

An Act

ENROLLED SENATE
BILL NO. 712

By: Bice of the Senate

and

Mulready of the House

An Act relating to alcoholic beverages; amending Sections 40 and 145, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2016, Sections 2-128 and 6-105), which relate to licenses; providing exceptions to certain prohibition; and providing an effective date.

SUBJECT: Alcoholic beverage access

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

SECTION 1. AMENDATORY Section 40, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2016, Section 2-128), is amended to read as follows:

Section 2-128. A. An on-premises beer and wine license shall authorize the holder thereof:

1. To purchase beer and wine in retail containers from the holder of a wholesaler, beer distributor, small brewer self-distribution or brewpub self-distribution license or as specifically provided by law; and

2. To sell, offer for sale and possess beer and wine for on-premises consumption only; provided, the holder of an on-premises beer and wine license issued for an establishment which is also a restaurant may purchase wine from a winemaker who is permitted and

has elected to self-distribute as provided in Article XXVIII A of the Oklahoma Constitution.

B. Sales and service of beer and wine by holders of on-premises beer and wine licenses shall be limited to the licensed premises of the licensee unless the holder of the on-premises beer and wine license also obtains a caterer license. An on-premises beer and wine license shall only be issued in counties of this state where the sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized. A separate license shall be required for each place of business. No spirits shall be stored, possessed or consumed on the licensed premises of an on-premises beer and wine license, unless the premises also has a mixed beverage license.

SECTION 2. AMENDATORY Section 145, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2016, Section 6-105), is amended to read as follows:

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

1. Purchase or receive any alcoholic beverage other than from a person holding a wine and spirit wholesaler or beer distributor license issued pursuant to the Oklahoma Alcoholic Beverage Control Act; provided, a mixed beverage or on-premises beer and wine licensee whose premises are a restaurant may purchase wine produced at wineries in this state directly from a winemaker as provided in Section 2 of Article XXVIII A of the Oklahoma Constitution;

2. Transport alcoholic beverages from the place of purchase to the licensed premises unless the licensee also holds a private carrier license issued by the ABLE Commission;

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

4. Keep or knowingly permit any alcoholic beverage to be kept, brought or consumed on the licensed premises which is not allowed to be sold or served upon such premises; or

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

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

a. if the licensed premises are closed to the public during a time the premises are legally permitted to be open for business and the premises are used for a private party at which alcoholic beverages may be served to persons twenty-one (21) years of age or older. Any alcoholic beverages served at a private party on the licensed premises may be purchased from the licensee at a negotiated price or purchased privately and served at the private party on the licensed premises. Any licensee who desires to conduct such a private party shall notify the ABLE Commission, in writing, at least ten (10) calendar days prior to the private party. The notification shall include the date, time and purpose of the private party and any other information the ABLE Commission may deem necessary, or

b. to a designated bar area which is a concessions stand serving beer and wine, in addition to food and non-alcoholic beverages, which concession stand is located at, in, or on the premises of a sports, music or entertainment venue, convention center, fairgrounds or similar facility.

SECTION 3. This act shall become effective October 1, 2018.

Passed the Senate the 23rd day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2017.

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: _____