

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2008)

3 HOUSE JOINT
4 RESOLUTION 1094

By: McAffrey

5
6 AS INTRODUCED

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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; authorizing the sale of wine in certain
13 establishments; authorizing sale of certain
14 nonalcoholic beverages; allowing certain alcoholic
15 beverages to be refrigerated; providing ballot title;
16 and directing filing.

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19 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
20 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

21 SECTION 1. The Secretary of State shall refer to the people for
22 their approval or rejection, as and in the manner provided by law,
23 the following proposed amendment to Sections 3 and 4 of Article
24 XXVIII of the Constitution of the State of Oklahoma to read as
follows:

Section 3. The Legislature shall enact laws providing for the
strict regulation, control, licensing, and taxation of the
manufacture, sale, distribution, possession, and transportation of
alcoholic beverages, consistent with the provisions of this

1 Amendment. Provided, that any manufacturer, or subsidiary of any
2 manufacturer who markets his product solely through a subsidiary or
3 subsidiaries, a distiller, rectifier, bottler, winemaker, brewer, or
4 importer of alcoholic beverages, bottled or made in a foreign
5 country, either within or without this state, shall be required to
6 sell such brands or kinds of alcoholic beverages to every licensed
7 wholesale distributor who desires to purchase the same, on the same
8 price basis and without discrimination, and shall further be
9 required to sell such beverages only to those distributors licensed
10 as wholesale distributors. Winemakers either within or without this
11 state shall be required to sell wine they produce to every licensed
12 wholesale distributor who desires to purchase the wine, but
13 winemakers shall not be required to sell the wine they produce only
14 to licensed wholesale distributors. Winemakers may sell wine
15 produced at the winery to consumers on the premises of the winery.
16 Oklahoma winemakers may sell and ship the wine they produce at
17 wineries in this state directly to retail package stores,
18 establishments whose primary business is the retail sale of food for
19 off-premises human consumption pursuant to laws passed by the
20 Legislature and restaurants in this state. As used in this section,
21 "restaurant" means an establishment that is licensed to sell
22 alcoholic beverages by the individual drink for on-premises
23 consumption and where food is prepared and sold for immediate
24 consumption on the premises. All laws passed by the Legislature

1 under the authority of the Article shall be consistent with this
2 provision.

3 Section 4. A. Except as hereinafter provided, retail sales of
4 alcoholic beverages shall be limited to the original sealed package,
5 by:

6 1. Privately owned and operated package stores, in cities and
7 towns having a population in excess of two hundred (200) persons ~~or~~
8 ~~by, wineries;~~

9 2. Wineries, provided that wineries shall be able to sell only
10 wine which has been produced on the winery premises ~~or;~~ and

11 3. Establishments whose primary business is the retail sale of
12 food for off-premises human consumption. The Legislature shall
13 enact laws for the implementation and regulation of sales authorized
14 by this paragraph.

15 B. Nonalcoholic beverages designed to be mixed with alcoholic
16 beverages may be sold on the premises of retail package stores but
17 no other goods, wares, or merchandise shall be sold and no services
18 shall be rendered on the same premises ~~on which~~ of retail package
19 ~~alcoholic beverages are sold~~ stores. Package stores may sell
20 refrigerated wine, beer, and mixed beverage coolers. Said premises
21 are herein defined to be the entire space in which retail package
22 alcoholic beverages are sold or displayed and said premises must be
23 separated from any premises on which any other goods, wares, or
24 merchandise are sold or services rendered by walls which may only be

1 broken by a passageway to which the public is not admitted;
2 provided, the restriction on the sale of merchandise and rendering
3 of services shall not apply to the premises of a winery or an
4 establishment provided for in paragraph 3 of subsection A of this
5 section.

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

8 Retail sale of alcoholic beverages by the individual drink for
9 on-premises consumption is hereby authorized within a county if the
10 voters of such county have previously approved such retail sale at
11 an election.

12 SECTION 2. The Ballot Title for the proposed Constitutional
13 amendment as set forth in SECTION 1 of this resolution shall be in
14 the following form:

15 BALLOT TITLE

16 Legislative Referendum No. _____ State Question No. _____

17 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

18 This measure amends the Oklahoma Constitution. The changes
19 would let stores that sell food sell wine. This would mean that
20 grocery stores could sell wine. The changes would let liquor
21 stores sell wine, beer, and mixed beverage coolers cold. It
22 would also allow liquor stores to sell nonalcoholic beverages
23 designed to be mixed with alcoholic beverages. The Legislature
24 would write laws on this.

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL - YES _____

3 AGAINST THE PROPOSAL - NO _____

4 SECTION 3. The Chief Clerk of the House of Representatives,
5 immediately after the passage of this resolution, shall prepare and
6 file one copy thereof, including the Ballot Title set forth in
7 SECTION 2 hereof, with the Secretary of State and one copy with the
8 Attorney General.

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