

BILL SUMMARY
1st Session of the 60th Legislature

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| Bill No.: | HB1367 |
| Version: | FA1 |
| Request Number: | 13324 |
| Author: | Rep. Hays |
| Date: | 3/17/2025 |
| Impact: | \$0 |

Research Analysis

The floor amendment for HB 1367 adds definitions of employee and seller-server training certificate. The measure provides that certain actions of an employee are not attributable to an ABLE licensed establishment and will be an affirmative defense to such liability when the establishment receives a notice of violation for certain actions of an employee. Employee actions listed in the measure are not attributable to the establishment and a licensed establishment may assert the affirmative defense if the establishment requires all employees to maintain a valid employee license, requires each employee to present a seller-server training certificate within 14 days of their initial employment date unless they are exempt and require employees to attend a course every two years upon renewal of the license and every two years after the initial employment date, adopt written policies and procedures which prohibit the listed provisions, and ensures all employees have read and understood the required policies by written acknowledgement that will be kept for one year after termination. A licensed establishment asserting this affirmative defense will provide to the ABLE Commission an affidavit acknowledging they were in compliance no later than 10 days of an administrative notice of a violation. If an employee does not have a currently valid employee license from the ABLE Commission, the action of the employee will be attributable to the licensed establishment. Proof that employee performed an action described in this act on three or more occasions within a year will create a rebuttable presumption that a licensed establishment encouraged a violation of the law pursuant to this act. This rebuttable presumption is created regardless of whether the person performing the action a subsequent or second time is the same employee. Nothing in this act will be construed to establish exclusive means by which the ABLE Commission may establish that a licensed establishment has indirectly encouraged a violation of this act.

CHANGES IN FLOOR SUB VERSION FROM COMMITTEE SUBSTITUTE:

The floor amendment specifies evidence that the licensed establishment must provide to indicate that they were in compliance at the time of the violation for which they received an administrative notice. The floor also expands details regarding a hearing in which the licensed establishment asserts the affirmative defense established in the act.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

The floor amendment to HB 1367 specifies certain actions by employees that are not attributable to establishments licensed by the Alcoholic Beverage Laws Enforcement Commission (ABLE). Additionally, the measure establishes the requirements under which ABLE-licensed establishments may assert an affirmative defense. In its current form, HB 1367 is not anticipated to have a direct fiscal impact on the state budget or appropriations.

Prepared By: Alexandra Ladner, House Fiscal Staff

Other Considerations

None.

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