

1 **SENATE FLOOR VERSION**

2 February 27, 2025

3 SENATE BILL NO. 1032

By: Howard of the Senate

4 and

5 Hays of the House

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

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

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

20 As used in this section:

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

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

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

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

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

- 23           1. Sells, furnishes, or gives an alcoholic beverage to:  
24           a. a person who is insane or mentally deficient,

1           b.    a minor, or

2           c.    an intoxicated person; or

3        2.    Allows consumption of an alcoholic beverage by:

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

5           b.    a minor, or

6           c.    an intoxicated person.

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

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

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

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

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

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

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

15 3. Adopting written policies and procedures that are designed  
16 to prohibit:

17 a. the sale, service, dispensation, or delivery of an  
18 alcoholic beverage to:

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

20 (2) a minor, or

21 (3) an intoxicated person, or

22 b. the employee from allowing consumption of an alcoholic  
23 beverage by:

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

1 (2) a minor, or

2 (3) an intoxicated person; and

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE  
23 February 27, 2025 - DO PASS  
24