

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1302

By: Murdock

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6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending
8 Section 149, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
9 2016, Section 6-109), which relates to prohibited
10 acts for alcohol-related licensees; modifying certain
11 prohibition concerning removal of containers from
12 licensed premises; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 149, Chapter 366, O.S.L.
14 2016 (37A O.S. Supp. 2016, Section 6-109), is amended to read as
15 follows:

16 Section 6-109. No mixed beverage, beer and wine, bottle club,
17 caterer, charitable event, public event or special event licensee or
18 any employee, manager, operator or agent thereof shall:

19 1. Consume or be under the influence of alcoholic beverages
20 during the hours he or she is on duty. For the purposes of this
21 section, licensees will be deemed to be on duty from the time the
22 licensee first comes on duty until the time the licensee goes off
23 duty at the end of the shift, including any break periods permitted
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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, prostitution activity or any
13 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 employee of the ABLE Commission or any
16 other peace officer to enter the premises when the licensee or
17 employee knows or should know that such request is made by an
18 employee of the ABLE Commission or a peace officer. This provision
19 shall not be construed to deny employees of the ABLE Commission or
20 peace officers access at any time to any licensed premises;

21 6. Permit a sealed or unsealed container of alcoholic beverage
22 to be removed from the licensed premises. Provided, that
23 restaurants, hotels and motels may permit the removal of closed
24 original wine containers the contents of which have been partially

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

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

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

19 c. licensees, who are licensed to operate in a facility
20 or on property owned or operated by any agency,
21 political subdivision or public trust of this state,
22 from allowing other licensees to operate on their
23 licensed premises for events that are temporary in
24 nature. In the event that multiple licensees are

1 operating in a facility or on property owned or
2 operated by any agency, political subdivision or
3 public trust of this state, each licensee shall be
4 responsible for violations occurring in their area
5 designated to be their temporary licensed premises; or

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

10 SECTION 2. This act shall become effective October 1, 2018.

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