

1 **SENATE FLOOR VERSION**

2 February 17, 2022

3 SENATE BILL NO. 1788

By: Coleman

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5
6 An Act relating to alcoholic beverages; amending 37A
7 O.S. 2021, Section 7-102, which relates to
8 definitions; modifying definition; amending 37A O.S.
9 2021, Section 7-103, which relates to requirements
10 for off-premises consumption; allowing for
11 distribution of mixed drinks under certain
12 conditions; updating statutory references; and
13 declaring an emergency.

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

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

17 Section 7-102. As used in ~~this act~~ Section 7-101 et seq. of
18 this title:

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

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

25 3. "Original container" means, for the purposes of ~~this act~~
26 Section 7-101 et seq. of this title only, a container that is

1 filled, sealed and secured with a tamper-evident lid or cap by the
2 original manufacturer of the mixed drink or by a mixed beverage
3 licensee's or caterer licensee's employee at the mixed beverage
4 licensee's or caterer licensee's location ~~with a tamper-evident lid~~
5 ~~or cap;~~

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

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

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

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

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

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

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

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

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

14 a. the cocktail, mixed drink or single-serve wine
15 ingredients, type and name of the alcohol,

16 b. the name, license number and address of the mixed
17 beverage licensee or caterer licensee who filled the
18 original container and sold the product,

19 c. the volume of the cocktail, mixed drink or single-
20 serve wine in the sealed container, and

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

23 5. In the case of a mixed drink in its original container from
24 the original manufacturer of the mixed drink, the Oklahoma-

1 registered label shall not be tampered with, modified, or otherwise
2 changed.

3 SECTION 3. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
8 February 17, 2022 - DO PASS

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