

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT  
4 RESOLUTION 1062

By: Morgan

5  
6  
7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Sections 3 and 4 of  
11 Article XXVIII of the Constitution of the State of  
12 Oklahoma; allowing winemakers to maintain tasting  
13 rooms under certain limited circumstances; expanding  
14 certain exception to include tasting rooms; providing  
15 ballot title; and directing filing.

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
17 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people for  
19 their approval or rejection, as and in the manner provided by law,  
20 the following proposed amendment to Section 3 of Article XXVIII of  
21 the Constitution of the State of Oklahoma to read as follows:

22 Section 3. The Legislature shall enact laws providing for the  
23 strict regulation, control, licensing, and taxation of the  
24 manufacture, sale, distribution, possession, and transportation of  
alcoholic beverages, consistent with the provisions of this  
Amendment. Provided, that any manufacturer, or subsidiary of any

1 manufacturer who markets his product solely through a subsidiary or  
2 subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or  
3 importer of alcoholic beverages, bottled or made in a foreign  
4 country, either within or without this state, shall be required to  
5 sell such brands or kinds of alcoholic beverages to every licensed  
6 wholesale distributor who desires to purchase the same, on the same  
7 price basis and without discrimination, and shall further be  
8 required to sell such beverages only to those distributors licensed  
9 as wholesale distributors. Winemakers either within or without this  
10 state shall be required to sell wine they produce to every licensed  
11 wholesale distributor who desires to purchase the wine, but  
12 winemakers shall not be required to sell the wine they produce only  
13 to licensed wholesale distributors. Winemakers may sell wine  
14 produced at the winery to consumers on the premises of the winery,  
15 and winemakers may sell wine produced at the winery in the tasting  
16 rooms of the winery that are not on the premises of the winery.  
17 Winemakers may each maintain up to three tasting rooms in the state  
18 that are not on the premises of the winery where they may provide  
19 free samples of wine produced at the winery, as well as sell wine  
20 produced at the winery. Oklahoma winemakers may sell and ship the  
21 wine they produce at wineries in this state directly to retail  
22 package stores and restaurants in this state. As used in this  
23 section, "restaurant" means an establishment that is licensed to  
24 sell alcoholic beverages by the individual drink for on-premises

1 consumption and where food is prepared and sold for immediate  
2 consumption on the premises. All laws passed by the Legislature  
3 under the authority of the Article shall be consistent with this  
4 provision.

5 SECTION 2. The Secretary of State shall refer to the people for  
6 their approval or rejection, as and in the manner provided by law,  
7 the following proposed amendment to Section 4 of Article XXVIII of  
8 the Constitution of the State of Oklahoma to read as follows:

9 Section 4. Except as hereinafter provided, retail sales of  
10 alcoholic beverages shall be limited to the original sealed package,  
11 by privately owned and operated package stores, in cities and towns  
12 having a population in excess of two hundred (200) persons or by  
13 wineries; provided that wineries shall be able to sell only wine  
14 which has been produced on the winery premises. No goods, wares, or  
15 merchandise shall be sold and no services shall be rendered on the  
16 same premises on which retail package alcoholic beverages are sold.  
17 Said premises are herein defined to be the entire space in which  
18 retail package alcoholic beverages are sold or displayed and said  
19 premises must be separated from any premises on which any other  
20 goods, wares, or merchandise are sold or services rendered by walls  
21 which may only be broken by a passageway to which the public is not  
22 admitted; provided, the restriction on the sale of merchandise and  
23 rendering of services shall not apply to the premises of a winery or  
24 to tasting rooms provided for in Section 3 of this Article.

1 Not more than one retail package license shall be issued to any  
2 person or general or limited partnership.

3 Retail sale of alcoholic beverages by the individual drink for  
4 on-premises consumption is hereby authorized within a county if the  
5 voters of such county have previously approved such retail sale at  
6 an election.

7 SECTION 3. The Ballot Title for the proposed Constitutional  
8 amendments as set forth in SECTIONS 1 and 2 of this resolution shall  
9 be in the following form:

10 BALLOT TITLE

11 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure amends the Oklahoma Constitution. It would amend  
14 Sections 3 and 4 of Article 28. The changes would allow  
15 winemakers to maintain up to three tasting rooms. The  
16 winemakers would be able to give free samples of their wine and  
17 sell their wine at the tasting rooms.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES \_\_\_\_\_

20 AGAINST THE PROPOSAL - NO \_\_\_\_\_

21 SECTION 4. The Chief Clerk of the House of Representatives,  
22 immediately after the passage of this resolution, shall prepare and  
23 file one copy thereof, including the Ballot Title set forth in  
24

1 SECTION 2 hereof, with the Secretary of State and one copy with the  
2 Attorney General.

3

4 51-2-9014 CJB 01/15/08

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24