beverage-licensed premises, or airline/railroad beverage licensees
12 shall not be required to obtain an employee license; further,
13 employees of beer distributors and other licensees holding licenses
14 issued by the ABLE Commission shall not be required to obtain an
15 employee license if such employee only sells alcohol or alcoholic
16 beverages to establishments holding licenses issued by the ABLE
17 Commission and not to the public. Persons employed by a hotel
18 licensee who participate in the stocking of hotel room mini-bars or
19 in the handling of alcoholic beverages to be placed in such devices
20 shall be required to have an employee license. As a prerequisite to
21 the issuance of an employee license, not later than fourteen (14)
22 days after initial licensure, the first-time applicant shall be
23 required to have successfully completed a training program conducted
24 by the ABLE Commission, or by another entity approved by the ABLE

1 Commission, including an in-house training program conducted by the
2 employer. Proof of training completion shall be made available for
3 inspection by the ABLE Commission at the business location employing
4 the licensee. The failure of an employee licensee to comply with
5 this section may constitute a revocable offense.

6 B. In the event the ABLE Commission denies an application for
7 an employee license, the Commission shall provide written notice to
8 the applicant's employer, if any. The notice shall be given at the
9 time notice is provided to the applicant.

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

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
15 March 3, 2022 - DO PASS
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