

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 55

By: Schulz of the Senate

3 and

4 DeWitt of the House

5
6 [proposed amendment Oklahoma Constitution - wineries
- ballot title - filing]
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8

9 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
10 2ND SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

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

15 Section 3. A. The Legislature shall enact laws providing for
16 the strict regulation, control, licensing, and taxation of the
17 manufacture, sale, distribution, possession, and transportation of
18 alcoholic beverages, consistent with the provisions of this
19 Amendment. Provided, that any manufacturer, or subsidiary of any
20 manufacturer, who markets his or her product solely through a
21 subsidiary or subsidiaries, a distiller, rectifier, bottler,
22 winemaker, brewer, or importer of alcoholic beverages, bottled or
23 made in a foreign country, either within or without this state,
24 shall be required to sell such brands or kinds of alcoholic

1 beverages to every licensed wholesale distributor who desires to
2 purchase the same, on the same price basis and without
3 discrimination, and shall further be required to sell such beverages
4 only to those distributors licensed as wholesale distributors.
5 Winemakers either within or without this state shall be required to
6 sell wine they produce to every licensed wholesale distributor who
7 desires to purchase the wine, but winemakers shall not be required
8 to sell the wine they produce only to licensed wholesale
9 distributors. Winemakers either within or without this state may
10 sell wine produced at the winery to adult consumers who are at least
11 twenty-one (21) years of age and are physically present on the
12 premises of the winery or at a festival or trade show. Wineries
13 either within or outside of this state that are licensed by the
14 Oklahoma Alcoholic Beverage Laws Enforcement Commission may receive
15 orders for, sell and ship wine directly to consumers over the age of
16 twenty-one (21) years either within or outside of this state who
17 have visited the winery in person. Winemakers either within or
18 without this state that annually produce no more than ten thousand
19 (10,000) gallons of wine may sell and ship only the wine they
20 produce directly to licensed retail package stores and restaurants
21 in this state; provided, however, that any such winemaker which
22 elects to directly sell its wine to package stores and restaurants
23 shall not also use a licensed wholesale distributor as a means of
24 distribution, and shall be required to sell its wines to every

1 package store and restaurant licensee who desires to purchase the
2 same, as supplies allow, on the same price basis and without
3 discrimination. As used in this section, "restaurant" means an
4 establishment that is licensed to sell alcoholic beverages by the
5 individual drink for on-premises consumption and where food is
6 prepared and sold for immediate consumption on the premises.

7 B. Any winemaker within or without this state that annually
8 produces no more than ten thousand (10,000) gallons of wine and
9 elects to directly sell its wine to retail package stores and
10 restaurants in this state must self-distribute the wine using only
11 vehicle(s) owned or leased by the winemaker, and without the use of
12 a common or private contract carrier.

13 C. All laws passed by the Legislature under the authority of
14 the Article shall be consistent with this provision. All provisions
15 of this amendment are declared to be interdependent. If any
16 provision of this amendment applicable to winemakers is ruled to be
17 unconstitutional by a court of competent jurisdiction, then no
18 winemaker shall be permitted to directly sell its wine to retail
19 package stores or restaurants in this state.

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

23 BALLOT TITLE

24 Legislative Referendum No. _____ State Question No. _____

1 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

2 This measure amends Section 3 of Article 28 of the State
3 Constitution. It would allow wine to be shipped by wineries
4 directly to consumers who have visited the winery. The
5 individuals shipping the wine would need a license.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

9 SECTION 3. The President Pro Tempore of the Senate shall,
10 immediately after the passage of this resolution, prepare and file
11 one copy thereof, including the Ballot Title set forth in SECTION 2
12 hereof, with the Secretary of State and one copy with the Attorney
13 General.

14 Passed the Senate the 12th day of March, 2014.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2014.

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Presiding Officer of the House
of Representatives

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