

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1367

By: Hays

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9 POLICY COMMITTEE RECOMMENDATION

10 An Act relating to alcohol licensure; establishing
11 certain protections for certain establishment
12 licensed by the Alcoholic Beverage Laws Enforcement
13 Commission; defining term; requiring certain
14 affidavits; requiring proof of certain violations;
15 requiring certain written policies; directing certain
16 recordkeeping; providing for codification; and
17 providing an effective date.

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 6-130 of Title 37A, unless there
21 is created a duplication in numbering, reads as follows:

22 As used in this section:

23 1. "Employee" means any person paid by an establishment
24 licensed by the Alcoholic Beverage Laws Enforcement (ABLE)

1 Commission to sell, serve, dispense, or deliver alcoholic beverages
2 or to immediately manage, direct, supervise, or control the sale or
3 service of alcoholic beverages; and

4 2. "Seller-server training certificate" means a certificate
5 granted for completing an Oklahoma seller-server certification
6 course recognized by the ABLE Commission.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 6-130.1 of Title 37A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. An establishment licensed by the Alcoholic Beverage Laws
11 Enforcement (ABLE) Commission that claims that the actions of an
12 employee are not attributable to the establishment licensed by the
13 ABLE Commission under this act, shall provide to the ABLE
14 Commission, not later than ten (10) days after receipt of an
15 administrative notice of violation, an affidavit indicating that the
16 establishment licensed by the ABLE Commission was in compliance with
17 the requirements of this act at the time of the violation for which
18 the administrative notice was issued. At a hearing in which the
19 establishment licensed by the ABLE Commission claims the benefits of
20 this act, the establishment licensed by the ABLE Commission may be
21 required to present additional evidence to support such claim.

22 B. At a time when an employee does not possess a currently
23 valid employee license from the ABLE Commission, the action of the
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1 employee shall be attributable to the establishment licensed by the
2 ABLE Commission if the employee:

3 1. Sells, furnishes, or gives an alcoholic beverage to:

4 a. a person who is insane or mentally deficient,

5 b. a minor, or

6 c. an intoxicated person; or

7 2. Allows consumption of an alcoholic beverage by:

8 a. a person who is insane or mentally deficient,

9 b. a minor, or

10 c. an intoxicated person.

11 C. Proof by the ABLE Commission that an employee performed an
12 action described this act on three or more occasions within a
13 twelve-month period shall create a rebuttable presumption that an
14 establishment licensed by the ABLE Commission has indirectly
15 encouraged a violation of the law pursuant to this act. The
16 rebuttable presumption is created regardless of whether the employee
17 performing the action described in this subsection on a second or
18 subsequent occasion is the same employee who performed the initial
19 action. Proof of violation shall be demonstrated by:

20 1. Producing final orders issued by the ABLE Commission or a
21 court of competent jurisdiction finding that the establishment
22 licensed by the ABLE Commission violated this act, on two past
23 occasions; and

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1 2. Establishing a prima facie case that an employee of the
2 establishment licensed by the ABLE Commission violated this act on a
3 third or subsequent occasion.

4 D. Proof of violation of this act shall be for the same type of
5 offense and shall have occurred within a twelve-month period, as
6 calculated from the dates the incidents occurred.

7 E. A rebuttable presumption shall be established if the ABLE
8 Commission presents sufficient proof that an establishment licensed
9 by the ABLE Commission has adhered to the following requirements:

10 1. Requiring each employee to present a seller-server training
11 certificate within fourteen (14) days of his or her initial
12 employment date, unless the employee is deemed exempt by an existing
13 statute and require each employee to attend a seller-server training
14 course every two (2) years upon renewal of the employee license; and
15 attend a seller-server training course every two (2) years after the
16 initial employment date, unless an employee is exempt pursuant to
17 Section 2-121 of Title 37A of the Oklahoma Statutes;

18 2. Requiring each employee to maintain a currently valid
19 employee license from the ABLE Commission;

20 3. Adopting written policies and procedures that are designed
21 to prohibit:

22 a. the sale, service, dispensation, or delivery of an
23 alcoholic beverage to:

24 (1) a person who is insane or mentally deficient,

1 (2) a minor, or

2 (3) an intoxicated person, or

3 b. the employee from allowing consumption of an alcoholic
4 beverage by:

5 (1) a person who is insane or mentally deficient,

6 (2) a minor, or

7 (3) an intoxicated person; and

8 4. Ensuring that all employees have read and understood the
9 ABLE Commission's policies and procedures established in this act,
10 and maintaining records for at least one (1) year after the date
11 employment was terminated that show that each employee had read and
12 understood the license or permit holder's then current policies and
13 procedures established under this act.

14 F. At a hearing in which the establishment licensed by the ABLE
15 Commission asserts the affirmative defense established in this act,
16 the Commission may present evidence to establish a rebuttable
17 presumption under this section. If the evidence is sufficient to
18 establish a prima facie case, the burden of persuasion in the
19 proceeding shifts to the establishment licensed by the ABLE
20 Commission to show that it has not indirectly encouraged a violation
21 of the law within the meaning of this act.

22 G. Nothing in this act shall be construed to establish
23 exclusive means by which the ABLE Commission may establish that a
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1 license or permit holder has indirectly encouraged a violation of
2 this act.

3 SECTION 3. This act shall become effective November 1, 2025.

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