

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2987

By: Bennett

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending
8 Sections 22 and 40, Chapter 366, O.S.L. 2016, as last
9 amended by Sections 1 and 2, Chapter 35, O.S.L. 2019
10 (37A O.S. Supp. 2019, Sections 2-110 and 2-128),
11 which relate to licenses; authorizing sale of
12 alcoholic beverages for off-premises consumption in
13 mixed-use developments; defining term; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY Section 22, Chapter 366, O.S.L.
17 2016, as last amended by Section 1, Chapter 35, O.S.L. 2019 (37A
18 O.S. Supp. 2019, Section 2-110), is amended to read as follows:

19 Section 2-110. A. A mixed beverage license shall authorize the
20 holder thereof:

21 1. To purchase alcohol, spirits, beer and/or wine in retail
22 containers from the holder of a wine and spirits wholesaler and beer
23 distributor license as specifically provided by law. The holder of
24 a mixed beverage license issued for an establishment which is also a
restaurant may purchase wine directly from a winemaker and beer

1 directly from a small brewer who is permitted and has elected to
2 self-distribute as provided in Article XXVIII-A of the Oklahoma
3 Constitution;

4 2. To sell, offer for sale and possess mixed beverages for on-
5 premises consumption only; provided, a mixed beverage licensee may
6 sell beer and wine for off-premises consumption if it meets the
7 classification of a golf course, country club, or marina pursuant to
8 the most recently adopted North American Industry Classification
9 System (NAICS); provided further, a mixed beverage licensee may sell
10 alcoholic beverages for off-premises consumption if the licensed
11 premises are in a mixed-use development and the beverages are
12 consumed on the premises of the mixed-use development. The mixed
13 beverage licensee shall be permitted to sell ~~beer and wine~~ beverages
14 authorized by this paragraph for off-premises consumption during all
15 days and hours in which ~~a retail beer licensee or retail wine~~
16 ~~licensee~~ the sale of such beverages is permitted ~~to sell beer or~~
17 ~~wine.~~ The gross receipts tax set forth in Section 5-105 of this
18 title shall apply to all alcoholic beverages sold by the mixed
19 beverage licensee, whether those alcoholic beverages are intended
20 for on- or off-premises consumption. The ABLE Commission shall
21 promulgate rules for the implementation of a special off-premises
22 permit consistent with this ~~subsection~~ paragraph. The mixed
23 beverage licensee shall secure the special off-premises permit prior
24 to selling ~~beer and wine~~ beverages for off-premises consumption

1 pursuant to this paragraph. As used in this paragraph, "mixed-use
2 development" means a building and adjacent areas developed for any
3 combination of retail shops, restaurants, mixed beverage licensees
4 that do not sell or serve food, and hotels;

5 ~~3.~~ B. Sales and service of mixed beverages by holders of mixed
6 beverage licenses shall be limited to the licensed premises of the
7 licensee unless the holder of the mixed beverage license also
8 obtains a caterer license or a mixed beverage/caterer combination
9 license. A mixed beverage license shall only be issued in counties
10 of this state where the sale of alcoholic beverages by the
11 individual drink for on-premises consumption has been authorized. A
12 separate license shall be required for each place of business; and

13 ~~4.~~ C. Upon application, a mixed beverage license shall be
14 issued for any place of business functioning as a motion picture
15 theater, as defined by Section 1-103 of this title. Provided, that
16 upon proof of legal age to consume alcohol, every patron being
17 served alcoholic beverages shall be required to wear a wrist
18 bracelet or receive a hand stamp identifying the patron as being of
19 legal age to consume alcohol. This requirement shall only apply
20 inside a motion picture theater auditorium where individuals under
21 the legal age to consume alcohol are allowed.

22 SECTION 2. AMENDATORY Section 40, Chapter 366, O.S.L.
23 2016, as last amended by Section 2, Chapter 35, O.S.L. 2019 (37A
24 O.S. Supp. 2019, Section 2-128), is amended to read as follows:

1 Section 2-128. A. An on-premises beer and wine license shall
2 authorize the holder thereof:

3 1. To purchase beer and wine in retail containers from the
4 holder of a wholesaler, beer distributor, small brewer self-
5 distribution or brewpub self-distribution license or as specifically
6 provided by law. The holder of an on-premises beer and wine license
7 issued for an establishment which is also a restaurant may purchase
8 wine from a winemaker who is permitted and has elected to self-
9 distribute as provided in Article XXVIII-A of the Oklahoma
10 Constitution; and

11 2. To sell, offer for sale and possess beer and wine for on-
12 premises consumption only; provided, an on-premises beer and wine
13 licensee may sell beer and wine for off-premises consumption if it
14 meets the classification of a golf course, country club, or marina
15 pursuant to the most recently adopted North American Industry
16 Classification System (NAICS); provided further, an on-premises beer
17 and wine licensee may sell beer and wine for off-premises
18 consumption if the licensed premises are in a mixed-use development
19 and the beverages are consumed on the premises of the mixed-use
20 development. The ~~mixed beverage~~ on-premises beer and wine licensee
21 shall be permitted to sell beer and wine for off-premises
22 consumption during all days and hours in which a retail beer
23 licensee or retail wine licensee is permitted to sell beer or wine.
24 The gross receipts tax set forth in Section 5-105 of this title

1 shall apply to all alcoholic beverages sold by the on-premises beer
2 and wine licensee, whether those alcoholic beverages are intended
3 for on- or off-premises consumption. The ABLE Commission shall
4 promulgate rules for the implementation of a special off-premises
5 permit consistent with this subsection. The on-premises beer and
6 wine licensee shall secure the special off-premises permit prior to
7 selling beer and wine for off-premises consumption. As used in this
8 subsection, "mixed-use development" means a building and adjacent
9 areas developed for any combination of retail shops, restaurants,
10 mixed beverage licensees that do not sell or serve food, and hotels.

11 B. Sales and service of beer and wine by holders of on-premises
12 beer and wine licenses shall be limited to the licensed premises of
13 the licensee unless the holder of the on-premises beer and wine
14 license also obtains a caterer license. An on-premises beer and
15 wine license shall only be issued in counties of this state where
16 the sale of alcoholic beverages by the individual drink for on-
17 premises consumption has been authorized. A separate license shall
18 be required for each place of business. No spirits shall be stored,
19 possessed or consumed on the licensed premises of an on-premises
20 beer and wine license, unless the premises also has a mixed beverage
21 license.

22 SECTION 3. This act shall become effective November 1, 2020.

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24 57-2-9152 SD 01/06/20