

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 728

By: Leewright

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6 AS INTRODUCED

7 An Act relating to alcohol on golf courses; creating  
8 a golf complex beverage license; establishing purpose  
9 and scope of license; restricting license to certain  
10 counties approved for liquor by the drink; requiring  
11 certain additional license; allowing simultaneous  
12 application for certain licenses; requiring separate  
13 license for each place of business; directing ABLE  
14 Commission to promulgate rules; mandating certain  
15 persons hold employee license; limiting sales to  
16 certain persons of certain age engaged in activities  
17 on golf complex; making presumption of consumption;  
18 prohibiting consumption in certain places; directing  
19 certain purchases from certain wholesalers and  
20 distributors; prohibiting restaurant from selling or  
21 providing certain sealed containers; providing  
22 definitions approved by certain national and  
23 professional organizations; defining terms; providing  
24 for codification; providing an effective date; and  
25 declaring an emergency.

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

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

23 A. A golf complex beverage license shall authorize the holder  
24 thereof to sell or serve beer and wine in sealed containers of any  
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1 size in accordance with the rules promulgated by the ABLE  
2 Commission. All beer and wine sales shall be made from a golf  
3 complex pro shop located on the golf complex premises. A golf  
4 complex beverage license shall only be issued in counties of this  
5 state where the sale of alcoholic beverages by the individual drink  
6 for on-premises consumption has been authorized. A golf complex  
7 beverage license shall only be issued to a golf complex as defined  
8 by this section, which is also the holder of a mixed beverage  
9 license or mixed beverage/caterer combination license. Provided,  
10 that application may be made simultaneously for both such licenses.  
11 A separate license shall be required for each place of business.

12 B. The ABLE Commission shall promulgate rules governing the  
13 application for and the issuance of golf complex beverage licenses.  
14 All employees handling beer and wine offered for sale at a golf  
15 complex pro shop must possess an employee license issued by the ABLE  
16 Commission. The golf complex beverage licensee shall only sell beer  
17 and wine to a customer engaged in activities on the golf complex who  
18 is at least twenty-one years of age.

19 C. Beer and wine purchased from a golf complex pro shop shall  
20 be presumed to be purchased for consumption on the golf complex,  
21 except consumption shall be prohibited inside the actual premises of  
22 the golf complex pro shop or inside any restaurant premises subject  
23 to a mixed beverage license or mixed beverage/caterer license  
24 located on the golf complex.

1 D. The holder of a golf complex beverage license shall purchase  
2 alcoholic beverages only from a licensed wine wholesaler or beer  
3 distributor, or as otherwise specifically provided by law. No  
4 restaurant located on golf complex premises subject to a mixed  
5 beverage license or mixed beverage/caterer combination license shall  
6 sell or provide sealed containers of alcoholic beverages to any  
7 customer or golf complex pro shop.

8 E. The following terms shall apply for purposes of this  
9 section:

10 1. "Golf complex" means a regulation golf facility where there  
11 is at least one regulation golf course or an alternative golf  
12 facility with at least one alternative golf course. The complex may  
13 include other golf components on the premises such as a golf range,  
14 putting course, practice course, and golf simulator. The complex  
15 must additionally have the following:

- 16 a. a restaurant on-premise where food and beverages are  
17 prepared and served to customers,
- 18 b. a retail store or pro shop where golf-related  
19 merchandise and services are provided to customers for  
20 a fee and where goods, pre-packaged snacks, beverages  
21 and miscellaneous items may be purchased by customers  
22 for use or consumption,
- 23 c. a valid Oklahoma Sales Tax Number issued by the  
24 Oklahoma Tax Commission,

- d. approved zoning or land use permit for the golf complex,
- e. a golf course rating recognized by at least one professional or national golf association, and
- f. liability insurance.

The term "golf complex" does not include the following defined terms:

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

2. "Golf facility" means a regulation or alternative private golf course, resort golf course, commercial golf course, public access golf course, daily fee golf course, semi-private golf course, municipal golf course, or military golf course;

3. "Regulation golf course" means any nine-hole or 18-hole golf course that includes a variety of par three, par four and par five holes, and is of traditional length and par; a nine-hole golf course must be at least two thousand six hundred (2,600) yards in length and at least par 33, and an 18-hole golf course must be at least five thousand two hundred (5,200) yards in length and at least par 66;

1 4. "Alternative golf course" means and includes the following  
2 courses:

3 a. "par-three course" means a golf course comprised  
4 exclusively of par three holes that average at least  
5 one hundred (100) yards in length,

6 b. "executive golf course" means a short golf course with  
7 a variety of par three, par four, and/or par five  
8 holes with an 18-hole course being five thousand two  
9 hundred (5,200) yards or less in length with a par 65  
10 or less,

11 c. "non-traditional hole configuration course" means a  
12 golf course where the holes are of traditional length  
13 in something other than a nine-hole or 18-hole  
14 configuration;

15 5. "Pitch & putt golf course" means a short par three course  
16 where the holes average less than one hundred (100) yards in length  
17 and the course may be lighted for night play. A course may be 3 to  
18 9 holes. A pitch & putt golf course is not a component of a golf  
19 complex;

20 6. "Private golf course" means a golf facility where play is  
21 restricted to members and their guests;

22 7. "Resort golf course" means a golf facility usually  
23 affiliated with a lodging component or municipal or state park;  
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1 8. "Public access golf course" means a golf facility that  
2 provides at least limited access to the public and which may or may  
3 not offer memberships. Public access courses include the following  
4 courses:

5 a. "commercial golf course" means a course owned and  
6 managed by a private organization that is operated for  
7 profit and may be part of a real estate development,  
8 country club, hotel, casino or resort that is open to  
9 the general public for a fee,

10 b. "daily fee golf course" means a privately owned golf  
11 course that is open to the public without restriction,

12 c. "semi-private golf course" means a public course that  
13 offers memberships,

14 d. "municipal golf course" means a tax-supported golf  
15 facility owned by a city, county, state or  
16 governmental public-trust, which is open to the  
17 general public at all times,

18 e. "military golf course" means a golf course affiliated  
19 with a military base where members of the military and  
20 their families receive preferred rates;

21 9. "Golf range" means a golf facility, commonly known as a  
22 driving range, where the public has the opportunity to hit golf  
23 balls from tees. A golf range that is not open to the public, such  
24 as at private and resort facilities, is not included in this

1 definition. A golf range may be a stand-alone facility or a  
2 component of a golf complex;

3 10. "Stand-alone range" means a golf range that is not part of  
4 a golf complex;

5 11. "Non-traditional golf facility" means any golf facility  
6 that involves participation, but does not meet the definition of a  
7 golf complex;

8 12. "Putting course" means a large green area with numerous  
9 cups used for putting or chipping practice. A putting course may be  
10 a stand-alone course or a component of a golf complex;

11 13. "Miniature golf or putt-putt golf" means a short putting  
12 course comprised entirely of a putting surface with various  
13 obstacles and hazards placed between the tee and cup. The facility  
14 may be lighted for night play. Miniature and putt-putt golf are not  
15 a component of a golf complex;

16 14. "Indoor simulators" means golf played on a graphically or  
17 photographically simulated golf range or golf course, usually in an  
18 indoor setting, which allows the participant to continue their sport  
19 regardless of weather or time of day by use of the electronic,  
20 computerized or technical system. An indoor simulator may be a  
21 stand-alone indoor simulator or a component of a golf complex; and

22 15. "Practice course" means a short course of not more than  
23 three holes where a participant can practice playing golf while  
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1 being away from regulation course participants. A practice course  
2 may be a stand-alone course or a component of a golf complex.

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

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

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