

# An Act

ENROLLED HOUSE  
BILL NO. 1347

By: McEntire of the House

and

Bice of the Senate

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

SUBJECT: Alcoholic beverage licenses

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

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

2. To solicit and to take orders for the purchase of alcoholic beverages from retailers including licensees authorized to sell

alcoholic beverages by the individual drink for on-premises consumption.

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

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

Section 2-121. An employee license shall authorize the holder thereof to work in a licensed package store, retail spirits, retail wine or retail beer establishment, brewpub, mixed beverage establishment, beer and wine establishment, bottle club, public event or any establishment where alcohol or alcoholic beverages are sold, mixed or served. Persons employed by a mixed beverage, on-premises beer and wine, retail wine, retail beer, public event or a bottle club licensee who do not participate in the service, mixing or sale of mixed beverages shall not be required to have an employee license. Provided, however, that a manager employed by a mixed beverage licensee, public event licensee or a bottle club shall be required to have an employee license whether or not the manager participates in the service, mixing or sale of mixed beverages. Applicants for an employee license must be at least eighteen (18) years of age and have a health card issued by the county in which they are employed, if the county issues such a card; provided, the provisions of this section shall not be construed to permit any person under twenty-one (21) years of age to be employed to sell spirits. Employees of a special event, caterer, unless catering a mixed beverage-licensed ~~premise~~ premises, or airline/railroad beverage licensees shall not be required to obtain an employee license; further, employees of beer distributors and other licensees holding licenses issued by the ABLE Commission shall not be required to obtain an employee license if such employee only sells alcohol or alcoholic beverages to establishments holding licenses issued by the ABLE Commission and not to the public. Persons employed by a hotel licensee who participate in the stocking of hotel room mini-bars or in the handling of alcoholic beverages to be placed in such devices shall be required to have an employee license. As a prerequisite to the issuance of an employee license, not later than fourteen (14) days after initial licensure, the first-time applicant shall be

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

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

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

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

Passed the House of Representatives the 12th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 23rd day of April, 2019.

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Presiding Officer of the Senate

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: \_\_\_\_\_