O K L A H O M A S T A T E S E N A T E
JOINT
COMMITTEE REPORT

May 12, 2020

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 1928

By: Thompson of the Senate and Wallace of the House

Title: Appropriations; making an appropriation to the Department of Corrections. Emergency.

Recommendation: **DO PASS AS AMENDED**

Aye: Bice, Brooks, Daniels, Dossett, Dugger, Floyd, Hall, Ikley-Freeman, Jech, Matthews, Montgomery, Pemberton, Pugh, Rosino, Scott, Simpson, Stanislawski, Rader, Thompson

Nay: Shaw

Constitutional Privilege:

Senator Roger Thompson, Chair

Committee Substitute, motion by Senator THOMPSON - Adopted (Request No: 4086)

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET COMMITTEE

SB1928

By: Wallace et al of the House

Thompson et al of the Senate

Title: Appropriations; making an appropriation to the Department of Corrections. Emergency.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached

Chr.
Representative Kevin Wallace

YEAS: 25

Baker, Bennett, Echols, Fetgatter, Ford, Hilbert, Kannady, Lepak, Martinez, McBride, McEntire, Meredith, Munson, Nichols, O'Donnell, Ortega, Osburn, Pfeiffer, Roberts (D), Sanders, Taylor, Virgin, Walke, Wallace, West (J)

NAYS: 3

Newton, West (K), Worthen

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1928

By: Thompson and Rader of the Senate

and

Wallace and Hilbert of the House

COMMITTEE SUBSTITUTE

An Act relating to alcoholic beverage delivery; allowing curbside and delivery of alcoholic beverage products to certain age customers from certain licensees; setting conditions of delivery; providing methods of payment; requiring responsibility for delivery employees; prohibiting use of third-party vendor and delivery services; requiring compliance with laws, rules, procedures and executive orders; authorizing promulgation of rules by the Oklahoma ABLE Commission; construing provision; amending Section 45, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2019, Section 2-133), which relates to responsibility for violations by employee; adding certain licensees conducting delivery of alcoholic beverage products to consumers; providing for codification; and declaring an emergency.

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 2-161 of Title 37A, unless there is created a duplication in numbering, reads as follows:

A. Retail spirit licensees may sell curbside and deliver alcoholic beverages including beer, wine, and spirits in sealed original containers to consumers aged twenty-one (21) years and older as follows:

1. Only employees of the retail spirit licensee shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by the retail spirit licensee may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and

3. The retail spirit licensee shall be responsible for his or her delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

B. Small brewers and small farm wineries licensed by the Oklahoma ABLE Commission may sell curbside only alcoholic beverages produced by such licensee in sealed original containers to consumers aged twenty-one (21) years and older as follows:

1. Only employees of the licensed small brewer or small farm winery shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by licensed small brewers or small farm wineries may be made by cash, check, transportable credit/debit card processors, or advance on-line payment methods; and

3. Small brewers and small farm wineries shall be responsible for their delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

C. Restaurants, bars and clubs holding mixed beverage, beer and wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE Commission may sell curbside and deliver only closed packages of beer and wine to consumers aged twenty-one (21) years and older as follows:

1. Only employees of such restaurant, bar or club licensee shall be permitted to make alcoholic beverage package deliveries to consumers;

2. Payment for alcoholic beverage package delivery by licensed restaurants, bars and clubs may be made by cash, check, transportable credit/debit card processors, or advance on-line payment methods; and

3. Restaurants, bars and clubs licensed by the Oklahoma ABLE Commission shall be responsible for their delivery employees as provided in Section 2-133 of Title 37A of the Oklahoma Statutes.

D. Grocery and convenience stores holding a retail beer and/or retail wine license issued by the Oklahoma ABLE Commission may sell curbside and deliver original sealed containers of beer and/or wine only according to the license held to consumers aged twenty-one (21) years and older as follows:

1. Only employees of such licensed grocery or convenience store shall be permitted to make alcoholic beverage product deliveries to consumers;

2. Payment for alcoholic beverage product delivery by a licensed grocery or convenience store may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and

3. Grocery and convenience store licensees shall be responsible for their delivery employees as provided in Section 2-133 of Title 37a of the Oklahoma Statutes.

E. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers are prohibited from utilizing third-party vendors or delivery services for purposes of completing such product deliveries to consumers.

F. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers shall comply with the laws, rules, procedures and executive orders incumbent on such licensee.

G. The Oklahoma ABLE Commission is authorized to promulgate rules, regulations, forms and procedures necessary to implement and enforce the provisions of this section.

H. For purposes of this section each delivery authorized by a licensee to be made by his or her employee shall be deemed a direct hand-to-hand sale as though the consumer was physically present on the licensed premises and authorized by law by such licensee.

SECTION 2. AMENDATORY Section 45, Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2019, Section 2-133), is amended to read as follows:

Section 2-133. Each licensee authorized to deliver alcoholic beverage products to consumers in Section 1 of this act and each bottle club or mixed beverage, beer and wine, caterer, public event, charitable event or special event licensee shall be held responsible for violation of any alcoholic beverage law or administrative rule of the ABLE Commission affecting his or her license privileges and for any act or omission of his or her servant, agent, employee or representative in violation of any law, municipal ordinance or administrative rule affecting his or her license privileges.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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