

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2277

By: West (Josh)

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5
6 AS INTRODUCED

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

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

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

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

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

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

1 a. a mixed beverage, beer and wine, caterer, public
2 event, special event, bottle club, retail wine or
3 retail beer licensee may employ servers or sales
4 clerks who are at least eighteen (18) years of age,
5 except persons under twenty-one (21) years of age may
6 not serve in designated bar or lounge areas, and

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

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

21 4. Use any of the following means or inducements to stimulate
22 the consumption of alcoholic beverages, including but not limited
23 to:
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- 1 a. deliver more than two drinks to one person at one
2 time, except as provided for serving tasting flights
3 defined in Section ~~2~~ 6-102.1 of this ~~act~~ title,
- 4 b. sell or offer to sell to any person or group of
5 persons any drinks at a price that is less than six
6 percent (6%) below the markup of the cost to the mixed
7 beverage licensee; provided, a mixed beverage licensee
8 shall be permitted to offer these drink specials on
9 any particular hour of any particular day and shall
10 not be required to offer these drink specials for an
11 entire calendar week or from open to close, and shall
12 not be required to offer such drink specials at all
13 venues operating under the same mixed beverage
14 license,
- 15 c. sell or offer to sell to any person an unlimited
16 number of drinks during any set period of time for a
17 fixed price, except at private functions not open to
18 the public,
- 19 d. sell or offer to sell drinks to any person or group of
20 persons on any one day or portion thereof at prices
21 less than those charged the general public on that
22 day, except at private functions not open to the
23 public,
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- 1 e. increase the volume of alcoholic beverages contained
2 in a drink without increasing proportionately the
3 price regularly charged for such drink during the same
4 calendar week, or
- 5 f. encourage or permit, on the licensed premises, any
6 game or contest which involves drinking or the
7 awarding of drinks as prizes.

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

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

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

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

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

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

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

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

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

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

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4 58-1-6119 JL 12/28/20

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