

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1654

By: Leewright

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending
8 Section 22, Chapter 366, O.S.L. 2016, as last amended
9 by Section 1, Chapter 35, O.S.L. 2019 (37A O.S. Supp.
10 2019, Section 2-110), which relates to mixed beverage
11 license; authorizing hotels to sell beer and wine on-
12 premises and off-premises; repealing Section 22,
Chapter 366, O.S.L. 2016, as last amended by Section
1, Chapter 424, O.S.L. 2019 (37A O.S. Supp. 2019,
Section 2-110), which relates to mixed beverage
licenses; and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 22, Chapter 366, O.S.L.
16 2016, as last amended by Section 1, Chapter 35, O.S.L. 2019 (37A
17 O.S. Supp. 2019, Section 2-110), is amended to read as follows:

18 Section 2-110. A mixed beverage license shall authorize the
19 holder thereof:

20 1. To purchase alcohol, spirits, beer and/or wine in retail
21 containers from the holder of a wine and spirits wholesaler and beer
22 distributor license as specifically provided by law. The holder of
23 a mixed beverage license issued for an establishment which is also a
24 restaurant may purchase wine directly from a winemaker and beer

1 directly from a small brewer who is permitted and has elected to
2 self-distribute as provided in Article XXVIII-A of the Oklahoma
3 Constitution;

4 2. To sell, offer for sale and possess mixed beverages for on-
5 premises consumption only; provided, a mixed beverage licensee may
6 sell beer and wine for off-premises consumption if it meets the
7 classification of a golf course, country club, hotel or marina
8 pursuant to the most recently adopted North American Industry
9 Classification System (NAICS). The mixed beverage licensee shall be
10 permitted to sell beer and wine for off-premises consumption during
11 all days and hours in which a retail beer licensee or retail wine
12 licensee is permitted to sell beer or wine. The gross receipts tax
13 set forth in Section 5-105 of this title shall apply to all
14 alcoholic beverages sold by the mixed beverage licensee, whether
15 those alcoholic beverages are intended for on- or off-premises
16 consumption. The ABLE Commission shall promulgate rules for the
17 implementation of a special off-premises permit consistent with this
18 subsection. The mixed beverage licensee shall secure the special
19 off-premises permit prior to selling beer and wine for off-premises
20 consumption;

21 3. Sales and service of mixed beverages by holders of mixed
22 beverage licenses shall be limited to the licensed premises of the
23 licensee unless the holder of the mixed beverage license also
24 obtains a caterer license or a mixed beverage/caterer combination

1 license. A mixed beverage license shall only be issued in counties
2 of this state where the sale of alcoholic beverages by the
3 individual drink for on-premises consumption has been authorized. A
4 separate license shall be required for each place of business; and

5 4. Upon application, a mixed beverage license shall be issued
6 for any place of business functioning as a motion picture theater,
7 as defined by Section 1-103 of this title. Provided, that upon
8 proof of legal age to consume alcohol, every patron being served
9 alcoholic beverages shall be required to wear a wrist bracelet or
10 receive a hand stamp identifying the patron as being of legal age to
11 consume alcohol. This requirement shall only apply inside a motion
12 picture theater auditorium where individuals under the legal age to
13 consume alcohol are allowed.

14 SECTION 2. REPEALER Section 22, Chapter 366, O.S.L.
15 2016, as last amended by Section 1, Chapter 424, O.S.L. 2019 (37A
16 O.S. Supp. 2019, Section 2-110), is hereby repealed.

17 SECTION 3. This act shall become effective November 1, 2020.

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