

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1367 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Neil Hays \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED POLICY  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1367

By: Hays

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9 PROPOSED POLICY COMMITTEE SUBSTITUTE

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  
24

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

24

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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