

1 **SENATE FLOOR VERSION**

2 April 11, 2019

3 ENGROSSED HOUSE  
4 BILL NO. 1347

By: McEntire of the House

and

Bice of the Senate

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8 An Act relating to alcoholic beverage licenses;  
9 amending Section 32, Chapter 366, O.S.L. 2016 (37A  
10 O.S. Supp. 2018, Section 2-120), which relates to the  
11 wholesaler's agent license; providing an exception to  
12 certain license requirement for certain employees;  
13 amending Section 33, Chapter 366, O.S.L. 2016, as  
14 amended by Section 1, Chapter 314, O.S.L. 2018 (37A  
15 O.S. Supp. 2018, Section 2-121), which relates to the  
16 employee license; providing an exception to the  
17 licensure requirement for certain employees; amending  
18 Section 48, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
19 2018, Section 2-136), which relates to the  
20 manufacturer's agent license; modifying from whom  
21 certain licensees may solicit or take orders; and  
22 providing an effective date.

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

24 SECTION 1. AMENDATORY Section 32, Chapter 366, O.S.L.  
2016 (37A O.S. Supp. 2018, Section 2-120), is amended to read as  
follows:

Section 2-120. A wholesaler's agent license shall authorize the  
holder thereof:

1 1. To represent only the holders of licenses within this state,  
2 other than retailers, authorized to sell alcoholic beverages to  
3 retail dealers in Oklahoma; and

4 2. To solicit and to take orders for the purchase of alcoholic  
5 beverages from retailers including licensees authorized to sell  
6 alcoholic beverages by the individual drink for on-premises  
7 consumption.

8 Such license shall be issued only to agents and employees of the  
9 holder of a license under the Oklahoma Alcoholic Beverage Control  
10 Act, but no such license shall be required of an employee making  
11 sales of alcoholic beverages on licensed premises of the employee's  
12 principal or of an employee of a beer distributor licensee  
13 regardless of that employee's job responsibilities.

14 SECTION 2. AMENDATORY Section 33, Chapter 366, O.S.L.  
15 2016, as amended by Section 1, Chapter 314, O.S.L. 2018 (37A O.S.  
16 Supp. 2018, Section 2-121), is amended to read as follows:

17 Section 2-121. An employee license shall authorize the holder  
18 thereof to work in a licensed package store, retail spirits, retail  
19 wine or retail beer establishment, brewpub, mixed beverage  
20 establishment, beer and wine establishment, bottle club, public  
21 event or any establishment where alcohol or alcoholic beverages are  
22 sold, mixed or served. Persons employed by a mixed beverage, on-  
23 premises beer and wine, retail wine, retail beer, public event or a  
24 bottle club licensee who do not participate in the service, mixing

1 or sale of mixed beverages shall not be required to have an employee  
2 license. Provided, however, that a manager employed by a mixed  
3 beverage licensee, public event licensee or a bottle club shall be  
4 required to have an employee license whether or not the manager  
5 participates in the service, mixing or sale of mixed beverages.  
6 Applicants for an employee license must be at least eighteen (18)  
7 years of age and have a health card issued by the county in which  
8 they are employed, if the county issues such a card; provided, the  
9 provisions of this section shall not be construed to permit any  
10 person under twenty-one (21) years of age to be employed to sell  
11 spirits. Employees of a special event, caterer, unless catering a  
12 mixed beverage-licensed ~~premise~~ premises, or airline/railroad  
13 beverage licensees shall not be required to obtain an employee  
14 license; further, employees of beer distributors and other licensees  
15 holding licenses issued by the ABLE Commission shall not be required  
16 to obtain an employee license if such employee only sells alcohol or  
17 alcoholic beverages to establishments holding licenses issued by the  
18 ABLE Commission and not to the public. Persons employed by a hotel  
19 licensee who participate in the stocking of hotel room mini-bars or  
20 in the handling of alcoholic beverages to be placed in such devices  
21 shall be required to have an employee license. As a prerequisite to  
22 the issuance of an employee license, not later than fourteen (14)  
23 days after initial licensure, the first-time applicant shall be  
24 required to have successfully completed a training program conducted

1 by the ABLE Commission, or by another entity approved by the ABLE  
2 Commission, including an in-house training program conducted by the  
3 employer. Proof of training completion shall be made available for  
4 inspection by the ABLE Commission at the business location employing  
5 the licensee. The failure of an employee licensee to comply with  
6 this section may constitute a revocable offense.

7 SECTION 3. AMENDATORY Section 48, Chapter 366, O.S.L.  
8 2016 (37A O.S. Supp. 2018, Section 2-136), is amended to read as  
9 follows:

10 Section 2-136. A manufacturer's agent license shall authorize  
11 the holder thereof to represent only the holders of a manufacturer's  
12 license or nonresident seller license and to solicit and take orders  
13 for the sale of wine and spirits for the purpose of resale. No such  
14 license shall be issued to any person until it shall have been shown  
15 to the satisfaction of the ABLE Commission that the applicant has  
16 been duly authorized to act as the agent of the principal he or she  
17 proposes to represent, and that the principal or principals he or  
18 she proposes to represent has been duly authorized to do business in  
19 the State of Oklahoma, and has appointed a service agent in this  
20 state. No applicant for a manufacturer's agent license shall also  
21 hold an agent license. It shall be unlawful for any person other  
22 than the holder of a manufacturer's agent license or an agent  
23 license to solicit or take orders in the state from a wine and  
24 spirits wholesaler ~~or beer distributor.~~

1 SECTION 4. This act shall become effective November 1, 2019.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
3 April 11, 2019 - DO PASS  
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