

1 ENGROSSED HOUSE  
2 BILL NO. 2651

By: Pittman and Davis of the  
House

3 and

4 Young of the Senate  
5

6  
7 An Act relating to alcoholic beverages; providing for  
8 bottle service; amending Section 3, Chapter 366,  
9 O.S.L. 2016, as last amended by Section 13, Chapter  
10 304, O.S.L. 2018 (37A O.S. Supp. 2018, Section 1-  
11 103), which relates to definitions; defining certain  
12 terms; amending Section 22, Chapter 366, O.S.L. 2016,  
13 as amended by Section 6, Chapter 381, O.S.L. 2017  
14 (37A O.S. Supp. 2018, Section 2-110), which relates  
15 to mixed beverage licenses; granting additional  
16 authorities to mixed beverage licensees; amending  
17 Section 142, Chapter 366, O.S.L. 2016 (37A O.S. Supp.  
18 2018, Section 6-102), which relates to prohibited  
19 acts of licensees; providing certain exception to  
20 prohibited acts; and providing an effective date.

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

22 SECTION 1. AMENDATORY Section 3, Chapter 366, O.S.L.  
23 2016, as last amended by Section 13, Chapter 304, O.S.L. 2018 (37A  
24 O.S. Supp. 2018, Section 1-103), is amended to read as follows:

Section 1-103. As used in the Oklahoma Alcoholic Beverage  
Control Act:

1. "ABLE Commission" or "Commission" means the Alcoholic  
Beverage Laws Enforcement Commission;

1        2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl  
2 alcohol, ethanol or spirits of wine, from whatever source or by  
3 whatever process produced. It does not include wood alcohol or  
4 alcohol which has been denatured or produced as denatured in  
5 accordance with Acts of Congress and regulations promulgated  
6 thereunder;

7        3. "Alcoholic beverage" means alcohol, spirits, beer and wine  
8 as those terms are defined herein and also includes every liquid or  
9 solid, patented or not, containing alcohol, spirits, wine or beer  
10 and capable of being consumed as a beverage by human beings;

11       4. "Applicant" means any individual, legal or commercial  
12 business entity, or any individual involved in any legal or  
13 commercial business entity allowed to hold any license issued in  
14 accordance with the Oklahoma Alcoholic Beverage Control Act;

15       5. "Beer" means any beverage of alcohol by volume and obtained  
16 by the alcoholic fermentation of an infusion or decoction of barley,  
17 or other grain, malt or similar products. "Beer" may or may not  
18 contain hops or other vegetable products. "Beer" includes, among  
19 other things, beer, ale, stout, lager beer, porter and other malt or  
20 brewed liquors, but does not include sake, known as Japanese rice  
21 wine;

22       6. "Beer keg" means any manufacturer-sealed, single container  
23 that contains not less than four (4) gallons of beer;

24

1 7. "Beer distributor" means and includes any person licensed to  
2 distribute beer for retail sale in the state, but does not include a  
3 holder of a small brewer self-distribution license or brewpub self-  
4 distribution license. The term "distributor", as used in this act,  
5 shall be construed to refer to a beer distributor;

6 8. "Bottle club" means any establishment in a county which has  
7 not authorized the retail sale of alcoholic beverages by the  
8 individual drink, which is required to be licensed to keep, mix and  
9 serve alcoholic beverages belonging to club members on club  
10 premises;

11 9. "Bottle service" means the sale and provision of spirits in  
12 their original packages by a mixed beverage licensee to be consumed  
13 in that mixed beverage licensee's club suite;

14 10. "Brand" means any word, name, group of letters, symbol or  
15 combination thereof, that is adopted and used by a licensed  
16 manufacturer to identify a specific beer and to distinguish that  
17 product from another beer;

18 ~~10.~~ 11. "Brand extension" means:

19 a. after the effective date of this act, any brand of  
20 beer or cider introduced by a manufacturer in this  
21 state which either:

22 (1) incorporates all or a substantial part of the  
23 unique features of a preexisting brand of the  
24 same licensed manufacturer, or

1 (2) relies to a significant extent on the goodwill  
2 associated with the preexisting brand, or

3 b. any brand of beer that a manufacturer, the majority of  
4 whose total volume of all brands of beer distributed  
5 in this state by such manufacturer on January 1, 2016,  
6 was distributed as low-point beer, desires to sell,  
7 introduces, begins selling or theretofore has sold and  
8 desires to continue selling a strong beer in this  
9 state which either:

10 (1) incorporates or incorporated all or a substantial  
11 part of the unique features of a preexisting low-  
12 point beer brand of the same licensed  
13 manufacturer, or

14 (2) relies or relied to a significant extent on the  
15 goodwill associated with a preexisting low-point  
16 beer brand;

17 ~~11.~~ 12. "Brewer" means and includes any person who manufactures  
18 for human consumption by the use of raw materials or other  
19 ingredients any beer upon which a license fee and a tax are imposed  
20 by any law of this state;

21 ~~12.~~ 13. "Brewpub" means a licensed establishment operated on  
22 the premises of, or on premises located contiguous to, a small  
23 brewer, that prepares and serves food and beverages, including  
24 alcoholic beverages, for on-premises consumption;

1       ~~13.~~ 14. "Cider" means any alcoholic beverage obtained by the  
2 alcoholic fermentation of fruit juice, including but not limited to  
3 flavored, sparkling or carbonated cider. For the purposes of the  
4 distribution of this product, cider may be distributed by either  
5 wine and spirits wholesalers or beer distributors;

6       ~~14.~~ 15. "Club suite" means a designated area within the  
7 premises of a mixed beverage licensee designed to provide an  
8 exclusive space which is limited to a patron or patrons specifically  
9 granted access by a mixed beverage licensee and is not accessible to  
10 other patrons of the mixed beverage licensee or the public. A club  
11 suite must have a clearly designated point of access for a patron or  
12 patrons specifically granted access by the mixed beverage licensee  
13 to ensure that persons present in the suite are limited to patrons  
14 specifically granted access by the mixed beverage licensee and  
15 employees providing services to the club suite;

16       16. "Convenience store" means any person primarily engaged in  
17 retailing a limited range of general household items and groceries,  
18 with extended hours of operation, whether or not engaged in retail  
19 sales of automotive fuels in combination with such sales;

20       ~~15.~~ 17. "Convicted" and "conviction" mean and include a finding  
21 of guilt resulting from a plea of guilty or nolo contendere, the  
22 decision of a court or magistrate or the verdict of a jury,  
23 irrespective of the pronouncement of judgment or the suspension  
24 thereof;

1       ~~16.~~ 18. "Director" means the Director of the ABLE Commission;

2       ~~17.~~ 19. "Distiller" means any person who produces spirits from

3 any source or substance, or any person who brews or makes mash, wort

4 or wash, fit for distillation or for the production of spirits

5 (except a person making or using such material in the authorized

6 production of wine or beer, or the production of vinegar by

7 fermentation), or any person who by any process separates alcoholic

8 spirits from any fermented substance, or any person who, making or

9 keeping mash, wort or wash, has also in his or her possession or use

10 a still;

11       ~~18.~~ 20. "Distributor agreement" means the written agreement

12 between the distributor and manufacturer as set forth in Section 3-

13 108 of this title;

14       ~~19.~~ 21. "Drug store" means a person primarily engaged in

15 retailing prescription and nonprescription drugs and medicines;

16       ~~20.~~ 22. "Dual-strength beer" means a brand of beer that,

17 immediately prior to April 15, 2017, was being sold and distributed

18 in this state:

19           a.    as a low-point beer pursuant to the Low-Point Beer  
20                Distribution Act in effect immediately prior to ~~the~~  
21                ~~effective date of this act~~ October 1, 2018, and

22           b.    as strong beer pursuant to the Alcoholic Beverage  
23                Control Act in effect immediately prior to ~~the~~  
24                ~~effective date of this act~~ October 1, 2018,

1 and continues to be sold and distributed as such on October 1, 2018.  
2 Dual-strength beer does not include a brand of beer that arose as a  
3 result of a brand extension as defined in this section;

4 ~~21.~~ 23. "Fair market value" means the value in the subject  
5 territory covered by the written agreement with the distributor or  
6 wholesaler that would be determined in an arm's length transaction  
7 entered into without duress or threat of termination of the  
8 distributor's or wholesaler's rights and shall include all elements  
9 of value, including goodwill and going-concern value;

10 ~~22.~~ 24. "Good cause" means:

- 11 a. failure by the distributor to comply with the material  
12 and reasonable provisions of a written agreement or  
13 understanding with the manufacturer, or  
14 b. failure by the distributor to comply with the duty of  
15 good faith;

16 ~~23.~~ 25. "Good faith" means the duty of each party to any  
17 distributor agreement and all officers, employees or agents thereof  
18 to act with honesty in fact and within reasonable standards of fair  
19 dealing in the trade;

20 ~~24.~~ 26. "Grocery store" means a person primarily engaged in  
21 retailing a general line of food, such as canned or frozen foods,  
22 fresh fruits and vegetables, and fresh and prepared meats, fish and  
23 poultry;

24

1       ~~25.~~ 27. "Hotel" or "motel" means an establishment which is  
2 licensed to sell alcoholic beverages by the individual drink and  
3 which contains guestroom accommodations with respect to which the  
4 predominant relationship existing between the occupants thereof and  
5 the owner or operator of the establishment is that of innkeeper and  
6 guest. For purposes of this section, the existence of other legal  
7 relationships as between some occupants and the owner or operator  
8 thereof shall be immaterial;

9       ~~26.~~ 28. "Legal newspaper" means a newspaper meeting the  
10 requisites of a newspaper for publication of legal notices as  
11 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma  
12 Statutes;

13       ~~27.~~ 29. "Licensee" means any person holding a license under the  
14 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or  
15 employee of such licensee while in the performance of any act or  
16 duty in connection with the licensed business or on the licensed  
17 premises;

18       ~~28.~~ 30. "Low-point beer" shall mean any beverages containing  
19 more than one-half of one percent (1/2 of 1%) alcohol by volume, and  
20 not more than three and two-tenths percent (3.2%) alcohol by weight,  
21 including but not limited to, beer or cereal malt beverages obtained  
22 by the alcoholic fermentation of an infusion by barley or other  
23 grain, malt or similar products;

24



1       ~~29.~~ 31. "Manufacturer" means a brewer, distiller, winemaker,  
2 rectifier or bottler of any alcoholic beverage and its subsidiaries,  
3 affiliates and parent companies;

4       ~~30.~~ 32. "Manufacturer's agent" means a salaried or commissioned  
5 salesperson who is the agent authorized to act on behalf of the  
6 manufacturer or nonresident seller in the state;

7       ~~31.~~ 33. "Meals" means foods commonly ordered at lunch or dinner  
8 and at least part of which is cooked on the licensed premises and  
9 requires the use of dining implements for consumption. Provided,  
10 that the service of only food such as appetizers, sandwiches, salads  
11 or desserts shall not be considered "meals";

12       ~~32.~~ 34. "Mini-bar" means a closed container, either  
13 refrigerated in whole or in part, or nonrefrigerated, and access to  
14 the interior of which is:

- 15           a.     restricted by means of a locking device which requires  
16                    the use of a key, magnetic card or similar device, or  
17           b.     controlled at all times by the licensee;

18       ~~33.~~ 35. "Mixed beverage cooler" means any beverage, by whatever  
19 name designated, consisting of an alcoholic beverage and fruit or  
20 vegetable juice, fruit or vegetable flavorings, dairy products or  
21 carbonated water containing more than one-half of one percent (1/2  
22 of 1%) of alcohol measured by volume but not more than seven percent  
23 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is  
24 packaged in a container not larger than three hundred seventy-five

1 (375) milliliters. Such term shall include but not be limited to  
2 the beverage popularly known as a "wine cooler";

3 ~~34.~~ 36. "Mixed beverages" means one or more servings of a  
4 beverage composed in whole or part of an alcoholic beverage in a  
5 sealed or unsealed container of any legal size for consumption on  
6 the premises where served or sold by the holder of a mixed beverage,  
7 beer and wine, caterer, public event, charitable event or special  
8 event license;

9 ~~35.~~ 37. "Motion picture theater" means an establishment which  
10 is licensed by Section 2-110 of this title to sell alcoholic  
11 beverages by the individual drink and where motion pictures are  
12 exhibited, and to which the general public is admitted;

13 ~~36.~~ 38. "Nonresident seller" means any person licensed pursuant  
14 to Section 2-135 of this title;

15 ~~37.~~ 39. "Retail salesperson" means a salesperson soliciting  
16 orders from and calling upon retail alcoholic beverage stores with  
17 regard to his or her product;

18 ~~38.~~ 40. "Occupation" as used in connection with "occupation  
19 tax" means the sites occupied as the places of business of the  
20 manufacturers, wholesalers, beer distributors, retailers, mixed  
21 beverage licensees, on-premises beer and wine licensees, bottle  
22 clubs, caterers, public event and special event licensees;

23 ~~39.~~ 41. "Original package" means any container of alcoholic  
24 beverage filled and stamped or sealed by the manufacturer;

1       ~~40.~~ 42. "Package store" means any sole proprietor or  
2 partnership that qualifies to sell wine, beer and/or spirits for  
3 off-premise consumption and that is not a grocery store, convenience  
4 store or drug store, or other retail outlet that is not permitted to  
5 sell wine or beer for off-premise consumption;

6       ~~41.~~ 43. "Patron" means any person, customer or visitor who is  
7 not employed by a licensee or who is not a licensee;

8       ~~42.~~ 44. "Person" means an individual, any type of partnership,  
9 corporation, association, limited liability company or any  
10 individual involved in the legal structure of any such business  
11 entity;

12       ~~43.~~ 45. "Premises" means the grounds and all buildings and  
13 appurtenances pertaining to the grounds including any adjacent  
14 premises if under the direct or indirect control of the licensee and  
15 the rooms and equipment under the control of the licensee and used  
16 in connection with or in furtherance of the business covered by a  
17 license. Provided that the ABLE Commission shall have the authority  
18 to designate areas to be excluded from the licensed premises solely  
19 for the purpose of:

- 20           a. allowing the presence and consumption of alcoholic  
21           beverages by private parties which are closed to the  
22           general public, or
- 23           b. allowing the services of a caterer serving alcoholic  
24           beverages provided by a private party.

1 This exception shall in no way limit the licensee's concurrent  
2 responsibility for any violations of the Oklahoma Alcoholic Beverage  
3 Control Act occurring on the licensed premises;

4 ~~44.~~ 46. "Private event" means a social gathering or event  
5 attended by invited guests who share a common cause, membership,  
6 business or task and have a prior established relationship. For  
7 purposes of this definition, advertisement for general public  
8 attendance or sales of tickets to the general public shall not  
9 constitute a private event;

10 ~~45.~~ 47. "Public event" means any event that can be attended by  
11 the general public;

12 ~~46.~~ 48. "Rectifier" means any person who rectifies, purifies or  
13 refines spirits or wines by any process (other than by original and  
14 continuous distillation, or original and continuous processing, from  
15 mash, wort, wash or other substance, through continuous closed  
16 vessels and pipes, until the production thereof is complete), and  
17 any person who, without rectifying, purifying or refining spirits,  
18 shall by mixing (except for immediate consumption on the premises  
19 where mixed) such spirits, wine or other liquor with any material,  
20 manufactures any spurious, imitation or compound liquors for sale,  
21 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials  
22 or any other name;

23 ~~47.~~ 49. "Regulation" or "rule" means a formal rule of general  
24 application promulgated by the ABLE Commission as herein required;

1       ~~48.~~ 50. "Restaurant" means an establishment that is licensed to  
2 sell alcoholic beverages by the individual drink for on-premises  
3 consumption and where food is prepared and sold for immediate  
4 consumption on the premises;

5       ~~49.~~ 51. "Retail container for spirits and wines" means an  
6 original package of any capacity approved by the United States  
7 Bureau of Alcohol, Tobacco and Firearms;

8       ~~50.~~ 52. "Retailer" means a package store, grocery store,  
9 convenience store or drug store licensed to sell alcoholic beverages  
10 for off-premise consumption pursuant to a Retail Spirits License,  
11 Retail Wine License or Retail Beer License;

12       ~~51.~~ 53. "Sale" means any transfer, exchange or barter in any  
13 manner or by any means whatsoever, and includes and means all sales  
14 made by any person, whether as principal, proprietor or as an agent,  
15 servant or employee. The term "sale" is also declared to be and  
16 include the use or consumption in this state of any alcoholic  
17 beverage obtained within or imported from without this state, upon  
18 which the excise tax levied by the Oklahoma Alcoholic Beverage  
19 Control Act has not been paid or exempted;

20       ~~52.~~ 54. "Short-order food" means food other than full meals  
21 including but not limited to sandwiches, soups and salads. Provided  
22 that popcorn, chips and other similar snack food shall not be  
23 considered "short-order food";

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1       ~~53.~~ 55. "Small brewer" means a brewer who manufactures less  
2 than twenty-five thousand (25,000) barrels of beer annually pursuant  
3 to a validly issued Small Brewer License hereunder;

4       ~~54.~~ 56. "Small farm wine" means a wine that is produced by a  
5 small farm winery with seventy-five percent (75%) or more Oklahoma-  
6 grown grapes, berries, other fruits, honey or vegetables;

7       ~~55.~~ 57. "Small farm winery" means a wine-making establishment  
8 that does not annually produce for sale more than fifteen thousand  
9 (15,000) gallons of wine as reported on the United States Department  
10 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of  
11 Wine Premises Operations (TTB Form 5120.17);

12       ~~56.~~ 58. "Sparkling wine" means champagne or any artificially  
13 carbonated wine;

14       ~~57.~~ 59. "Special event" means an entertainment, recreation or  
15 marketing event that occurs at a single location on an irregular  
16 basis and at which alcoholic beverages are sold;

17       ~~58.~~ 60. "Spirits" means any beverage other than wine or beer,  
18 which contains more than one-half of one percent (1/2 of 1%) alcohol  
19 measured by volume, and obtained by distillation, whether or not  
20 mixed with other substances in solution and includes those products  
21 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and  
22 fortified wines and similar compounds, but shall not include any  
23 alcohol liquid completely denatured in accordance with the Acts of  
24 Congress and regulations pursuant thereto;

1       ~~59.~~ 61. "Strong beer" means beer which, prior to ~~the effective~~  
2 ~~date of this act~~ October 1, 2018, was distributed pursuant to the  
3 Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of  
4 Title 37 of the Oklahoma Statutes;

5       ~~60.~~ 62. "Successor manufacturer" means a primary source of  
6 supply, a brewer, a cider manufacturer or an importer that acquires  
7 rights to a beer or cider brand from a predecessor manufacturer;

8       ~~61.~~ 63. "Tax Commission" means the Oklahoma Tax Commission;

9       ~~62.~~ 64. "Territory" means a geographic region with a specified  
10 boundary;

11       ~~63.~~ 65. "Wine and spirits wholesaler" or "wine and spirits  
12 distributor" means and includes any sole proprietorship or  
13 partnership licensed to distribute wine and spirits in the state.  
14 The term "wholesaler", as used in this act, shall be construed to  
15 refer to a wine and spirits wholesaler; and

16       ~~64.~~ 66. "Wine" means and includes any beverage containing more  
17 than one-half of one percent (1/2 of 1%) alcohol by volume and not  
18 more than twenty-four percent (24%) alcohol by volume at sixty (60)  
19 degrees Fahrenheit obtained by the fermentation of the natural  
20 contents of fruits, vegetables, honey, milk or other products  
21 containing sugar, whether or not other ingredients are added, and  
22 includes vermouth and sake, known as Japanese rice wine.

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1 Words in the plural include the singular, and vice versa, and  
2 words imparting the masculine gender include the feminine, as well  
3 as persons and licensees as defined in this section.

4 SECTION 2. AMENDATORY Section 22, Chapter 366, O.S.L.  
5 2016, as amended by Section 6, Chapter 381, O.S.L. 2017 (37A O.S.  
6 Supp. 2018, Section 2-110), is amended to read as follows:

7 Section 2-110. A mixed beverage license shall authorize the  
8 holder thereof:

9 1. To purchase alcohol, spirits, beer and/or wine in retail  
10 containers from the holder of a wine and spirits wholesaler and beer  
11 distributor license as specifically provided by law; ~~and~~

12 2. To sell, offer for sale and possess mixed beverages for on-  
13 premises consumption only; provided, the holder of a mixed beverage  
14 license issued for an establishment which is also a restaurant may  
15 purchase wine directly from a winemaker and beer directly from a  
16 small brewer who is permitted and has elected to self-distribute as  
17 provided in Article XXVIII A of the Oklahoma Constitution; and

18 3. To sell spirits in their original packages for consumption  
19 on its premises under the following conditions:

20 a. spirits in their original packages shall remain and be  
21 consumed in the club suite of a mixed beverage  
22 licensee and may not be removed from the club suite if  
23 not consumed in their entirety at or before the  
24 conclusion of the period for which the club suite was



1 made available to a specific patron or patrons by the  
2 mixed beverage licensee,

3 b. spirits in their original packages to be consumed in  
4 the club suite are provided exclusively by the mixed  
5 beverage licensee,

6 c. the number of original packages of spirits provided  
7 for consumption in the club suite may not exceed six,  
8 and

9 d. the patron specifically granted access to the club  
10 suite by a mixed beverage licensee signs a contract  
11 with the mixed beverage licensee that no person under  
12 twenty-one (21) years of age will be provided or  
13 served alcoholic beverages in the club suite.

14 Sales and service of mixed beverages by holders of mixed  
15 beverage licenses shall be limited to the licensed premises of the  
16 licensee unless the holder of the mixed beverage license also  
17 obtains a caterer license or a mixed beverage/caterer combination  
18 license. A mixed beverage license shall only be issued in counties  
19 of this state where the sale of alcoholic beverages by the  
20 individual drink for on-premises consumption has been authorized. A  
21 separate license shall be required for each place of business.

22 Upon application, a mixed beverage license shall be issued for  
23 any place of business functioning as a motion picture theater, as  
24 defined by Section 1-103 of this title. Provided, that upon proof

1 of legal age to consume alcohol, every patron being served alcoholic  
2 beverages shall be required to wear a wrist bracelet or receive a  
3 hand stamp identifying the patron as being of legal age to consume  
4 alcohol. This requirement shall only apply inside a motion picture  
5 theater auditorium where individuals under the legal age to consume  
6 alcohol are allowed.

7 SECTION 3. AMENDATORY Section 142, Chapter 366, O.S.L.  
8 2016 (37A O.S. Supp. 2018, Section 6-102), is amended to read as  
9 follows:

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

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

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

- 17 a. a mixed beverage, beer and wine, caterer, public  
18 event, special event, bottle club, retail wine or  
19 retail beer licensee may employ servers or sales  
20 clerks who are at least eighteen (18) years of age,  
21 except persons under twenty-one (21) years of age may  
22 not serve in designated bar or lounge areas, and
- 23 b. a mixed beverage, beer and wine, caterer, public  
24 event, special event or bottle club licensee may

1 employ or hire musical bands who have musicians who  
2 are under eighteen (18) years of age if each such  
3 musician is either accompanied by a parent or legal  
4 guardian or has on ~~their~~ his or her person, to be made  
5 available for inspection upon demand by any employee  
6 of the ABLE Commission or law enforcement officer, a  
7 written, notarized affidavit from the parent or legal  
8 guardian giving the underage musician permission to  
9 perform in designated bar or lounge areas;

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

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

- 16 a. deliver more than two drinks to one person at one  
17 time,
- 18 b. sell or offer to sell to any person or group of  
19 persons any drinks at a price that is less than six  
20 percent (6%) below the markup of the cost to the mixed  
21 beverage licensee; provided, a mixed beverage licensee  
22 shall be permitted to offer these drink specials on  
23 any particular hour of any particular day and shall  
24

1 not be required to offer these drink specials for an  
2 entire calendar week or from open to close,

3 c. sell or offer to sell to any person an unlimited  
4 number of drinks during any set period of time for a  
5 fixed price, except at private functions not open to  
6 the public,

7 d. sell or offer to sell drinks to any person or group of  
8 persons on any one day or portion thereof at prices  
9 less than those charged the general public on that  
10 day, except at private functions not open to the  
11 public,

12 e. increase the volume of alcoholic beverages contained  
13 in a drink without increasing proportionately the  
14 price regularly charged for such drink during the same  
15 calendar week, or

16 f. encourage or permit, on the licensed premises, any  
17 game or contest which involves drinking or the  
18 awarding of drinks as prizes.

19 Provided, that the provisions of this paragraph shall not  
20 prohibit the advertising or offering of food ~~or~~, entertainment, or  
21 bottle service in licensed establishments;

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

24 Provided, this prohibition shall not be applicable to closed

1 original containers of alcoholic beverages which are carried from  
2 the licensed premises of a bottle club by a patron, closed original  
3 wine containers removed from the premises of restaurants, hotels and  
4 motels, or to closed original containers of alcoholic beverages  
5 transported to and from the place of business of a licensed caterer  
6 by the caterer or an employee of the caterer;

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

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

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

12 Passed the House of Representatives the 11th day of March, 2019.

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

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Presiding Officer of the Senate

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