

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2122

By: McEntire

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7 COMMITTEE SUBSTITUTE

8 An Act relating to alcoholic beverages; enacting the
9 Oklahoma Cocktails To Go Act of 2021; defining terms;
10 providing requirements for cocktails, mixed drinks or
11 single-serve wine to be transferred and sold for off-
12 premises consumption; prohibiting third-party
13 deliveries; requiring employees delivering alcoholic
14 drinks to comply with executive orders; prohibiting
15 certain actions; providing that licensees authorized
16 to deliver cocktails, mixed drinks or single-serve
17 wine by this act are responsible for violations of
18 any alcoholic beverage law or rule of the Alcoholic
19 Beverage Laws Enforcement Commission, municipal
20 ordinance or administrative rule; providing
21 authorization only to holders of an Oklahoma mixed
22 beverage license or caterer license; providing this
23 act shall be repealed one year after taking effect;
24 providing for codification; providing an effective
date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 7-101 of Title 37A, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Cocktails To Go Act of 2021".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7-102 of Title 37A, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this section:

5 1. "Cocktail" or "mixed drink" means any beverage obtained by
6 combining ingredients alcoholic in nature, whether brewed,
7 fermented, or distilled, with ingredients nonalcoholic in nature,
8 such as fruit juice, lemonade, cream or a carbonated beverage;

9 2. "Single-serve wine" means a bottle or sealed container,
10 containing seven (7) fluid ounces, or less, of wine;

11 3. "Original container" means, for the purposes of this section
12 only, a container that is filled, sealed and secured by a mixed
13 beverage licensee's or caterer licensee's employee at the mixed
14 beverage licensee's or caterer licensee's location with a tamper-
15 evident lid or cap;

16 4. "Sealed container" means a rigid container that contains a
17 mixed drink, is new, has never been used, has a secured lid or cap
18 designed to prevent consumption without removal of the lid or cap
19 and is tamper evident. Sealed container does not include a
20 container with a lid with sipping holes or openings for straws or a
21 container made of plastic, paper or polystyrene foam; and

22 5. "Tamper evident" means a lid or cap that has been sealed
23 with tamper-evident covers, including, but not limited to, wax dip
24 or heat shrink-wrap.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7-103 of Title 37A, unless there
3 is created a duplication in numbering, reads as follows:

4 A cocktail, mixed drink or single-serve wine placed in a sealed
5 container by a mixed beverage licensee at the mixed beverage
6 licensee's or caterer licensee's location may be transferred and
7 sold for off-premises consumption if the following requirements are
8 met:

9 1. The cocktail, mixed beverage or single-serve wine is
10 transferred within the licensed premises by a curbside pickup or by
11 delivery by an employee of the retail licensee who:

- 12 a. is at least twenty-one (21) years of age, and
- 13 b. upon delivery, verifies the age of the person to whom
14 the cocktail is being delivered;

15 2. If the employee delivering the cocktail, mixed drink or
16 single-serve wine is not able to safely verify a person's age or
17 level of intoxication upon delivery, the employee shall cancel the
18 sale of alcohol and return the product to the retail license holder;

19 3. The sealed container is placed in the trunk of the vehicle
20 or, if there is no trunk, in the vehicle's rear compartment that is
21 not readily accessible to the passenger area; and

22 4. The sealed container shall be affixed with a label or tag
23 that contains the following information:

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- 1 a. the cocktail, mixed drink or single-serve wine
- 2 ingredients, type and name of the alcohol,
- 3 b. the name, license number and address of the mixed
- 4 beverage licensee or caterer licensee who filled the
- 5 original container and sold the product,
- 6 c. the volume of the cocktail, mixed drink or single-
- 7 serve wine in the sealed container, and
- 8 d. verification that the sealed container was filled less
- 9 than seven (7) days before the date of sale.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 7-104 of Title 37A, unless there
12 is created a duplication in numbering, reads as follows:

13 Third-party delivery services are not permitted to deliver
14 cocktails, mixed drinks, and single-serve wine under this section.

15 SECTION 5. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7-105 of Title 37A, unless there
17 is created a duplication in numbering, reads as follows:

18 If there is an executive order of the Governor in effect during
19 a disaster, the employee delivering the mixed drink or cocktail must
20 comply with any requirements of that executive order, including, but
21 not limited to, wearing gloves and a mask and maintaining social-
22 distancing requirements when interacting with the public.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7-106 of Title 37A, unless there
3 is created a duplication in numbering, reads as follows:

4 Delivery or carry out of a cocktail, mixed drink or single-serve
5 wine is prohibited if:

6 1. A third party delivers the cocktail, mixed drink or single-
7 serve wine;

8 2. A container of a mixed drink, cocktail or single-serve wine
9 is not tamper evident and sealed;

10 3. A container of a mixed drink, cocktail or single-serve wine
11 is transported in the passenger area of a vehicle;

12 4. A mixed drink, cocktail or single-serve wine is delivered by
13 a person or to a person who is under twenty-one (21) years of age;
14 or

15 5. The person delivering a mixed drink, cocktail or single-
16 serve wine fails to verify the age of the person to whom the mixed
17 drink or cocktail is being delivered.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 7-107 of Title 37A, unless there
20 is created a duplication in numbering, reads as follows:

21 Each licensee authorized to deliver cocktails, mixed drinks or
22 single-serve wine to consumers pursuant to this act shall be held
23 responsible for violation of any alcoholic beverage law or rule of
24 the Alcoholic Beverage Laws Enforcement Commission affecting his or

1 her license privileges and for any act or omission of his or her
2 servant, agent, employee or representative in violation of any law,
3 municipal ordinance or administrative rule affecting his or her
4 license privileges.

5 SECTION 8. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 7-108 of Title 37A, unless there
7 is created a duplication in numbering, reads as follows:

8 This act shall only grant authorization to holders of State of
9 Oklahoma mixed beverage liquor licenses or caterer licenses but not
10 to licensees that simultaneously hold any licensure or privilege to
11 manufacture alcoholic liquors or beverages within or outside of the
12 State of Oklahoma.

13 SECTION 9. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 7-109 of Title 37A, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall cease to have the force and effect of law one (1)
17 year after effective date of this act.

18 SECTION 10. This act shall become effective July 1, 2021.

19 SECTION 11. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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