

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 570

By: Johnson (Rob)

4
5
6 AS INTRODUCED

7 An Act relating to employee license; amending 37 O.S.
8 2001, Section 521, as last amended by Section 1,
9 Chapter 64, O.S.L. 2009 (37 O.S. Supp. 2010, Section
10 521), which relates to acts authorized by various
11 licenses; expanding scope of an employee license; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 37 O.S. 2001, Section 521, as last
15 amended by Section 1, Chapter 64, O.S.L. 2009 (37 O.S. Supp. 2010,
16 Section 521), is amended to read as follows:

17 Section 521. A. A brewer license shall authorize the holder
18 thereof: To manufacture, bottle, package, and store beer on
19 licensed premises; to sell beer in this state to holders of Class B
20 wholesaler licenses and retail licenses and to sell beer out of this
21 state to qualified persons.

22 B. A distiller license shall authorize the holder thereof: To
23 manufacture, bottle, package, and store spirits on licensed
24 premises; to sell spirits in this state to licensed wholesalers and
25 manufacturers only; to sell spirits out of this state to qualified

1 persons; to purchase from licensed distillers and rectifiers in this
2 state, and import spirits from without this state for manufacturing
3 purposes in accordance with federal laws and regulations.

4 C. A winemaker license shall authorize the holder thereof: To
5 manufacture (including such mixing, blending and cellar treatment as
6 authorized by federal law), bottle, package, and store on licensed
7 premises wine containing not more than twenty-four percent (24%)
8 alcohol by volume, provided the bottle or package sizes authorized
9 shall be limited to the capacities approved by the United States
10 Alcohol and Tobacco Tax and Trade Bureau; to sell wine in this state
11 to licensed wholesalers and manufacturers; to sell bottles of wine
12 produced at the winery from grapes and other fruits and berries
13 grown in this state, if available, to consumers on the premises of
14 the winery; to serve visitors on the licensed premises samples of
15 wine produced on the premises; to serve samples of wine produced at
16 the winery at festivals and trade shows; to sell wine produced at
17 the winery, in original sealed containers, at festivals and trade
18 shows; to sell wine out of this state to qualified persons; to
19 purchase from licensed winemakers, distillers and rectifiers in this
20 state, and to import into this state wine, brandy and fruit spirits
21 for use in manufacturing in accordance with federal laws and
22 regulations; provided, a winemaker either within or without this
23 state that annually produces no more than ten thousand (10,000)
24 gallons of wine may elect to sell and self-distribute the wine

1 produced by such winemaker directly to licensed retail package
2 stores and restaurants in this state; and provided further that:

3 a. any such winemaker which elects to directly sell its
4 wine to package stores and restaurants shall not also
5 use a licensed wholesale distributor as a means of
6 distribution, and shall be required to sell its wines
7 to every package store and restaurant licensee who
8 desires to purchase the same, on the same price basis
9 and without discrimination, and

10 b. if a winemaker or winery sells directly to a retail
11 package store or restaurant, the winemaker shall
12 transport the wine from the winemaker's winery to the
13 premises where the wine is to be delivered only in
14 vehicles owned or leased by the winemaker and not by
15 common or private contract carrier and shall obtain
16 all necessary permits as required by the Oklahoma
17 Alcoholic Beverage Control Act, and

18 c. if the production volume limit applicable to
19 winemakers is ruled to be unconstitutional by a court
20 of competent jurisdiction, then no winemaker shall be
21 permitted to directly sell its wine to retail package
22 stores or restaurants in this state.

23 D. A winemaker self-distribution license shall authorize a
24 licensed winemaker within or without this state which is permitted

1 by Section 3 of Article XXVIII of the Oklahoma Constitution and
2 paragraph 3 of subsection C of this section, to distribute its wine
3 directly to retail package stores and restaurants in this state and
4 that elects to do so, to sell and deliver its wines directly to
5 licensed retail package stores and restaurants in this state in full
6 case lots only, and in accordance with the provisions of the
7 Oklahoma Alcoholic Beverage Control Act and such rules as the
8 Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission shall
9 adopt.

10 E. A rectifier license shall authorize the holder thereof: To
11 rectify spirits and wines, bottle, package, and store same on the
12 licensed premises; to sell spirits and wines in this state to
13 licensed wholesalers and manufacturers only; to sell spirits and
14 wines out of this state to qualified persons; to purchase from
15 licensed manufacturers in this state; and to import into this state
16 for manufacturing purposes spirits and wines in accordance with
17 federal laws and regulations.

18 F. 1. A wholesaler license shall authorize the holder thereof:
19 To purchase and import into this state spirits and wines from
20 persons authorized to sell same who are the holders of a nonresident
21 seller license, and their agents who are the holders of
22 manufacturers agent licenses; to purchase spirits and wines from
23 licensed distillers, rectifiers and winemakers in this state; to
24 purchase spirits and wines from licensed wholesalers, to the extent

1 set forth in paragraphs 2 and 3 of this subsection; to sell in
2 retail containers in this state to retailers, mixed beverage,
3 caterer, special event, hotel beverage or airline/railroad beverage
4 licensees, spirits and wines which have been received and unloaded
5 at the bonded warehouse facilities of the wholesaler before such
6 sale; to sell to licensed wholesalers, to the extent set forth in
7 paragraphs 2 and 3 of this subsection, spirits and wines which have
8 been received and unloaded at the bonded warehouse facilities of the
9 wholesaler before such sale; and to sell spirits and wines out of
10 this state to qualified persons. Provided, however, sales of
11 spirits and wine in containers with a capacity of less than one-
12 twentieth (1/20) gallon by a holder of a wholesaler license shall be
13 in full case lots and in the original unbroken case. Wholesalers
14 shall be authorized to place such signs outside their place of
15 business as are required by Acts of Congress and by such laws and
16 regulations promulgated under such Acts.

17 2. Wholesalers are prohibited from purchasing annually in
18 excess of fifteen percent (15%) of their total spirits inventory and
19 fifteen percent (15%) of their total wine inventory from one or more
20 wholesalers. Wholesalers are also prohibited from purchasing
21 annually in excess of fifteen percent (15%) of their inventory of
22 any individual brand of spirits or wine from one or more
23 wholesalers. The volume of spirits and wine and of each brand that
24 each wholesaler is permitted to purchase annually from other

1 wholesalers shall be calculated by the ABLE Commission by
2 multiplying fifteen percent (15%) by:

- 3 a. the total volume of spirits sales of the wholesaler,
4 by liter, from the previous calendar year, and
- 5 b. the total volume of wine sales of the wholesaler, by
6 liter, from the previous calendar year, and
- 7 c. the volume of sales of each brand of spirits or wine
8 of the wholesaler, by liter, from the previous
9 calendar year.

10 A wholesaler who did not post any sales of spirits, wine or of a
11 particular brand in the previous calendar year shall be deemed to
12 have sold the same volume of spirits, wine or of a particular brand
13 as the wholesaler posting the smallest volumes of sales in spirits,
14 wine or of a particular brand for that year for the purposes of this
15 paragraph. Notwithstanding the foregoing, wholesalers shall not
16 purchase any inventory in spirits or wine from any other wholesaler
17 until such time that the purchasing wholesaler possesses an
18 inventory valued at no less than Two Hundred Fifty Thousand Dollars
19 (\$250,000.00). Inventory valuation shall be based on the original
20 actual price paid by the purchasing wholesaler to the nonresident
21 seller for said inventory.

22 3. A wholesaler may sell spirits and wine to other wholesalers
23 or purchase spirits and wines from other wholesalers without
24 complying with paragraph 2 of this subsection in the case of the

1 sale, purchase, or other transfer or acquisition of the entire
2 business of a wholesaler, including the inventory of spirits and
3 wine.

4 4. A wholesaler license shall authorize the holder thereof to
5 operate a single bonded warehouse with a single central office
6 together with delivery facilities at a location in this state only
7 at the principal place of business for which the wholesaler license
8 was granted.

9 5. All licensed wholesalers shall register prices, purchase and
10 keep on hand or have on order a fifteen-day supply of all brands
11 constituting the top eighteen brands in total sales by all Oklahoma
12 wholesalers during the past twelve-month period, according to the
13 records of the ABLE Commission as revised by the ABLE Commission
14 quarterly; provided, however, that not more than three brands of any
15 particular nonresident seller shall be included in the top-brands
16 classification. All purchase orders for these top eighteen brands
17 must show an expected due delivery date. These purchase orders may
18 only be canceled with prior approval of the Director of the ABLE
19 Commission, unless a wholesaler shall have in its warehouse a
20 fifteen-day supply of merchandise on such purchase order.

21 In order to allow the ABLE Commission to determine the top
22 eighteen brands, wholesalers must submit to the ABLE Commission
23 every sixty (60) days a sworn affidavit listing their top twenty-
24 five brands in sales for the previous sixty (60) days, excluding

1 sales to wholesalers. Such affidavits shall be submitted in
2 conjunction with the original price postings of wholesalers.

3 A fifteen-day supply of a particular brand for a particular
4 wholesaler shall be based upon the market share of the wholesaler,
5 determined by first multiplying the total number of liters of such
6 brand sold by all wholesalers to all retailers during the previous
7 calendar year by the percentage that the total sales of wine and
8 spirits of the particular wholesaler, in liters, for such calendar
9 year bears to the total sales of wine and spirits, in liters,
10 reported by all wholesalers for such calendar year; and then
11 dividing by twenty-four (24); provided, that a fifteen-day supply
12 for a wholesaler who has not been in business for the entirety of
13 the previous calendar year shall be deemed to be equal to that of
14 the wholesaler who was in business for the entirety of the previous
15 calendar year and who reported the lowest volume of sales of wine
16 and spirits, in liters, of any wholesaler having been in business
17 for such period.

18 G. A Class B wholesaler license shall authorize the holder
19 thereof: To purchase and import into this state beer from persons
20 authorized to sell same who are the holders of nonresident seller
21 licenses, and their agents who are the holders of manufacturers
22 agent licenses; to purchase beer from licensed brewers and Class B
23 wholesalers in this state; to sell in retail containers to
24 retailers, mixed beverage, caterer, special event, hotel beverage

1 and airline/railroad beverage licensees in this state, beer which
2 has been unloaded and stored at the holder's self-owned or leased
3 and self-operated warehouse facilities for a period of at least
4 twenty-four (24) hours before such sale; and to sell beer in this
5 state to Class B wholesalers and out of this state to qualified
6 persons, including federal instrumentalities and voluntary
7 associations of military personnel on federal enclaves in this state
8 over which this state has ceded jurisdiction.

9 H. A package store license shall authorize the holder thereof:
10 To purchase alcohol, spirits, beer and wine in retail containers
11 from the holder of a brewer, wholesaler or Class B wholesaler
12 license and to purchase wine from a winemaker who is permitted and
13 has elected to self-distribute as provided in Section 3 of Article
14 XXVIII of the Oklahoma Constitution and to sell same on the licensed
15 premises in such containers to consumers for off-premises
16 consumption only and not for resale; provided, wine may be sold to
17 charitable organizations that are holders of charitable auction or
18 charitable wine event licenses. All alcoholic beverages that are
19 sold by a package store are to be sold at ordinary room temperature.

20 I. A mixed beverage license shall authorize the holder thereof:
21 To purchase alcohol, spirits, beer or wine in retail containers from
22 the holder of a wholesaler or Class B wholesaler license or as
23 specifically provided by law and to sell, offer for sale and possess
24 mixed beverages for on-premises consumption only; provided, the

1 holder of a mixed beverage license issued for an establishment which
2 is also a restaurant may purchase wine directly from a winemaker who
3 is permitted and has elected to self-distribute as provided in
4 Section 3 of Article XXVIII of the Oklahoma Constitution.

5 Sales and service of mixed beverages by holders of mixed
6 beverage licenses shall be limited to the licensed premises of the
7 licensee unless the holder of the mixed beverage license also
8 obtains a caterer license or a mixed beverage/caterer combination
9 license. A mixed beverage license shall only be issued in counties
10 of this state where the sale of alcoholic beverages by the
11 individual drink for on-premises consumption has been authorized. A
12 separate license shall be required for each place of business. No
13 mixed beverage license shall be issued for any place of business
14 functioning as a motion picture theater, as defined by Section 506
15 of this title.

16 J. A bottle club license shall authorize the holder thereof:
17 To store, possess and mix alcoholic beverages belonging to members
18 of the club and to serve such alcoholic beverages for on-premises
19 consumption to club members. A bottle club license shall only be
20 issued in counties of this state where the sale of alcoholic
21 beverages by the individual drink for on-premises consumption has
22 not been authorized. A separate license shall be required for each
23 place of business.

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1 K. A caterer license shall authorize the holder thereof: To
2 sell mixed beverages for on-premises consumption incidental to the
3 sale or distribution of food at particular functions, occasions, or
4 events which are temporary in nature. A caterer license shall not
5 be issued in lieu of a mixed beverage license. A caterer license
6 shall only be issued in counties of this state where the sale of
7 alcoholic beverages by the individual drink for on-premises
8 consumption has been authorized. A separate license shall be
9 required for each place of business.

10 L. 1. An annual special event license shall authorize the
11 holder thereof: To sell and distribute mixed beverages for
12 consumption on the premises for which the license has been issued
13 for up to four events to be held over a period not to exceed one (1)
14 year, not to exceed two such events in any three-month period. For
15 purposes of this paragraph, an event shall not exceed a period of
16 ten (10) consecutive days. An annual special event license shall
17 only be issued in counties of this state where the sale of alcoholic
18 beverages by the individual drink for on-premises consumption has
19 been authorized. The holder of an annual special event license
20 shall provide written notice to the ABLE Commission of each special
21 event not less than ten (10) days before the event is held.

22 2. A quarterly special event license shall authorize the holder
23 thereof: To sell and distribute mixed beverages for consumption on
24 the premises for which the license has been issued for up to three

1 events to be held over a period not to exceed three (3) months. For
2 purposes of this paragraph, an event shall not exceed a period of
3 ten (10) consecutive days. A quarterly special event license shall
4 only be issued in counties of this state where the sale of alcoholic
5 beverages by the individual drink for on-premises consumption has
6 been authorized. The holder of a quarterly special event license
7 shall provide written notice to the ABLE Commission of each special
8 event not less than ten (10) days before the event is held.

9 M. A hotel beverage license shall authorize the holder thereof:
10 To sell or serve alcoholic beverages in 50 milliliter spirits, 187
11 milliliter wine, and 12-ounce malt beverage containers which are
12 distributed from a hotel room mini-bar. A hotel beverage license
13 shall only be issued in counties of this state where the sale of
14 alcoholic beverages by the individual drink for on-premises
15 consumption has been authorized. A hotel beverage license shall
16 only be issued to a hotel or motel as defined by Section 506 of this
17 title which is also the holder of a mixed beverage license.
18 Provided, that application may be made simultaneously for both such
19 licenses. A separate license shall be required for each place of
20 business.

21 N. An airline/railroad beverage license shall authorize the
22 holder thereof: To sell or serve alcoholic beverages in or from any
23 size container on a commercial passenger airplane or railroad
24 operated in compliance with a valid license, permit or certificate

1 issued under the authority of the United States or this state, even
2 though the airplane or train, in the course of its travel, may cross
3 an area in which the sale of alcoholic beverages by the individual
4 drink is not authorized and to store alcoholic beverages in sealed
5 containers of any size at any airport or station regularly served by
6 the licensee, in accordance with rules promulgated by the Alcoholic
7 Beverage Laws Enforcement Commission. Alcoholic beverages purchased
8 by the holder of an airline/railroad license from the holder of a
9 wholesaler license shall be presumed to be purchased for consumption
10 outside the State of Oklahoma or in interstate commerce, and shall
11 be exempt from the excise tax provided for in Section 553 of this
12 title.

13 O. An agent license shall authorize the holder thereof: To
14 represent only the holders of licenses within this state, other than
15 retailers, authorized to sell alcoholic beverages to retail dealers
16 in Oklahoma, and to solicit and to take orders for the purchase of
17 alcoholic beverages from retailers including licensees authorized to
18 sell alcoholic beverages by the individual drink for on-premises
19 consumption. Such license shall be issued only to agents and
20 employees of the holder of a license under the Oklahoma Alcoholic
21 Beverage Control Act, Section 502 et seq. of this title but no such
22 license shall be required of an employee making sales of alcoholic
23 beverages on licensed premises of the employee's principal. No

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1 person holding an agent license shall be entitled to a manufacturers
2 agent license.

3 P. An employee license shall authorize the holder thereof: To
4 work in a package store, mixed beverage establishment, bottle club,
5 a winery or any establishment where alcohol or alcoholic beverages
6 are sold, mixed, or served. Persons employed by a mixed beverage
7 licensee, a winery or a bottle club who do not participate in the
8 service, mixing, or sale of mixed beverages shall not be required to
9 have an employee license. Provided, however, that a manager
10 employed by a mixed beverage licensee, a winery or a bottle club
11 shall be required to have an employee license whether or not the
12 manager participates in the service, mixing or sale of mixed
13 beverages. Applicants for an employee license must have a health
14 card issued by the county in which they are employed, if the county
15 issues such a card. Employees of special event, caterer or
16 airline/railroad beverage licensees shall not be required to obtain
17 an employee license. Persons employed by a hotel licensee who
18 participate in the stocking of hotel room mini-bars or in the
19 handling of alcoholic beverages to be placed in such devices shall
20 be required to have an employee license.

21 Q. An industrial license may be issued to persons desiring to
22 import, transport, and use alcohol for the following purposes:

23 1. Manufacture of patent, proprietary, medicinal,
24 pharmaceutical, antiseptic, and toilet preparations;

1 2. Manufacture of extracts, syrups, condiments, and food
2 products; and

3 3. For use in scientific, chemical, mechanical, industrial, and
4 medicinal products and purposes.

5 No other provisions of the Oklahoma Alcoholic Beverage Control
6 Act shall apply to alcohol intended for industrial, medical,
7 mechanical, or scientific use.

8 Any person receiving alcohol under authority of an industrial
9 license who shall use, permit, or cause same to be used for purposes
10 other than authorized purposes specified above, and all such
11 alcohol, shall be liable to all provisions of the Oklahoma Alcoholic
12 Beverage Control Act, including payment of tax thereon.

13 No provisions of the Oklahoma Alcoholic Beverage Control Act
14 shall apply to alcohol withdrawn by any person free of federal tax
15 under a tax-free permit issued by the United States government, if
16 such alcohol is received, stored, and used as authorized by federal
17 laws.

18 R. A carrier license may be issued to any common carrier
19 operating under a certificate of convenience and necessity issued by
20 any duly authorized federal or state regulatory agency. Such
21 license shall authorize the holder thereof to transport alcoholic
22 beverages other than wine sold directly by a winemaker or winery to
23 a retail package store or restaurant into, within, and out of this
24 state under such terms, conditions, limitations, and restrictions as

1 the ABLE Commission may prescribe by order issuing such license and
2 by regulations.

3 S. A private carrier license may be issued to any carrier other
4 than a common carrier described in subsection Q of this section.
5 Such license shall authorize the holder thereof to transport
6 alcoholic beverages other than wine sold directly by a winemaker or
7 winery to a retail package store or restaurant into, within, or out
8 of this state under such terms, conditions, limitations, and
9 restrictions as the ABLE Commission may prescribe by order issuing
10 such license and by regulations. No carrier license or private
11 carrier license shall be required of licensed brewers, distillers,
12 winemakers, rectifiers, wholesalers, or Class B wholesalers, to
13 transport alcoholic beverages from the place of purchase or
14 acquisition to the licensed premises of such licensees and from such
15 licensed premises to the licensed premises of the purchaser in
16 vehicles owned or leased by such licensee when such transportation
17 is for a lawful purpose and not for hire.

18 No carrier license or private carrier license shall be required
19 of the holder of a package store, mixed beverage, caterer, special
20 event, hotel beverage or airline/railroad license to pick up
21 alcoholic beverage orders from the licensees' wholesaler or Class B
22 wholesaler from whom they are purchased, and to transport such
23 alcoholic beverages from the place of purchase or acquisition to the
24 licensed premise of such licensees in vehicles owned or under the

1 control of such licensee or a licensed employee of such licensee
2 under such terms, conditions, limitations and restrictions as the
3 ABLE Commission may prescribe.

4 T. A bonded warehouse license shall authorize the holder
5 thereof: To receive and store alcoholic beverages for the holders
6 of storage licenses on the licensed premises of the bonded warehouse
7 licensee. No goods, wares or merchandise other than alcoholic
8 beverages may be stored in the same bonded warehouse with alcoholic
9 beverages. The holder of a bonded warehouse license shall furnish
10 and file with the ABLE Commission a bond running to all bailers of
11 alcoholic beverages under proper storage licenses and their
12 assignees (including mortgagees or other bona fide lienholders)
13 conditioned upon faithful performance of the terms and conditions of
14 such bailments.

15 U. A storage license may be issued to a holder of a brewer,
16 distiller, winemaker, rectifier, wholesaler, Class B wholesaler,
17 nonresident seller, package store, mixed beverage, caterer, or hotel
18 beverage license, and shall authorize the holder thereof: To store
19 alcoholic beverages in a public warehouse holding a bonded warehouse
20 license, and no goods, wares or merchandise other than alcoholic
21 beverages may be stored in the same warehouse with alcoholic
22 beverages in private warehouses owned or leased and operated by such
23 licensees elsewhere than on their licensed premises. Provided:

1 1. A storage license issued to a Class B wholesaler shall
2 permit the storage of light beer and permit the sale and delivery to
3 retailers from the premises covered by such license;

4 2. Any licensee who is the holder of a mixed beverage/caterer
5 combination license or the holder of a mixed beverage license and a
6 hotel beverage license who is issued a storage license shall store
7 all inventories of alcoholic beverages either on the premises of the
8 mixed beverage establishment or in the warehouse;

9 3. A storage license shall not be required for a special event
10 licensee storing alcoholic beverages for use at a subsequent event;
11 and

12 4. Notwithstanding the provisions of subsection H of this
13 section or any other provision of this title, a licensee who wholly
14 owns more than one licensed mixed beverage establishment may store
15 alcoholic beverages for each of the licensed establishments in one
16 location under one storage license. Alcoholic beverages purchased
17 and stored pursuant to the provisions of a storage license, for one
18 licensed mixed beverage establishment may be transferred by a
19 licensee to another licensed mixed beverage establishment which is
20 wholly owned by the same licensee. Notice of such a transfer shall
21 be given in writing to the Oklahoma Tax Commission and the ABLE
22 Commission within three (3) business days of the transfer. The
23 notice shall clearly show the quantity, brand and size of every
24 transferred bottle or case.

1 V. A sacramental wine supplier license shall authorize the
2 holder thereof: To sell, ship or deliver sacramental wine to any
3 religious corporation or society of this state holding a valid
4 exemption from taxation issued pursuant to Section 501(a) of the
5 Internal Revenue Code, 1986, and listed as an exempt organization in
6 Section 501(c)(3) of the Internal Revenue Code, 1986, of the United
7 States, as amended.

8 W. A beer and wine license shall authorize the holder thereof:
9 To purchase beer and wine in retail containers from the holder of a
10 wholesaler or Class B wholesaler license or as specifically provided
11 by law and to sell, offer for sale and possess beer and wine for on-
12 premises consumption only; provided, the holder of a beer and wine
13 license issued for an establishment which is also a restaurant may
14 purchase wine from a winemaker who is permitted and has elected to
15 self-distribute as provided in Section 3 of Article XXVIII of the
16 Oklahoma Constitution.

17 Sales and service of beer and wine by holders of beer and wine
18 licenses shall be limited to the licensed premises of the licensee
19 unless the holder of the beer and wine license also obtains a
20 caterer license. A beer and wine license shall only be issued in
21 counties of this state where the sale of alcoholic beverages by the
22 individual drink for on-premises consumption has been authorized. A
23 separate license shall be required for each place of business. No
24 beer and wine license shall be issued for any place of business

1 functioning as a motion picture theater, as defined by Section 506
2 of this title. No spirits shall be stored, possessed or consumed on
3 the licensed premises of a beer and wine licensee.

4 X. A charitable auction, charitable wine event or charitable
5 beer event license may be issued to a charitable organization exempt
6 from taxation under Section 501(c)(3), (4), (5), (7), (8), (9),
7 (10), or (19) of the United States Internal Revenue Code. The
8 charitable wine event license or charitable beer event license shall
9 authorize the holder thereof to conduct a wine or beer event which
10 may consist of one or more of a wine or beer tasting event, a wine
11 or beer dinner event or a wine or beer auction, which may be either
12 a live auction conducted by an auctioneer or a silent auction for
13 which:

14 1. Bid sheets are accepted from interested bidders at the
15 event;

16 2. The holders of tickets are allowed to bid online for a
17 period not exceeding thirty (30) days prior to the event; or

18 3. Both bid sheets are accepted at the event and online bids
19 are accepted pursuant to paragraph 2 of this subsection.

20 A charitable wine or charitable beer event shall be conducted
21 solely to raise funds for charitable purposes. Wine or beer used
22 in, served, or consumed at a charitable wine or beer event may be
23 purchased by the charitable organization or donated by any person or
24 entity. The charitable wine event license or charitable beer event

1 license shall be issued for a period not exceeding four (4) days.
2 Only one such license may be issued to an organization in any
3 twelve-month period. The charitable organization holding a
4 charitable wine event license or charitable beer event license shall
5 not be required to obtain a special event license. The charitable
6 auction license shall authorize the holder thereof to auction wine
7 purchased from a retail package store or received as a gift from an
8 individual if the auction is conducted to raise funds for charitable
9 purposes. The charitable auction license shall be issued for a
10 period not to exceed two (2) days. Only one such license shall be
11 issued to an organization in any twelve-month period. The maximum
12 amount of wine auctioned pursuant to the charitable auction license
13 shall not exceed fifty (50) gallons. All wines auctioned pursuant
14 to the charitable auction license shall be registered and all fees
15 and taxes shall be paid in accordance with the Oklahoma Alcoholic
16 Beverage Control Act.

17 Y. A mixed beverage/caterer combination license shall authorize
18 the holder thereof: To purchase or sell mixed beverages as
19 specifically provided by law for the holder of a mixed beverage
20 license or a caterer license. All provisions of the Oklahoma
21 Alcoholic Beverage Control Act applicable to mixed beverage licenses
22 or caterer licenses, or the holders thereof, shall also be
23 applicable to mixed beverage/caterer combination licenses or the
24 holders thereof, except where specifically otherwise provided. A

1 mixed beverage/caterer combination license shall only be issued in
2 counties of this state where the sale of alcoholic beverages by the
3 individual drink for on-premises consumption has been authorized. A
4 separate license shall be required for each place of business.

5 Z. In the event any portion of this section is declared invalid
6 for any reason, the invalid portion shall be severed and the rest
7 and remainder of the section shall be saved and given full force and
8 application.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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