

1 ENGROSSED SENATE
2 BILL NO. 760

By: Pugh of the Senate

3 and

4 Osburn of the House

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7 An Act relating to alcoholic beverage licensees;
8 amending Section 149, Chapter 366, O.S.L. 2016, as
9 amended by Section 8, Chapter 205, O.S.L. 2017 (37A
10 O.S. Supp. 2020, Section 6-109), which relates to
11 prohibited acts of certain licensees; authorizing
12 transport of alcoholic beverages in certain common
13 areas for certain licensees; allowing ABLE Commission
14 to designate common drinking areas for certain
15 licensees; requiring notice of consent for common
16 areas of certain licensees; and declaring an
17 emergency.

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

19 SECTION 1. AMENDATORY Section 149, Chapter 366, O.S.L.
20 2016, as amended by Section 8, Chapter 205, O.S.L. 2017 (37A O.S.
21 Supp. 2020, Section 6-109), is amended to read as follows:

22 Section 6-109. No mixed beverage, beer and wine, bottle club,
23 caterer, charitable event, public event or special event licensee or
24 any employee, manager, operator or agent thereof shall:

1. Consume or be under the influence of alcoholic beverages
during the hours he or she is on duty. For the purposes of this
section, licensees will be deemed to be on duty from the time the

1 licensee first comes on duty until the time the licensee goes off
2 duty at the end of the shift, including any break periods permitted
3 by management. This paragraph shall not apply to any person who
4 works on the premises as an entertainer only;

5 2. Permit or tolerate any conduct or language which is intended
6 to threaten another with physical harm or any fighting or offensive
7 physical contact, in or upon the licensed premises or areas just
8 outside the licensed premises which are controlled by the licensee;

9 3. Permit empty or discarded alcoholic beverage containers to
10 be in public view outside the licensed premises. All empty or
11 discarded containers shall be disposed of in accordance with ABLE
12 Commission rules and regulations;

13 4. Permit any illegal gambling activity, violations of the
14 state narcotic and dangerous drug laws, prostitution activity or any
15 other criminal conduct to occur on the licensed premises;

16 5. Refuse or fail to promptly open a door to the licensed
17 premises upon request of an employee of the ABLE Commission or any
18 other peace officer to enter the premises when the licensee or
19 employee knows or should know that such request is made by an
20 employee of the ABLE Commission or a peace officer. This provision
21 shall not be construed to deny employees of the ABLE Commission or
22 peace officers access at any time to any licensed premises;

23 6. Permit a sealed or unsealed container of alcoholic beverage
24 to be removed from the licensed premises. Provided, that

1 restaurants, hotels and motels may permit the removal of closed
2 original wine containers the contents of which have been partially
3 consumed and bottle clubs may permit the removal by a club member of
4 closed original containers of alcoholic beverages belonging to
5 members. The provisions of this paragraph shall not be construed to
6 prohibit or restrict:

- 7 a. hotels or motels who are holders of mixed beverage or
8 on-premises beer and wine licenses from allowing
9 alcoholic beverages to be served away from the bar
10 area anywhere on the licensed premises,
- 11 b. licensees, who are lawfully operating in a facility or
12 on property owned or operated by any agency, political
13 subdivision or public trust of this state, from
14 allowing persons to transport alcoholic beverages from
15 one licensed premises to another within the same
16 building or property, provided that the building or
17 property or a part thereof is defined as a common
18 drinking area for consumption of alcohol by resolution
19 of the governing body of the agency, political
20 subdivision or public trust of this state, or
- 21 c. licensees, who are licensed to operate in a facility
22 or on property owned or operated by any agency,
23 political subdivision or public trust of this state,
24 from allowing other licensees to operate on their

1 licensed premises for events that are temporary in
2 nature. In the event that multiple licensees are
3 operating in a facility or on property owned or
4 operated by any agency, political subdivision or
5 public trust of this state, each licensee shall be
6 responsible for violations occurring in their area
7 designated to be their temporary licensed premises; ~~or~~
8 d. licensees, who are lawfully operating in a facility or
9 property intended for multiple licensed premises
10 within the facility and also contains a common use
11 area, from allowing persons to transport alcoholic
12 beverages within the entire premises, which shall be
13 designated by the ABLE Commission as a common drinking
14 area for the consumption of alcoholic beverages.
15 Provided, further, the property owner and all
16 licensees licensed within the facility or property
17 desiring the entire premises be designated a common
18 drinking area shall notify the ABLE Commission in
19 writing of their consent prior to such area being
20 designated a common drinking area; or

21 7. Destroy, damage, alter, remove or conceal potential
22 evidence, or attempt to do so, or refuse to surrender evidence when
23 lawfully requested to do so by an inspector, agent or any other
24 peace officer or incite another person to do any of the above.

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 Passed the Senate the 4th day of March, 2021.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,
10 2021.

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Presiding Officer of the House
of Representatives

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