To All Interested Licensees,

In recent weeks, our office has fielded inquiries as to acceptable container types for purposes of House Bill 2122 (2021), also known as the “Cocktails To-Go Act”. This notice is intended to provide guidance to retailers planning to sell mixed drinks to-go after the effective date of the Act (August 25, 2021).

Title 37A O.S. §7-102, as created by House Bill 2122, defines the term “sealed container” as:

“a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap and is tamper evident. Sealed container does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper or polystyrene foam.”

Generally, a rigid container is one made of hard plastic or other similar materials that are durable and non-malleable, as opposed to soft flexible packaging materials such as light plastic, paper, or foil pouches. Moreover, it is clear from the above cited definition that a sealed container requires a lid or cap that must be removed for final consumption of the contents, rather than a film or other soft material easily punctured without physical removal for consumption. While retailers may find a variety of potential containers for to-go uses, some examples of acceptable containers for licensees conducting to-go sales include the following:

1. Heavy plastic bottles with tamper evident screwcaps;
2. Glass bottles with a screwcap, wax seal, or other tamper evident lid; and
3. Non-malleable metal containers with tamper evident lids.

These types of containers should be generally available through restaurant supply companies. The Oklahoma ABLE Commission encourages all retailers selecting containers for to-go sales to be mindful of the health and safety of the end consumer.

Respectfully,

A. Keith Burt
Director