

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1381

By: Dempsey of the House

and

Daniels of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to alcoholic beverages; amending 37A
12 O.S. 2021, Section 1-107, which relates to the powers
13 and duties of the Oklahoma Alcoholic Beverage Laws
14 Enforcement Commission; requiring an annual report
15 that contains certain information to be made
16 available to certain individuals; requiring report to
17 be made available online; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-107, is
21 amended to read as follows:

22 Section 1-107. A. The ABLE Commission shall have the following
23 powers and duties:

24 1. To supervise, inspect and regulate every phase of the
business of manufacturing, importing, exporting, transporting,
storing, selling, distributing and possessing for the purpose of

1 sale, all alcoholic beverages which shall be necessary and proper to
2 carry out the purposes of the Oklahoma Alcoholic Beverage Control
3 Act;

4 2. To promulgate rules, in the manner herein provided, to carry
5 out the purposes of the Oklahoma Alcoholic Beverage Control Act;

6 3. To have the sole authority to issue any license provided for
7 in the Oklahoma Alcoholic Beverage Control Act and except as
8 provided in Sections ~~101 and 102 of this act~~ 4-104 and 4-105 of this
9 title with respect to cities, towns and counties, and except as may
10 be provided under Title 68 of the Oklahoma Statutes with respect to
11 the Oklahoma Tax Commission, no other agency, instrumentality or
12 political subdivision of this state shall be authorized to issue any
13 license or permit allowing any licensee to engage in any activity
14 covered by the Oklahoma Alcoholic Beverage Control Act anywhere
15 within the State of Oklahoma;

16 4. To refuse to issue any license provided for in the Oklahoma
17 Alcoholic Beverage Control Act for cause provided for in the
18 Oklahoma Alcoholic Beverage Control Act;

19 5. To revoke or suspend, for cause after hearing, any license
20 issued under the authority of the Oklahoma Alcoholic Beverage
21 Control Act;

22 6. To prescribe the forms of all reports which it deems
23 necessary in administering the Oklahoma Alcoholic Beverage Control
24 Act;

1 7. To fix standards not in conflict with those prescribed by
2 any law of this state or of the United States, to secure the use of
3 proper ingredients and methods of manufacture and dispensing of
4 alcoholic beverages;

5 8. To make seizures of alcoholic beverages manufactured, sold,
6 possessed, imported or transported in violation of the Oklahoma
7 Alcoholic Beverage Control Act, and apply for the confiscation
8 thereof whenever required by the Oklahoma Alcoholic Beverage Control
9 Act, and cooperate in the prosecution of offenders before any court
10 of competent jurisdiction;

11 9. To submit to the Governor and members of the State
12 Legislature annual or semiannual reports upon request of the
13 Governor;

14 10. To prepare an annual report by February 28 of each year
15 listing the number of licenses revoked or suspended and the basis
16 for the action, including all complaints submitted to the ABLE
17 Commission with the complainant's name and organization. The report
18 shall also include the number of tickets written, the total amount
19 of the tickets and the total amount penalized. The report shall be
20 delivered to the Governor, Speaker of the Oklahoma House of
21 Representatives and President Pro Tempore of the Oklahoma State
22 Senate, and made public on the ABLE website.

1 11. To inspect or cause to be inspected any premises where
2 alcoholic beverages are manufactured, stored, distributed, sold,
3 dispensed or served;

4 ~~11.~~ 12. In the conduct of any hearing authorized to be held by
5 the ABLE Commission:

- 6 a. to examine or cause to be examined, under oath, any
7 person,
- 8 b. to examine or cause to be examined books and records
9 of any licensee,
- 10 c. to hear testimony and take proof material for the ABLE
11 Commission's information and the discharge of its
12 duties hereunder,
- 13 d. to administer or cause to be administered oaths, and
- 14 e. to issue subpoenas for the attendance of witnesses and
15 the production of books or records which shall be
16 effective in any part of the state. Any district
17 court or any judge thereof, either in term or
18 vacation, may by order duly entered require the
19 attendance of witnesses and the production of relevant
20 books or records subpoenaed by the ABLE Commission,
21 and the court or judge may compel obedience to the
22 order by proceedings for contempt;

1 ~~12.~~ 13. To prescribe the kind and size of retail containers of
2 alcoholic beverages which may be purchased, possessed and sold by a
3 licensee;

4 ~~13.~~ 14. To prescribe by rule, in addition to those herein
5 required, the kinds of records to be kept and reports to be rendered
6 by licensees, and the information to be shown therein; provided,
7 that the period for which all such records and reports be retained
8 shall not be less than five (5) years;

9 ~~14.~~ 15. To gather, compile and print such statistical data as
10 may in the opinion of the ABLE Commission be needed or useful, and
11 prescribe charges or fees to be collected from any person or company
12 to whom such data shall be provided. No reports shall contain sales
13 information by name or license number;

14 ~~15.~~ 16. To educate persons employed by licensees to sell or
15 serve alcoholic beverages as to the provisions of Article XXVIII A of
16 the Oklahoma Constitution and the Oklahoma Alcoholic Beverage
17 Control Act, with emphasis on recognizing and preventing
18 intoxication and particular emphasis on those provisions prohibiting
19 the selling or serving of alcoholic beverages to minors. The ABLE
20 Commission may contract with one or more entities, including but not
21 limited to the Oklahoma Department of Mental Health and Substance
22 Abuse Services, to perform the duties specified in this paragraph;

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1 ~~16.~~ 17. To purchase motor vehicles necessary for use in its
2 operations. Such motor vehicles shall not be required to have any
3 type of identifying marking thereon;

4 ~~17.~~ 18. To purchase insurance on the motor vehicles owned and
5 operated by the ABLE Commission in accordance with statutory
6 provisions, subject to the approval of the Risk Management
7 Administrator as provided for in Section 85.58A of Title 74 of the
8 Oklahoma Statutes;

9 ~~18.~~ 19. To approve or reject any official bond required to be
10 filed with the ABLE Commission; and

11 ~~19.~~ 20. To exercise all other powers and duties conferred by
12 the Oklahoma Alcoholic Beverage Control Act, and all powers
13 incidental, convenient or necessary to enable it to administer or
14 carry out any of the provisions of the Oklahoma Alcoholic Beverage
15 Control Act.

16 B. The ABLE Commission shall promulgate rules, pursuant to the
17 Administrative Procedures Act, to carry out the purposes of the
18 Oklahoma Alcoholic Beverage Control Act.

19 SECTION 2. This act shall become effective November 1, 2025.

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21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
22 OVERSIGHT, dated 02/27/2025 - DO PASS, As Amended and Coauthored.

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