

SHORT TITLE: Alcoholic beverages; expanding certain exemption;
removing certain licensing requirement; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 759

By: Hendrick

AS INTRODUCED

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 505, which relates to manufacturing, sale and possession of alcoholic beverages; modifying certain exception; removing certain license requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 37 O.S. 1991, Section 505, is amended to read as follows:

Section 505. No person shall manufacture, rectify, sell, possess, store, import into or export from this state, transport, or deliver any alcoholic beverage except as specifically provided in the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of this title. Provided, that nothing herein shall prevent the possession and transportation of alcoholic beverages for the personal use of the possessor, his family and guests, so long as the Oklahoma excise tax has been paid thereon, except for beer. Provided, that nothing herein shall prevent the making of ~~cider or of wine~~ any beverage exempt from taxation under applicable federal law, not to exceed two hundred (200) gallons in any one (1) year ~~pursuant to a license first obtained from the Alcoholic Beverage Laws Enforcement Commission~~, by simple fermentation and without

distillation, if made solely for the use of the maker, his family and guests.

Any duly licensed physician or dentist may possess and use alcoholic beverages in the strict practice of his profession and any hospital or other institution caring for sick and diseased persons may possess and use alcoholic beverages for the treatment of bona fide patients of such hospital or institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic beverages in the preparation of prescriptions of duly licensed physicians.

The possession, transportation and dispensation of wine by any authorized representative of any church for the conducting of a bona fide rite or religious ceremony conducted by such church shall not be prohibited by the Oklahoma Alcoholic Beverage Control Act; nor shall said act prevent the sale, shipping or delivery of sacramental wine by any person holding a sacramental wine supplier license issued pursuant to the Oklahoma Alcoholic Beverage Control Act to any religious corporation or society of this state holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code, 1954, and listed as an exempt organization in Section 501(c) (3) of the Internal Revenue Code, 1954, of the United States, as amended.

Provided further, that nothing in the Oklahoma Alcoholic Beverage Control Act shall prevent the possession, transportation and sale of alcoholic beverages, including beer as defined by Section 506 of this title and beer containing not more than three and two-tenths percent (3.2%) of alcohol by weight, within military reservations and in accordance with the laws, rules and regulations governing such military reservations, provided that the Oklahoma excise tax has been paid on spirits and wines.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1702

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