

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 2001

By: Coleman

AS INTRODUCED

An Act relating to alcoholic beverages; amending 37A O.S. 2021, Section 1-103, as amended by Section 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023, Section 1-103), which relates to definitions; defining term; amending 37A O.S. 2021, Section 6-105, as amended by Section 2, Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2023, Section 6-105), which relates to prohibited acts of mixed beverage, public event, special event, or on-premises beer and wine licensees; providing exception; amending 37A O.S. 2021, Section 6-109, which relates to prohibited acts; permitting an employee to sample alcoholic beverages under certain circumstances; specifying amount to be used in tastings; providing for procedure of tastings that shall occur; and declaring an emergency.

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

SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-103, as amended by Section 2, Chapter 338, O.S.L. 2023 (37A O.S. Supp. 2023, Section 1-103), is amended to read as follows:

Section 1-103. As used in the Oklahoma Alcoholic Beverage Control Act:

1. "ABLE Commission" or "Commission" means the Alcoholic Beverage Laws Enforcement Commission;

1 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
2 alcohol, ethanol or spirits of wine, from whatever source or by
3 whatever process produced. It does not include wood alcohol or
4 alcohol which has been denatured or produced as denatured in
5 accordance with Acts of Congress and regulations promulgated
6 thereunder;

7 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
8 as those terms are defined herein and also includes every liquid or
9 solid, patented or not, containing alcohol, spirits, wine or beer
10 and capable of being consumed as a beverage by human beings;

11 4. "Applicant" means any individual, legal or commercial
12 business entity, or any individual involved in any legal or
13 commercial business entity allowed to hold any license issued in
14 accordance with the Oklahoma Alcoholic Beverage Control Act;

15 5. "Beer" means any beverage containing more than one-half of
16 one percent (0.50%) of alcohol by volume and obtained by the
17 alcoholic fermentation of an infusion or decoction of barley, or
18 other grain, sugar, malt or similar products. For the purposes of
19 taxation, distribution, sales, and regulation, seltzer shall mean
20 the same as beer as provided in this section. Beer may or may not
21 contain hops or other vegetable products. Beer includes, among
22 other things, beer, ale, stout, lager beer, porter, seltzer, and
23 other malt or brewed liquors, but does not include sake, known as
24 Japanese rice wine;

1 6. "Beer keg" means any brewer-sealed, single container that
2 contains not less than four (4) gallons of beer;

3 7. "Beer distributor" means and includes any person licensed to
4 distribute beer for retail sale in the state, but does not include a
5 holder of a small brewer self-distribution license or brewpub self-
6 distribution license. The term distributor, as used in the Oklahoma
7 Alcoholic Beverage Control Act, shall be construed to refer to a
8 beer distributor;

9 8. "Bottle club" means any establishment in a county which has
10 not authorized the retail sale of alcoholic beverages by the
11 individual drink, which is required to be licensed to keep, mix and
12 serve alcoholic beverages belonging to club members on club
13 premises;

14 9. "Bottle service" means the sale and provision of spirits in
15 their original packages by a mixed beverage licensee to be consumed
16 in that mixed beverage licensee's club suite;

17 10. "Brand" means any word, name, group of letters, symbol or
18 combination thereof, that is adopted and used by a licensed brewer
19 to identify a specific beer, wine or spirit and to distinguish that
20 product from another beer, wine or spirit;

21 11. "Brand extension" means:

- 22 a. after October 1, 2018, any brand of beer or cider
23 introduced by a manufacturer in this state which
24 either:

1 (1) incorporates all or a substantial part of the
2 unique features of a preexisting brand of the
3 same licensed brewer, or

4 (2) relies to a significant extent on the goodwill
5 associated with the preexisting brand, or

6 b. any brand of beer that a brewer, the majority of whose
7 total volume of all brands of beer distributed in this
8 state by such brewer on January 1, 2016, was
9 distributed as low-point beer, desires to sell,
10 introduces, begins selling or theretofore has sold and
11 desires to continue selling a strong beer in this
12 state which either:

13 (1) incorporates or incorporated all or a substantial
14 part of the unique features of a preexisting low-
15 point beer brand of the same licensed brewer, or

16 (2) relies or relied to a significant extent on the
17 goodwill associated with a preexisting low-point
18 beer brand;

19 12. "Brewer" means and includes any person who manufactures for
20 human consumption by the use of raw materials or other ingredients
21 any beer or cider upon which a license fee and a tax are imposed by
22 any law of this state;

23 13. "Brewpub" means a licensed establishment operated on the
24 premises of, or on premises located contiguous to, a small brewer,

1 that prepares and serves food and beverages, including alcoholic
2 beverages, for on-premises consumption;

3 14. "Cider" means any alcoholic beverage obtained by the
4 alcoholic fermentation of fruit juice, including but not limited to
5 flavored, sparkling or carbonated cider. For the purposes of the
6 manufacture of this product, cider may be manufactured by either
7 manufacturers or brewers. For the purposes of the distribution of
8 this product, cider may be distributed by either wine and spirits
9 wholesalers or beer distributors;

10 15. "Club suite" means a designated area within the premises of
11 a mixed beverage licensee designed to provide an exclusive space
12 which is limited to a patron or patrons specifically granted access
13 by a mixed beverage licensee and is not accessible to other patrons
14 of the mixed beverage licensee or the public. A club suite must
15 have a clearly designated point of access for a patron or patrons
16 specifically granted access by the mixed beverage licensee to ensure
17 that persons present in the suite are limited to patrons
18 specifically granted access by the mixed beverage licensee and
19 employees providing services to the club suite;

20 16. "Convenience store" means any person primarily engaged in
21 retailing a limited range of general household items and groceries,
22 with extended hours of operation, whether or not engaged in retail
23 sales of automotive fuels in combination with such sales;

1 17. "Convicted" and "conviction" mean and include a finding of
2 guilt resulting from a plea of guilty or nolo contendere, the
3 decision of a court or magistrate or the verdict of a jury,
4 irrespective of the pronouncement of judgment or the suspension
5 thereof;

6 18. "Designated products" means the brands of wine or spirits
7 offered for sale by a manufacturer that the manufacturer has
8 assigned to a designated wholesaler for exclusive distribution;

9 19. "Designated wholesaler" means a wine and spirits wholesaler
10 who has been selected by a manufacturer as a wholesaler appointed to
11 distribute designated products;

12 20. "Director" means the Director of the ABLE Commission;

13 21. "Distiller" means any person who produces spirits from any
14 source or substance, or any person who brews or makes mash, wort or
15 wash, fit for distillation or for the production of spirits (except
16 a person making or using such material in the authorized production
17 of wine or beer, or the production of vinegar by fermentation), or
18 any person who by any process separates alcoholic spirits from any
19 fermented substance, or any person who, making or keeping mash, wort
20 or wash, has also in his or her possession or use a still;

21 22. "Distributor agreement" means the written agreement between
22 the distributor and brewer as set forth in Section 3-108 of this
23 title;

1 23. "Drug store" means a person primarily engaged in retailing
2 prescription and nonprescription drugs and medicines;

3 24. "Dual-strength beer" means a brand of beer that,
4 immediately prior to April 15, 2017, was being sold and distributed
5 in this state:

6 a. as a low-point beer pursuant to the Low-Point Beer
7 Distribution Act in effect immediately prior to
8 October 1, 2018, and

9 b. as strong beer pursuant to the Alcoholic Beverage
10 Control Act in effect immediately prior to October 1,
11 2018,

12 and continues to be sold and distributed as such on October 1, 2018.
13 Dual-strength beer does not include a brand of beer that arose as a
14 result of a brand extension as defined in this section;

15 25. "Fair market value" means the value in the subject
16 territory covered by the written agreement with the distributor or
17 wholesaler that would be determined in an arm's length transaction
18 entered into without duress or threat of termination of the
19 distributor's or wholesaler's rights and shall include all elements
20 of value, including goodwill and going-concern value;

21 26. "Good cause" means:

22 a. failure by the distributor to comply with the material
23 and reasonable provisions of a written agreement or
24 understanding with the brewer, or
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1 b. failure by the distributor to comply with the duty of
2 good faith;

3 27. "Good faith" means the duty of each party to any
4 distributor agreement and all officers, employees or agents thereof
5 to act with honesty in fact and within reasonable standards of fair
6 dealing in the trade;

7 28. "Grocery store" means a person primarily engaged in
8 retailing a general line of food, such as canned or frozen foods,
9 fresh fruits and vegetables, and fresh and prepared meats, fish and
10 poultry;

11 29. "Hotel" or "motel" means an establishment which is licensed
12 to sell alcoholic beverages by the individual drink and which
13 contains guestroom accommodations with respect to which the
14 predominant relationship existing between the occupants thereof and
15 the owner or operator of the establishment is that of innkeeper and
16 guest. For purposes of this section, the existence of other legal
17 relationships as between some occupants and the owner or operator
18 thereof shall be immaterial;

19 30. "Legal newspaper" means a newspaper meeting the requisites
20 of a newspaper for publication of legal notices as prescribed in
21 Sections 101 through 114 of Title 25 of the Oklahoma Statutes;

22 31. "Licensee" means any person holding a license under the
23 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
24 employee of such licensee while in the performance of any act or
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1 duty in connection with the licensed business or on the licensed
2 premises;

3 32. "Low-point beer" shall mean any beverages containing more
4 than one-half of one percent (1/2 of 1%) alcohol by volume, and not
5 more than three and two-tenths percent (3.2%) alcohol by weight,
6 including but not limited to, beer or cereal malt beverages obtained
7 by the alcoholic fermentation of an infusion by barley or other
8 grain, malt or similar products;

9 33. "Manufacturer" means a distiller, winemaker, rectifier or
10 bottler of any alcoholic beverage (other than beer) and its
11 subsidiaries, affiliates and parent companies;

12 34. "Manufacturer's agent" means a salaried or commissioned
13 salesperson who is the agent authorized to act on behalf of the
14 manufacturer or nonresident seller in the state;

15 35. "Meals" means foods commonly ordered at lunch or dinner and
16 at least part of which is cooked on the licensed premises and
17 requires the use of dining implements for consumption. Provided,
18 that the service of only food such as appetizers, sandwiches, salads
19 or desserts shall not be considered meals;

20 36. "Mini-bar" means a closed container, either refrigerated in
21 whole or in part, or nonrefrigerated, and access to the interior of
22 which is:

- 23 a. restricted by means of a locking device which requires
24 the use of a key, magnetic card or similar device, or
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1 b. controlled at all times by the licensee;

2 37. "Mixed beverage cooler" means any beverage, by whatever
3 name designated, consisting of an alcoholic beverage and fruit or
4 vegetable juice, fruit or vegetable flavorings, dairy products or
5 carbonated water containing more than one-half of one percent (1/2
6 of 1%) of alcohol measured by volume but not more than seven percent
7 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
8 packaged in a container not larger than three hundred seventy-five
9 (375) milliliters. Such term shall include but not be limited to
10 the beverage popularly known as a "wine cooler";

11 38. "Mixed beverages" means one or more servings of a beverage
12 composed in whole or part of an alcoholic beverage in a sealed or
13 unsealed container of any legal size for consumption on the premises
14 where served or sold by the holder of a mixed beverage, beer and
15 wine, caterer, public event, charitable event or special event
16 license;

17 39. "Motion picture theater" means an establishment which is
18 licensed by Section 2-110 of this title to sell alcoholic beverages
19 by the individual drink and where motion pictures are exhibited, and
20 to which the general public is admitted;

21 40. "Nondesignated products" means the brands of wine or
22 spirits offered for sale by a manufacturer that have not been
23 assigned to a designated wholesaler;

1 41. "Nonresident seller" means any person licensed pursuant to
2 Section 2-135 of this title;

3 42. "Retail salesperson" means a salesperson soliciting orders
4 from and calling upon retail alcoholic beverage stores with regard
5 to his or her product;

6 43. "Occupation" as used in connection with "occupation tax"
7 means the sites occupied as the places of business of the
8 manufacturers, brewers, wholesalers, beer distributors, retailers,
9 mixed beverage licensees, on-premises beer and wine licensees,
10 bottle clubs, caterers, public event and special event licensees;

11 44. "Original package" means any container of alcoholic
12 beverage filled and stamped or sealed by the manufacturer or brewer;

13 45. "Package store" means any sole proprietor or partnership
14 that qualifies to sell wine, beer and/or spirits for off-premises
15 consumption and that is not a grocery store, convenience store or
16 drug store, or other retail outlet that is not permitted to sell
17 wine or beer for off-premises consumption;

18 46. "Patron" means any person, customer or visitor who is not
19 employed by a licensee or who is not a licensee;

20 47. "Person" means an individual, any type of partnership,
21 corporation, association, limited liability company or any
22 individual involved in the legal structure of any such business
23 entity;

1 48. "Premises" means the grounds and all buildings and
2 appurtenances pertaining to the grounds including any adjacent
3 premises if under the direct or indirect control of the licensee and
4 the rooms and equipment under the control of the licensee and used
5 in connection with or in furtherance of the business covered by a
6 license. Provided that the ABLE Commission shall have the authority
7 to designate areas to be excluded from the licensed premises solely
8 for the purpose of:

- 9 a. allowing the presence and consumption of alcoholic
10 beverages by private parties which are closed to the
11 general public, or
12 b. allowing the services of a caterer serving alcoholic
13 beverages provided by a private party.

14 This exception shall in no way limit the licensee's concurrent
15 responsibility for any violations of the Oklahoma Alcoholic Beverage
16 Control Act occurring on the licensed premises;

17 49. "Private event" means a social gathering or event attended
18 by invited guests who share a common cause, membership, business or
19 task and have a prior established relationship. For purposes of
20 this definition, advertisement for general public attendance or
21 sales of tickets to the general public shall not constitute a
22 private event;

23 50. "Public event" means any event that can be attended by the
24 general public;

1 51. "Rectifier" means any person who rectifies, purifies or
2 refines spirits or wines by any process (other than by original and
3 continuous distillation, or original and continuous processing, from
4 mash, wort, wash or other substance, through continuous closed
5 vessels and pipes, until the production thereof is complete), and
6 any person who, without rectifying, purifying or refining spirits,
7 shall by mixing (except for immediate consumption on the premises
8 where mixed) such spirits, wine or other liquor with any material,
9 manufactures any spurious, imitation or compound liquors for sale,
10 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
11 or any other name;

12 52. "Regulation" or "rule" means a formal rule of general
13 application promulgated by the ABLE Commission as herein required;

14 53. "Restaurant" means an establishment that is licensed to
15 sell alcoholic beverages by the individual drink for on-premises
16 consumption and where food is prepared and sold for immediate
17 consumption on the premises;

18 54. "Retail container for spirits and wines" means an original
19 package of any capacity approved by the United States Bureau of
20 Alcohol, Tobacco, Firearms and Explosives;

21 55. "Retailer" means a package store, grocery store,
22 convenience store or drug store licensed to sell alcoholic beverages
23 for off-premises consumption pursuant to a Retail Spirits License,
24 Retail Wine License or Retail Beer License;

1 56. "Sale" means any transfer, exchange or barter in any manner
2 or by any means whatsoever, and includes and means all sales made by
3 any person, whether as principal, proprietor or as an agent, servant
4 or employee. The term sale is also declared to be and include the
5 use or consumption in this state of any alcoholic beverage obtained
6 within or imported from without this state, upon which the excise
7 tax levied by the Oklahoma Alcoholic Beverage Control Act has not
8 been paid or exempted;

9 57. "Seltzer" means any beverage containing more than one-half
10 of one percent (0.50%) of alcohol by volume and obtained by the
11 alcoholic fermentation of malt, rice, grain of any kind, bran,
12 glucose, sugar, or molasses and combined with carbonated water and
13 other flavoring and labeled as "beer" by the Internal Revenue Code;
14 provided, that seltzer shall not include carbonated beverages mixed
15 with wine or spirits;

16 58. "Short-order food" means food other than full meals
17 including but not limited to sandwiches, soups and salads. Provided
18 that popcorn, chips and other similar snack food shall not be
19 considered short-order food;

20 59. "Small brewer" means a brewer who manufactures less than
21 sixty-five thousand barrels of beer annually pursuant to a validly
22 issued Small Brewer License hereunder;

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1 60. "Small farm wine" means a wine that is produced by a small
2 farm winery with seventy-five percent (75%) or more Oklahoma-grown
3 grapes, berries, other fruits, honey or vegetables;

4 61. "Small farm winery" means a wine-making establishment that
5 does not annually produce for sale more than fifteen thousand
6 (15,000) gallons of wine as reported on the United States Department
7 of the Treasury Alcohol and Tobacco Tax and Trade Bureau, Report of
8 Wine Premises Operations (TTB Form 5120.17);

9 62. "Sparkling wine" means champagne or any artificially
10 carbonated wine;

11 63. "Special event" means an entertainment, recreation or
12 marketing event that occurs at a single location on an irregular
13 basis and at which alcoholic beverages are sold;

14 64. "Spirits" means any beverage other than wine or beer, which
15 contains more than one-half of one percent (1/2 of 1%) alcohol
16 measured by volume, and obtained by distillation, whether or not
17 mixed with other substances in solution and includes those products
18 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
19 fortified wines and similar compounds, but shall not include any
20 alcohol liquid completely denatured in accordance with the Acts of
21 Congress and regulations pursuant thereto;

22 65. "Strong beer" means beer which, prior to October 1, 2018,
23 was distributed pursuant to the Oklahoma Alcoholic Beverage Control
24 Act, Section 1-101 et seq. of this title;

1 66. "Successor brewer" means a primary source of supply, a
2 brewer, a cider manufacturer or an importer that acquires rights to
3 a beer or cider brand from a predecessor brewer;

4 67. "Tax Commission" means the Oklahoma Tax Commission;

5 68. "Territory" means a geographic region with a specified
6 boundary;

7 69. "Wine and spirits wholesaler" or "wine and spirits
8 distributor" means and includes any sole proprietorship or
9 partnership licensed to distribute wine and spirits in the state.
10 The term "wholesaler", as used in the Oklahoma Alcoholic Beverage
11 Control Act, shall be construed to refer to a wine and spirits
12 wholesaler;

13 70. "Wine" means and includes any beverage containing more than
14 one-half of one percent (1/2 of 1%) alcohol by volume and not more
15 than twenty-four percent (24%) alcohol by volume at sixty (60)
16 degrees Fahrenheit obtained by the fermentation of the natural
17 contents of fruits, vegetables, honey, milk or other products
18 containing sugar, whether or not other ingredients are added, and
19 includes vermouth and sake, known as Japanese rice wine;

20 71. "Winemaker" means and includes any person or establishment
21 who manufactures for human consumption any wine upon which a license
22 fee and a tax are imposed by any law of this state; ~~and~~

23 72. "Satellite tasting room" means a licensed establishment
24 operated off the licensed premises of the holder of a small farm
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1 winery or winemaker license, which serves wine for on-premises or
2 off-premises consumption; and

3 73. "Straw testing" means the consumption of a de minimis
4 amount of an alcoholic beverage by sanitary means by the holder of
5 an employee license, twenty-one (21) years of age or older, to
6 determine the quality or desired flavor profile of such alcoholic
7 beverage that has been serviced, or is to be served, to a patron.

8 Words in the plural include the singular, and vice versa, and
9 words imparting the masculine gender include the feminine, as well
10 as persons and licensees as defined in this section.

11 SECTION 2. AMENDATORY 37A O.S. 2021, Section 6-105, as
12 amended by Section 2, Chapter 82, O.S.L. 2022 (37A O.S. Supp. 2023,
13 Section 6-105), is amended to read as follows:

14 Section 6-105. No mixed beverage, public event, special event
15 or on-premises beer and wine licensee shall:

16 1. Purchase or receive any alcoholic beverage other than from a
17 person holding a wine and spirit wholesaler or beer distributor
18 license issued pursuant to the Oklahoma Alcoholic Beverage Control
19 Act; provided, a mixed beverage or on-premises beer and wine
20 licensee whose premises are a restaurant may purchase wine produced
21 at wineries in this state directly from a winemaker as provided in
22 Section 2 of Article XXVIII A of the Oklahoma Constitution;
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1 2. Transport alcoholic beverages from the place of purchase to
2 the licensed premises unless the licensee also holds a private
3 carrier license issued by the ABLE Commission;

4 3. Use or allow the use of any mark or label on a container of
5 alcoholic beverage which is kept for sale which does not clearly and
6 precisely indicate the nature of the contents or which might deceive
7 or conceal the nature, composition, quantity, age or quality of such
8 beverage;

9 4. Keep or knowingly permit any alcoholic beverage to be kept,
10 brought, or consumed on the licensed premises which is not allowed
11 to be sold or served upon such premises; provided, that the
12 alcoholic beverage may be provided by a wine and spirits wholesaler,
13 beer distributor, brewer, small brewer, distiller, winemaker, small
14 farm winery, rectifier, manufacturer, or nonresident seller licensee
15 and kept, brought, or consumed on the licensed premises for
16 educational training tasting purposes pursuant to Section 6-109 of
17 this title; or

18 5. Allow any person under twenty-one (21) years of age to enter
19 into, remain within or loiter about the designated bar area of the
20 licensed premises, except for persons who incidentally pass through
21 the designated area.

22 The prohibition in this subsection against persons under twenty-
23 one (21) years of age entering or remaining within the designated
24 bar area of the licensed premises shall not apply:

- 1 a. if the licensed premises are closed to the public
2 during a time the premises are legally permitted to be
3 open for business and the premises are used for a
4 private party at which alcoholic beverages may be
5 served to persons twenty-one (21) years of age or
6 older. Any alcoholic beverages served at a private
7 party on the licensed premises may be purchased from
8 the licensee at a negotiated price or purchased
9 privately and served at the private party on the
10 licensed premises. Any licensee who desires to
11 conduct such a private party shall notify the ABLE
12 Commission, in writing, at least ten (10) calendar
13 days prior to the private party. The notification
14 shall include the date, time and purpose of the
15 private party and any other information the ABLE
16 Commission may deem necessary,
17 b. to a designated bar area which is a concession stand
18 serving beer and wine, in addition to food and non-
19 alcoholic beverages, which concession stand is located
20 at, in, or on the premises of a sports, music or
21 entertainment venue, convention center, fairgrounds or
22 similar facility, or
23 c. to an employee of a beer distributor or wine and
24 spirits wholesaler who is at least eighteen (18) years

1 of age and enters for the purpose of merchandising or
2 delivering product to the licensee in the normal
3 course of business.

4 SECTION 3. AMENDATORY 37A O.S. 2021, Section 6-109, is
5 amended to read as follows:

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

9 1. Consume or be under the influence of alcoholic beverages
10 during the hours he or she is on duty. For the purposes of this
11 section, licensees will be deemed to be on duty from the time the
12 licensee first comes on duty until the time the licensee goes off
13 duty at the end of the shift including any break periods permitted
14 by management. This paragraph shall not apply for purposes of
15 employee education training; provided, that all:

16 a. tastings are conducted on a licensed premises and
17 under the direct supervision of the licensee,

18 b. samples shall be poured by a licensee who is lawfully
19 permitted to serve alcoholic beverages in this state,

20 c. tastings shall be restricted to employees who are
21 twenty-one (21) years of age or older,

22 d. participation in tastings for educational purposes may
23 be required by an employer; however, the choice to
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1 taste or consume alcoholic beverages shall always be
2 voluntary, and

3 e. no employee may be required to taste or consume
4 alcohol at tastings as a condition of employment.

5 An educational tasting of beer may consist of not more than six
6 (6) separate individual beers of not more than two (2) ounces each,
7 served together at one time. No employee may sample more than a
8 total of twelve (12) fluid ounces of beer per day. An educational
9 tasting of wine may consist of not more than six (6) separate
10 individual wines of not more than one (1) ounce each, served
11 together at one time. No employee may sample more than a total of
12 six (6) fluid ounces of wine per day. An educational tasting of
13 spirits shall consist of not more than three (3) separate individual
14 spirits of not more than one-half (0.5) ounce each, served together
15 at one time. No employee may sample more than a total of one and
16 one-half (1.5) fluid ounces of spirits per day. An education
17 tasting of a mixed beverage shall consist of not more than one (1)
18 individual mixed beverage consisting of not more than twelve (12)
19 ounces of beer, six (6) ounces of wine, or one and one-half (1.5)
20 ounces of spirits, combined with an unlimited amount of ingredients
21 that are non-alcoholic in nature, served at one time. No employee
22 may sample more than a total of twelve (12) ounces of beer, six (6)
23 ounces of wine, or one and one-half (1.5) ounces of spirits in a
24 mixed beverage per day. Only one (1) type of alcoholic beverage,

1 beer, wine, spirits, or mixed beverage shall be allowed at any
2 educational training tasting. No combination tasting shall be
3 allowed. Employees who choose to taste an alcoholic beverage but do
4 not wish to consume the alcoholic beverage shall be allowed to spit
5 the beverage into a cup for disposal. Employees may participate in
6 educational tastings before, during, or after regular business hours
7 unless otherwise prohibited by law. All licensees serving samples
8 of beer shall ensure that all samples are poured only from original
9 sealed packaging and any alcoholic beverages remaining in unsealed
10 packaging used to provide samples, excluding spirits and wine, are
11 poured out by the end of the day. No more than six (6) bottles of
12 alcoholic beverages may be unsealed at any given time during a
13 tasting. No person shall remove any poured samples from the
14 licensed premises or location where the tasting has occurred. Straw
15 testing during operating hours shall be permitted. This paragraph
16 shall not apply to any person who works on the premises as an
17 entertainer only;

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

22 3. Permit empty or discarded alcoholic beverage containers to
23 be in public view outside the licensed premises. All empty or
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1 discarded containers shall be disposed of in accordance with ABLE
2 Commission rules and regulations;

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

6 5. Refuse or fail to promptly open a door to the licensed
7 premises upon request of an employee of the ABLE Commission or any
8 other peace officer to enter the premises when the licensee or
9 employee knows or should know that such request is made by an
10 employee of the ABLE Commission or a peace officer. This provision
11 shall not be construed to deny employees of the ABLE Commission or
12 peace officers access at any time to any licensed premises;

13 6. Permit a sealed or unsealed container of alcoholic beverage
14 to be removed from the licensed premises. Provided, that
15 restaurants, hotels and motels may permit the removal of closed
16 original wine containers the contents of which have been partially
17 consumed and bottle clubs may permit the removal by a club member of
18 closed original containers of alcoholic beverages belonging to
19 members. The provisions of this paragraph shall not be construed to
20 prohibit or restrict:

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

1 b. licensees, who are lawfully operating in a facility or
2 on property owned or operated by any agency, political
3 subdivision or public trust of this state, from
4 allowing persons to transport alcoholic beverages from
5 one licensed premises to another within the same
6 building or property, provided that the building or
7 property or a part thereof is defined as a common
8 drinking area for consumption of alcohol by resolution
9 of the governing body of the agency, political
10 subdivision or public trust of this state, ~~or~~

11 c. licensees, who are licensed to operate in a facility
12 or on property owned or operated by any agency,
13 political subdivision or public trust of this state,
14 from allowing other licensees to operate on their
15 licensed premises for events that are temporary in
16 nature. In the event that multiple licensees are
17 operating in a facility or on property owned or
18 operated by any agency, political subdivision or
19 public trust of this state, each licensee shall be
20 responsible for violations occurring in their area
21 designated to be their temporary licensed premises~~+~~;
22 or

23 d. licensees, who are lawfully operating in a facility or
24 property intended for multiple licensed premises

1 within the facility and also contains a common use
2 area, from allowing persons to transport alcoholic
3 beverages within the entire premises, which shall be
4 designated by the ABLE Commission as a common drinking
5 area for the consumption of alcoholic beverages.
6 Provided, further, the property owner and all
7 licensees licensed within the facility or property
8 desiring the entire premises be designated a common
9 drinking area shall notify the ABLE Commission in
10 writing of their consent prior to such area being
11 designated a common drinking area; or

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

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