

1 ENGROSSED HOUSE  
2 BILL NO. 2277

By: Bashore and West (Josh) of  
the House

3 and

4 Leewright of the Senate  
5  
6  
7

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

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

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

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

23 1. Receive, possess or sell any alcoholic beverage except as  
24 authorized by the Oklahoma Alcoholic Beverage Control Act and by the  
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, except as provided for serving tasting flights  
6           defined in Section ~~2~~ 6-102.1 of this ~~act~~ title,
- 7           b. sell or offer to sell to any person or group of  
8           persons any drinks at a price that is less than six  
9           percent (6%) below the markup of the cost to the mixed  
10          beverage licensee; provided, a mixed beverage licensee  
11          shall be permitted to offer these drink specials on  
12          any particular hour of any particular day and shall  
13          not be required to offer these drink specials for an  
14          entire calendar week or from open to close, and shall  
15          not be required to offer such drink specials at all  
16          venues operating under the same mixed beverage  
17          license,
- 18          c. sell or offer to sell to any person an unlimited  
19          number of drinks during any set period of time for a  
20          fixed price, except at private functions not open to  
21          the public,
- 22          d. sell or offer to sell drinks to any person or group of  
23          persons on any one day or portion thereof at prices  
24          less than those charged the general public on that

1 day, except at private functions not open to the  
2 public,

3 e. increase the volume of alcoholic beverages contained  
4 in a drink without increasing proportionately the  
5 price regularly charged for such drink during the same  
6 calendar week, or

7 f. encourage or permit, on the licensed premises, any  
8 game or contest which involves drinking or the  
9 awarding of drinks as prizes.

10 Provided, that the provisions of this paragraph shall not  
11 prohibit the advertising or offering of food or entertainment in  
12 licensed establishments;

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

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

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

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

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

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

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

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

23       SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

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.

3 Passed the House of Representatives the 3rd day of March, 2021.

4

5

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

6

7

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

8

9

10

\_\_\_\_\_  
Presiding Officer of the Senate

11

12

13

14

15

16

17

18

19

20

21

22

23

24