

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2122

By: McEntire

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5  
6 AS INTRODUCED

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21 providing this act shall be repealed one year after  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

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

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

22 This act shall be known and may be cited as the "Oklahoma  
23 Cocktails To Go Act of 2021".  
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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. "Original container" means, for the purposes of this section  
10 only, a container that is filled, sealed and secured by a mixed  
11 beverage licensee's employee at the mixed beverage licensee's  
12 location with a tamper-evident lid or cap.

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

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

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

1 A cocktail or mixed drink placed in a sealed container by a  
2 mixed beverage licensee at the mixed beverage licensee's location  
3 may be transferred and sold for off-premises consumption if the  
4 following requirements are met:

5 1. The cocktail is transferred within the licensed premises, by  
6 a curbside pickup or by delivery by an employee of the retail  
7 licensee who:

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

11 2. If the employee delivering the cocktail is not able to  
12 safely verify a person's age or level of intoxication upon delivery,  
13 the employee shall cancel the sale of alcohol and return the product  
14 to the retail license holder;

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

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

- 20 a. the cocktail or mixed drink ingredients, type and name  
21 of the alcohol,
- 22 b. the name, license number and address of the mixed  
23 beverage licensee that filled the original container  
24 and sold the product,

1 c. the volume of the cocktail or mixed drink in the  
2 sealed container, and

3 d. the sealed container was filled less than seven (7)  
4 days before the date of sale.

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

8 Third-party delivery services are not permitted to deliver  
9 cocktails and mixed drinks under this section.

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

13 If there is an executive order of the Governor in effect during  
14 a disaster, the employee delivering the mixed drink or cocktail must  
15 comply with any requirements of that executive order, including, but  
16 not limited to, wearing gloves and a mask and maintaining distancing  
17 requirements when interacting with the public.

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

21 Delivery or carry out of a cocktail or mixed drink is prohibited  
22 if:

23 1. A third party delivers the cocktail or mixed drink;  
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1        2. A container of a mixed drink or cocktail is not tamper  
2 evident and sealed;

3        3. A container of a mixed drink or cocktail is transported in  
4 the passenger area of a vehicle;

5        4. A mixed drink or cocktail is delivered by a person or to a  
6 person who is under the age of 21; or

7        5. The person delivering a mixed drink or cocktail fails to  
8 verify the age of the person to whom the mixed drink or cocktail is  
9 being delivered.

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

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

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

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

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

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

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

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

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