



STATE OF OKLAHOMA
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

June 14, 2021

To All Interested Licensees,

In recent weeks, our office has fielded inquiries as to acceptable container types for purposes of House Bill 2122 (2021), also known as the "Cocktails To-Go Act". This notice is intended to provide guidance to retailers planning to sell mixed drinks to-go after the effective date of the Act (August 25, 2021).

Title 37A O.S. §7-102, as created by House Bill 2122, defines the term "sealed container" as:

"a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap and is tamper evident. Sealed container does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper or polystyrene foam."

Generally, a rigid container is one made of hard plastic or other similar materials that are durable and non-malleable, as opposed to soft flexible packaging materials such as light plastic, paper, or foil pouches. Moreover, it is clear from the above cited definition that a sealed container requires a lid or cap that must be removed for final consumption of the contents, rather than a film or other soft material easily punctured without physical removal for consumption. While retailers may find a variety of potential containers for to-go uses, some examples of acceptable containers for licensees conducting to-go sales include the following:

1. Heavy plastic bottles with tamper evident screwcaps;
2. Glass bottles with a screwcap, wax seal, or other tamper evident lid; and
3. Non-malleable metal containers with tamper evident lids.

These types of containers should be generally available through restaurant supply companies. The Oklahoma ABLE Commission encourages all retailers selecting containers for to-go sales to be mindful of the health and safety of the end consumer.

Respectfully,

A handwritten signature in black ink that reads "A. Keith Burt".

A. Keith Burt
Director