

# An Act

ENROLLED SENATE  
BILL NO. 169

By: Kidd of the Senate

and

Luttrell of the House

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.

SUBJECT: Alcoholic beverages

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-evident lid or cap by the original manufacturer of the mixed drink

or by a mixed beverage licensee's or caterer licensee's employee at the mixed beverage licensee's or caterer licensee's location ~~with a tamper-evident lid or cap;~~

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

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

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

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

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

- a. is at least twenty-one (21) years of age, and
- b. upon delivery, verifies the age of the person to whom the cocktail is being delivered;

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

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

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

- a. the cocktail, mixed drink or single-serve wine ingredients, type and name of the alcohol,
- b. the name, license number and address of the mixed beverage licensee or caterer licensee who filled the original container and sold the product,
- c. the volume of the cocktail, mixed drink or single-serve wine in the sealed container, and
- d. verification that the sealed container was filled less than seven (7) days before the date of sale; and

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

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

Passed the Senate the 20th day of May, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_