

SENATE FLOOR VERSION

February 27, 2025

SENATE BILL NO. 1032

By: Howard of the Senate

and

Hays of the House

An Act relating to alcohol licensure; establishing certain protections for certain establishment licensed by the Alcoholic Beverage Laws Enforcement Commission; defining term; requiring certain affidavits; requiring proof of certain violations; requiring certain written policies; directing certain recordkeeping; providing for codification; and providing an effective date.

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 6-130 of Title 37A, unless there is created a duplication in numbering, reads as follows:

As used in this section:

1. "Employee" means any person paid by an establishment licensed by the Alcoholic Beverage Laws Enforcement (ABLE) Commission to sell, serve, dispense, or deliver alcoholic beverages or to immediately manage, direct, supervise, or control the sale or service of alcoholic beverages; and

1 2. "Seller-server training certificate" means a certificate
2 granted for completing an Oklahoma seller-server certification
3 course recognized by the ABLE Commission.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 6-130.1 of Title 37A, unless
6 there is created a duplication in numbering, reads as follows:

7 A. An establishment licensed by the Alcoholic Beverage Laws
8 Enforcement (ABLE) Commission that claims that the actions of an
9 employee are not attributable to the establishment licensed by the
10 ABLE Commission under this act, shall provide to the ABLE
11 Commission, not later than ten (10) days after receipt of an
12 administrative notice of violation, an affidavit indicating that the
13 establishment licensed by the ABLE Commission was in compliance with
14 the requirements of this act at the time of the violation for which
15 the administrative notice was issued. At a hearing in which the
16 establishment licensed by the ABLE Commission claims the benefits of
17 this act, the establishment licensed by the ABLE Commission may be
18 required to present additional evidence to support such claim.

19 B. At a time when an employee does not possess a currently
20 valid employee license from the ABLE Commission, the action of the
21 employee shall be attributable to the establishment licensed by the
22 ABLE Commission if the employee:

- 23 1. Sells, furnishes, or gives an alcoholic beverage to:
24 a. a person who is insane or mentally deficient,

- 1 b. a minor, or
- 2 c. an intoxicated person; or
- 3 2. Allows consumption of an alcoholic beverage by:
- 4 a. a person who is insane or mentally deficient,
- 5 b. a minor, or
- 6 c. an intoxicated person.
- 7 C. Proof by the ABLE Commission that an employee performed an
- 8 action described this act on three or more occasions within a
- 9 twelve-month period shall create a rebuttable presumption that an
- 10 establishment licensed by the ABLE Commission has indirectly
- 11 encouraged a violation of the law pursuant to this act. The
- 12 rebuttable presumption is created regardless of whether the employee
- 13 performing the action described in this subsection on a second or
- 14 subsequent occasion is the same employee who performed the initial
- 15 action. Proof of violation shall be demonstrated by:
- 16 1. Producing final orders issued by the ABLE Commission or a
- 17 court of competent jurisdiction finding that the establishment
- 18 licensed by the ABLE Commission violated this act, on two past
- 19 occasions; and
- 20 2. Establishing a prima facie case that an employee of the
- 21 establishment licensed by the ABLE Commission violated this act on a
- 22 third or subsequent occasion.

1 D. Proof of violation of this act shall be for the same type of
2 offense and shall have occurred within a twelve-month period, as
3 calculated from the dates the incidents occurred.

4 E. A rebuttable presumption shall be established if the ABLE
5 Commission presents sufficient proof that an establishment licensed
6 by the ABLE Commission has adhered to the following requirements:

7 1. Requiring each employee to present a seller-server training
8 certificate within fourteen (14) days of his or her initial
9 employment date and attend a seller-server training course every two
10 (2) years after the initial employment date, unless an employee is
11 exempt pursuant to Section 2-121 of Title 37A of the Oklahoma
12 Statutes;

13 2. Requiring each employee to maintain a currently valid
14 employee license from the ABLE Commission;

15 3. Adopting written policies and procedures that are designed
16 to prohibit:

17 a. the sale, service, dispensation, or delivery of an
18 alcoholic beverage to:

19 (1) a person who is insane or mentally deficient,

20 (2) a minor, or

21 (3) an intoxicated person, or

22 b. the employee from allowing consumption of an alcoholic
23 beverage by:

24 (1) a person who is insane or mentally deficient,

(2) a minor, or

(3) an intoxicated person; and

4. Ensuring that all employees have read and understood the

4 ABLE Commission's policies and procedures established in this act,
5 and maintaining records for at least one (1) year after the date
6 employment was terminated that show that each employee had read an
7 understood the license or permit holder's then current policies and
8 procedures established under this act.

F. At a hearing in which the establishment licensed by the ABLE

10 Commission asserts the affirmative defense established in this act,
11 the Commission may present evidence to establish a rebuttable
12 presumption under this section. If the evidence is sufficient to
13 establish a prima facie case, the burden of persuasion in the
14 proceeding shifts to the establishment licensed by the ABLE
15 Commission to show that it has not indirectly encouraged a violation
16 of the law within the meaning of this act.

17 G. Nothing in this act shall be construed to establish
18 exclusive means by which the ABLE Commission may establish that a
19 license or permit holder has indirectly encouraged a violation of
20 this act.

SECTION 3. This act shall become effective November 1, 2025.

22 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
February 27, 2025 - DO PASS