

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 809

By: Coleman

4  
5  
6 AS INTRODUCED

7 An Act relating to Oklahoma Cocktails To Go Act of  
8 2021; amending 37A O.S. 2021, Sections 7-102, as  
9 amended by Section 1, Chapter 373, O.S.L. 2022 and 7-  
10 103, as amended by Section 2, Chapter 373, O.S.L.  
11 2022 (37A O.S. Supp. 2022, Sections 7-102 and 7-103),  
12 which relate to definitions and requirements;  
13 modifying definition; allowing certain licensee to  
14 participate in curbside pickup or delivery of sealed  
15 alcoholic beverages; lowering the age of employee  
16 allowed to deliver sealed alcoholic beverage;  
17 allowing for sealed alcoholic beverage to be carried  
18 out by customer; requiring notification to customer  
19 purchasing sealed alcoholic beverage through a drive-  
20 through; and providing an effective date.

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

22 SECTION 1. AMENDATORY 37A O.S. 2021, Section 7-102, as  
23 amended by Section 1, Chapter 373, O.S.L. 2022 (37A O.S. Supp. 2022,  
24 Section 7-102), is amended to read as follows:

Section 7-102. As used in this act:

25 1. "Cocktail" or "mixed drink" means any beverage obtained by  
26 combining ingredients alcoholic in nature, whether brewed,  
27 fermented, or distilled, with ingredients nonalcoholic in nature,  
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1 such as, but not limited to, fruit juice, lemonade, cream, or a  
2 carbonated beverage;

3 2. "Single-serve wine" means a bottle or sealed container,  
4 containing seven (7) fluid ounces, or less, of wine;

5 3. "Original container" means, for the purposes of this act  
6 only, a container that is filled, sealed and secured with a tamper-  
7 evident lid or cap by the original manufacturer of the mixed drink  
8 or by a mixed beverage licensee's or caterer licensee's employee at  
9 the mixed beverage licensee's or caterer licensee's location;

10 4. "Sealed container" means a rigid container that contains a  
11 mixed drink, is new, has never been used, has a secured lid or cap  
12 designed to prevent consumption without removal of the lid or cap  
13 and is tamper evident. Sealed container does not include a  
14 container with a lid with sipping holes or openings for straws or a  
15 container made of plastic, paper or polystyrene foam; and

16 5. "Tamper evident" means a lid or cap that has been sealed  
17 with tamper-evident covers, including, but not limited to, wax dip  
18 or heat-shrink wrap.

19 SECTION 2. AMENDATORY 37A O.S. 2021, Section 7-103, as  
20 amended by Section 2, Chapter 373, O.S.L. 2022 (37A O.S. Supp. 2022,  
21 Section 7-103), is amended to read as follows:

22 Section 7-103. A cocktail, mixed drink, or single-serve wine in  
23 its original container may be transferred and sold for off-premises  
24 consumption if the following requirements are met:

1 1. The cocktail, mixed beverage, or single-serve wine is  
2 transferred within the licensed premises by a curbside pickup or by  
3 delivery by an employee of the mixed beverage licensee, mixed  
4 beverage/caterer combination licensee, or retail licensee who:

- 5 a. is at least ~~twenty-one (21)~~ eighteen (18) years of  
6 age, and
- 7 b. upon delivery, verifies the age of the person to whom  
8 the cocktail is being delivered;

9 2. If the employee delivering the cocktail, mixed drink, or  
10 single-serve wine is not able to safely verify a person's age or  
11 level of intoxication upon delivery, the employee shall cancel the  
12 sale of alcohol and return the product to the mixed beverage license  
13 holder, mixed beverage/caterer combination license holder, or retail  
14 license holder;

15 3. The sealed container is placed in the trunk of the vehicle  
16 or, if there is no trunk, in the vehicle's rear compartment that is  
17 not readily accessible to the passenger area;

18 4. In the case of a mixed drink sealed by the mixed beverage or  
19 caterer licensee, the sealed container shall be affixed with a label  
20 or tag that contains the following information:

- 21 a. the cocktail, mixed drink or single-serve wine  
22 ingredients, type and name of the alcohol,

- 1           b. the name, license number and address of the mixed  
2           beverage licensee or caterer licensee who filled the  
3           original container and sold the product,  
4           c. the volume of the cocktail, mixed drink or single-  
5           serve wine in the sealed container, and  
6           d. verification that the sealed container was filled less  
7           than seven (7) days before the date of sale; ~~and~~

8           5. In the case of a mixed drink in its original container from  
9 the original manufacturer of the mixed drink, the Oklahoma-  
10 registered label shall not be tampered with, modified, or otherwise  
11 changed;

12           6. In the case of a customer purchasing a cocktail, mixed  
13 drink, or single-serve wine from inside the licensed premises as  
14 part of a carry out or to-go sale, a customer may carry the sealed  
15 container from the licensed premises; and

16           7. In the case of a customer purchasing a cocktail, mixed  
17 drink, or single-serve wine from a drive-through sale, the licensed  
18 premises shall inform the customer that the sealed container shall  
19 be stored out of reach of the driver's compartment.

20           SECTION 3. This act shall become effective November 1, 2023.

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