

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 646, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Bergstrom

Bergstrom-BG-FS-Req#1913  
3/1/2021 3:43 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 646

By: Bergstrom of the Senate

and

Steagall of the House

7  
8  
9 FLOOR SUBSTITUTE

10 [ firearms - carrying a weapon in a liquor  
11 establishment - penalties - business owners' rights -  
12 liquor stores - repealer - effective date ]

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272.1, as  
16 amended by Section 2, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,  
17 Section 1272.1), is amended to read as follows:

18 Section 1272.1

19 CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

20 A. It shall be unlawful for ~~any~~ a person to carry or possess  
21 any weapon designated in Section 1272 of this title in any  
22 establishment where ~~low-point beer~~ the sale of alcoholic beverages,  
23 as defined by Section ~~163.2 of Title 37~~ 1-103 of Title 37A of the  
24 Oklahoma Statutes, ~~or alcoholic beverages, as defined by Section 506~~

1 ~~of Title 37 of the Oklahoma Statutes, are consumed~~ constitutes the  
2 primary purpose of the business. This provision shall not apply to

3 a:

4 1. A peace officer, as defined in Section 99 of this title, or  
5 ~~to private investigators~~ investigator or armed security guard with a  
6 firearms authorization when acting in the scope and course of  
7 employment, ~~and shall not apply to an;~~

8 2. An owner or proprietor of the establishment ~~having a pistol,~~  
9 ~~rifle, or shotgun on the premises; or~~

10 3. An employee of the establishment who has permission from the  
11 owner or proprietor of the establishment to carry or possess a  
12 weapon while in the scope and course of employment.

13 B. Provided however, It shall be lawful for a person possessing  
14 ~~a valid handgun license pursuant to the provisions of the Oklahoma~~  
15 ~~Self-Defense Act may~~ to carry the concealed or unconcealed handgun  
16 or possess any weapon designated in Section 1272 of this title into  
17 any restaurant or other establishment licensed to dispense ~~low-point~~  
18 ~~beer or~~ alcoholic beverages where the sale of ~~low-point beer or~~  
19 alcoholic beverages does not constitute the primary purpose of the  
20 business.

21 ~~Provided further, nothing~~ C. Nothing in this section shall be  
22 interpreted to authorize any peace officer in actual physical  
23 possession of a weapon to consume ~~low-point beer or~~ alcoholic  
24

1 beverages, except in the authorized line of duty as an undercover  
2 officer.

3 D. Nothing in this section shall be interpreted to authorize  
4 any person, employee, private investigator or armed security guard  
5 with or without a firearms authorization in actual physical  
6 possession of a weapon to consume ~~low-point beer or~~ alcoholic  
7 beverages in any establishment where ~~low-point beer or~~ alcoholic  
8 beverages are consumed.

9 ~~B.~~ E. Any person violating the provisions of this section shall  
10 upon conviction, be punished as provided in Section 1272.2 of this  
11 title guilty of a misdemeanor punishable by a fine not to exceed Two  
12 Hundred Fifty Dollars (\$250.00).

13 F. Any person who intentionally or knowingly carries or  
14 possesses any weapon in violation of the provisions of this section  
15 and refuses to leave the establishment or the property of the  
16 establishment shall, upon conviction, be guilty of a misdemeanor  
17 punishable by a fine not to exceed Two Hundred Fifty Dollars  
18 (\$250.00).

19 G. As used in this section, "consume" means the act of drinking  
20 or ingesting alcoholic beverages or eating a product containing  
21 alcohol.

22 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1290.22, as  
23 last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp.  
24 2020, Section 1290.22), is amended to read as follows:

1 Section 1290.22

2 BUSINESS OWNER'S RIGHTS

3 A. Except as provided in subsections B, C and D of this  
4 section, nothing contained in any provision of the Oklahoma Self-  
5 Defense Act shall be construed to limit, restrict or prohibit in any  
6 manner the existing rights of any person, property owner, tenant,  
7 employer, liquor store, place of worship or business entity to  
8 control the possession of weapons on any property owned or  
9 controlled by the person or business entity.

10 B. No person, property owner, tenant, employer, liquor store,  
11 holder of an event permit, place of worship or business entity shall  
12 be permitted to establish any policy or rule that has the effect of  
13 prohibiting any person, except a convicted felon, from transporting  
14 and storing firearms in a locked vehicle on any property set aside  
15 for any vehicle.

16 C. A property owner, tenant, employer, liquor store, place of  
17 worship or business entity may prohibit any person from carrying a  
18 concealed or unconcealed firearm on the property. If the building  
19 or property is open to the public, the property owner, tenant,  
20 employer, liquor store, place of worship or business entity shall  
21 post signs on or about the property stating such prohibition.

22 D. No person, property owner, tenant, employer, liquor store,  
23 holder of an event permit, place of worship or business entity shall  
24 be permitted to establish any policy or rule that has the effect of

1 prohibiting any person from carrying a concealed or unconcealed  
2 firearm on property within the specific exclusion provided for in  
3 paragraph 4 of subsection B of Section 1277 of this title; provided  
4 that carrying a concealed or unconcealed firearm may be prohibited  
5 in the following places:

6 1. The portion of a public property structure or building  
7 during an event authorized by the city, town, county, state or  
8 federal governmental authority owning or controlling such building  
9 or structure;

10 2. Any public property sports field, including any adjacent  
11 seating or adjacent area set aside for viewing a sporting event,  
12 where an elementary or secondary school, collegiate, or professional  
13 sporting event or an International Olympic Committee or organization  
14 or any committee subordinate to the International Olympic Committee  
15 event is being held;

16 3. The fairgrounds during the Oklahoma State Fair or the Tulsa  
17 State Fair; and

18 4. The portion of a public property structure or building that  
19 is leased or under contract to a business or not-for-profit entity  
20 or group for offices.

21 E. The otherwise lawful carrying of a concealed or unconcealed  
22 firearm by a person on property that has signs prohibiting the  
23 carrying of firearms shall subject the person to being denied  
24

1 entrance onto the property or removed from the property. If the  
2 person:

3 1. Has been informed by the property owner, business entity or  
4 manager of the business that the person is in violation of a policy  
5 that prohibits firearms on the property; and

6 2. Refuses to leave the property and a peace officer is  
7 summoned, the person ~~may be punished as provided in Section 1276 of~~  
8 ~~this title~~ shall, upon conviction, be guilty of a misdemeanor  
9 punishable by a fine not to exceed Two Hundred Fifty Dollars  
10 (\$250.00).

11 F. A person, property owner, tenant, employer, liquor store,  
12 holder of an event permit, place of worship or business entity that  
13 does or does not prohibit any individual, except a convicted felon,  
14 from carrying a loaded or unloaded, concealed or unconcealed weapon  
15 on property that the person, property owner, tenant, employer,  
16 liquor store, holder of an event permit, place of worship or  
17 business entity owns, or has legal control of, is immune from any  
18 liability arising from that decision. Except for acts of gross  
19 negligence or willful or wanton misconduct, an employer who does or  
20 does not prohibit his or her employees from carrying a concealed or  
21 unconcealed weapon is immune from any liability arising from that  
22 decision. A person, property owner, tenant, employer, liquor store,  
23 holder of an event permit, place of worship or business entity that  
24 does not prohibit persons from carrying a concealed or unconcealed

1 | weapon pursuant to subsection D of this section shall be immune from  
2 | any liability arising from the carrying of a concealed or  
3 | unconcealed weapon, while in the scope of employment, on the  
4 | property or in or about a business entity vehicle. The provisions  
5 | of this subsection shall not apply to claims pursuant to the  
6 | Administrative Workers' Compensation Act.

7 | G. It shall not be considered part of an employee's job  
8 | description or within the employee's scope of employment if an  
9 | employee is allowed to carry or discharge a weapon pursuant to this  
10 | section.

11 | H. Nothing in subsections F and G of this section shall prevent  
12 | an employer, employee or person who has suffered loss resulting from  
13 | the discharge of a weapon to seek redress or damages of the person  
14 | who discharged the weapon or used the weapon outside the provisions  
15 | of the Oklahoma Self-Defense Act.

16 | SECTION 3. REPEALER 21 O.S. 2011, Section 1272.2, as  
17 | amended by Section 3, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2020,  
18 | Section 1272.2), is hereby repealed.

19 | SECTION 4. This act shall become effective November 1, 2021.  
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21 | 58-1-1913 BG 3/1/2021 3:43:53 PM  
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