OKLAHOMA

Employer Guidance for Oklahoma's Open Up and Recover Safely Plan

Bars, Taverns, Nightclubs and Other Drinking Establishments Primarily Serving Alcoholic Beverages

- **May reopen beginning May 15, 2020**
- Should adhere to sanitation and disinfecting protocols and social distancing guidelines from the CDC.
    - If food is served please review employer guidance for restaurants for additional sanitation and disinfecting guidelines.

Recommended Guidelines for Temperature Checks & Employer Policies

Hair and nail salons and barbershops should consider use of a touchless infrared thermometer to check the temperature of employees each day. Employees with a temperature above 100.4°F are recommended to be sent home until they have no fever and no evidence of COVID-19 symptoms. Employers should consider implementing flexible sick leave and supportive policies and practices for employees and consider needs of employees older than 65 years or in other vulnerable populations.

Sanitation & Disinfecting Guidelines

- You are encouraged to develop, implement, and maintain and revise a cleaning and disinfecting plan for your workplace.

Developing Your Plan

- Evaluate your business to determine what kinds of surfaces and materials make up that area. Most surfaces and objects will just need normal routine cleaning. Frequently touched surfaces and objects like light switches and doorknobs should be cleaned and then disinfected to further reduce the risk of germs on surfaces and objects.
    - First, clean the surface or object with soap and water.
    - Then, disinfect using an EPA-approved disinfectant.
    - If an EPA-approved disinfectant is unavailable, you can use 1/3 cup of bleach added to 1 gallon of water, or 70% alcohol solutions to disinfect. Do not mix bleach or other cleaning and disinfection products together.

Determine What Needs to be Cleaned

- If your business has been unoccupied for 7 days or more, it will only need your normal routine cleaning to reopen the area. This is because the virus that causes COVID-19 has not been shown to survive on surfaces longer than this time.

Determine What Needs to be Disinfected

- Following your normal routine cleaning, you can disinfect frequently touched surfaces and objects using a product from EPA's list of approved products that are effective against COVID-19.
- If you are cleaning or disinfecting a hard and non-porous material or item like glass, metal, or plastic, consult EPA's list of approved products for use against COVID-19. Examples of high-touch areas that need to be disinfected are:
    - Tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets and sinks, touch screens, and ATM machines.
    - Bar tops, bar stools, cash registers and points-of-sale.
- If you are cleaning or disinfecting a soft and porous material or items like carpet, rugs, or seating in areas, these soft and porous materials are generally not as easy to disinfect as hard and non-porous surfaces. EPA has listed a limited number of products approved for disinfection for use on soft and porous materials.
    - Soft and porous materials that are not frequently touched should only be cleaned or laundered, following the directions on the item's label, using the warmest appropriate water setting.

Implement Your Plan

- Clean visibly dirty surfaces with soap and water. Clean surfaces and objects using soap and water prior to disinfection. Always wear gloves appropriate for the chemicals being used for routine cleaning and disinfecting.

Maintain and Revise Your Plan

- Routine cleaning and disinfecting are an important part of reducing the risk of exposure to COVID-19. Normal routine cleaning with soap and water alone can reduce risk of exposure and is a necessary step before you disinfect dirty surfaces.
- Surfaces frequently touched by multiple people, such as door handles, desks, phones, light switches, and faucets, should be cleaned and disinfected at least daily.
- More frequent cleaning and disinfection may be required based on level of use.

Additional Cleaning and Sanitation Practices

- Use disinfectants that are appropriate for use in food and beverage settings.
- Prior to reopening, deep clean all surfaces and touch points.
- Consider strategic placement of approved hand sanitizers for employees and guests on bar top, table tops and touch points.
- Consider designating one person to clean high-touch points at regular intervals.
- Encourage touchless payments and online ordering to further minimize touching of writing implements and high touch surfaces.

- Prior to reopening retrain employees on best practices to avoid contamination.
- If food is served, consider using single use condiment containers.
- Clean and disinfect bathrooms regularly, particularly high-touch surfaces, and ensure they have handwashing supplies.
- Ensure that access to handwashing/hand sanitizing supplies are available for employees and patrons.
- Employees are encouraged to use proper handwashing, observe respiratory etiquette, and avoid using other employees' phones, pens, notepads, or other work tools or equipment.

Maintain Social Distancing At All Times

Employees and visitors are encouraged to follow social distancing guidelines including maintaining a physical distance of at least 6 feet between individuals.

- Prior to reopening, examine bar layout and seating arrangements for how to best maintain the appropriate social distancing.
- Maintain six feet social distance between parties at bar tops.
- Consider designating an area where patrons can safely pick their drinks while maintaining social distancing.
- Limit the number of patrons allowed in standing areas or dance floors to maintain the 6 feet social distancing.
- Consider designated entrances and exits to minimize face-to-face exposure of patrons entering and exiting the establishment.
- No parties exceeding 10 people, unless seated in a private area.
- Consider displaying posters and signs in the bar to frequently remind patrons to take steps to prevent the spread of COVID-19. These messages may include information about:
    - Staying home if you are sick or do not feel well, and what to do if you're sick or feel ill.
    - Using social distancing and maintaining at least six feet between individuals.
    - Covering coughs and sneezes with a tissue, then throwing the tissue in the trash.
    - Washing hands often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing.
    - Avoiding touching eyes, nose, and mouth with unwashed hands.

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Smoking in Public Places and Indoor Workplaces Act

Article Article 15 - Occupational Health, Ionizing Radiation, and Air Pollution

Section 1-1523 - Prohibition Against Smoking - Exemptions

Cite as: 63 O.S. § 1-1523 (OSCN 2020), Smoking in Public Places and Indoor Workplaces Act

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A. Except as specifically provided in the Smoking in Public Places and Indoor Workplaces Act, no person shall smoke tobacco or marijuana or vape marijuana in a public place, in any part of a zoo to which the public may be admitted, whether indoors or outdoors, in an indoor workplace, in any vehicle providing public transportation, at a meeting of a public body, in a nursing facility licensed pursuant to the Nursing Home Care Act, or in a child care facility licensed pursuant to the Oklahoma Child Care Facilities Licensing Act. A nursing facility licensed pursuant to the Nursing Home Care Act may designate tobacco smoking rooms for residents and their guests. Such rooms shall be fully enclosed, directly exhausted to the outside, and shall be under negative air pressure so that no tobacco smoke can escape when a door is opened and no air is recirculated to nonsmoking areas of the building. Commercial airport operators may prohibit the use of lighted tobacco or lighted marijuana or the vaping of marijuana in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

B. 1. Except as otherwise provided in paragraph 2 of this subsection, a technology center school district which offers an early childhood education program or in which children in grades kindergarten through twelve are educated shall prohibit tobacco or marijuana smoking or marijuana vaping, the use of marijuana products, snuff, chewing tobacco or any other form of tobacco product in the educational facility buildings and on the grounds of the facility by all persons including, but not limited to, full-time, part-time, and contract employees, during the hours of 7:00 a.m. to 4:00 p.m., during the school session, or when class or any program established for students is in session.

2. A technology center school district may designate tobacco smoking areas outside of buildings, away from general traffic areas and completely out of sight of children under eighteen (18) years of age, for use by adults attending training courses, sessions, meetings or seminars.

3. A technology center school district or college or university may designate tobacco smoking areas outside the educational facility buildings for the use of adults during certain activities or functions, including, but not limited to, athletic contests.

4. Smoking tobacco or marijuana or vaping marijuana shall be prohibited in an educational facility as defined in the 24/7 Tobacco-free Schools Act and as provided for in Section 1210.213 of Title 70 of the Oklahoma Statutes.

C. Nothing in this section shall be construed to prohibit educational facilities from having more restrictive policies regarding tobacco or marijuana smoking or marijuana vaping and the use of other marijuana or tobacco products in the buildings or on the grounds of the facility.

D. A private residence is not a "public place" within the meaning of the Smoking in Public Places and Indoor Workplaces Act except that areas in a private residence that are used as a licensed child care facility during hours of operation are "public places" within the meaning of the Smoking in Public Places and Indoor Workplaces Act.

E. Smoking tobacco or marijuana or vaping marijuana is prohibited in all vehicles owned by the State of Oklahoma and all of its agencies and instrumentalities.

F. Veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking tobacco shall only be allowed in designated outdoor smoking areas.

G. An employer not otherwise restricted from doing so may elect to provide tobacco smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for tobacco smoking, provided each tobacco smoking room is fully enclosed and exhausted directly to the outside, in such manner that no tobacco smoke can drift or circulate into a nonsmoking area. No exhaust from a tobacco smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake. If tobacco smoking is to be permitted in any space exempted in subsection H of this section or in a tobacco smoking room pursuant to subsection I of this section, such tobacco smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the tobacco smoking space shall be fully enclosed, exhausted directly to the outside with no air from the tobacco smoking space circulated to any nonsmoking area, and under negative air pressure so that no tobacco smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a tobacco smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake.

H. The Smoking in Public Places and Indoor Workplaces Act shall not prohibit tobacco smoking in:

1. Stand-alone bars, stand-alone taverns or cigar bars;

2. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

3. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

4. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

5. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access;

6. Workplaces occupied exclusively by one or more tobacco smokers, if the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

7. Private offices occupied exclusively by one or more smokers;

8. Workplaces within private residences, except that smoking tobacco or marijuana or vaping marijuana shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Sections 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public;

10. Any outdoor seating area of a restaurant; provided, tobacco or marijuana smoking or vaping marijuana shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant; and

11. Medical research or treatment centers, if tobacco smoking is integral to the research or treatment. Furthermore, the restrictions on smoking or vaping of marijuana provided in this section shall not apply to medical research or treatment centers, if marijuana smoking or vaping is integral to the research or treatment.

I. Notwithstanding any other provision of the Smoking in Public Places and Indoor Workplaces Act, until March 1, 2006, restaurants may have designated tobacco smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated tobacco smoking rooms. Food and beverage may be served in such designated tobacco smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so tobacco smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

Historical Data

Laws 1987, SB 327, c. 151, § 3, eff. November 1, 1987; Amended by Laws 1989, HB 1176, c. 232, § 1, eff. November 1, 1989; Amended by Laws 1994, SB 1130, c. 137, § 14, emerg. eff. July 1, 1994; Amended by Laws 1995, SB 129, c. 274, § 51, eff. November 1, 1995; Amended by Laws 2000, HB 2529, c. 229, § 1, eff. November 1, 2000 (superseded document available); Amended by Laws 2001, HB 1636, c. 188, § 1, emerg. eff. May 7, 2001 (superseded document available); Amended by Laws 2002, SB 1533, c. 96, § 2, emerg. eff. July 1, 2002 (superseded document available); Amended by Laws 2003, SJR 21, § 4, eff. September 1, 2003 (superseded document available); Amended by Laws 2007, SB 473, c. 70, § 2, eff. November 1, 2007 (superseded document available); Amended by Laws 2012, SB 1686, c. 30, § 2, eff. November 1, 2012 (superseded document available); Amended by Laws 2014, SB 1777, c. 167, § 2, eff. November 1, 2014 (superseded document available); Amended by Laws 2015, HB 1685, c. 259, § 6 (superseded document available); Amended by Laws 2017, SB 730, c. 110, § 2, eff. November 1, 2017 (superseded document available); Amended by Laws 2019, HB 2601, c. 477, § 2 (superseded document available).

Citationizer© Summary of Documents Citing This Document

Cite Name	*Level*

Oklahoma Attorney General's Opinions

Cite	*Name*	*Level*
2013 OK AG 2,	*Question Submitted by: The Honorable Al McAffrey, State Senator, District 46*	*Discussed*

Oklahoma Court of Civil Appeals Cases

Cite	*Name*	*Level*

Cite Name	Level	
2016 OK CIV APP 83, 389 P.3d 370,	NUNCIO v. ROCK KNOLL TOWNHOME VILLAGE, INC.	Cited

Title 21. Crimes and Punishments

Cite	Name	Level
21 O.S. 1247,	Smoking in Certain Public Places Prohibited - Punishment	Cited

Citationizer: Table of Authority

Cite Name	Level	

Title 63. Public Health and Safety

Cite	Name	Level
63 O.S. 1-1523,	Prohibition of Smoking - Exemptions	Cited
63 O.S. 1-1523,	Prohibition of Smoking - Exemptions	Cited
63 O.S. 1-1523,	Prohibition of Smoking - Exemptions	Cited
63 O.S. 1-1523,	Prohibition Against Smoking - Exemptions	Cited
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63 O.S. 1-1523,	Prohibition of Smoking - Exemptions	Cited

Title 70. Schools

Cite	Name	Level
70 O.S. 1210.213,	Use of Tobacco Products Prohibited in Educational Facilities, School Vehicles, and at School-Sponsored Events	Cited

Oklahoma Statutes Citationized

Title 37A. Alcoholic Beverages

Oklahoma Alcoholic Beverage Control Act

Municipal and County Regulations

Section 4-101 - Authority of Municipalities to Enact Ordinances

Cite as: 37A O.S. § 4-101 (OSCN 2020), Municipal and County Regulations

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A. Municipalities are authorized to enact ordinances consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act. In municipalities with populations of thirty-five thousand (35,000) or more according to the most recent federal decennial census, these ordinances may provide for maximum penalties of fines not to exceed One Thousand Dollars ($1,000.00) plus court costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

B. All municipalities of this state may enact ordinances prohibiting or regulating nudity or drink solicitation in establishments licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

C. The provisions of this section shall not authorize any municipality to regulate by ordinance or issue any licenses for activities for which a license is required to be issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

D. Municipalities are authorized to enact ordinances regulating the closing time of ABLE Commission licensees who provide alcoholic beverages for consumption on the premises; provided, no ordinance shall be enacted for premises to open later than 6:00 a.m. or close earlier than 2:00 a.m.

Historical Data

Laws 2016, SB 383, c. 366, § 98, eff. October 1, 2018; Amended by Laws 2018, SB 1336, c. 207, § 2, eff. October 1, 2018 (superseded document available).

Title 37A. Alcoholic Beverages

Oklahoma Statutes Citationized

Title 37A. Alcoholic Beverages

Oklahoma Alcoholic Beverage Control Act

Prohibited Acts - Violations - Penalties

Section 6-114 - Separate Lounge or Bar Area - No Person Under Twenty-One (21) Allowed - Admissions Charges - Exceptions

Cite as: O.S. §, ___

A. 1. If the premises of a licensee of the ABLE Commission contains a separate or enclosed lounge or bar area, which has as its main purpose the sale or distribution of alcoholic beverages for on-premises consumption, notwithstanding that as an incidental service, meals or short order foods are made available therein, no person under twenty-one (21) years of age shall be admitted to such area, except for members of a musical band employed or hired as provided in paragraph 2 of Section 142 of this act when the band is to perform within such area, or persons under twenty-one (21) years of age who are on the licensed premises for the limited purpose of performing maintenance, construction, remodeling, painting or other similar services relating to the building or equipment installation, repair or maintenance on the premises during those hours when the licensed establishment is closed for business. The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or mixing or serving of alcoholic beverages, in which sales or serving of alcoholic beverages are incidental to the main purpose, as long as the persons under twenty-one (21) years of age are not sold or served alcoholic beverages. The incidental service of food in the bar area shall not exempt a licensee from the provisions of this section. The ABLE Commission shall have the authority to designate the portions of the premises of a licensee where persons under twenty-one (21) years of age shall not be admitted pursuant to this section. When determining a licensee's main purpose, a licensee that operates a full kitchen, sells food items from a full menu, and has thirty-five percent (35%) or more of its monthly gross sales attributable to food items, shall have as its main purpose other than the sale of alcoholic beverages. The main purpose of those mixed beverage establishments whose main purpose was other than the sale of alcoholic beverages prior to October 1, 2018, shall not automatically lose that designation upon the elimination of low-point beer in the state. If the ABLE Commission wishes to change said mixed beverage establishments' main purpose designation, it shall be the burden of the ABLE Commission to prove by clear and convincing evidence that said mixed beverage establishments no longer qualify for that designation.

2. A new licensee that claims as its main purpose some objective other than the sale of alcoholic beverages may be granted a separate or enclosed lounge or bar area for a period of ninety (90) days. At the end of that ninety-day period, the licensee shall have the burden of showing that the business continues to qualify for a separate or enclosed bar area. If the licensee fails to satisfy this burden, then that licensee's main purpose shall automatically convert to the sale of alcoholic beverages.

B. Except as otherwise provided, an admission charge shall not be considered in any calculation designed to determine the main purpose of an establishment pursuant to subsection A of this section. As used in this section, "admission charge" means any form of consideration received by an establishment from a person in order for that person to gain entrance into the establishment.

C. The provisions of subsection B of this section shall not apply:

1. If only persons eighteen (18) years of age or older are permitted to enter the licensed premises; provided, if the licensee is claiming an exception from the requirements of subsection B of this section pursuant to this paragraph and fails to restrict the entry by persons under age eighteen (18) into the licensed premises, the ABLE Commission shall designate that only persons twenty-one (21) years of age or older are allowed on the licensed premises;

2. If the licensed premises are owned or operated by a service organization or fraternal establishment which is exempt under Section 501(c)(19), (8), or (10) of the Internal Revenue Code; or

3. To a public event held in a facility owned or operated by any agency, political subdivision or public trust of this state.

D. The ABLE Commission shall promulgate rules necessary to implement the provisions of this section.

Historical Data

Laws 2016, SB 383, c. 366, § 154, eff. October 1, 2018.

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