

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1682

By: Sparks

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5  
6 AS INTRODUCED

7 An Act relating to packaging of products; amending 37  
8 O.S. 2011, Section 534.1, which relates to packaging  
9 by manufacturer of alcoholic beverages and  
10 nonalcoholic promotional products; requiring certain  
11 label and manufacturer packaging for certain  
12 cocktails and shots; providing for single and  
13 multiple manufacturer labels and packaging; providing  
14 for packaging with nonalcoholic promotional items;  
15 construing authority to offer certain items for sale;  
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 37 O.S. 2011, Section 534.1, is  
19 amended to read as follows:

20 Section 534.1. A. A retail package store may offer for sale  
21 and sell alcoholic beverages which are packaged or are to be  
22 packaged with nonalcoholic promotional items, if such packaging and  
23 all nonalcoholic promotional items are provided by the manufacturer  
24 or agent of the manufacturer at the expense of the manufacturer or  
agent of the manufacturer, regardless of where such packages are  
assembled.

1        B. The manufacturer or agent of the manufacturer may provide  
2 such packaging and any nonalcoholic promotional items to the retail  
3 package store licensee at the retail package store premises, or  
4 otherwise, and may deliver such packaging and all nonalcoholic  
5 promotional items provided by the manufacturer or agent to the  
6 retail package store licensee by means of common carrier, or  
7 otherwise, at no expense to the retailer, for the retail package  
8 store licensee to incorporate the alcoholic beverage product of the  
9 manufacturer into the manufacturer's packaging or with such  
10 promotional items.

11        C. The manufacturers of alcoholic beverages, through their  
12 agents, must make access to the packaging for such alcoholic  
13 beverages with nonalcoholic promotional items available equally to  
14 retail package store licensees in this state. Such access to the  
15 promotional packaging is subject to the reasonable supplies of such  
16 packaging and subject to the terms of the manufacturer's promotion.  
17 Such access to the manufacturer's packaging by the retail package  
18 store licensees shall be commensurate to the needs of the retail  
19 package store licensee based on the stock of the manufacturer's  
20 product carried by the retailer. The manufacturers shall only be  
21 required to carry reasonable supplies of such promotional packages  
22 and shall make a good faith effort to ratably distribute such  
23 packaging or items to those retail package store licensees who  
24 desire such packaging or items.

1 D. Individual servings of strong cocktails and shots containing  
2 six (6) ounces or less of consumable product, whether or not  
3 packaged by the retail package store licensee with nonalcoholic  
4 promotions items as authorized by this section, shall only be  
5 offered for sale by the retail package store licensee in the  
6 original manufacturer packaging. Each single serving of strong  
7 cocktail or shot shall be labeled by the manufacturer with product  
8 content clearly stated on the package. A manufacturer may package  
9 multiple individual servings of strong cocktails or shots into a  
10 single unit for sale, provided the manufacturer packaging combines  
11 the single servings and contains an appropriate label clearly  
12 describing multiple servings in the package. Any individual serving  
13 or multiple servings of strong cocktails and shots packaged with any  
14 nonalcoholic promotions items as authorized by this section shall be  
15 labeled by the manufacturer, both individually and on the  
16 manufacturer's promotional packaging. Nothing in this subsection  
17 shall be construed to permit samples to be offered for sale as  
18 single servings or shots.

19 SECTION 2. This act shall become effective November 1, 2014.

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