

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1381

By: Dempsey

6 AS INTRODUCED

7 An Act relating to alcoholic beverages; amending 37A
8 O.S. 2021, Section 1-107, which relates to the powers
9 and duties of the Oklahoma Alcoholic Beverage Laws
Enforcement Commission; requiring an annual report
that contains certain information to be made
available to certain individuals; requiring report to
be made available online; and providing an effective
date.

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

14 SECTION 1. AMENDATORY 37A O.S. 2021, Section 1-107, is

15 amended to read as follows:

16 Section 1-107. A. The ABLE Commission shall have the following
17 powers and duties:

18 1. To supervise, inspect and regulate every phase of the
19 business of manufacturing, importing, exporting, transporting,
20 storing, selling, distributing and possessing for the purpose of
21 sale, all alcoholic beverages which shall be necessary and proper to
22 carry out the purposes of the Oklahoma Alcoholic Beverage Control
23 Act;

1 2. To promulgate rules, in the manner herein provided, to carry
2 out the purposes of the Oklahoma Alcoholic Beverage Control Act;
3 3. To have the sole authority to issue any license provided for
4 in the Oklahoma Alcoholic Beverage Control Act and except as
5 provided in Sections 101 and 102 of this act with respect to cities,
6 towns and counties, and except as may be provided under Title 68 of
7 the Oklahoma Statutes with respect to the Oklahoma Tax Commission,
8 no other agency, instrumentality or political subdivision of this
9 state shall be authorized to issue any license or permit allowing
10 any licensee to engage in any activity covered by the Oklahoma
11 Alcoholic Beverage Control Act anywhere within the State of
12 Oklahoma;

13 4. To refuse to issue any license provided for in the Oklahoma
14 Alcoholic Beverage Control Act for cause provided for in the
15 Oklahoma Alcoholic Beverage Control Act;

16 5. To revoke or suspend, for cause after hearing, any license
17 issued under the authority of the Oklahoma Alcoholic Beverage
18 Control Act;

19 6. To prescribe the forms of all reports which it deems
20 necessary in administering the Oklahoma Alcoholic Beverage Control
21 Act;

22 7. To fix standards not in conflict with those prescribed by
23 any law of this state or of the United States, to secure the use of
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1 proper ingredients and methods of manufacture and dispensing of
2 alcoholic beverages;

3 8. To make seizures of alcoholic beverages manufactured, sold,
4 possessed, imported or transported in violation of the Oklahoma
5 Alcoholic Beverage Control Act, and apply for the confiscation
6 thereof whenever required by the Oklahoma Alcoholic Beverage Control
7 Act, and cooperate in the prosecution of offenders before any court
8 of competent jurisdiction;

9 9. To submit to the Governor and members of the State
10 Legislature annual or semiannual reports upon request of the
11 Governor;

12 10. To prepare an annual report by December 31 of each year
13 listing the number of licenses revoked or suspended and the basis
14 for the action. The report shall also include the number of tickets
15 written, the total amount of the tickets and the total amount
16 penalized. The report shall be delivered to the Governor, Speaker
17 of the Oklahoma House of Representatives and President Pro-temp of
18 the Oklahoma State Senate, and made public on the ABLE website.

19 11. To inspect or cause to be inspected any premises where
20 alcoholic beverages are manufactured, stored, distributed, sold,
21 dispensed or served;

22 11. 12. In the conduct of any hearing authorized to be held by
23 the ABLE Commission:

- a. to examine or cause to be examined, under oath, any person,
 - b. to examine or cause to be examined books and records of any licensee,
 - c. to hear testimony and take proof material for the ABLE Commission's information and the discharge of its duties hereunder,
 - d. to administer or cause to be administered oaths, and
 - e. to issue subpoenas for the attendance of witnesses and the production of books or records which shall be effective in any part of the state. Any district court or any judge thereof, either in term or vacation, may by order duly entered require the attendance of witnesses and the production of relevant books or records subpoenaed by the ABLE Commission, and the court or judge may compel obedience to the order by proceedings for contempt;

12. 13. To prescribe the kind and size of retail containers of
coholic beverages which may be purchased, possessed and sold by a
censee;

13. 14. To prescribe by rule, in addition to those herein required, the kinds of records to be kept and reports to be rendered licensees, and the information to be shown therein; provided,

1 | that the period for which all such records and reports be retained
2 | shall not be less than five (5) years;

3 | ~~14.~~ 15. To gather, compile and print such statistical data as
4 | may in the opinion of the ABLE Commission be needed or useful, and
5 | prescribe charges or fees to be collected from any person or company
6 | to whom such data shall be provided. No reports shall contain sales
7 | information by name or license number;

8 | ~~15.~~ 16. To educate persons employed by licensees to sell or
9 | serve alcoholic beverages as to the provisions of Article XXVIIIA of
10 | the Oklahoma Constitution and the Oklahoma Alcoholic Beverage
11 | Control Act, with emphasis on recognizing and preventing
12 | intoxication and particular emphasis on those provisions prohibiting
13 | the selling or serving of alcoholic beverages to minors. The ABLE
14 | Commission may contract with one or more entities, including but not
15 | limited to the Oklahoma Department of Mental Health and Substance
16 | Abuse Services, to perform the duties specified in this paragraph;

17 | ~~16.~~ 17. To purchase motor vehicles necessary for use in its
18 | operations. Such motor vehicles shall not be required to have any
19 | type of identifying marking thereon;

20 | ~~17.~~ 18. To purchase insurance on the motor vehicles owned and
21 | operated by the ABLE Commission in accordance with statutory
22 | provisions, subject to the approval of the Risk Management
23 | Administrator as provided for in Section 85.58A of Title 74 of the
24 | Oklahoma Statutes;

1 18. 19. To approve or reject any official bond required to be
2 filed with the ABLE Commission; and

3 19. 20. To exercise all other powers and duties conferred by
4 the Oklahoma Alcoholic Beverage Control Act, and all powers
5 incidental, convenient or necessary to enable it to administer or
6 carry out any of the provisions of the Oklahoma Alcoholic Beverage
7 Control Act.

8 B. The ABLE Commission shall promulgate rules, pursuant to the
9 Administrative Procedures Act, to carry out the purposes of the
10 Oklahoma Alcoholic Beverage Control Act.

11 SECTION 2. This act shall become effective November 1, 2025.

13 60-1-11110 JL 01/04/25