

1 **SENATE FLOOR VERSION**

2 April 8, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2277

By: Bashore and West (Josh) of
the House

5 and

6 Leewright and Bergstrom of
7 the Senate

8
9
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. Receive, possess or sell any alcoholic beverage except as
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

24

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 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
4 April 8, 2021 - DO PASS

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24