

1 ENGROSSED HOUSE
2 BILL NO. 2740

By: Duel of the House

3 and

4 Hall of the Senate

5
6 [alcoholic beverages - Alcoholic Beverage Law
7 Enforcement (ABLE) Commission - seized alcoholic
8 beverages - effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1261, is
13 amended to read as follows:

14 Section 1261. In all cases where wines, whiskey, beer or other
15 intoxicating liquors mentioned in the Constitution or laws of this
16 state or any personal property used for the purpose of violating any
17 of the prohibitory liquor laws or gambling laws of this state, shall
18 be seized by any officer or person with or without a search warrant,
19 such officer or person is hereby required within five (5) days to
20 make a written report under oath and file the same with the court
21 clerk of the proper or respective county where the same shall be so
22 seized, which report shall in detail state the name of the officer
23 or person making the seizure, the place where seized and an
24 inventory of the property, articles or intoxicating liquors so taken

1 into possession, and within said five (5) days said person is hereby
2 required to deliver the same to the ~~sheriff of the county~~ Alcoholic
3 Beverage Law Enforcement (ABLE) Commission and take ~~the sheriff's~~
4 ABLE's receipt therefor, in duplicate and ~~such sheriff~~ ABLE shall
5 retain the same and all thereof, until the same shall be destroyed
6 pursuant to the orders of the court. In computing the time, five
7 (5) days, Sundays and holidays shall be excluded and not counted. A
8 duplicate copy of said receipt shall immediately be filed with said
9 court clerk, who shall keep a record of same, provided ~~the sheriff~~
10 ~~and his deputies~~ ABLE shall be required to make the affidavit and
11 issue the receipt and otherwise comply with the provisions of this
12 act. Provided, that all liquors so seized shall be preserved for
13 use as evidence in the trial of any action growing out of such
14 seizure and all officers seizing any such liquors are hereby
15 required to mark the bottles or containers for identification by
16 writing thereon the date of the seizure and the name of the person
17 from whom seized. ~~The sheriff~~ ABLE shall be liable on ~~his~~ its bond
18 for the safe keeping of all such property so turned over to ~~him~~ it
19 under the provisions of this act.

20 SECTION 2. AMENDATORY 37A O.S. 2021, Section 1-107, is
21 amended to read as follows:

22 Section 1-107. A. The ABLE Commission shall have the following
23 powers and duties:
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1 1. To supervise, inspect and regulate every phase of the
2 business of manufacturing, importing, exporting, transporting,
3 storing, selling, distributing and possessing for the purpose of
4 sale, all alcoholic beverages which shall be necessary and proper to
5 carry out the purposes of the Oklahoma Alcoholic Beverage Control
6 Act;

7 2. To promulgate rules, in the manner herein provided, to carry
8 out the purposes of the Oklahoma Alcoholic Beverage Control Act;

9 3. To have the sole authority to issue any license provided for
10 in the Oklahoma Alcoholic Beverage Control Act and except as
11 provided in Sections ~~101~~ 4-104 and ~~102~~ 4-105 of this ~~act~~ title with
12 respect to cities, towns and counties, and except as may be provided
13 under Title 68 of the Oklahoma Statutes with respect to the Oklahoma
14 Tax Commission, no other agency, instrumentality or political
15 subdivision of this state shall be authorized to issue any license
16 or permit allowing any licensee to engage in any activity covered by
17 the Oklahoma Alcoholic Beverage Control Act anywhere within the
18 State of Oklahoma;

19 4. To refuse to issue any license provided for in the Oklahoma
20 Alcoholic Beverage Control Act for cause provided for in the
21 Oklahoma Alcoholic Beverage Control Act;

22 5. To revoke or suspend, for cause after hearing, any license
23 issued under the authority of the Oklahoma Alcoholic Beverage
24 Control Act;

1 6. To prescribe the forms of all reports which it deems
2 necessary in administering the Oklahoma Alcoholic Beverage Control
3 Act;

4 7. To fix standards not in conflict with those prescribed by
5 any law of this state or of the United States, to secure the use of
6 proper ingredients and methods of manufacture and dispensing of
7 alcoholic beverages;

8 8. To make seizures of alcoholic beverages manufactured, sold,
9 possessed, imported or transported in violation of the Oklahoma
10 Alcoholic Beverage Control Act, and apply for the confiscation
11 thereof whenever required by the Oklahoma Alcoholic Beverage Control
12 Act, and cooperate in the prosecution of offenders before any court
13 of competent jurisdiction;

14 9. To submit to the Governor and members of the State
15 Legislature annual or semiannual reports upon request of the
16 Governor;

17 10. To inspect or cause to be inspected any premises where
18 alcoholic beverages are manufactured, stored, distributed, sold,
19 dispensed or served;

20 11. In the conduct of any hearing authorized to be held by the
21 ABLE Commission:

22 a. to examine or cause to be examined, under oath, any
23 person,
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- 1 b. to examine or cause to be examined books and records
2 of any licensee,
3 c. to hear testimony and take proof material for the ABLE
4 Commission's information and the discharge of its
5 duties hereunder,
6 d. to administer or cause to be administered oaths, and
7 e. to issue subpoenas for the attendance of witnesses and
8 the production of books or records which shall be
9 effective in any part of the state. Any district
10 court or any judge thereof, either in term or
11 vacation, may by order duly entered require the
12 attendance of witnesses and the production of relevant
13 books or records subpoenaed by the ABLE Commission,
14 and the court or judge may compel obedience to the
15 order by proceedings for contempt;

16 12. To prescribe the kind and size of retail containers of
17 alcoholic beverages which may be purchased, possessed and sold by a
18 licensee;

19 13. To prescribe by rule, in addition to those herein required,
20 the kinds of records to be kept and reports to be rendered by
21 licensees, and the information to be shown therein; provided, that
22 the period for which all such records and reports be retained shall
23 not be less than five (5) years;

1 14. To gather, compile and print such statistical data as may
2 in the opinion of the ABLE Commission be needed or useful, and
3 prescribe charges or fees to be collected from any person or company
4 to whom such data shall be provided. No reports shall contain sales
5 information by name or license number;

6 15. To educate persons employed by licensees to sell or serve
7 alcoholic beverages as to the provisions of Article XXVIII A of the
8 Oklahoma Constitution and the Oklahoma Alcoholic Beverage Control
9 Act, with emphasis on recognizing and preventing intoxication and
10 particular emphasis on those provisions prohibiting the selling or
11 serving of alcoholic beverages to minors. The ABLE Commission may
12 contract with one or more entities, including but not limited to the
13 Oklahoma Department of Mental Health and Substance Abuse Services,
14 to perform the duties specified in this paragraph;

15 16. To purchase motor vehicles necessary for use in its
16 operations. Such motor vehicles shall not be required to have any
17 type of identifying marking thereon;

18 17. To purchase insurance on the motor vehicles owned and
19 operated by the ABLE Commission in accordance with statutory
20 provisions, subject to the approval of the Risk Management
21 Administrator as provided for in Section 85.58A of Title 74 of the
22 Oklahoma Statutes;

23 18. To approve or reject any official bond required to be filed
24 with the ABLE Commission; ~~and~~

1 19. To exercise all other powers and duties conferred by the
2 Oklahoma Alcoholic Beverage Control Act, and all powers incidental,
3 convenient or necessary to enable it to administer or carry out any
4 of the provisions of the Oklahoma Alcoholic Beverage Control Act;
5 and

6 20. To store seized alcoholic beverages pursuant to Section
7 1261 of Title 22 of the Oklahoma Statutes.

8 B. The ABLE Commission shall promulgate rules, pursuant to the
9 Administrative Procedures Act, to carry out the purposes of the
10 Oklahoma Alcoholic Beverage Control Act.

11 SECTION 3. This act shall become effective November 1, 2023.
12 Passed the House of Representatives the 13th day of March, 2023.

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14 _____
15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ___ day of _____, 2023.

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19 _____
20 Presiding Officer of the Senate
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