

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 804

By: Bice of the Senate

and

6 McEntire of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to prohibited acts of alcoholic
11 beverage licensees; amending Section 142, Chapter
12 366, O.S.L. 2016 (37A O.S. Supp. 2018, Section 6-
13 102), which relates to prohibited acts of licensees;
14 providing exceptions to certain prohibited acts;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY Section 142, Chapter 366, O.S.L.
19 2016 (37A O.S. Supp. 2018, Section 6-102), is amended to read as
20 follows:

21 Section 6-102. A. No licensee of the ABLE Commission shall:

22 1. Receive, possess or sell any alcoholic beverage except as
23 authorized by the Oklahoma Alcoholic Beverage Control Act and by the
24 license or permit which the licensee holds;

1 2. Employ any person under eighteen (18) years of age in the
2 selling of beer or wine or employ any person under twenty-one (21)
3 years of age in the selling of spirits. Provided:

4 a. a mixed beverage, beer and wine, caterer, public
5 event, special event, bottle club, retail wine or
6 retail beer licensee may employ servers or sales
7 clerks who are at least eighteen (18) years of age,
8 except persons under twenty-one (21) years of age may
9 not serve in designated bar or lounge areas, and

10 b. a mixed beverage, beer and wine, caterer, public
11 event, special event or bottle club licensee may
12 employ or hire musical bands who have musicians who
13 are under eighteen (18) years of age if each such
14 musician is either accompanied by a parent or legal
15 guardian or has on their person, to be made available
16 for inspection upon demand by any employee of the ABLE
17 Commission or law enforcement officer, a written,
18 notarized affidavit from the parent or legal guardian
19 giving the underage musician permission to perform in
20 designated bar or lounge areas;

21 3. Give any alcoholic beverage as a prize, premium or
22 consideration for any lottery, game of chance or skill or any type
23 of competition;

1 4. Use any of the following means or inducements to stimulate
2 the consumption of alcoholic beverages, including but not limited
3 to:

4 a. deliver more than two drinks to one person at one
5 time,

6 b. sell or offer to sell to any person or group of
7 persons any drinks at a price that is less than six
8 percent (6%) below the markup of the cost to the mixed
9 beverage licensee; provided, a mixed beverage licensee
10 shall be permitted to offer these drink specials on
11 any particular hour of any particular day and shall
12 not be required to offer these drink specials for an
13 entire calendar week or from open to close,

14 c. sell or offer to sell to any person an unlimited
15 number of drinks during any set period of time for a
16 fixed price, except at private functions not open to
17 the public,

18 d. sell or offer to sell drinks to any person or group of
19 persons on any one day or portion thereof at prices
20 less than those charged the general public on that
21 day, except at private functions not open to the
22 public,

23 e. increase the volume of alcoholic beverages contained
24 in a drink without increasing proportionately the

1 price regularly charged for such drink during the same
2 calendar week, or

3 f. encourage or permit, on the licensed premises, any
4 game or contest which involves drinking or the
5 awarding of drinks as prizes.

6 Provided, that the provisions of this paragraph shall not
7 prohibit the advertising or offering of food or entertainment in
8 licensed establishments;

9 5. Permit or allow any patron or person to exit the licensed
10 premises with an open container of any alcoholic beverage.

11 Provided, this prohibition shall not be applicable to closed
12 original containers of alcoholic beverages which are carried from
13 the licensed premises of a bottle club by a patron, closed original
14 wine containers removed from the premises of restaurants, hotels and
15 motels, or to closed original containers of alcoholic beverages
16 transported to and from the place of business of a licensed caterer
17 by the caterer or an employee of the caterer;

18 6. Serve or sell alcoholic beverages with an expired license
19 issued by the ABLE Commission; or

20 7. Permit any person to be drunk or intoxicated on the
21 licensee's licensed premises.

22 B. A mixed beverage or beer and wine licensee shall not be
23 deemed to have violated the provisions of paragraph 5 of subsection
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1 A of this section if it allowed a patron to leave the licensed
2 premises with an open container of beer or wine only and:

3 1. The otherwise prohibited act was committed during the hours
4 of 8 a.m. to midnight on the day of a scheduled home football game
5 of institutions within The Oklahoma State System of Higher
6 Education, and the establishment is located within two thousand
7 (2,000) feet of the institution;

8 2. The licensee is participating by invitation in a municipally
9 sanctioned art, music or sporting event within city limits when the
10 municipality has provided written notice of the event and a list of
11 invited licensees to the ABLE Commission at least five (5) days
12 prior to the event; or

13 3. The patron remains on the connected, physical property of
14 the licensee or in a public area adjacent to the physical property
15 of the licensee with prior municipal approval; provided that written
16 notice of the use of the connected, physical property of the
17 licensee or public area shall be provided to the ABLE Commission at
18 least five (5) days prior to such use.

19 SECTION 2. This act shall become effective July 1, 2019.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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