

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 114

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to alcoholic beverage licenses;
8 creating the golf course/marina beverage license;
9 stating license authority and requirements;
10 authorizing sale and service of sealed containers of
11 wine and beer; requiring retail store on premises;
12 limiting where license is authorized; allowing
13 simultaneous application for licenses; requiring
14 separate license for each location; directing
15 promulgation of rules by ABLE Commission; providing
16 for employee license; stating age and eligibility for
17 purchases; stating presumption of consumption;
18 prohibiting consumption in certain places; directing
19 purchases be made from licensed wholesaler and beer
20 distributors; defining terms; providing additional
21 requirements and limitations; providing for
22 codification; providing an effective date; and
23 declaring an emergency.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 2-119A of Title 37A, unless
27 there is created a duplication in numbering, reads as follows:

28 A. A golf course/marina beverage license shall authorize the
29 holder thereof to sell or serve beer and wine in sealed containers
30 of any size in accordance with the rules promulgated by the ABLE

1 Commission. All beer and wine sales shall be made from a retail
2 store located on the premises and owned by the respective golf
3 course or marina. A golf course/marina beverage license shall only
4 be issued in counties of this state where the sale of alcoholic
5 beverages by the individual drink for on-premises consumption has
6 been authorized. A golf course/marina beverage license shall only
7 be issued to a golf course or marina as defined by this section
8 which is also the holder of a mixed beverage license or mixed
9 beverage/caterer combination license. Provided, that application
10 may be made simultaneously for both such licenses for a golf course
11 or marina. A separate license shall be required for each place of
12 business.

13 B. The ABLE Commission shall promulgate rules governing the
14 application for and the issuance of golf course/marina beverage
15 licenses. All employees handling beer and wine offered for sale at
16 a retail store located on the premises of a golf course or waters
17 where the marina provides its services must possess an employee
18 license issued by the ABLE Commission. The holder of a golf
19 course/marina beverage licensee shall only sell beer and wine in
20 sealed containers to customers aged twenty-one years or older who
21 are engaged in activities on the respective golf course premises or
22 waters where the marina provides its services.

23 C. Beer and wine purchased from a retail store located on the
24 premises of a golf course or marina premises or waters where the

1 marina provides its services shall be presumed to be purchased for
2 consumption on the golf course or waters where the marina provides
3 its services, except consumption shall be prohibited inside the
4 actual premises of the retail store or inside any restaurant or food
5 establishment premises subject to a mixed beverage license or mixed
6 beverage/caterer license.

7 D. The holder of a golf course/marina beverage license shall
8 purchase alcoholic beverages only from a licensed wine wholesaler or
9 beer distributor, or as otherwise specifically provided by law. No
10 restaurant located on the respective golf course or marina premises
11 subject to a mixed beverage license or mixed beverage/caterer
12 combination license shall sell or provide sealed containers of
13 alcoholic beverages to any customer or retail store associated with
14 the golf course or marina.

15 E. For purposes of this section:

16 1. "Golf course" means a regulation golf facility where there
17 is at least one regulation golf course and may include other golf
18 components on the same premises such as a golf range, putting
19 course, practice course, and golf simulator. The golf course must
20 additionally have the following:

- 21 a. a restaurant on-premise that holds a mixed beverage
22 license or a mixed beverage/cater combination license,
- 23 b. a retail store where merchandise and services are
24 provided to golf customers for a fee,

- c. a valid Oklahoma Sales Tax Number issued by the Oklahoma Tax Commission, and
- d. a golf course rating recognized by at least one professional or national golf association.

The term "golf course" does not include any:

- a. pitch and putt course,
- b. stand-alone golf range, putting course, practice course or indoor simulator,
- c. miniature golf or putt-putt golf course, or
- d. non-traditional golf facility; and

2. "Marina" means a commercial boating establishment located on or adjacent to a body of water which provides boat docks and/or secure moorings for pleasure boats and offers boating supplies, repairs, fuel, and other facilities to customers. A marina must additionally have:

- a. a restaurant or food establishment on-premise that holds a mixed beverage license or a mixed beverage/cater combination license,
- b. a retail store where merchandise and services are provided to boating customers for a fee,
- c. a valid Oklahoma Sales Tax Number issued by the Oklahoma Tax Commission, and
- d. proper permits or authority for operation of boat docks and secure moorings.

1 SECTION 2. This act shall become effective July 1, 2019.

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