

## *Alcoholic Beverage Laws Enforcement (ABLE) Commission*

### **Administrative Rules Report | Executive Order 2020-03**

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#### **Comprehensive Review of Administrative Rules as of July 31, 2020**

**Report Submitted by:** Steven A. Barker

**Title:** Deputy Director and General Counsel

**Email:** [steven.barker@able.ok.gov](mailto:steven.barker@able.ok.gov)

**Phone:** 405-522-3050

**Method Used to Conduct Review:** ABLE Commission legal counsel and selected staff members collectively reviewed each administrative rule thoroughly for purposes of compiling this report. Each team member reviewed every administrative rule to ensure a collaborative approach.

**Historical Note:** In submitting this report, we believe it is important to note recent historical events as it relates to the administrative rules of this body. State Question 792 was passed by a vote of the people on November 4, 2016, to become effective October 1, 2018. This question, along with its omnibus companion Senate Bill 383, were collectively known as the “alcohol modernization measures.” These measures completely revoked Article 28 of the Oklahoma Constitution and Title 37 of the Oklahoma Statutes, and replaced them with Article 28A and Title 37A respectively. As a result, the ABLE Commission was tasked with completing a re-write of its administrative rules in order to ensure the will of the people was followed. These administrative rule changes took place during the year 2017, to be effective October 1, 2018 alongside the above mentioned constitutional and statutory changes. Uniquely situated against this historical backdrop, the determination that a rule is ineffective, outdated, or unnecessary was infrequent. Where such determinations were made, they frequently involved rules which became recently outdated as a result of legislation passed during the 2019 and 2020 sessions.

***TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS: (19 total, including 7 that were revoked as unnecessary on 10-1-18, and 4 that will expire by law on September 14, 2020)***

#### **Title 45 Alcoholic Beverage Laws Enforcement Commission**

##### **Chapter 1-Administrative Operations**

<b>Section</b>	<b>Title</b>	<b>Date Created</b>	<b>Costly</b>	<b>Ineffective</b>	<b>Duplicate</b>	<b>Location Of Duplication</b>	<b>Outdated/ Unnecessary</b>	<b>Necessary</b>	<b>Explanation of determined category</b>
1-1-1	Purpose	12-31-91 or earlier						X	Standard explanation of chapter purpose.
1-3-1	Origin of the Commission	10-1-18						X	Provides historical origin and authorizes certain delegated duties.
1-3-2	Purpose of the Commission	12-31-91 or earlier						X	Provides for exercise of police powers and purpose of Commission.

1-3-3	Availability of records and forms	10-1-18						X	Provides access to and location of public records.
1-3-4	Manner of obtaining information	10-1-18						X	Provides instructions for public access to certain information.
1-3-5	General procedures	12-31-91 or earlier						X	Adopts Oklahoma Administrative Procedures Act and repeals any rule in conflict.
1-3-6	Emergency rules	12-31-91 or earlier						X	Requires 5 days notice to all Commissioners of proposed emergency rules.
1-3-7	Requests for rule changes and declaratory rulings	12-31-91 or earlier						X	Provides public with method to request rule changes or request a formal ruling on an issue.
1-5-1	Hearings before the Commission	10-1-18						X	Provides the administrative hearing process for all disciplinary proceedings.
1-5-2	Requests for Subpoenas	10-1-18						X	Provides process for use of subpoenas in disciplinary proceedings.
1-5-3	Failure to appear	10-1-18						X	Authorizes discipline in the event party fails to appear.
1-5-4	Refusal to testify	10-1-18						X	Provides for penalties for refusing to testify under oath or produce discovery.
1-7-1	Duties and Responsibilities	10-1-18						X	Duties of the Director.
1-7-2	Authority to conduct hearings	10-1-18						X	Provides Director authority to conduct hearings.
1-7-3	Authority to issue notices and administer oaths	10-1-18						X	Further necessary authorities of the Director.
1-7-4	Authority to require reports from licensees	10-1-18						X	Necessary to effectively regulate certain licensees.

Chapter 10-Provisions and Penalties Applicable to All Licensees

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-1	Purpose	12-31-91 or earlier						X	Standard purpose statement for the chapter.
10-1-2	Definitions	12-31-91 or earlier						X	Important definition of public school where proximity of an alcohol establishment is prohibited.
10-3-1	Denial of application	12-31-91 or earlier						X	Provides standard reasons for denial of application.
10-3-2	Felony conviction or previous revocation	12-31-91 or earlier		X					This rule should be amended by taking out the prohibition on convicted felons obtaining an employee license. After the omnibus rule changes of 2017, the Oklahoma State Legislature authorized certain convicted felons to obtain such license. Since this statutory change, the ABLE Commission has not enforced this portion of the rule, and it is earmarked for revision.

10-3-3	Interest in illegal business	12-31-91 or earlier						X	Prohibits continued license holding in the event an interest is held in illegal businesses.
10-3-4	Notice of intent to apply for license	10-1-18						X	Newspaper publishing requirements.
10-3-5	Application filing period	10-1-18						X	Provides for time period to apply based on newspaper notice filing.
10-3-6	Payment of municipal occupational tax	12-31-91 or earlier						X	Requires payment of municipal taxes prior to engaging in sales of alcohol.
10-3-7	Employee, Agent or Manufacturer's Agent license	10-1-18						X	Requires certain employees of licensees to be licensed personally.
10-3-8	Duplicate licenses	12-31-91 or earlier						X	Authorizes duplicate licenses to be made in certain circumstances.
10-3-9	Trade organization disclosure	12-31-91 or earlier						X	Requires disclosure by any licensee of their part or membership in alcohol trade organizations.
10-3-10	Prohibited conduct on licensed premises	12-31-91 or earlier						X	Prohibits criminal conduct and other activities at licensed establishments.
10-3-11	Sanitation	12-31-91 or earlier						X	Requires licensed establishments to maintain sanitary conditions at all times.
10-3-12	Restriction on delivery of alcoholic beverages	10-1-18						X	Provides days in which alcohol may not be delivered by a wholesaler.
10-3-13	Payment before delivery by wholesaler	10-1-18						X	Necessary regulatory requirement to ensure non-discrimination in payment terms among retailers.
10-3-14	Wholesaler invoice requirement	10-1-18						X	Wholesale invoice requirements ensure the State can adequately track alcoholic beverages through the 3 tier system.
10-3-15	Returning merchandise in error	10-1-18						X	Provisions authorizes returns in the event of a delivery error, where returns are generally prohibited.
10-3-16	Insufficient fund checks prohibited	10-1-18						X	To ensure a fair marketplace and avoid discrimination among retailers, insufficient checks are prohibited so that everyone pays at the time of delivery.
10-3-17	Payment of insufficient fund checks	10-1-18						X	Provides certified fund payment mechanisms for those who have paid with insufficient funds previously.
10-3-18	Notice of dishonored check	10-1-18						X	Notice requirements in the event of a dishonored check.
10-3-19	Requirement for deposit of checks	10-1-18						X	Ensures a fair and non-discriminatory marketplace so that all retailers checks are cashed in the same manner and at the same time.
10-3-20	Holding of check prohibited	10-1-18						X	Ensures a fair and non-discriminatory marketplace by forbidding extensions of credit to retailers.



Chapter 15-Employee Licenses, Training Certification

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
15-1-1	Training Required	10-1-18						X	Requires seller/server training for employee licensees.
15-3-1	Application for certification of program	10-1-18						X	Provides process for which to certify a training program to provide to employee licensees.
15-3-2	Minimum standards of curriculum	10-1-18						X	Provides minimum standards for a training program.
15-3-3	Additional requirements for online training programs	10-1-18						X	Provides for online security features for training programs.
15-3-4	Requirements of certified trainers	10-1-18						X	Provides for certified programs to notify the Commission of employee licensees who have successfully completed training.

Chapter 20-Retail Spirits Stores, Mixed Beverage, Caterers, Special Events and Bottle Clubs

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
20-1-1	Purpose	10-1-18						X	Standard explanation of chapter purpose.
20-3-1	Restriction on location of licensed premises	10-1-18						X	Provides liquor store location restrictions in furtherance of the stated goals of the ABC Act.
20-3-2	Connected living quarters prohibited	10-1-18						X	Prohibits connected living quarters to licensed establishments selling alcoholic beverages.
20-3-3	Certificates of compliance	10-1-18						X	Requires a compliance certificate from the municipality in which a liquor store is located to ensure all municipal zoning ordinances are followed.
20-3-4	Restriction on sales and deliveries	10-1-18					X		Requires sales be made on the license. With the passage of Senate Bill 1928 during the 2020 session authorizing alcohol delivery and curbside sales, this provision should be revoked.
20-3-5	Prohibited transactions	10-1-18						X	Prohibits resale of alcohol purchased at retail. Helps protect the integrity of the 3 tier system.
20-3-6	Holding for delivery when sales illegal prohibited	10-1-18						X	Ensures alcohol is sold only during the appropriate statutory hours of operation.

20-3-7	Records of expenditures	10-1-18						X	Retail level record keeping requirement to ensure 3 tier system is followed.
20-3-8	Other business prohibited	10-1-18						X	Prohibits liquor stores from allowing other types of business to be conducted on the premises.
20-3-9	Percentage leases	10-1-18						X	Provides percentage cap on gross sales of alcohol for purposes of lease payment.
20-3-10	Gambling, gambling devices and games prohibited	10-1-18						X	Prohibits gaming to be conducted on a licensed premise outside any State-Tribal gaming compact.
20-3-11	Storage in licensed premises	10-1-18						X	Provides for storage requirements for retail level licensees.
20-3-12	Opened containers on licensed premises prohibited	10-1-18						X	Prohibits open alcohol containers on the premises of an off-premise establishment such as a liquor store or grocery store.
20-3-13	Restriction on adjacent business	10-1-18						X	Prohibits liquor stores from conducting other business activities adjacent to the premises, unless that business is physically separated from the liquor store.
20-3-14	Extension of credit by Retail Spirit License	10-1-18						X	Requires consumers purchasing alcoholic beverages from a liquor store pay at the time of purchase, and prohibits a liquor store from extending credit to consumers.
20-3-15	Beer keg sales records and identification tags	10-1-18						X	Provides for beer keg records keeping in order to ensure 3 tier system is followed.
20-5-1	Mixed Beverage license	12-31-91 or earlier						X	Provides for location requirements of bars and other establishments, sign requirements, and bar areas.
20-5-2	Caterer license	12-31-91 or earlier						X	Provides for reporting requirements and food thresholds for caterer licensees.
20-5-3	Special Event license	10-1-18						X	Provides entities authorized to obtain special event licenses, dates, times and hours.
20-5-4	Private Carrier license	12-31-91 or earlier						X	Provides the abilities of a private carrier licensee.
20-5-5	Additional Hours license	12-31-91 or earlier						X	Provides the cost and authorities of the additional hours license and those able to obtain the license.
20-5-6	Payment requirements	10-1-18						X	Provides payment requirements for alcohol purchases by event licensees and other retail level establishments.
20-5-7	Invalidation of identification stamp	10-1-18					X		Revoked as unnecessary effective 10-1-18.
20-5-8	Hours for pick-up at warehouses	10-1-18						X	Provides the hours in which dockside pickup from a wholesaler may be completed.
20-5-9	Records of expenditures	10-1-18						X	Requires retail level record keeping of expenditures to ensure the 3 tier system is followed.

20-5-10	Prohibited act	12-31-91 or earlier						X	Requires all bars in this state are closed to the public by 2:00 AM and no persons remain inside at that time.
20-7-1	Bottle Club license	3-1-85 or earlier						X	Describes a bottle club license and its authorities. While the Commission hasn't had a Bottle Club in the state since 2013, it is necessary to keep the bottle club rules in the event a county revokes its liquor by the drink authority.
20-7-2	Membership cards, records and bottle labels	3-1-85 or earlier						X	Again necessary to keep in the event liquor by the drink is revoked in any county.
20-7-3	Membership card must be legible	3-1-85 or earlier						X	Necessary to keep in the event liquor by the drink is revoked in any county.
20-7-4	Membership bottle requirements	3-1-85 or earlier						X	Necessary to keep in the event liquor by the drink is revoked in any county.
20-7-5	Restriction on number of open bottles	3-1-85 or earlier						X	Necessary to keep in the event liquor by the drink is revoked in any county.
20-7-6	Prohibited act	3-1-85						X	Necessary to keep in the event liquor by the drink is revoked in any county.
20-9-1	Restriction on certain sales	10-1-18					X		This rule should be amended or revoked in light of HB 1349 passed during the 2020 legislative session, increasing the alcohol by volume cap for a retail beer license.
20-9-2	Acceptance of alcohol at retail location only	10-1-18						X	Ensures retailer distribution systems are not utilized to contravene the 3 tier system.
20-9-3	Sale of other alcoholic beverages prohibited	10-1-18						X	Clearly limits retail beer licensees to the sale of beer only.
20-9-4	Employees to be licensed	10-1-18						X	Requires all employees selling alcohol at retail beer licensed establishments to hold an employee license.
20-9-5	Necessity to qualify as a retailer	10-1-18						X	Utilizes statutory definition of retailer to require a business meet the definition to obtain a license.
20-11-1	Restriction on certain sales	10-1-18						X	Caps retail wine sales by volume at 15% ABV.
20-11-2	Acceptance of alcohol at retail location only	10-1-18						X	Ensures retailer distribution systems are not utilized to contravene the 3 tier system.
20-11-3	Sale of other alcoholic beverages prohibited	10-1-18						X	Clearly limits retail wine licensees to the sale of wine only.
20-11-4	Employees to be licensed	10-1-18						X	Requires all employees selling alcohol at retail wine licensed establishments to hold an employee license.
20-11-5	Necessity to qualify as a retailer	10-1-18						X	Utilizes statutory definition of retailer to require a business meet the definition to obtain a license.

20-13-1	Licenses authorized to utilize curbside and delivery methods	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-2	Signature required	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-3	Maintaining records of delivery	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-4	Delivery vehicle requirements	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-5	Curbside and delivery hours	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-6	Restriction on delivery area	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.
20-13-7	Invoice or receipt required on board	6-5-20						X	Emergency rule adopted to implement Senate Bill 1928 passed during the 2020 legislative session.

Chapter 25-Winemakers, Self-Distribution, Direct Shipment

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
25-1-1	Samples on winery premise	10-1-18						X	Requires any sampling on a winery premise to be done in the designated bar area.
25-1-2	Festivals defined	10-1-18						X	Defines festivals for purposes of sales by a winery.
25-1-3	Tradeshows defined	10-1-18						X	Defines tradeshows for purposes of sales by a winery.
25-1-4	Extension of premises	10-1-18						X	Provides that wineries selling at a tradeshow or festival shall be deemed an extension of their licensed premises.
25-1-5	Event schedule required	10-1-18						X	Requires wineries to submit a monthly event schedule in order for the Commission to know what licensees are selling at of premise sites.
25-3-1	License required	10-1-18						X	Requires wineries electing to self-distribute to obtain the distribution level license for such activities.
25-3-2	Sales to be on same price basis	10-1-18						X	Mandates non-discrimination of pricing to retailers by a self-distributing winery.
25-3-3	Price posting procedure	10-1-18						X	Provides a price posting procedure for all products being self-distributed by a winery.
25-3-4	Record of sales	10-1-18						X	Requires records of all sales be kept for purposes of ensuring the 3 tier system is utilized and protected.

25-3-5	Pooled transportation prohibited	10-1-18						X	Requires self-distributors to distribute alone and not pool resources with other self-distributors.
25-5-1	License required	10-1-18						X	Requires wineries to obtain an additional permit if they desire to engage in direct to consumer wine shipments.
25-5-2	Limited amount to be shipped	10-1-18						X	Provides caps on the amount of wine a shipper is authorized to send to any Oklahoman during the calendar year.
25-5-3	Label, signature, and other shipping requirements	10-1-18						X	Provides for label, shipping, and signature requirements on all direct shipments.
25-5-4	Reporting required	10-1-18						X	Requires an annual report be filed by all shippers denoting the total amount of wine shipped in the calendar year.
25-5-5	Direct consumers permit	10-1-18					X		This rule should be revoked as the Legislature in 2018 removed the necessity for this permit. The ABLE Commission has never required this permit to be obtained by Oklahoma consumers.

Chapter 30-Manufacturers, Wine and Spirits Wholesalers, Brewers, Nonresident Sellers and Beer Distributors

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-1-1	Purpose	10-1-18						X	Standard explanation of chapter purpose.
30-1-2	Definitions	10-1-18						X	Provides important definitions of industry and regulatory terms.
30-3-1	Certain manufacturer discrimination prohibited	10-1-18						X	Prohibits discrimination by manufacturers to wholesalers unless designating one wholesaler for exclusive distribution of a product.
30-3-2	Manufacturer's brand name label registration	10-1-18						X	Requires and provides for a procedure to file and pay a brand registration fee for all alcoholic beverage brands sold in the State.
30-3-3	Manufacturer's price list	10-1-18						X	Requires a price posting submission from non-designating manufacturers for the sale of products to all wholesalers.
30-3-4	Products in short supply	10-1-18						X	Provides sales procedures for products in short supply to ensure a fair distribution of the product through the 3 tier system.
30-3-5	Allocation plan for non-designated products in short supply	10-1-18						X	Provides sales procedures for non-designated products in short supply to ensure a fair distribution of the product through the 3 tier system.
30-3-6	Wholesaler discrimination prohibited	10-1-18						X	Prohibits discrimination by wholesalers to retailers desiring to purchase alcoholic beverages. Provides for limited circumstances discrimination may be requested and authorized.
30-3-7	Wine and Spirits Wholesaler's price registration	10-1-18						X	Provides price posting procedures for non-designated alcoholic beverages to be listed for sale to retailers.

30-3-8	Wine and Spirits Wholesaler's price list	10-1-18						X	Provides for a pricing catalog of each wholesaler to be provided to all retailers who have purchased beverages within the past 60 days.
30-3-9	Wine and Spirits Wholesaler's warehouses	10-1-18						X	Provides certain regulations concerning a wholesalers warehouse including hours of operation, order filling requirements, etc.
30-3-10	Wholesaler's inventory requirement	10-1-18						X	Prohibits manufacturer discrimination against wholesalers with respect to non-designated product, and order filing requirements for manufacturers to wholesalers ordering product.
30-3-11	Permission to close out dead inventory	10-1-18						X	Authorizes wholesalers to post down and close out dead inventory outside of the normal price posting in certain instances.
20-3-12	Wine and Spirits Wholesaler's record of sales	10-1-18						X	Provides important record keeping requirements on wholesalers to ensure the 3 tier system is protected and followed.
30-3-13	Wine and Spirits Wholesaler's record of expenditures	10-1-18						X	Provides important record keeping requirements on wholesalers to ensure the 3 tier system is protected and followed.
30-3-14	Wine and Spirits Wholesaler's separate records requirement	10-1-18						X	Requires all alcohol business records be kept separate and distinct from any other business activities conducted.
30-3-15	Sale or transfer between Wine and Spirits Wholesaler	10-1-18						X	Provides for inventory transfers between wholesalers in certain circumstances.
30-3-16	Wine and Spirits Wholesaler's agents	10-1-18						X	Requires employees of wholesalers be licensed as agents engaging in the sale or delivery of alcoholic beverages.
30-3-17	Business with suspended Manufacturer prohibited	10-1-18						X	Prohibits the continued business by a wholesaler with a manufacturer who is not in good standing with the Commission.
30-3-18	Transportation of alcoholic beverages by licensees	10-1-18						X	Provides for legitimate transportation of alcoholic beverages by certain licensees.
30-3-19	Procedures for determining top 25 brands	6-27-19					X		Created in response to Senate Bill 608 (2019) as an emergency measure. Oklahoma Supreme Court rules Senate Bill 608 unconstitutional. Rather than revoking the rule, it is set to expire by law on September 14, 2020.
30-3-20	Posting procedures for top 25 brands	6-27-19					X		Created in response to Senate Bill 608 (2019) as an emergency measure. Oklahoma Supreme Court rules Senate Bill 608 unconstitutional. Rather than revoking the rule, it is set to expire by law on September 14, 2020.
30-3-21	Example schedule for top 25 brands	6-27-19					X		Created in response to Senate Bill 608 (2019) as an emergency measure. Oklahoma Supreme Court rules Senate Bill 608

									unconstitutional. Rather than revoking the rule, it is set to expire by law on September 14, 2020.
30-3-22	Brands no longer subject to top 25 distinction	6-27-19					X		Created in response to Senate Bill 608 (2019) as an emergency measure. Oklahoma Supreme Court rules Senate Bill 608 unconstitutional. Rather than revoking the rule, it is set to expire by law on September 14, 2020.
30-5-1	Brewer discrimination prohibited	10-1-18					X		Revoked on 10-1-18.
30-5-2	Brewer's brand name label registration	10-1-18						X	Brand registration and fee requirements for brewed alcoholic beverage products.
30-5-3	Brewer's price list	10-1-18					X		Revoked on 10-1-18.
30-5-4	Products in short supply	10-1-18					X		Revoked on 10-1-18.
30-5-5	Allocation plan for products in short supply	10-1-18					X		Revoked on 10-1-18.
30-5-6	Beer Distributor, Small Brewer Self-Distributor, or Brewpub Self-Distributor discrimination prohibited	10-1-18						X	Prohibits discrimination by those engaged in wholesaling brewed products among retail licensees.
30-5-7	Class B Wholesaler's price registration	10-1-18					X		Revoked on 10-1-18.
30-5-8	Class B Wholesaler's price list	10-1-18					X		Revoked on 10-1-18.
30-5-9	Beer Distributor's, Small Brewer Self-Distributor, or Brewpub Self-Distributor record of sales	10-1-18						X	Provides important record keeping requirements on those engaged in wholesaling brewed products to ensure the 3 tier system is protected and utilized.
30-5-10	Beer Distributor's, Small Brewer Self-Distributor, or Brewpub Self-Distributor record of expenditures	10-1-18						X	Provides important record keeping requirements on those engaged in wholesaling brewed products to ensure the 3 tier system is protected and utilized.
30-5-11	Beer Distributor's, Small Brewer Self-Distributor, or Brewpub Self-Distributor separate records requirement	10-1-18						X	Requires all alcohol business records be kept separate and distinct from any other business activities conducted.
30-5-12	Sale or transfer between Class B Wholesalers	10-1-18					X		Revoked on 10-1-18.

30-5-13	Business with suspended brewer prohibited	10-1-18						X	Prohibits the continued business by a distributor with a brewer who is not in good standing with the Commission.
30-5-14	Restrictions on deliveries	10-1-18						X	Requires beer distributors transport all deliveries to a retailers licensed premises only, ensuring retailers are not engaged in acts outside the scope of their license.
30-5-15	Beer Distributor's, Small Brewer Self-Distributor's, or Brewpub Self-Distributor's vehicle signs	10-1-18						X	Provides modest signage requirements on distribution vehicles providing the public and law enforcement with knowledge of the product on board.
30-5-16	Employees and agents must be licensed	10-1-18					X		This rule should be revoked as soon as possible. During the 2019 legislative session, Section 2-121 of the ABC Act was amended to specifically exclude beer distribution employees from the requirement of obtaining employee licenses.
30-5-17	Container price differences	10-1-18						X	Provides authorization to sell products at different prices based on different container sizes.
30-5-18	Transportation of alcoholic beverages by licensees	10-1-18						X	Provides for legitimate transportation of alcoholic beverages by certain licensees.
30-5-19	Extension of brewery premises	10-1-18						X	Authorizes brewers to attend festivals and tradeshow and effectively extends their licensed premises for those legitimate purposes.
30-5-20	Event schedule required	10-1-18						X	Requires Oklahoma brewers attending off site events to provide a monthly schedule to the Commission.
30-5-21	Procedures for filing agreements	10-1-18						X	Requires distribution agreements be filed with the Commission and provides for certain information to be provided.
30-5-22	Registration of designated brands	10-1-18						X	Requires brewers register its brand assignments to distributors with the Commission, and procedures for any changes.
30-5-23	Delivery outside designated sales territory	10-1-18						X	Prohibits beer distribution outside of assigned territory with certain exceptions.
30-5-24	Termination of agreement	10-1-18						X	Requires notice to Commission of any termination of beer distribution agreements within 5 days.
30-5-25	Quality Control	10-1-18					X		Beer replacement and quality control provision. Has been recently mirrored by 37A O.S. §3-115, and is a candidate for removal as unnecessary.

Chapter 35-Events, Airline/Railroad, Hotel/Motel

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
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35-1-1	Application	10-1-18						X	States what types of entities may apply for a special event license.
35-1-2	License availability	10-1-18						X	Limits the issuance of special event licenses in counties where liquor by the drink sales are authorized.
35-1-3	Proof of insurance required	10-1-18						X	Requires special event applicants provide proof of liability insurance for the event.
35-1-4	Diagram	10-1-18						X	Requires special event license applicants provide a diagram of the proposed event premises to the Commission, including storage and sales areas.
35-1-5	Barriers	10-1-18						X	Requires barriers on special event premises in certain circumstances to ensure alcoholic beverages are not taken from the licensed area.
35-1-6	Designated bar area	10-1-18						X	Details how bar areas will be restricted based on age of patrons attending event, and bar area signage requirements.
35-3-1	Application	10-1-18						X	States what types of entities may apply for a public event license.
35-3-2	License availability	10-1-18						X	Limits the issuance of public event licenses in counties where liquor by the drink has been authorized.
35-3-3	Proof of insurance required	10-1-18						X	Requires public event applicants provide proof of liability insurance for the event.
35-3-4	Diagram	10-1-18						X	Requires public event license applicants provide a diagram of the proposed event premises to the Commission, including storage and sales areas.
35-3-5	Barriers	10-1-18						X	Requires barriers on public event premises in certain circumstances to ensure alcoholic beverages are not taken from the licensed area.
35-3-6	Designated bar area	10-1-18						X	Details how bar areas will be restricted based on age of patrons attending event, and bar area signage requirements.
35-5-1	Application	10-1-18						X	States what types of entities may apply for a charitable event license.
35-5-2	License availability	10-1-18						X	Limits the issuance of charitable event licenses in counties where liquor by the drink has been authorized.
35-5-3	Donated alcohol	10-1-18						X	Authorized charitable event licensees to accept donated alcohol and sell such beverages in combination with a ticket price for the event.
35-5-4	Barriers	10-1-18						X	Requires barriers on charitable event premises in certain circumstances to ensure alcoholic beverages are not taken from the licensed area.
35-5-5	Designated bar area	10-1-18						X	Details how bar areas will be restricted based on age of patrons attending the event, and bar area signage requirements.
35-5-6	Diagram	10-1-18						X	Requires charitable event applicants provide a diagram of the proposed event premises to the Commission, including storage and sales areas.
35-7-1	Application required	10-1-18						X	Provides for the airline/railroad license and application requirement.
35-7-2	Sales and storage	10-1-18						X	Authorizes sales and storage of alcohol even in passing over or through areas of Oklahoma that do not allow by the drink alcohol sales.

35-7-3	Tax presumption	10-1-18						X	Provides that all sales by this licensee are considered completed out of the State of Oklahoma for purposes of taxation.
35-9-1	Mixed beverage license required	10-1-18						X	Requires hotel licensees also hold a mixed beverage license simultaneously.
35-9-2	Mini-bar access restricted	10-1-18						X	Requires hotel mini-bar access be restricted by lock to guests aged 21 years and older.
35-9-3	Licensee to license employees	10-1-18						X	Requires employees of hotel licensees be personally licensed when engaging in the handling or stocking of mini-bars.
35-9-4	Size of containers to be sold	10-1-18						X	Limits the size of alcoholic beverage containers for mini-bar sales at hotel licensed establishments.

Chapter 40-Transportation, Containers and Changes in Status or Location

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
40-1-1	Purpose	12-31-91 or earlier						X	Provides the general purpose for the Chapter.
40-3-1	Transportation by authorized Carrier	10-1-18						X	Requires alcohol transportation in the State to be done by licensed carriers, or certain manufacturers, wholesalers, and retailers in the course of normal business.
40-3-2	Carrier's report	10-1-18						X	Requires a copy of the OTC report pursuant to Section 5-123 of the ABC Act also be filed with the Director of the Commission.
40-3-3	Storage of alcoholic beverages in transit	10-1-18						X	Provides for bonded warehouse storage reporting requirements in order to ensure the 3 tier system is followed by those transporting alcoholic beverages on behalf of manufacturers and wholesalers.
40-3-4	Delivery to licensee's warehouse	10-1-18						X	Specifies carrier licensees have no property rights in any alcoholic beverages being transported, and requires such product be directly delivered to a wholesaler's warehouse.
40-3-5	Wine and Spirits Wholesaler's vehicle signs	10-1-18						X	Provides vehicle signage requirements on wholesalers to assist law enforcement, other licensees and the public to know who is operating and delivering alcoholic beverages.
40-5-2	Containers	10-1-18						X	Provides alcoholic beverage container restrictions on sizes, labeling requirements, and procedures for approval of containers by the Commission.
40-5-2	Container capacities	10-1-18						X	Limits the sizes of alcoholic beverage containers to those approved by the U.S. Tax and Trade Bureau.
40-5-3	Wine in less than 7% alcoholic content by weight	10-1-18						X	Authorizes wine sales consisting of less than 7% ABW in Oklahoma, despite the U.S. Tax and Trade Bureau not regulating the same.

40-5-4	Wine and Spirits Wholesalers use of private labels prohibited	10-1-18						X	Specifically forbids the use of private labels, which would violate the non-discrimination provisions of the ABC Act.
40-7-1	Change in location	10-1-18						X	Provides procedures to move alcoholic beverages from the licensed premises to a new location.
40-7-2	Sale of entire stock of merchandise	10-1-18						X	Details under what circumstances licensees may sell their entire stock of alcoholic beverages to another licensee, with procedures for approval of the Director.
40-7-3	Operation by legal representative	10-1-18						X	Authorizes in certain circumstances legal representatives like bankruptcy trustees, estate administrators, etc., to operate a licensed establishment and procedures to notify the Commission.
40-7-4	Changes in partnerships	10-1-18						X	Provides procedures for licensees operating as a partnership to make changes or dissolve said partnership.
40-7-5	Alteration of licensed premises	10-1-18						X	Requires a request and permission from the Commission to alter any licensed establishment's premises where alcoholic beverages are served or consumed.

Chapter 50-Charity Games

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
50-1-1	Purpose	9-17-93						X	Provides the general purpose for the Chapter.
50-1-2	Definitions	9-17-93						X	Provides definitions of certain charity gaming terms.
50-1-3	Name of organization to be displayed	9-17-93						X	Requires the name of the licensee to be prominently displayed during the conducting of all charitable gaming activities.
50-1-4	Sale or use of nonconforming bingo faces	9-17-93						X	Restricts charitable gaming to only the use of conforming bingo faces.
50-1-5	Destruction of altered or damaged breakopen ticket cards	9-17-93						X	Requires the shredding or burning or marked, defaced, altered or damaged bingo products.
50-1-6	Co-ownership of charity game equipment	9-17-93						X	Authorizes two or more operator licensees to share in ownership of certain equipment for the conducting of charitable gaming in certain circumstances.
50-1-7	Rentals and leases of charity game equipment	9-17-93						X	Provides restrictions on what types of charity gaming equipment may be rented or leased by an operator and from whom.
50-1-8	Use of vending machines prohibited	9-17-93						X	Prohibits the use of vending or coin operated machines to sell breakopen tickets.

50-1-9	Bingo Equipment	9-17-93						X	Provides certain requirements on the condition of bingo equipment, the manner in which it is operated to ensure fairness, and requires equipment be available for inspection by the Commission.
50-1-10	Equipment transfer notification	9-17-93						X	Requires notice to the Commission prior to any sale or transfer of charity gaming equipment.
50-1-11	Location	9-17-93						X	Provides restrictions on the number of locations, procedures to move locations, and procedures to share a location with another operator.
50-1-12	Printer exclusion	9-17-93						X	Excludes those printing materials not directly used in the operation of a charity game from regulation as a manufacturer or distributor.
50-3-1	Organization license	9-17-93						X	Provides for procedures to obtain and renew an organization license.
50-3-2	Distributor license	9-17-93						X	Provides for procedures to obtain and renew a distributor license.
50-3-3	Manufacturer license	9-17-93						X	Provides for procedures to obtain and renew a manufacturer license.
50-5-1	Organization exemption	9-17-93						X	Provides for certain exemptions to charitable organizations conducting no more than 4 gaming operations per year. Largely, this is used by churches in the State.
50-5-2	Health care and retirement facility exemption	9-17-93						X	Exempts these facilities from the requirements of the Charity Games Act in the conducting of their in house games.
50-5-3	Games where no consideration is required to play	9-17-93						X	Exempts games in which are wholly free to the public to enter and participate from the requirements of the Charity Games Act and this Chapter.
50-7-1	Conduct of a bingo game or U-Pik-Em bingo game	9-17-93						X	Provides procedures for the conducting of certain charitable games in order to ensure gaming is fair and uniform statewide.
50-7-2	Conduct of breakopen ticket games	9-17-93						X	Provides procedures for the conducting of certain charitable games in order to ensure gaming is fair and uniform statewide.
50-9-1	Organization operations, accounts, and reports	9-17-93						X	Provides record keeping and inspection requirements on operators of charitable games.
50-9-2	Distributor operations and reporting	9-17-93						X	Provides record keeping and inspection requirements on distributors of charitable game products.
50-9-3	Manufacturer operations and reporting	9-17-93						X	Provides record keeping and inspection requirements on manufacturers of charitable game products.
50-11-1	Procedures for conducting hearings	9-17-93						X	Provides procedures for disciplinary hearings against charitable gaming licensees.
50-11-2	Penalty Schedule	9-17-93						X	Provides a schedule of penalties for various violations of this Chapter and the Charity Games Act.
50-11-3	Petition for rule change or declaratory ruling	9-17-93						X	Provides the public with a method to request a declaratory ruling of the Commission, or petition the Commission to adopt, revoke, or modify and administrative rule.

Chapter 60-Tobacco

<b>Section</b>	<b>Title</b>	<b>Date Created</b>	<b>Costly</b>	<b>Ineffective</b>	<b>Duplicate</b>	<b>Location Of Duplication</b>	<b>Outdated/ Unnecessary</b>	<b>Necessary</b>	<b>Explanation of determined category</b>
60-1-1	Purpose	6-23-98						X	Standard explanation of chapter purpose.
60-3-1	Employer notification	6-23-98						X	Requires the employer of an individual cited for furnishing tobacco to a minor be notified.
60-3-2	Parental notification	6-23-98						X	Requires parents of a minor cited for possession of tobacco to be notified.
60-3-3	Procedures for conducting hearings	10-1-18						X	Provides hearing procedures for violations of the Prevention of Youth Access to Tobacco Act and this Chapter.

**END OF REPORT**