

An Act

ENROLLED HOUSE
BILL NO. 2122

By: McEntire and Pittman of the
House

and

Coleman of the Senate

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authorization only to holders of an Oklahoma mixed beverage license or caterer license; providing this act shall be repealed one year after taking effect; and providing for codification.

SUBJECT: Alcoholic beverages

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".

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

As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Each licensee authorized to deliver cocktails, mixed drinks or single-serve wine to consumers pursuant to this act shall be held responsible for violation of any alcoholic beverage law or rule of the Alcoholic Beverage Laws Enforcement Commission affecting his or her license privileges and for any act or omission of his or her servant, agent, employee or representative in violation of any law, municipal ordinance or administrative rule affecting his or her license privileges.

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

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

Passed the House of Representatives the 3rd day of May, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____