

1 ENGROSSED HOUSE  
2 BILL NO. 2840

By: Echols of the House

3 and

4 Treat of the Senate

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7 An Act relating to intoxicating liquors; amending 37  
8 O.S. 2011, Section 537.1, as last amended by Section  
9 8, Chapter 275, O.S.L. 2015 (37 O.S. Supp. 2015,  
10 Section 537.1), which relates to alcohol-related  
11 licenses; modifying certain prohibitions against  
12 certain licensees; and providing an effective date.

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

14 SECTION 1. AMENDATORY 37 O.S. 2011, Section 537.1, as  
15 last amended by Section 8, Chapter 275, O.S.L. 2015 (37 O.S. Supp.  
16 2015, Section 537.1), is amended to read as follows:

17 Section 537.1 No mixed beverage, beer and wine, bottle club,  
18 caterer, charitable event, public event or special event licensee or  
19 any employee, manager, operator or agent thereof shall:

20 1. Consume or be under the influence of alcoholic beverages  
21 during the hours he or she is on duty. For the purposes of this  
22 section, licensees will be deemed to be on duty from the time the  
23 licensee first comes on duty until the time the licensee goes off  
24 duty at the end of the shift, including any break periods permitted

1 by management. This paragraph shall not apply to any person who  
2 works on the premises as an entertainer only;

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

7 3. Permit empty or discarded alcoholic beverage containers to  
8 be in public view outside the licensed premises. All empty or  
9 discarded containers shall be disposed of in accordance with ABLE  
10 Commission rules and regulations;

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

14 5. Refuse or fail to promptly open a door to the licensed  
15 premises upon request of an agent or inspector of the Alcoholic  
16 Beverage Laws Enforcement Commission or any other peace officer to  
17 enter the premises, when the licensee or employee knows or should  
18 know that such request is made by an agent or inspector of the ABLE  
19 Commission or any other peace officer. This provision shall not be  
20 construed to deny agents of the ABLE Commission or any other peace  
21 officer access at any time to any licensed premises;

22 6. Permit a sealed or unsealed container of alcoholic beverage  
23 to be removed from the licensed premises. Provided that  
24 restaurants, hotels, and motels may permit the removal of closed

1 original wine containers the contents of which have been partially  
2 consumed and bottle clubs may permit the removal by a club member of  
3 closed original containers of alcoholic beverages belonging to said  
4 members. The provisions of this paragraph shall not be construed to  
5 prohibit or restrict:

6 a. hotels or motels who are holders of mixed beverage or  
7 beer and wine licenses from allowing alcoholic  
8 beverages to be served away from the bar area anywhere  
9 on the licensed premises, ~~or~~

10 b. licensees, who are lawfully operating ~~at an event held~~  
11 in a facility or on property owned or operated by any  
12 agency, political subdivision or public trust of this  
13 state, from allowing persons to transport alcoholic  
14 beverages from one licensed premises to another within  
15 the same building or property, provided that the  
16 building or property or a part thereof is defined as a  
17 common drinking area for consumption of alcohol by  
18 resolution of the governing body of the agency,  
19 political subdivision or public trust of this state,  
20 or

21 c. licensees, who are licensed to operate in a facility  
22 or on property owned or operated by any agency,  
23 political subdivision or public trust of this state,  
24 from allowing other licensees to operate on their

1 licensed premises for events that are temporary in  
2 nature. In the event that multiple licensees are  
3 operating in a facility or on property owned or  
4 operated by any agency, political subdivision or  
5 public trust of this state, each licensee shall be  
6 responsible for violations occurring in their area  
7 designated to be their temporary licensed premises; or

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

12 SECTION 2. This act shall become effective November 1, 2016.

13 Passed the House of Representatives the 7th day of March, 2016.

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16 Presiding Officer of the House  
of Representatives

17 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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20 Presiding Officer of the Senate