

ENGROSSED SENATE
BILL NO. 616

By: Hobson of the Senate
and
Glover of the House

An Act relating to intoxicating liquors; amending 37 O.S. 1991, Section 505, which relates to the manufacturing, sale or possession; providing the Oklahoma Alcoholic Beverage Control Act shall not prevent the intrastate transportation of certain wine under certain circumstances; prohibiting wholesaler from ordering or receiving liquors from certain sellers; defining term; providing for codification; 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. 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, 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.

Provided further, that nothing in the Oklahoma Alcoholic Beverage Control Act shall prevent the intrastate transportation of wine as defined in Section 506 of this title by a common carrier operating under a certificate of convenience and necessity issued by any duly authorized federal or state regulatory agency.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 518.3 of Title 37, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, no wholesaler shall order, purchase, or receive any spirits or wine from any distiller, winemaker, rectifier, or nonresident seller who is not the primary American source of supply for the spirits or wine ordered, purchased, or received.

B. A wholesaler may order, purchase, or receive spirits or wine from a holder of a nonresident seller license who is not the primary American source of supply for the spirits or wine ordered, purchased, or received if:

1. The nonresident seller maintains an office in this state;

2. The spirits or wine ordered, purchased, or received by the wholesaler were obtained by the nonresident seller directly from the primary American source of supply; and

3. The nonresident seller maintains records of the source of all spirits or wine which it obtains, which records shall be open to inspection by the Alcoholic Beverage Laws Enforcement (ABLE) Commission.

C. "Primary American source of supply" means:

1. The distiller, winemaker, rectifier, or nonresident seller who is the producer or the owner of the commodity at the time it becomes a marketable product in the United States and who is the manufacturer or the source closest to the manufacturer in the channel of commerce from whom the product can be obtained by any American wholesaler in this country; or

2. The bottler or exclusive agent for the United States of the distiller, winemaker, rectifier, or nonresident seller.

SECTION 3. This act shall become effective November 1, 1995.

Passed the Senate the 13th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives