



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

AGENDA

REGULAR MONTHLY MEETING OF THE COMMISSION
FRIDAY 10:00 A.M. JULY 19, 2024
50 NORTHEAST 23RD STREET
OKLAHOMA CITY, OKLAHOMA 73105

1. CALL TO ORDER – COMMISSIONER MATTHEW CROOK
2. ROLL CALL – Executive Secretary Shae Isaacs
3. DETERMINATION OF QUORUM AND ANNOUNCEMENT OF COMPLIANCE WITH OPEN MEETING ACT – Assistant Attorney General Andra Holder
4. RECOGNITION OF VISITORS WITH POSSIBLE DISCUSSION – COMMISSIONER MATTHEW CROOK
5. REVIEW, DISCUSSION, AND POSSIBLE ACTION TO APPROVE, AMEND OR REJECT MINUTES FROM JUNE 21, 2024 REGULAR MEETING – COMMISSIONER MATTHEW CROOK
6. INTRODUCTION OF NEW ABLE AGENT ANDREW POTTER, MCALESTER DISTRICT, WITH POSSIBLE DISCUSSION – EXECUTIVE DIRECTOR BRANDON CLABES
7. HUMAN RESOURCES UPDATE WITH POSSIBLE DISCUSSION – *OSBI Human Resources Director Christine Chalmers*
8. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING EMPLOYEE TRAINING PROGRAM APPLICANTS’ CURRICULUM OF INSTRUCTION PURSUANT TO OAC 45: 15-3-1: (RE-CERTIFICATION ONLY) - *Captain Erik Smoot*
 - A. Oklahoma Grocers Association – Oklahoma Grocers Association
 - B. Oklahoma Responsible Alcohol Sales and Service – Ready Training, Inc. (Re-Certification with additions)
 - C. Rserving Oklahoma Responsible Serving of Oklahoma – Rserving Professional Server Certification Corp.
9. PRESENTATION OF EXECUTIVE DIRECTOR’S REPORT AND REVIEW OF ADMINISTRATIVE AND OPERATIONAL ACTIVITIES FOR JUNE 2024 WITH POSSIBLE DISCUSSION – EXECUTIVE DIRECTOR BRANDON CLABES
10. ACCELA IT UPDATE AND LICENSING DEPARTMENT REPORT WITH POSSIBLE DISCUSSION – *Presentation by Licensing Supervisor Carla Clanton*
11. REPORTS BY SUPERVISING DISTRICT CAPTAINS WITH POSSIBLE DISCUSSION:
 - A. Captain Greg Bynum – Trade Practices Unit
 - B. Captain Erik Smoot – Alcohol and Tobacco Education Unit
 - C. Lieutenant Cody Rekstad – Oklahoma City District
 - D. Captain Michael Randol – McAlester District
 - E. Captain Kent James – Tulsa District
12. ASSISTANT DIRECTOR’S OPERATIONAL, DOCKET AND LEGISLATION REPORT WITH POSSIBLE DISCUSSION - *Presentation by Assistant Director/General Counsel/Public Information Officer Lori Carter*
13. FINANCIAL REPORT AND BUDGET REQUEST UPDATE WITH POSSIBLE DISCUSSION - *Presentation by Chief Financial Officer/Comptroller Jennifer Treadwell*

- 14. **COMMENTS FROM THE PUBLIC LIMITED TO ITEMS ON THE AGENDA (Limit 3 minutes per person without majority vote from Commissioners to extend time)**
- 15. **NEW BUSINESS – COMMISSIONER MATTHEW CROOK (Any matter not known about, or which could not have been reasonably foreseen prior to the time of the posting of the agenda)**
- 16. **DISCUSSION AND POSSIBLE ACTION TO ENTER EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S.§ 307(B)(4):** Discussion of confidential communications between a public body and its attorney concerning pending investigations, claims, and actions, the disclosure of which would seriously impair the public body’s ability to process the claims or conduct investigations, litigation, or proceedings in the public interest.

CASE NO: 564-2023-00366
CASE NO: 564-2023-01161
CASE NO: CMS-2023-02401-E
CASE NO: 564-2024-0061
CASE NO: RETA-000021

(No action shall be taken in Executive Session.)

Should the Commission enter Executive Session the following actions may be taken:

- A. Vote to Convene in Executive Session**
- B. Discussion - No Action Shall be Taken in Executive Session**
- C. Vote to Acknowledge Return to Open Session**
- D. Possible Action Regarding Any Subjects of the Proposed Executive Session**

17. ADJOURNMENT

--- NEXT REGULAR MEETING ---
AUGUST 16, 2024
OKLAHOMA ABLE COMMISSION
50 NORTHEAST 23RD STREET
OKLAHOMA CITY, OK 73105



SUMMARY OF OKLAHOMA ALCOHOL LAWS



RBSS
TRAINING

SALES TO AN UNDERAGE PERSON

Any person who shall knowingly sell, furnish, or give alcoholic beverage to a person under twenty-one (21) years of age shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall be guilty of a felony and shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00), or imprisoned in the State Penitentiary for not more than five(5) years, or by both such fine and imprisonment. The ABLE Commission shall revoke the license of any person convicted of a violation of this section and can fine the employee and/or employer up to \$1,000.

SALES TO INTOXICATED PERSONS

Any person who shall knowingly sell, furnish or give alcoholic beverage to an insane, mentally deficient or intoxicated person shall be guilty of a misdemeanor for a first violation, and upon conviction shall be fined not more than Five Hundred Dollars(\$500.00), or imprisoned in the county jail for not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall be guilty of a felony, and shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars(\$5,000.00), or imprisoned in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment. The ABLE Commission shall revoke the license of any person convicted of a violation of this section and can fine the employer and/or business up to \$1,000.

PERMITTING INTOXICATED PERSONS TO LOITER

Any person operating a café, restaurant, club or any place of recreation who permits any person to be drunk or intoxicated in said place of business shall be guilty of a misdemeanor, and shall be fined not more than One Hundred Dollars (\$100.00), or imprisoned for not more than thirty (30)days or by both such fine and imprisonment.

DESIGNATED BAR AREAS

Allow any person under twenty-one (21)years of age to enter into, remain within the designated bar area of the licensed premises, except persons who incidentally pass through the designated bar area.

ILLEGAL CONDUCT

Permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, or prostitution activity or any other criminal conduct to occur on the licensed premises; Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the licensed premises or areas just outside the licensed premises which are controlled by the licensee.

PRESENTING FALSE IDENTIFICATION

Any person under twenty-one (21)years of age who shall misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him alcoholic beverage or issue him a bottle club membership card, or who enters or attempts to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission, shall be guilty of a misdemeanor and fined not more than Fifty Dollars (\$50.00). In addition, if a person is convicted or pleads guilty to a violation of the provisions of this subsection in any court having jurisdiction over said offense, the court may order the Department of Public Safety to cancel or deny the offender's privilege to operate a motor vehicle and, upon such order, shall require that the operator's or chauffeur's license, if any, be surrendered to the Department pursuant to Section 6-209 of Title 47 of the Oklahoma Statutes. The cancellation or denial period shall be for one (1) year, or until the person reaches twenty-one (21) years of age, whichever is longer.

EMPLOYEE LICENSE TRAINING

Training is required for all new licensees or those that allowed their license to lapse within 2 weeks of applying for an employee license. Employees must attend an ABLE certified training. Failure of an employee to comply may constitute a revocable offense.



SUMMARY OF OKLAHOMA ALCOHOL LAWS



RBSS
TRAINING

HOURS OF SALE

No alcoholic beverages may be sold, dispensed, served or consumed for on-premise locations:

- Restaurants/Bars - 2:00a.m. to 8:00a.m. Sunday and Holiday sales approved by county vote.
Penalty - Up to 20 day license suspension and up to \$1000.00 fine.

No alcoholic beverages may be sold for off-premise locations:

- Convenience Stores - 2:00 a.m. to 6:00a.m.
- Retail Package Stores - 12:00 a.m. to 8:00 a.m. and no sales on Sunday unless approved by county vote, no sales on Thanksgiving or Christmas.
Penalty - Misdemeanor first offense, felony second offense, and up to \$1,000.00 fine.

PUBLIC DRUNK

Any person who shall engage in any of the following and disturb the peace of any person:

1. In any public place, or in or upon any passenger coach, streetcar, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink or otherwise consume any intoxicating liquor unless authorized by this act, intoxicating substance or intoxicating compound of any kind, or inhale glue, paint or other intoxicating substance;
2. Be drunk or intoxicated in any public or private road, or in any passenger coach, streetcar or any public place or building, or at any public gathering, from drinking or consuming such intoxicating liquor, intoxicating substance or intoxicating compound or from inhalation of glue, paint or other intoxicating substance; or
3. Be drunk or intoxicated from any cause, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) or by imprisonment for not less than five (5) days nor more than thirty(30) days or by both such fine and imprisonment.

PROHIBITED ACTS OF LICENSEES

Licensees shall not:

- consume or be under the influence of alcoholic beverages during the hours he or she is on duty, (This does not apply for purposes of employee education training)
- Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises

COCKTAILS TO GO

Mixed Beverage licensees can sell cocktails to go. They must be sold for curbside or delivery only and customer must be 21. The cocktail to go must be placed in the trunk of a car by the patron if curbside. The sealed container must have a tamper evident lid, a label that includes ingredients, name and type of alcohol, volume, license number, and business address. The container must be a hard rigid container such as glass, hard plastic, or metal.

SAMPLES

Retail locations are allowed to provide samples to customers that are 21 or over and not intoxicated. Samples are limited to 1 oz of distilled spirits OR 2 oz of wine, OR 3 oz of beer. Samples must be poured by a licensee. Must be a product that was purchased by the licensed business including taxes. Only 6 bottles are to be open at a time, beer and wine must be poured out at the end of the day.

AGE TO APPLY FOR LIQUOR LICENSE

Applicants for an employee license shall be at least eighteen (18) years of age, except for applicants employed by a grocery store or convenience store who shall be at least sixteen (16) years of age,

SUMMARY OF OKLAHOMA ALCOHOL LAWS

BUCKETS OF BEER

Section 6-102. A. No licensee of the ABLE Commission shall: Use any of the following means or inducements to stimulate the consumption of alcoholic beverages, including but not limited to: a. deliver more than two drinks to one person at one time, except:

- (1) as provided for serving tasting flights defined in Section 6-102.1 of this title, or
- (2) up to six (6) bottles or cans of beer in the original packaging for on-premises consumption may be delivered to one person at one time in a reusable container, including but not limited to a bucket or insulated cooler which may be cooled by ice or another cooling method

EMPLOYEE EDUCATION TRAINING/EDUCATIONAL TASTINGS

Types and Quantities of Alcoholic Beverages

1. Beer

- Maximum of 6 separate beers.
- Each serving is 2 oz.
- Total daily limit of 12 oz per employee.
- Remaining beer must be discarded at the end of the day.

2. Wine

- Maximum of 6 separate wines.
- Each serving is 1 oz.
- Total daily limit of 6 oz per employee.

3. Spirits

- Maximum of 3 separate spirits.
- Each serving is 0.5 oz.
- Total daily limit of 1.5 oz per employee.
- Mixed beverage licensees may use unlimited non-alcoholic ingredients.

Regulations for Tastings

- Original Packaging: All alcoholic beverages must be poured from their original containers.
- Location: Tastings must occur on licensed premises or at an approved location under direct supervision of the licensee.
- Supervision: Samples must be poured by a licensed individual permitted to serve alcoholic beverages.
- Voluntary Participation: Employees cannot be mandated to taste or consume alcohol as a condition of their employment.

Compliance References

- Refer to OAC 45:20-14-1 and 37A O.S. §§ 2-109, 6-109 for detailed regulations.

STRAW TESTING

Straw testing is permitted for assessing flavors in a hygienic manner for establishments with mixed beverage licenses (37A O.S. § 1-103(73)). For further details, please consult the appropriate legal references.

SELF POUR

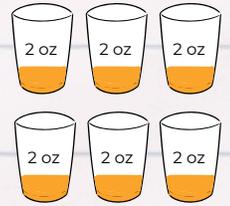
Licensees of the ABLE Commission cannot allow patrons to serve or pour their own alcoholic drinks, except for self-pour service of beer or wine from automated devices on the licensed premises. The licensee must monitor and control the dispensing of beer or wine from the automated devices. Additionally, licensees providing self-pour service of wine or beer from automated devices must continuously monitor the devices via video at all times when the licensee is open to the public and keep recorded footage for at least sixty (60) days. The patron will be given a monitoring device in the form of a radio frequency identification (RFID) device, mobile application, or any other technology approved by the Able Commission. This device will contain a fixed amount of thirty-two (32) ounces for beer and ten (10) ounces for wine that may be directly exchanged for beer or wine dispensed from the automated device.

EDUCATIONAL TASTING

Only one type of alcoholic beverage, whether beer, wine, or spirits, is allowed at any educational training tasting. No combination tastings are allowed.



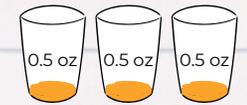
Not more than 6 separate beers at 2 oz each served together at one time. A maximum of 12 ounces per day per employee. Remaining must be poured out at the end of the day.



Not more than 6 separate wines at no more than 1 oz each served together at one time. A maximum of 6 ounces per day per employee.



Not more than 3 separate spirits no more than 0.5 oz each served together at one time. A maximum of 1.5 ounces per day per employee. A mixed beverage licensee may combine unlimited amounts of ingredients that are non-alcoholic.



Alcoholic beverages must be poured from their original packaging. All tastings shall be consumed on licensed premises of the licensee authorized to host the tastings or at a location other than the licensed premises, and under the direct supervision of the licensee. Samples shall be poured by a licensee who is lawfully permitted to serve alcoholic beverages on the licensed premises in such containers to consumers for off-premises consumption only in this state. The choice to taste or consume alcohol shall always be voluntary. No employee may be required to taste or consume alcohol at tastings as a term for employment. For more information, refer to OAC 45:20-14-1 and 37A O.S. §§ 2-109 and 6-109.



Straw testing involves sampling a minimal amount of an alcoholic beverage in a hygienic manner to assess the desired flavor for establishments with mixed beverage licenses.

37A O.S. § 1-103(73)