

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2277

 By: West (Josh) of the House

5 and

6 **Leewright** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to alcoholic beverages, amending
11 Section 142, Chapter 366, O.S.L. 2016, as last
12 amended by Section 20, Chapter 161, O.S.L. 2020 (37A
13 O.S. Supp. 2020, Section 6-102), which relates to
14 licensee prohibited acts under the Oklahoma Alcoholic
15 Beverage Control Act; providing that different venues
16 operating under one Mixed Beverage License shall be
17 allowed to independently decide to offer or not offer
18 a happy hour drink special; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY Section 142, Chapter 366, O.S.L.
22 2016, as last amended by Section 20, Chapter 161, O.S.L. 2020 (37A
23 O.S. Supp. 2020, Section 6-102), is amended to read as follows:

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

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

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

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

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

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

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

7 a. deliver more than two drinks to one person at one
8 time, except as provided for serving tasting flights
9 defined in Section ~~2~~ 6-102.1 of this ~~act~~ title,

10 b. sell or offer to sell to any person or group of
11 persons any drinks at a price that is less than six
12 percent (6%) below the markup of the cost to the mixed
13 beverage licensee; provided, a mixed beverage licensee
14 shall be permitted to offer these drink specials on
15 any particular hour of any particular day and shall
16 not be required to offer these drink specials for an
17 entire calendar week or from open to close, and shall
18 not be required to offer such drink specials at all
19 venues operating under the same mixed beverage
20 license,

21 c. sell or offer to sell to any person an unlimited
22 number of drinks during any set period of time for a
23 fixed price, except at private functions not open to
24 the public,

- 1 d. sell or offer to sell drinks to any person or group of
2 persons on any one day or portion thereof at prices
3 less than those charged the general public on that
4 day, except at private functions not open to the
5 public,
- 6 e. increase the volume of alcoholic beverages contained
7 in a drink without increasing proportionately the
8 price regularly charged for such drink during the same
9 calendar week, or
- 10 f. encourage or permit, on the licensed premises, any
11 game or contest which involves drinking or the
12 awarding of drinks as prizes.

13 Provided, that the provisions of this paragraph shall not
14 prohibit the advertising or offering of food or entertainment in
15 licensed establishments;

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

18 Provided, this prohibition shall not be applicable to closed
19 original containers of alcoholic beverages which are carried from
20 the licensed premises of a bottle club by a patron, closed original
21 wine containers removed from the premises of restaurants, hotels and
22 motels, or to closed original containers of alcoholic beverages
23 transported to and from the place of business of a licensed caterer
24 by the caterer or an employee of the caterer;

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

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

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

9 1. The otherwise prohibited act was committed during the hours
10 of 8 a.m. to midnight on the day of a scheduled home football game
11 of institutions within The Oklahoma State System of Higher
12 Education, and the establishment is located within two thousand
13 (2,000) feet of the institution;

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

19 3. The patron remains on the connected, physical property of
20 the licensee or in a public area adjacent to the physical property
21 of the licensee with prior municipal approval; provided that written
22 notice of the use of the connected, physical property of the
23 licensee or public area shall be provided to the ABLE Commission at
24 least five (5) days prior to such use.

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

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6 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
7 SUBSTANCES, dated 02/11/2021 - DO PASS, As Coauthored.

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