

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 10. PROVISIONS AND PENALTIES APPLICABLE TO ALL LICENSEES**

**Subchapter 3. Provisions Applicable To All Licensees**

**45:10-3-7. Employee, Agent or Manufacturer's Agent license**

No Nonresident Seller, Wine and Spirits Wholesaler, Beer Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage or Bottle Club licensee or other licensee of this Commission, except the holder of a Carrier's license, Caterer's license, or Special Event license, shall have any person employed in connection with his licensed business who physically handles alcoholic beverages in this State unless the employer or the employee, Agent, or Manufacturer's Agent have filed by certified mail or in person an application for license for such employee, Agent, or Manufacturer's Agent electronic application or any other means as approved by the ABLE Commission.

**45:10-3-8. Duplicate licenses**

Whenever any license issued by the Commission shall become lost or destroyed before the expiration date thereof, the licensee to whom such license was issued shall immediately reprint the license and display said license as directed by 37A-2-154. If the licensee is unable to reprint the original license, they shall make written application to the Director for a duplicate license. Said application shall set forth all the facts and circumstances concerning the loss or destruction of such license and shall be sworn to by the person applying for such duplicate. Upon receipt of such application, the Director may cause an investigation to be made, and if satisfied that the application is made in good faith and is true and correct, shall issue a duplicate in lieu of the license that was lost or destroyed. Such duplicate license shall show on its face that it is a duplicate license.

**45:10-3-11. Health, Sanitation and Public Safety**

Sanitary conditions, conducive to public health and welfare, shall be maintained at all times, in, on, or about the licensed premises of all licensees. All licensees shall adhere to any occupancy determinations and/or issued by the State Fire Marshal or the fire marshal's office of jurisdiction. All licensees shall maintain all emergency fire exits so they remain clear of obstruction in accordance with Chapter/Section 1003.3.4 and 1003.6; and licensees shall ensure all emergency exits are equipped with the proper locking hardware in accordance with Chapter/Section 1010.2.2 of the International Fire Code, as adopted by the State of Oklahoma.

**45:10-3-16. Insufficient funds checks for payment prohibited**

No holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer's license or employee thereof shall give a check drawn upon any bank or attempt an electronic transfer of funds to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment for alcoholic beverage purchases without having sufficient funds on deposit in said bank to pay said check upon presentment for payment or refuse to pay in full the amount invoiced once received and accepted by a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer's at a later date by withdrawing funds from any electronic payment system. Any check or electronic payment which is not paid when presented for payment by reason of insufficient or no funds being on deposit in said bank with which to pay the same, shall

be prima facie evidence that the maker of said check or electronic payment has accepted and received credit from the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to whom said check or electronic payment was issued. If any Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer licensee shall issue an insufficient electronic transfer or no-fund check for the purchase of alcoholic beverages, which check was not paid as required by 45:10-3-17 within three (3) business days following notice of dishonor, the Wine and Spirits Wholesaler, Beer Distributor, Self-Distributing Brewer, Self-Distributing Winery, or Brewpub Self-Distributor shall immediately notify the ABE Commission of such fact and, the ABE Commission shall, upon determining such fact immediately notify all Wine and Spirit Wholesalers, Beer Distributors, Self-Distributing Brewers, Self-Distributing Wineries, and Brewpub Self-Distributors that the issuing licensee shall not be permitted to purchase any alcoholic beverage until the licensee has paid the outstanding invoice at issue.

**45:10-3-17. Payment of insufficient fund checks or electronic transfers**

If any holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer's license or employee shall give an insufficient electronic transfer or no-fund check to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment for alcoholic beverages purchased by said licensee, said ~~check~~invoice shall be paid only by cash, bank draft, cashier's check, express or postal money order. Under no circumstances shall another ~~personal~~ check or electronic transfer of said licensee be accepted or received by said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor in payment of said check; PROVIDED, if such licensee or employee has on deposit for collection in the bank upon which such insufficient check should be drawn sufficient funds to pay such check or cover the electronic transfer, then in that event, any such check or electronic transfer given to a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall not be construed to mean an insufficient electronic transfer or no-fund check.

**45:10-3-18. Notice of dishonored check or electronic payment withdraw**

(a) Whenever a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall receive from the holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer's license a check in payment of alcoholic beverages purchased, which check is returned dishonored, and not thereafter paid as required by 45:10-3-17 within three (3) business days after notice of dishonor, or the electronic transfer of funds is changed from the original amount owed, or withdrawn said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall, immediately following the close of the third business day after receipt of the notice of dishonor or change, notify the Commission in writing of such fact and shall furnish in duplicate the following information to the Commission:

- (1) Name, address and license number of the licensee issuing the check or initiating the transfer.
- (2) The date and amount of said check or original transfer amount.
- (3) Copy of invoice or invoices for which said check or electronic transfer was given in payment.

- (4) The name and address of the bank upon which said check was drawn or payment was initiated.
- (5) The name and address of the bank in which said check was deposited, or payment was to be received by the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor.
- (6) The dates upon which said check was deposited and returned or notice was given that payment was changed or canceled.
- (7) A statement that demand for payment of the dishonored check or electronic transfer has been made upon the issuing licensee, and that the dishonored check or electronic transfer has not been paid within three (3) business days.
- (b) If any licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall fail, neglect or refuse to notify the Commission or furnish information required by this rule, or shall, having knowledge that a licensee is prohibited from purchasing alcoholic beverages, accept the personal or business check, or electronic payment of such licensee in return for alcoholic beverages during such probationary period, such acceptance, failure, neglect or refusal shall be deemed an extension of credit from said Wine and Spirits wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to the said Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, mixed beverage or caterer licensee and a violation of Section 3-119 of Title 37A of the Oklahoma Statutes.

#### **45:10-3-19. Requirement for deposit of checks and other forms of payment**

All checks and electronic transfers of payment given in payment for alcoholic beverages purchased by the holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterers license from a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor, shall be deposited or accepted for payment by the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor not later than the second banking day after the receipt of said check by said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor, its salesman, agent or representative. The failure of a licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to deposit any such check or accept electronic transfer for payment by the end of said banking day after receipt thereof by said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor, its salesman, agent or representative, shall be deemed a voluntary extension of credit by said licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor to a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, or Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery or Caterer licensee.

#### **45:10-3-20. Holding of check prohibited**

Any arrangements or agreements, expressed or implied, between a licensee or an employee, whereby the licensed Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor holds or retains a check or payment received by him from such holder of a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Special Event, Public Event, Brewer, Small Brewer, Winemaker, Small

Farm Winery or Caterer's license or employee in payment of alcoholic beverages sold shall be deemed an extension of credit and a violation by the licensees.

**45:10-3-22. Wholesaler city bank deposit requirement**

All payments for alcoholic beverages sold by a licensed Wine and Spirits Wholesaler to a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer or Special Event licensee shall be deposited by said Wine and Spirits Wholesaler in a bank.

**45:10-3-23. Tie-in sales prohibited**

No Manufacturer, Nonresident Seller, Wine and Spirits Wholesaler or Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor shall, as a condition for the sale or delivery of alcoholic beverages to another licensee, require such other licensee to purchase any one or more items of alcoholic beverages of another type, quantity, size or brand in addition to, or in lieu of, the specific items ordered. No licensee of any class shall sell or deliver alcoholic beverages in any form or quantity or of any brand to a customer licensee, under any arrangement, agreement, or understanding, direct or implied, that such sale or delivery will be made only if such other customer licensee also buys or accepts delivery of a quantity of alcoholic beverages of another form, another type, quantity, size or brand.

**45:10-3-24. Acceptance of certain inducements prohibited**

All licensed Oklahoma Wine and Spirits Wholesalers, Beer Distributors, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Bottle Club, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer or Special Event licensees, their agents or employees are prohibited from accepting, directly or indirectly, any electronic or non-electronic refrigerated equipment, fixture, dispensing equipment, outdoor electric or non-electric advertising structure displaying the retailer's name, permanent shelving, supplies, discount, retailer rebate, premiums, free goods, gifts, services of any employee including but not limited to affixing price labels or tags, routinely stocking product on shelves other than the stocking of cold boxes, entering information into a retailer's computer system, handling product that was not sold to the retailer by the licensee, paying a slotting fee, selling on consignment, operating a retailer's cash register, conducting janitorial services, decoration, samples of alcoholic beverages, personal property, or other inducements from any Manufacturer, Brewer, Distiller, Rectifier, Nonresident Seller, Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor or their agents or employees, except in compliance with Title 27 CFR Chapter 1 Part 6, Subparts A through D or as allowed by 45:10-3-25.

**45:10-3-25. Offering of certain inducements prohibited**

No licensed Manufacturer, Brewer, Distiller, Rectifier, Nonresident Seller, Importer, Wine and Spirits Wholesaler or Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, or Winemaker Self-Distributor, their agents or employees, shall directly or indirectly offer, sell, trade, give or furnish any discount, free goods, electronic or non-electronic refrigerated equipment, fixture, dispensing equipment, outdoor electric or non-electric advertising structure displaying the retailer's name, permanent shelving, supplies, gifts, prizes, coupons, premiums, retailer rebates, services of any employee including but not limited to affixing price labels or tags, routinely stocking product on shelves other than the stocking of cold boxes, entering information into a retailer's computer system, handling product that was not sold to the retailer by the licensee, paying

a slotting fee, selling on consignment, operating a retailer's cash register, conducting janitorial services, decoration, samples of alcoholic beverages, personal property, or other inducement or thing of value to any Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer, ~~Bottle Club~~, or Special Event, Wine and Spirits Wholesaler or Beer Distributor, their agents or employees, except in compliance with Title 27 CFR Chapter 1 Part 6, Subparts A through D. Provided, that nothing in this section shall prohibit the furnishing of normal point of purchase advertising matter to such retail license, product display building and/or replenishment, initial shelving of product at the retail location, and rotating product forward on a retail shelf that was sold by the wholesaler or distributor to the retail licensee. Provided further, each Beer Distributor, Small Brewer Self-Distributor, and Brewpub Self-Distributor shall be permitted to take necessary merchandising actions for shelf replenishment, display building and quality control as provided by 37A O.S. §3-115 and Section 45:30-5-25.

#### **45:10-3-26. Prohibited transactions**

All licensed Wine and Spirits Wholesalers, Beer Distributors, Small Brewer Self-Distributors, Brewpub Self-Distributors, Winemaker Self-Distributors, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, ~~Bottle Club~~, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer or Special Event licensees, their agents or employees, are prohibited from accepting any alcoholic beverages from authorized sellers of alcoholic beverage by consignment, or upon condition, or with the privilege of returning the same or on any condition other than bona fide sale. Further, Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, ~~Bottle Club~~, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer and Special Events licensees and their employees are prohibited from accepting any loan or credit from any authorized seller of alcoholic beverages.

#### **45:10-3-30. Transfer of stock by former licensee**

When a licensee has discontinued business under their license and their license has been terminated, they may apply in writing to the Director for permission to transfer his stock of alcoholic beverages to another qualified licensee. They shall furnish the Director with an inventory of the alcoholic beverages contemplated in such transfer. The licensee, who desires to purchase such stock of alcoholic beverages, shall also apply in writing to the Director for permission to make such purchase and shall report to the Director in writing, the quantity, brands, and types of such alcoholic beverages purchased and the address to which it is to be actually delivered after the purchase. No such sale or purchase shall be made by any licensee until written permission has been granted by the Director. PROVIDED, that a Wine and Spirits Wholesaler, Beer Distributor, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, or Nonresident Seller whose license has been terminated or canceled shall be permitted to sell his wholesale stock of alcoholic beverages only to the holder of a Wine and Spirits Wholesaler or Beer Distributor license issued by the Commission. All sales of alcoholic beverages by the former holder of the Wine and Spirits Wholesaler, Nonresident Seller, Class B Wholesaler, Small Brewer Self-Distributor, Brewpub Self-Distributor, Winemaker Self-Distributor, or Beer Distributor license to a Retail Spirit, Retail Beer, Retail Wine, Beer and Wine, Mixed Beverage, Public Event, Brewer, Small Brewer, Winemaker, Small Farm Winery, Caterer or Special Event License in Oklahoma are prohibited. PROVIDED, that the Director or Commission may authorize a Wine and Spirits Wholesaler, Beer Distributor, Nonresident Seller, Class B Wholesaler to return to a Manufacturer, Brewer or Nonresident Seller merchandise for credit or refund of the seller's laid-in cost.

#### **45:10-3-31. Designated bar areas**

(a) Entities or establishments licensed by the ABLE Commission which have as their main purpose some objective other than the sale of alcoholic beverages may file a written request with the Commission to have a portion of their licensed premises designated for use as a separate or enclosed lounge or bar area. The request shall state the main purpose of the business and the licensee shall have the burden of showing that the business qualifies for a separate or enclosed lounge or bar area.

(b) In order to qualify for a separate or enclosed lounge or bar area, a licensee must show that the total income derived from the stated main purpose exceeds the total income derived from the sale, ~~mixing or serving~~ of alcoholic beverages. In determining the total income derived from the stated main purpose, a licensee may not include income derived from secondary sources which are not related to the stated main purpose or income derived as an incidental service from coin-operated game or vending machines, ~~the sale of meals,~~ snacks or short order foods that were purchased premade and ready for service without the preparation of the licensee.

(c) If the main purpose of a business is such that in the operation of a business of that type a portion of its income would be derived from an admission charge, the admission charge may be counted as income derived from the stated main purpose. If, however an admission charge would not normally be imposed by a business of that type or if customers are entitled to free or discounted alcoholic beverages after paying an admission charge, the admission charge may not be counted.

(d) A newly established business which claims as its main purpose some objective other than the sale, mixing or serving of alcoholic beverages may be granted a separate or enclosed lounge or bar area for a period of ninety (90) days. At the end of the ninety (90) day period, the licensee shall have the burden of showing that the business continues to qualify for a separate or enclosed lounge or bar area.

(e) The Commission shall have the authority to designate the portions of the licensed premises of a qualifying business which may be used as a separate or enclosed lounge or bar area. Any licensee aggrieved by the denial of a request for a separate or enclosed lounge or bar area may, within fifteen (15) days of receiving notice of the denial, file a written request for a hearing before the Commission.

#### **45:10-3-32. Prohibited locations**

(a) No mixed beverage establishment, ~~or~~ beer and wine establishment, ~~or bottle club~~ which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises shall be located within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religious activities. The distance between the establishment and the school or church shall be measured in a straight line from the nearest property line of the school or church to the nearest perimeter wall of the licensed premises of the establishment. If it is not possible to make a direct measurement

because of obstructions or other hindrances, the measurement may be made by any reasonable method. The provisions of this section shall not prohibit the operation, or the renewal of a license, or a change of owner or operator of an establishment which was licensed to operate at an otherwise prohibited location on July 1, 1999, provided that the license has not lapsed for a period of more than sixty (60) days, the establishment has not changed locations, and the change in owner or operator results in the same type of business being conducted on the premises.

(b) If a new or relocating establishment, which claims that its main purpose is something other than the sale of alcoholic beverages, applies to be licensed at an otherwise prohibited location, the establishment shall have the burden of demonstrating that its claimed main purpose is reasonable considering its facilities, equipment and location and that the business would otherwise qualify for

a separate or enclosed lounge or bar area under the provisions of 45:10-3-31 of the Rules and Regulations of the ABLE Commission. A new or relocating establishment which reasonably demonstrates that its main purpose is something other than the sale of alcoholic beverages may receive a license to operate for a period of ninety (90) days. At the end of the ninety (90) day period, the establishment shall have the burden of showing, by records as specified by the ABLE Commission, that the main purpose of the business continues to be something other than the sale of alcoholic beverages. If the establishment fails to demonstrate that its main purpose is something other than the sale of alcoholic beverages, the business shall immediately stop selling alcoholic beverages and its license shall be surrendered. Failure to surrender the license shall result in revocation and the inability to hold an alcoholic beverage license for one (1) year.

## **SUBCHAPTER 5. PENALTIES**

### **45:10-5-1. General penalty**

It is hereby provided that the violation by any licensee of any rule now existing or which may be hereafter adopted ~~shall~~may constitute grounds for the revocation or suspension of any license for such period of time as, in the judgment of this Commission, may be determined, unless the punishment for any violation be prescribed within the rule violated.

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 20. RETAIL SPIRIT STORES, MIXED BEVERAGE, CATERERS, SPECIAL  
EVENTS AND BOTTLE CLUBS**

**Subchapter 3. Retail Spirit Stores**

**45:20-3-7. Records of expenditure [AMEND]**

(a) All Retail licensees shall keep a full, separate, complete and accurate record of all expenditures with regard to alcoholic beverages. No such expenditures shall be commingled with the expenditures of any other business or businesses operated by the Retail licensee. The records shall show clearly and accurately for each expenditure the following information:

- (1) Date of Payment.
- (2) Name of Payee.
- (3) Purpose of the expenditure in sufficient detail to permit a clear identification of the reason for the expenditure.
- (4) Petty cash fund reimbursements must be supported by receipts, vouchers, or other documents, showing the purpose of expenditure.
- (5) Cross references to support documents.

(b) All expenditures shall be supported by vouchers, invoices, cash receipts, sales receipts, bills, expense reports, checkbooks, bank statements, ledgers, journals or other documentary evidence properly cross referenced and filed in an orderly and consistent manner. These records shall be kept for three (3) years and shall at all times be available for inspection by representatives of the Alcoholic Beverage Laws Enforcement Commission and Oklahoma Tax Commission in accordance with Section 5-120 of Title 37A of the Oklahoma Statutes.

(c) All records of expenditures may be kept in digital formats, which will be made available to an agent of the ABLE Commission or Tax Commission upon request. This will include spread sheets, pdf documents and files, photo documents and files, and bookkeeping software used to maintain business records and expenditures. Any video recorded by the licensee is an inspectable record and must be provided to an agent of the Commission or Tax Commission upon request.

**Subchapter 5. Mixed Beverage, Caterer, Special Event, Additional Hours**

**45:20-5-3. Special Event license [AMEND]**

(a) Application for a Special Event license shall be made to the Commission by an organization, association or nonprofit corporation for authority to sell and distribute alcoholic beverage on the premises for which the license is issued.

~~(b) A Special Event license shall be available only in those counties where sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized.~~

~~(c)~~(b) In addition to the location, date(s), hours of operation of said event, ~~information on traffic flow, parking, aspects of possible public nuisance,~~ local health or safety permit requirements and proof of liability must accompany the application.

~~(d)~~(c) Selling of alcoholic beverages in the original container by a Special Event licensee is prohibited.

~~(e) At the time the license expires, the licensee will provide to the Commission a written inventory of all alcoholic beverages not consumed at the event. The inventory shall state the name(s) of the person(s) taking possession of the alcoholic beverages and where it will be stored.~~



**45:20-5-4. Private Carrier license** [Revoke]

~~The holder of a Mixed Beverage, Caterer or Special Event license may obtain a Private Carriers license from the Commission authorizing the holder of such license to transport alcoholic beverages and beer from the place of purchase to his licensed premises.~~

**45:20-5-8. Hours for pick-up at warehouses** [AMEND]

Mixed Beverage, Caterer and Special Event license holders, ~~with a valid Private Carriers license,~~ shall be allowed to pick up shipments of alcoholic beverages, beer or brewed products at a licensed Wine and Spirits Wholesaler's, Beer Distributor's, Winemaker Self-Distributor's, Small Brewer Self-Distributor's, or Brewpub Self-Distributor's warehouse from 8:00 a.m. to 5:00 p.m. Monday through Friday. All orders will be preordered and filled in sequence whether delivered or picked up by licensees.

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 25. WINEMAKERS, SELF-DISTRIBUTION, DIRECT SHIPMENT**

**Subchapter 1. Winery Premises, Festivals, and Tradeshows**

**45:25-1-2. Festivals defined** [Amend]

No Change.

**45:25-1-5. Event schedule required** [Amend]

Winemaker licensees shall complete an "Event Schedule" by the 1st day of the Month and submit it to the Commission listing the name, location, date and time of the events. Licensees may amend their event schedule throughout the month with the Commission should events be added or removed from the licensees schedule. Licensees may add a new event with no less than five days notice but remove an event up to the date of the event scheduled.

**45:25-1-6. Off-Site Event license** [New]

(a) A brewer, small brewer, or small farm winery licensees may obtain an Off-Site Event license by making application to the ABLE Commission.

(b) The location of the off-site event shall include a designated area within the location designed to provide an exclusive space which may be limited to the public and a designated point of access for a patron or patrons specifically granted access to ensure that persons present in the designated area are at least twenty-one (21) years of age.

(c) The fee shall be twenty-five (\$25) dollars per each Off-site Event license issued.

**Subchapter 3. Self-Distribution License**

**45:25-3-2. Sales to be on same price basis** [Amend]

All sales by a self-distributing winemaker shall be made on the same price basis and without discrimination between every retail spirits, retail wine, beer and wine, public events, special events, caterer and mixed beverage licensee

**45:25-3-6. Affidavit requirement for winemaker and small brewer self-distribution license**  
[New]

(a) Winemaker Self-Distribution License. Unless application includes a Manufacturer Affidavit of Eligibility for a Self-Distribution License certifying that the applicant for a Winemaker Self-Distribution License produced 10,000 gallons or less in the last calendar year, the applicant shall pay a \$750.00 annual licensing fee as set forth in 37A O.S. § 2-101, or the amount authorized by 37A O.S. § 2-101 should the annual licensing fee be later amended. If a signed and notarized Manufacturer Affidavit of Eligibility for a Self-Distribution License is included in the application, the applicant shall pay a \$350.00 annual licensing fee as set forth in 37A O.S. § 2-101, or the amount authorized by 37A O.S. § 2-101 should the annual licensing fee be later amended. If statements certified in the applicant's Manufacturer Affidavit of Eligibility for a Self-Distribution License are found to be false, the Director of the ABLE Commission may deny, refuse to renew, or cause applicant's Winemaker Self-Distribution License to be revoked, or take any other action as authorized by Oklahoma law.

(b) Small Brewer Self-Distribution License. Unless application includes a Manufacturer Affidavit of Eligibility for a Self-Distribution License certifying that the applicant for a Small Brewer Self-Distribution License produced 15,000 barrels or less in the last calendar year, the applicant shall pay a \$750.00 annual licensing fee as set forth in 37A O.S. § 2-101, or the amount authorized by 37A O.S. § 2-101 should the annual licensing fee be later amended. If a signed and notarized Manufacturer Affidavit of Eligibility for a Self-Distribution License is included in the application, the applicant shall pay a \$350.00 annual licensing fee as set forth in 37A O.S. § 2-101, or the amount authorized by 37A O.S. § 2-101 should the annual licensing fee be later amended. If statements certified in the applicant's Manufacturer Affidavit of Eligibility for a Self-Distribution License are found to be false, the Director of the ABLE Commission may deny, refuse to renew, or cause applicant's Small Brewer Self-Distribution License to be revoked, or take any other action as authorized by Oklahoma law.

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 30. MANUFACTURERS, WINE AND SPIRITS WHOLESALERS,  
BREWERS, NONRESIDENT SELLERS AND BEER DISTRIBUTORS**

**Subchapter 3. Manufacturers and Wine and Spirits Wholesalers**

**45:30-3-4. Products in short supply [AMEND]**

If any non-designating Manufacturer, or corporate subsidiary of any Manufacturer who markets his products solely through a subsidiary or subsidiaries, Rectifier, Distiller, Fermenter, Winemaker, Nonresident Seller or a distributor of alcoholic beverages bottled in a foreign country shall not have a sufficient supply of alcoholic beverage of any of the brands or kinds which he manufactures or distributes to fill and ship orders of all licensed Wine and Spirits Wholesalers in this State in the sequence and order in which such purchase orders are received within forty-five (45) calendar days from the date the order of the licensed Wine and Spirits Wholesaler bears such, the Manufacturer or distributor, Rectifier, Winemaker, or Nonresident Seller shall immediately certify such fact to the Director of all such alcoholic beverage in short supply. The certificate required hereunder shall be verified under oath by a responsible officer or official of the Manufacturer, distributor or Nonresident Seller and shall set forth in detail and in such form as may be prescribed by the Commission all pertinent facts upon which the request for allocation is based. The filing of any materially false certificate under this section, or the failure of any such Manufacturer, distributor or Nonresident Seller to fully and truthfully certify such facts to the Commission as may be required in support of an application for allocation shall be prima facie evidence, in any proceeding, of an intent to violate Section 3-116 of Title 37A of the Oklahoma Statutes, and shall be grounds for the revocation of the authority of such Manufacturer or distributor to sell, or offer for sale, any and all of the brands and kinds of alcoholic beverage manufactured or sold by said Manufacturer or distributor. (EXCEPTION: Direct import items shall be shipped within sixty (60) days from the date of the order of the licensed Wine and Spirits Wholesaler). However, wine and spirits wholesalers are authorized to non-sequentially ship and fill orders on products designated as being in short supply to retailers. Products considered in "short supply" are limited to those products which satisfy the definition set forth in 37A O.S. § 3-116(E).

**45:30-3-5. Allocation plan for non-designated products in short supply [AMEND]**

One Hundred Percent (100%) of the total number of cases available for sale in the State shall be equally divided among the total number of licensed Wine and Spirits Wholesalers. Should any licensed Wine and Spirits Wholesaler(s) refuse any portion of the allocation, the remainder of the product in short supply which is unclaimed shall be equally divided among the remaining Wine and Spirits Wholesaler(s). Wine and spirits wholesalers shall be authorized to non-sequentially ship and fill orders on products that have been designated as being in short supply as defined in 37A O.S. § 3-116(E).

**45:30-3-6. Wholesaler discrimination prohibited [AMEND]**

(a) Every licensed Wine and Spirits Wholesaler before selling or offering to sell any alcoholic beverages to any Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee, shall file with the Director a written statement sworn to by him, or in case of a corporation, one of its principal officers, in which he shall agree that

he will sell any of the brands or kinds of alcoholic beverages distributed by him to any Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee, and that all such sales will be made to all such Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensees in this State at the same current price and without discrimination, and that price lists showing the current prices will be filed by him in the office of the Director as often as may be necessary or required by the Director, but as least once each three (3) months.

(b) The said price listings filed by a licensed Wine and Spirits Wholesaler with the Director shall be the cash price per case for each size of original package of each particular brand or kind of alcoholic beverage sold or offered for sale by such Wine and Spirits Wholesaler, and shall contain such other information as the Director shall require.

(c) A licensed Wine and Spirits Wholesaler shall be deemed to have discriminated among Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensees if he shall, either directly or indirectly or by any agent or employee:

(1) Offer to sell, or sell, alcoholic beverages to a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensees at a price less than the listed current price which he has filed with the Director;

(2) Make, or offer to make, any secret rebate to or enter into any transaction with a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee which would result in, or having as its purpose, the purchase of any such alcoholic beverages by a Retail Spirit, Retail Wine, Mixed Beverage, Caterer, or Special Event licensee at a price less than the current price which he has filed with the Director;

(3) Refuse to sell to a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee in less than case lots or any brand or kind or container size, or combination thereof, of any alcoholic beverages without express authority granted by the Director or the Commission for good cause;

(4) Refuse to sell any brand or kind of alcoholic beverages to a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee for cash at the listed current price in any particular order provided by the Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee without express authority granted by the Director or the Commission for good cause; PROVIDED, that each such Wine and Spirits Wholesaler in making and transmitting to the Oklahoma Tax Commission their monthly report, in reporting sales on all wines sold in less than case lots, shall convert units sold to the nearest full case;

(5) Refuse to sell any brand or kind of alcoholic beverages to a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee unless the Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee shall purchase or agree to purchase alcoholic beverages of another kind, quantity, or brand in addition to, or partially in lieu of the brand or kind of alcoholic beverages specifically ordered by the Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee;

(6) Fail to fill and ship orders of Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee for alcoholic beverages

in the sequence and order in which such purchase orders from the Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee are received by him without express authority granted by the Director or the Commission for good cause; PROVIDED, that this paragraph shall not apply where the Wine and Spirits Wholesaler is operating under a rationing plan approved by the Director or a Wine and Spirits Wholesaler is nonsequentially shipping or filling orders for products designated as being in short supply as defined in 37A O.S. § 3-116(E);

(7) Accept payment for merchandise from one Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee and refuse the same method of payment from another Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee, without authority from the Director or the Commission.

(d) A licensed wine and spirits wholesaler shall not be deemed to have discriminated among Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee under the following circumstances:

(1) A licensed wine and spirits wholesaler requests permission, in writing and signed under oath by a person authorized to represent the Wine and Spirits Wholesaler, from the Director of the ABLE Commission to refuse to sell alcoholic beverages to a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee when the Wine and Spirit Wholesaler can substantiate, by credible evidence, that the Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee has created a dangerous or hostile work environment for the licensed Wine and Spirits Wholesaler, its agents, its representatives, or its employees. Evidence of a dangerous or hostile work environment includes, but is not limited to, one or more of the following:

- (A) physical abuse;
- (B) repeated verbal abuse;
- (C) excessive and repeated profanity;
- (D) harassment due to race, gender, age, national origin, religion, or other protected status recognized by state or federal law;
- (E) threats of harm to any agent or representative of the Wine and Spirits Wholesaler; or
- (F) malicious or unfair business practices; or

(2) The request shall contain at least the following information verified under oath:

- (A) the name and ABLE license number of the specific Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee;
- (B) the date(s) on which a Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee created a dangerous or hostile work Environment for the Wine and Spirits Wholesaler;
- (C) details of the actions and/or behaviors which created the dangerous or hostile work environment;
- (D) the name(s) and addresses of the person(s) who created the dangerous or hostile work environment; and

(E) the names and addresses of persons possessing relevant information to support the events.

(3) Upon receipt of a request to refuse to sell alcoholic beverages from a Wine and Spirits Wholesaler, the Director may, upon a finding that there exists an eminent threat of physical violence or undue emotional or psychological harm to an agent or representative of the Wine and Spirits Wholesaler, grant the Wine and Spirits Wholesaler temporary permission to refuse to sell to the specific Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee. In all other cases, the complaint shall be addressed through the process set forth below.

(4) Upon receipt of any verified complaint, whether or not the Wine and Spirits Wholesaler has been granted temporary permission to refuse to sell to the specific Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee, the Director shall promptly notify the named Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee in writing, by certified mail, of the complaint. The notice shall contain the name and ABLE license number of the Wine and Spirits Wholesaler and the specific allegations against the licensee as stated in writing by the Wine and Spirits Wholesaler. A copy of the verified complaint shall be included as an exhibit to the notice.

(5) Said licensee may request an administrative hearing on the matter within fifteen (15) days of receipt of the complaint. If a hearing is requested, both the Wine and Spirits Wholesaler and the named licensee may appear and present evidence or testimony, including witnesses, as to why the request should or should not be granted. If a request for a hearing is not made within fifteen (15) days of receipt of the complaint, the Director may grant or deny the request. In those instances where a temporary permission has been given to the Wine and Spirits Wholesaler to refuse to sell, the Director shall indicate whether the temporary permission is revoked or made a permanent permission. The Director's decision shall be put in writing and sent by certified mail to the named parties. Failure by the party to which notice has been given to request a hearing will constitute a failure to exhaust administrative remedies and the Director's decision may not be further appealed.

(6) If a hearing is requested and the request to refuse to sell alcoholic beverages is granted after the hearing and after notice is given to the licensee, the aggrieved licensee may request an appeal to the full Commission on the record, and such hearing will be conducted in the same manner as all other administrative hearings before the Commission pursuant to 37A O.S. Sections 2-150, 2-151 and 2-152.

(7) If a Wine and Spirits Wholesaler is granted permanent permission to refuse to sell to a specific Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee, that permanent permission to refuse to sell shall remain in effect for at least one year and, thereafter, will remain in effect indefinitely unless either the licensee requests, in writing, a reconsideration of the decision after the expiration of one year, and the request is granted by the Director following an evidentiary hearing on the merits with notice to the Wine and Spirits Wholesaler, or unless the Director revokes his decision, in writing, for good cause.

(8) If a request for refusal to sell is denied, the Director shall put the denial in writing and shall send a copy by certified mail to all named parties. Upon receipt of the denial in writing by the Wine and Spirits Wholesaler, any temporary permission to refuse to sell

originally granted by the Director shall expire and become null and void, and the Wine and Spirits Wholesaler shall be required to resume selling to the specific Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee.

(9) A Wine and Spirits Wholesaler may not refuse to sell alcoholic beverages to any Retail Spirit, Retail Wine, Mixed Beverage, Beer and Wine, Caterer, Mixed Beverage/Caterer or Special Event licensee unless and until the Director grants the request under any of the conditions set forth above either on a temporary or permanent basis. A permanent grant of the request will be made by the Director, in writing, which shall be sent by certified mail to all named parties.

#### **45:30-3-9. Wine and Spirits Wholesaler's warehouses [AMEND]**

Every licensed Wine and Spirits Wholesaler of alcoholic beverages shall provide at his own expense warehouses, to be situated on and to constitute a part of his premises. Said warehouses shall be used solely and exclusively for the purpose of storage of alcoholic beverages and shall be separate and apart from any and all other business or businesses operated in any such building wherein such warehouse is located. In order to comply with Sections 3-123 and 5-115 of Title 37A of the Oklahoma Statutes, to avoid direct or indirect discrimination in price or services, all Wine and Spirits Wholesalers licensed to import and sell within this State, spirits and wines, shall comply with the following:

(1) All wholesale warehouses must be open for business each day beginning Monday and extending through Friday of each week, except on election days and legal holidays, and shall open not later than 10:00 a.m. and remain open until 5:00 p.m. on each of the above days.

(A) Continuous telephone service must be maintained during business hours.

(B) Some properly licensed person authorized to take orders from retailers must be on duty during said hours.

(2) Entries of all orders received by licensed Wine and Spirits Wholesalers, their agents or employees, shall be posted in a permanently bound record book showing the time, date, type, brand and quantity of such order, in sequence, and shall be sold in the sequence that such orders are received by the Wine and Spirits Wholesaler, except when being sold on an approved rationed basis or the product has been designated as being in short supply as defined in 37A O.S. § 3-116(E).

(3) A Wine and Spirits Wholesaler may be permitted to sell any size, type and brand of spirits or wines on a limited or rationed basis due to a rationed plan approved by the Commission or Director of a Manufacturer or Nonresident Seller of any item or items; or upon withdrawal of a particular item or items from the State by a Manufacturer or Nonresident Seller; or if a Wine and Spirits Wholesaler desired to discontinue keeping or stocking a particular brand on hand; but such a rationed system may not be used unless and until an equitable ration plan has been submitted by the Wine and Spirits Wholesaler and approved by the Commission or Director. The approval or disapproval of such plan shall be made within five (5) days and the licensee submitting such plan shall be immediately notified of the decision.

(4) All orders of one or more cases placed by a licensed Retailer with a licensed Wine and Spirits Wholesaler shall, if in short supply, be ordered by the Wine and Spirits Wholesaler from the Manufacturer or Nonresident Seller of such item or items within two (2) business



days from receipt of the order and shall be delivered to the Retailer ordering the same within five (5) days from the date such merchandise is received in the Wine and Spirits Wholesaler's warehouse.

## **Subchapter 5. Brewers, Nonresident Sellers, and Beer Distributors**

### **45:30-5-15. Beer Distributor's, Small Brewer Self-Distributor's, or Brewpub Self-Distributor's vehicle signs [AMEND]**

All vehicles owned or leased and made use of by Beer Distributors, their agents, or employees, Small Brewer Self-Distributors, or Brewpub Self-Distributors, except licensed carriers under the Oklahoma Alcoholic Beverage Control Act, shall have displayed on the outside of the doors, windows or side panel on both sides of the vehicle a sign in letters at least three (3) inches in height and one and one-half (1 1/2) inches in width stating the letters A.B.L.E. and the license number. The name and address of the Beer Distributor, Small Brewer Self-Distributor, or Brewpub Self-Distributor may be printed in letters of lesser dimensions. Signage in smaller dimensions for vehicles belonging to Beer Distributors, their agents, or employees may be placed on the inside front dashboard of the vehicle in a location clearly visible from outside the vehicle. These signs shall be properly displayed while transporting any beer or brewed products by the Beer Distributor, Small Brewer Self-Distributor, or Brewpub Self-Distributor from the Brewer or Nonresident Seller or to all Retail Spirit, Retail Beer, Mixed Beverage, Caterer or Special Event licensees.

### **45:30-5-18. Transportation of alcoholic beverages by licensees [AMEND]**

A Brewer, ~~Nonresident Seller~~ or Beer Distributor may ship or transport beer or brewed products from his licensed warehouse to the premises of any other licensee by any common, contract or private carrier who is the holder of a valid carrier's permit issued by the Commission.

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 35. EVENTS, AIRLINE/RAILROAD, HOTEL/MOTEL**

**Subchapter 1. Special Events**

**~~45:35-1-2. License availability~~ [REVOKE]**

~~A Special Event License shall be available only in those counties where sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized.~~

**~~45:35-1-5. Barriers~~ [REVOKE]**

~~If the Special Event is to be held in an area in which there are other open businesses or buildings within the licensed premises perimeter, the licensee shall either provide fencing or barriers to separate those businesses or buildings from the licensed event premises or provide security at the entrance to each of those businesses or buildings to prevent alcoholic beverages from being removed from the event premises and taken into those businesses or buildings.~~

**Subchapter 3. Public Events**

**~~45:35-3-2. License availability~~ [REVOKE]**

~~A Public Event License shall be available only in those counties where sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized.~~

**~~45:35-3-5. Barriers~~ [REVOKE]**

~~If the Public Event is to be held in an area in which there are other open businesses or buildings within the licensed premises perimeter, the licensee shall either provide fencing or barriers to separate those businesses or buildings from the licensed event premises or provide security at the entrance to each of those businesses or buildings to prevent alcoholic beverages from being removed from the event premises and taken into those businesses or buildings.~~

**Subchapter 5. Charitable Events**

**~~45:35-5-2. License availability~~ [REVOKE]**

~~A Charitable Alcoholic Event License shall be available only in those counties where sale of alcoholic beverages by the individual drink for on-premises consumption has been authorized.~~

**~~45:35-5-4. Barriers~~ [REVOKE]**

~~If the Charitable Alcoholic Beverage Event is to be held in an area in which there are open businesses or buildings within the licensed premises perimeter, the licensee shall either provide fencing or barriers to separate those businesses or buildings from the licensed event premises or provide security at the entrance to each of those businesses or buildings to prevent alcoholic beverages from being removed from the event premises and taken into those businesses or buildings.~~

**~~45:35-5-5. Designated bar area~~ [REVOKE]**

~~If the event will include patrons of all ages, the alcoholic beverages shall only be distributed from a designated bar area in which only person(s) 21 years old or older may enter. There shall be a~~

~~Type II sign posted at the entrance to the designated bar area. The sign shall state “No Persons under 21 Years of Age Permitted in This Area of These Premises.” If the event will have only patrons that are 21 years of age or older, a Type I sign that states “No Persons under 21 Years of Age Permitted on These Premises” shall be posted at the event entrance.~~

**45:35-5-6. Diagram** [REVOKE]

~~A diagram/floor plan for outdoor events shall be provided by the applicant to include the area to be licensed, a detailed perimeter, surrounding cross streets, security fencing or barriers, tents, buildings, and all places where alcoholic beverages will be distributed from.~~

**TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION  
CHAPTER 60. TOBACCO**

**Subchapter 3. Notification**

**45:60-3-1. Employer notification [AMEND]**

When an enforcement official issues a citation to an employee of the owner of a store at which tobacco products are sold at retail, for the sale of a tobacco product to a person under ~~eighteen~~ (~~18~~)twenty-one (21) years of age, the enforcement official shall obtain the name and address of the storeowner. If the employee is subsequently determined by the ABLE Commission to have sold a tobacco product to a person under ~~eighteen~~ (~~18~~)twenty-one (21) years of age or is convicted of a violation by a municipality, the ABLE Commission shall notify the storeowner by certified mail. The ABLE Commission shall maintain a record of all employees determined to have sold or convicted of selling tobacco products to a person under ~~eighteen~~ (~~18~~)twenty-one (21) years of age.