

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 795

By: Leewright

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5  
6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending  
8 Section 22, Chapter 366, O.S.L. 2016, as last amended  
9 by Section 1, Chapter 35, O.S.L. 2019 (37A O.S. Supp.  
10 2020, Section 2-110), which relates to mixed beverage  
11 license; allowing golf courses and marinas to sell  
12 alcoholic beverages both on- and off-premises;  
13 repealing Section 22, Chapter 366, O.S.L. 2016, as  
14 last amended by Section 1, Chapter 424, O.S.L. 2019  
15 (37A O.S. Supp. 2020, Section 2-110), which relates  
16 to mixed beverage license; and declaring an  
17 emergency.

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

19 SECTION 1. AMENDATORY Section 22, Chapter 366, O.S.L.  
20 2016, as last amended by Section 1, Chapter 35, O.S.L. 2019 (37A  
21 O.S. Supp. 2020, Section 2-110), is amended to read as follows:

22 Section 2-110. A mixed beverage license shall authorize the  
23 holder thereof:

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

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

5 2. To sell, offer for sale and possess mixed beverages for on-  
6 premises consumption only; provided, a mixed beverage licensee may  
7 sell beer and wine in original sealed containers for on-premises  
8 and/or off-premises consumption if it meets the classification of a  
9 golf course, country club, or marina pursuant to the most recently  
10 adopted North American Industry Classification System (NAICS). The  
11 mixed beverage licensee shall be permitted to sell beer and wine in  
12 original sealed containers for on-premises and/or off-premises  
13 consumption during all days and hours in which a retail beer  
14 licensee or retail wine licensee is permitted to sell beer or wine.  
15 The mixed beverage licensee's sale of more than two original sealed  
16 containers to one person at one time for on-premises or off-premises  
17 consumption shall not be considered an unlawful inducement to  
18 stimulate consumption of alcoholic beverages under the Oklahoma  
19 Alcoholic Beverage Control Act. The gross receipts tax set forth in  
20 Section 5-105 of this title shall apply to all alcoholic beverages  
21 sold by the mixed beverage licensee, whether those alcoholic  
22 beverages are intended for on- or off-premises consumption. The  
23 ABLE Commission shall promulgate rules for the implementation of a  
24 special off-premises permit consistent with this subsection. The

1 mixed beverage licensee shall secure the special off-premises permit  
2 prior to selling beer and wine for off-premises consumption;

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

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

20 SECTION 2. REPEALER Section 22, Chapter 366, O.S.L.  
21 2016, as last amended by Section 1, Chapter 424, O.S.L. 2019 (37A  
22 O.S. Supp. 2020, Section 2-110), is hereby repealed.

23 SECTION 3. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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