

Oklahoma Alcohol Fact Sheet

This is presented as an educational tool for licensees of the Oklahoma ABLE Commission. It is not a complete list of all Oklahoma alcohol laws but a reference tool for some of the most common questions we receive and violations that we observe.

You CANNOT furnish, sell, or deliver alcoholic beverages to a person under 21 years of age.

You CANNOT furnish, sell, or deliver alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient.

You CANNOT allow a person to be drunk or intoxicated on the licensed premise.

“Intoxication” includes intoxication due to any substance (e.g., alcohol, cannabis, prescription medication, illicit drugs, etc.).

No mixed beverage, beer and wine, caterer, charitable event, public event or special event licensee or any manager, employee, operator, or agent thereof shall consume or be under the influence of alcoholic beverages during the hours he or she is on-duty. Break periods in the middle of a shift are considered on-duty time.

Retail licensees (mixed beverage licenses, retail spirits licenses, retail beer licenses, retail wine licenses, small brewers, small farm wineries, beer and wine licenses, caterers, public event licenses, Charitable event licenses or special event licenses) are responsible for any violations of any alcoholic beverage law or rule of the Oklahoma ABLE Commission affecting his or her license privileges and for any act or omission of his or her servant, agent, employee, or representative in violation of any law, municipal ordinance or administrative rule affecting his or her licensing privileges.

Alcoholic beverages sold to retail customers (mixed beverage licenses, retail spirits licenses, retail beer licenses, retail wine licenses, public event licensees) must be purchased from a licensed wine & spirits wholesaler, beer distributor, holder of a small brewer self-distribution, or holder of a winemaker self-distribution license. You CANNOT purchase alcoholic beverages from another retailer or from a wholesale club (e.g., Sam’s, Costco, etc.).

All licenses issued by the ABLE Commission shall be displayed in a conspicuous place at all times on the licensed premise.

You CANNOT sell alcoholic beverages on credit. Customers may use a credit or debit card to purchase alcoholic beverages, but it must be paid for at the time of purchase, they cannot run a tab over multiple visits and pay for it later.

No mixed beverage, beer and wine, caterer, charitable event, public event or special event licensee or any manager, employee, operator, or agent thereof shall allow any illegal gambling

activity, violations of the state narcotic and dangerous drug laws, prostitution activity or any other criminal conduct to occur on the licensed premise.

No mixed beverage, beer and wine, caterer, charitable event, public event or special event licensee or any manager, employee, operator, or agent thereof shall refuse or fail to promptly open a door to the licensed premises upon the request of an employee of the Oklahoma ABLE Commission or any other peace officer.

No mixed beverage, beer and wine, caterer, charitable event, public event or special event licensee or any manager, employee, operator, or agent thereof shall destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an agent or any other peace officer or incite another person to do any of the above.

A corporate licensee shall notify the Oklahoma ABLE Commission any time a person, any type of partnership, limited liability company or other entity changes within the corporation. This is required to be conducted within 30 days of the change.

Retail spirit licensees, small brewers, small farm wineries, mixed beverage licensees, beer and wine licensees and grocery and convenience stores holding a retail beer and/or retail wine license may sell curbside and deliver alcoholic beverages in sealed original containers to consumers aged twenty-one (21) years and older. Only employees of the retail spirit licensee shall be permitted to make alcoholic beverage product delivery by the licensee may only be made by cash, check, transportable credit/debit card processors or with advance on-line payment methods. No third-party delivery is allowed.

Employee Licenses

Any employee that participates in the “service, mixing, or sale” of alcoholic beverages is required to have an employee license. The age requirement varies by the type of establishment.

Managers of mixed beverage licensees and public event licenses must have an employee license whether they are involved in the “service, mixing or sale” of alcoholic beverages or not.

Within 14 days of initial licensure, the applicant for an employee license is required to successfully complete a training program approved by the Oklahoma ABLE Commission. This requirement only applies to new licensees, not renewals. If your license expires by even one day though, prior to renewal, it is considered a new license and the training is required again.

Proof of training completion shall be available for inspection by the Oklahoma ABLE Commission at the business location along with the copy of the employee license.

Bussers, hosts, etc., that are not involved in the “service, mixing, or sale” of alcoholic beverages are not required to have an employee license.

Drink Specials

“Drink Specials” are allowed but discounted sales CANNOT be for less than 6% markup of the cost.

You may offer such “drink specials” on “any particular hour of any particular day” (no requirement to offer for an entire calendar week).

Alcohol Pricing / Advertising

You can advertise drink prices.

You CANNOT advertise or offer 2-for-1 drinks on alcoholic beverages.

You CANNOT advertise or offer for sale an unlimited number of alcoholic beverages for one price.

You CANNOT advertise or offer alcoholic beverages to a specific group at a lesser price charged to the general public.

You CANNOT advertise or offer to increase the volume of alcohol in a drink without increasing the price regularly charged for the drink.

You CANNOT advertise, offer, or permit any game or contest which involves drinking or the awarding of alcoholic beverages as prizes.

You CANNOT advertise or offer free alcoholic beverages to the general public.

Drink Tickets and Package Promotions

You CANNOT advertise or require a minimum number of alcoholic beverages to be purchased as a condition of admission.

You CANNOT advertise or provide free alcoholic beverages as part of the price of admission to a licensed facility.

You CANNOT advertise or offer the sale of food and alcoholic beverages as a package for one price, unless you have another price listed for the same package minus the charge for the alcoholic beverage.

Hotel Guests

You CANNOT provide complimentary alcoholic beverages to registered hotel guests except if the area where you’re serving the drinks is a separate, enclosed room, not open to the general public. (Licensed employee must mix the drinks)

You CANNOT give tickets for complimentary drinks to guests to be redeemed in the restaurant or club.

Mixed Beverage Establishments

Mixed beverage establishments can sell alcoholic beverages from 8 am to 2 am, Monday through Saturday. County options determine if and what hours Sunday sales and holiday sales are allowed.

A Type I establishment, where everyone that enters must be 21 years of age, all employees involved in the "service, mixing or sale" of alcoholic beverages must be licensed and everyone in the establishment must be at least 21 years old.

A Type II establishment, where people under 21 years of age may enter, all employees involved in the "service or sale" of alcoholic beverages must be licensed and be at least 18 years old. To work or be in the designated bar area they must be at least 21 years of age.

You CANNOT move or alter your designated bar area or move the approved location of your Type II signs without contacting the Oklahoma ABLE Commission and applying for an alteration of licensed premise.

Mixed beverage establishments may sell beer and wine to-go in original, sealed containers.

Cocktails-to-go: Must be done by curbside pickup or delivery by an employee that is at least 21 years of age. Employee must verify customer is over 21 and not intoxicated. The sealed container must be placed in the trunk or in the vehicles rear compartment, if there is no trunk. Containers sealed by an employee must have tamper-evident lids or caps and must have a label or tag with the ingredients, volume of the cocktail and type of alcohol. It must also contain the name, license number, address of the licensee and verification that the sealed container was filled less than 7 days before the date of sale. For mixed drink containers sealed with a tamper-evident lid or cap by the original manufacturer, the Oklahoma-registered label shall not be tampered with, modified, or otherwise changed. (This change goes into effect 11/01/2022).

You CANNOT serve more than two drinks to any one person at one time.

You can serve a tasting flight of not more than four separate individual beers (max. 5oz each), four separate individual wines (max. 1.5oz each), or four separate individual spirits (max 0.5oz each) together at one time. You CANNOT mix-and-match types of alcoholic beverages. Tasting flights shall not be free samples.

You CANNOT allow any person or patron to leave the licensed premise with alcoholic beverages.

You can sell wine, beer, or cocktails to-go for off-premises consumption at a different price than on-premises drinks. (This change goes into effect 11/1/2022).

Retail Spirits Store

Up to 20% of monthly sales can be something other than the sale of alcoholic beverages. Only restriction, no gasoline sales.

Alcoholic beverages must be sold in sealed, original containers.

Election day sales are not restricted.

Retail spirits stores can be open from 8 am to midnight, Monday through Saturday. Retail spirits stores must be closed on Thanksgiving and Christmas. Check with your individual county to determine if Sunday sales are allowed. If Sunday sales are allowed the hours are from noon to midnight.

You CANNOT offer or furnish any prize, premium, gift or similar inducement to a consumer in connection with the sale of alcoholic beverages.

Must be 21 years of age with a valid employee license to work in a retail spirits store.

A minor may enter a retail spirits store if they are being escorted by a parent or legal guardian.

A retail spirits licensee can host alcoholic beverage tastings if they are conducted under the direct supervision of the licensee authorized to host the tasting. They must be poured by an Oklahoma ABLE Commission licensee lawfully permitted to serve alcoholic beverages, provided that no wine or spirits wholesaler, beer distributor or employee of a wine or spirits wholesaler or beer distributor shall be allowed to pour samples for tastings. The alcoholic beverages used for the tasting must be purchased by the licensee authorized to host the tasting from a licensed wine and spirits wholesaler, beer distributor, self-distributor, small brewer, or self-distributing winery authorized to sell the same, and the licensee shall pay the applicable taxes on the alcoholic beverages purchased. The licensee may only provide samples of those products they are authorized to sell. You must ensure that no samples are given to anyone under 21.

Samples are limited to one fluid ounce of spirits, two fluid ounces of wine or three fluid ounces of beer per consumer per day. No samples served on the licensed premise are authorized to leave the licensed premise. All samples must be poured from the original sealed package, any alcoholic beverages unsealed used to provide samples, excluding spirits, are poured out by the end of the day and no more than 6 bottles of alcohol can be unsealed at any given time.

Retail Beer and/or Retail Wine Establishments

Alcoholic beverages must be sold in sealed, original containers.

Retail beer and retail wine establishments can sell beer and wine (if they are licensed to sell both) from 6 am to 2 am, seven days a week. These licensees do not have any restrictions to be closed on holidays.

Individuals over the age of 16 with a valid employee license may sell beer and/or wine in convenience stores and grocery stores.

A retail beer and/or retail wine licensee can host alcoholic beverage tastings if they are conducted under the direct supervision of the licensee authorized to host the tasting. They must be poured by an Oklahoma ABLE Commission licensee lawfully permitted to serve alcoholic beverages, provided that no wine or spirits wholesaler, beer distributor or employee of a wine or spirits wholesaler or beer distributor shall be allowed to pour samples for tastings. The alcoholic beverages used for the tasting must be purchased by the licensee authorized to host the tasting from a licensed wine and spirits wholesaler, beer distributor, self-distributor, small brewer, or self-distributing winery authorized to sell the same, and the licensee shall pay the applicable taxes on the alcoholic beverages purchased. The licensee may only provide samples of those products they are authorized to sell. You must ensure that no samples are given to anyone under 21. At retail beer and/or retail wine locations, samples are limited to two fluid ounces of wine or three fluid ounces of beer per consumer per day. No samples served on the licensed premise are authorized to leave the licensed premise. All samples must be poured from the original sealed package, any alcoholic beverages unsealed used to provide samples must be poured out by the end of the day and no more than 6 bottles of alcohol can be unsealed at any given time.

Private Parties

If you are having a private party on your licensed premise the following rules must be followed. It must be private, not open to the general public. You must notify the Oklahoma ABLE Commission in writing 10 days prior to advise of the private party.

You CANNOT have advertisements inviting the general public.

We suggest they have invitations or a guest list at the door to the event to ensure it remains a private party. If you have ticket sales to attend or are charging a cover at the door it is not a private party. You cannot have a cash bar.