

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1640

By: Jett

AS INTRODUCED

An Act relating to the Legislature; defining terms; prohibiting consumption and possession of alcohol by members of the Legislature while performing official legislative duties; providing punishment for violations; requiring the Legislature to implement rules for enforcement; providing for removal of legislators; requiring certain notice to Attorney General; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 466 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Alcohol" means any beverage containing more than one-half of one percent (0.5%) alcohol by volume, including but not limited to beer, wine, spirits, or any other alcoholic beverage as defined in Section 1-103 of Title 37A of the Oklahoma Statutes;

2. "Intoxicated" or "intoxication" means a condition in which a person has consumed alcohol such that his or her blood alcohol

1 concentration is eight one-hundredths of one percent (0.08%) or
2 greater, or where observable impairment exists that impairs the
3 person's ability to perform official duties safely and effectively,
4 as determined by reasonable suspicion and confirmed by Breathalyzer
5 testing;

6 3. "Official legislative duties" includes, but is not limited
7 to, attendance at sessions of the Senate or House of
8 Representatives, committee meetings, floor proceedings, official
9 business conducted in the State Capitol Building, or any other
10 state-funded travel or event related to legislative functions; and

11 4. "State Capitol Building" means the premises of the Oklahoma
12 State Capitol, including all legislative chambers, committee rooms,
13 offices, and any adjacent grounds under legislative control.

14 B. It shall be unlawful for any member of the Legislature to
15 consume, possess, or be under the influence of alcohol while
16 performing official legislative duties or within the State Capitol
17 Building.

18 C. 1. Upon reasonable suspicion of a violation of subsection B
19 of this section, as determined by the presiding officer of the
20 relevant chamber, security personnel, or a designated legislative
21 officer, the suspected member shall be directed to submit to a
22 Breathalyzer test administered by a commissioned Oklahoma Highway
23 Patrol officer or other qualified law enforcement officer present at
24 the State Capitol Building.

1 2. Refusal to submit to a Breathalyzer test shall constitute a
2 separate violation under this section and shall result in immediate
3 removal from the chamber or official proceedings, as provided in
4 subsection D of this section.

5 3. The Breathalyzer test shall utilize equipment approved
6 pursuant to Section 759 of Title 47 of the Oklahoma Statutes. Such
7 test results shall be documented and preserved.

8 D. Any member of the Legislature that violates subsection B of
9 this section shall be subject to:

10 1. Immediate expulsion from the legislative chamber for the
11 remainder of the day, a fine not less than Five Hundred Dollars
12 (\$500.00) nor more than One Thousand Dollars (\$1,000.00), and
13 mandatory referral to the chamber's ethics committee for a first
14 violation;

15 2. Expulsion from the legislative chamber for not less than
16 three (3) consecutive legislative days, a fine not less than One
17 Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred
18 Dollars (\$2,500.00), mandatory alcohol education or treatment
19 program at the member's expense, and referral to the chamber's
20 ethics committee for a second violation within any twelve-month
21 period; or

22 3. Permanent expulsion from the legislative chamber for the
23 remainder of the legislative session, a fine not less than Two
24 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five

1 Thousand Dollars (\$5,000.00), and automatic initiation of removal
2 proceedings pursuant to Section 1181 of Title 22 of the Oklahoma
3 Statutes for a third or subsequent violation within any twenty-four-
4 month period.

5 E. 1. The President Pro Tempore of the Senate and the Speaker
6 of the House of Representatives shall be responsible for ensuring
7 compliance with this section within his or her respective
8 legislative chamber. Failure to enforce this section upon
9 reasonable suspicion of a violation shall subject the presiding
10 officer to the same penalties as the violating member.

11 2. Each legislative chamber shall adopt internal rules
12 consistent with this section to implement enforcement procedures,
13 including but not limited to training for security personnel and law
14 enforcement officers.

15 F. 1. Upon confirmation of intoxication during official
16 legislative duties through Breathalyzer testing, witness testimony,
17 or video documentation, and after exhaustion of appeals within the
18 chamber's ethics process, the member shall be referred to a court of
19 competent jurisdiction for removal proceedings pursuant to Section
20 1181 of Title 22 of the Oklahoma Statutes.

21 2. Consistent with Article II, Section 11 of the Oklahoma
22 Constitution, documented drunkenness or excessive use of
23 intoxication liquors while in office shall constitute sufficient
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1 cause for removal from office through conviction in a court of law
2 or recall election as provided by law.

3 3. The President Pro Tempore of the Senate or the Speaker of
4 the House of Representatives shall notify the Attorney General of
5 any confirmed violation involving refusal of Breathalyzer testing or
6 multiple violations for potential civil proceedings pursuant to
7 Section 94 of Title 51 of the Oklahoma Statutes.

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

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