

# An Act

ENROLLED SENATE  
BILL NO. 760

By: Pugh and Bergstrom of the  
Senate

and

Osburn of the House

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

SUBJECT: Alcoholic beverage licensees

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

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

Section 6-109. No mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensee or 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 licensee first comes on duty until the time the licensee goes off duty at the end of the shift, including any break periods permitted by management. This paragraph shall not apply to any person who works on the premises as an entertainer only;

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

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

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

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

6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided, that restaurants, hotels and motels may permit the removal of closed original wine containers the contents of which have been partially consumed and bottle clubs may permit the removal by a club member of closed original containers of alcoholic beverages belonging to members. The provisions of this paragraph shall not be construed to prohibit or restrict:

- a. hotels or motels who are holders of mixed beverage or on-premises beer and wine licenses from allowing

alcoholic beverages to be served away from the bar area anywhere on the licensed premises,

- b. licensees, who are lawfully operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building or property, provided that the building or property or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of this state, or
- c. licensees, who are licensed to operate in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing other licensees to operate on their licensed premises for events that are temporary in nature. In the event that multiple licensees are operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, each licensee shall be responsible for violations occurring in their area designated to be their temporary licensed premises; ~~or~~
- d. licensees, who are lawfully operating in a facility or property intended for multiple licensed premises within the facility and also contains a common use area, from allowing persons to transport alcoholic beverages within the entire premises, which shall be designated by the ABLE Commission as a common drinking area for the consumption of alcoholic beverages. Provided, further, the property owner and all licensees licensed within the facility or property desiring the entire premises be designated a common drinking area shall notify the ABLE Commission in writing of their consent prior to such area being designated a common drinking area; or

7. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when

lawfully requested to do so by an inspector, agent or any other peace officer or incite another person to do any of the above.

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

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

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2021.

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

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_