

1 ENGROSSED SENATE
2 BILL NO. 1032

By: Howard of the Senate

3 and

4 Hays of the House

5
6 An Act relating to alcohol licensure; establishing
7 certain protections for certain establishment
8 licensed by the Alcoholic Beverage Laws Enforcement
9 Commission; defining term; requiring certain
10 affidavits; requiring proof of certain violations;
11 requiring certain written policies; directing certain
12 recordkeeping; providing for codification; and
13 providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-130 of Title 37A, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in this section:

17 1. "Employee" means any person paid by an establishment
18 licensed by the Alcoholic Beverage Laws Enforcement (ABLE)
19 Commission to sell, serve, dispense, or deliver alcoholic beverages
20 or to immediately manage, direct, supervise, or control the sale or
21 service of alcoholic beverages; and

22 2. "Seller-server training certificate" means a certificate
23 granted for completing an Oklahoma seller-server certification
24 course recognized by the ABLE Commission.

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

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

16 B. At a time when an employee does not possess a currently
17 valid employee license from the ABLE Commission, the action of the
18 employee shall be attributable to the establishment licensed by the
19 ABLE Commission if the employee:

- 20 1. Sells, furnishes, or gives an alcoholic beverage to:
- 21 a. a person who is insane or mentally deficient,
 - 22 b. a minor, or
 - 23 c. an intoxicated person; or
- 24 2. Allows consumption of an alcoholic beverage by:

- 1 a. a person who is insane or mentally deficient,
- 2 b. a minor, or
- 3 c. an intoxicated person.

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

13 1. Producing final orders issued by the ABLE Commission or a
14 court of competent jurisdiction finding that the establishment
15 licensed by the ABLE Commission violated this act, on two past
16 occasions; and

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

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

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

4 1. Requiring each employee to present a seller-server training
5 certificate within fourteen (14) days of his or her initial
6 employment date and attend a seller-server training course every two
7 (2) years after the initial employment date, unless an employee is
8 exempt pursuant to Section 2-121 of Title 37A of the Oklahoma
9 Statutes;

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

12 3. Adopting written policies and procedures that are designed
13 to prohibit:

14 a. the sale, service, dispensation, or delivery of an
15 alcoholic beverage to:

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

17 (2) a minor, or

18 (3) an intoxicated person, or

19 b. the employee from allowing consumption of an alcoholic
20 beverage by:

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

22 (2) a minor, or

23 (3) an intoxicated person; and
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1 4. Ensuring that all employees have read and understood the
2 ABLE Commission's policies and procedures established in this act,
3 and maintaining records for at least one (1) year after the date
4 employment was terminated that show that each employee had read and
5 understood the license or permit holder's then current policies and
6 procedures established under this act.

7 F. At a hearing in which the establishment licensed by the ABLE
8 Commission asserts the affirmative defense established in this act,
9 the Commission may present evidence to establish a rebuttable
10 presumption under this section. If the evidence is sufficient to
11 establish a prima facie case, the burden of persuasion in the
12 proceeding shifts to the establishment licensed by the ABLE
13 Commission to show that it has not indirectly encouraged a violation
14 of the law within the meaning of this act.

15 G. Nothing in this act shall be construed to establish
16 exclusive means by which the ABLE Commission may establish that a
17 license or permit holder has indirectly encouraged a violation of
18 this act.

19 SECTION 3. This act shall become effective November 1, 2025.
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1 Passed the Senate the 13th day of March, 2025.

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Presiding Officer of the Senate

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5 Passed the House of Representatives the ____ day of _____,
6 2025.

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Presiding Officer of the House
of Representatives

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