

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

SPEAKER:

CHAIR:

I move to amend SB1032 \_\_\_\_\_  
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**

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

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

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

1 PROPOSED OVERSIGHT  
COMMITTEE SUBSTITUTE  
2 FOR ENGROSSED  
3 SENATE BILL NO. 1032

By: Howard of the Senate

4 and

Hays of the House

5  
6  
7  
8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to alcoholic beverages; defining  
10 terms; making certain actions by an employee not  
11 attributable to licensed establishments; providing an  
12 affirmative defense under certain circumstances;  
13 requiring licensed establishments to present certain  
14 information when asserting the affirmative defense;  
15 attributing certain actions by an employee to the  
16 licensed establishment; creating a rebuttable  
17 presumption that a licensed establishment has  
18 indirectly encouraged violations of the law by  
19 employees; authorizing the ABLE Commission to present  
20 evidence to establish a rebuttable presumption;  
21 stating which party has the burden of persuasion;  
22 providing construing provision; providing for  
23 codification; and providing an effective date.

24  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

As used in this section:

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

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

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

12       A. Certain actions of an employee are not attributable to  
13 an establishment licensed by the Alcoholic Beverage Laws Enforcement  
14 (ABLE) Commission and shall be an affirmative defense to such  
15 liability when such licensed establishment receives a notice of  
16 violation for certain actions of an employee.

17       B. The following actions of an employee of a licensed  
18 establishment are not attributable to the licensed establishment:

19       1. The selling, furnishing, or giving of an alcoholic beverage  
20 to:

- 21           a. a person who is insane or mentally deficient,
- 22           b. a minor, or
- 23           c. an intoxicated person; or

24       2. Allowing the 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. A licensed establishment may assert the affirmative defense  
5 if the licensed establishment:

6           1. Required all employees to maintain a currently valid  
7 employee license from the ABLE Commission;

8           2. Required each employee to present a seller-server training  
9 certificate within fourteen (14) days of his or her initial  
10 employment date, unless the employee is deemed exempt by an existing  
11 statute and required each employee to attend a seller-server  
12 training course every two (2) years upon renewal of the employee  
13 license and attend a seller-server training course every two (2)  
14 years after the initial employment date, unless an employee is  
15 exempt pursuant to Section 2-121 of Title 37A of the Oklahoma  
16 Statutes;

17           3. Adopted written policies and procedures which prohibit:

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

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

21               (2) a minor, or

22               (3) an intoxicated person, or

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

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

2 (2) a minor, or

3 (3) an intoxicated person; and

4 4. Ensured that all employees have read and understood the  
5 required policies as provided in paragraph 3 of this subsection by  
6 having an acknowledgment of understanding by the employee in  
7 writing. Such acknowledgment shall be kept for record by the  
8 licensed establishment for at least one (1) year after the date the  
9 employee was terminated.

10 D. A licensed establishment asserting the affirmative defense  
11 under this act shall provide to the ABLE Commission, not later than  
12 ten (10) days after receipt of an administrative notice of  
13 violation, an affidavit indicating that the licensed establishment  
14 was in compliance with the requirements of this act at the time of  
15 the violation for which the administrative notice was issued, which  
16 shall include a copy of the valid employee license held by the  
17 employee who committed the alleged violation, a copy of the current  
18 training certificate held by that employee, and a signed copy of  
19 acknowledgment of receipt of policies by the employee. At a hearing  
20 in which the licensed establishment asserts the affirmative defense  
21 created by this act, the licensed establishment may be required to  
22 present additional evidence to support such defense.

1 E. When an employee does not possess a currently valid employee  
2 license from the ABLE Commission, the action of the employee shall  
3 be attributable to the licensed establishment.

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

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

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

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

22 H. At a hearing in which the licensed establishment asserts the  
23 affirmative defense established in this act, the ABLE Commission may  
24 present evidence to establish a rebuttable presumption under this

1 act. If the evidence is sufficient to establish a prima facie case,  
2 the burden of persuasion in the proceeding shifts to the licensed  
3 establishment to show that it has not indirectly encouraged a  
4 violation of the law within the meaning of this act.

5 I. Nothing in this act shall be construed to establish  
6 exclusive means by which the ABLE Commission may establish that a  
7 licensed establishment has indirectly encouraged a violation of this  
8 act.

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

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11 60-1-13492 JL 04/14/25

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