

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3732

By: West (Josh)

AS INTRODUCED

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.

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

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;

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

3. "Original container" means, for the purposes of this act only, a container that is filled, sealed and secured with a tamper-

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

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

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

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

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

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

24 a. is at least twenty-one (21) years of age, and

1 b. upon delivery, verifies the age of the person to whom
2 the cocktail is being delivered;

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

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

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

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

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

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

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

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

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

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