

TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

**CHAPTER 20. RETAIL SPIRIT STORES, MIXED BEVERAGE, CATERERS,
SPECIAL EVENTS AND BOTTLE CLUBS**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 14. Educational Alcoholic Beverage Training For Employees
45:20-14-1 [NEW]

AUTHORITY:

Alcoholic Beverage Laws Enforcement Commission; 37A O.S. § 1-107.

ADOPTION:

January 3, 2024

EFFECTIVE:

Immediately upon Governor's approval.

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Adoption of this rule is necessary as an emergency measure pursuant to the criteria set forth in 75 O.S. § 253(A), especially to protect the public health, safety or welfare.

GIST/ANALYSIS:

The creation of 45:20-14-1 allows for limited educational alcoholic beverage training/tastings for certain licensees and their employees so that they may become familiar with the products that they sell and serve to customers.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULE IS CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S. § 253(F):

45:20-14-1 Educational alcoholic beverage training/tastings for licensees and their employees

Mixed beverage, catering mixed beverage, and beer and wine licensees shall be authorized to host educational alcoholic beverage training which includes tastings for employees who are licensed to serve or sell alcoholic beverages. Alcoholic beverages for training purposes may be provided by wine and spirits wholesaler licensees and beer distributor licensees and shall be subject to the following requirements:

- (1) All such tastings shall be conducted on a licensed premises and under the direct supervision of the licensee.
- (2) Samples shall be poured by a licensee who is lawfully permitted to serve alcoholic beverages in the State of Oklahoma.
- (3) Tastings shall be restricted to employees who are twenty-one (21) years of age or older.
- (4) Although participation in tastings for educational purposes may be required by an employer, the choice to taste or consume alcoholic beverages shall always be voluntary. No employee may be required to taste or consume alcohol at tastings as a term of employment.
- (5) An educational training beer tasting flight may consist of no more than six (6) separate individual beers of not more than two (2) ounces each, served together at one time. No employee may sample more than a total of twelve (12) fluid ounces of beer per day.
- (6) An educational training wine tasting flight may consist of no more than six (6) separate individual wines of not more than one (1) ounce each, served together at one time. No employee may sample more than a total of six (6) fluid ounces of wine per day.
- (7) An educational training spirit tasting flight shall consist of no more than three (3) separate individual spirits of not more than one-half (0.5) ounce each, served together at one time. No employee may sample more than a total of one and one-half (1.5) fluid ounces of spirits per day.
- (8) Only one (1) type of alcoholic beverage (beer, wine or spirits) shall be allowed at any educational training tasting. No combination tasting shall be allowed.
- (9) Employees who choose to taste an alcoholic beverage but do not wish to consume the alcoholic beverage shall be allowed to spit the beverage in a cup for disposal.
- (10) Employees may participate in educational tastings before, during or after regular business hours unless otherwise prohibited by law. If employees consume alcoholic beverages as part of an educational training before or during regular business hours, they shall not be allowed to begin or resume performing regularly scheduled work duties earlier than one (1) hour after completion of the tasting. Employees who do not consume alcoholic beverages as part of an educational training or tasting may be allowed to begin or resume performing regularly scheduled work duties immediately after completion of training.

(11) All licensees serving samples of beer shall ensure that all samples are poured only from original sealed packaging; any alcoholic beverages remaining in unsealed packaging used to provide samples, excluding spirits and wine, are poured out by the end of the day; no more than six (6) bottles of alcoholic beverages are unsealed at any given time during a tasting; and no person removes any poured samples from the licensed premises or location where the tasting has occurred.

(12) A copy of this administrative rule shall be posted at the licensed premise where a tasting will occur.