

1 ENGROSSED HOUSE
2 BILL NO. 2651

By: Pittman and Davis of the
House

3 and

4 Young of the Senate
5
6

7 An Act relating to alcoholic beverages; providing for
8 bottle service; amending Section 3, Chapter 366,
9 O.S.L. 2016, as last amended by Section 13, Chapter
10 304, O.S.L. 2018 (37A O.S. Supp. 2018, Section 1-
11 103), which relates to definitions; defining certain
12 terms; amending Section 22, Chapter 366, O.S.L. 2016,
13 as amended by Section 6, Chapter 381, O.S.L. 2017
14 (37A O.S. Supp. 2018, Section 2-110), which relates
15 to mixed beverage licenses; granting additional
16 authorities to mixed beverage licensees; amending
17 Section 142, Chapter 366, O.S.L. 2016 (37A O.S. Supp.
18 2018, Section 6-102), which relates to prohibited
19 acts of licensees; providing certain exception to
20 prohibited acts; and providing an effective date.
21

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

23 SECTION 1. AMENDATORY Section 3, Chapter 366, O.S.L.
24 2016, as last amended by Section 13, Chapter 304, O.S.L. 2018 (37A
O.S. Supp. 2018, Section 1-103), is amended to read as follows:

Section 1-103. As used in the Oklahoma Alcoholic Beverage
Control Act:

1. "ABLE Commission" or "Commission" means the Alcoholic
Beverage Laws Enforcement Commission;

1 2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl
2 alcohol, ethanol or spirits of wine, from whatever source or by
3 whatever process produced. It does not include wood alcohol or
4 alcohol which has been denatured or produced as denatured in
5 accordance with Acts of Congress and regulations promulgated
6 thereunder;

7 3. "Alcoholic beverage" means alcohol, spirits, beer and wine
8 as those terms are defined herein and also includes every liquid or
9 solid, patented or not, containing alcohol, spirits, wine or beer
10 and capable of being consumed as a beverage by human beings;

11 4. "Applicant" means any individual, legal or commercial
12 business entity, or any individual involved in any legal or
13 commercial business entity allowed to hold any license issued in
14 accordance with the Oklahoma Alcoholic Beverage Control Act;

15 5. "Beer" means any beverage of alcohol by volume and obtained
16 by the alcoholic fermentation of an infusion or decoction of barley,
17 or other grain, malt or similar products. "Beer" may or may not
18 contain hops or other vegetable products. "Beer" includes, among
19 other things, beer, ale, stout, lager beer, porter and other malt or
20 brewed liquors, but does not include sake, known as Japanese rice
21 wine;

22 6. "Beer keg" means any manufacturer-sealed, single container
23 that contains not less than four (4) gallons of beer;

1 7. "Beer distributor" means and includes any person licensed to
2 distribute beer for retail sale in the state, but does not include a
3 holder of a small brewer self-distribution license or brewpub self-
4 distribution license. The term "distributor", as used in this act,
5 shall be construed to refer to a beer distributor;

6 8. "Bottle club" means any establishment in a county which has
7 not authorized the retail sale of alcoholic beverages by the
8 individual drink, which is required to be licensed to keep, mix and
9 serve alcoholic beverages belonging to club members on club
10 premises;

11 9. "Bottle service" means the sale and provision of spirits in
12 their original packages by a mixed beverage licensee to be consumed
13 in that mixed beverage licensee's club suite;

14 10. "Brand" means any word, name, group of letters, symbol or
15 combination thereof, that is adopted and used by a licensed
16 manufacturer to identify a specific beer and to distinguish that
17 product from another beer;

18 ~~10.~~ 11. "Brand extension" means:

19 a. after the effective date of this act, any brand of
20 beer or cider introduced by a manufacturer in this
21 state which either:

22 (1) incorporates all or a substantial part of the
23 unique features of a preexisting brand of the
24 same licensed manufacturer, or

(2) relies to a significant extent on the goodwill associated with the preexisting brand, or

b. any brand of beer that a manufacturer, the majority of whose total volume of all brands of beer distributed in this state by such manufacturer on January 1, 2016, was distributed as low-point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to continue selling a strong beer in this state which either:

(1) incorporates or incorporated all or a substantial part of the unique features of a preexisting low-point beer brand of the same licensed manufacturer, or

(2) relies or relied to a significant extent on the goodwill associated with a preexisting low-point beer brand;

~~11.~~ 12. "Brewer" means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this state;

~~12.~~ 13. "Brewpub" means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption;

1 ~~13.~~ 14. "Cider" means any alcoholic beverage obtained by the
2 alcoholic fermentation of fruit juice, including but not limited to
3 flavored, sparkling or carbonated cider. For the purposes of the
4 distribution of this product, cider may be distributed by either
5 wine and spirits wholesalers or beer distributors;

6 ~~14.~~ 15. "Club suite" means a designated area within the
7 premises of a mixed beverage licensee designed to provide an
8 exclusive space which is limited to a patron or patrons specifically
9 granted access by a mixed beverage licensee and is not accessible to
10 other patrons of the mixed beverage licensee or the public. A club
11 suite must have a clearly designated point of access for a patron or
12 patrons specifically granted access by the mixed beverage licensee
13 to ensure that persons present in the suite are limited to patrons
14 specifically granted access by the mixed beverage licensee and
15 employees providing services to the club suite;

16 16. "Convenience store" means any person primarily engaged in
17 retailing a limited range of general household items and groceries,
18 with extended hours of operation, whether or not engaged in retail
19 sales of automotive fuels in combination with such sales;

20 ~~15.~~ 17. "Convicted" and "conviction" mean and include a finding
21 of guilt resulting from a plea of guilty or nolo contendere, the
22 decision of a court or magistrate or the verdict of a jury,
23 irrespective of the pronouncement of judgment or the suspension
24 thereof;

1 ~~16.~~ 18. "Director" means the Director of the ABLE Commission;

2 ~~17.~~ 19. "Distiller" means any person who produces spirits from

3 any source or substance, or any person who brews or makes mash, wort

4 or wash, fit for distillation or for the production of spirits

5 (except a person making or using such material in the authorized

6 production of wine or beer, or the production of vinegar by

7 fermentation), or any person who by any process separates alcoholic

8 spirits from any fermented substance, or any person who, making or

9 keeping mash, wort or wash, has also in his or her possession or use

10 a still;

11 ~~18.~~ 20. "Distributor agreement" means the written agreement

12 between the distributor and manufacturer as set forth in Section 3-

13 108 of this title;

14 ~~19.~~ 21. "Drug store" means a person primarily engaged in

15 retailing prescription and nonprescription drugs and medicines;

16 ~~20.~~ 22. "Dual-strength beer" means a brand of beer that,

17 immediately prior to April 15, 2017, was being sold and distributed

18 in this state:

19 a. as a low-point beer pursuant to the Low-Point Beer

20 Distribution Act in effect immediately prior to ~~the~~

21 ~~effective date of this act~~ October 1, 2018, and

22 b. as strong beer pursuant to the Alcoholic Beverage

23 Control Act in effect immediately prior to ~~the~~

24 ~~effective date of this act~~ October 1, 2018,

1 and continues to be sold and distributed as such on October 1, 2018.
2 Dual-strength beer does not include a brand of beer that arose as a
3 result of a brand extension as defined in this section;

4 ~~21.~~ 23. "Fair market value" means the value in the subject
5 territory covered by the written agreement with the distributor or
6 wholesaler that would be determined in an arm's length transaction
7 entered into without duress or threat of termination of the
8 distributor's or wholesaler's rights and shall include all elements
9 of value, including goodwill and going-concern value;

10 ~~22.~~ 24. "Good cause" means:

- 11 a. failure by the distributor to comply with the material
12 and reasonable provisions of a written agreement or
13 understanding with the manufacturer, or
14 b. failure by the distributor to comply with the duty of
15 good faith;

16 ~~23.~~ 25. "Good faith" means the duty of each party to any
17 distributor agreement and all officers, employees or agents thereof
18 to act with honesty in fact and within reasonable standards of fair
19 dealing in the trade;

20 ~~24.~~ 26. "Grocery store" means a person primarily engaged in
21 retailing a general line of food, such as canned or frozen foods,
22 fresh fruits and vegetables, and fresh and prepared meats, fish and
23 poultry;

1 ~~25.~~ 27. "Hotel" or "motel" means an establishment which is
2 licensed to sell alcoholic beverages by the individual drink and
3 which contains guestroom accommodations with respect to which the
4 predominant relationship existing between the occupants thereof and
5 the owner or operator of the establishment is that of innkeeper and
6 guest. For purposes of this section, the existence of other legal
7 relationships as between some occupants and the owner or operator
8 thereof shall be immaterial;

9 ~~26.~~ 28. "Legal newspaper" means a newspaper meeting the
10 requisites of a newspaper for publication of legal notices as
11 prescribed in Sections 101 through 114 of Title 25 of the Oklahoma
12 Statutes;

13 ~~27.~~ 29. "Licensee" means any person holding a license under the
14 Oklahoma Alcoholic Beverage Control Act, and any agent, servant or
15 employee of such licensee while in the performance of any act or
16 duty in connection with the licensed business or on the licensed
17 premises;

18 ~~28.~~ 30. "Low-point beer" shall mean any beverages containing
19 more than one-half of one percent (1/2 of 1%) alcohol by volume, and
20 not more than three and two-tenths percent (3.2%) alcohol by weight,
21 including but not limited to, beer or cereal malt beverages obtained
22 by the alcoholic fermentation of an infusion by barley or other
23 grain, malt or similar products;

1 ~~29.~~ 31. "Manufacturer" means a brewer, distiller, winemaker,
2 rectifier or bottler of any alcoholic beverage and its subsidiaries,
3 affiliates and parent companies;

4 ~~30.~~ 32. "Manufacturer's agent" means a salaried or commissioned
5 salesperson who is the agent authorized to act on behalf of the
6 manufacturer or nonresident seller in the state;

7 ~~31.~~ 33. "Meals" means foods commonly ordered at lunch or dinner
8 and at least part of which is cooked on the licensed premises and
9 requires the use of dining implements for consumption. Provided,
10 that the service of only food such as appetizers, sandwiches, salads
11 or desserts shall not be considered "meals";

12 ~~32.~~ 34. "Mini-bar" means a closed container, either
13 refrigerated in whole or in part, or nonrefrigerated, and access to
14 the interior of which is:

- 15 a. restricted by means of a locking device which requires
16 the use of a key, magnetic card or similar device, or
17 b. controlled at all times by the licensee;

18 ~~33.~~ 35. "Mixed beverage cooler" means any beverage, by whatever
19 name designated, consisting of an alcoholic beverage and fruit or
20 vegetable juice, fruit or vegetable flavorings, dairy products or
21 carbonated water containing more than one-half of one percent (1/2
22 of 1%) of alcohol measured by volume but not more than seven percent
23 (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is
24 packaged in a container not larger than three hundred seventy-five

1 (375) milliliters. Such term shall include but not be limited to
2 the beverage popularly known as a "wine cooler";

3 ~~34.~~ 36. "Mixed beverages" means one or more servings of a
4 beverage composed in whole or part of an alcoholic beverage in a
5 sealed or unsealed container of any legal size for consumption on
6 the premises where served or sold by the holder of a mixed beverage,
7 beer and wine, caterer, public event, charitable event or special
8 event license;

9 ~~35.~~ 37. "Motion picture theater" means an establishment which
10 is licensed by Section 2-110 of this title to sell alcoholic
11 beverages by the individual drink and where motion pictures are
12 exhibited, and to which the general public is admitted;

13 ~~36.~~ 38. "Nonresident seller" means any person licensed pursuant
14 to Section 2-135 of this title;

15 ~~37.~~ 39. "Retail salesperson" means a salesperson soliciting
16 orders from and calling upon retail alcoholic beverage stores with
17 regard to his or her product;

18 ~~38.~~ 40. "Occupation" as used in connection with "occupation
19 tax" means the sites occupied as the places of business of the
20 manufacturers, wholesalers, beer distributors, retailers, mixed
21 beverage licensees, on-premises beer and wine licensees, bottle
22 clubs, caterers, public event and special event licensees;

23 ~~39.~~ 41. "Original package" means any container of alcoholic
24 beverage filled and stamped or sealed by the manufacturer;

1 ~~40.~~ 42. "Package store" means any sole proprietor or
2 partnership that qualifies to sell wine, beer and/or spirits for
3 off-premise consumption and that is not a grocery store, convenience
4 store or drug store, or other retail outlet that is not permitted to
5 sell wine or beer for off-premise consumption;

6 ~~41.~~ 43. "Patron" means any person, customer or visitor who is
7 not employed by a licensee or who is not a licensee;

8 ~~42.~~ 44. "Person" means an individual, any type of partnership,
9 corporation, association, limited liability company or any
10 individual involved in the legal structure of any such business
11 entity;

12 ~~43.~~ 45. "Premises" means the grounds and all buildings and
13 appurtenances pertaining to the grounds including any adjacent
14 premises if under the direct or indirect control of the licensee and
15 the rooms and equipment under the control of the licensee and used
16 in connection with or in furtherance of the business covered by a
17 license. Provided that the ABLE Commission shall have the authority
18 to designate areas to be excluded from the licensed premises solely
19 for the purpose of:

- 20 a. allowing the presence and consumption of alcoholic
21 beverages by private parties which are closed to the
22 general public, or
- 23 b. allowing the services of a caterer serving alcoholic
24 beverages provided by a private party.

1 This exception shall in no way limit the licensee's concurrent
2 responsibility for any violations of the Oklahoma Alcoholic Beverage
3 Control Act occurring on the licensed premises;

4 ~~44.~~ 46. "Private event" means a social gathering or event
5 attended by invited guests who share a common cause, membership,
6 business or task and have a prior established relationship. For
7 purposes of this definition, advertisement for general public
8 attendance or sales of tickets to the general public shall not
9 constitute a private event;

10 ~~45.~~ 47. "Public event" means any event that can be attended by
11 the general public;

12 ~~46.~~ 48. "Rectifier" means any person who rectifies, purifies or
13 refines spirits or wines by any process (other than by original and
14 continuous distillation, or original and continuous processing, from
15 mash, wort, wash or other substance, through continuous closed
16 vessels and pipes, until the production thereof is complete), and
17 any person who, without rectifying, purifying or refining spirits,
18 shall by mixing (except for immediate consumption on the premises
19 where mixed) such spirits, wine or other liquor with any material,
20 manufactures any spurious, imitation or compound liquors for sale,
21 under the name of whiskey, brandy, rum, gin, wine, spirits, cordials
22 or any other name;

23 ~~47.~~ 49. "Regulation" or "rule" means a formal rule of general
24 application promulgated by the ABLE Commission as herein required;

1 ~~48.~~ 50. "Restaurant" means an establishment that is licensed to
2 sell alcoholic beverages by the individual drink for on-premises
3 consumption and where food is prepared and sold for immediate
4 consumption on the premises;

5 ~~49.~~ 51. "Retail container for spirits and wines" means an
6 original package of any capacity approved by the United States
7 Bureau of Alcohol, Tobacco and Firearms;

8 ~~50.~~ 52. "Retailer" means a package store, grocery store,
9 convenience store or drug store licensed to sell alcoholic beverages
10 for off-premise consumption pursuant to a Retail Spirits License,
11 Retail Wine License or Retail Beer License;

12 ~~51.~~ 53. "Sale" means any transfer, exchange or barter in any
13 manner or by any means whatsoever, and includes and means all sales
14 made by any person, whether as principal, proprietor or as an agent,
15 servant or employee. The term "sale" is also declared to be and
16 include the use or consumption in this state of any alcoholic
17 beverage obtained within or imported from without this state, upon
18 which the excise tax levied by the Oklahoma Alcoholic Beverage
19 Control Act has not been paid or exempted;

20 ~~52.~~ 54. "Short-order food" means food other than full meals
21 including but not limited to sandwiches, soups and salads. Provided
22 that popcorn, chips and other similar snack food shall not be
23 considered "short-order food";
24

1 ~~53.~~ 55. "Small brewer" means a brewer who manufactures less
2 than twenty-five thousand (25,000) barrels of beer annually pursuant
3 to a validly issued Small Brewer License hereunder;

4 ~~54.~~ 56. "Small farm wine" means a wine that is produced by a
5 small farm winery with seventy-five percent (75%) or more Oklahoma-
6 grown grapes, berries, other fruits, honey or vegetables;

7 ~~55.~~ 57. "Small farm winery" means a wine-making establishment
8 that does not annually produce for sale more than fifteen thousand
9 (15,000) gallons of wine as reported on the United States Department
10 of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of
11 Wine Premises Operations (TTB Form 5120.17);

12 ~~56.~~ 58. "Sparkling wine" means champagne or any artificially
13 carbonated wine;

14 ~~57.~~ 59. "Special event" means an entertainment, recreation or
15 marketing event that occurs at a single location on an irregular
16 basis and at which alcoholic beverages are sold;

17 ~~58.~~ 60. "Spirits" means any beverage other than wine or beer,
18 which contains more than one-half of one percent (1/2 of 1%) alcohol
19 measured by volume, and obtained by distillation, whether or not
20 mixed with other substances in solution and includes those products
21 known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and
22 fortified wines and similar compounds, but shall not include any
23 alcohol liquid completely denatured in accordance with the Acts of
24 Congress and regulations pursuant thereto;

1 ~~59.~~ 61. "Strong beer" means beer which, prior to ~~the effective~~
2 ~~date of this act~~ October 1, 2018, was distributed pursuant to the
3 Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of
4 Title 37 of the Oklahoma Statutes;

5 ~~60.~~ 62. "Successor manufacturer" means a primary source of
6 supply, a brewer, a cider manufacturer or an importer that acquires
7 rights to a beer or cider brand from a predecessor manufacturer;

8 ~~61.~~ 63. "Tax Commission" means the Oklahoma Tax Commission;

9 ~~62.~~ 64. "Territory" means a geographic region with a specified
10 boundary;

11 ~~63.~~ 65. "Wine and spirits wholesaler" or "wine and spirits
12 distributor" means and includes any sole proprietorship or
13 partnership licensed to distribute wine and spirits in the state.
14 The term "wholesaler", as used in this act, shall be construed to
15 refer to a wine and spirits wholesaler; and

16 ~~64.~~ 66. "Wine" means and includes any beverage containing more
17 than one-half of one percent (1/2 of 1%) alcohol by volume and not
18 more than twenty-four percent (24%) alcohol by volume at sixty (60)
19 degrees Fahrenheit obtained by the fermentation of the natural
20 contents of fruits, vegetables, honey, milk or other products
21 containing sugar, whether or not other ingredients are added, and
22 includes vermouth and sake, known as Japanese rice wine.

1 Words in the plural include the singular, and vice versa, and
2 words imparting the masculine gender include the feminine, as well
3 as persons and licensees as defined in this section.

4 SECTION 2. AMENDATORY Section 22, Chapter 366, O.S.L.
5 2016, as amended by Section 6, Chapter 381, O.S.L. 2017 (37A O.S.
6 Supp. 2018, Section 2-110), is amended to read as follows:

7 Section 2-110. A mixed beverage license shall authorize the
8 holder thereof:

9 1. To purchase alcohol, spirits, beer and/or wine in retail
10 containers from the holder of a wine and spirits wholesaler and beer
11 distributor license as specifically provided by law; ~~and~~

12 2. To sell, offer for sale and possess mixed beverages for on-
13 premises consumption only; provided, the holder of a mixed beverage
14 license issued for an establishment which is also a restaurant may
15 purchase wine directly from a winemaker and beer directly from a
16 small brewer who is permitted and has elected to self-distribute as
17 provided in Article XXVIII A of the Oklahoma Constitution; and

18 3. To sell spirits in their original packages for consumption
19 on its premises under the following conditions:

20 a. spirits in their original packages shall remain and be
21 consumed in the club suite of a mixed beverage
22 licensee and may not be removed from the club suite if
23 not consumed in their entirety at or before the
24 conclusion of the period for which the club suite was

1 made available to a specific patron or patrons by the
2 mixed beverage licensee,

3 b. spirits in their original packages to be consumed in
4 the club suite are provided exclusively by the mixed
5 beverage licensee,

6 c. the number of original packages of spirits provided
7 for consumption in the club suite may not exceed six,
8 and

9 d. the patron specifically granted access to the club
10 suite by a mixed beverage licensee signs a contract
11 with the mixed beverage licensee that no person under
12 twenty-one (21) years of age will be provided or
13 served alcoholic beverages in the club suite.

14 Sales and service of mixed beverages by holders of mixed
15 beverage licenses shall be limited to the licensed premises of the
16 licensee unless the holder of the mixed beverage license also
17 obtains a caterer license or a mixed beverage/caterer combination
18 license. A mixed beverage license shall only be issued in counties
19 of this state where the sale of alcoholic beverages by the
20 individual drink for on-premises consumption has been authorized. A
21 separate license shall be required for each place of business.

22 Upon application, a mixed beverage license shall be issued for
23 any place of business functioning as a motion picture theater, as
24 defined by Section 1-103 of this title. Provided, that upon proof

1 of legal age to consume alcohol, every patron being served alcoholic
2 beverages shall be required to wear a wrist bracelet or receive a
3 hand stamp identifying the patron as being of legal age to consume
4 alcohol. This requirement shall only apply inside a motion picture
5 theater auditorium where individuals under the legal age to consume
6 alcohol are allowed.

7 SECTION 3. AMENDATORY Section 142, Chapter 366, O.S.L.
8 2016 (37A O.S. Supp. 2018, Section 6-102), is amended to read as
9 follows:

10 Section 6-102. No licensee of the ABLE Commission shall:

11 1. Receive, possess or sell any alcoholic beverage except as
12 authorized by the Oklahoma Alcoholic Beverage Control Act and by the
13 license or permit which the licensee holds;

14 2. Employ any person under eighteen (18) years of age in the
15 selling of beer or wine or employ any person under twenty-one (21)
16 years of age in the selling of spirits. Provided:

- 17 a. a mixed beverage, beer and wine, caterer, public
18 event, special event, bottle club, retail wine or
19 retail beer licensee may employ servers or sales
20 clerks who are at least eighteen (18) years of age,
21 except persons under twenty-one (21) years of age may
22 not serve in designated bar or lounge areas, and
23 b. a mixed beverage, beer and wine, caterer, public
24 event, special event or bottle club licensee may

1 employ or hire musical bands who have musicians who
2 are under eighteen (18) years of age if each such
3 musician is either accompanied by a parent or legal
4 guardian or has on ~~their~~ his or her person, to be made
5 available for inspection upon demand by any employee
6 of the ABLE Commission or law enforcement officer, a
7 written, notarized affidavit from the parent or legal
8 guardian giving the underage musician permission to
9 perform in designated bar or lounge areas;

10 3. Give any alcoholic beverage as a prize, premium or
11 consideration for any lottery, game of chance or skill or any type
12 of competition;

13 4. Use any of the following means or inducements to stimulate
14 the consumption of alcoholic beverages, including but not limited
15 to:

- 16 a. deliver more than two drinks to one person at one
- 17 time,
- 18 b. sell or offer to sell to any person or group of
- 19 persons any drinks at a price that is less than six
- 20 percent (6%) below the markup of the cost to the mixed
- 21 beverage licensee; provided, a mixed beverage licensee
- 22 shall be permitted to offer these drink specials on
- 23 any particular hour of any particular day and shall
- 24

- 1 not be required to offer these drink specials for an
2 entire calendar week or from open to close,
- 3 c. sell or offer to sell to any person an unlimited
4 number of drinks during any set period of time for a
5 fixed price, except at private functions not open to
6 the public,
- 7 d. sell or offer to sell drinks to any person or group of
8 persons on any one day or portion thereof at prices
9 less than those charged the general public on that
10 day, except at private functions not open to the
11 public,
- 12 e. increase the volume of alcoholic beverages contained
13 in a drink without increasing proportionately the
14 price regularly charged for such drink during the same
15 calendar week, or
- 16 f. encourage or permit, on the licensed premises, any
17 game or contest which involves drinking or the
18 awarding of drinks as prizes.

19 Provided, that the provisions of this paragraph shall not
20 prohibit the advertising or offering of food ~~or~~, entertainment, or
21 bottle service in licensed establishments;

22 5. Permit or allow any patron or person to exit the licensed
23 premises with an open container of any alcoholic beverage.

24 Provided, this prohibition shall not be applicable to closed

original containers of alcoholic beverages which are carried from the licensed premises of a bottle club by a patron, closed original wine containers removed from the premises of restaurants, hotels and motels, or to closed original containers of alcoholic beverages transported to and from the place of business of a licensed caterer by the caterer or an employee of the caterer;

6. Serve or sell alcoholic beverages with an expired license issued by the ABLE Commission; or

7. Permit any person to be drunk or intoxicated on the licensee's licensed premises.

SECTION 4. This act shall become effective November 1, 2019.

Passed the House of Representatives the 11th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2019.

Presiding Officer of the Senate